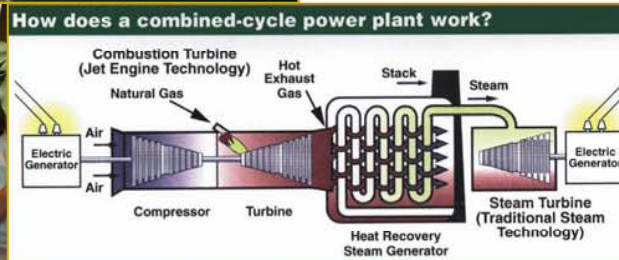


West County energy center

Unit 3



SITE CERTIFICATION APPLICATION

VOLUME II OF III



**SITE CERTIFICATION APPLICATION
WEST COUNTY ENERGY CENTER
UNIT 3**

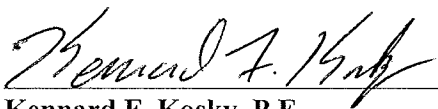
VOLUME 2 OF 3

Submitted by:

**Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408**

December 2007

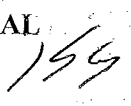
0738-7652

 11/29/07

**Kennard F. Kosky, P.E.
Professional Registered Engineer No. 14996**

**Golder Associates Inc.*
6241 NW 23rd Street, Suite 500
Gainesville, Florida 32653-1500
*Board of Professional Engineers
Certificate of Authorization No. 00001670**

SEAL



APPLICANT INFORMATION

Please supply the following information:

Applicant's Official Name Florida Power and Light Company (FPL)

Address 700 Universe Boulevard, Juno Beach, FL 33408

Address of Official Headquarters 700 Universe Boulevard, Juno Beach, FL 33408

Business Entity (corporation, partnership, co-operative) Corporation

Names, owners, etc. Florida Power and Light Company (an investor-owned electric utility)

Name and Title of Chief Executive Officer Armando J. Olivera, President

Name, Address, and Phone Number of Official Representative responsible for obtaining certification
Barbara Linkiewicz, Environmental Licensing Manager, New Generation Projects, Environmental Services, 700 Universe Boulevard, Juno Beach, FL 33408 Phone: (561) 691-7518 Fax: (561) 691-7049

Site Location (county) 20505 State Road 80, Loxahatchee, Palm Beach County, FL 33470

Nearest Incorporated City Wellington, FL (about 0.1 mile south of nearest boundary)

Latitude and Longitude 26°41' 42.4" 80°22' 29.1" (HRSG Stack Unit 3; 2nd stack toward north; approx. center of power blocks).

UTMs: Northerly 2,952.654 km N

Easterly 562.202 km E (Zone 17)

Section, Township, Range Portions of Sections 29 and 32 of Township 43S, Range 40E

Location of any directly associated transmission facilities (counties) Not Applicable

Name Plate Generating Capacity Site Certification: Unit 3 Nominal 1,250 MW (2011).

Capacity of Proposed Additions and Ultimate Site Capacity (where applicable):

Remarks (additional information that will help identify the applicant):

Project Name: West County Energy Center (WCEC) Unit 3

EXHIBIT A

LEGAL DESCRIPTION

Part of Parcel I in Sections 29 and 32, Township 43 South, Range 40 East, Palm Beach County, Florida described as follows: Commencing at the Northwest corner of Section 29, Township 43 South, Range 40 East, Palm Beach County, Florida, thence South 88°52'46" East 745.00 feet along the North line of Section 29 to the East right-of-way line of the Florida Power & Light Company corridor as recorded in O.R.B. 2222, Page 1696, thence South 0°49'13" West 589.00 feet along a line parallel with the West line of said Section 29, along the East right-of-way line of the aforementioned Florida Power & Light Company corridor to the Southwest corner of the East 900 feet of the West 1,645 feet of the North 589 feet of said Section 29 and the point of beginning of Parcel II, thence South 88°52'46" East 1,200.00 feet along the South line of the East 900 feet of the West 1,645 feet of the North 589 feet of said Section 29 and its Easterly extension, thence South 0°49'13" West 4,658.85 feet along a line parallel with East right-of-way line of the Florida Power & Light company corridor, to the North line of Section 32, Township 43 South, Range 40 East, thence South 0°56'55" West 3,378.92 feet along a line parallel with the East right-of-way line of the aforesaid Florida Power & Light Company corridor to the North right-of-way line of State Road 80 thence North 88°28'14" West 1,100.09 feet along said right-of-way line of State Road 80, to the East right-of-way line of the Florida Power & Light Company corridor, thence North 0°56'55" East 880.76 feet along a line parallel with said West line of Section 32, Township 43 South, Range 40 East, thence North 89°03'05" West 100.00 feet at right angles to the preceding course, then North 0°56'55" East 2,501.94 feet along the East right-of-way line of Florida Power & Light Company corridor to the South line of Section 29, Township 43 South, Range 40 East, thence North 0°49'13" East 4,647.51 feet along said right-of-way line to the Point of Beginning.

Parcel = Approximately 220 acres.

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LIST OF ACRONYMS AND ABBREVIATIONS

AADT	Average Annual Daily Traffic
AAQS	Ambient Air Quality Standards
ANSI	American National Standard Institute
AP	Agricultural Production
API	American Petroleum Institute
BACT	Best Available Control Technology
BOCC	Board of County Commissioners
Btu/lb	British thermal units per pound
°C	degrees Celsius
CAA	Clean Air Act
CALPUFF	California Puff Model
CEM	continuous emission monitoring
CFR	Code of Federal Regulations
cfs	cubic feet per second
Cl	chloride
cm	centimeter
CO	carbon monoxide
CO ₂	carbon dioxide
CT	combustion turbine
dB	decibel
dBA	A-weighted decibel
DEM	Digital Elevation Model
DLN	dry-low NO _x
EPA	U.S. Environmental Protection Agency
ERP	Environmental Resource Permit
°F	degrees Fahrenheit
F.A.C.	Florida Administrative Code
FADS	Florida Acid Deposition Study
FAS	Floridan Aquifer System
FDACS	Florida Department of Agriculture and Consumer Services
FDEP	Florida Department of Environmental Protection
FDOT	Florida Department of Transportation
FEMA	Federal Emergency Management Agency
FFWCC	Florida Fish and Wildlife Conservation Commission
FLM	Federal Land Manager
FLUCFCS	Florida Land Use, Cover and Forms Classification System
FNAI	Florida Natural Area Inventory
FPL	Florida Power & Light Company
FPSC	Florida Public Service Commission
F.S.	Florida Statutes

LIST OF ACRONYMS AND ABBREVIATIONS
(continued)

FSA	Florida Statistical Abstract
ft	foot
ft ²	square foot
ft ² /day	square feet per day
ft-bgs	feet below ground surface
ft-bsl	feet below sea level
ft-msl	feet above mean sea level
GE	General Electric
GEP	good engineering practice
gpd	gallons per day
gpm	gallons per minute
H ₂ O	water vapor
HRSG	heat recovery steam generator
HSH	highest, second-highest
Hz	hertz
I	Interstate Highway
ICU	intermediate confining unit
IRP	integrated resource planning
ISCST	Industrial Source Complex Short Term
IWAQM	Interagency Workgroup on Air Quality Models
kg	kilogram
kg/km ² -mo	kilograms per square kilometer per month
km	kilometer
kV	kilovolt
kWh	kilowatt hour
lb/hr	pounds per hour
lb/yr	pounds per year
LECRWSP	Lower East Coast Regional Water Supply Plan
LFA	Lower Floridan Aquifer
LOS	Level of Service
LOSA	Lake Okeechobee Service Area
m	meter
mgd	million gallons per day
mg/L	milligrams per liter
MHI	Mitsubishi Heavy Industries
mi ²	square mile
MM4	Mesoscale Model – Generation 4
MM5	Mesoscale Model – Generation 5
MMBtu/hr	million British thermal units per hour
MMcf/hr	million cubic feet per hour

LIST OF ACRONYMS AND ABBREVIATIONS
(continued)

mph	miles per hour
msl	mean sea level
MW	megawatt
Na ⁺	sodium
NEPA	National Environmental Policy Act
NGVD	National geodetic vertical datum
NO ₂	nitrogen dioxide
NO _x	nitrogen oxides
NOAA	National Oceanic and Atmospheric Administration
NPDES	National Pollutant Discharge Elimination System
NP	National Park
NPS	National Park Service
NSPS	New Source Performance Standards
NWR	National Wildlife Refuge
NWS	National Weather Service
O ₂	oxygen
O ₃	ozone
OFW	Outstanding Florida Waters
Pa	pascal
Pb	lead
PBA	Palm Beach Aggregates, Inc.
PDD	Planned Development District
PM	particulate matter
PM _{2.5}	particulate matter with an aerodynamic diameter of 2.5 micrometers or less
PM ₁₀	particulate matter with an aerodynamic diameter of 10 micrometers or less
ppm	parts per million
ppmvd	parts per million-dry conditions
ppt	parts per thousand
PSD	Prevention of Significant Deterioration
psf	pounds per square foot
ROW	right-of-way
RR	rural residential
RSA	rural service area
S	sulfur
SA	Special Agriculture
SAS	Surficial Aquifer System
SCA	Site Certification Application
SCR	selective catalytic reduction
SCRAM	Support Center for Regulatory Air Models
SFWMD	South Florida Water Management District

LIST OF ACRONYMS AND ABBREVIATIONS
(continued)

SHPO	State Historic Preservation Officer
SIP	site implementation plan
SO ₂	sulfur dioxide
SPCC	Spill Prevention Control and Countermeasure
SPL	sound pressure level
SWA	Solid Waste Authority
TDS	total dissolved solids
TDD	Traditional Development District
TIP	Transportation Improvement Program
TPY	tons per year
TRB	Transportation Research Board
TTN	Technical Transfer Network
UIC	underground injection control
UFA	Upper Floridan Aquifer
µg/m ³	micrograms per cubic meter
µg/gdw	micrograms per gram dry weight
µm	micrometer
µPa	micropascal
USA	urban service area
USACE	U.S. Army Corps of Engineers
USDW	underground source of drinking water
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
VOC	volatile organic compound

APPENDIX 10.1

FEDERAL PERMIT

APPLICATIONS AND APPROVALS

APPENDIX 10.1.1

316 DEMONSTRATIONS

[Note: The Project does not require a 316 demonstration.

Refer to Chapter 5 of the SCA.]

APPENDIX 10.1.2

NPDES APPLICATION/PERMITS

**[Note: An NPDES Industrial Wastewater Permit
is not required for the Project.]**

APPENDIX 10.1.3

HAZARDOUS WASTE DISPOSAL APPLICATION/PERMIT

**[Note: No Federal or State application or permit for
Hazardous waste disposal is required for the Project.]**

APPENDIX 10.1.4

SECTION 10 OR 404 APPLICATIONS/PERMITS

[Note: A General federal dredge and fill permit authorized for the inlet structure located on the L10/L12 Canal.]



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
4400 PGA Blvd, Suite 500
Palm Beach Gardens, FL 33410

REPLY TO
ATTENTION OF

OCT 16 2007

Palm Beach Gardens Regulatory Office
SAJ-2007-5201 (NW-MJW)

Florida Power & Light
c/o Barbara Linkiewicz
700 Universe Boulevard
Juno Beach, FL 33408

Dear Ms. Linkiewicz:

Your application for a Department of the Army permit received on August 23, 2007, has been assigned number SAJ-2007-5201 (NW-MJW). A review of the information and drawings provided shows the proposed work is the construction of a cooling water inlet structure to and within the SFWMD L-10/12 Canal. The project is located in the SFWMD L-10/12 Canal adjacent to 20505 State Road 80, Loxahatchee (Section 32, Township 43 south, Range 40 east), in Palm Beach County, Florida. Latitude: 26°41'12.14"N, Longitude: 80°22'20.66"W.

Your project, as depicted on the enclosed drawings, is authorized by Nationwide Permit (NWP) Number 12. In addition, project specific conditions have been enclosed. This verification is valid two years from issue date of this letter. This verification is valid until the NWP is modified, reissued, or revoked. It is incumbent upon you to remain informed of changes to the NWPs. We will issue a public notice if the NWPs are modified, reissued, or revoked. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have 12 months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this nationwide permit. Please access the U.S. Army Corps of Engineers' Jacksonville District's Regulatory web address at <http://www.saj.usace.army.mil/permit/permitting/nwp.htm> to access web links to view the Final Nationwide Permits, Federal Register Vol. 72, dated March 12, 2007, the Corrections to the Final Nationwide Permits, Federal Register 72, May 8, 2007, and the List of Regional Conditions. These files contain the description of the Nationwide Permit authorization, the Nationwide Permit general conditions, and the regional conditions, which apply specifically to this verification for

NWP 12. Additionally, enclosed is a list of the six General Conditions, which apply to all Department of the Army authorizations. You must comply with all of the special and general conditions and any project specific condition of this authorization or you may be subject to enforcement action. In the event you have not completed construction of your project within the specified time limit, a separate application or re-verification may be required.

The following special conditions are included with this verification:

1. Within 60 days of completion of the work authorized, the attached "Self-Certification Statement of Compliance" must be completed and submitted to the U.S. Army Corps of Engineers. Mail the completed form to the Regulatory Division, Enforcement Section, Post Office Box 4970, Jacksonville, Florida 32232-0019.

2. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date.

3. The permittee shall adhere to the attached standard Eastern Indigo Snake construction conditions.

4. This verification does not authorize the placement of fill or any construction in mangroves, emergent wetlands, seagrass beds, or any other special aquatic sites.

5. The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall

be made against the United States on account of any such removal or alteration.

This letter of authorization does not obviate the necessity to obtain any other Federal, State, or local permits, which may be required. In Florida, projects qualifying for this GP must be authorized under Part IV of Chapter 373 by the Department of Environmental Protection, a water management district under §. 373.069, F.S., or a local government with delegated authority under §. 373.441, F.S. and receive Water Quality Certification (WQC) and Coastal Zone Consistency Concurrence (CZCC) or waiver thereof, as well as any authorizations required for the use of sovereignty submerged lands that must be obtained as part of the associated WQC or CZCC. You should check State-permitting requirements with the Florida Department of Environmental Protection or the appropriate water management district.

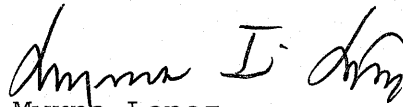
This letter does not give absolute Federal authority to perform the work as specified on your application. The proposed work may be subject to local building restrictions mandated by the National Flood Insurance Program. You should contact your local office that issues building permits to determine if your site is located in a flood-prone area, and if you must comply with the local building requirements mandated by the National Flood Insurance Program.

If you are unable to access the internet or require a hardcopy of any of the conditions, limitations, or expiration date for the above referenced GP, please contact Melody White by phone at 561-472-3508, by email at Melody.J.White@saj02.usace.army.mil, or in writing at the letter head address.

Thank you for your cooperation with our permit program. The Corps Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to take a few minutes to visit the following link and complete our automated Customer Service Survey:

http://www.saj.usace.army.mil/permit/forms/customer_service.htm.
Your input is appreciated - favorable or otherwise.

Sincerely,

A handwritten signature in black ink, appearing to read 'Myrna Lopez', with a stylized flourish at the end.

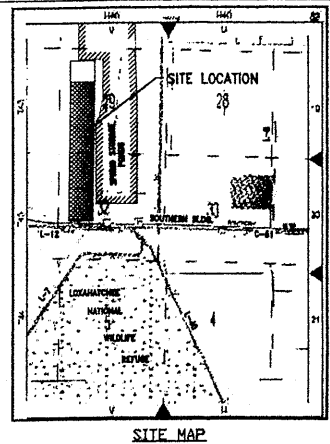
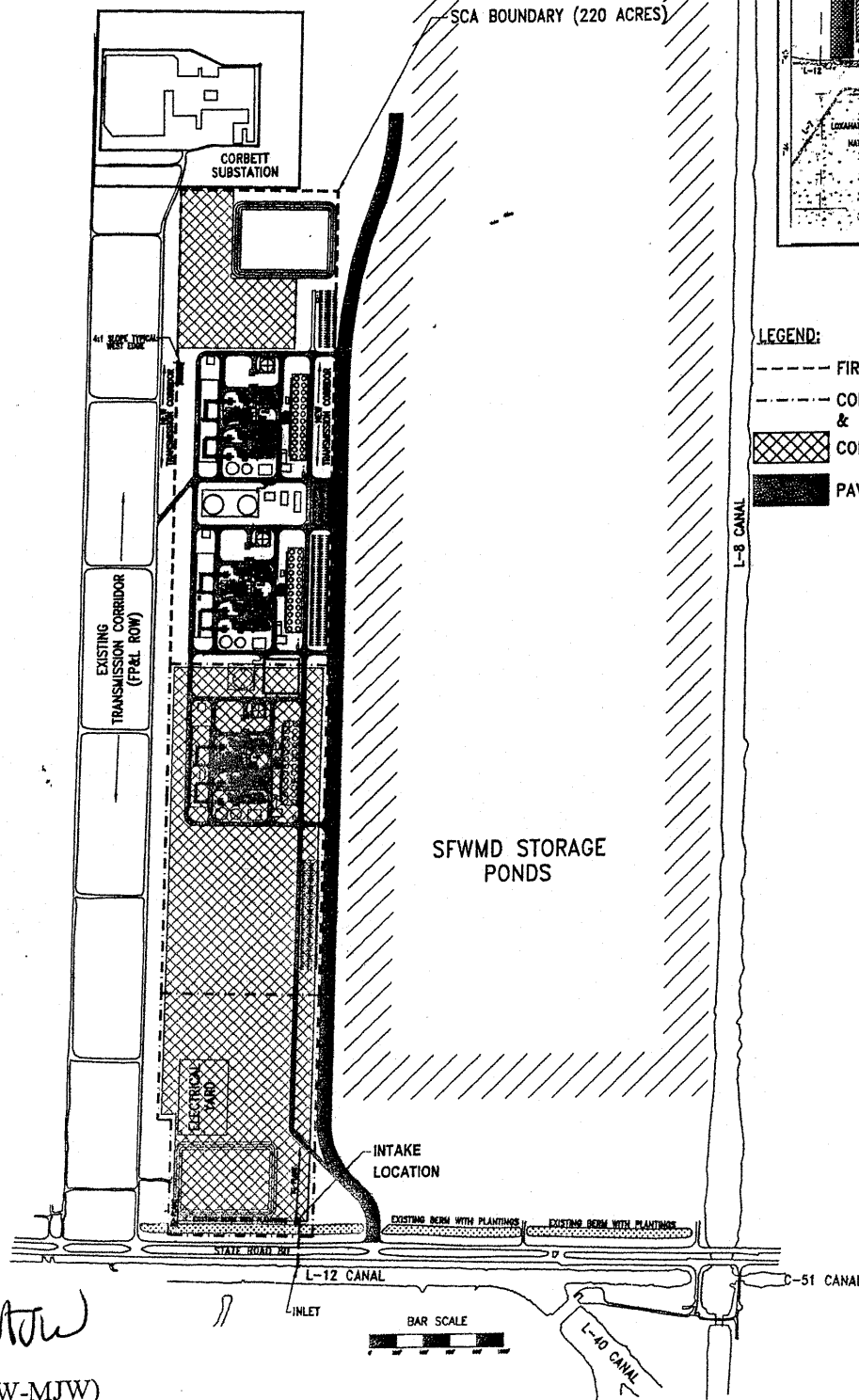
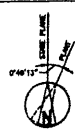
Myrna Lopez
Section Chief

Enclosures

Copies Furnished:

South Florida Water Management District
3301 Gun Club Road
West Palm Beach, FL 33406

CESAJ-RD-PE



LEGEND:

- FIRST PHASE (100 ACRES)
- CONSTRUCTION AREA & SECOND PHASE
- [Hatched Box] CONSTRUCTION AREA
- [Solid Black Box] PAVED AREAS



US Army Corps
of Engineers.

File # SAJ-2007-5201(NW-MJW)

Attachment # 1 of 3

9/15/07 MJW

2 02/28/08 ISSUED FOR USE		CHG BY CH COR APP ORG		TBY POC		DRAWING NUMBER		SCA-003		SHEET 1 OF 1		REV 2
REV	DATE	REVISION DESCRIPTION		BY	CH	COR	APP	ORG				

	SYSTEM	N/A	DISCIPLINE	CS	PLANT/LINE	WEST COUNTY ENERGY CENTER	
	SCALE	1"=800'	CDI FILE NAME	COMP.DWG	TITLE	3-3X1 POWER BLOCKS	
	DRAWING SIZE	B (11X17)	FPL ARCHIVE NAME	N/A		SITE PLAN	

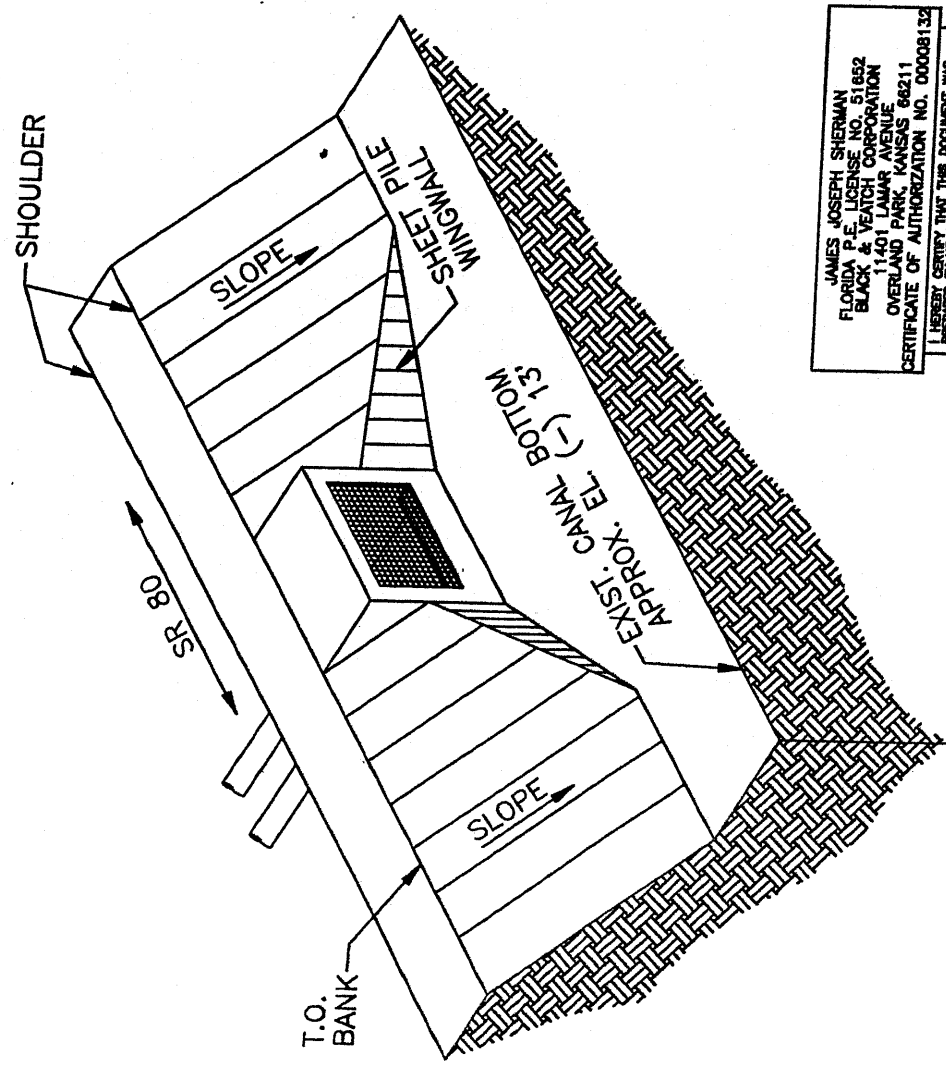
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A1ASL010
08/06/07 13:42:17

ACAD 16.1s (LMS Tech)
A1 1=1



US Army Corps
of Engineers

File # SAJ-2007-5201(NW-MJW)
Attachment # 3 of 3



NOTES:

1. ELEVATION OF T.O. SHEET PILE WINGWALL SHALL CONFORM TO CANAL BANK SIDE SLOPE OR SLIGHTLY HIGHER.
2. WATER SURFACE ELEVATION NOT SHOWN FOR CLARITY.
3. EXISTING BOTTOM ELEVATION PER SURVEY.
4. THE OPTIMUM WINGWALL BANK ANGLE AND DEPTH SHALL BE DETERMINED IN FINAL DESIGN.
5. INLET ARRANGEMENT IS CONCEPTUAL, THE FINAL DESIGN SHALL BE SUBJECT TO APPROVAL FROM THE SFWMD.

James Joseph Sherman
08/06/07

APPROVED FOR
CONSTRUCTION
PERMITTING
PURPOSES ONLY

JAMES JOSEPH SHERMAN
FLORIDA P.E. LICENSE NO. 51852
BLACK & VEATCH CORPORATION
11401 LAMAR AVENUE
OVERLAND PARK, KANSAS 66211
CERTIFICATE OF AUTHORIZATION NO. 00008132

I HEREBY CERTIFY THAT THIS DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF FLORIDA.
SIGNED: JAMES JOSEPH SHERMAN
DATE: 08-03-2007 REG. NO. 51852

WEST COUNTY POWER PARTNERS, LLC		ISSUED FOR SFWMD PERMIT		CDC		JJS	RLH	JJS	RMP
ENGINEER	JJS	DRAWN	CDC	REVISIONS AND RECORD OF ISSUE		DRN	DES	CHK	PDE
CHECKED	RLH	DATE	08-03-2007	PROJECT		DRAWING NUMBER			
				FLORIDA POWER & LIGHT WEST COUNTY ENERGY CENTER		FPLWC-DS-0050			
				INLET STRUCTURE ISOMETRIC VIEW		REV			
						0			

STANDARD PROTECTION MEASURES FOR THE EASTERN INDIGO SNAKE

1. An eastern indigo snake protection/education plan shall be developed by the applicant or requestor for all construction personnel to follow. The plan shall be provided to the Service for review and approval at least 30 days prior to any clearing activities. The educational materials for the plan may consist of a combination of posters, videos, pamphlets, and lectures (*e.g.*, an observer trained to identify eastern indigo snakes could use the protection/education plan to instruct construction personnel before any clearing activities occur). Informational signs should be posted throughout the construction site and along any proposed access road to contain the following information:
 - a. a description of the eastern indigo snake, its habits, and protection under Federal Law;
 - b. instructions not to injure, harm, harass or kill this species;
 - c. directions to cease clearing activities and allow the eastern indigo snake sufficient time to move away from the site on its own before resuming clearing; and,
 - d. telephone numbers of pertinent agencies to be contacted if a dead eastern indigo snake is encountered. The dead specimen should be thoroughly soaked in water and then frozen.
2. If not currently authorized through an Incidental Take Statement in association with a Biological Opinion, only individuals who have been either authorized by a section 10(a)(1)(A) permit issued by the Service, or by the State of Florida through the Florida Fish Wildlife Conservation Commission (FWC) for such activities, are permitted to come in contact with an eastern indigo snake.
3. An eastern indigo snake monitoring report must be submitted to the appropriate Florida Field Office within 60 days of the conclusion of clearing phases. The report should be submitted whether or not eastern indigo snakes are observed. The report should contain the following information:
 - a. any sightings of eastern indigo snakes and
 - b. other obligations required by the Florida Fish and Wildlife Conservation Commission, as stipulated in the permit.

Revised February 12, 2004

GENERAL CONDITIONS
33 CFR PART 320-330

PUBLISHED FEDERAL REGISTER DATED 13 NOVEMBER 1986

1. The time limit for completing the work authorized ends on date identified in the letter. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

SELF-CERTIFICATION STATEMENT OF COMPLIANCE

Permit Number: NW-12

Application Number: SAJ-2007-5201 (NW-MJW)

Permittee's Name & Address (please print or type): _____

Telephone Number: _____

Location of the Work: _____

Date Work Started: _____ Date Work Completed: _____

Description of the Work (e.g., bank stabilization, residential or commercial filling, docks, dredging, etc.): _____

Acreage or Square Feet of Impacts to Waters of the United States: _____

Describe Mitigation completed (if applicable): _____

Describe any Deviations from Permit (attach drawing(s) depicting the deviations): _____

I certify that all work, and mitigation (if applicable) was done in accordance with the limitations and conditions as described in the permit. Any deviations as described above are depicted on the attached drawing(s).

Signature of Permittee

Date

DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

PERMIT NUMBER: SAJ-2007-5201 (NW-MJW)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Branch, Post Office Box 4970, Jacksonville, FL 32232-0019.

(TRANSFEREE-SIGNATURE)

(SUBDIVISION)

(DATE)

(LOT)

(BLOCK)

(NAME-PRINTED)

(STREET ADDRESS)

(MAILING ADDRESS)

(CITY, STATE, ZIP CODE)

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Florida Power and Light	File Number: SAJ-2007-5201 (NW-MJW)	Date:
Attached is:		See Section below
☐	INITIAL PROFFERED PERMIT (Standard Permit)	A
☐	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
☐	PERMIT DENIAL	C
☒	APPROVED JURISDICTIONAL DETERMINATION	D
☐	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. Your signature on the Standard Permit means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the Standard Permit because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Project Manager as noted in letter

If you only have questions regarding the appeal process you may also contact:

**Michael F. Bell
404-562-5137**

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Jacksonville, SAJ-2007-5201, West County Energy Center Intake Structure

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Florida County/parish/borough: Palm Beach City: Loxahatchee

Center coordinates of site (lat/long in degree decimal format): Lat. 26.6867° N, Long. 80.3724° W

Universal Transverse Mercator:

Name of nearest waterbody: L-10 Canal

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: ICWW

Name of watershed or Hydrologic Unit Code (HUC): 03090202

☐ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

☐ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: 9/15/07

☐ Field Determination. Date(s):

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There ☒ *Are* "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

☐ Waters subject to the ebb and flow of the tide.

☒ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Explain: the SFWMD Canals are used for the transportation of goods, recreation, and commerce.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There ☒ *Are* "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

- ☒ TNWs, including territorial seas
- ☐ Wetlands adjacent to TNWs
- ☐ Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs
- ☐ Non-RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- ☐ Impoundments of jurisdictional waters
- ☐ Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: linear feet: width (ft) and/or acres.

Wetlands: 0.25 acres.

c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual

Elevation of established OHWM (if known):

2. Non-regulated waters/wetlands (check if applicable):³

☐ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.

Explain:

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW: SFWMD Canal L-10/12.

Summarize rationale supporting determination: the SFWMD Canals are used for the transportation of goods, recreation, and commerce.

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent": Water catchment area 1, to the south, the L-10 canal drains into the water catchment area. This drains down into Florida Bay.

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: Pick List

Drainage area: Pick List

Average annual rainfall: _____ inches

Average annual snowfall: _____ inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

☐ Tributary flows directly into TNW.

☐ Tributary flows through Pick List tributaries before entering TNW.

Project waters are Pick List river miles from TNW.

Project waters are Pick List river miles from RPW.

Project waters are Pick List aerial (straight) miles from TNW.

Project waters are Pick List aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain:

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

Identify flow route to TNW⁵:
Tributary stream order, if known:

(b) General Tributary Characteristics (check all that apply):

Tributary is: ☐ Natural
☐ Artificial (man-made). Explain:
☐ Manipulated (man-altered). Explain:

Tributary properties with respect to top of bank (estimate):

Average width: feet
Average depth: feet
Average side slopes: Pick List.

Primary tributary substrate composition (check all that apply):

☐ Silts	☐ Sands	☐ Concrete
☐ Cobbles	☐ Gravel	☐ Muck
☐ Bedrock	☐ Vegetation. Type/% cover:	
☐ Other. Explain:		

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain:

Presence of run/riffle/pool complexes. Explain:

Tributary geometry: Pick List

Tributary gradient (approximate average slope): %

(c) Flow:

Tributary provides for: Pick List

Estimate average number of flow events in review area/year: Pick List

Describe flow regime:

Other information on duration and volume:

Surface flow is: Pick List. Characteristics:

Subsurface flow: Pick List. Explain findings:

☐ Dye (or other) test performed:

Tributary has (check all that apply):

☐ Bed and banks	
☐ OHWM ⁶ (check all indicators that apply):	
☐ clear, natural line impressed on the bank	☐ the presence of litter and debris
☐ changes in the character of soil	☐ destruction of terrestrial vegetation
☐ shelving	☐ the presence of wrack line
☐ vegetation matted down, bent, or absent	☐ sediment sorting
☐ leaf litter disturbed or washed away	☐ scour
☐ sediment deposition	☐ multiple observed or predicted flow events
☐ water staining	☐ abrupt change in plant community
☐ other (list):	
☐ Discontinuous OHWM. ⁷ Explain:	

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

☒ High Tide Line indicated by:	☒ Mean High Water Mark indicated by:
☐ oil or scum line along shore objects	☐ survey to available datum;
☐ fine shell or debris deposits (foreshore)	☐ physical markings;
☐ physical markings/characteristics	☐ vegetation lines/changes in vegetation types.
☐ tidal gauges	
☐ other (list):	

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain:

Identify specific pollutants, if known:

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

⁶ A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷ Ibid.

(iv) **Biological Characteristics. Channel supports (check all that apply):**

- ☐ Riparian corridor. Characteristics (type, average width):
- ☐ Wetland fringe. Characteristics:
- ☐ Habitat for:
 - ☐ Federally Listed species. Explain findings:
 - ☐ Fish/spawn areas. Explain findings:
 - ☐ Other environmentally-sensitive species. Explain findings:
 - ☐ Aquatic/wildlife diversity. Explain findings:

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size: acres

Wetland type. Explain:

Wetland quality. Explain:

Project wetlands cross or serve as state boundaries. Explain:

(b) General Flow Relationship with Non-TNW:

Flow is: **Pick List**. Explain:

Surface flow is: **Pick List**

Characteristics:

Subsurface flow: **Pick List**. Explain findings:

☐ Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

- ☐ Directly abutting
- ☐ Not directly abutting
 - ☐ Discrete wetland hydrologic connection. Explain:
 - ☐ Ecological connection. Explain:
 - ☐ Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW

Project wetlands are **Pick List** river miles from TNW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Flow is from: **Pick List**.

Estimate approximate location of wetland as within the **Pick List** floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain:

Identify specific pollutants, if known:

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

- ☐ Riparian buffer. Characteristics (type, average width):
- ☐ Vegetation type/percent cover. Explain:
- ☐ Habitat for:
 - ☐ Federally Listed species. Explain findings:
 - ☐ Fish/spawn areas. Explain findings:
 - ☐ Other environmentally-sensitive species. Explain findings:
 - ☐ Aquatic/wildlife diversity. Explain findings:

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: **Pick List**

Approximately () acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)

Size (in acres)

Directly abuts? (Y/N)

Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
 - ☒ TNWs: 50 linear feet width (ft), Or, acres.
 - ☒ Wetlands adjacent to TNWs: 0.25 acres.
2. **RPWs that flow directly or indirectly into TNWs.**
 - ☒ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial:
 - ☒ Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

Provide estimates for jurisdictional waters in the review area (check all that apply):

☐ Tributary waters: linear feet width (ft).

☐ Other non-wetland waters: acres.

Identify type(s) of waters: .

3. **Non-RPWs⁸ that flow directly or indirectly into TNWs.**

- ☐ Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

☐ Tributary waters: linear feet width (ft).

☐ Other non-wetland waters: acres.

Identify type(s) of waters: .

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

- ☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.

- ☐ Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

- ☐ Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

- ☐ Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

- ☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. **Impoundments of jurisdictional waters.⁹**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- ☐ Demonstrate that impoundment was created from "waters of the U.S.," or

- ☐ Demonstrate that water meets the criteria for one of the categories presented above (1-6), or

- ☐ Demonstrate that water is isolated with a nexus to commerce (see E below).

E. **ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰**

- ☐ which are or could be used by interstate or foreign travelers for recreational or other purposes.

- ☐ from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

- ☐ which are or could be used for industrial purposes by industries in interstate commerce.

- ☐ Interstate isolated waters. Explain: .

- ☐ Other factors. Explain: .

Identify water body and summarize rationale supporting determination: .

⁸See Footnote # 3.

⁹To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

¹⁰Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

Provide estimates for jurisdictional waters in the review area (check all that apply):

- ☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.

Identify type(s) of waters: .

- ☐ Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- ☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
☐ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
☐ Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: .
☐ Other: (explain, if not covered above): .

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- ☐ Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
☐ Lakes/ponds: acres.
☐ Other non-wetland waters: acres. List type of aquatic resource: .
☐ Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- ☐ Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
☐ Lakes/ponds: acres.
☐ Other non-wetland waters: acres. List type of aquatic resource: .
☐ Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:
☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
☒ Office concurs with data sheets/delineation report.
☐ Office does not concur with data sheets/delineation report.
☐ Data sheets prepared by the Corps:
☐ Corps navigable waters' study:
☐ U.S. Geological Survey Hydrologic Atlas:
☐ USGS NHD data.
☐ USGS 8 and 12 digit HUC maps.
☐ U.S. Geological Survey map(s). Cite scale & quad name: .
☐ USDA Natural Resources Conservation Service Soil Survey. Citation: .
☐ National wetlands inventory map(s). Cite name: .
☐ State/Local wetland inventory map(s): .
☐ FEMA/FIRM maps:
☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
☐ Photographs: ☐ Aerial (Name & Date): .
or ☐ Other (Name & Date): .
☐ Previous determination(s). File no. and date of response letter: .
☐ Applicable/supporting case law: .
☐ Applicable/supporting scientific literature: .
☒ Other information (please specify): google earth.

B. ADDITIONAL COMMENTS TO SUPPORT JD:

APPENDIX 10.1.5

SEE VOLUME III.

APPENDIX 10.1.6

FAA DETERMINATION OF NO HAZARD TO AIR NAVIGATION FOR WCEC UNITS 1 AND 2 CONSTRUCTION AND WCEC UNITS 1 AND 2 HRSG STACKS



Federal Aviation Administration
Air Traffic Airspace Branch, ASW-520
2601 Meacham Blvd.
Fort Worth, TX 76137-0520

Aeronautical Study No.
2006-ASO-5531-OE

Issued Date: 10/02/2006

Marister Ruiz
FPL
700 Universe Blvd.
Juno Beach, FL 33408

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has completed an aeronautical study under the provisions of 49 U.S.C., Section 44718 and, if applicable, Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Crane
Location: Wellington, FL
Latitude: 26-42-28.57 N NAD 83
Longitude: 80-22-36.15 W
Heights: 250 feet above ground level (AGL)
274 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

As a condition to this Determination, the structure is marked and/or lighted in accordance with FAA Advisory Circular 70/7460-1 AC 70/7460-1K Change 1, Obstruction Marking and Lighting, red lights - Chapters 4,5(Red), & 12.

This determination expires on 04/2/2008 unless:

- (a) extended, revised or terminated by the issuing office.
- (b) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE POSTMARKED OR DELIVERED TO THIS OFFICE AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires

separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission if the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (404)305-5592. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2006-ASO-5531-OE.

Signature Control No: 483494-497319

(DNE)

Earl Newalu
Specialist



Federal Aviation Administration
Air Traffic Airspace Branch, ASW-520
2601 Meacham Blvd.
Fort Worth, TX 76137-0520

Aeronautical Study No.
2006-ASO-5532-OE

Issued Date: 10/02/2006

Marister Ruiz
FPL
700 Universe Blvd.
Juno Beach, FL 33408

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has completed an aeronautical study under the provisions of 49 U.S.C., Section 44718 and, if applicable, Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Crane
Location:	Wellington, FL
Latitude:	26-42-28.28 N NAD 83
Longitude:	80-22-22.92 W
Heights:	250 feet above ground level (AGL)
	274 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

As a condition to this Determination, the structure is marked and/or lighted in accordance with FAA Advisory Circular 70/7460-1 AC 70/7460-1K Change 1, Obstruction Marking and Lighting, red lights - Chapters 4,5 (Red), & 12.

This determination expires on 04/2/2008 unless:

- (a) extended, revised or terminated by the issuing office.
- (b) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE POSTMARKED OR DELIVERED TO THIS OFFICE AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE.

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If we can be of further assistance, please contact our office at (404)305-5592. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2006-ASO-5532-OE.

Signature Control No: 483495-497317

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Earl Newalu
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Federal Aviation Administration
Air Traffic Airspace Branch, ASW-520
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Aeronautical Study No.
2006-ASO-5525-OE

Issued Date: 10/02/2006

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**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has completed an aeronautical study under the provisions of 49 U.S.C., Section 44718 and, if applicable, Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Exhaust stack #1 Unit 1
Location:	Wellington, FL
Latitude:	26-42-13.13 N NAD 83
Longitude:	80-22-27.98 W
Heights:	150 feet above ground level (AGL) 174 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking and/or lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory Circular 70/7460-1 AC 70/7460-1K Change 1.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

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A copy of this determination will be forwarded to the Federal Communications Commission if the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (404)305-5592.
On any future correspondence concerning this matter, please refer to
Aeronautical Study Number 2006-ASO-5525-OE.

Signature Control No: 483488-497344

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Federal Aviation Administration
Air Traffic Airspace Branch, ASW-520
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Aeronautical Study No.
2006-ASO-5526-OE

Issued Date: 10/02/2006

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**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has completed an aeronautical study under the provisions of 49 U.S.C., Section 44718 and, if applicable, Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Exhaust stack #2 Unit 1
Location:	Wellington, FL
Latitude:	26-42-10.09 N NAD 83
Longitude:	80-22-28.04 W
Heights:	150 feet above ground level (AGL) 174 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking and/or lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory Circular 70/7460-1 AC 70/7460-1K Change 1.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

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A copy of this determination will be forwarded to the Federal Communications Commission if the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (404)305-5592.
On any future correspondence concerning this matter, please refer to
Aeronautical Study Number 2006-ASO-5526-OE.

Signature Control No: 483489-497345

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Air Traffic Airspace Branch, ASW-520
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Aeronautical Study No.
2006-ASO-5527-OE

Issued Date: 10/02/2006

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**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has completed an aeronautical study under the provisions of 49 U.S.C., Section 44718 and, if applicable, Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Exhaust stack #3 Unit 1
Location:	Wellington, FL
Latitude:	26-42-8.61 N NAD 83
Longitude:	80-22-28.08 W
Heights:	150 feet above ground level (AGL)
	174 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking and/or lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory Circular 70/7460-1 AC 70/7460-1K Change 1.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

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This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission if the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (404)305-5592.
On any future correspondence concerning this matter, please refer to
Aeronautical Study Number 2006-ASO-5527-OE.

Signature Control No: 483490-497346

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Air Traffic Airspace Branch, ASW-520
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Aeronautical Study No.
2006-ASO-5528-OE

Issued Date: 10/02/2006

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Juno Beach, FL 33408

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has completed an aeronautical study under the provisions of 49 U.S.C., Section 44718 and, if applicable, Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Exhaust stack #1 Unit 2
Location:	Wellington, FL
Latitude:	26-41-59.99 N NAD 83
Longitude:	80-22-28.26 W
Heights:	150 feet above ground level (AGL)
	174 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking and/or lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory Circular 70/7460-1 AC 70/7460-1K Change 1.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission if the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (404)305-5592.
On any future correspondence concerning this matter, please refer to
Aeronautical Study Number 2006-ASO-5528-OE.

Signature Control No: 483491-497350

(DNE)

Earl Newalu
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Federal Aviation Administration
Air Traffic Airspace Branch, ASW-520
2601 Meacham Blvd.
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Aeronautical Study No.
2006-ASO-5529-OE

Issued Date: 10/02/2006

Marister Ruiz
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**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has completed an aeronautical study under the provisions of 49 U.S.C., Section 44718 and, if applicable, Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Exhaust stack #2 Unit 2
Location:	Wellington, FL
Latitude:	26-41-56.95 N NAD 83
Longitude:	80-22-28.32 W
Heights:	150 feet above ground level (AGL) 174 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking and/or lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory Circular 70/7460-1 AC 70/7460-1K Change 1.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission if the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (404)305-5592.
On any future correspondence concerning this matter, please refer to
Aeronautical Study Number 2006-ASO-5529-OE.

Signature Control No: 483492-497347

(DNE)

Earl Newalu
Specialist



Federal Aviation Administration
Air Traffic Airspace Branch, ASW-520
2601 Meacham Blvd.
Fort Worth, TX 76137-0520

Aeronautical Study No.
2006-ASO-5530-OE

Issued Date: 10/02/2006

Marister Ruiz
FPL
700 Universe Blvd.
Juno Beach, FL 33408

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has completed an aeronautical study under the provisions of 49 U.S.C., Section 44718 and, if applicable, Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Exhaust stack #3 Unit 2
Location:	Wellington, FL
Latitude:	26-41-55.47 N NAD 83
Longitude:	80-22-28.35 W
Heights:	150 feet above ground level (AGL)
	174 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking and/or lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory Circular 70/7460-1 AC 70/7460-1K Change 1.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission if the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (404)305-5592. .
On any future correspondence concerning this matter, please refer to
Aeronautical Study Number 2006-ASO-5530-OE.

Signature Control No: 483493-497348

(DNE)

Earl Newalu
Specialist

APPENDIX 10.1.7

COASTAL ZONE MANAGEMENT CERTIFICATIONS

[Note: The Coastal Management Act of 1978 (Section 380.21-380.25, Florida Statutes) requires that the Coastal Zone Management Section of FDEP be responsible for certification of consistency with the Florida Coastal Management Program (FCMP) for all federal licenses, permits, activities, and projects listed in Section 380.23(3)(c), Florida Statutes, when such activities are subject to federal consistency review and affect land or water use, are seaward of the jurisdiction of the state, or there is no state agency with sole jurisdiction for such consistency review. For the Project, there are no requirements related to Coastal Zone Management.]

APPENDIX 10.2 & 10.3

ZONING AND LAND USE

**PORTIONS OF APPLICABLE
ZONING DESCRIPTIONS**

c) Other Development

All other development shall be in accordance with the property development regulations for the corresponding Zoning districts indicated in Table 3.B.2.A-1, Airport Use Regulations. [Ord. 2006-036]

d) Other Requirements

All proposed Airport-Related and Non-Airport Related Uses must be developed in accordance with all applicable Federal and State guidelines, regulations and requirements, as amended, including but not limited to all Federal Aviation Regulations (F.A.R.), FAA Advisory Circulars, and all FAA Orders, as well as all applicable Florida Statutes and Florida Department of Transportation guidelines. [Ord. 2006-036]

e) Conflict with Other Applicable Regulations

Where the provisions of this Section are in conflict with other regulations applicable to this district, the provisions of this Section shall prevail. Where provisions of the AZO district are not in conflict with other applicable regulations, the most restrictive regulations shall prevail. [Ord. 2006-036]

Section 3 COZ, Conditional Overlay Zone

A. Purpose and Intent

A COZ district is to modify or restrict the use and site development standards authorized in the underlying standard zoning district to prevent, minimize or mitigate adverse impacts upon the surrounding land uses. Conditions shall be included if the applicable standards are inadequate to protect the surrounding land uses. Requirements of the COZ district are in addition to and supplement other applicable requirements of this Code.

B. Applicability

The provisions of the COZ district shall apply to lands in unincorporated PBC pursuant to BCC approval. In application of the COZ district, the BCC shall find that the proposed rezoning is appropriate only if the applicable regulations are modified. The BCC shall find one or more of the following reasons for the COZ district:

1. potential impact to surrounding land uses requires mitigation;
2. compatibility will be furthered between the requested zoning district and adjacent zones if uses and property development regulations (PDRs) are modified; and/or
3. intensity limits reflect available capacity of public facilities.

C. District Regulations

Restrictions which may be imposed in the COZ district include: limitations on uses, size, height, bulk, mass, scale and location of improvements, standards for landscaping, buffering, lighting, adequate ingress and egress, on-site or off-site improvements; hours of operation; and any other specific site development regulations required or authorized by this Code.

D. Procedure

The property owner or agent of the property being considered for rezoning shall either (1) apply for a COZ overlay and the restrictions imposed by the overlay; or (2) voluntarily agree to a COZ overlay during the zoning process. The resolution rezoning the property as a COZ district shall specifically state the modifications imposed pursuant to this Section. The restrictions shall be considered a part of the text of this Code, and a violation of the restrictions shall be a violation of this Code.

Section 4 GAO, Glades Area Overlay

A. Purpose and Intent

A GAO district is to provide flexibility in the range of uses and PDRs allowed in the underlying districts in the Glades Tier and to accommodate uses which, if deemed appropriate, will increase job opportunities and improve the economic vitality of the area. In addition, the GAO district will provide a set of regulations that recognize the character of the area.

B. Applicability

All development orders within the GAO district shall also comply with all applicable Joint Planning Area Agreements, pursuant to Florida Statutes.

C. Boundaries

The GAO shall apply to all land within the USA in the Glades Tier. [Ord. 2005 – 002]

D. Use Regulations

In the GAO district, use shall be permitted as follows: [Ord. 2005 – 002]

1. Permitted Uses

Uses permitted as of right in the underlying district are permitted as of right in the GAO.

2. Special Uses

Uses allowed as special uses in the underlying district shall be permitted in the GAO district after compliance with the special use standards. In addition:

a. Nonconforming Use

Any nonconforming use may be expanded subject to a Special Permit. [Ord. 2006-036]

3. Conditional Uses

Uses allowed as conditional uses in the non-residential district shall be permitted by the DRO in the GAO district after compliance with the conditional use regulations. Uses not otherwise permitted in the non-residential may be permitted as Class A conditional uses in the GAO district after compliance with the conditional use regulations and after the BCC determines that the proposed use meets the following criteria:

- a. increases the number of jobs or provides needed housing;
- b. does not adversely affect adjacent land uses;
- c. is consistent with the goals, objectives and policies of the Plan; and
- d. helps to support existing or encourage additional Glades Area economic development.

4. Property Development Regulations (PDRs)

a. General

All development within the GAO district shall be subject to the (PDRs) of the underlying district, except as otherwise provided below.

b. Minimum Density

The BCC may consider the waiver of the minimum density requirement for proposed development in the Glades area when:

- 1) The proposed development is consistent with the provisions of any applicable Joint Planning Area Agreement, and;
- 2) An analysis is completed that addresses:
 - a) the impact of a reduced density development on the overall infrastructure system;
 - b) the compatibility of the proposed development with adjacent land uses; and
 - c) the effect of the reduced density development on the ability of PBC to meet its goals, objectives and policies related to affordable housing. If the development is located in a municipal annexation area, the analysis must be performed by the annexing municipality.

c. Maximum Density and Intensity

Maximum density and intensity of uses within the GAO district may be allowed to exceed those imposed by the underlying district and shall be determined by the BCC during the conditional use review process.

d. Location of Structures

Building permits in the GAO district may be permitted between the 120 foot and 220 foot R-O-W line within the R-O-W of State Road 700 through Canal Point, from Third Street on the north to Triangle Park on the east, subject to approval of the County Engineer.

Section 5 IOZ, Indiantown Road Overlay

A. Purpose and Intent

The IOZ is intended to implement the site development regulations of uses within the established Indiantown Road Corridor Study Area pursuant to the interlocal agreement that has been adopted between PBC and the Town of Jupiter. The Town has adopted the IOZ pursuant to the recommendation of the Indiantown Road Corridor Study (IRCS) and F.S. Chapter 163, Part II.

The purpose of the IOZ is to protect residential neighborhoods, limit uses, improve the overall aesthetics of the Indiantown Road Corridor Study Area, and establish development incentives to accomplish the various objective of the corridor study.

Through the interlocal agreement the Town and PBC shall provide for a means of intergovernmental cooperation in implementing the IOZ standards throughout all appropriate incorporated and unincorporated portions of the Indiantown Road Corridor and in accordance with F.S. Chapter 163, Part IV. The Town and PBC agree to use a joint review process to advance the public health, safety, and general welfare and adopt procedures for the joint administration of land development regulations.

B. Applicability

Table 3.C.1.A-15 Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts

Standard Zoning Districts						
FLU Designation		Zoning District (1)				
Agriculture/Conservation						
AP	AP					
AGR	AGR					
CON	PC					
SA	AR ²	AGR ³				
Residential						
RR-20	AR					
RR-10	AR	CRE ⁴				
RR-5	AR					
RR-2.5	AR	RE				
LR-1	AR	RE	RT	AP ⁵		
LR-2	AR	RE	RT			
LR-3	AR	RE	RT			
MR-5	AR	RE	RT	RS	RM ⁶	
HR-8	AR	RE	RT	RS	RM	
HR-12	AR	RE	RT	RS	RM	
HR-18	AR	RE	RT	RS	RM	
Commercial						
CL-O	CLO					
CL	CN	CC	CLO			
CH-O	CLO	CHO				
CH	CN	CC	CLO	CHO	CG	
CR	CRE					
Industrial						
IND	IL	IG	CRE ⁷			
EDC	IL	IG				
Institutional/Civic						
INST	AR	RE	RT	RS	RM	IPF
PARK	IPF	PO				
U/T	PO					

[Ord. 2006-004]

Notes:

Any application for a conditional use and/or subdivision of property shall require the subject site be rezoned to a highlighted district.

¹ The PO District is consistent with all FLU designations.

² The AR District is consistent with the SA FLU designation in the Rural and Exurban Tiers only.

³ The AGR District is consistent with the SA FLU designation in the AGR Tier only. [Ord. 2005-002]

⁴ The CRE District is consistent with the RR-10 designation only for those uses identified in Policy 2.2.3-a in the Plan

⁵ The AP District is consistent with the LR-1 designation in the Glades Tier only for properties located north of Pahokee, on the east side of US 441, for the unincorporated community of Canal Point. [Ord. 2005 – 002]

⁶ The RM District is consistent with the MR-5 designation only for those areas already zoned RM.

⁷ Curtain use in the CRE District over three acres require rezoning to IL. See Supplementary Use Standards.

B. Previous Zoning Districts

1. The following previously established zoning districts correspond to the current districts:
 - a. The Specialized Agriculture (SA) District shall correspond to the AP District in the Glades Tier, the AGR District in the AGR Tier, and the AR District in the Rural Tier.
 - b. Rural Services (RSER) District shall correspond to the AR District.
 - c. Residential Transitional Suburban (RTS) District shall correspond to the RT District.
 - d. Residential Transitional Urban (RTU) District shall correspond to the RS District.
 - e. Multifamily Residential High Density (RH) District shall correspond to the RM District.
 - f. Specialized Commercial High (CSH) and Specialized Commercial (CS) District shall correspond to the Commercial High Office District (CHO) District.

C. Agricultural Districts

1. AP, Agricultural Production District

The AP district is to conserve and protect areas for exclusive, bona fide agricultural and farming related operations particularly where soil and water conditions favor continued agricultural production. A wide range of agricultural activities and their accessory uses shall be permitted in the AP district in order to maintain the vitality of the agricultural industry in PBC.

2. AGR, Agricultural Reserve District

The AGR district is a portion of PBC lying between Hypoluxo Road on the north, Clint Moore Road on the south, the Ronald Reagan Turnpike on the east, and the Arthur R. Marshall Loxahatchee National Wildlife Refuge on the west. The district encompasses unique farmland, regional water management and wetlands areas. It is designated as an area to be preserved primarily for agricultural, environmental and water resources and open space related activities west of SR 7, agricultural and regional water management use if possible, Residential development is restricted to low-densities and commercial development is limited to those uses serving farm workers and other residents of the district. Gaming, pari-mutual wagering, off-track betting, events or activities held or broadcast for similar purposes shall be prohibited.

a. Exempted Residential Uses

Residential subdivisions and PUDs approved by the BCC prior to January 1, 1990 shall be exempt from the provisions of the AGR district to the minimum extent required to allow for continued development pursuant to their original development order and the intent of the provisions of the AGR district.

1) Exempted Developments

The exemption applies to the following residential developments that may continue to exist, however, they may not subdivide nor expand the boundaries of the property: Willis Glider Port, Delray Lakes Estates, Tierra de Rey, Tierra de Rey South, Rio Poco, Snow Ranch Estates (a.k.a. Horseshoe Acres), and Delray Training Center. [Ord. 2007-001]

2) Permitted Contiguous Development

An exception shall be permitted in accordance with FLUE Policy 1.5-c, whereas Delray Lakes Estates, Willis Glider Port and Snow Ranch Estates (a.k.a. Horseshoe Acres) may expand, subject to BCC approval, to allow development of contiguous residual parcels at a density that is consistent with the existing development, where it would serve to establish uniform boundaries. Expansion shall be subject to Table 3.C.1.C-16, AGR Contiguous Development PDRs. [Ord. 2006-004] [Ord. 2007-001]

Table 3.C.1.C-16 – AGR Contiguous Developments PDRs

Name of Project	Lot Dimensions			Building Coverage	Setbacks			
	Size	Width and Frontage	Depth		Front	Side	Side Street	Rear
Delray Lakes Estates	1 acre	65 ⁽¹⁾	75 ⁽¹⁾	40%	25	7.5	15	15
Willis Gliderport	1.5 acre	200	300	40%	25	7.5	15	15
Horseshoe Acres	2 acres	300	300	15%	100	50	80	100
Notes								
1. All lots shall have an average width and depth that is consistent with lots in the Delray Lakes Estate PUD. [Ord. 2007-001]								

b. Previously Approved and Nonconforming Uses

All uses that are existing and were legally established or requested before the effective date of Ord. 2001-061, but are not permitted by the provisions of the AGR district, shall be considered exempted uses or non-conforming uses as set forth below:

1) Exempted Uses

The following non-residential developments, may continue to exist and are to be accommodated as part of the continuation of the AG Reserve Tier: Eternal Light Cemetery, 11520 SR-7, Boynton Beach; Faith Farm Ministry, 9538 Hwy 441, Boynton Beach; Our Lady Queen of Peace Church and service complex, W. Atlantic Ave; Caridad Clinic, West Boynton Beach Blvd; Soup Kitchen, 9850 Boynton Beach Blvd; 4 Points Market; 3 Amigos Convenience Store; Fina Gas Station-Hey 4 U trucking; and Sunshine Meadows. [Ord. 2006-004]

2) Existing Nonconforming Uses

Replacement, relocation or expansion of nonconforming uses shall be subject to Class A conditional use approval and the following:

- Existing uses eliminated due to R-O-W acquisition by eminent domain, and relocation of the use on site is not feasible, may be relocated to an adjacent site.
- Existing Nonconforming uses may expand up to 50 percent of the building square footage. If a use is on less than one acre of property, the land area is permitted to be expanded up to a total of one acre.
- PDRs:
 - Maximum FAR: .35

- (2) Maximum Building Coverage: 25 percent
- (3) Minimum Building setbacks: 30 feet on all sides

3) Right to Farm

All land in the AGR and AP districts are located in areas where land is used for commercial agricultural production. Owners, residents, and other users of this property or neighboring property may be subjected to inconvenience and discomfort arising from generally accepted agricultural management practices, including but not limited to noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants, and users of properties in these areas are hereby put on official notice that: (1) the state Right-to-Farm Act, F.S. § 823.14, may bar them from obtaining a legal judgment against such as a public or private nuisance; and (2) farm operations that conform to generally accepted agricultural and management practices in the AGR and AP districts are exempt from the following miscellaneous standards contained in Article 5.E, PERFORMANCE STANDARDS of this Code for noise, vibration, smoke, and emissions and particulate matters. [Ord. 2005-041]

D. Conservation District

1. PC, Preservation/Conservation District

The PC district is to protect lands that provide habitats for endangered species of wildlife, fish, or flora, that are important habitats for the production of fish and wildlife, or that are sites of historical or archaeological significance.

E. Residential Districts

1. AR, Agriculture Residential District

The AR district is to protect and enhance the rural lifestyle and quality of life of residents in areas designated rural residential, to protect watersheds and water supplies, wilderness and scenic areas, conservation and wildlife areas, and to permit a variety of uses that require non-urban locations but do not operate to the detriment of adjoining lands devoted to rural and residential purposes.

a. Previously Approved RSER and Non-residential Uses

The previously approved site in the RSER zoning district (Petition 1999-011 Everglades Farm Equipment Co.) requested before the effective date of this ordinance, may be developed as a conforming use in accordance with an approved DOA. [Ord. 2005 – 002]

b. Special Agriculture Uses

Additional non-residential uses may be allowed in the AR/Rural/Exurban district with a SA FLU.

c. Agricultural Uses in the U/S Tier

1) Applicability

Agricultural uses existing at the time of adoption of this Code permitting agricultural uses in the U/S Tier shall be considered conforming. Any expansion of existing agricultural uses shall be consistent with all applicable requirements and subject to review and/or approval by the appropriate staff or review board as identified in this Code.

2) New Agricultural Uses

Agricultural uses not listed as permitted in the U/S Tier shall only be permitted as an interim use subject to Class A conditional use approval. The AR Zoning District shall be considered consistent with all FLUA designations in the U/S Tier for the purpose of permitting agricultural uses.

2. RE, Residential Estate District

The RE district is to provide a transition between the agricultural and conservation areas and more urban residential communities and to create a residential environment wherein natural constraints applicable to development are recognized and protected in a manner compatible with the needs of residents.

3. RT, Residential Transitional District

The RT district is to provide a transition between a suburban single family atmosphere and estate development, which promotes active recreational facilities within the privacy of an individual lot.

4. RS, Single Family Residential District

The RS district is to provide areas for moderate density single family dwelling units.

5. RM, Multifamily Residential District

The RM district is intended primarily for the development of multiple family dwelling units.

F. Commercial Districts

1. CLO, Commercial Low Office District

**PORTIONS OF APPLICABLE
LAND USE DESCRIPTIONS**

6. Protect areas subject to seasonal or periodic flooding, as provided in the Utility and Conservation Elements;
7. Regulate stormwater management and drainage;
8. Protect potable water wellfields and aquifer recharge areas;
9. Protect open spaces and natural resources;
10. Protect historically significant properties, as provided in the Historic Preservation Element;
11. Provide efficient service delivery systems;
12. Regulate landscaping;
13. Regulate lighting; and,
14. Incorporate the Principles of Livable Communities listed in the County Directions.

Policy 2.2-e: The County shall encourage the elimination or reduction of existing or previously approved land uses, and activities, which were lawful before the adoption of the Plan but are prohibited, regulated or restricted under the terms of this Plan. This shall be accomplished by prohibiting enlargement, expansion, or extension of non-conforming future land use activity unless the action decreases the nonconformity. A non-conforming use shall be permitted to enlarge, expand or be rebuilt on one occasion through an administrative variance process provided that the value of the improvement would not exceed ten percent of the original value of the structure and the expansion does not create a non-conforming structure.

Policy 2.2-f: The County shall not approve site specific Future Land Use Atlas amendments, which encourage piecemeal development or create residual parcels. The County shall also not approve rezoning petitions under the same or related ownership that result in the creation of residual parcels.

2.2.1 Residential

Policy 2.2.1-a: The County shall establish and maintain maximum densities, as specified in Table 2.1-1, in the residential future land use categories. To obtain the maximum density for a property of Low Residential 2 or greater, the development must receive a development order for a Planned Development District, Traditional Development District, or be granted an exemption pursuant to provisions of this element.

Policy 2.2.1-b: Areas designated for Residential use shall be protected from encroachment of incompatible future land uses and regulations shall be maintain to protect residential areas from adverse impacts of adjacent land uses. Non-residential future land uses shall be permitted only when compatible with residential areas, and when the use furthers the Goals, Objectives, and Policies of the Plan.

Policy 2.2.1-c: *Deleted in Amendment Round 00-1*

Policy 2.2.1-d: In areas with a Residential future land use designation, the County may allow non-residential uses allowed in the Parks and Recreation, Institutional and Public Facilities, or Utilities and Transportation future land use designations, as further described in the Implementation Section.

Policy 2.2.1-e: The County shall apply the following criteria to determine if a parcel may be developed for residential purposes:

2. Neighborhood and community parks (with walkways, seating, and appropriate recreational facilities);
3. Lighted, safe, and comfortable streets, and sidewalks;
4. Dispersal of parking, including provisions for on-street parking; and,
5. Public and private buildings placed to create human scale and pedestrian-oriented spaces.

Public spaces, within the Exurban and Rural Tiers, which provide:

1. Open space, squares, parks with landscaping, walkways, seating, appropriate recreational facilities and appealing vistas;
2. Comfortable streets, pathways, and trails;
3. Public and private buildings designed and placed to reflect a rural character.

Modes of alternative transportation, including:

1. Pedestrian access appropriate for each tier, which includes safe and physically appealing sidewalks or pathways;
2. Alternative modes of transportation appropriate for each tier, including bike paths and equestrian trails; and,
3. Public transit in the Urban/Suburban Tier, which includes available, timely, and affordable multi-modal opportunities.

Commercial centers addressing the neighborhoods daily needs include:

1. Limited mix of neighborhood-based commercial uses compatible with the character of the tier.

A. Land Use Designations

This section identifies the categories, uses, design criteria and any special requirements associated with the future land use designations contained in Goals 1 and 2 of the Element.

1. Residential

Land Use Designation Categories

General. The residential future land use designation encompasses two general residential types, rural and urban. The rural type is defined by four categories. The urban type is defined by seven categories. Generally, the rural residential areas are located in the central-western coastal area and the urban densities are located on both the east and west coast, primarily within municipal boundaries.

Glades. The Glades area, surrounding Lake Okeechobee, has rural and urban residential categories. With the exception of Lake Harbor and Canal Point in the Glades Tier, which are rural towns with urban densities, all of the residentially designated land in the Glades Area is shown on the FLUA as Urban Residential.

Residential Uses

Permitted Uses The following land uses may be permitted within areas designated Residential on the Future Land Use Atlas (FLUA), but are further restricted by the Tier in which they are located and the terms of the Unified Land Development Code (ULDC). Permitted uses include: dwelling units and accessory uses and structures; congregate living facilities; Park and Recreation uses designed to serve the residential area; Institutional uses designed to serve the residential area such as schools, child care facilities and adult day care facilities, houses of worship, governmental administration, law enforcement substations, fire protection facilities, libraries, civic centers, community service centers and similar uses. Some uses may be appropriate in residential areas if limited, such as: nursing homes subject to special criteria; utilities designed to serve the residential area; communication facilities subject to special criteria; limited commercial uses within a Planned Development District designed for the convenience of the residents; streets and other transportation corridors; agricultural uses compatible with the residential area; and, limited excavation operations.

In the Rural land use categories, limited agricultural uses are expected to co-exist with residential uses, while in the Urban land use categories, agricultural uses are expected to convert to other uses consistent with the Plan when those agricultural uses are no longer economically viable. Agricultural uses permitted by the Residential land use category must be compatible with the protection of the lifestyle and quality of life of the residents.

Non-Residential Uses. Non-residential uses permitted in residential areas shall only be allowed if they meet the criteria below. The ULDC adopted pursuant to this Comprehensive Plan shall ensure that non-residential uses allowed by residential zoning districts shall satisfy the Goals, Objectives and Policies of the Comprehensive Plan. All decisions of the Board of County Commissioners that implement the provisions of the ULDC which allow a non-residential use in a residential area must be based on a determination that:

1. The residential neighborhood is protected from the undesirable impacts of adjacent and surrounding development;
2. The non-residential use is consistent with the Goals, Objectives, and Policies of the Comprehensive Plan;
3. The non-residential use satisfies any special siting criteria adopted by the Board of County Commissioners; and,
4. The density or intensity is comparable to and compatible with the density of the residential development within areas designated Residential on the FLUA.

Non-residential land uses that have an underlying residential land use, shall be governed by the density provisions in Land Use Objective 2.2.1, unless specifically noted.

Uses Discouraged in Residential Future Land Use Categories. Large-scale Park and Recreation uses, Institutional and Public Facility uses, and Utilities and Transportation uses designed to serve regional needs, including regional parks, regional water and wastewater treatment plants, power transmission facilities, solid waste transfer stations and disposal sites are discouraged in residentially designated areas and may be permitted only subject to the siting criteria of the appropriate regulatory authority(ies) as well as any special review and siting criteria adopted by the Board of County Commissioners. Power plants and correctional facilities shall be prohibited in residential land use categories.

Density

Density Calculations. The number of units permitted by the Plan for any parcel of land can be obtained by multiplying the gross acreage of the parcel by the density permitted by the residential category, as indicated in Table 2.1-1. The number of units permitted shall always be rounded down to the nearest dwelling unit.

Minimum Density Exemptions. Densities less than the Minimum Density indicated in Table 2.1-1 may be granted as follows:

1. Parcels may be granted a density exemption pursuant to FLUE Policy 1.2-b;
2. Parcels within the Glades Tier may be granted a density exemption pursuant to FLUE Policy 1.6-c.

Minimum Density Exemption - Vested Projects. The Development Review Officer (DRO) may approve density below the minimum density requirement, regardless of the number of units approved by the Board of County Commissioners, provided a valid local development order was approved prior to the adoption of the 1989 Comprehensive Plan, development of the Planned Development has commenced, and:

1. Units were transferred to the remaining unbuilt pod(s) in the development, thereby inflating the density in these pod(s) to a density that is out of character with the constructed portions of the Planned Development; or
2. The remaining unbuilt pod(s) shall be built at a density greater than, or equal to, the density of the approved and/or built pod(s) within the Planned Development to ensure conformity within the development; or
3. The Planning Division approved, prior to an approval by the Development Review Officer, the proposed decrease in density based on compatibility with adjacent future land uses, and efficient use of infrastructure.

Standard and Maximum Density Exemptions - Urban/Suburban Tier. Densities greater than those indicated in Table 2.1-1 may be granted as follows:

1. Parcels may achieve up to the Maximum Density pursuant to FLUE Policy 1.2.2-a (for infill), or FLUE Policy 1.2-g (for mobile home parks);
2. Parcels may be granted density above the Standard and/or Maximum Density pursuant to the Transfer of Development Rights Program, Workforce Housing Program, and/or a Special Overlay outlined in this Element;
3. Parcels that are developed as Traditional Town Developments.

Standard and Maximum Density Exemptions - Exurban and Rural Tiers. Densities greater than those indicated in Table 2.1-1 may be granted as follows: Parcels may only be granted density above the Standard or Maximum Density pursuant to the Workforce Housing program.

Maximum Density Exemptions -- Exurban and Rural Tiers. Until such time as a recorded or unrecorded subdivision, or an area contained within or subject to the control of a Special District, is determined by the Planning Division to meet the provisions of the 85% rule exemption, the specified area shall comply with the lot combination requirements in Sub-objective 2.2.1. However, in the Exurban and Rural Tiers, there are antiquated subdivisions,

which are subject to special provisions. Pursuant to FLUE Policy1.3-e and FLUE Policy1.4-e, the following areas meet the provisions of the 85% rule exemption:

1. Jupiter Farms;
2. Palm Beach Country Estates;
3. Royal Palm Beach Acreage;
4. Fox Trail;
5. Caloosa;
6. Homeland;
7. Tierra Del Ray Estates;
8. Tierra Del Ray South;
9. Deer Run;
10. Deer Run Plat 2;
11. Kramer's Unrecorded Subdivision: Located on the south side of Northlake Boulevard, adjacent to the west side of Ibis Golf and Country Club, and four miles west of Beeline Highway (State Road 710); and,
12. Mandell's Unrecorded Subdivision: Located in the southeast half of Section 9, Township 43, Range 40, and adjacent to the east right-of-way line of the M Canal Cut-off (L-8 Spur Canal.)

Entitlement density. Within the time frame provided by 163.3202(1), F.S., Palm Beach County will ensure that development orders for residential development will be based on the County's ability to maintain minimum levels of service as provided by the Concurrency Management System contained in the Capital Improvement Element.

Recreational Vehicle Parks and Mobile Home Parks. The density for a Recreational Vehicle Park shall be described in the ULDC. Mobile home parks in existence at the time of Plan adoption are considered in conformance with the Plan, regardless of the Future Land Use Atlas density. Some existing mobile home parks are shown on the Future Land Use Atlas within residential land use categories that allow fewer units than currently permitted. If the mobile home park is removed to allow an alternative type of residential development, the new development must conform to the density provisions of the Future Land Use Atlas.

Land Development Regulations

Urban/Suburban Tier:

Density Transfers. Densities may be transferred within a parcel covered by more than one Urban Residential category except where the transfer results in a net negative impact on a roadway shown on the County's Thoroughfare-Right-of-Way Identification Map. The total number of units allowed for the entire parcel shall not exceed the total number of units allowed by each future land use category.

Arrangement of Dwelling Units. Any arrangement of dwelling units on a parcel of land is allowed, as long as the maximum number of dwelling units designated for the parcel is not exceeded, the list of permitted land uses is not violated and the arrangement is allowed by the ULDC.

Application of Rural Standards. In the Urban/Suburban Tier, the County may apply the ULDC standards for rural residential development as follows:

1. in low density areas in Urban Residential future land use categories;

**COPY OF PALM BEACH COUNTY
ZONING DIVISION REPORT**

NOTE: This report and conditions were approved by the Palm Beach County Board of County Commissioners on November 29, 2007. The final documented approval will be provided when issued by Palm Beach County.

**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**



Application No.:	DOA/EAC-2007-01182
Control No.:	1989-00052
Applicant:	Florida Power & Light Company
Owners:	Beach Palm Palm Beach Aggregates Inc Power Florida South Fla Water Mgmt Dist South Fla Water Mgmt Dist Non Ex
Agent:	Carlton Fields, P.A. - Joseph Verdone
Telephone No.:	(561) 659-7070
Project Manager:	Carrie Rechenmacher, Senior Site Planner

Location: Approximately 3 miles west of Seminole Pratt Whitney Road on the north side of SR 80 (**Florida Power and Light**).

Title: A Development Order Amendment. **Request:** To modify a Condition of Approval.
Title: An Expedited Application Consideration. **Request:** To allow an expedited application.

APPLICATION SUMMARY: Proposed is a request to modify a Condition of Approval, All Petition 2. of Resolution 2006-027, to allow the increase of the maximum nominal electrical output of the existing approved Florida Power and Light (FPL) Electrical Generation Power Facility from 3,300 to 3,800 megawatts. The proposed change will allow more efficient power generating equipment to produce additional energy without the modification of the approved site plan or structural footprint. The modification will utilize improved technology to allow greater efficiency, and more megawatts with a lower emission rate. The FPL power plant was approved in January of 2002 on a 220 acre parcel of land on an overall 2841 acre parcel that is approved for a Type IIIB Excavation, Palm Beach Aggregates (PBA), and also supports a 1360 acre lake approved (875 acres existing) for a South Florida Water Management District (SFWMD) Hydro-Storage Reservoir. No other changes are proposed with this request.

ISSUES SUMMARY:

- o Development Order Amendment – Changed Circumstances

The purpose of this application is to amend one condition relating to the Electrical Power Facility. The overall 2841 acre property is zoned Agricultural Production (AP) with a Class A Conditional Use for a Type IIIB Excavation, Palm Beach Aggregates (PBA), and an Electric Power Generation Facility, Florida Power and Light (FPL). The overall property has 3 property owners and also supports a Hydro-Storage Reservoir owned by South Florida Water Management District (SFWMD) with an 875 acre existing lake and a 485 acre proposed lake for water storage purposes. Florida Power & Light owns 220 acres designated and approved for a 3000 megawatt Electrical Power Facility approved in January 2002 and amended to 3300 megawatts (+300) in February 2004.

FPL is responsible for All Petition Condition 2 as described in Resolution R2006-0027 which limits the amount of nominal power produced for the Electric Power Generation Facility on the approved 220 acre FPL site to a nominal 3300 megawatts. FPL received approval from the State of Florida to commence construction of the facility which was also reviewed in accordance with State regulatory mandates with the Public Service Commission (PSC) and Florida Department of Environmental Protection (FDEP). FPL also has an approved site plan to develop the 220-acre power block and is currently in the process of constructing the facility.

o Development Order Amendment – Condition Amendment

The applicant requests All Petition Condition 2 of Resolution 2006-027 to be modified as follows:

The power plant parcel is limited to a nominal ~~3,300~~ 3,800 (+500) megawatt facility fueled by natural gas as the primary sources of fuel, except that low sulfur distillate may be used as a secondary fuel source for up to 500 hundred hours per year if approved by the Public Service Commission (PSC) or Florida Department of Environmental Protection (FDEP).

In the event that any other source of fuel is proposed or required by the owner, governmental agency or any other source, this petition shall be brought back to the BCC for further review and evaluation at which time the BCC may take any and all actions available to it under the ULDC as if the request were a new petition being reviewed for the first time.

Staff Response: Staff has no objections to the request. The applicants states that to increase the nominal power output from 3,300 megawatts to 3,800 megawatts will allow the approved plant configuration the ability to implement the use of more efficient power generating equipment. The modification will produce an additional 500 megawatts of energy utilizing the same site plan design and foot print. The proposal will allow the use of new technology that utilizes less fuel for each megawatt of electricity generated, while generating more electricity from each of the combustion turbines resulting in lower emission rates.

There are no other changes proposed to the development order or overall master regulating plans. The overall intensity of development on the site, including traffic will not be increased as a result of the proposed change to the site's capacity limit from a nominal 3,300 megawatts to a nominal 3,800 megawatts. Furthermore the applicant maintains that the modification will enhance the plants over all efficiency and ability to serve FPL customers.

o Consistency with Comprehensive Plan

The Planning Division has determined that the request is consistent with the site's Rural Residential 10 (RR-10) and Agricultural Production (AP) Future Land Use (FLU) designations as assigned by the Palm Beach County Comprehensive Plan. Additionally, the site is located with the Glades Tier; the Glades Area Protection Overlay (GAPO); and within 1 mile of the Village of Wellington. See Planning Division Comments for additional information.

o Compatibility with Surrounding Land Uses

To the north and west of the site are agricultural lands engaged in active sugar cane production. To the south, across Southern Boulevard (SR 80, 220-foot wide right-of-way), are lands owned by the South Florida Water Management District and used for regional water management purposes. To the east, across the 500-foot wide right-of-way for the L-8 Canal, are the Deer Run and White Fences single family subdivisions, as well as 1,209.96 acres of land that are currently approved for excavation and proposed for residential development (i.e. Highland Dunes PUD, PDD/R/W2005-1174).

As proposed and subject to the prevailing and proposed conditions of approval, staff anticipates no adverse impacts to the surrounding properties from the requests.

o Traffic

The Traffic Division indicates that the request will generate no additional traffic impacts.

o Landscape/Buffering

Condition of Approval I.2. requires landscaping along both the frontage of Southern Boulevard and along the west side of a 400-foot wide wildlife corridor that is located along the eastern limits of the proposed site boundary. These conditions would prevail and will not be affected by the current requests. The remaining property lines will be landscaped in accordance with excavation reclamation standards as previously approved and required by the ULDC. The current requests will have no impact on the site's landscaping program.

o Signs

The site supports a pair of freestanding signs along the frontage of Southern Boulevard, as permitted by the ULDC and prevailing Condition of Approval Q.1. No changes to signage are required or proposed as a result of this application.

o Project History

The site has been the subject of several previous approvals by the Board of County Commissioners (BCC). The following summarizes the site's Zoning approval history:

Petition 1989-052 – Special exception to permit excavation and removal of extractive materials (mining of shellrock). The application was approved by the BCC on September 11, 1990 via Resolution R-89-2225 (corrected by R-1990-1568).

Petition 1989-52(A) - Rezoning of a 3,044-acre site from Agriculture Residential Zoning District to the Special Agriculture Zoning District, and a Class A Conditional use to allow a Type IIIB excavation. The excavation activities were proposed in 3 phases over a period of 30-35 years. The excavation will result in 3 lakes totaling 2,616 acres of surface area. The BCC approved this application on January 30, 1997 via Resolution R-1997-0248.

Petition 1989-52(B) – Development Order Amendment to modify conditions of approval (hours of operation). The BCC, during the original March 2002 hearing for this petition, approved the amended conditions for hours of operation, lighting, and noise level, and a condition for a continuance to the July 27, 2000 BCC. The continuance was to determine if the increase in hours of operation caused a negative impact on the surrounding community. The BCC approved this request on March 23, 2000 via Resolution R-2000-0419.

Petition 1989-52(C) – Development Order Amendment to add a gas operated 3,000 megawatt electrical power facility on the western 220 acres south of the existing FP&L Corbett substation. The proposed electrical power facility will use the adjacent water storage area from the Palm Beach Aggregates mining operation for cooling purposes. Also proposed was eleven heat dispenser towers approximately 180 feet in height to be located adjacent to each of the gas powered steam turbines. The applicant also requested to add an additional access point on Southern Boulevard, modify previous conditions of approval to relocate median landscaping, increase excavation depth, modify phasing, reduce setback from Southern Boulevard and allow an additional sign on Southern Boulevard. The BCC approved this requests on January 3, 2002 via Resolution R-2002-0009.

Petition 1989-52(D) – Development Order Amendment to add 1,006.85 acres of land area to the existing Palm Beach Aggregate Mining property. The 3,044-acre subject

property had previous approvals from the Board of County Commissioners for a Type IIIB excavation, and an electric power facility with water reservoirs and cooling ponds. The land area added to the site will allow for the expansion of the excavation operation, and eventually will be developed as reservoirs and be incorporated into the existing regional water conservation use on the subject property. The BCC approved this application on August 22, 2002 via Resolution R-2002-1472.

Petition 1989-052(E) – Development Order Amendment to modify Engineering Condition E.10, which required the applicant to reserve at least one billion gallons of storage for the Indian Trail Improvement District (ITID) to use for flood control purposes. Since SFWMD was slated to purchase property from Palm Beach Aggregates and acquire significantly more than the one billion gallon storage required in Condition E.10, the condition was no longer needed. The BCC approved this request on February 27, 2003 via Resolution R-2003-0324.

Petition 1989-052(F) – Development Order Amendment to modify conditions of approval including the increase the nominal capacity of the electrical power facility from 3000 to 3,300 megawatts and to allow low sulfur distillate to be used as a back up fuel source. The DOA modification was also to assign the responsibility for compliance of a particular conditions between the owners of the uses; mining, water reservoirs and power production facilities for SFWMD, the power plant and Palm Beach Aggregates and to amend conditions for consistency with SFWMD's plans for the water reservoirs. Approved by the BCC on February 26, 2004 via Resolution R-2004-0401.

Petition 1989-052 Application No. DOA2005-1173 – Development Order amendment to to delete 1,209.96 acres of approved excavation land located on the east side of the L-8 Canal from the boundary of the site in order to accommodate the development of a proposed residential project (i.e. Highland Dunes PUD) and to modify 3 conditions of approval related to landscaping within the median of Southern Boulevard. Approved by the BCC on January 5, 2006 via Resolution R-2006-027.

TABULAR DATA

	EXISTING	PROPOSED
Property Control Numbers	00-40-43-20-00-000-1010 00-40-43-32-00-000-1000 00-39-43-13-00-000-5010 00-40-43-08-00-000-1000 00-40-43-08-00-000-3020 00-40-43-17-00-000-1020 00-40-43-17-00-000-3010 00-40-43-18-00-000-5010 00-40-43-19-00-000-1020 00-40-43-20-00-000-1000 00-40-43-20-00-000-1020 00-40-43-20-00-000-3010 00-40-43-21-00-000-5010 00-40-43-22-00-000-7030 00-40-43-29-00-000-1000 00-40-43-29-00-000-1010 00-40-43-29-00-000-3010 00-40-43-29-00-000-3020 00-40-43-32-00-000-1010 00-40-43-32-00-000-1020 00-40-43-32-00-000-3000 00-40-43-20-00-000-5010 00-40-43-20-00-000-7010	Same

	00-40-43-29-00-000-3040 00-40-43-17-00-000-3020 00-40-43-17-00-000-1030 00-40-43-32-00-000-1030	
Land Use Designation:	RR-10 and AP	Same
Zoning District:	Agricultural Production (AP)	Same
Tier:	Glades	Same
Use:	Excavation, Type III B Electric Power Facility Water Management Reservoir	Same
Acreage:	2,841.11 acres overall	220 FPL affected area
Access:	Southern Boulevard/SR 80 (1)	Same

CODE ENFORCEMENT: N/A

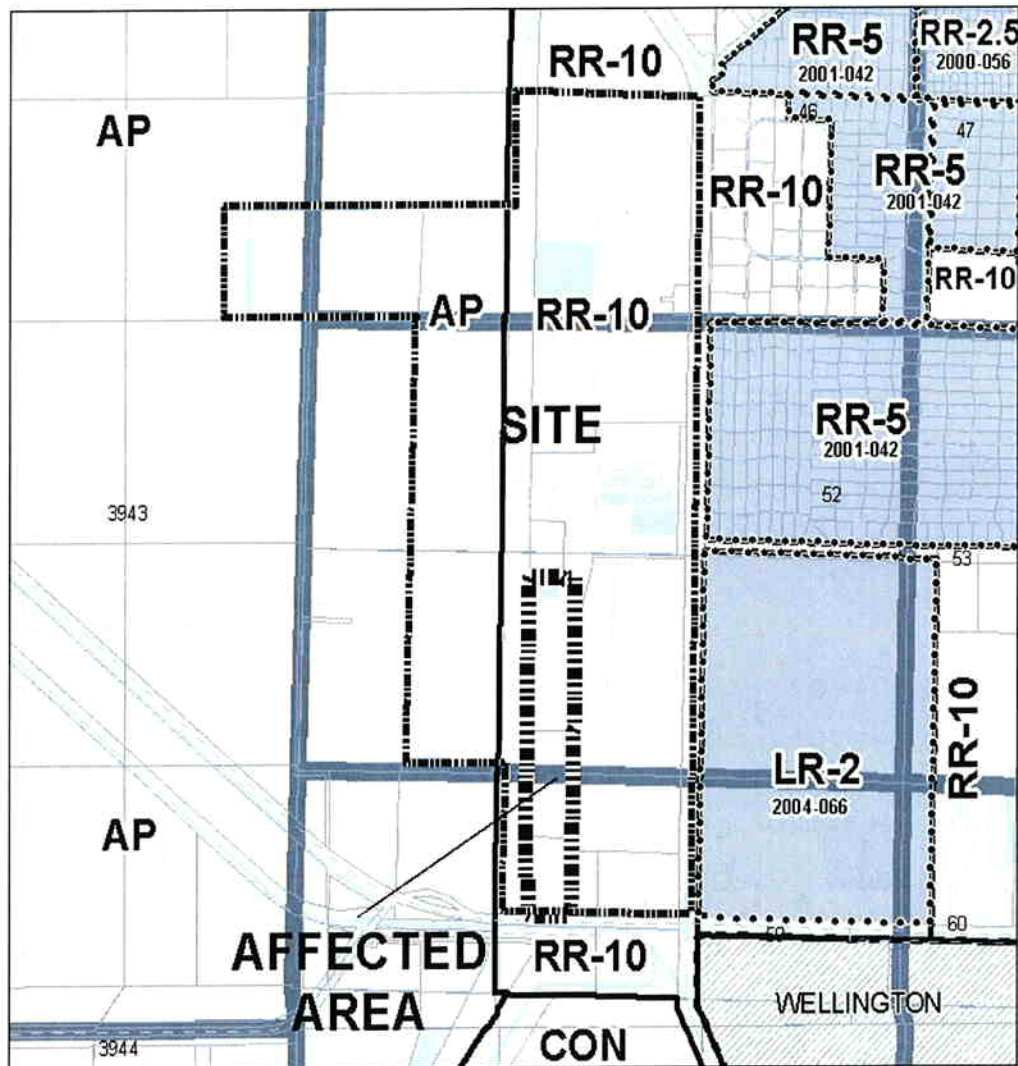
PUBLIC COMMENT SUMMARY: At the time of publication, staff had received no letters from the public.

RECOMMENDATION: To recommend approval of the request subject to 79 conditions as indicated in Exhibit C.

MOTION: To adopt a resolution approving an Development Order Amendment to modify a condition of approval.

Land Use Map

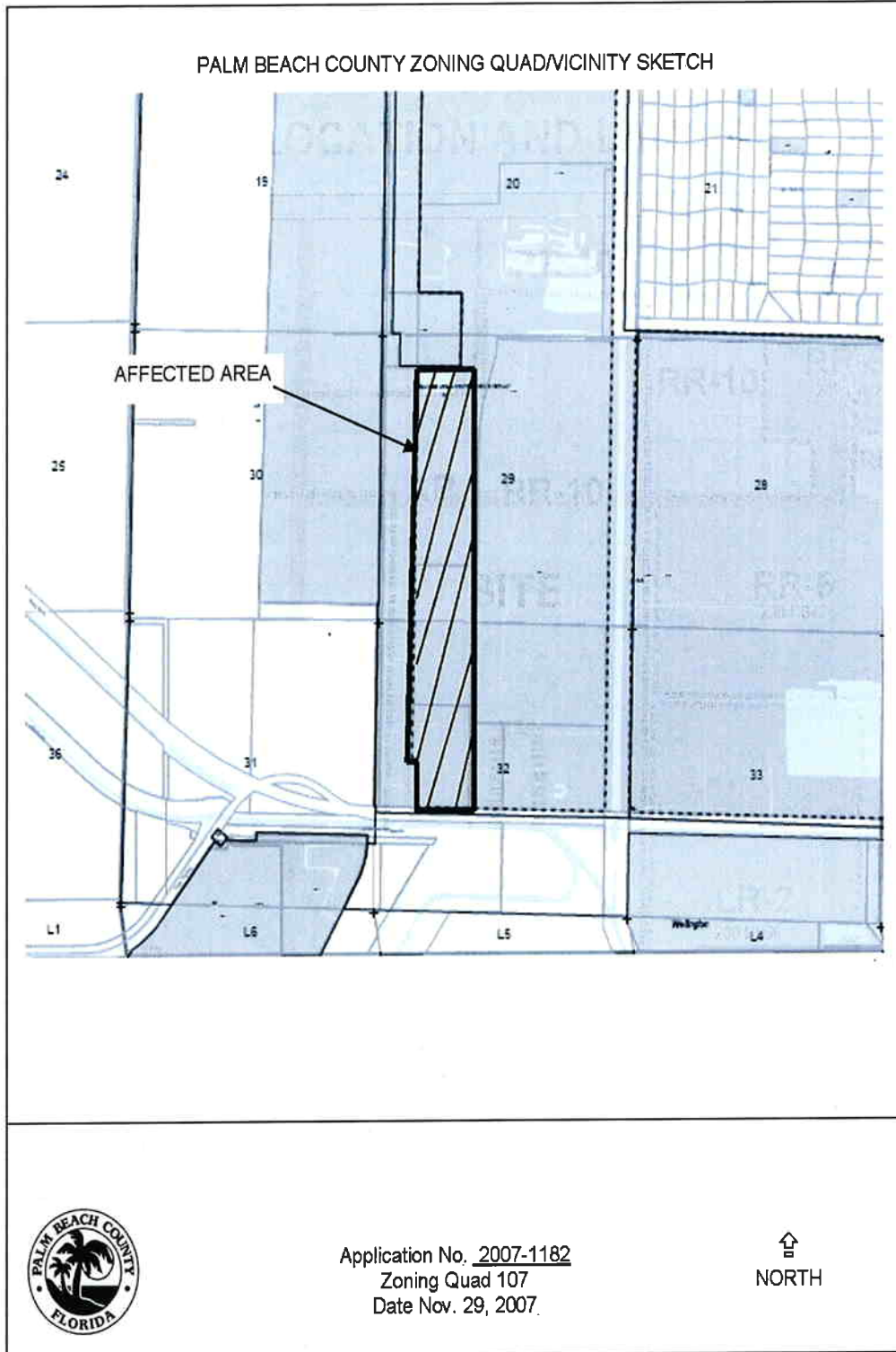
PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION AND LAND USE



Application Number: EAC2007-1182
Control Number: 1989-052
Land Use Atlas Page: 52,53,59,60
Date: 09/07/2007



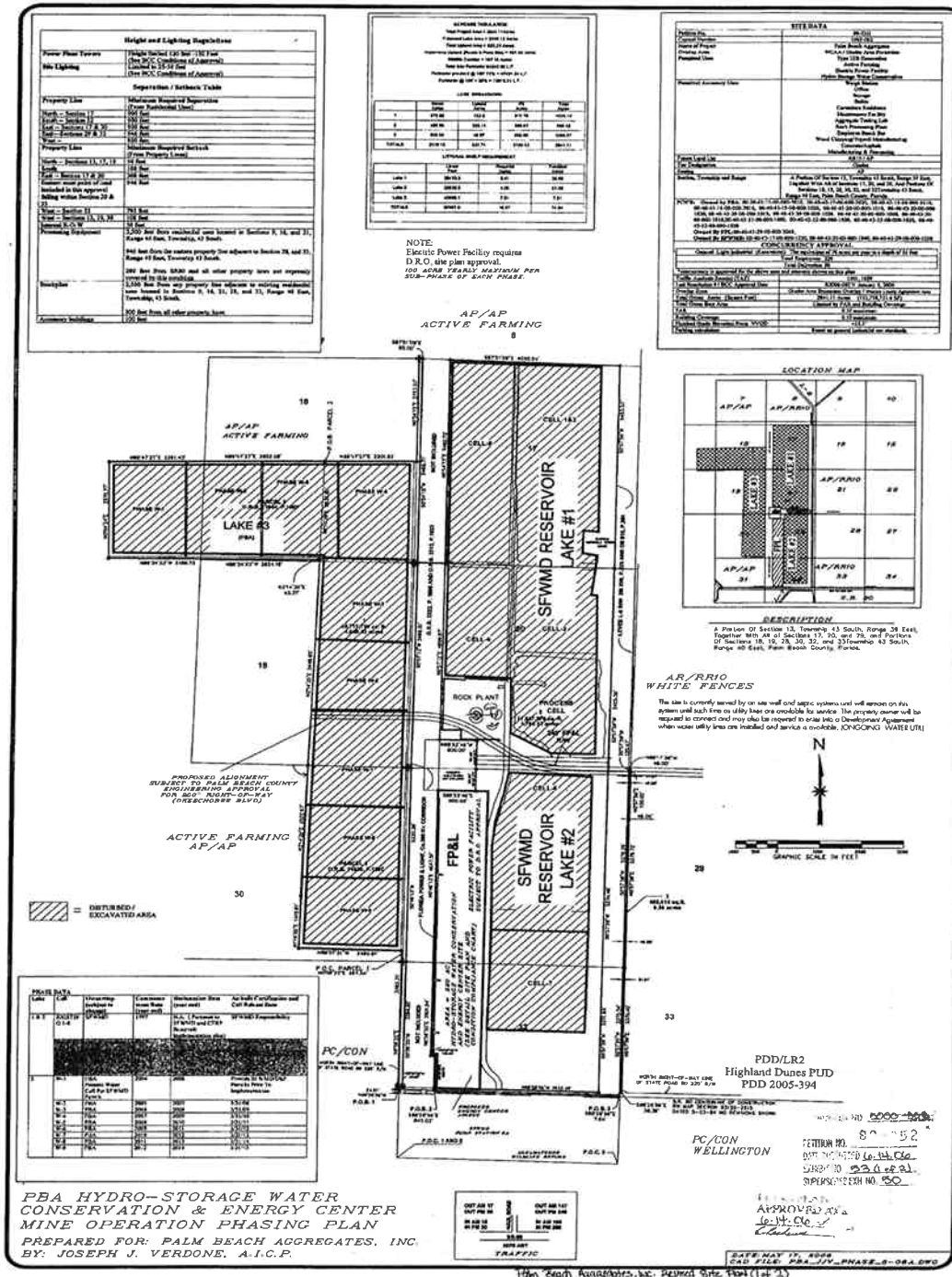
Zoning Map / Vicinity Map



Master Overall Phasing Plan

BCC
Application No. DOA/EAC2007-1182
Control No. 1989-00052
Project No. 5000-358

November 29, 2007
BCC District 6



Approved 6-28-06

[illegible]

STAFF REVIEW AND ANALYSIS

PLANNING DIVISION COMMENTS:

PLANNING COMMENTS

FUTURE LAND USE (FLU) PLAN DESIGNATION: The overall site has a designation of Agricultural Production and Rural Residential 1 unit per 10 acres (AP/RR-10), however the affected area is designated as RR-10.

CONSISTENCY WITH FUTURE LAND USE (FLU) PLAN DESIGNATION: The Planning Division has reviewed the request for a Development Order Amendment to modify a Condition of Approval (Condition 2, increase megawatt output) and to allow an expedited application for the previously approved FPL Power Generation facility. No inconsistencies have been identified with the parcel's FLU designation(s).

TIER: The entire site is in the Glades Tier.

FUTURE ANNEXATION AREAS: The subject site is not in a future annexation area identified within an adopted Comprehensive Plan.

INTERGOVERNMENTAL COORDINATION: The subject site is located within one mile of the Village of Wellington. As part of the public hearing notice process, Zoning Staff has notified the municipality of the request.

SPECIAL OVERLAY DISTRICT/NEIGHBORHOOD PLAN/PLANNING STUDY AREA: The FPL power generation facility property is within the Glades Area Protection Overlay (GAPO). The GAPO recognizes and allows for existing and proposed uses that create a barrier to the expansion of urban suburban activities into the Agricultural Production area. Specifically, Policy 2.9-b. states, The County shall limit permitted uses within the Glades Area Protection Overlay to those uses that are compatible with the purpose of this overlay...a.) West of the L-8 Canal: Future Land Use Designation: Rural residential 10 (RR-10). Specific Existing Uses: Mining, excavation and other related uses consistent with the Overlay, and for Everglades restoration and water management purposes; Conservation, including wildlife corridors: Florida Power and Light (FPL) proposed Power Plant and related cooling areas." The area west of the L-8 canal that contains the existing mining, excavation, water management, and power generation uses was previously determined compatible with the purpose of the overlay. The request seeks to increase the megawatt power output and does not alter the already approved site plan. Therefore no inconsistencies were identified with the GAPO.

FINDINGS: The request is consistent with the land use designation(s) of the Palm Beach County Comprehensive Plan. No inconsistencies were identified with the Glades Area Protection Overlay (GAPO) and related Policies.

ENGINEERING COMMENTS:

MAJOR THOROUGHFARES

There should be no net increase in traffic.

TRAFFIC: Southern Boulevard
SEGMENT: CR 880 - Seminole Pratt Whitney Road
PRESENT: 17904
HISTORICAL
GROWTH TRAFFIC: -
OTHER DEVELOPMENT
TRAFFIC: -
FROM PETITION: no increase in traffic
TOTAL: 17904

PRESENT CAPACITY AT
LEVEL OF SERVICE "D": 32700
PRESENT LANEAGE: 4 lane

PALM BEACH COUNTY HEALTH DEPARTMENT:

No Staff Review Analysis

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: The site is currently used as a power plant.

WELLFIELD PROTECTION ZONE: The parcel is not located with a Wellfield Protection Zone.

IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER: All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93 3. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93 15.

ENVIRONMENTAL IMPACTS: There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

OTHER:

FIRE PROTECTION: The Palm Beach County Department of Fire Rescue will provide fire protection.

SCHOOL IMPACTS: No educational impact created by this project.

PARKS AND RECREATION: This is a non-residential application and Parks & Recreation ULDC standards do not apply

CONCURRENCY: Concurrency has previously been approved for all existing and approved uses.

WATER/SEWER PROVIDER: Well and Septic.

FINDING: The proposed Zoning Map Amendment complies with Article 2.F of the ULDC, Concurrency (Adequate Public Facility Standards).

DEVELOPMENT REVIEW EVALUATION:

SITE FACTORS (proposed): A 2,841.11-acre site with approximately 3,995 feet of frontage on Southern Boulevard/SR 80; a maximum depth of approximately 19,525 feet (3.69 miles); and accessed by Southern Boulevard/SR 80 (1). The site is currently approved for Type III B excavation, an electric power plant, and regional water management purposes.

ADJACENT LAND USE AND ZONING:

NORTH:	Comprehensive Plan:	Agricultural Production (AP)
	Zoning District:	Agricultural Production (AP)
	Supporting:	Bona fide agricultural

EAST:	Comprehensive Plan:	Rural Residential 10 (RR-10) and Low Residential 2 (LR-2)
	Zoning District:	Agricultural Residential (AR) and Specialized Agricultural (SA)
	Supporting:	Single family residential and undeveloped
SOUTH:	Comprehensive Plan:	Village of Wellington
	Zoning District:	Village of Wellington
	Supporting:	Undeveloped (water management)
WEST:	Comprehensive Plan:	Agricultural Production (AP)
	Zoning District:	Agricultural Production (AP)
	Supporting:	Bona fide agricultural

ZONING REQUIREMENTS: A final site plan shall be approved by the Development Review Officer (DRO) in accordance with the Unified Land Development Code (ULDC). The DRO review will ensure compliance with Board of County Commission conditions of approval, and all applicable section of the ULDC.

FINDINGS/DOA:

When considering a development order application for a proposed amendment, the Board of County Commissioners (BCC) or Zoning Commission (ZC) shall consider the following standards indicated below. An amendment, which fails to meet any of these required standards, shall be deemed adverse to the public interest and shall not be approved. Staff has reviewed the request for compliance with the standards that are expressly established by Article 2.B.2.B and provides the following assessment:

1. **Consistency with the Plan.** The request is consistent with the Comprehensive Plan, including standards for building and structural intensities, and intensities of use. The Planning Division has determined that the request is consistent with the site's Rural Residential 10 (RR-10) and Agricultural Production (AP) Future Land Use (FLU) designations. The site is located within the Glades Tier; the Glades Area Protection Overlay (GAPO); and within 1 mile of the Village of Wellington.
2. **Consistency with the Code.** As outlined the staff report the proposed amendment complies with all relevant and appropriate portions of Article 4.A, Supplementary Regulations of the Code. The requests are in compliance with all relevant and appropriate portions of ULDC Article 4.B., Supplementary Use Regulations. The modification is consistent with the purpose and intent of the Code and Comprehensive Plan and complies with the Supplementary Standards of the Code and the existing Development Order. The proposed use as modified meets or exceeds all other standards of this code and all applicable laws, rules and regulations for Electric Power Generation Facilities including, but not limited to, storing and handling hazardous materials, location, access, separation requirements, best industrial and operation practices, particulate and emission controls, lighting and water use.
3. **Compatibility.** As proposed and subject to conditions of approval, the request presents no incompatibilities as defined in the ULDC. The site has been the subject of previous approvals that were determined to be generally consistent with the uses and character of the land surrounding and in the vicinity of the site. Any incompatibility issues beyond ULDC considerations have been addressed by conditions of approval. The Electric Power Generation Facility is located internally at the southwest corner of the overall property which furthers the compatibility goals of the Comprehensive Plan by moving the use 3,200 feet away from established residential areas.

The overall property is located adjacent to a major power transmission line right-of-way on the existing western property line. To the south are S.R. 80, the C-51 canal, and the Loxahatchee Wildlife Refuge. To the north the overall property abuts sugar cane fields. To the east of sections 29 and 32 is an un-built approved Planned Residential Development (Highland Dunes PUD). To the east of sections 17 and 20 is a five hundred (500') foot canal and levee right-of-way for the L-8 Canal which separates

portions of Deer Run and White Fences from the subject property. The overall property is surrounded by mostly agricultural land and some low density residential uses, and is consistent with the development characteristic in the area. The ambient sound levels generated by the normal operation of the site are well below the permissible levels at all property lines established by the Palm Beach County ULDC and the applicable industry standards. Furthermore the existing conditions of approval require significant buffering and spatial separation from adjacent uses to ensure compatibility with surrounding area.

The existing 220-acre Electric Power Generation Facility was previously determined, by the BCC, to be suited for a power plant. The Development Order Amendment to amend condition 2 Resolution R2006-0027 will not impact the previously approved uses or assumptions justifying the compatibility of the approval.

4. **Design Minimizes Adverse Impact.** As proposed and subject to conditions, the request minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands. The approved Electric Power Generation Facility and remaining mine property will remain with a design that minimizes adverse impacts to all surrounding properties including significant landscape and buffers which remain unchanged. The Electric Power Generation Facility is located a minimum of 3,200 feet from the closest adjacent existing residential use. The new state-of-the-art, G-class combustion turbines are more efficient than the F-class models contemplated in the original proposal. The G-class technology uses less fuel for each megawatt of electricity generated, while generating more electricity from each of the combustion turbines while providing lower emission rates.

The Electric Power Generation Facility will also comply with all applicable codes, rules, and laws and will be operated in a way to minimize any hazard to the immediate area and region.

5. **Design Minimizes Environmental Impact.** The site supports no existing native vegetation and is the subject of ongoing excavation activity. The proposed DOA retains conditions of approval minimizing environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment. Those portions of the site owned and/or operated by SFWMD will be subject to separate regulatory review to ensure minimal environmental impact. There are no significant environmental issues associated with this application beyond compliance with ULDC regulations.

The proposed technologies and operating procedures for the Electric Power Generation Facility is designed to capture and reuse steam generated from natural gas turbines in a closed loop system and proposes to re-circulate the cooling water. The new state-of-the-art, G-class combustion turbines are more efficient than the F-class models contemplated in the original proposal. The G-class technology uses less fuel for each megawatt of electricity generated, while generating more electricity from each of the combustion turbines. The electric power facility will also comply with all applicable codes, rules, and laws and will be operated in a way to minimize any hazard to the immediate area and region.

6. **Development Patterns.** The request has no adverse impacts on a logical, timely and orderly development pattern. The remaining site will continue to be developed consistent with the previous BCC approval, which allowed this type of development within the Glades Area Protection Overlay (GAPO).

7. **Consistency with Neighborhood Plans.** Not applicable. There is no neighborhood plan adopted at this time.

8. **Adequate Public Facilities.** Concurrency has previously been approved for all existing and approved uses. This Development Order Amendment request complies with ULDC Article 2.F., Concurrency (Adequate Public Facility Standards). The existing Type IIIB Excavation and Electric Power Generation Facility are approved and have a concurrency reservation 95-8426001-C. It is expected that the facility will meet the

requirements of the adequate public facility ordinance, as the required capacities are available to the site.

9. **Changed Circumstances.** Technology has advanced since the time of the initial planning of the facility. Modern equipment can now produce more energy than before within the same facility footprint and design parameters. The new state-of-the-art, G-class combustion turbines are more efficient than the F-class models contemplated in the original proposal. The G-class technology uses less fuel for each megawatt of electricity generated, while generating more electricity from each of the combustion turbines.

Exhibit A: Legal Description (N/A included in resolution)

Exhibit B: Vicinity Sketch (N/A included in resolution)

Exhibit C: Conditions of Approval

Exhibit D: Disclosure Form

EXHIBIT C

CONDITIONS OF APPROVALS

ALL PETITIONS

1. All Petition Condition 1. of Resolution R-2006-0027, Control No. 1989-052 which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2004-0401 (Petition 1989-052F) and all prior resolutions applicable to the subject property, have been consolidated as contained herein. The property owner(s) shall comply with all previous conditions of approval and deadlines established by Article 2.E of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: ZONING - Zoning) [This condition is applicable to the overall site.]

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2006-0027 (Control No. 1989-052) and all prior resolutions applicable to the subject property, have been consolidated as contained herein. The property owner(s) shall comply with all previous conditions of approval and deadlines established by Article 2.E of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: ZONING - Zoning) [This condition is applicable to the overall site.]

2. Previous All Petition Condition 2. of Resolution R-2006-0027, Control No. 1989-052) which currently states:

The power plant parcel is limited to a nominal 3,300 megawatt facility fueled by natural gas as the primary sources of fuel, except that low sulfur distillate may be used as a secondary fuel source for up to 500 hundred hours per year if approved by the Public Service Commission (PSC) or Florida Department of Environmental Protection (FDEP).

- a. In the event that any other source of fuel is proposed or required by the owner, governmental agency or any other source, this petition shall be brought back to the BCC for further review and evaluation at which time the BCC may take any and all actions available to it under the ULDC as if the request were a new petition being reviewed for the first time. (ONGOING: HEALTH - Zoning) [This condition is applicable to the power plant only.]

Is hereby amended to state:

The power plant parcel is limited to a nominal 3,800 megawatt facility fueled by natural gas as the primary sources of fuel, except that low sulfur distillate may be used as a secondary fuel source for up to 500 hundred hours per year if approved by the Public Service Commission (PSC) or Florida Department of Environmental Protection (FDEP).

In the event that any other source of fuel is proposed or required by the owner, governmental agency or any other source, this petition shall be brought back to the BCC for further review and evaluation at which time the BCC may take any and all actions available to it under the ULDC as if the request were a new petition being reviewed for the first time. (ONGOING: HEALTH - Zoning) [This condition is applicable to the power plant only.]

3. Development of site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated October 17, 2005. All modifications must be approved by the Board of County Commissioners, unless the changes are required to meet conditions of approval or the ULDC.
 - a. Changes resulting from the SFWMD reservoir project on lands owned by the SFWMD shall not require a Development Order Amendment to modify these conditions of approval. These conditions (F.2, F.3, F.5, I.2, I.3, I.4, J.1 and J.2 of Resolution R-2004-0401, as carried forward herein) will be modified pursuant to an agreement to be entered into between Palm Beach County (PBC), South Florida Water Management District (SFWMD) and Palm Beach Aggregates (PBA) regarding the wildlife corridor, landscaping, and littoral shelves for consistency with SFWMD plans for its reservoir projects. (ONGOING: ZONING - Zoning) [This condition is applicable to Palm Beach Aggregates, SFWMD and the power plant.] (Previous All Petition Condition 3. of Resolution R-2006-0027, Control No. 1989-052)
4. All plans submitted dated November 7, 2003 (Power Plant) and October 17, 2005 (Excavation, phasing and reclamation) shall receive final approval by the Development Review Officer (DRO). All modifications must be approved by the Board of County Commissioners unless the changes are required to meet conditions of approval or are permitted by the ULDC. (DRO: ZONING - Zoning) [This condition is applicable to Palm Beach Aggregates and the power plant.] (Previous All Petition Condition 4. of Resolution R-2006-0027, Control No. 1989-052)
5. Prior to approval of the Final Excavation Plan by the Development Review Officer (DRO), the petitioner shall amend all plans to ensure compliance with the ULDC and applicable conditions of approval. The plans shall clarify setback, separation, reclamation and buffering requirements by further graphic delineation and plan notes (DRO: ZONING - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous All Petition Condition 5. of Resolution R-2006-0027, Control No. 1989-052)
6. Resolution R-89-2225 is hereby repealed. (ONGOING: ZONING - Zoning) (Previous All Petition Condition 6. of Resolution R-2006-0027, Control No. 1989-052)
7. The power plant shall be limited to an electrical power generating facility requiring approval of the Governor and Cabinet sitting as the Power Plant Siting Board, or a power generating facility regulated as a public utility. (ONGOING: CODE ENF - Zoning) [This condition is applicable to the power plant only.] (Previous All Petition Condition 7. of Resolution R-2006-0027, Control No. 1989-052)
8. The property owner(s) shall have three (3) years from adoption of the resolution approving Petition DOA1989-052F to commence development of the power plant. A maximum of one (1) administrative time extension for a maximum of twelve (12) months may be granted. (DATE: MONITORING - Zoning) [This condition is applicable to the power plant only.] (Previous All Petition Condition 8. of Resolution R-2006-0027, Control No. 1989-052)

ACCESS

1. Access for all hauling activity associated with excavation activity on the site shall be limited to one (1) point at any time to SR 80. (ONGOING: CODE ENF - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous Access and Internal Circulation Condition 1. of Resolution R-2006-0027, Control No. 1989-052)

2. Internal traffic and vehicular circulation shall be in a forward motion with warning signals on all vehicles reduced to the minimum sound level allowed by OSHA standards. (ONGOING: CODE ENF - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous Access and Internal Circulation Condition 2. of Resolution R-2006-0027, Control No. 1989-052)

BLASTING

1. The petitioner shall abide by and implement the best management practice, techniques and methods for blasting to reduce noise and vibration and all recommendations in the report by D. E. Siskind & Associates dated December 13, 1996 and June 27, 2000, as may be amended. In cases of conflict with the ULDC or conditions of approval, the more strict requirement shall apply. (ONGOING: CODE ENF - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous Blasting Condition 1. of Resolution R-2006-0027, Control No. 1989-052)
2. The petitioner shall comply with the following blasting regulations:

BLASTING REGULATIONS

PARAMETER	INSTRUMENT REQUIREMENTS	PERFORMANCE REQUIREMENTS
Ground vibrations	Seismographs: peak values of particle velocity for all three components of motion	Maximum of 0.20 in/sec peak at all frequencies for all components of motion (R,V,T)
Ground vibrations Non-monitoring alternative	Scaled distance	Minimum square root scaled distance of 200 ft/lb ² , or 1320 feet to closest residence, whichever is greater
Airblast	Monitor with low frequency roll off of 2 Hz	133 dB Linear peak (equates to approximately 90 - 110 dBA)
Airblast	Monitor with low frequency roll off of 5 or 6 Hz	129 dB Linear peak
Airblast	Non-monitoring alternative	Minimum cube root scaled distance of 500 ft/lb ^{1/3}
Flyrock	Visual observations	Not more than half the distance from the blast site to the property line
Preblast inspections	Documented inspection reports for operator and requestor	Upon request by any property owner within 2 mile of property line or a government official.
Record keeping/ monitoring	Blast and seismograph records	Copies maintained by operator for at least three years, available for agency and public inspection on request

(ONGOING: CODE ENF - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous Blasting Condition 2. of Resolution R-2006-0027, Control No. 1989-052)

3. The petitioner shall comply with the following blasting standards:

BLASTING STANDARDS

Schedule	Max. one (1) blast per day, M-F only
Time	Between 10:00 am - 4:30 p.m. only
Charges	Max. 200 timed delayed charges/blast
Explosives	Max. 160 lbs/8 millisecond delay
Holes	Max. 200 holes/blast

(ONGOING: CODE ENF - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous Blasting Condition 3. of Resolution R-2006-0027, Control No. 1989-052)

4. No blast shall be detonated within a required setback or separation area established herein or depicted on a site plan approved by the Development Review Officer (DRO). (ONGOING: CODE ENF - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous Blasting Condition 4. of Resolution R-2006-0027, Control No. 1989-052)
5. All use of explosives for blasting rock shall adhere to the following criteria:
- a. Blasting shall be done with the existing overburden (e.g. fill) in place;
 - b. Blasting charges shall be set to minimize multiple charge detonations;
 - c. Blasting in areas where the overburden has been previously removed, or is insufficient to control air blast, shall be subject to best management practices for blasting and shall make all effort to control air blast. (ONGOING: CODE ENF - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous Blasting Condition 5. of Resolution R-2006-0027, Control No. 1989-052)
6. The petitioner shall keep time histories (wave traces) for all events which exceed 0.10 in/sec. The petitioner shall provide written notification, with the seismograph reading, to the Zoning Director within 24 hours of any blasting event which exceed a ground vibration of 0.20 in/sec. (ONGOING: ZONING - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous Monitoring Condition 6. of Resolution R-2006-0027, Control No. 1989-052)
7. All seismographs shall measure all ground vibration in excess of 0.10 in/sec. and all air blast in excess of 125 dBL linear peak. (ONGOING: CODE ENF - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous Blasting Condition 7. of Resolution R-2006-0027, Control No. 1989-052)
8. A minimum of two (2) seismographs shall be located on the subject site. One seismograph shall have a permanent location, as indicated on the approved site plan which may be amended as needed. The second seismograph may be permanent or mobile and located at the closest abutting residential property line that faces the blasting activity. (ONGOING: CODE ENF - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous Blasting Condition 8. of Resolution R-2006-0027, Control No. 1989-052)
9. The petitioner shall ensure that the seismograph instruments are recalibrated in accordance with standard industry practices at least once per year. (ONGOING: CODE ENF - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous Blasting Condition 9. of Resolution R-2006-0027, Control No. 1989-052) Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning)

DRI

1. No subphase shall exceed one-hundred (100) acres of removal or disturbance of solid minerals or overburden per year. Removal or disturbance of solid materials or overburden required to implement the SFWMD reservoir system shall be exempt from this requirement. (ONGOING: CODE ENF - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous DRI Condition 1. of Resolution R-2006-0027, Control No. 1989-052)
2. Daily water consumption for the mine shall not exceed 1.5 million gallons per day (mgd). (ONGOING: CODE ENF - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous DRI Condition 2. of Resolution R-2006-0027, Control No. 1989-052)
3. Prior to commencement of excavation activity within the next subphase, or January 30, 1998, whichever occurs first, the petitioner shall obtain a development of regional impact (DRI) clearance letter from the Florida Department of Community Affairs (DCA). (ONGOING: CODE ENF - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous DRI Condition 3. of Resolution R-2006-0027, Control No. 1989-052)

ENGINEERING

1. Prior to final approval of the master plan/site plan by the Development Review Officer (DRO), the plans shall be amended to reflect the Okeechobee Road right-of-way. This right-of-way corridor shall be through an alignment acceptable to the County Engineer. (DRO: ENG-Eng)
 - a. The property owner shall convey to Palm Beach County 200 feet of road right of way for Okeechobee Boulevard from the east property line to the L-8 Canal within 90 days of a determination that the right of way is required. (ONGOING: ENG-Eng). [This condition is applicable to Palm Beach Aggregates only.]
 - b. The property owner shall convey to Palm Beach County 200 feet of road right of way for Okeechobee Boulevard from the northeast corner of Section 29, Range 40, Township 43, westerly crossing the Florida Power and Light transmission line and passing north of the FPL Corbett Substation. All right of way shall be conveyed within ninety (90) days of a determination that the right of way is required. Right of way conveyance shall be free of all encumbrances and encroachments. The Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments, except for the existing Florida Power and Light easements through the site. The Grantor also agrees to provide Palm Beach County an environmental report, subject to the approval of County Engineer, demonstrating that this property meets all appropriate and applicable environmental agency requirements. In the event the report makes a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up prior to dedication. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's

Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips." The property owner shall also be responsible for coordinating with the Roadway Production Division concerning any transmission facilities relocations within the proposed alignment and there shall be no mining activity within this new alignment including the Florida Power and Light Easement. Final alignment of Okeechobee Boulevard shall be

approved by the County Engineer. Any transmission facilities required to be relocated shall be funded by the property owner. (ONGOING: ENG Eng) [This condition is applicable to Palm Beach Aggregates only.] (Previous Engineering Condition E1 of Zoning Resolution Number R-2006-0027, Control No. 1989-052)

2. The property owner shall construct a left turn lane west approach and a separate right turn lane east approach at the project entrance and SR80.
 - a. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. (DRAINAGE REVIEW: ENG Eng). [This condition is applicable to Palm Beach Aggregates only.]
 - b. Permits required by Palm Beach County for this construction shall be obtained prior to May 1, 1997. (DATE: MONITORING Eng) (Previous Condition E.2.b of Resolution R-2003-0324, Petition EAC1989-052(E)). [NOTE: Completed.] [This condition is applicable to Palm Beach Aggregates only.]
 - c. Construction shall be completed prior to July 1, 1997. (DATE: MONITORING Eng) [NOTE: Completed.] [This condition is applicable to Palm Beach Aggregates only.] Previous Condition E2 of Zoning Resolution Number 2006-0027, Petition Number 1989-052
3. The property owner shall be responsible for maintaining all turnouts, acceleration lanes, and median openings within the SR 80 road right of way for the duration of the mining operation. Within 60 days of notice from the FDOT, the property owner shall perform the required maintenance to correct any and all defects. This property owner will be responsible for obtaining all permits from FDOT for this maintenance or repair work. (ONGOING: ENG Eng). [This condition is applicable to Palm Beach Aggregates only.] Previous Condition E3 of Zoning Resolution Number 2006-0027, Petition Number 1989-052
4. The property owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Okeechobee Boulevard along the property frontage; and a maximum 800 feet of these adjacent roadway(s). Conveyance of these drainage easements shall be concurrent with the right of way dedication of Okeechobee Boulevard as provided for in E2 above. The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall.

The drainage system within the project shall have sufficient retention/detention and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. (DATE: MONITORING Eng). [This condition is applicable to Palm Beach Aggregates only.] Previous Condition E4 of Zoning Resolution Number R2006-0027, Petition Number 1989-052

5. LANDSCAPE WITHIN THE MEDIAN OF SR 80

- a. The petitioner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of SR 80. This landscaping and irrigation shall strictly conform with the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by petitioner shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County, unless petitioner provides payment for maintenance as set forth in Paragraph d below. [This condition is applicable to Palm Beach Aggregate only.]
- b. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to January 1, 2008. (DATE: MONITORING Eng) [This condition is applicable to Palm Beach Aggregates only.]
- c. All installation of the landscaping and irrigation shall be completed prior to March 1, 2008. (DATE: MONITORING Eng) [This condition is applicable to Palm Beach Aggregates only.]
- d. At the petitioner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the petitioner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the petitioner. The petitioner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Petitioner. (ONGOING: ENG Eng) [This condition is applicable to Palm Beach Aggregates only.] (Previous Engineering Condition E5 of Zoning Resolution Number R-2006-0027, Control No. 1989-052)

6. In order to comply with the mandatory Traffic Performance Standards, excavation shall be limited to seventy-six (76) acres per year or an equivalent acreage based upon a revised traffic study. This revised traffic study will be required to be submitted and approved by the Palm Beach County Traffic Division. An approved phasing plan shall be submitted to the DRC and shall be updated as required. (ONGOING: ENG Eng). [This condition is applicable to Palm Beach Aggregates and the power plant.] Condition E6 of Zoning Resolution Number 2006-0027, Petition Number 1989-052

7. a. The Property Owner shall fund the construction of an eastbound turn lane, plus appropriate tapers, on Southern Boulevard at its Intersection with Forest Hill Boulevard (an add/drop lane of a half lane under the ART-PLAN). Funding in the amount of \$185,000 shall be provided to the Land Development Division prior to December 1, 2003. (DATE: MONITORING/ENG Eng) [This condition is applicable to Palm Beach Aggregates only.] Note: Complete
- b. Funding of the thru lane shall include but not be limited to the design, construction, utility relocation, review fees, permit fees, construction administration, testing, and surveying and shall be based on a certified cost estimate provided by the Developers Engineer and approved by the County Engineer. (DATE: MONITORING/ENG Eng) (Previous Condition E7 of Zoning Resolution Number R-2006-027, Petition

EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]

8. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
 - a. No Building Permits for the proposed power plant shall be issued until the contract has been awarded for intersection improvements of an add/drop lane required to meet FDOT guidelines for the addition of a half lane under the ART-PLAN on Southern Boulevard at Forest Hill Boulevard plus the appropriate paved tapers. Phasing for this site may be adjusted by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. (DATE:MONITORING:Eng) (BLDG PRMT: MONITORING Eng). [This condition is applicable to both Palm Beach Aggregates and the power plant.] Previous Condition E8 of Zoning Resolution Number 2006-0027, Petition Number 1989-052

ENVIRONMENTAL

1. Condition F.1. of Resolution R-2004-0401, Petition DOA1989-052F, which currently states:

A Chloride and Mercury Monitoring Plan addressing the time between site plan certification and the time at which chlorides are to be channeled around the property (Plan 1) and the time after which chlorides are no longer channeled around the property and placed into open pits (Plan 2) shall be submitted to the Department of Environmental Resources Management for review and approval prior to Development Review Officer (DRO) Site Plan certification. This condition will expire for reservoir areas which are completed and accepted for possession by SFWMD. (DRO: ERM ERM) [This condition is applicable to Palm Beach Aggregates only.]

Is hereby amended to read:

All necessary permits from SFWMD, FDEP and Army Corps of Engineers for the mining operation including an approved Chloride and Mercury Monitoring Plan for the proposed site plan shall be submitted to the Department of Environmental Resources Management for review and approval prior to Development Review Officer (DRO) Site Plan certification. This condition will expire for reservoir areas which are completed and accepted for possession by SFWMD. (DRO: ERM: ERM) [This condition is applicable to Palm Beach Aggregates only.] (Previous Environmental Condition 1. of Resolution R-2006-0027, Control No. 1989-052)

2. A minimum 400 foot wide wildlife corridor, except adjacent to the south one half of the east border of Section 20 which may be reduced to 200 feet, shall be established along the western border of the L-8 canal for the entire length of the property. A maximum 92 foot wide littoral shelf may encroach the 400 foot corridor. No littoral shelf shall be permitted to encroach the 200 foot wide segment. The wildlife corridor shall be shown with the proposed Okeechobee Road right-of-way on the Final Excavation Plan and all applicable site plans prior to final approval by the Development Review Officer (DRO). (Previous Condition F.2. of Resolution R-2004-0401, Petition DOA1989-052(F)) (DRO: ERM - ERM) [This condition is applicable to Palm Beach Aggregates and SFWMD.] (Previous Environmental Condition 2. of resolution R-2006-0027, Control No. 1989-052)
3. Landscape Plan which details the planting of the wildlife corridor, dedication of the corridor to Palm Beach County, and the long-term maintenance of the corridor vegetation shall be submitted to the Department of Environmental Resources Management for review and approval prior to final site plan approval by the Development Review Officer (DRO). (Previous Condition F.3. of

Resolution R-2004-0401, Petition DOA1989-052F (DRO: ERM:ERM) (DRO: ERM ERM) [This condition is applicable to Palm Beach Aggregates and SFWMD.] (Previous Environmental Condition 3. of resolution R-2006-0027, Control No. 1989-052)

4. Maximum depth of all excavation shall be -50 feet from OWL. (ONGOING: ERM ERM) [This condition is applicable to Palm Beach Aggregates and SFWMD.] (Previous Environmental Condition 4. of Resolution R-2006-0027, Control No. 1989-052)
5. Prior to final site plan approval an agreement shall be signed and executed determining the timing of conveyance of the wildlife corridor, reconstruction of the encroached areas of the corridor, timing of planting, maintenance of planting and grading of corridor. (DRO: ERM-ERM) [This condition is applicable to Palm Beach Aggregates and SFWMD.] (Previous Environmental Condition 5. of Resolution R-2006-0027, Control No. 1989-052)
6. The Wildlife Corridor shall be conveyed to Palm Beach County prior to DRO final site plan certification. (DRO:ERM ERM) [This condition is applicable to Palm Beach Aggregates and SFWMD] (Previous Environmental Condition 6. of Resolution R-2006-0027, Control No. 1989-052)
7. All littoral shelves along the eastern boundary, that are contiguous to the Wildlife Corridor, shall be constructed at a minimum 20:1 slope, be a minimum of 92 feet wide, measured from top of bank to edge of pit and constructed by grading only and not through excavation. (ONGOING:ERM ERM) [This condition is applicable to Palm Beach Aggregates only.] (Previous Environmental Condition 9. of Resolution R-2006-0027, Control No. 1989-052)

HEALTH

1. Prior to final site plan approval by the Development Review Officer (DRO), an application and engineering plan to construct an onsite sewage treatment and disposal system (OSTDS) in accordance with Rule 64E-6 FAC and Palm Beach County ECR-I shall be submitted to the Palm Beach County Health Department. (DRO: HEALTH Health) (Previous Health condition 1. of Resolution R-2006-0027, Control No. 1989-052 [This condition is applicable to Palm Beach Aggregates and the power plant.]
2. Prior to final site plan approval by the Development Review Officer (DRO), an application and engineering plans to construct a non-transient, non-community water systems in accordance with Rule 62-555 FAC and Palm Beach County ECR-II shall be submitted to the Palm Beach County Health Department. (DRO: HEALTH Health) (Previous Health condition 2. of Resolution R-2006-0027, Control No. 1989-052)[This condition is applicable to Palm Beach Aggregates and the power plant.]
3. In accordance with Chapters 62 4, 62 17, 62 210, 62 212, and 62 213, of the Florida Administrative Code, the applicant shall apply for and obtain all federal/state air pollution construction permits and/or certifications prior to commencement of construction. Copies of each application shall be submitted to the Palm Beach County Health Department's Air Pollution Control Section at 901 Severna Street, West Palm Beach, Florida 33401 at time such applications are submitted to the permitting authority. (ONGOING: HEALTH Health) (Previous Health condition 3. of Resolution R-2006-0027, Control No.1989-052) [This condition is applicable to Palm Beach Aggregates and the power plant.]
4. Pursuant to Condition A.2, the property owner(s) shall use ultra low sulfur distillate with sulfur content no greater than 0.0015% by weight as secondary fuel. If this level distillate fuel is not available then the fuel sulfur level shall not be more than 0.05% sulfur by weight. The low sulfur distillate fuel shall be used

for no more than 500 hours, per 12-month rolling total. (ONGOING: HEALTH/CODE ENF Health) (Previous Health condition 4. of Resolution R-2006-0027, Control No.1989-052) [This condition is applicable to the power plant only.]

5. Upon submittal of an air permit application to the Florida Department of Environmental Protection (FDEP); the property owner(s) shall submit to Palm Beach County Health Department (PBCHD) a multi-source NAAQS and Class II PSD Increment analyses for criteria pollutant, for the entire project at build out. The increment analyses shall include all the contributions from other sources significantly impacting the site if the predicted increase in impacts for these pollutants is above the significant impact level for a Class II established by EPA. Approval for this project is contingent upon predicted impacts from the multi-source Class II increment analysis demonstrating consumption of no more than 50 % of the available increment (total aggregate from all sources). This condition shall be included in the air permit application to Florida Department of Environmental Protection (FDEP). The applicant shall seek further approval from the ULDC and the Board of County Commissioners if a higher percent of the increment is consumed. (ONGOING: HEALTH/CODE ENF Health) (Previous Health condition 5. of Resolution R-2006-0027, Control No.1989-052) [This condition is applicable to the power plant only.]

ZONING – LANDSCAPING

1.
 - a. The petitioner shall provide a minimum fifteen (15) feet high berm graded at a 5:1 slope with native landscape plantings within the western side of the 400 feet wide wildlife corridor.
 - b. The petitioner shall provide a minimum fifteen (15) feet high berm graded at a 3:1 slope along the Southern Boulevard frontage (Section 32 west of L-8 Canal) and an alternative slope ratio/overall height for the landscaped berm along the west property line north to the existing Corbett Substation subject to FP&L guidelines.
 - c. The plateau of the berms shall include a double row of canopy trees planted fifteen (15) feet on center with fifty (50) percent of the trees a minimum fourteen (14) feet high.
 - d. All berm slopes shall be planted with native grasses and ground cover.(ONGOING: LANDSCAPE - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous Landscape Condition 2. of Resolution R-2006-0027, Control No. 1989-052)
2. The petitioner shall further enhance the wildlife corridor by providing one (1) native tree sapling, a minimum of eighteen inches (18") in height for every 2500 square feet of land area in the corridor. (ONGOING: LANDSCAPE - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous Landscape Condition 3. of Resolution R-2006-0027, Control No. 1989-052)
3. All landscaping required in the wildlife corridor shall be installed prior to commencement of any excavation activity within Phase 3 (aka Lake #3), unless the wildlife corridor is dedicated to the County, including the associated funds to plant the landscaping as specified in Landscaping Conditions 1, 2 and 3 above. (DRO: ZONING - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous Landscape Condition 4. of Resolution R-2006-0027, Control No. 1989-052)
4. The required perimeter landscape buffer shall be installed adjacent to the asphalt batch/concrete plant if the plant is not located within the existing rock processing area. (Previous Condition I.7. of Resolution R-2004-0401, Petition DOA1989-052F) (DRO: ZONING - Zoning) [This condition is applicable to Palm Beach

Aggregates only.] (Previous Landscape Condition 5. of Resolution R-2006-0027, Control No. 1989-052)

LIGHTING

1. All outdoor lighting used to illuminate the subject property shall be shielded and directed down and away from adjacent residential properties and streets. (ONGOING: CODE ENF - Zoning) [This condition is applicable to both Palm Beach Aggregates and the power plant.] (Previous Lighting Condition 1. of Resolution R-2006-0027, Control No. 1989-052)
2. Rock plant lighting shall not exceed fifty (50) feet in height, measured from finished grade to highest point, provided the lighting is shielded and directed away from residential areas. All other outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (Previous Condition 1.6. of Resolution R-2004-0401, Petition DOA1989-052F) (BLDG PERMIT: BLDG - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous Lighting Condition 2. of Resolution R-2006-0027, Control No. 1989-052)

MONITORING

1. The Excavation Activity Monitoring Report required by Article 4.D.8.E.1. of the ULDC shall be submitted to the Zoning Division and Environmental Resources Management Department on or before March 15 annually. This excavation activity report shall include certification and documentation that all seismograph instruments have been re-calibrated within the calendar year. (DATE: MONITORING - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous Monitoring Condition 1. of Resolution R-2006-0027, Control No. 1989-052)
2. The Excavation Activity Monitoring Report required by Article 4.D.8.E.1. of the ULDC shall be submitted to the Zoning Division and Environmental Resources Management Department on or before March 15 annually. This excavation activity report shall include certification and documentation that all seismograph instruments have been re-calibrated within the calendar year. (DATE: MONITORING - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous Monitoring Condition 2. of Resolution R-2006-0027, Control No. 1989-052)
3. The Maintenance and Monitoring Report of Reclaimed Areas required by Article 4.D.8.E.2.d. of the ULDC shall be submitted on or before March 15 annually including a map identifying ownerships of land as shown on plan dated October 17, 2005. (DATE: MONITORING - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous Monitoring Condition 3. of Resolution R-2006-0027, Control No. 1989-052)
4. In accordance with good record keeping practices, the petitioner shall maintain a daily blasting log with the following minimum information:
 - a. Name of operator or responsible person;
 - b. Date and time of blast;
 - c. Blast location (face and bench);
 - d. Monitoring location;
 - e. Distance to monitoring site;
 - f. Distance to nearest residential structure;
 - g. Lbs. of explosive, total;
 - h. Lbs of explosive/8 millisecond delay;
 - i. Peak ground vibrations for all 3 components of motion;
 - j. Peak airblast and frequency roll-off of the airblast channel;
 - k. Trigger settings for vibration and airblast;

l. Frequencies of peak ground vibrations; and
m. Other information required by the ULDC or as deemed necessary by the DRC. (ONGOING: DRO - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous Monitoring Condition 4. of Resolution R-2006-0027, Control No. 1989-052)

5. The blasting log shall be made available to the public or any government official on request. (ONGOING: ZONING - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous Monitoring Condition 5. of Resolution R-2006-0027, Control No. 1989-052)
6. The petitioner shall keep time histories (wave traces) for all events which exceed 0.10 in/sec. The petitioner shall provide written notification, with the seismograph reading, to the Zoning Director within 24 hours of any blasting event which exceed a ground vibration of 0.20 in/sec. (Previous Condition K.6. of Resolution R-2004-0401, Petition DOA1989-052F)(ONGOING: ZONING - Zoning) [This condition is applicable to Palm Beach Aggregates only.]
7. The petitioner shall maintain all blasting activity logs for a minimum of three (3) years. The petitioner shall maintain all blasting activity logs for a minimum of three (3) years. (ONGOING: ZONING - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous Monitoring Condition 7. of Resolution R-2006-0027, Control No. 1989-052)

PHASING

1. Prior to certification of the Phasing Plan by the DRC, the Plan shall be revised to indicate completion of the subphases adjacent to the Wildlife Corridor along the L-8 canal first within Lake 1. The petitioner shall maintain all blasting activity logs for a minimum of three (3) years. (ONGOING: ZONING - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous Monitoring Condition 7. of Resolution R-2006-0027, Control No. 1989-052)
2. A maximum of three (3) sub-phases (a maximum of 300 acres) shall be in active excavation at any time. This condition shall not apply to lands owned by the SFWMD. (ONGOING: CODE ENF - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous Phasing 2. of Resolution R-2006-0027, Control No. 1989-052)

PLANNING

1. Should any archeological materials be uncovered, the Planning Director shall be contacted immediately, and all work on the pit shall cease until such time as the find" has been examined, catalogued, recorded, and preservation status determined, as required by the ULDC. (Previous Condition Planning 1 of Resolution R-2006-0027, Control No. 1989-052) (ONGOING: CODE ENF/PLANNING - Planning) [This condition is applicable to Palm Beach Aggregates and the power plant.]

RECLAMATION

1. All reclamation shall be consistent with the South Florida Water Management District Plan or by agreement with SFWMD, Palm Beach County and Palm Beach Aggregates. (ONGOING: ZONING - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous Reclamation Condition 1. of Resolution R-2006-0027, Control No. 1989-052)
2. Prior to December 31, 1999, the petitioner shall complete reclamation of all previously excavated areas within Lake 1. (DATE: MONITORING - Zoning) [NOTE: Completed.] [This condition is applicable to Palm Beach Aggregates]

only.] (Previous Reclamation Condition 2. of Resolution R-2006-0027, Control No. 1989-052)

SEPARATION

1. Condition O.1. of Resolution R-2004-0401, Petition DOA1989-052F, which currently states:

The petitioner shall meet the following separation requirements, measured as a radius from the closest residence to the edge of pit being excavated:

SEPARATION

Property Line	Separation
North - Section 17	900 feet
South - Section 32	900 feet
East - Sections 17 & 20	900 feet
East - Sections 29 & 32	946 feet
West	900 feet

(DRO: Zoning - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous Separation Condition 1. of Resolution R-2006-0027, Control No. 1989-052)

SETBACKS

1. The site shall be governed by the following minimum setback distances, measured from the property line to the top of bank for all excavation related activity:

SETBACKS

Property Line	Required Setback
North - Sections 13, 17, 18	50 feet
South	108 feet
East - Section 17 & 20	308 feet
Easternmost point of land included within this approval and falling within Sections 28 and 33	946 feet
West - Section 32	795 feet
West - Sections 13, 19, 30	108 feet
Internal R-O-W	50 feet
Processing Equipment	2,500 feet from residential uses located in Sections 9, 16 and 21, Range 40 East, Township 43 South 946 feet the easternmost property line adjacent to Sections 28 and 33, Range 40 East, Township 43 South 200 feet from SR 80 and all property lines not expressly covered by this condition
Stockpiles	2,500 feet from any property line adjacent to existing

	residential uses located in Sections 9, 16, 21, 28 and 33, Range 40 East, Township 43 South
	300 feet from all other property lines
Accessory buildings	100 feet

(DRO: Zoning - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous Setback Condition 1. of Resolution R-2006-0027, Control No. 1989-052)

SIGNS

1. Freestanding point of purchase signs fronting on Southern Boulevard shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
 - b. Maximum sign face area per side - 100 square feet;
 - c. Maximum number of signs - two (2); and
 - d. Style - monument style only. (BLDG PERMIT: BLDG - Zoning) [This condition is applicable to Palm Beach Aggregates and the power plant.] (Previous Sign Condition 1. of Resolution R-2006-0027, Control No. 1989-052)

TOWERS

1. The heat dispensing towers height shall be a maximum of one hundred and twenty (120) feet high unless additional height is approved to comply with Florida Department of Environmental Protection guidelines and approved by the Governor and Cabinet sitting as the Power Plant Siting Board. Additional height to accommodate safety clearance, emission air monitoring and noise attenuation equipments shall not exceed an overall height of one hundred and fifty (150) feet of each tower. (BLDG PERMIT: BLDG - Health) [This condition applies to Palm Beach Aggregates and the power plant.] (Previous Tower Condition 1. of Resolution R-2006-0027, Control No. 1989-052)
2. Aircraft obstruction lighting for the heat dispensing towers shall be subject to FAA/FAR guidelines Part 77, and shall be limited to red steady burning type lighting, unless otherwise required by FAA. (ONGOING: AIRPORTS - Airports) [This condition applies to Palm Beach Aggregates and the power plant.] (Previous Tower Condition 2. of Resolution R-2006-0027, Control No. 1989-052)

USE LIMITATIONS

1. Excavation, loading and hauling activity shall occur only between the hours of 6:00 a.m. to 10:00 p.m. Monday through Friday, and 7:00 a.m. to 5:00 p.m. on Saturday. No excavation shall be permitted after 10:00 p.m. (ONGOING: CODE ENF - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous Use Limitations Condition 1. of Resolution R-2006-0027, Control No. 1989-052)
2. Loading and hauling only may occur between the hours of 10:00 p.m. and 6:00 a.m. Monday through Friday provided all of the following conditions are satisfied:
 - a. The work is required by a written government contract, a copy of the government contract and the property owner's contract to do the work, will be provided to the County within ten (10) days of execution;

- b. The property owner provides the County and the neighboring Property Owner's Associations of the dates and times that such work will occur in order to provide sufficient time to set up a program to monitor the work;
 - c. The noise associated with the activity shall not exceed 45 dBA as measured in the performance standards of the ULDC Section 7.8;
 - d. No loading or hauling activity is done within 2,500 feet of a residential property line; and,
 - e. No rock crushing, grinding or processing of any nature shall be permitted after 10:00 p.m. (ONGOING: CODE ENF - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous Use Limitations Condition 2. of Resolution R-2006-0027, Control No. 1989-052)
3. All uses shall not exceed 45 dBA as measured in the Performance Standards of Article 5.E of the ULDC. Noise shall be measured from the residential property line closest to the area under excavation. [This condition is applicable to Palm Beach Aggregates only.] (Previous Use Limitations Condition 3. of Resolution R-2006-0027, Control No. 1989-052)
 4. Hours of operation shall not apply to the accessory asphalt /or concrete batch plant or power plant or any activities, excluding blasting, west of the Florida Power and Light (FP&L) transmission line right-of-way, which includes portions of Section 13, Township 43S, Range 39E, and portions of Sections 19, 20 and 30, Township 43S, Range 40E. [This condition is applicable to Palm Beach Aggregates only.] (Previous Use Limitations Condition 4. of Resolution R-2006-0027, Control No. 1989-052)
 5. The rock processing plant, accessory asphalt plant and concrete batch plant shall be located a minimum of 2,500 feet from the property lines of the developments currently known as Deer Run, White Fences and Equestrian Estates. [This condition is applicable to Palm Beach Aggregates only.] (Previous Use Limitations Condition 5. of Resolution R-2006-0027, Control No. 1989-052)
 6. All pumps shall be limited to electric only. This condition shall not be applicable to the SFWMD. [This condition is applicable to Palm Beach Aggregates only.] (Previous Use Limitations Condition 6. of Resolution R-2006-0027, Control No. 1989-052)

UTILITIES

1. If any relocations/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING: PBCWUD - PBCWUD) [This condition is applicable to Palm Beach Aggregates, SFWMD and the power plant.] (Previous Utilities Condition 1. of Resolution R-2006-0027, Control No. 1989-052)
2. Applicant shall not negatively affect water quality or temperature in a manner that will prohibit discharge of water from the mined area to the surrounding canal system as determined by agencies with jurisdiction over the subject area. (ONGOING: PBCWUD - PBCWUD) [This condition is applicable to both Palm Beach Aggregates and the power plant.] (Previous Utilities Condition 2. of Resolution R-2006-0027, Control No. 1989-052)
3. The Palm Beach County Water Utilities Department shall provide potable water, reclaimed water and wastewater service to all portions of the subject property except those unincorporated areas where the Palm Beach County Water Utilities Department has granted or assigned utility service area rights to a public or privately owned portable water, reclaimed water and/or wastewater utility or in areas where the Palm Beach County Water Utilities Department is specially excluded from providing utility service by Florida Statute. (ONGOING: PBCWUD -

PBCWUD) [This condition is applicable to Palm Beach Aggregates, SFWMD and the power plant.] (Previous Utilities Condition 3. of Resolution R-2006-0027, Control No. 1989-052)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: ZONING - Zoning) [This condition is applicable to Palm Beach Aggregates, SFWMD and the power plant.] (Previous Compliance Condition 1. of Resolution R-2006-0027, Control No. 1989-052)
2. Monitoring Condition 2 of Resolution R-2006-0027, Control No. 1989-052 which currently states:

Failure to comply with any of the conditions of approval for the subject property at any time may result in:

- a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (Previous Condition V.2. of Resolution R-2004-0401, Petition DOA1989-052F) (ONGOING: MONITORING - Zoning) [This condition is applicable to Palm Beach Aggregates, SFWMD and the power plant.]

Is hereby amended to state:

Failure to comply with any of the conditions of approval for the subject property at any time may result in:

- a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Article 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Departmental administrative actions made pursuant to this condition may be appealed as provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning)

3. Monitoring Condition 3. of Resolution R-2006-0027, Control No. 1989-052 which currently states:

Responsibility amongst the various property owners for compliance with a particular condition of approval contained herein shall be as set forth within the following chart:

CONDITION	CONDITION TO BE MAINTAINED IN COMPLIANCE BY PALM BEACH AGGREGATES, INC.	CONDITION TO BE MAINTAINED IN COMPLIANCE BY SOUTH FLORIDA WATER MANAGEMENT DISTRICT	CONDITION TO BE MAINTAINED IN COMPLIANCE BY POWER PLANT OWNER
All Petitions 1	YES	YES	YES
All Petitions 2	NO	NO	YES
All Petitions 3	YES	YES	YES
All Petitions 4	YES	NO	YES
All Petitions 5	YES	NO	NO
All Petitions 6	N/A	N/A	N/A
All Petitions 7	NO	NO	YES
All Petitions 8	NO	NO	YES
Access 1	YES	NO	NO
Access 2	YES	NO	NO

CONDITION	CONDITION TO BE MAINTAINED IN COMPLIANCE BY PALM BEACH AGGREGATES, INC.	CONDITION TO BE MAINTAINED IN COMPLIANCE BY SOUTH FLORIDA WATER MANAGEMENT DISTRICT	CONDITION TO BE MAINTAINED IN COMPLIANCE BY POWER PLANT OWNER
Blasting 1	YES	NO	NO
Blasting 2	YES	NO	NO
Blasting 3	YES	NO	NO
Blasting 4	YES	NO	NO
Blasting 5	YES	NO	NO
Blasting 6	YES	NO	NO
Blasting 7	YES	NO	NO
Blasting 8	YES	NO	NO
Blasting 9	YES	NO	NO
DRI 1	YES (ONLY FOR AREAS NOT OWNED BY SFWMD)	NO	NO
DRI 2	YES	NO	NO
DRI 3	YES	NO	NO
Engineering 1 A & B	YES	NO	NO
Engineering 2 A & B	YES	NO	NO
Engineering 3	YES	NO	NO
Engineering 4	YES	NO	NO
Engineering 5	YES	NO	YES
Engineering 6	YES	NO	NO
Engineering 7	YES	NO	YES
Engineering 8	YES	NO	NO
Engineering 9	YES	NO	YES
Environmental Resources Management 1	YES - REQUIREMENT EXPIRES WHEN SFWMD ACCEPTS POSSESSION OF COMPLETED RESERVOIRS	NO	NO
Environmental Resources Management 2	YES	YES	NO
Environmental Resources Management 3	YES	YES	NO
Environmental Resources Management 4	YES	YES	NO
Environmental Resources	YES	YES	NO

CONDITION	CONDITION TO BE MAINTAINED IN COMPLIANCE BY PALM BEACH AGGREGATES, INC.	CONDITION TO BE MAINTAINED IN COMPLIANCE BY SOUTH FLORIDA WATER MANAGEMENT DISTRICT	CONDITION TO BE MAINTAINED IN COMPLIANCE BY POWER PLANT OWNER
Management 5			
Environmental Resources Management 6	YES	YES	NO
Environmental Resources Management 9	YES	NO	NO
Health 1	YES	NO	YES
Health 2	YES	NO	YES
Health 3	YES	NO	YES
Health 4	NO	NO	YES
Health 5	NO	NO	YES
Use Limitations 1	YES	NO	NO
Use Limitations 2	YES	NO	NO
Use Limitations 3	YES	NO	NO
Use Limitations 4	YES	NO	NO
Use Limitations 5	YES	NO	NO
Use Limitations 6	YES	NO	NO
Landscaping 1	YES	NO	NO
Landscaping 2	YES	NO	NO
Landscaping 3	YES	NO	NO
Landscaping 4	YES	NO	NO
Landscaping 5	YES	NO	NO
Lighting 1	YES	NO	YES
Lighting 2	YES	NO	NO
Monitoring 1	YES	NO	NO
Monitoring 2	YES	NO	NO
Monitoring 3	YES	NO	NO
Monitoring 4	YES	NO	NO
Monitoring 5	YES	NO	NO
Monitoring 6	YES	NO	NO
Monitoring 7	YES	NO	NO
Phasing 1	YES	NO	NO
Phasing 2	YES	NO	NO
Reclamation 1	YES	NO	NO
Reclamation 2	YES	NO	NO
Separation 1	YES	NO	NO
Setback 1	YES	NO	NO

CONDITION	CONDITION TO BE MAINTAINED IN COMPLIANCE BY PALM BEACH AGGREGATES, INC.	CONDITION TO BE MAINTAINED IN COMPLIANCE BY SOUTH FLORIDA WATER MANAGEMENT DISTRICT	CONDITION TO BE MAINTAINED IN COMPLIANCE BY POWER PLANT OWNER
Signs 1	YES	NO	YES
Towers 1	YES	NO	YES
Utility 1	YES	YES	YES
Utility 2	YES	NO	YES
Utility 3	YES	YES	YES
Planning 1	YES	NO	YES
Compliance 1	YES, for those conditions to be maintained in compliance by Palm Beach Aggregates, Inc.	YES, for those conditions to be maintained in compliance by South Florida Water Management District	YES, for those conditions to be maintained in compliance by Power Plant Operator
Compliance 2	YES, for those conditions to be maintained in compliance by Palm Beach Aggregates, Inc.	YES, for those conditions to be maintained in compliance by South Florida Water Management District	YES, for those conditions to be maintained in compliance by Power Plant Operator
Compliance 3	YES, for those conditions to be maintained in compliance by Palm Beach Aggregates, Inc.	YES, for those conditions to be maintained in compliance by South Florida Water Management District	YES, for those conditions to be maintained in compliance by Power Plant Operator
Compliance 4	YES, for those conditions to be maintained in compliance by Palm Beach Aggregates, Inc.	YES, for those conditions to be maintained in compliance by South Florida Water Management District	YES, for those conditions to be maintained in compliance by Power Plant Operator
Compliance 5	YES, for those conditions to be maintained in compliance by Palm Beach Aggregates, Inc.	YES, for those conditions to be maintained in compliance by South Florida Water Management District	YES, for those conditions to be maintained in compliance by Power Plant Operator

(ONGOING: ZONING - Zoning)

Is hereby amended to read:

Responsibility amongst the various property owners for compliance with a particular condition of approval contained herein shall be as set forth within the following chart:

CONDITION	CONDITION TO BE MAINTAINED IN COMPLIANCE BY PALM BEACH AGGREGATES, INC.	CONDITION TO BE MAINTAINED IN COMPLIANCE BY SOUTH FLORIDA WATER MANAGEMENT DISTRICT	CONDITION TO BE MAINTAINED IN COMPLIANCE BY POWER PLANT OWNER
All Petitions 1	YES	YES	YES
All Petitions 2	NO	NO	YES
All Petitions 3	YES	YES	YES
All Petitions 4	YES	NO	YES
All Petitions 5	YES	NO	NO
All Petitions 6	N/A	N/A	N/A
All Petitions 7	NO	NO	YES
All Petitions 8	NO	NO	YES
Access 1	YES	NO	NO
Access 2	YES	NO	NO
Blasting 1	YES	NO	NO
Blasting 2	YES	NO	NO
Blasting 3	YES	NO	NO
Blasting 4	YES	NO	NO
Blasting 5	YES	NO	NO
Blasting 6	YES	NO	NO
Blasting 7	YES	NO	NO
Blasting 8	YES	NO	NO
Blasting 9	YES	NO	NO
DRI 1	YES (ONLY FOR AREAS NOT OWNED BY SFWMD)	NO	NO
DRI 2	YES	NO	NO
DRI 3	YES	NO	NO
Engineering 1 A & B	YES	NO	NO
Engineering 2 A & B	YES	NO	NO
Engineering 3	YES	NO	NO
Engineering 4	YES	NO	NO
Engineering 5	YES	NO	YES
Engineering 6	YES	NO	NO
Engineering 7	YES	NO	YES
Engineering 8	YES	NO	NO
Engineering 9	YES	NO	YES
Environmental Resources Management 1	YES - REQUIREMENT EXPIRES WHEN SFWMD ACCEPTS	NO	NO

CONDITION	CONDITION TO BE MAINTAINED IN COMPLIANCE BY PALM BEACH AGGREGATES, INC.	CONDITION TO BE MAINTAINED IN COMPLIANCE BY SOUTH FLORIDA WATER MANAGEMENT DISTRICT	CONDITION TO BE MAINTAINED IN COMPLIANCE BY POWER PLANT OWNER
	POSSESSION OF COMPLETED RESERVOIRS		
Environmental Resources Management 2	YES	YES	NO
Environmental Resources Management 3	YES	YES	NO
Environmental Resources Management 4	YES	YES	NO
Environmental Resources Management 5	YES	YES	NO
Environmental Resources Management 6	YES	YES	NO
Environmental Resources Management 9	YES	NO	NO
Health 1	YES	NO	YES
Health 2	YES	NO	YES
Health 3	YES	NO	YES
Health 4	NO	NO	YES
Health 5	NO	NO	YES
Use Limitations 1	YES	NO	NO
Use Limitations 2	YES	NO	NO
Use Limitations 3	YES	NO	NO
Use Limitations 4	YES	NO	NO
Use Limitations 5	YES	NO	NO
Use Limitations 6	YES	NO	NO
Landscaping 1	YES	NO	NO
Landscaping 2	YES	NO	NO
Landscaping 3	YES	NO	NO
Landscaping 4	YES	NO	NO
Lighting 1	YES	NO	YES
Lighting 2	YES	NO	NO
Monitoring 1	YES	NO	NO
Monitoring 2	YES	NO	NO
Monitoring 3	YES	NO	NO
Monitoring 4	YES	NO	NO

CONDITION	CONDITION TO BE MAINTAINED IN COMPLIANCE BY PALM BEACH AGGREGATES, INC.	CONDITION TO BE MAINTAINED IN COMPLIANCE BY SOUTH FLORIDA WATER MANAGEMENT DISTRICT	CONDITION TO BE MAINTAINED IN COMPLIANCE BY POWER PLANT OWNER
Monitoring 5	YES	NO	NO
Monitoring 6	YES	NO	NO
Monitoring 7	YES	NO	NO
Phasing 1	YES	NO	NO
Phasing 2	YES	NO	NO
Reclamation 1	YES	NO	NO
Reclamation 2	YES	NO	NO
Separation 1	YES	NO	NO
Setback 1	YES	NO	NO
Signs 1	YES	NO	YES
Towers 1	YES	NO	YES
Utility 1	YES	YES	YES
Use Limitations 1	YES	NO	NO
Use Limitations 2	YES	NO	NO
Use Limitations 3	YES	NO	NO
Use Limitations 4	YES	NO	NO
Use Limitations 5	YES	NO	NO
Utility 2	YES	NO	YES
Utility 3	YES	YES	YES
Planning 1	YES	NO	YES
Compliance 1	YES, for those conditions to be maintained in compliance by Palm Beach Aggregates, Inc.	YES, for those conditions to be maintained in compliance by South Florida Water Management District	YES, for those conditions to be maintained in compliance by Power Plant Operator
Compliance 2	YES, for those conditions to be maintained in compliance by Palm Beach Aggregates, Inc.	YES, for those conditions to be maintained in compliance by South Florida Water Management District	YES, for those conditions to be maintained in compliance by Power Plant Operator
Compliance 3	YES, for those conditions to be maintained in compliance by Palm Beach Aggregates, Inc.	YES, for those conditions to be maintained in compliance by South Florida Water Management District	YES, for those conditions to be maintained in compliance by Power Plant Operator
Compliance 4	YES, for those conditions to be maintained in	YES, for those conditions to be maintained in	YES, for those conditions to be maintained in

CONDITION	CONDITION TO BE MAINTAINED IN COMPLIANCE BY PALM BEACH AGGREGATES, INC.	CONDITION TO BE MAINTAINED IN COMPLIANCE BY SOUTH FLORIDA WATER MANAGEMENT DISTRICT	CONDITION TO BE MAINTAINED IN COMPLIANCE BY POWER PLANT OWNER
	compliance by Palm Beach Aggregates, Inc.	compliance by South Florida Water Management District	compliance by Power Plant Operator
Compliance 5	YES, for those conditions to be maintained in compliance by Palm Beach Aggregates, Inc.	YES, for those conditions to be maintained in compliance by South Florida Water Management District	YES, for those conditions to be maintained in compliance by Power Plant Operator

4. The electric power facility site, the SFWMD reservoir site, and the Palm Beach Aggregates excavation site shall be treated as separate approvals for enforcement purposes. A violation of a condition on one site shall not affect the compliance status of the other sites. (ONGOING: ZONING - Zoning) (Previous Compliance Condition 4. of Resolution R-2006-0027, Control No. 1989-052)
5. The petitioner contained in all the above conditions of approval shall mean property owner(s). (ONGOING: ZONING - Zoning) (Previous Compliance Condition 5. of Resolution R-2006-0027, Control No. 1989-052)

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

**COPY OF PALM BEACH COUNTY BOARD OF
COUNTY COMMISSIONERS
FEBRUARY 26, 2007 APPROVAL
OF WCEC FOR 3,300 MW**

Board of County Commissioners

Karen Marcus, Chair
Tony Masiotti, Vice Chair
Jeff Koons
Warren H. Newell
Mary McCarty
Burt Aaronson
Addie L. Greene



FINAL

County Administrator

Robert Weisman

Department of Planning, Zoning & Building
100 Australian Avenue
West Palm Beach, FL 33406
Phone: 561-233-5200
Fax: 561-233-5165

**BOARD OF COUNTY COMMISSIONERS
ZONING MEETING**

AMENDMENTS TO THE AGENDA

FEBRUARY 26, 2004

**AGENDA
ITEM #**

PETITION/CHANGE

AMENDMENTS TO THE AGENDA

29

DOA1989-052F PALM BEACH AGGREGATE HYDRO-STORAGE

Modify Condition A.2 to read as follows:

- A.2. The power plant parcel is limited to a nominal 3,300 megawatt facility fueled by natural gas as the primary sources of fuel, except that low sulfur distillate may be used as a secondary fuel source for up to 500 hundred hours per year if approved by the Public Service Commission (PSC) and or Florida Department of Environmental Protection (FDEP).

Delete Conditions N.1 and N.2 and renumber accordingly.

Modify Condition T.3 to read as follows:

- T.3 The Palm Beach County Water Utilities Department shall provide potable water, reclaimed water and wastewater service to all portions of the subject property except those unincorporated areas where the Palm Beach County Water Utilities Department has granted or assigned utility service area rights to a public or privately owned portable water, reclaimed water and/or wastewater utility or in the areas where the Palm Beach County Water Utilities Department is specifically excluded from providing utility service by Florida Statute. (ONGOING: UTILITIES – Utilities) [This condition is applicable to Palm Beach Aggregates, SFWMD and the power plant.]

Modify Engineering Conditions E.6.b, E.6.c, E.6.f and E.6.g. to read as follows:

- E.6.b. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to ~~July 1, 2004~~, October 1, 2004. (DATE: MONITORING – Eng) [This condition is applicable to Palm Beach Aggregates only.]
- E.6.c. All installation of the landscaping and irrigation shall be completed prior to ~~October 1, 2004~~, March 1, 2005 (DATE: MONITORING – Eng) [This condition is applicable to Palm Beach Aggregates only.]

E.6.f. The petitioner may elect to design, install and perpetually maintain an alternative to this median landscaping condition acceptable to the County Engineer and approved by the Board of County Commissioners. This alternate design to the Median landscaping installed by petitioner shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County. Any necessary permit(s) for this landscaping and irrigation alternative plan shall be applied for prior to ~~July 4~~ October 1, 2004. [This condition is applicable to Palm Beach Aggregate only.]

E.6.g. Installation of any landscaping and irrigation option outlined in a, d, or e above shall be completed prior to ~~October 1~~ March 1, 2004. (DATE: MONITORING – Eng) [This condition is applicable to Palm Beach Aggregates only.]

**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**



Petition No.: DOA1989-052F
Petitioner: Palm Beach Aggregates, Inc.
Owner: Palm Beach Aggregates, Inc.
Agent: Carlton Fields: Gary Brandenberg and Joe Verdone
Telephone No.: (561) 659-7070
Project Manager: William Cross, Senior Planner/
Maryann Kwok, Principal Planner (Assigned 2/6/04)

Location: Approx. 3 miles west of Seminole Pratt Whitney Road on the north side of Southern Blvd. (**Palm Beach Aggregate Hydro-Storage**).

Title: Development Order Amendment. **Request:** To modify conditions of approval.

PETITION SUMMARY: The 4,048 acre subject site was originally owned by Palm Beach Aggregates (PBA), and was approved by the Board of County Commissioners to allow for commercial excavation (Type IIIB), water storage, and a power plant. The South Florida Water Management District (SFWMD) has acquired parts of the subject property for the purpose of creating a surface water storage reservoir. PBA will continue the mining operation, and simultaneously complete reclamation of the residual land for reservoir use by SFWMD. It is anticipated that portions of the site will be completed by PBA, and released to SFWMD in stages.

The purpose of this Development Order Amendment is to assign the responsibility for compliance of a particular condition between the owners of the uses; mining, water reservoirs and power production facilities. The 3 entities are SFWMD, the power plant and Palm Beach Aggregates. Responsibility for each condition has been summarized in a table shown in Condition V.3.

In addition, the petitioner is also requesting to modify conditions of approval for the power plant to allow an increase of the power output from 3,000 to 3,300 megawatts and to allow low sulfur distillate to be used as a back up fuel source. The petitioner also requests several changes to the power plant conditions of approval, which are required to allow for the development of the power plant facility regulated by the Public Service Commission (PSC). The petitioner has also requested changes to the conditions of approval necessary to make the conditions consistent with SFWMD's plans for the water reservoirs. The following summarizes previous conditions, proposed revised language, and justification for modifications of each condition:

Previous A.1 condition (Previous Petitions and Power Plant Limitations) which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-2002-0496 (Petition SR1989-052A), R-2002-0009 (Petition 89-052(C)) and R-2002-1472, Petition DOA89-052(D) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified.

The "C" petition was evaluated upon the representations and analysis the maximum 3,000 megawatt facility will be fueled by natural gas both as the primary and all secondary sources of fuel. No other sources of fuel have been reviewed or evaluated. This approval is therefore limited to the use of natural gas only. In the event that any other source of the fuel is proposed or required by the owner, any governmental agency or any other source, this petition shall be brought back to the BCC for further review and evaluation at which time the BCC may take any and all actions available to it under the ULDC as if this were a new petition being reviewed for the first time.

Proposed amended condition states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2003-0324 (Petition 1989-052E) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified.

The nominal 3,300 megawatt facility will be fueled by natural gas as the primary sources of fuel, except that low sulfur distillate may be used as a secondary fuel source for up to 500 hundred hours per year if approved by the Public Service Commission (PSC). In the event that any other source of fuel is proposed or required by the owner, any governmental agency or any other source, this petition shall be brought back to the BCC for further review and evaluation at which time the BCC may take any and all actions available to it under the ULDC as if this were a new petition being reviewed for the first time.

Petitioner's Justification - The petitioner requested that the power capacity be allowed to increase from the 3,000 to 3,300 megawatt so as to align with available technology. The current proposed technology has power capacity set as 1100MW increments. See Exhibit E for technology statement. This previous condition also limited the electric power facility to natural gas as the only fuel source. The petitioner is requesting that low sulfur distillate be permitted as a secondary fuel source for up to 500 hundred hours per year. The petitioner indicates that the power facilities regulated by the PSC must have a backup fuel source; in the event of failure of the natural gas line, the facility can continue to operate.

Staff response – Staff is not objecting to the request, however, proposed to split A.1 to two conditions (i.e. A.1 and A.2) for easier administration, and revised the proposed condition to only allow the secondary fuel source if approved by the PSC and Department of Environmental Protection (DEP) as proposed by the petitioner. See Exhibit C.

Previous A.2 condition (Limitation on Use) which currently states:

Development of the subject property is limited to the uses, site design, landscape buffers, setbacks, separations, reclaimed areas and details presented to the Board of County Commissioners, as indicated on the plans dated June 14, 2002. All modifications must be approved by the Board of County Commissioners unless the changes are required to meet conditions of approval or the ULDC.

Proposed amended condition states:

Development of the subject property is limited to the uses presented to the Board of County Commissioners, as indicated on the site plans dated November 7, 2003 and February 18, 2004. All modifications must be approved by the Board of County Commissioners, unless the changes are required to meet conditions of approval or the ULDC. Changes resulting from the SFWMD reservoir project on

lands owned by the SFWMD shall not require modifications to these conditions of approval. Conditions F.2, F.3, F.5, I.2, I.3, I.4, J.1 and J.2 will be modified pursuant to an agreement to be entered between Palm Beach County (PBC), South Florida Water Management District (SFWMD) and Palm Beach Aggregates (PBA) by September 30, 2004 regarding the Wildlife Corridor, landscaping, and littoral shelves for consistency with SFWMD plans for its reservoir projects.

Petitioner's Justification - SFWMD water reservoirs are exempt from review pursuant to Article 7.6.E.2.i and .o of the ULDC, Supplement No.9. (projects in which SFWMD issues their own permits are exempt from littoral zone requirements for reclamation). This reservoir system is currently in design stage. The modification of this condition will clarify that SFWMD will not have to go through any additional zoning process when the design is completed. PBC and SFWMD are also discussing the final design to the Wildlife Corridor. All these issues will be addressed in a written three-party agreement between PBC, SFWMD and PBA.

Staff response - Staff is not objecting to the revision, however, would require the agreement to be entered between PBC, SFWMD, and PBA by September 30, 2004. At the Zoning Commission hearing, the petitioner has agreed to this date.

Previous A.3 condition (Future Modifications to Plans) which currently states:

All plans submitted dated October 25, 2001 (Power Plant) and June 14, 2002 shall receive certification by the Development Review Committee (DRC). All modifications must be approved by the Board of County Commissioners unless the changes are required to meet conditions of approval or are permitted by the ULDC.

Proposed amended condition states:

All plans submitted dated November 7, 2003 (Power Plant) and February 18, 2004 (Excavation and phasing reclamation) shall receive final approval by the Development Review Officer (DRO). All modifications must be approved by the Board of County Commissioners unless the changes are required to meet conditions of approval or are permitted by the ULDC, or are changes resulting from the SFWMD project on lands owned by SFWMD.

Petitioner's Justification - The petitioner indicated the plans needs to be updated, however, indicates that future changes to the SFWMD water reservoirs will not be subject to any BCC approval process.

Staff Response - Staff has no objection to the proposed condition since the date of the plans which have been reviewed under this request have been changed. ERM also has no objection since SFWMD reservoir project are exempt from the ULDC requirements.

Previous A.6 condition (Power Plant Facility requiring approval of Governor) which currently states:

This Class A Conditional Use approval is only for a power generating facility requiring approval of the Governor and Cabinet sitting as the Power Plant Siting Board. Construction of any power generating facility not requiring approval of the Siting Board shall require modification of this condition.

Proposed amended condition states:

The electric power facility shall be limited to a power generating facility requiring approval of the Governor and Cabinet sitting as the Power Plant Siting Board, or a power generating facility regulated as a public utility.

Petitioner's Justification - Previous condition limited the electric power facility to power plants regulated by the Governor and Cabinet sitting as the Power Plant Siting Board. The petitioner is proposing to allow the addition of any electric plant facilities which are regulated as a public utility.

Staff Response - Staff has no objection to the request, however, reworded the condition to state the following:

The electric power facility plant shall be limited to an electrical power generating facility requiring approval of the Governor and Cabinet sitting as the Power Plant Siting Board, or a power generating facility regulated as a public utility.

Previous A.7 condition (Commencement Date of Power Plant) which currently states:

The petitioner shall have three (3) years from adoption of the resolution approving Petition DOA1989-052D to commence development of the Power Plant on the site. Only one (1) administrative time extension for a maximum of twelve (12) months may be granted.

Proposed amended condition states:

The petitioner shall have three (3) years from adoption of the resolution approving Petition DOA 1989-052F to commence development of the electric power facility. Only one (1) administrative time extension for a maximum of twelve (12) months may be granted.

Petitioner's Justification - The petitioner has submitted a revised traffic study for the proposed Development Order Amendment, and is requesting a restart of the clock allowing up to 3 years to commence development of the electric power facility.

Staff Response - No objection to the proposed revised language.

Previous D.1 condition (DRI Subphase limits) which currently states:

No subphase shall exceed eighty (80) acres of removal or disturbance of solid minerals or overburden per year.

Proposed amended condition states:

No subphase shall exceed one-hundred (100) acres of removal or disturbance of solid minerals or overburden per year. Removal or disturbance of solid materials or overburden required to implement the SFWMD reservoir system shall be exempt from this requirement.

Petitioner's Justification - The request allows increase in the amount of land area that can be disturbed each year to correspond to changes in State law for mining DRI thresholds. Excavation of reservoirs by SFWMD is exempt from the ULDC requirements.

Staff Response - Staff has no objection to this revised condition after reviewing Florida Statutes.

Previous E.1.b condition (Okeechobee R.O.W.) which currently states:

West of the L-8 Canal, the property owner shall convey to Palm Beach County 200 feet of road right of way for Okeechobee Boulevard. The alignment, which crosses the FP&L easement, shall be approved by the County Engineer. This right of way shall be conveyed to Palm Beach County within 90 days notice by the County Engineer that this additional right of way is required for Okeechobee Boulevard or prior to the cessation of the mining activity, whichever shall first occur.

Proposed amended condition which states:

Prior to certification of the master plan/site plan by the DRC, the plans shall be amended to reflect the Okeechobee Road right-of-way east of the L-8 Canal. This right-of-way corridor shall be through an alignment acceptable to the County Engineer.

Petitioner's justification – The County Engineer's office has not established the final alignment of Okeechobee Boulevard. Therefore, the current proposal is to provide an alignment so as not to hold up the SWFMD reservoir projects.

Staff response – The alignment for Okeechobee Boulevard is shown on Palm Beach County's Thoroughfare Identification Map. The final alignment for this section of road has not, however, been approved by the Board of County Commissioners. The proposed alignment presented to the Engineering Department is acceptable to the Office of the County Engineer. The alignment as shown should therefore not restrict the SWFMD reservoir project from moving forward. The following revised conditions are recommended by the Engineering Department:

- E.1 Prior to final approval of the master plan/site plan by the Development Review Officer (DRO), the plans shall be amended to reflect the Okeechobee Road right-of-way. This right-of-way corridor shall be through an alignment acceptable to the County Engineer. (DRO: ENG-Eng)
- E.1.b The property owner shall convey to Palm Beach County 200 feet of road right of way for Okeechobee Boulevard from the northeast corner of Section 29, Range 40, Township 43, westerly crossing the Florida Power and Light transmission line and passing north of the FPL Corbett Substation. All right of way shall be conveyed within ninety (90) days of a determination that the right of way is required. Right of way conveyance shall be free of all encumbrances and encroachments. The Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments, except for the existing Florida Power and Light easements through the site. The Grantor also agrees to provide Palm Beach County an environmental report, subject to the approval of County Engineer, demonstrating that this property meets all appropriate and applicable environmental agency requirements. In the event the report makes a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up prior to dedication. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips." ~~The property owner shall be responsible for the relocation of any Florida Power and Light transmission facilities.~~ The property owner and Florida Power and Light shall also be responsible for coordinating with the Roadway Production Division concerning any transmission facilities relocations within the proposed alignment and there shall be no mining activity within this new alignment. Final alignment of Okeechobee Boulevard shall be approved by the County Engineer.

E.6 (Median Landscape) - The petitioner requested for cash-out option. Engineering staff has no objection, and has modified this condition. See Exhibit C for revised condition.

Previous E.9 condition (Compliance to Mandatory TPS) which currently states:

In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

- a. **No Building Permits for the proposed power plant shall be issued until construction commences for intersection improvements of an add/drop lane required to meet FDOT guidelines for the addition of a half lane under the ART-PLAN on Southern Boulevard at Forest Hill Boulevard plus the appropriate paved tapers. Construction commences is defined as awarding the contract for the construction, the acquisition of all right of way and construction easements and the acquisition of all required permits.**

Petitioner's justification - The petitioner requested to delete this condition because they have already paid \$185,000 to Land Development to fund these improvements per Previous Condition E.8.a.

Staff response - Engineering staff objected to the deletion of this Condition. This Condition of approval is required for the project to meet Traffic Performance Standards (TPS). The Engineering Department and the petitioner, however, have now agreed to revise Condition E. 9 as it relates to the phasing of the project. E 9 will be revised as follows:

In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

- a. **No Building Permits for the proposed power plant shall be issued until the contract has been awarded for intersection improvements of an add/drop lane required to meet FDOT guidelines for the addition of a half lane under the ART-PLAN on Southern Boulevard at Forest Hill Boulevard plus the appropriate paved tapers. Phasing for this site may be adjusted by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request.**

Previous F.1 condition (Ground Water Monitoring) which currently states:

A Chloride and Mercury Monitoring Plan addressing the time between site plan certification and the time at which chlorides are to be channeled around the property (Plan 1) and the time after which chlorides are no longer channeled around the property and placed into open pits (Plan 2) shall be submitted to the Department of Environmental Resources Management for review and approval prior to DRC Site Plan certification.

Proposed amended condition states:

A Chloride and Mercury Monitoring Plan addressing the time between site plan certification and the time at which chlorides are to be channeled around the property (Plan 1) and the time after which chlorides are no longer channeled around the property and placed into open pits (Plan 2) shall be submitted to the Department of Environmental Resources Management (ERM) for review and approval prior to Development Review Officer (DRO) Site Plan certification. This condition will expire for reservoir areas which are completed and accepted for possession by SFWMD.

Petitioner's justification - The condition has been revised to indicate that SFWMD will undertake its own water quality monitoring process.

Staff response – ERM Staff has no objection to the proposed revision.

Previous F.6 condition (Restrictive Covenant) which currently states:

An application for modification to the existing Restrictive Covenant Agreement shall be submitted by final site plan addressing any variations from the original approved agreement.

Petitioner's justification - The petitioner is proposing the deletion of this condition since there is never a restrictive covenant agreement being entered or recorded.

Staff response - ERM staff indicated that the entire project is not exempt from a restrictive covenant agreement (which addresses littoral zones). All lakes west of the L-8 canal are in the EAA (Everglades Agricultural area) and are exempt from littoral zones. The one cell east of the L-8 which is not part of the proposed water storage pits is still required to have a littoral zone when completed and a restrictive covenant agreement. At this time there is no agreement being recorded.

Previous H.4 condition (Hours of Operation) which currently states:

Hours of operation shall not apply to the accessory asphalt or concrete batch plant.

Proposed amended condition states:

Hours of operation shall not apply to the accessory asphalt or concrete batch plant or any activities, excluding blasting, west of the Florida Power and Light (FP&L) transmission line right-of-way, which includes portions of Section 13, Township 43S, Range 39E, and portions of Sections 19, 20 and 30, Township 43S, Range 40E.

Petitioner's justification - The petitioner indicated that the land to the west of the transmission line is sufficiently distant from any residential property to cause any annoyance.

Staff response - Staff has concerns regarding the proposed language and recommended to revise this condition to add the power plant, and as follows:

Hours of operation shall not apply to the accessory asphalt or concrete batch plant or power plant or any activities, excluding blasting, west of the Florida Power and Light (FP&L) transmission line right-of-way, which includes portions of Section 13, Township 43S, Range 39E, and portions of Sections 19, 20 and 30, Township 43S, Range 40E.

Previous L.1 condition (Parks) which currently states:

The petitioner shall coordinate with the County Park & Recreation Department in providing an end use plan that allows for public boating access to on site lakes and other public recreational uses within the projects boundaries.

Petitioner's Justification - The petitioner requested the deletion of this condition because SFWMD will determine the suitability for public access and recreational use of the site based upon District Policy.

Staff Response - Parks and Recreation staff has no objection to the request.

Previous M.2 condition (Phasing) which currently states:

A maximum of 3 subphases (maximum 240 acres) shall be in active excavation at any time.

Proposed Condition states:

A maximum of three (3) sub-phases (a maximum of 300 acres) shall be in active excavation at any time. This condition does not apply to lands owned by the SFWMD.

Petitioner's Justification - The petitioner indicated that an increased amount of land area that can be disturbed each year correspond to changes in State law for mining DRI thresholds. SFWMD is also exempt from PBC land development regulations for excavation of reservoirs.

Staff response – Staff has no objection to this revision. See Exhibit E for technology statement.

Previous N.1 condition (Phasing) which currently states:

A minimum of 300 acres of reclaimed area shall be provided, consistent with the graphic depiction on the overall excavation plan submitted by the applicant dated November 22, 1996.

Proposed amended condition states:

The reclaimed area to be provided shall be consistent with SFWMD plans for its reservoir project, and as depicted on the plans submitted by Palm Beach Aggregates for the non-SFWMD excavation.

Petitioner's justification - The petitioner indicated that SFWMD will own the reservoirs to enhance water resources for the Region. At this stage, the final plan for the reservoir has not been completed.

Staff response – ERM staff has concerns regarding the proposed revised condition, and recommends the following for N.1 and add a new condition:

1. The upland reclaimed area to be provided shall be consistent with SFWMD plans for its reservoir project, and as depicted on the plans submitted by Palm Beach Aggregates for the non-SFWMD excavation. As Built plans for each phase shall be submitted to Palm Beach County prior to the commencement of the next phase in accordance with the approved phasing plan.
2. A modified Phasing Plan and modified Notice of Intent to Construct application shall be submitted to the Department of Environmental Resources Management prior to DRO site plan approval.

Previous N.2. condition (Phasing) which currently states:

A minimum of 1 subphase shall be reclaimed annually, until completion of the project.

Proposed amended condition states:

All reclamation shall be consistent with the South Florida Water Management District Reservoir Plan or by agreement with SFWMD, Palm Beach County and Palm Beach Aggregates.

Petitioner's justification - Same reason as N.1 (This condition has been renumbered to N.3).

Staff response – ERM staff has no objection to the request. See justification under D.1.

Previous P.1 condition (Setback) which currently states:

The petitioner shall comply with the following minimum setbacks, measured from the property line to the top of bank:

SETBACKS

Property Line	Required Setback
North - Sections 13, 17,18	50 feet
North - Sections 28 & 27	568 feet
South	108 feet
East - Section 17	308 feet
East - Section 27 & 34	108 feet
West - Section 32	795 feet
West - Sections 13,19,30	108 feet
Internal R-O-W	50 feet
Processing Equipment	2,500 feet from residential uses/800 feet from all property lines and 200 feet from Southern Boulevard right of way in Section 32 only
Stockpiles	Same as above
Accessory buildings	100 feet

Proposed amended condition states:

The petitioner shall comply with the following minimum setbacks, measured from the property line to the top of bank for all excavation related activity PBA, electric power facility, and SFWMD excavation related activities:

SETBACKS

Property Line	Required Setback
North - Sections 13, 17,18	50 feet
North - Sections 28 & 27	568 feet
South	108 feet
East - Section 17	308 feet
East - Section 27 & 34	108 feet
West - Section 32	795 feet
West - Sections 13,19,30	108 feet
Internal R-O-W	50 feet
Processing Equipment	2,500 feet from residential uses/800 feet from all property lines and 200 feet from Southern Boulevard right of way in Section 32 only.
Stockpiles	300 feet
Accessory buildings	100 feet

Petitioner's justification - The petitioner is requesting to modify the condition to allow setbacks measured from the property line to the top of the bank for all excavation related activities.

Staff response - Staff has no objection to the request, however, reworded the setback for stockpiles to 2,500 feet from residential uses/800 feet from all property lines and 200 feet from Southern Boulevard right of way in Section 32 only, and 300 feet for the south, east and west property lines. The petitioner has no objection to this change.

Previous R.1 condition (Towers) which currently states:

The heat dispensing towers height shall be a maximum of one hundred and twenty (120) feet high unless additional height is required to comply with Department of Environmental Protection guidelines.

Proposed Condition states:

The heat dispensing towers height shall be a maximum of one hundred and twenty (120) feet high unless additional height is approved to comply with Florida Department of Environmental Protection guidelines and approved by the Governor and Cabinet sitting as the Power Plant Siting Board.

Petitioner's Justification - The petitioner is requesting that the height be permitted to be increased in height if approved by the Department of Environmental Protection and the Governor and the Cabinet sitting as the Power Plant Siting Board.

Staff response - Staff recommended the condition to be modified as follows:

The heat dispensing towers height shall be a maximum of one hundred and twenty (120) feet high unless additional height is approved to comply with Florida Department of Environmental Protection guidelines and approved by the Governor and Cabinet sitting as the Power Plant Siting Board. Additional height to accommodate safety clearance, emission air monitoring and noise attenuation equipments shall not exceed an overall height of one hundred and fifty (150) feet of each tower.

The buffers provided will be able to screen the towers from the residential uses if there is an increase of height of these towers.

Previous S.1 condition (Use Limitations) which currently states:

All pumps shall be limited to electric only.

Proposed amended condition states:

All pumps shall be limited to electric only. Not applicable to the SFWMD.

Petitioner's Justification - The petitioner indicated that SFWMD would design the project to maximize the public's best interest, and accomplish its water resource goals.

Staff response - Staff has no objection to this proposal.

V.3 (Responsibility for Compliance) – The petitioner requested a table to be inserted as a condition of approval. The table summarized the responsibility of the owners for compliance with a specific condition.

V.4 (Compliance of Conditions) – The petitioner proposed to add a new condition clarifying that a violation of one property owner should not have the consequence of affecting the other district operations on site. Staff has no objection to the following proposed condition:

The electric power facility site, the SFWMD reservoir site, and the Palm Beach Aggregates excavation site shall be treated as separate approvals for enforcement purposes. A violation of a condition on one site shall not affect the compliance status of the other sites.

ISSUES SUMMARY:

- o Consistency with Comprehensive Plan

The Planning Division has determined that the request is consistent with the site's Rural Residential 10 (RR-10) and Agricultural Production (AP) Future Land Use (FLU) designations.

In August 2002, the BCC adopted an amendment to the Comprehensive Plan to prohibit power plants in residential land use categories. However, the Comprehensive Plan previously allowed power plants to be located on land with a Residential FLU designation subject to any siting criteria established by other regulatory agencies. Therefore, since the uses on this site and the project's configuration was approved by the BCC prior to the incorporation of revised policy, this new policy should not affect this request.

o Compatibility with Surrounding Land Uses

To the north and west of the site are sugar cane farms. South across SR80 is the South Florida Water Management District pumping station, and east of the station is the Loxahatchee Wildlife Refuge. To the east is a 500 foot levee right of way for the L-8 Canal. The canal right-of-way separates the mining site from the Deer Run and White Fences subdivisions.

The original Type IIIB excavation, and the electrical power facility are subject to previous blasting regulations and hours of operation conditions to address noise impact issues.

o Traffic

There is no additional traffic associated with this request. Condition E.1 and E.1.b have been amended regarding the right-of-way for Okeechobee Boulevard, and E.6 has been amended to address the median landscaping along SR80.

o Zoning District

The subject property has an Agricultural Production (AP) Zoning District and a Special Agriculture (SA) Zoning District. The SA Zoning District has been eliminated in the current ULDC (Ordinance 2003-067). Pursuant to Article 3.C.B, SA district will correspond to the AP District in the Glades Tier and will correspond to the Agricultural Residential (AR) District in the Rural Tier. Portion of the site has a SA Zoning designation east of the L-8 canal (Rural Tier), and the remaining of the site which is west of the L-8 Canal has both SA and AP zoning designations, and is located in the Glades Tier. For future reference, the subject property will have AP and AR zoning districts.

o Development Order Amendment – Changed Circumstances

The petitioner indicates since the SFWMD will be acquiring the PBA property to be used as a surface water storage reservoir for water management purposes, that conditions of approval for excavation, water conservation and electric power facility uses will need to be designated as applicable between the SFWMD, PBA and/or the electric power facility. Also requested are revisions of previous conditions to address administration issues.

o ZONING COMMISSION (ZC) HEARING

At the February 5, 2004 ZC hearing, the petitioner indicated concerns regarding several conditions:

Staff has agreed to the revision of Condition A.1 to show as follows:

The nominal 3,300 megawatt facility will be fueled by natural gas as the primary sources of fuel, except that low sulfur distillate may be used as a secondary fuel source for up to 500 hundred hours per year if ~~required~~ approved by the Public Service Commission (PSC). In the event that any other source of fuel is

proposed or required by the owner, any governmental agency or any other source, this petition shall be brought back to the BCC for further review and evaluation at which time the BCC may take any and all actions available to it under the ULDC as if this were a new petition being reviewed for the first time.

Condition A.2 – The petitioner indicated that SFWMD is currently working on the design of the subject property. In addition, PBA, SFWMD and the County will enter into an agreement with regards to the design, construction and costs of the wildlife corridor. Eventually the ownership of this wildlife corridor will be transferred to the County and be part of the County Wildlife Corridor system. County staff agreed to the conditions, however, inserted a date to ensure the agreement has to be completed by September 30, 2004. The petitioner has no objection to the date.

Development of the subject property is limited to the uses presented to the Board of County Commissioners, as indicated on the site plans dated November 7, 2003. All modifications must be approved by the Board of County Commissioners, unless the changes are required to meet conditions of approval or the ULDC. Changes resulting from the SFWMD reservoir project on lands owned by the SFWMD shall not require modifications to these conditions of approval. Conditions F.2, F.3, F.5, I.2, I.3, I.4, J.1 and J.2 will be modified pursuant to an agreement to be entered between Palm Beach County (PBC), South Florida Water Management District (SFWMD) and Palm Beach Aggregates (PBA) by September 30, 2004 regarding the Wildlife Corridor, landscaping, and littoral shelves for consistency with SFWMD plans for its reservoir projects.

The petitioner also requested several Engineering conditions be revised to address the alignment of Okeechobee Boulevard extension, and the landscape median conditions. Engineering staff has revised Condition E.1, E.1b (Okeechobee Blvd.), E.6 (Landscape Median on SR80), E.9 (Traffic Performance Standards). Engineering staff, however, recommends E.7 (Phasing schedule – TPS) to remain as is.

Health Condition G.5 – The petitioner has concerns regarding the last sentence of the condition. Health Department would have to review the condition prior to the BCC hearing to determine whether any changes would be required for this condition. Prior to the publication of the staff report, Health Department and the petitioner have agreed to the revised condition G.5 as shown in Exhibit C.

V.3 Compliance Table – The petitioner indicated this table should be inserted as part of the conditions of approval. Zoning staff would have to check with Code Enforcement and Monitoring Staff to determine whether the format of this table can be reviewed, applied and monitored by staff.

The ZC voted for the approval of the project subject to all the amended conditions, and also voted the compliance table to be inserted as part of the conditions of approval provided it is supported by Monitoring and Code Enforcement staff.

TABULAR DATA

	EXISTING	PROPOSED
Property Control Number(s):	00-39-43-13-00-000-5010; 00-40-43-17-00-000-1000; 00-40-43-18-00-000-5010/7030; 00-40-43-19-00-000-1020; 00-40-43-20-00-000-1010/1020; 00-40-43-21-00-000-5000; 00-40-43-22-00-000-7000; 00-40-43-27-00-000-3000; 00-40-	Same

	43-28-00-000-9000; 00-40-43-29-00-000-1010/3000; 00-40-43-30-00-000-1010; 00-40-43-31-00-000-1000; 00-40-43-32-00-000-1000/1020/5000; 00-40-4333-00-000-1000; and, 00-40-43-34-00-000-3000	
Land Use Designation:	Rural Residential 10 (RR-10) and Agricultural Production (AP)	Same
Zoning District:	Agricultural Production (AP) and Special Agriculture (SA)	Same
Use:	Type III Excavation, water storage and Power Plant	Same
Acreage:	4,048 acres	Same
Access:	Southern Blvd (1)	Same

PUBLIC COMMENT SUMMARY: At time of publication, staff had received 2 letters in support of the request and 1 letter of opposition. The comments from the letter of opposition generally indicate concerns with the increase of the megawatt for the power plant; the increase of height for the heat dispensing towers. One letter of support indicated that the type of lighting for the heat dispensing towers must meet the requirements of the FAA.

RECOMMENDATION: Staff recommends approval of the request subject to 84 conditions as indicated in Exhibit C.

ACTION BY THE ZONING COMMISSION: Motion to recommend approval as amended, (6-0).

MOTION: To adopt a resolution approving the request for a Development Order Amendment to modify conditions of approval.

STAFF REVIEW AND ANALYSIS

PLANNING DIVISION COMMENTS:

FUTURE LAND USE (FLU) PLAN DESIGNATIONS: Rural Residential
10 (RR-10) and Agricultural Production (AP)

Underlying Land Use: None

CONSISTENCY WITH FUTURE LAND USE (FLU) PLAN DESIGNATION:
The 1,218 acre easternmost portion of the site was previously the subject of a Large Scale Land Use Amendment, Palm Beach Aggregates, 2003-0029 LGA, with a proposed amendment from RR-10 to Economic Development Center (EDC) and inclusion of this portion of the site in the Glades Tier on 467.65 acres and RR-10 to RR-10 with conditions on 751.23 acres. Planning Staff recommended approval of the proposed amendment with conditions. The Land Use Advisory Board (LUAB) recommended approval with a modification in a 6-2 vote (with Mr. Hall and Ms. Murray dissenting). The Board of County Commissioners (BCC), at the July 21, 2003 Public Hearing, voted 6-0 (with Commissioner Newell absent) to transmit the proposed amendment with Staff's recommendation and a condition recommended by the LUAB. However, prior to the BCC adoption hearing, the applicant withdrew the amendment application.

The water storage areas in this project involve previously approved expanded excavation areas that are designated AP. These water storage areas are consistent with the portion of the property's AP FLU designation since they are being developed as water reservoirs to be incorporated into the existing regional water conservation facility already approved by SFWMD for the site. FLUE Policy 2.3-e.3. states, Mining and excavation activities, as applicable, shall be restricted as follows:...3. Within the Agricultural Production Future Land Use designation, mining may be permitted only to support public roadway projects or agricultural activities, or water management projects associated with ecosystem restoration, regional water supply or flood protection, on sites identified by the South Florida Water Management District (SFWMD) or the U. S. Army Corps of Engineers where such uses provide viable alternative technologies for water management...(61-FLUE)."

The existing mining and excavation operation and electrical power facility was previously approved by the Board of County Commissioners (BCC). FLUE Policy 2.2.1-d in the Comprehensive Plan states, "In areas with a Residential future land use designation, the County may allow non-residential uses allowed in the...Utilities and Transportation future land

use designations, as further described in the Implementation Section (45-FLUE)." Prior to August 2002, FLUE Policy 2.2.9.d further previously stated, "Transportation and Utilities uses shall be permitted in all future land use designations subject to special siting criteria set forth in the Unified Land Development Code. The placement of utility uses in residentially designated areas shall be controlled through the ULDC to ensure the protection of existing and anticipated residential areas from adverse impacts of the facility (54-FLUE)." Prior to August 2002, the Implementation Section of the FLUE also previously stated, "Uses Discouraged in Residential Areas...Utilities and Transportation uses designed to serve regional needs, including... power plants...are discouraged in residentially designated areas and may be permitted only subject to the siting criteria of the appropriate regulatory authority(ies) as well as any special review and siting criteria adopted by the Board of County Commissioners (BCC) (86-FLUE)." At the BCC public hearing for zoning petition 89-52(C), pursuant to the above Comprehensive Plan policies, the BCC determined the uses on the site met the siting criteria in the ULDC by finding that:

1. The residential neighborhood [in which the facility was located] was protected from undesirable impacts of adjacent and surrounding development;
2. The [facility] was consistent with the Goals, Objectives, and Policies of the Comprehensive Plan;
3. The [facility] satisfied any special siting criteria adopted by the Board of County Commissioners; and,
4. The density or intensity [of the facility] was comparable to and compatible with the density of the residential development . . . (86-FLUE)."

It should be noted that in August 2002, the BCC adopted an amendment to FLUE Policy 2.2.9-d and to language on page 86 of the Implementation Section of the Comprehensive Plan to prohibit power plants in residential land use categories. However, since the uses on this site and the project's configuration was approved by the BCC prior to the incorporation of revised policies into the Comprehensive Plan that do not allow power plants to be located in residential land use categories, this new policy and Implementation language does not apply to this proposed request. In addition, this proposed zoning request does not involve an increase in the intensity of the power plant facility, but rather it allows for an increase in power plant capacity from 3,000 megawatts to 3,300 megawatts and a potential increase in the height of the power plant stack, in order to ensure adequate monitoring of emissions for emission standards.

Based on the above analysis, no inconsistencies have been identified with the parcels' RR-10 and AP FLU designations.

The site is also located within the Greenways and Linked Open Space Map in a Study Area of Potential Water Managed Area/Water Preserve Area. Conservation Element (C) Policy 3.1-a states, "the County shall continue to coordinate with the South Florida Water Management District (SFWMD) and/or an advisory committee created by the District to assist with implementation of the provisions of the regional water plan...(10-C)." In addition, Conservation Element (C) Policy 3.1-d states, "the County, in close coordination with the South Florida Water Management District and other environmental regulatory and planning agencies, shall encourage that wetland mitigation, environmental protection and water management efforts support and optimize the functions of the East Coast Buffer and the Water Preserve Areas (11-C)." Consistent with these policies, the Planning Division contacted the SFWMD of the current request as indicated above. In verbal conversations with a representative of the SFWMD, the SFWMD indicated that it had no comments on the proposed request.

It should also be noted that, since the site is located within the Greenways Linked Open Space Map, it is also the subject to the following policies and objectives of the Comprehensive Plan: FLUE Policy 1.4-j, Objective 2.5, FLUE Policy 2.5-a, FLUE Policy 2.5-b, and FLUE Policy 2.5-e. Per the conditions of approval from the previous zoning petitions, the applicant set aside approximately 167 acres of the subject site for a linked open space/greenways corridor and instituted monitoring mechanisms to ensure that the corridor is preserved. Although these conditions are being revised to determine who shall ensure maintenance of the Corridor, they will still be retained.

TIER: Approximately 1/4 of the subject site is in the Rural Tier and approximately 3/4 of the site is in the Glades Tier. Although a smaller portion of the site is in the Rural Tier, the proposed request is subject to the following policy in the FLU that addresses the protection of rural communities in the Rural Tier. There are no policies of the Glades Tier that relate to this proposed request.

FLUE Policy 1.4-m states, "...Maintain specific regulations to restrict the types of non-residential and non-agricultural uses allowed and promote the rural character through design, and provide for locational criteria which will prohibit the scattering of such uses throughout the Rural Tier; (27-FLUE)."

To ensure that the intent of this policy is maintained, staff previously worked with the Zoning Division on acceptable conditions that would continue to ensure the protection of the rural residential communities surrounding the power plant and the entire excavation site. Therefore, the proposed request, as previously conditioned, is consistent with policies in the Comprehensive Plan for the Rural Tier.

FUTURE ANNEXATION AREA: The subject site is located within the future annexation area of the Village of Royal Palm Beach. As part of the public hearing notice process, Zoning Staff has notified the Village of the request.

INTERGOVERNMENTAL COORDINATION: The site is located within the Greenways and Linked Open Space Map in a Study Area of Potential Water Managed Area/Water Preserve Area. Consistent with these policies, the Planning Division contacted the South Florida Water Management District (SFWMD) of the current request as indicated above. As of the writing of this staff report, SFWMD verbally indicated that they had no comments on the proposed request.

SPECIAL OVERLAY DISTRICT/NEIGHBORHOOD PLAN/PLANNING STUDY AREA: A portion of the subject property is also located within the boundaries of the Central Western Communities Sector Planning Area (CWCSP). With regards to the CWCSP, the BCC directed staff in July 2000 to initiate a comprehensive regional planning effort in the central western portion of the County to address impacts associated with existing rural residential development and to develop a plan that will guide land use decision-making in the future. The Sector Planning effort is ongoing and the effort has not yet resulted in the adoption of a conceptual plan overlay for the area. The project's status can be followed on the Department's website.

In addition, although the subject property is not located in the Acreage Neighborhood Plan (ANP), the establishment of responsible entities for compliance with conditions may affect goals and objectives of the Acreage Landowners Association regarding flood control for the Acreage communities. As such, Planning Staff also notified the Acreage Landowners Association of the proposed request. As of the printing of this staff report, no comments have been received from the Acreage Landowners Association.

FINDINGS: It should be noted that in August 2002, the BCC adopted an amendment to FLUE Policy 2.2.9-d and to language on page 86 of the Implementation Section of the Comprehensive Plan to prohibit power plants in residential land use categories. However, the Comprehensive

Plan previously allowed power plants to be located on land with a Residential FLU designation subject to any siting criteria established by other regulatory agencies and the BCC through the ULDC. Therefore, since the uses on this site and the project's configuration was approved by the BCC prior to the incorporation of revised policies into the Comprehensive Plan that do not allow power plants to be located in residential land use categories, this new policy and implementation language does not apply to this proposed request. In addition, this proposed zoning request does not involve an increase in the intensity of the power plant facility, but rather it allows for a potential increase in the height of the power plant stack, in order to ensure adequate monitoring of emissions for emission standards. Thus, in conclusion, no inconsistencies have been identified with the parcels' RR-10 and AP land use designations of the Palm Beach County Comprehensive Plan. The proposed request, as conditioned herein, is consistent with the Policies and Objectives of the Rural Tier of the Comprehensive Plan. Given the intent and direction of FLUE Policy 2.3-e.3 and Conservation Element Policy 3.1-b, and since this site will provide a valuable water storage option for future environmental restoration, water supply, and flood control in the surrounding

area, the proposed request is also consistent with these policies and the plans of the SFWMD for the area in which this site is located.

ENGINEERING COMMENTS:

Engineering Condition E.1.b has been amended regarding the right-of-way for Okeechobee Boulevard. Also Engineering Condition E.6 has been amended regarding the median landscaping along SR 80.

PALM BEACH COUNTY HEALTH DEPARTMENT:

WATER/SEWER: No comments.

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: The site currently partially active agriculture and active mining operation and contains no significant native vegetation.

WELLFIELD PROTECTION ZONE: The property is not located within a Wellfield Protection Zone.

IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER: All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93-3. Any non-stormwater discharge or the maintenance or use of a connection that results in a non-stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93-15.

ENVIRONMENTAL IMPACTS: There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

FINDINGS: The request is consistent with the environmental criteria pursuant to ULDC Sections 7.6 (Excavation) and 9 (Environmental Standards).

OTHER:

FIRE PROTECTION: The Palm Beach County Department of Fire/Rescue will provide fire protection.

SCHOOL IMPACTS: No comments.

PARKS AND RECREATION: The extensive lake system and miles of upland buffers resulting from the mining and excavation of this 4,048 acre site have potential to support passive recreational use by the public. The SFWMD is in the process of developing a District Policy for public access and recreational use of District lands. This policy will facilitate review of the District owned lands within this site including consideration for public access and recreational use where appropriate in the future.

CONCURRENCY: A Concurrency Reservation exists for a Type III Excavation, water conservation and an electric power facility.

FINDING: The request is in compliance with Article 11 (Adequate Public Facilities) of the ULDC.

DEVELOPMENT REVIEW EVALUATION:

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SITE FACTORS: A 4047.96 acre site, approximately 6,064 feet in width with an average depth of 4 miles accessed by Southern Blvd (1). The site currently supports Type IIIB excavation activities, with approvals for water storage and a electric power facility.

ADJACENT LAND USE AND ZONING:

NORTH:	Comprehensive Plan:	Rural Residential 10 (RR-10)
	Zoning District:	Agricultural Residential (AR)
	Supporting:	Agricultural production (sugar cane)
SOUTH:	Comprehensive Plan:	Rural Residential 10 (RR-10)
	Zoning District:	Agricultural Residential (AR) and Public Ownership (PO)
	Supporting:	Southern Boulevard and SFWMD Pump Station No. 5
EAST:	Comprehensive Plan:	Rural Residential 10 (RR-10)
	Zoning District:	Agricultural Residential (AR)
	Supporting:	Residential/equestrian
WEST:	Comprehensive Plan:	Agricultural Production (AP)
	Zoning District:	Agricultural Production (AP)
	Supporting:	Agricultural production (sugar cane)

ZONING REQUIREMENTS: A final site plan shall be approved by the Development Review Officer (DRO) in accordance with the Unified Land Development Code (ULDC). The DRO review will ensure compliance with Board of County Commission conditions of approval, and applicable sections of the ULDC.

o Project History

Petition 1989-52 - Approval from the Board of County Commissioners for excavation.

Petition 1989-52(A) - Rezoning of a 3,044-acre site from Agriculture Residential to the Special Agriculture Zoning District, and a Class A Conditional use to allow a Type IIIB excavation. The excavation activities were proposed in 3 phases over a period of 30- 35 years. The excavation will result in 3 lakes totaling 2,616 acres of surface area. The BCC approved this project on January 30, 1997 under Resolution R-1997-0248.

Petition 1989-52(B) – Development Order Amendment to modify conditions on hours of operation. The BCC, during the original March 2002 hearing for this petition, approved the amended conditions for hours of operation, lighting, and noise level, and a condition for a continuance to the July 27, 2000 BCC. The continuance was to determine if the increase in hours of operation caused a negative impact on the surrounding community. The BCC approved this project on March 23, 2000 via Resolution R-2000-0419.

Petition 1989-52(C) – A Development Order Amendment to add a gas operated 3000 megawatt electrical power facility on the western 220 acres south of the existing FP&L Corbett substation. The proposed electrical power facility will use the adjacent water storage area from the Palm Beach Aggregates mining operation for cooling purposes. Also proposed is eleven heat dispenser towers approximately 180 feet in height to be located adjacent to each of the gas powered steam turbines. The petitioner also requested to add another access point on Southern Boulevard, modified previous conditions of approval to relocate median landscaping, increase excavation depth, modify phasing, reduce setback from Southern Boulevard and allow an additional sign on Southern Boulevard. The BCC approved this project on January 3, 2002 via Resolution R-2002-0009.

Petition 1989-52(D) – A Development Order Amendment to add 1,006.85 acres of land area to the existing Palm Beach Aggregate Mining property. The 3,044-acre subject property has previous approvals from the Board of County Commissioners for a Type IIIB excavation, and an electric power facility with water reservoirs and cooling ponds. The added land area to the site will allow for the expansion of the excavation operation, and eventually will be developed as reservoirs and be incorporated into the existing regional water conservation use on the subject property. The BCC approved this project on August 22, 2002 via Resolution R-2002-1472.

Petition 1989-052(E) – A Development Order Amendment to modify Engineering Condition E.10, which required the petitioner to reserve at least one billion gallons of storage for the Indian Trail Improvement District (ITID) to use for flood control purposes. Since the SFWMD will be purchasing the Palm Beach Aggregates property and acquire significantly more than the one billion gallon storage required in Condition E.10, this condition was no longer needed. The BCC approved this request on February 27, 2003 via Resolution R-2003-0324.

FINDINGS:

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1. **Consistent with Comprehensive Plan.** The Planning Division indicates that the proposed Development Order Amendment (DOA) is consistent with the purposes, goals, objectives and policies of the Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use;
2. **Complies with supplementary use standards.** The proposed DOA complies with all relevant and appropriate portions of Sec. 6.6, Supplementary Regulations of the Code;
3. **Compatibility.** The proposed DOA is compatible as defined in the Code. Any incompatibility issues have been addressed by conditions of approval;
4. **Design minimizes adverse impact.** Any adverse effects, including visual impact and intensity of the proposed uses have been addressed by conditions of approval. Any increase of the height of the electric power facility heat exchangers may create an adverse visual impact; however, stack height will be regulated by State and/or local regulatory agencies;
5. **Adequate public facilities.** The proposed DOA complies with Art. 11, Adequate Public Facility Standards;
6. **Design minimizes environmental impact.** The proposed DOA retains conditions of approval minimizing environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment. Those portions of the site acquired by SFWMD will be subject to separate regulatory review to ensure minimal environmental impact;
7. **Development patterns.** The proposed development will result in logical, timely and orderly development patterns;
8. **Other relevant standards of the Code.** The proposed DOA complies with all standards imposed on it by all other applicable provisions of the Code for use, layout, function, and general development characteristics;
9. **Consistency with neighborhood plans.** A portion of the subject property is located within the boundaries of the Central Western Communities Sector Planning Area (CWCSA). However, the

Sector Planning effort is ongoing and the effort has not yet resulted in the adoption of a conceptual plan overlay for the area; and

10. **Changed circumstances.** Conditions in the area of the subject property have changed to the extent to warrant the request. The petitioner indicates that since the SFWMD will be acquiring the PBA property to be used as a surface water storage reservoir for water management purposes, that conditions of approval for excavation, water conservation and electric power facility uses need to be designated as applicable to PBA and/or SFWMD. In addition, the petitioner indicates that several changes to the electric power facility conditions of approval are required to allow for the potential development of a power plant facility regulated by the Public Service Commission (PSC). The current approval applies to facilities operated by a private utility service provider.
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EXHIBITS

- Exhibit A: Legal Description (NA - attached to resolution)
- Exhibit B: Vicinity Sketch
- Exhibit C: Conditions of Approval
- Exhibit D: Accident History Report (Not available at time of printing)
- Exhibit E: Technology Statement (FPL)
- Exhibit F: Letter from Public Service Commission

EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified. Compliance of conditions by the appropriate entity has been indicated in each condition.

A. ALL PETITIONS

1. Condition A.1 of Resolution R-2003-0324, Petition EAC1989-052(E), which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-2002-0496 (Petition SR1989-052A), R-2002-0009 (Petition 89-052(C)) and R-2002-1472, Petition DOA89-052(D) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified.

The "C" petition was evaluated upon the representations and analysis the maximum 3,000 megawatt facility will be fueled by natural gas both as the primary and all secondary sources of fuel. No other sources of fuel have been reviewed or evaluated. This approval is therefore limited to the use of natural gas only. In the event that any other source of the fuel is proposed or required by the owner, any governmental agency or any other source, this petition shall be brought back to the BCC for further review and evaluation at which time the BCC may take any and all actions available to it under the ULDC as if this were a new petition being reviewed for the first time.

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2003-0324 (Petition 1989-052E) have been consolidated as contained herein. The ~~petitioner~~ property owner(s) shall comply with all previous conditions of approval and deadlines ~~previously established by Section 5.8~~ Article 2.E of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning) [This condition is applicable to the overall site.]

2. The ~~power plant parcel is limited to a~~ nominal 3,300 megawatt facility ~~will~~ be fueled by natural gas as the primary sources of fuel, except that low sulfur distillate may be used as a secondary fuel source for up to 500 hundred hours per year if ~~required~~ approved by the Public Service Commission (PSC) and Florida Department of Environmental Protection (FDEP).

- a. In the event that any other source of fuel is proposed or required by the owner, ~~any~~ governmental agency or any other source, this petition shall be brought back to the BCC for further review and evaluation at which time the BCC may take any and all actions available to it under the ULDC as if ~~this the request~~ were a new petition being reviewed for the first time. (ONGOING: ~~MONITORING~~ HEALTH/DEP - Zoning) [This condition is applicable to the power plant only.]

3. Condition A.2 of Resolution R-2003-0324, Petition EAC1989-052(E), which currently states:

Development of the subject property is limited to the uses, site design, landscape buffers, setbacks, separations, reclaimed areas and details presented to the Board of County Commissioners, as indicated on the plans dated June 14, 2002. All modifications must

be approved by the Board of County Commissioners unless the changes are required to meet conditions of approval or the ULDC.

Is hereby amended to read:

Development of the subject property is limited to the uses presented to the Board of County Commissioners as indicated on the site plans dated November 7, 2003 and February 18, 2004. All modifications must be approved by the Board of County Commissioners, unless the changes are required to meet conditions of approval or the ULDC.

- a. Changes resulting from the SFWMD reservoir project on lands owned by the SFWMD shall not require a Development Order Amendment to modify ~~modifications to these conditions of approval.~~ These conditions F.2, F.3, F.5, I.2, I.3, I.4, J.1 and J.2 will be modified pursuant to an agreement to be entered into between Palm Beach County (PBC), South Florida Water Management District (SFWMD) and Palm Beach Aggregates (PBA) by September 30, 2004 regarding the wildlife corridor, landscaping, and littoral shelves for consistency with SFWMD plans for its reservoir projects. (ONGOING: ZONING – Zoning) [This condition is applicable to Palm Beach Aggregates, SFWMD and the power plant.]

4. Condition A.3 of Resolution R-2003-0324, Petition EAC1989-052(E), which currently states:

All plans submitted dated October 25, 2001 (Power Plant) and June 14, 2002 shall receive certification by the Development Review Committee (DRC). All modifications must be approved by the Board of County Commissioners unless the changes are required to meet conditions of approval or are permitted by the ULDC.

Is hereby amended to read: ~~deleted. [REASON: Code requirement.]~~

All plans submitted dated ~~October 25, 2001~~ November 7, 2003 (Power Plant) and February 18, 2004 (Excavation, phasing and reclamation) and June 14, 2002 shall receive final approval ~~certification~~ by the Development Review ~~Committee (DRC) Officer (DRO).~~ All modifications must be approved by the Board of County Commissioners unless the changes are required to meet conditions of approval or are permitted by the ULDC. (DRO: ZONING – Zoning) [This condition is applicable to Palm Beach Aggregates and the power plant.]

5. Condition A.4 of Resolution R-2003-0324, Petition EAC1989-052(E)) which currently states:

Prior to DRC certification of the Final Excavation Plan, the petitioner shall amend all pertinent plans to ensure compliance with the ULDC and the conditions in this resolution. The plans shall also be amended to clarify setback, separation, reclamation and buffering requirements by further graphic delineation and plan notes. (DRC: ZONING – Zoning ~~(Previous Condition A.4 of Resolution R-2003-0324, Petition DOA/EAC1989-052(E))~~)

Is hereby ~~deleted. [REASON: Code requirement.]~~ amended to read:

Prior to approval of the Final Excavation Plan by the Development Review Officer (DRO), the petitioner shall amend all plans to ensure compliance with the ULDC and applicable conditions of approval. The plans shall clarify setback, separation, reclamation and buffering requirements by further graphic delineation and plan notes. (DRO: ZONING – Zoning) [This condition is applicable to Palm Beach Aggregates only.]

6. **Resolution R-89-2225 is hereby repealed.** (Previous Condition A.5 of Resolution R-2003-0324, Petition EAC1989-052(E)).
7. **Condition A.6 of Resolution R-2002-1472, Petition DOA89-052(D), which currently states:**

This Class A Conditional Use approval is only for a power generating facility requiring approval of the Governor and Cabinet sitting as the Power Plant Siting Board. Construction of any power generating facility not requiring approval of the Siting Board shall require modification of this condition.

Is hereby amended to read:

The electric power facility plant shall be limited to an electrical power generating facility requiring approval of the Governor and Cabinet sitting as the Power Plant Siting Board, or a power generating facility regulated as a public utility. (ONGOING: CODE ENF - Zoning) [This condition is applicable to the power plant only.]

8. **Condition A.7 of Resolution R-2003-0324, Petition EAC1989-052(E), which currently states:**

The petitioner shall have three (3) years from adoption of the resolution approving Petition DOA1989-052D to commence development of the Power Plant on the site. Only one (1) administrative time extension for a maximum of twelve (12) months may be granted.

Is hereby amended to read:

The petitioner property owner(s) shall have three (3) years from adoption of the resolution approving Petition DOA1989-052F to commence development of the electric power plant facility. Only A maximum of one (1) administrative time extension for a maximum of twelve (12) months may be granted. (DATE: MONITORING - Zoning) [This condition is applicable to the power plant only.]

B. ACCESS AND INTERNAL CIRCULATION

1. **Access for all hauling activity associated with excavation activity on the site shall be limited to one (1) point at any time to SR 80.** (ONGOING: CODE ENF - Zoning) (Previous Condition B.1 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]
2. **Internal traffic and vehicular circulation shall be in a forward motion with warning signals on all vehicles reduced to the minimum sound level allowed by OSHA standards.** (ONGOING: ~~ENG~~CODE ENF - Zoning) (Previous Condition B.2 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]

C. BLASTING

1. **The petitioner shall abide by and implement the best management practice, techniques and methods for blasting to reduce noise and vibration and all recommendations in the report by D. E. Siskind & Associates dated December 13, 1996 and June 27, 2000, as may be amended. In cases of conflict with the ULDC or conditions of approval, the more strict requirement shall apply.** (ONGOING: CODE ENF - Zoning) (Previous Condition C.1 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]

2. The petitioner shall comply with the following blasting regulations:

BLASTING REGULATIONS

PARAMETER	INSTRUMENT REQUIREMENTS	PERFORMANCE REQUIREMENTS
Ground vibrations	Seismographs: peak values of particle velocity for all three components of motion	Maximum of 0.20 in/sec peak at all frequencies for all components of motion (R,V,T)
Ground vibrations Non-monitoring alternative	Scaled distance	Minimum square root scaled distance of 200 ft/lb ² , or 1320 feet to closest residence, whichever is greater
Airblast	Monitor with low frequency roll off of 2 Hz	133 dBL linear peak (equates to approximately 90 - 110 dBA)
Airblast	Monitor with low frequency roll off of 5 or 6 Hz	129 dBL linear peak
Airblast	Non-monitoring alternative	Minimum cube root scaled distance of 500 ft/lb ^{1/3}
Flyrock	Visual observations	Not more than half the distance from the blast site to the property line
Preblast inspections	Documented inspection reports for operator and requestor	Upon request by any property owner within 2 mile of property line or a government official.
Record keeping/monitoring	Blast and seismograph records	Copies maintained by operator for at least three years, available for agency and public inspection on request

(ONGOING: CODE ENF - Zoning) (Previous Condition C.2 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]

3. The petitioner shall comply with the following blasting standards:

BLASTING STANDARDS

Schedule	Max. one (1) blast per day, M-F only
Time	Between 10:00 am - 4:30 p.m. only
Charges	Max. 200 timed delayed charges/blast
Explosives	Max. 160 lbs/8 millisecond delay
Holes	Max. 200 holes/blast

(ONGOING: CODE ENF - Zoning) (Previous Condition C.3 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]

4. No blast shall be detonated within the required separation areas set forth in Condition N.1. (ONGOING: CODE ENF - Zoning) (Previous Condition C.4 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]

5. **All use of explosives for blasting rock shall adhere to the following criteria:**
 - a. **Blasting shall be done with the existing overburden (e.g. fill) in place;**
 - b. **Blasting charges shall be set to minimize multiple charge detonations;**
 - c. **Blasting in areas where the overburden has been previously removed, or is insufficient to control air blast, shall be subject to best management practices for blasting and shall make all effort to control air blast. (ONGOING: CODE ENF – Zoning) (Previous Condition C.5 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only].**
6. **The petitioner shall install a temporary fence indicating the required separation (see Condition N.1) for all blasting activity prior to commencement of excavation in any subphase. The location of the fence shall be verified by a registered surveyor and submitted to the DRC. (ONGOING: CODE ENF/DRO – Zoning) (Previous Condition C.6 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only].**
7. **All seismographs shall measure all ground vibration in excess of 0.10 in/sec. and all air blast in excess of 125 dBL linear peak. (ONGOING: CODE ENF/DRO – Zoning) (Previous Condition C.7 of Resolution R-2002-1472, Petition DOA89-052(D)) [This condition is applicable to Palm Beach Aggregates only.]**
8. **A minimum of two (2) seismographs shall be located on the subject site. One seismograph shall have a permanent location, as indicated on the approved site plan which may be amended as needed. The second seismograph may be permanent or mobile and located at the closest abutting residential property line that faces the blasting activity. (ONGOING: CODE ENF – Zoning) (Previous Condition C.8 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]**
9. **The petitioner shall ensure that the seismograph instruments are recalibrated in accordance with standard industry practices at least once per year. (ONGOING: CODE ENF – Zoning) (Previous Condition C.9 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]**

D. DRI

1. **Condition D.1 of Resolution R-2003-0324, Petition EAC1989-052(E) which currently states:**

No subphase shall exceed eighty (80) acres of removal or disturbance of solid minerals or overburden per year.

Is hereby amended to read:

No subphase shall exceed one-hundred (100) acres of removal or disturbance of solid minerals or overburden per year. Removal or disturbance of solid materials or overburden required to implement the SFWMD reservoir system shall be exempt from this requirement. (ONGOING: CODE ENF – Zoning) [This condition is applicable to Palm Beach Aggregates only.]

2. **Daily water consumption for the mine shall not exceed 1.5 million gallons per day (mgd). (ONGOING: SFWMD-Zoning) (Previous Condition D.2 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]**

3. **Prior to commencement of excavation activity within the next subphase, or January 30, 1998, whichever occurs first, the petitioner shall obtain a development of regional impact (DRI) clearance letter from the Florida Department of Community Affairs (DCA). (DATE: MONITORING - Zoning) (Previous Condition D.3 of Resolution R-2003-0324, Petition EAC1989-052(E)). [Note: Completed.] [This condition is applicable to Palm Beach Aggregates only.]**

E. ENGINEERING

1. Condition E.1. of Resolution R-2003-0324, Petition EAC1989-052(E), which currently states:

Prior to certification of the master plan/site plan by the DRC, the plans shall be amended to reflect the Okeechobee Road right-of-way. This right-of-way corridor shall be through an alignment acceptable to the County Engineer. (DRC: ENG-Eng) (Previous Condition E.1 of Resolution R-2003-0324, Petition DOA/EAC1989-052(E)).

Is hereby amended to read:

Prior to final approval of the master plan/site plan by the Development Review Officer (DRO), the plans shall be amended to reflect the Okeechobee Road right-of-way. This right-of-way corridor shall be through an alignment acceptable to the County Engineer. (DRO: ENG-Eng)

- a. **The property owner shall convey to Palm Beach County 200 feet of road right of way for Okeechobee Boulevard from the east property line to the L-8 Canal within 90 days of a determination that the right of way is required. (ONGOING: ENG-Eng) (Previous Condition E.1.a of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]**

Condition E.1.b of Resolution R-2003-0324, Petition EAC1989-052(E), which currently states:

- b. **West of the L-8 Canal, the property owner shall convey to Palm Beach County 200 feet of road right of way for Okeechobee Boulevard. The alignment, which crosses the FP&L easement, shall be approved by the County Engineer. This right of way shall be conveyed to Palm Beach County within 90 days notice by the County Engineer that this additional right of way is**

required for Okeechobee Boulevard or prior to the cessation of the mining activity, whichever shall first occur.

Is hereby amended to read:

- b. **The property owner shall convey to Palm Beach County 200 feet of road right of way for Okeechobee Boulevard from the northeast corner of Section 29, Range 40, Township 43, westerly crossing the Florida Power and Light transmission line and passing north of the FPL Corbett Substation. All right of way shall be conveyed within ninety (90) days of a determination that the right of way is required. Right of way conveyance shall be free of all encumbrances and encroachments. The Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments, except for the existing Florida Power and Light easements through the site. The Grantor also agrees to provide Palm Beach County an environmental report, subject to the approval of County Engineer, demonstrating that this property meets all appropriate and applicable environmental agency requirements. In the event the report makes a determination of contamination which requires remediation or clean**

up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up prior to dedication. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips." ~~The property owner shall be responsible for the relocation of any Florida Power and Light transmission facilities. The property owner and Florida Power and Light shall also be responsible for coordinating with the Roadway Production Division concerning any transmission facilities relocations within the proposed alignment and there shall be no mining activity within this new alignment. Final alignment of Okeechobee Boulevard shall be approved by the County Engineer.~~ (ONGOING: ENG - Eng) [This condition is applicable to Palm Beach Aggregates only.]

2. **The property owner shall construct a left turn lane west approach and a separate right turn lane east approach at the project entrance and SR80.**
 - a. **This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. (DRAINAGE REVIEW: ENG - Eng) (Previous Condition E.2.a of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]**
 - b. **Permits required by Palm Beach County for this construction shall be obtained prior to May 1, 1997. (DATE: MONITORING - Eng) (Previous Condition E.2.b of Resolution R-2003-0324, Petition EAC1989-052(E)). [NOTE: Completed.] [This condition is applicable to Palm Beach Aggregates only.]**
 - c. **Construction shall be completed prior to July 1, 1997. (DATE: MONITORING - Eng) (Previous Condition E.2.c of Resolution R-2003-0324, Petition EAC1989-052(E)). [NOTE: Completed.] [This condition is applicable to Palm Beach Aggregates only.]**
3. **The property owner shall be responsible for maintaining all turnouts, acceleration lanes, and median openings within the SR 80 road right of way for the duration of the mining operation. Within 60 days of notice from the FDOT, the property owner shall perform the required maintenance to correct any and all defects. This property owner will be responsible for obtaining all permits from FDOT for this maintenance or repair work. (ONGOING: ENG - Eng) (Previous Condition E.3 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]**
4. **The property owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Okeechobee Boulevard along the property frontage; and a maximum 800 feet of these adjacent roadway(s). Conveyance of these drainage easements shall be concurrent with the right of way dedication of Okeechobee Boulevard as provided for in E2 above. The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20**

feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall.

The drainage system within the project shall have sufficient retention/detention and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. (DATE: MONITORING - Eng) (Previous Condition E.4 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]

5. Condition E.5 of Resolution R-2003-0324, Petition EAC1989-052(E), which currently states

The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project, to be paid at time of issuance of the next building permit, presently is \$77,110 (1402 trips X \$55.00 per trip).

Is hereby deleted. [REASON: Impact fees are now a code requirement.]
[This condition/requirement should be applicable to Palm Beach Aggregates and the power plant.]

6. Condition E.6 of Resolution R-2003-0324, Petition EAC1989-052(E), which currently states:

LANDSCAPE WITHIN MEDIAN OF SOUTHERN BOULEVARD

- a. Prior to December 1, 2002 the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Southern Boulevard Right-of-Way. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards.

The property owner shall also be responsible for supplementing any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material

is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (DATE: MONITORING – Eng) (Previous Condition E.6.a of Resolution R-2003-0324, Petition EAC1989-052(E)).

- b. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners.

All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before June 30, 2003. (DATE: MONITORING – Eng) (Previous Condition E.6.b of Resolution R-2003-0324, Petition EAC1989-052(E)).

- c. If the County does not assume maintenance responsibility, the property owners documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to June 30, 2003. (DATE: MONITORING – Eng) (Previous Condition E.6.c of Resolution R-2003-0324, Petition EAC1989-052(E)).

Is hereby amended to state:

LANDSCAPE WITHIN THE MEDIAN OF SR 80

- a. The petitioner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of SR 80. This landscaping and irrigation shall strictly conform with the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by petitioner shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County, unless petitioner provides payment for maintenance as set forth in Paragraph d below. [This condition is applicable to Palm Beach Aggregate only.]
- b. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to July 1, 2004. (DATE: MONITORING – Eng) [This condition is applicable to Palm Beach Aggregates only.]
- c. All installation of the landscaping and irrigation shall be completed prior to October 1, 2004. (DATE: MONITORING – Eng) [This condition is applicable to Palm Beach Aggregates only.]
- d. At the petitioner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the petitioner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been

provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the petitioner. The petitioner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Petitioner. (ONGOING: ENG - Eng) [This condition is applicable to Palm Beach Aggregates only.]

- e. At the option of the petitioner, the petitioner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along SR 80. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (ONGOING: ENG - Eng) [This condition is applicable to Palm Beach Aggregates only.]
 - f. The petitioner may elect to design, install and perpetually maintain an alternative to this median landscaping condition acceptable to the County Engineer and approved by the Board of County Commissioners. This alternate design to the Median landscaping installed by petitioner shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County. Any necessary permit(s) for this landscaping and irrigation alternative plan shall be applied for prior to July 1, 2004. [This condition is applicable to Palm Beach Aggregate only.]
 - g. Installation of any landscaping and irrigation option outlined in a, d, or e above shall be completed prior to October 1, 2004. (DATE: MONITORING - Eng) [This condition is applicable to Palm Beach Aggregates only.]
7. In order to comply with the mandatory Traffic Performance Standards, excavation shall be limited to seventy-six (76) acres per year or an equivalent acreage based upon a revised traffic study. This revised traffic study will be required to be submitted and approved by the Palm Beach County Traffic Division. An approved phasing plan shall be submitted to the DRC and shall be updated as required. (ONGOING: ENG - Eng) (Previous Condition E.7 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates and the power plant.]
8. a. The Property Owner shall fund the construction of an eastbound turn lane, plus appropriate tapers, on Southern Boulevard at it's Intersection with Forest Hill Boulevard (an add/drop lane of a half lane under the ART-PLAN). Funding in the amount of \$185,000 shall be provided to the Land Development Division prior to December 1, 2003. (DATE: MONITORING/ENG - Eng) [This condition is applicable to Palm Beach Aggregates only.]
- b. Funding of the thru lane shall include but not be limited to the design, construction, utility relocation, review fees, permit fees, construction administration, testing, and surveying and shall be based on a certified cost estimate provided by the Developers Engineer and approved by the County Engineer. (DATE: MONITORING/ENG - Eng) (Previous Condition E.8.A of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]
9. Condition E.9 of Resolution R-2003-0324, Petition EAC1989-052(E), which currently states:

In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

- a. No Building Permits for the proposed power plant shall be issued until construction commences for intersection improvements of an add/drop lane required to meet FDOT guidelines for the addition of a half lane under the ART-PLAN on Southern Boulevard at Forest Hill Boulevard plus the appropriate paved tapers. Construction commences is defined as awarding the contract for the construction, the acquisition of all right of way and construction easements and the acquisition of all required permits. (BLDG PRMT: MONITORING - Eng) (Previous Condition E.9.a of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to both Palm Beach Aggregates and the power plant.]

Is hereby amended to state:

In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

- a. No Building Permits for the proposed power plant shall be issued until the contract has been awarded for intersection improvements of an add/drop lane required to meet FDOT guidelines for the addition of a half lane under the ART-PLAN on Southern Boulevard at Forest Hill Boulevard plus the appropriate paved tapers. Phasing for this site may be adjusted by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. (DATE:MONITORING:Eng) (BLDG PRMT: MONITORING - Eng) (Previous Condition E.9.a of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to both Palm Beach Aggregates and the power plant.]

F. ERM

1. Condition F.1 of Resolution R-2003-0324, Petition EAC1989-052(E), which currently states:

A Chloride and Mercury Monitoring Plan addressing the time between site plan certification and the time at which chlorides are to be channeled around the property (Plan 1) and the time after which chlorides are no longer channeled around the property and placed into open pits (Plan 2) shall be submitted to the Department of Environmental Resources Management for review and approval prior to DRC Site Plan certification.

Is hereby amended to read:

A Chloride and Mercury Monitoring Plan addressing the time between site plan certification and the time at which chlorides are to be channeled around the property (Plan 1) and the time after which chlorides are no longer channeled around the property and placed into open pits (Plan 2) shall be submitted to the Department of Environmental Resources Management for review and approval prior to Development Review Officer (DRO) Site Plan certification. This condition will expire for reservoir areas which are completed and accepted for possession by SFWMD. (DRO: ERM - ERM) [This condition is applicable to Palm Beach Aggregates only.]

2. Condition F.2 of Resolution R-2003-0324, Petition EAC1989-052(E) which currently states:

A minimum 400 foot wide wildlife corridor, except adjacent to the south one half of the east border of Section 20 which may be reduced to 200 feet, shall be established along the western border of the L-8 canal for the entire length of the property. A maximum 92 foot wide littoral shelf may encroach the 400 foot corridor. No littoral shelf shall be permitted to encroach the 200 foot wide segment. The wildlife corridor shall be shown with the proposed Okeechobee Road right-of-way on the Final Excavation Plan and all applicable site plans prior to DRC certification. (DRC: ERM – ERM) (~~Previous Condition F.2 of Resolution R-2003-0324, Petition DOA/EAC1989-052(E).~~)

Is hereby amended to read:

A minimum 400 foot wide wildlife corridor, except adjacent to the south one half of the east border of Section 20 which may be reduced to 200 feet, shall be established along the western border of the L-8 canal for the entire length of the property. A maximum 92 foot wide littoral shelf may encroach the 400 foot corridor. No littoral shelf shall be permitted to encroach the 200 foot wide segment. The wildlife corridor shall be shown with the proposed Okeechobee Road right-of-way on the Final Excavation Plan and all applicable site plans prior to final approval by the Development Review Officer (DRO). (DRO: ERM – ERM) [This condition is applicable to Palm Beach Aggregates and SFWMD.]

3. Condition F.3 of Resolution R-2003-0324, Petition EAC1989-052(E) which currently states:

Landscape Plan which details the planting of the wildlife corridor, dedication of the corridor to Palm Beach County, and the long-term maintenance of the corridor vegetation shall be submitted to the Department of Environmental Resources Management for review and approval prior to DRC site plan certification. (DRC: ERM – ERM)

Is hereby amended to read:

Landscape Plan which details the planting of the wildlife corridor, dedication of the corridor to Palm Beach County, and the long-term maintenance of the corridor vegetation shall be submitted to the Department of Environmental Resources Management for review and approval prior to final site plan approval by the Development Review Officer (DRO). (DRO: ERM – ERM) [This condition is applicable to Palm Beach Aggregates and SFWMD.]

4. **Maximum depth of all excavation shall be -50 feet from OWL. (ONGOING: ERM – ERM) (Previous Condition F.4 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates and SFWMD.]**
5. **Prior to final site plan approval an agreement shall be signed and executed determining the timing of conveyance of the wildlife corridor, reconstruction of the encroached areas of the corridor, timing of planting, maintenance of planting and grading of corridor. (DRO: ERM-ERM) (Previous Condition F.5 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates and SFWMD.]**
6. Condition F.6 of Resolution R-2003-0324, Petition EAC1989-052(E), which currently states:

An application for modification to the existing Restrictive Covenant Agreement shall be submitted by final site plan addressing any variations from the original approved agreement.

Is hereby deleted. [REASON: No prior agreement has been entered.]

G. HEALTH

1. Condition G.1 of Resolution R-2003-0324, Petition EAC1989-052(E), which currently states:

Application and engineering plans to construct a non-transient non-community well in accordance with Rule 62-555 FAC and Palm Beach County ECR-II must be submitted to the Palm Beach County Health Department prior to final site plan approval.

Is hereby amended to read:

Prior to final site plan approval by the Development Review Officer (DRO), an application and engineering plan to construct an onsite sewage treatment and disposal system (OSTDS) in accordance with Rule 64E-6 FAC and Palm Beach County ECR-I shall be submitted to the Palm Beach County Health Department. (DRO: HEALTH – Health) [This condition is applicable to Palm Beach Aggregates and the power plant.]

2. Condition G.2 of Resolution R-2003-0324, Petition EAC1989-052(E), which currently states:

Application and engineering plans to construct an onsite sewage treatment and disposal system (OSTDS) in accordance with Rule 64E-6 FAC and Palm Beach County ECR-I must be submitted to the Palm Beach County Health Department prior to final site plan approval. (DRC: HEALTH)

Is hereby amended to read:

Prior to final site plan approval by the Development Review Officer (DRO), an application and engineering plans to construct a non-transient, non-community water systems in accordance with Rule 62-555 FAC and Palm Beach County ECR-II shall be submitted to the Palm Beach County Health Department. (DRO: HEALTH – Health) [This condition is applicable to Palm Beach Aggregates and the power plant.]

3. **In accordance with Chapters 62-4, 62-17, 62-210, 62-212, and 62-213, of the Florida Administrative Code, the applicant shall apply for and obtain all federal/state air pollution construction permits and/or certifications prior to commencement of construction. Copies of each application shall be submitted to the Palm Beach County Health Department's Air Pollution Control Section at 901 Severna Street, West Palm Beach, Florida 33401 at time such applications are submitted to the permitting authority. (ONGOING: HEALTH – Health) (Previous Condition G.3 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates and the power plant.]**
4. ~~As referenced in Pursuant to Condition A.2, the applicant property owner(s)~~ shall use ultra low sulfur distillate with sulfur content no greater than ~~0.06%~~ 0.0015% by weight as secondary fuel. If this level distillate fuel is not available then the fuel sulfur level shall not be more than 0.05% sulfur by weight. The low sulfur distillate fuel shall be used for no more than 500 hours, per 12-month rolling total. (ONGOING: HEALTH/CODE ENF – Health) [This condition is applicable to the power plant only.]
5. Upon submittal of an air permit application to the Florida Department of Environmental Protection (FDEP); the ~~applicant property owner(s)~~ shall submit to Palm Beach County Health Department (PBCHD) a multi-source NAAQS and Class II PSD Increment analyses for criteria pollutant, for the entire project at build out. The increment analyses shall include all the contributions from other sources significantly impacting the site if the predicted increase in impacts for these pollutants is above the significant impact level for a Class II established by EPA. Approval for this project is contingent upon predicted impacts from the multi-source Class II increment analysis demonstrating consumption of no more than 50 % of the available

increment (total aggregate from all sources). This condition shall be included in the air permit application to Florida Department of Environmental Protection (FDEP). The applicant shall seek further approval from the ULDC and the Board of County Commissioners if a higher percent of the increment is consumed. (ONGOING: HEALTH/CODE ENF – Health) [This condition is applicable to the power plant only.]

H. HOURS OF OPERATION

1. **Excavation, loading and hauling activity shall occur only between the hours of 6:00 a.m. to 10:00 p.m. Monday through Friday, and 7:00 a.m. to 5:00 p.m. on Saturday. No excavation shall be permitted after 10:00 p.m. (ONGOING: CODE ENF – Zoning) (Previous Condition H.1 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]**
2. **Loading and hauling only may occur between the hours of 10:00 p.m. and 6:00 a.m. Monday through Friday provided all of the following conditions are satisfied:**
 - a. **The work is required by a written government contract, a copy of the government contract and the property owner's contract to do the work, will be provided to the County within ten (10) days of execution;**
 - b. **The property owner provides the County and the neighboring Property Owner's Associations of the dates and times that such work will occur in order to provide sufficient time to set up a program to monitor the work;**
 - c. **The noise associated with the activity shall not exceed 45 dBA as measured in the performance standards of the ULDC Section 7.8;**
 - d. **No loading or hauling activity is done within 2,500 feet of a residential property line; and,**
 - e. **No rock crushing, grinding or processing of any nature shall be permitted after 10:00 p.m. (ONGOING: CODE ENF – Zoning) (Previous Condition H.2 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]**
3. **All uses shall not exceed 45 dBA as measured in the Performance standards of Section 7.8 of the ULDC. Noise shall be measured from the residential property line closest to the area under excavation. (ONGOING: CODE ENF – Zoning) (Previous Condition H.3 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]**
4. **Condition H.4 of Resolution R-2003-0324, Petition EAC1989-052(E), which currently states:**

Hours of operation shall not apply to the accessory asphalt or concrete batch plant.

Is hereby amended to read:

Hours of operation shall not apply to the accessory asphalt /or concrete batch plant or power plant or any activities, excluding blasting, west of the Florida Power and Light (FP&L) transmission line right-of-way, which includes portions of Section 13, Township 43S, Range 39E, and portions of Sections 19, 20 and 30, Township 43S, Range 40E. (ONGOING:CODE ENF-Zoning) [This condition is applicable to Palm Beach Aggregates only.]

5. **The rock processing plant, accessory asphalt plant and concrete batch plant shall be located a minimum of 2,500 feet from the property lines of the developments currently known as Deer Run, White Fences and Equestrian Estates. (ONGOING: CODE ENF -**

Zoning) (Previous Condition H.5 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]

I. LANDSCAPE/BUFFERING

1. **The petitioner shall provide a minimum twenty-five (25) foot wide Alternative No. 4 landscape buffer along the north boundary of Sections 28 & 27. (DRC: ZONING – Zoning) (Previous Condition I.1 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to the Palm Beach Aggregates.]**
2.
 - a. **The petitioner shall provide a minimum fifteen (15) feet high berm graded at a 5:1 slope with native landscape plantings within the western side of the 400 feet wide wildlife corridor.**
 - b. **The petitioner shall provide a minimum fifteen (15) feet high berm graded at a 3:1 slope along the Southern Boulevard frontage (Section 32 west of L-8 Canal) and an alternative slope ratio/overall height for the landscaped berm along the west property line north to the existing Corbett Substation subject to FP&L guidelines.**
 - c. **The plateau of the berms shall include a double row of canopy trees planted fifteen (15) feet on center with fifty (50) percent of the trees a minimum fourteen (14) feet high.**
 - d. **All berm slopes shall be planted with native grasses and ground cover. (DRC: ZONING/LANDSCAPE – Zoning) (Previous Condition I.2.d of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]**
3. **The petitioner shall further enhance the wildlife corridor by providing one (1) native tree sapling, a minimum of eighteen inches (18") in height for every 2500 square feet of land area in the corridor. (DRC: ZONING – Zoning) (Previous Condition I.3 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]**
4. **All landscaping required in the wildlife corridor shall be installed prior to commencement of any excavation activity within Phase 3 (aka Lake #3), unless the wildlife corridor is dedicated to the County, including the associated funds to plant the landscaping as specified in Conditions H.1 - H.3 above. (DRO: ZONING – Zoning) (Previous Condition I.4 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]**
5. **All outdoor lighting used to illuminate the subject property shall be shielded and directed down and away from adjacent residential properties and streets. (CO/ONGOING: BLDG/CODE ENF – Zoning) (Previous Condition I.5 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to both Palm Beach Aggregates and the power plant.]**
6. **Rock plant lighting shall not exceed fifty (50) feet in height, measured from finished grade to highest point, provided the lighting is shielded and directed away from residential areas. All other outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (CO: BLDG – Zoning) (Previous Condition I.6 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]**
7. **The required perimeter landscape buffer shall be installed adjacent to the asphalt batch/concrete plant if the plant is not located within**

the existing rock processing area. (DRC: ZONING – Landscape) (Previous Condition I.7 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]

J. LITTORAL SHELVES

1. All littoral shelves along the following sections lines shall be constructed at a minimum 20:1 slope and be a minimum of 92 feet wide, measured from top of bank to edge of pit: east sides of Sections 17, 20, 29, 32, 27 and 34, south sides of Sections 32, 33 and 34, north side of Sections 28 & 27. This criteria may be deleted or modified with a modification of the existing excavation Restrictive Covenant Agreement. (ONGOING: ERM-ERM) (Previous Condition J.1 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]
2. All littoral shelves as may be required by the ERM agreement shall be created by grading only. Littoral shelves shall not created by excavation. (ONGOING: ERM – ERM) (Previous Condition J.2 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]

K. MONITORING

1. Condition K.1 of Resolution R-2003-0324, Petition EAC1989-052(E) which currently states:

The Excavation Activity Monitoring Report required by Section 7.6.H.5.a. of the ULDC shall be submitted on or before March 15 annually. This excavation activity report shall include certification and documentation that all seismograph instruments have been re-calibrated within the calendar year. (DATE: MONITORING – Zoning)

Is hereby amended to read:

The Excavation Activity Monitoring Report required by Section 7.6.H.5.a. of the ULDC shall be submitted to the Zoning Division and Environmental Resources Management Department on or before March 15 annually. This excavation activity report shall include certification and documentation that all seismograph instruments have been re-calibrated within the calendar year. (DATE: ZONING/ERM– Zoning)[This condition is applicable to Palm Beach Aggregates only.]

2. Condition K.2 of Resolution R-2003-0324, Petition EAC1989-052(E) which currently states:

The annual Excavation Activity Monitoring Report shall contain a current aerial photograph of the site clearly outlining the areas of current and completed excavation. The acreage of each area shall be provided. Additional information may be required by the Development Review Committee (DRC). (ONGOING: ZONING – Zoning)

Is hereby amended to read:

The annual Excavation Activity Monitoring Report pursuant to Condition K.1 shall contain a current aerial photograph of the site clearly outlining the areas of current and completed excavation. The acreage of each area shall be provided. Additional information may be required by the

Development Review Officer. (DATE: ZONING/ERM – Zoning) [This condition is applicable to Palm Beach Aggregates only.]

3. Condition K.3 of Resolution R-2003-0324, Petition EAC1989-052(E) which currently states:

The Maintenance and Monitoring Report of Reclaimed Areas required by Section 7.6.H.5.b. of the ULDC shall be submitted on or before March 15 annually. (DATE: MONITORING - Zoning)

Is hereby amended to read:

The Maintenance and Monitoring Report of Reclaimed Areas required by Section 7.6.H.5.b. of the ULDC shall be submitted on or before March 15 annually including a map identifying ownerships of land as shown on plan dated February 18, 2004. (DATE: MONITORING - Zoning) [This condition is applicable to Palm Beach Aggregates only.]

4. **In accordance with good record keeping practices, the petitioner shall maintain a daily blasting log with the following minimum information:**

- a. **Name of operator or responsible person;**
- b. **Date and time of blast;**
- c. **Blast location (face and bench);**
- d. **Monitoring location;**
- e. **Distance to monitoring site;**
- f. **Distance to nearest residential structure;**
- g. **Lbs. of explosive, total;**
- h. **Lbs of explosive/8 millisecond delay;**
- i. **Peak ground vibrations for all 3 components of motion;**
- j. **Peak airblast and frequency roll-off of the airblast channel;**
- k. **Trigger settings for vibration and airblast;**
- l. **Frequencies of peak ground vibrations; and**
- m. **Other information required by the ULDC or as deemed necessary by the DRC. (ONGOING: DRC - Zoning) (Previous Condition K.4 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]**

5. **The blasting log shall be made available to the public or any government official on request. (ONGOING: CODE ENF - Zoning) (Previous Condition K.5 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]**
6. **The petitioner shall keep time histories (wave traces) for all events which exceed 0.10 in/sec. The petitioner shall provide written notification, with the seismograph reading, to the Zoning Director within 24 hours of any blasting event which exceed a ground vibration of 0.20 in/sec. (ONGOING: CODE ENF - Zoning) (Previous Condition K.6 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]**
7. **The petitioner shall maintain all blasting activity logs for a minimum of three (3) years. (ONGOING: CODE ENF - Zoning) (Previous Condition K.7 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]**

PARKS

1. **Condition L.1 of Resolution R-2003-0324, Petition EAC1989-052(E), which currently states:**

The petitioner shall coordinate with the County Park & Recreation Department in providing an end use plan that allows for public boating access to on site lakes and other public recreational uses within the projects boundaries. (ONGOING: PARKS-Parks)

Is hereby deleted. [REASON: SFWMD will determine the suitability for public access and recreational use of the site based upon District Policy.]

PHASING

1. **Prior to certification of the Phasing Plan by the DRC, the Plan shall be revised to indicate completion of the subphases adjacent to the Wildlife Corridor along the L-8 canal first within Lake 1. (DRC: ZONING – Zoning) (Previous Condition M.1 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]**
2. **Condition M.2 of Resolution R-2003-0324, Petition EAC1989-052(E), which currently states:**

A maximum of 3 subphases (maximum 240 acres) shall be in active excavation at any time.

Is hereby amended to read:

A maximum of three (3) sub-phases (a maximum of 300 acres) shall be in active excavation at any time. This condition ~~does~~ shall not apply to lands owned by the SFWMD. (ONGOING: CODE ENF – Zoning) [This condition is applicable to Palm Beach Aggregates only.]

N. RECLAMATION

1. **Condition N.1 of Resolution R-2003-0324, Petition EAC1989-052(E)), which currently states:**

A minimum of 300 acres of reclaimed area shall be provided, consistent with the graphic depiction on the overall excavation plan submitted by the applicant dated November 22, 1996.

Is hereby amended to read:

The upland reclaimed area to be provided shall be consistent with SFWMD plans for its reservoir project, and as depicted on the plans submitted by Palm Beach Aggregates for the non-SFWMD excavation. As Built plans for each phase shall be submitted to Palm Beach County prior to the commencement of the next phase in accordance with the approved phasing plan. (DRO: ERM/ZONING – Zoning) [This condition is applicable to Palm Beach Aggregates only.]

2. A modified Phasing Plan and modified Notice of Intent to Construct application shall be submitted to the Department of Environmental Resources Management prior to DRO site plan approval. (DRO:ERM-ERM)[This condition is applicable to Palm Beach Aggregates only.]

- 2.3. **Condition N.2 of Resolution R-2003-0324, Petition EAC1989-052(E), which currently states:**

A minimum of 1 subphase shall be reclaimed annually, until completion of the project.

Is hereby amended to read:

All reclamation shall be consistent with the South Florida Water Management District Plan or by agreement with SFWMD, Palm Beach County and Palm Beach Aggregates. (ONGOING: ZONING – Zoning) [This condition is applicable to Palm Beach Aggregates only.]

- 3.4. **Prior to December 31, 1999, the petitioner shall complete reclamation of all previously excavated areas within Lake 1. (DATE: MONITORING – Zoning) (Previous Condition N.3 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]**

O. SEPARATION

1. The petitioner shall meet the following separation requirements, measured as a radius from the closest residence to the edge of pit being excavated:

SEPARATION

Property Line	Separation
North - Section 17	900 feet
North - Section 28 & 27	1120 feet
South - Section 32	900 feet
South - Section 33	900 feet
East - Sections 17 & 20	900 feet
East - Sections 27 & 34	1320 feet
West	900 feet

(DRO: Zoning - Zoning) (Previous Condition O.1 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]

P. SETBACK

1. Condition P.1 of Resolution R-2003-0324, Petition EAC1989-052(E), which currently states:

The petitioner shall comply with the following minimum setbacks, measured from the property line to the top of bank:

SETBACKS

Property Line	Required Setback
North - Sections 13, 17, 18	50 feet
North - Sections 28 & 27	568 feet
South	108 feet
East - Section 17	308 feet
East - Section 27 & 34	108 feet
West - Section 32	795 feet
West - Sections 13, 19, 30	108 feet
Internal R-O-W	50 feet
Processing Equipment	2,500 feet from residential uses/800 feet from all property lines and 200 feet from Southern Boulevard right of way in Section 32 only
Stockpiles	Same as above
Accessory buildings	100 feet

Is hereby amended to read:

The property owner(s) ~~petitioner~~ shall comply with the following minimum setbacks, measured from the property line to the top of bank for all excavation related activity ~~PBA, electric power facility, and SFWMD excavation related activities~~.

SETBACKS

Property Line	Required Setback
North - Sections 13, 17, 18	50 feet
North - Sections 28 & 27	568 feet
South	108 feet

East - Section 17	308 feet
East - Section 27 & 34	108 feet
West - Section 32	795 feet
West - Sections 13,19,30	108 feet
Internal R-O-W	50 feet
Processing Equipment	2,500 feet from residential uses/800 feet from all property lines and 200 feet from Southern Boulevard right of way in Section 32 only.
Stockpiles	Same as above, except 300 feet for S, E and W property lines
Accessory buildings	100 feet

(DRO: Zoning - Zoning) [This condition is applicable to Palm Beach Aggregates only.]

Q. SIGNS

1. Freestanding point of purchase signs fronting on Southern Boulevard shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
 - b. Maximum sign face area per side - 100 square feet;
 - c. Maximum number of signs - two (2); and
 - d. Style - monument style only. (CO: BLDG - Zoning) ((Previous Condition Q.1 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates and the power plant.]

R. TOWERS

1. ~~Previous Condition R.1 of Resolution R-2003-0324, Petition EAC1989-052(E), which currently states:~~

The heat dispensing towers height shall be a maximum of one hundred and twenty (120) feet high unless additional height is required to comply with Department of Environmental Protection guidelines.

Is hereby amended to read:

The heat dispensing towers height shall be a maximum of one hundred and twenty (120) feet high unless additional height is approved to comply with Florida Department of Environmental Protection guidelines and approved by the Governor and Cabinet sitting as the Power Plant Siting Board. Additional height to accommodate safety clearance, emission air monitoring and noise attenuation equipments shall not exceed an overall height of one hundred and fifty (150) feet of each tower. (DRO/BLDG PRMT: HEALTH/BLDG - Health) [This condition applies to Palm Beach Aggregates and the power plant.]

2. Condition R.2 of Resolution R-2003-0324, Petition EAC1989-052(E) which currently states:

Aircraft obstruction lighting for the heat dispensing towers shall be subject to FAA/FAR guidelines Part 77 and if required, shall be limited to red steady burning type lighting. (DRC: AIRPORTS/ZONING)

Is hereby amended to read:

Aircraft obstruction lighting for the heat dispensing towers shall be subject to FAA/FAR guidelines Part 77, and shall be limited to red steady burning type lighting, unless otherwise required by FAA. (DRO:

AIRPORTS/ZONING) [This condition applies to Palm Beach Aggregates and the power plant.]

S. USE LIMITATION(S)

1. Condition S.1 of Resolution R-2003-0324, Petition EAC1989-052(E) which currently states:

All pumps shall be limited to electric only.

Is hereby amended to read:

All pumps shall be limited to electric only. This condition shall not be applicable to the SFWMD. (CODE ENF: ONGOING – Zoning) [This condition is applicable to Palm Beach Aggregates only.]

T. WATER SUPPLY

1. Condition T.2 of Resolution R-2003-0324, Petition EAC1989-052(E) which currently states:

Applicant agrees to create equivalent water storage to replace water storage used by the power plant within eight (8) years of the use of water storage by power plant facilities by dredging existing mined areas or other alternatives acceptable to the County. (ONGOING: MONITORING -Utilities) (Previous Condition T.2 of Resolution R-2003-0324, Petition EAC1989-052(E)) [This condition is applicable to Palm Beach Aggregates only.]

Is hereby deleted. [REASON: PBCWUD no longer required these conditions since SFWMD has now a contract with PBA on the use of pits for this exact use.]

2. **Applicant shall not negatively affect water quality or temperature in a manner that will prohibit discharge of water from the mined area to the surrounding canal system as determined by agencies with jurisdiction over the subject area. (ONGOING: MONITORING - Utilities) [This condition is applicable to both Palm Beach Aggregates and the power plant.] (Previous Condition T.2 of Resolution R-2003-0324, Petition DOA/EAC1989-052(E))**

3. The Palm Beach County Water Utilities Department shall provide potable water, reclaimed water and wastewater to all portions of the subject property except those unincorporated areas where the Palm Beach County Water Utilities Department has granted or assigned utility service area rights to a public or privately owned portable water, reclaimed water and/or wastewater utility or in areas where the Palm Beach County Water Utilities Department is specially excluded from providing utility service by Florida Statue. (ONGOING: UTILITIES – Utilities) [This condition is applicable to Palm Beach Aggregates, SFWMD and the power plant.]

U. PLANNING

1. Condition U.1 of Resolution R-2003-0324, Petition EAC1989-052(E) which currently states:

Should any archeological materials be uncovered, the Planning Director shall be contacted immediately, and all work on the pit shall cease until such time as "the find" has been examined, catalogued, and recorded and preservation status determined, as required by ULDC Section 7.13 Archeological Resource Protection. (ONGOING: CODE ENF/PLANNING – Planning) (Previous Condition U.1 of Resolution R-2003-0324, Petition DOA/EAC1989-052(E)).

Is hereby amended to read:

Should any archeological materials be uncovered, the Planning Director shall be contacted immediately, and all work on the pit shall cease until such time as "the find" has been examined, catalogued, and recorded and preservation status determined, as required by the ULDC. (ONGOING: CODE ENF/PLANNING – Planning). [This condition is applicable to Palm Beach Aggregates and the power plant.]

V. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING – Zoning) (Previous Condition V.1 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates, SFWMD and the power plant.]
2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
 - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (ONGOING: MONITORING – Zoning) (Previous Condition V.2 of Resolution R-2003-0324, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates, SFWMD and the power plant.]

3. Responsibility of the owners for compliance with a particular condition shall be as set forth on the following chart.

CONDITION NUMBER AND DESCRIPTION	CONDITIONS TO BE MAINTAINED IN COMPLIANCE BY PALM BEACH AGGREGATES, INC.	CONDITIONS TO BE MAINTAINED IN COMPLIANCE BY SOUTH FLORIDA WATER MANAGEMENT DISTRICT	CONDITIONS TO BE MAINTAINED IN COMPLIANCE BY POWER PLANT OPERATOR <u>OWNER</u>
A.1 PREVIOUS CONDITIONS	YES	YES	YES
A.2 POWER PLANT LIMITATIONS	NO	NO	YES
A.3 LIMITATION ON USE	YES	YES	YES
A.4 FUTURE MODIFICATION TO PLANS	YES	NO	YES
A.5. DRG-Q CERTIFICATION <u>APPROVAL</u>	YES	NO	NO
A.6 RESO REPEALED	N/A	N/A	N/A
A.7 CLASS A CONDITONAL USE FOR POWER FACILITY REQUIRING APPROVAL OF GOVERNOR	NO	NO	YES
A.8 COMMENCEMENT DATE FOR POWER PLANT SITE	NO	NO	YES
B.1 ACCESS LIMITATION	YES	NO	NO
B.2 INTERNAL CIRCULATION PATTERN	YES	NO	NO
C.1 BLASTING BEST MANAGEMENT STANDARDS	YES	NO	NO
C.2 BLASTING REGULATIONS	YES	NO	NO
C.3 BLASTING STANDARDS	YES	NO	NO
C.4 BLAST SEPARATION	YES	NO	NO
C.5 BLASTING CRITERIA	YES	NO	NO
C.6 FENCE REQUIRED	YES	NO	NO
C.7 SEISMOGRAPH CALIBRATION	YES	NO	NO
C.8 SEISMOGRAPH LOCATION	YES	NO	NO
C.9 SEISMOGRAPH CALIBRATION	YES	NO	NO
D.1 DRI SUB PHASE LIMITS	YES (ONLY FOR AREAS NOT OWNED BY SPWMD)	NO	NO

CONDITION NUMBER AND DESCRIPTION	CONDITIONS TO BE MAINTAINED IN COMPLIANCE BY PALM BEACH AGGREGATES, INC.	CONDITIONS TO BE MAINTAINED IN COMPLIANCE BY SOUTH FLORIDA WATER MANAGEMENT DISTRICT	CONDITIONS TO BE MAINTAINED IN COMPLIANCE BY POWER PLANT OPERATOR <u>OWNER</u>
D.2 DRI WATER CONSUMPTION LIMIT	YES	NO	NO
D.3 DRI BINDING LETTER	YES	NO	NO
E.1 A & B OKEECHOBEE ROW	YES	NO	NO
E.2 A & B CONSTRUCT TURN LANES	YES	NO	NO
E.3 TURN LANE MAINTENANCE	YES	NO	NO
E.4 ROW DRAINAGE	YES	NO	NO
E.5 FAIR SHARE FEE	YES	NO	YES
E.6 MEDIAN LANDSCAPE	YES	NO	NO
E.7 COMPLIANCE TO MANDATORY TRAFFIC PERFORMANCE STANDARDS	YES	NO	YES
E.8 CONSTRUCT EASTBOUND TURN LANE SR 80 FOREST HILL BLVD	YES	NO	NO
E.9 NO PERMITS FOR POWER FACILITY UNTIL CONSTRUCT EASTBOUND TURN LANE SR 80 FOREST HILL BLVD	YES	NO	YES
F.1 GROUND WATER MONITORING	YES - REQUIREMENT EXPIRES WHEN SFWMD ACCEPTS POSSESSION OF COMPLETED RESERVOIRS	NO	NO
F.2 WILDLIFE CORRIDOR	YES	YES	NO
F.3 WILDLIFE CORRIDOR PLAN	YES	YES	NO
F.4 MAXIMUM DEPTH	YES	YES	NO
F.5 TIMING OF CONVEYANCE FOR WILDLIFE CORRIDOR	YES	YES	NO
F.6 MODIFY EXISTING RESTRICTIVE COVENANT IF REQUIRED FOR VARIATION IN APPROVED PLAN	NO	NO	NO

CONDITION NUMBER AND DESCRIPTION	CONDITIONS TO BE MAINTAINED IN COMPLIANCE BY PALM BEACH AGGREGATES, INC.	CONDITIONS TO BE MAINTAINED IN COMPLIANCE BY SOUTH FLORIDA WATER MANAGEMENT DISTRICT	CONDITIONS TO BE MAINTAINED IN COMPLIANCE BY POWER PLANT OPERATOR <u>OWNER</u>
G.1 HEALTH WELL PERMITS.	YES	NO	YES
G.2 HEALTH SEPTIC PERMITS	YES	NO	YES
G.3 HEALTH AIR PERMITS	YES	NO	YES
G.4 HEALTH AIR PERMITS	NO	NO	YES
G.5 HEALTH AIR PERMITS	NO	NO	YES
H.1 HOURS OF OPERATION	YES	NO	NO
H.2 HOURS OF OPERATION	YES	NO	NO
H.3 HOURS OF OPERATION	YES	NO	NO
H.4 HOURS OF OPERATION	YES	NO	NO
H.5 HOURS OF OPERATION	YES	NO	NO
I.1 LANDSCAPE BUFFERS	YES	NO	YES NO
I.2 ALTERNATIVE LANDSCAPE BETTERMENT PLAN (ALBP)	YES	NO	NO
I.3 WILDLIFE CORRIDOR ENHANCEMENT	YES	NO	NO
I.4 LANDSCAPE TIMING	YES	NO	NO
I.5 OUTDOOR LIGHTING	YES	NO	YES
I.6 OUTDOOR LIGHTING HEIGHT LIMITATION	YES	NO	NO
I.7 LANDSCAPE REQUIRED FOR ASPHALT/CONCRETE PLANT	YES	NO	NO
J.1 LITTORAL SHELVES	YES	NO	NO
J.2 LITTORAL SHELVES	YES	NO	NO
K.1 MONITORING	YES	NO	NO
K.2 AERIAL PHOTOS REQUIRED	YES	NO	NO
K.3 MAINTENANCE MONITORING	YES	NO	NO
K.4 BLASTING RECORD	YES	NO	NO
K.5 BLASTING LOG	YES	NO	NO

CONDITION NUMBER AND DESCRIPTION	CONDITIONS TO BE MAINTAINED IN COMPLIANCE BY PALM BEACH AGGREGATES, INC.	CONDITIONS TO BE MAINTAINED IN COMPLIANCE BY SOUTH FLORIDA WATER MANAGEMENT DISTRICT	CONDITIONS TO BE MAINTAINED IN COMPLIANCE BY POWER PLANT OPERATOR <u>OWNER</u>
AVAILABILITY			
K.6 TIME HISTORY	YES	NO	NO
K.7 LOG MAINTENANCE	YES	NO	NO
L.1 PARKS COORDINATION	NO	NO	NO
M.1 PHASING	YES	NO	NO
M.2 SUB PHASE ACTIVITY LIMITS	YES	NO	NO
N.1 RECLAMATION MINIMUM	YES	NO	NO
<u>N.2 PHASING PLAN</u>	<u>YES</u>	<u>NO</u>	<u>NO</u>
N.2 <u>3</u> ANNUAL RECLAMATION	YES	NO	NO
N.34 RECLAIM EXISTING EXCAVATED AREA	YES	NO	NO
O.1 SEPARATIONS	YES	NO	NO
P.1 SETBACKS	YES	NO	NO
Q.1 SIGNS	YES	NO	YES
R.1 HEAT DISPENSING TOWERS HEIGHT LIMITATION	YES	NO	YES
R.2 HEAT DISPENSING TOWERS FAA LIGHTING	YES	NO	YES
S.1 USE LIMITATION ON PUMPS	YES	NO	NO
T.1 WATER SUPPLY - CREATE ADDITIONAL STORAGE	YES	NO	NO
T.2 WATER SUPPLY - APPLICANT SHALL NOT NEGATIVELY EFFECT WATER QUALITY	YES	NO	YES
<u>T.3 WATER SUPPLY - UTILITY SERVICE AREA RIGHTS</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>
U.1 PLANNING / ARCHEOLOGICAL PRESERVATION	YES	NO	YES
V.1 COMPLIANCE	YES, for those conditions to be maintained in compliance by Palm Beach Aggregates, Inc.	YES, for those conditions to be maintained in compliance by South Florida Water Management District	YES, for those conditions to be maintained in compliance by Power Plant Operator
V.2 COMPLIANCE	YES, for those conditions to be	YES, for those conditions to be	YES, for those conditions to be

CONDITION NUMBER AND DESCRIPTION	CONDITIONS TO BE MAINTAINED IN COMPLIANCE BY PALM BEACH AGGREGATES, INC.	CONDITIONS TO BE MAINTAINED IN COMPLIANCE BY SOUTH FLORIDA WATER MANAGEMENT DISTRICT	CONDITIONS TO BE MAINTAINED IN COMPLIANCE BY POWER PLANT OPERATOR OWNER
	maintained in compliance by Palm Beach Aggregates, Inc.	maintained in compliance by South Florida Water Management District	maintained in compliance by Power Plant Operator

4. The electric power facility site, the SFWMD reservoir site, and the Palm Beach Aggregates excavation site shall be treated as separate approvals for enforcement purposes. A violation of a condition on one site shall not affect the compliance status of the other sites. (ONGOING: MONITORING – Zoning)
5. The petitioner contained in all the above conditions of approval shall mean property owner(s). (ONGOING: MONITORING – Zoning)

EXHIBIT E

**Site Suitability**

- The site is located in the center of Palm Beach County, which is and will continue to be a major growth area within Southeast Florida.
- The site is located adjacent to an existing major 500 kv substation and transmission lines serving the region. No new right of ways or transmission lines is anticipated for this project.
- Close proximity to both an existing and recently permitted gas pipeline systems able to serve the site with clean, safe and efficient fuel.
- The existing approved lake system would provide the site with makeup water for a closed cooling system.
- The site is located at the edge of rural residential development tier and it's location provides a substantial spatial buffer from all existing and future residential development anticipated in Palm Beach County

Technology

The following items describe the technological aspects of the power plant:

- The project would consist of multiple phases, able to meet the growing energy needs for the region for both short term power (simple cycle configuration) and/or long term power (combined cycle configuration).
- The power plant would be composed of various combinations of combustion turbines (simple cycle or combined cycle) and steam turbines with the use of heat recovery steam generator systems (HRSG) for a combined cycle configuration.
- A typical four-on-one combined cycle plant would nominally provide 1100 megawatts of electricity. The four combustion turbines, each nominally providing 150 megawatts (600 megawatts total), would be coupled with four duct fired HRSG's which would generate steam to drive a steam turbine, rated for 500 megawatts.
- The facility would use clean natural gas as a primary fuel with distillate for emergency backup and state-of-the-art technology to generate electricity in an extremely efficient and environmentally friendly manner.
- In this technology fuel and air is mixed and ignited in the combustion turbines.

- In a combined cycle configuration, the combustion turbines are used to produce about two-thirds of the plant's electrical output and the byproduct of this process is hot gas that is recovered
- These recovered hot gases produced by the combustion turbines would be used to produce steam in a heat recovery steam generator system (HRSG)
- This high-energy steam from the HRSG would be piped into steam turbines to generate the remainder of the plant's electrical output.

Site Environment

- Two hundred and twenty acres that are presently approved for excavation and are used for sod farming.
- No naturally occurring jurisdictional surface water bodies, wetlands or wildlife habitat threatened or endangered species, historic or archaeological resources exist on site.
- Construction and operation of the facility would not adversely affect any natural or biological resources on or near the Site.
- Access to the Site would be by a roadway to Route 80 to the south.

The Project's Air Emissions

- Clean-burning natural gas, as a primary fuel, and advanced combustion turbines ensure an environmentally safe and efficient project.
- Best Available Control Technology would be used with regard to airborne emissions (dry low-NOx technology and a selective catalytic reduction (SCR) system).

Wastewater Discharges

- All industrial wastewater would be treated on-site prior to release.
- Domestic wastes would be processed with an approved On Site Sewer, Disposal System.

Stormwater Management

- Stormwater management plan would comply with all of the applicable requirements of the SFWMD, Florida Department of Environmental Protection, and Palm Beach County.
- Discharges of treated stormwater would enter the existing stormwater system
- Stormwater drainage patterns and discharges from the site (post-development) would be consistent with the current conditions.

Hazardous Material

- A licensed hazardous waste contractor in accordance with all-applicable law and regulations would manage all hazardous wastes.
- Spent SCR catalysts would be recycled or disposed of by a qualified contractor at a licensed waste management facility in accordance with all-applicable law and regulations.

Electric Transmission and Gas Line Corridors

- Florida Power & Light's Corbett Substation is adjacent to the Site.
- Natural gas would be transported to the Site via underground pipelines designed, permitted, owned and operated by suppliers such as Gulfstream Natural Gas Transmission Company, LLC or Florida Gas Transmission.

Economic Benefits

The Project's direct economic benefits could include:

- Substantial additional ad valorem tax revenue to Palm Beach County.
- Substantial additional ad valorem tax revenue to Palm Beach County School District.
- When fully built out, approximately 60 new permanent jobs with above average salaries and job benefits.
- Several hundred construction jobs (full time equivalent) over a two-year construction period.

COMMISSIONERS:
BRADJO L. BAEZ, CHAIRMAN
J. TERRY DEASON
LILA A. JAEGER
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON

STATE OF FLORIDA



GENERAL COUNSEL
RICHARD D. MELSON
(850) 413-6248

Public Service Commission

January 30, 2004

Commissioner Tony Masiotti
Vice Chairman,
Board of County Commissioners, Palm Beach County
381 North Olive Avenue
West Palm Beach, FL 33401

Dear Commissioner Masiotti:

It is my understanding that Florida Power & Light Company ("FPL") is considering development of a site on State Road 80 in western Palm Beach County, currently approved for power plant construction. There is a pending amendment to the site Development Order requesting a change to include a provision for the use of fuel oil as a backup fuel. Without attempting to address any site-specific issues, I thought it would be useful to provide some general comments regarding backup fuel concerns related to gas fired units.

Since it is the responsibility of all electric utilities in the State of Florida to ensure that they provide safe, reliable and cost-effective electric supplies to their customers, electric utilities must ensure there are adequate fuel supplies to each generation facility to protect the reliability of the system. In the case of plants that use either a solid (coal) or liquid fuel (fuel oil), the utility generally provides adequate on-site storage of that fuel in order to protect the facility from a temporary interruption in supply. In the instance of a natural gas fueled power plant, the fuel supply is delivered via pipeline, and on-site natural gas storage typically is not economically or practically feasible. Should the gas supply be interrupted due to a physical problem with the pipeline system or due to gas supply constraints, without an alternate fuel supply the plant would no longer be able to operate.

Given that gas storage generally is not possible at the plant site, a provision for backup fuel is necessary for the facility to continue to operate in the event of a gas supply interruption. Because the majority of new power plants and those under construction in Florida rely on natural gas as the primary fuel source, on-site backup fuel is increasingly important to the reliability of the overall electric system.

In exercising its jurisdiction under Section 403.519, Florida Statutes, to determine the need for a natural gas storage facility and whether a particular proposal is the best alternative the Commission

EXCERPTS FROM COMMISSION ORDERS ADDRESSING THE IMPORTANCE OF AN
ADEQUATE AND RELIABLE FUEL SUPPLY

In Order No. PSC-01-0029-FOF-EG, the Order granting a determination of need for the Hines 2 Unit, the Commission has the following to say regarding the importance of the gas fired unit having backup fuel oil capability: "FPC's reliability will be enhanced by the presence of backup fuel supply in the event of natural gas interruptions or gas price spikes."

In Order No. PSC-99-0931-FOF-BM, the Order granting a determination of need to the City of Lakeland for a gas fired combined cycle unit, the Commission stated, "[w]e note that the use of No. 2 fuel oil as the unit's backup fuel will reduce the risk associated with potential natural gas shortages or price spikes."

In Order No. PSC-98-1391-FOF-BI, the Order granting a determination of need to the Kissimmee Utility Authority and the FMFA for Cane Island Unit 3, a gas fired combined cycle unit with fuel oil backup, the Commission had the following to say: "[w]e find that the utilities have provided adequate assurances regarding the availability of primary and secondary fuel to serve Cane Island Unit 3 on a long-term and short-term basis at reasonable cost."

In Order No. PSC-97-0659-FOF-EM, the Order granting a determination of need to the City of Tallahassee for its gas fired Pundom 8 combined cycle unit with fuel oil backup, the Commission observed, "we find that the City has provided adequate assurances regarding available primary and secondary fuel to serve the proposed facility on a long term and short term basis at a reasonable cost."

In Order No. PSC-94-0761-FOF-EC, the Order granting an affirmative determination of need to Seminole Electric Cooperative, Inc. for the Hardee Power Station Unit #3, a gas fired combined cycle unit with fuel oil backup, the Commission observed: "We find that adequate assurances have been provided regarding available primary and secondary fuel to serve the proposed combined cycle unit on a long and short term basis at a reasonable cost." It also observed, "We believe that there are adequate and sufficient distillate oil supplies to serve the projected requirements based on the expected life of the proposed unit."

In Order No. 22708, the Order reporting the results of a Commission investigation of power outages during the Christmas Freeze of 1989 observed: "Utilities should pursue alternate fuel capabilities at generating plants which currently burn only natural gas which is subject to curtailments during cold weather."

APPENDIX 10.4

EXISTING PERMITS

Appendix 10.4 Table of Contents

1. PPSA Final Order
2. Recommended Order
3. Conditions of Certification
4. Site Certification Amendments and Modifications
5. Department of Environmental Protection
Prevention of Significant Deterioration Permit (Final)
6. Acid Rain Application
7. Notification of EPA Hazardous Waste Generator ID Number
8. South Florida Water Management District
Water Allocation for Underground Injection Control Construction
9. Underground Injection Control
Dual Zone Monitoring Well Permit
10. Underground Injection Control Exploratory Well Permit – EW1
and Conversion to South Florida Water Management District Monitoring Well
11. Underground Injection Control Exploratory Well Permit – EW2
12. Approval for Construction of Upper Floridan Aquifer Wells
13. Upper Floridan Aquifer Companion Wells Permit
14. Approval of Surface Water and Stormwater Management System
15. Notice of Intent to Use Generic Permit for Stormwater Discharge
from Large and Small Construction Activities
16. Department of Environmental Protection
Stormwater Discharge Generic Permit
17. Palm Beach County Water Use Agreement

PPSA Final Order

STATE OF FLORIDA
SITING BOARD

IN RE: FLORIDA POWER & LIGHT CO.)
WEST COUNTY ENERGY CENTER POWER)
POWER PLANT SITING APPLICATION NO.)
PA 05-47)

OGC CASE NO. 05-0745
DOAH CASE NO. 05-1493EPP

FINAL ORDER APPROVING CERTIFICATION

On October 24, 2006, an administrative law judge ("ALJ") with the Division of Administrative Hearings ("DOAH") submitted his Recommended Order in this certification proceeding. The Recommended Order indicates that copies were served upon counsel for Florida Power & Light Company ("FPL") and the Department of Environmental Protection ("DEP" or "Department"). The Recommended Order also reflects service upon counsel for other designated state, regional and local agencies. A copy of the Recommended Order is attached hereto as Exhibit A. The matter is now before the Governor and Cabinet, sitting as the "Siting Board," for final action under the Florida Electrical Power Plant Siting Act ("PPSA") embodied in Sections 403.501-403.518, Florida Statutes.

BACKGROUND

FPL is Florida's largest electric utility currently serving more than 8 million residents, representing approximately 4.4 million customer accounts. FPL provides service to these customers in all or parts of 35 counties in the State. In Palm Beach County, between 1966 and 2005, FPL's electric sales have increased by 890 percent. The last electrical generating unit added by FPL in Palm Beach County was at its Riviera Plant in 1963. The new plant site is

located adjacent to the existing FPL Corbett transmission substation in the unincorporated area of Palm Beach County. This new facility will be known as the West County Energy Center ("WCEC"). FPL owns the 220 acre WCEC site which is currently undeveloped, disturbed land free of vegetation and void of any wetlands, significant wildlife habitat and threatened or endangered species. The predominant land uses surrounding the WCEC site include mining to the east, industrial facilities as well as mining to the north, industrial facilities to the southeast and agricultural land to the west. The WCEC facility will not cause additional growth in the area, but is a response to projected state-wide electrical power demand growth and the requirement that FPL maintain a 20 percent electrical reserve margin.

On April 14, 2005, FPL applied for certification to construct and operate a new natural gas-fired electrical power plant at the WCEC site in Palm Beach County ("the Project"). FPL proposes to construct two new natural gas-fired combined cycle generating units, each providing approximately 1250 megawatts of electric generation ("WCEC Units 1 and 2"). The two generating units will utilize ultra-low sulfur light fuel oil as a backup fuel. FPL is also seeking approval for 3300 megawatts of ultimate capacity for the site.

On June 28, 2006, the Public Service Commission ("PSC") issued its final order affirmatively determining the need for the Project as proposed by FPL. The PSC found that there are no energy conservation measures reasonably available to FPL which could avoid or defer the need for the proposed WCEC Project and that FPL is actively encouraging development of renewable energy, consistent with the direction of the Florida Legislature and the PSC.

DOAH PROCEEDINGS

DEP forwarded the matter of FPL's requested site certification for the WCEC site to DOAH for formal administrative proceedings. On August 3, 2005, a land use hearing was held for the purpose of determining whether the Project is consistent and in compliance with local land use plans and zoning ordinances of Palm Beach County, Florida. On September 2, 2005, the assigned administrative law judge entered his Land Use Recommended Order concluding that the Project and its site are consistent and in compliance with Palm Beach County's land use plans and zoning ordinances. The Siting Board's Land Use Order adopting the Land Use Recommended Order and finding the Project to be consistent and in compliance with applicable land use plans and zoning ordinances was issued on November 15, 2005.

On July 18, 2006, DEP issued its Staff Analysis Report on the Project, incorporating the reports of the reviewing agencies and recommending certification of the WCEC, subject to a comprehensive set of recommended Conditions of Certification. At the hearing on this matter, DEP submitted a Revised Staff Analysis Report dated August 24, 2006, that incorporated some editorial changes and a slightly revised set of recommended Conditions of Certification (DEP Exhibit 2).

On August 28, 2006, FPL, DEP, the Florida Fish and Wildlife Conservation Commission, the Florida Department of Transportation, the Florida Department of Community Affairs, the Treasure Coast Regional Planning Council ("TCRPC"), PSC, South Florida Water Management District, and Palm Beach County filed a joint Prehearing Stipulation addressing certification issues. The Stipulation indicated that all of these parties either recommended certification, did

not dispute that certification should be approved, or took no position with respect to certification of the WCEC site.

The certification hearing was held on September 6 and 7, 2006, in Palm Beach County. FPL and DEP presented expert testimony and other evidence in support of site certification. No other party presented testimony or evidence. At the beginning of the certification hearing, four individuals represented by counsel motioned to intervene as parties to this proceeding. Section 403.508(4)(e), Florida Statutes, allows the designated administrative law judge discretion to grant intervention "any time prior to 30 days before commencement of the certification hearing." The provision was construed to mean that there was no discretion to allow intervention within 30 days of the certification hearing. Notice of the Certification Hearing was published by FPL in the Palm Beach Post on July 17, 2006. Any motion to intervene as a party to the proceeding should have been filed on or before August 4, 2006. In addition, other public notices concerning this proceeding were published by FPL and DEP at earlier stages of this proceeding. Accordingly, the motion was denied.

Members of the public were given an opportunity to provide public comment or testimony during the certification hearing. Four individuals provided public comment that was not sworn testimony. Twenty-five individuals testified under oath including three of the four individuals who had attempted to intervene as parties. Additional written public comment was allowed if filed with DOAH by September 15, 2006. Responses by the parties to any such written public comments were allowed if filed with DOAH by September 20, 2006.

RECOMMENDED ORDER

On October 24, 2006, the ALJ entered his Site Certification Recommended Order for the WCEC Project. The ALJ concluded that FPL met its burden of proof of demonstrating at the certification hearing that the WCEC site complies with all of the criteria for certification under the PPSA. The ALJ specifically concluded that the evidence at the hearing demonstrated that the construction and operational safeguards for the WCEC Project are sufficient to protect the public welfare. The ALJ further concluded that the WCEC Project will result in minimal adverse effects on human health, the environment, the ecology of the land and its wildlife, and the ecology of state waters and their aquatic life.

The ALJ also concluded that in accordance with the PPSA, proper notice of the site certification application and certification hearing was given to all persons, entities, and parties entitled to such notice. The required governmental agencies, and members of the public, either participated or had the opportunity to participate in the certification hearing. The four individuals who motioned to intervene well after the statutory deadline were allowed to participate through public comment and their counsel was allowed to participate in the hearing to cross-examine members of the public, to make a closing argument following the public comment, and file a post-hearing statement if he chose to do so.

The ALJ ultimately recommended that the Siting Board grant full and final certification for the WCEC Project to an ultimate capacity of 3300 megawatts, in accordance with the application, the evidence presented at the certification hearing, and subject to the Conditions of Certification set forth in DEP Exhibit 2.

CONCLUSION

No Exceptions were filed in this administrative proceeding challenging any of the ALJ's findings or conclusions in the Siting Certification Recommended Order. Further, the record in this proceeding is devoid of any objections by any governmental agencies to site certification of the WCEC Project. Based on a review of the record and the governing law, the Siting Board concludes that FPL's WCEC Project complies with the certification requirement of the PPSA and that site certification of the WCEC Project fully balances the increasing demands for electrical power plant location and operation with the broad interests of the public.

It is therefore ORDERED that:

- A. The Site Certification Recommended Order (Exhibit A) is adopted and incorporated by reference herein.
- B. Certification of the location, construction, and operation of Units 1 & 2, totaling 2500 MW, of the WCEC Project as described in FPL's site certification application and by the evidence presented at the certification hearing is APPROVED, subject to the Conditions of Certification contained in DEP Exhibit 2 and incorporated by reference herein.
- C. Certification of the WCEC site for an ultimate site capacity of 3300 megawatts is APPROVED, subject to supplemental application review pursuant to Section 403.517, Florida Statutes, and Rule 62-17.231, Florida Administrative Code.
- D. Authority to assure and enforce compliance by FPL and its agents with all of the Conditions of Certification imposed by this Final Order is hereby delegated to DEP, except that any proposed modification to burn a fuel other than natural gas or ultra-low sulfur light fuel oil shall be reviewed by the Siting Board.

Any party to this proceeding has the right to seek judicial review of this final order pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this Final Order is filed with the clerk of the Department.

DONE AND ORDERED this 21st day of December, 2006, in Tallahassee, Florida, pursuant to a vote of the Governor and Cabinet, sitting as the Siting Board, at a duly noticed and constituted Cabinet meeting held on December 19, 2006.

THE GOVERNOR AND CABINET,
SITTING AS THE SITING BOARD



THE HONORABLE JEB BUSH
GOVERNOR

FILED ON THIS DATE PURSUANT TO § 120.52,
FLORIDA STATUTES, WITH THE DESIGNATED
DEPARTMENT CLERK, RECEIPT OF WHICH IS
HEREBY ACKNOWLEDGED.

Dea Crandall
CLERK

12/26/06
DATE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Final Order Approving Certification has been sent by United States Postal Service to:

Kelly Martinson, Esquire
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

James Antista, Esquire
Florida Fish & Wildlife Conservation Commission
620 South Meridian Street
Tallahassee, Florida 32399-1600

Peter Cocotos, Esquire
South Florida Water Management District
Post Office Box 24680
West Palm Beach, Florida 33416-4690

Sheauching Yu, Esquire
Department of Transportation
605 Suwannee Street, Mail Station 58
Tallahassee, Florida 32399-0450

Martha Carter Brown, Esquire
Office of General Counsel
Florida Public Service Commission
2450 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Robert Banks, Esquire
Lil Walesky, Esquire
Palm Beach County
301 North Olive Avenue, Suite 601
West Palm Beach, Florida 33401

Roger Saberson, Esquire
Treasure Coast Regional Planning Council
70 Southeast 4th Avenue
Delray Beach, Florida 33483-4514

Peter C. Cunningham, Esquire
Hopping Green & Sams
Post Office Box 6526
Tallahassee, Florida 32314

Harris M. Rosen, Esquire
Corporate Counsel
Florida Power & Light Company
Post Office Box 14000
Juno Beach, Florida 33408

Ann Cole, Clerk and
David M. Maloney, Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, FL 32399-1550

and by hand delivery to:

Scott A. Goorland, Esquire
Department of Environmental Protection
3900 Commonwealth Blvd., M.S. 35
Tallahassee, FL 32399-3000

Steven Palmer, P.E.
Department of Environmental Protection
Siting Coordination Office
2600 Blairstone Road, Mail Station 48
Tallahassee, Florida 32399-2400

this 26th day of December, 2006.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


FRANCINE M. FFOLKES
Senior Assistant General Counsel

3900 Commonwealth Blvd., M.S. 35
Tallahassee, FL 32399-3000
Telephone 850/245-2242

Recommended Order

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

IN RE: FLORIDA POWER & LIGHT CO.)
WEST COUNTY ENERGY CENTER POWER) Case No. 05-1493EPP
POWER PLANT SITING APPLICATION)
NO. PA 05-47)
_____)

SITE CERTIFICATION RECOMMENDED ORDER

Pursuant to notice, the Division of Administrative Hearings, by its duly-designated Administrative Law Judge, David M. Maloney, held a certification hearing in the above-styled case on September 6 and 7, 2006, in Wellington, Florida.

APPEARANCES

For Florida Power & Light Co.:

Peter C. Cunningham, Esquire
Hopping Green & Sams, P.A.
Post Office Box 6526
Tallahassee, Florida 32314

Harris M. Rosen, Esquire
Corporate Counsel
Florida Power & Light Company
Post Office Box 14000
Juno Beach, Florida 33408

For the Department of Environmental Protection:

Scott A. Goorland, Esquire
Department of Environmental Protection
3900 Commonwealth Boulevard
Mail Station 35
Tallahassee, Florida 32399-3000

STATEMENT OF THE ISSUE

The issue to be resolved in this proceeding is whether the Governor and Cabinet, sitting as the Siting Board, should approve Florida Power & Light Company's ("FPL") request for certification to authorize construction and operation of the first two units of the West County Energy Center Project ("WCEC Project" or the "Project") and for certification of an ultimate site capacity of 3300 megawatts ("MW") for the WCEC Project site, in accordance with the Florida Electrical Power Plant Siting Act ("PPSA"), Section 403.501, seq., Florida Statutes ("F.S.")

PRELIMINARY STATEMENT

This proceeding was conducted pursuant to the PPSA, Chapter 403, Part II, F.S., and Chapter 62-17, Florida Administrative Code ("FAC") to consider FPL's application for power plant site certification of the WCEC Project. On April 14, 2005, FPL applied for certification to construct and operate a new natural gas-fired electrical power plant in Palm Beach County, Florida, pursuant to the PPSA. The Florida Department of Environmental Protection ("DEP") determined the application for site certification to be complete on April 29, 2005.

Comments on the sufficiency of the application were timely submitted by the DEP, the Department of State's Division of

Historical Resources, the Department of Transportation, and the South Florida Water Management District ("SFWMD"). FPL filed responses to all agency sufficiency comments. (FPL Ex. 2)¹ The application was found sufficient on September 12, 2005.

On August 3, 2005, a land use hearing was held for the purpose of determining whether the Project is consistent and in compliance with local land use plans and zoning ordinances of Palm Beach County, Florida. On September 2, 2005, the assigned Administrative Law Judge entered his Land Use Recommended Order concluding that the Project and its site are consistent and in compliance with Palm Beach County's land use plans and zoning ordinances. The Siting Board's Land Use Order adopting the Land Use Recommended Order and finding the Project to be consistent and in compliance with applicable land use plans and zoning ordinances was signed by Governor Bush and issued on November 15, 2005. (FPL Ex. 7)

Pursuant to Section 403.519, F.S., the Florida Public Service Commission ("PSC") issued Order No. PSC-06-0555-FOF-EI, dated June 28, 2006, affirmatively determining the need for the West County Energy Center as proposed by FPL. (FPL Ex. 5)

The various reviewing agencies have submitted reports on the Project and recommended Conditions of Certification. On July 18, 2006, DEP issued its Staff Analysis Report on the

Project, incorporating the reports of the reviewing agencies and recommending certification of the West County Energy Center, subject to a comprehensive set of recommended Conditions of Certification. At the hearing on this matter, DEP submitted a Revised Staff Analysis Report dated August 24, 2006, that incorporated principally editorial changes and a slightly revised set of recommended Conditions of Certification. (DEP Ex. 2)

On July 17, 2006, notice of the certification hearing scheduled for September 6 and 7, 2006, was published by FPL in the Palm Beach Post, a newspaper published in Palm Beach County, Florida. (FPL Ex. 6) Notice of this certification hearing was also published by DEP in the Florida Administrative Weekly on July 21, 2006. (FPL Ex. 6)

On August 28, 2006, FPL, DEP, the Florida Fish and Wildlife Conservation Commission, the Florida Department of Transportation, the Florida Department of Community Affairs, the Treasure Coast Regional Planning Council ("TCRPC"), PSC, SFWMD, and Palm Beach County filed a Prehearing Stipulation addressing certification issues. The Stipulation indicated that no party objected to certification of the Project, subject to appropriate Conditions of Certification. The TCRPC took no position as to whether or not the Project should be certified.

The certification hearing was held on September 6 and 7, 2006, in Wellington, Florida. The hearing was conducted for the purposes of receiving evidence as to whether certification authorizing construction and operation of the first two units of the Project should be approved, approved with conditions, or denied, and as to whether the Project site should be certified for an ultimate site capacity of 3300 MW. The hearing was also held to allow opportunity for public comment.

Pursuant to Section 403.507(3), F.S., the certification hearing shall also serve as the hearing on any petition for an administrative hearing concerning the preliminary determination and draft permit issued by DEP on the separately-issued federal Prevention of Significant Deterioration ("PSD") permit for the Project. No such petition has been filed as to that permit.

At the beginning of the certification hearing, Barry Silver, an attorney representing Michael Christensen, Patricia Curry, Alexandria Larson, and Sharon Waite, made an *ore tenus* motion for those four individuals to intervene as parties to this proceeding. Section 403.508(4)(c), F.S. allows the designated administrative law judge discretion to grant intervention "any time prior to 30 days before the commencement of the certification hearing." The provision was construed to mean that there was no discretion to allow intervention within

30 days of the certification hearing. The motion was denied accordingly.

FPL presented the oral or written testimony of ten witnesses. The Applicant's expert witnesses and the subject of their expert testimony included: Peter Andersen, P.E., Water Resource Engineering and Groundwater Modeling; Karl Bullock, Terrestrial and Wetlands Ecology; Richard Hathaway, Power Plant Design, Engineering and Construction; John Gnecco, P.E., Power Plant Design and Operation; Kennard Kosky, P.E., Power Plant Siting, Licensing, Alternatives Analysis and Regulatory Compliance, Air Pollution Control Technology Design and Engineering, Best Available Control Technology Determinations, Air Quality Impact Analyses, including impacts to Visibility and Noise Evaluation and Impact Analyses; Gregory Powell, Ph.D., Surface Water Hydrology and Geohydrology; Carmine Priore, III, P.E., Power Plant Operations; Jonathan Shaw, P.G., Hydrogeology; and Richard Zwolak, AICP, Land Use Planning, Socioeconomic Impact Analysis and Traffic Impact Analysis. David N. Hicks, a fact witness, was also called by FPL.

The prefiled written testimony and exhibits of four of FPL's expert witnesses were received into evidence by prior agreement of all of the parties.

FPL Exhibits 1 through 9, along with FPL Exhibits DNH-1, JG-1, RH-1 through 6, KFK-1 through 4, RZ-1 through 4, and CP-1 were admitted into evidence.

DEP presented the testimony of Steven L. Palmer, P.E., an expert in Electrical Power Plant Site Certification in the State of Florida. DEP Exhibits 1 through 5 were admitted into evidence.

Members of the public were given an opportunity to provide public comment or testimony during the certification hearing. Four individuals provided public comment that was not sworn testimony. Twenty-five individuals testified under oath. Counsel for FPL and DEP, as well as Mr. Silver, were given the opportunity to cross-examine those members of the public who gave sworn testimony. Public comment exhibits Tsolkas 1, Larson 1 and Curry 1 were admitted in evidence. Mr. Silver was allowed to make a closing argument on the public comment portion of the proceeding. Additional written public comment was allowed if filed with the Division of Administrative Hearings by September 15, 2006. Responses by the parties to any such written public comments were allowed if filed with the Division of Administrative Hearings by September 22, 2006.

FPL elected to order a transcript of the proceedings. It was filed with the Division of Administrative Hearings on

September 13, 2006. A Joint Proposed Recommended Order was submitted by FPL and DEP and has been considered in rendition of this Recommended Order.

FINDINGS OF FACT

Based upon all of the evidence received, the following Findings of Fact are determined:

Project Summary

Public Notice

1. The Notice of Certification Hearing regarding the WCEC Project was published by FPL in the Palm Beach Post on July 17, 2006. It included language consistent with Section 403.508(4) and (5), F.S., regarding opportunities to participate in this proceeding, and requirements and deadlines for intervening as a party in this proceeding. Paragraph 6(c) of that Notice included the following sentence: "Intervention pursuant to this paragraph may be granted at the discretion of the designated Administrative Law Judge and upon such conditions as he may prescribe any time prior to 30 days before the commencement of the September 6, 2006 certification hearing." (FPL Ex. 6)

2. Other public notices concerning this proceeding were published by FPL and DEP at earlier stages of this proceeding. DEP published a Notice of Filing Application for Power Plant

Certification regarding the WCEC Project on May 13, 2005. Under the heading "Point of Entry," that notice stated:

"This notice does not serve as a point of entry for any person. However, in the future, two hearings will be announced. One hearing will consider the compliance of the site with local land use plans and zoning ordinances. The second will address environmental impacts. Any person who is not a statutory party to the certification proceeding and whose substantial interest is affected and being determined by the proceeding may file a motion to intervene in the proceeding pursuant to chapter 120, Florida Statutes, and the applicable rules; section 403.508(4)(e), Florida Statutes; and section 62-17.141(4), Florida Administrative Code, at least 31 days before the date of the certification hearing. Failure to act within the time frame constitutes a waiver of the right to become a party. Intervention may be granted at the discretion of the designated administrative law judge and upon such conditions as he or she may prescribe any time prior to 30 days before the commencement of the certification hearing. The petition must be filed (received) with the Administrative Law Judge, Division of Administrative Hearings, The Desoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550 at least 31 days before the date of the certification hearing."

(DEP Ex. 3; Palmer Tr. III, pp. 51 to 53)

3. The Notice of Filing Application for Site

Certification regarding the Project published in the Palm Beach Post by FPL on May 14, 2005, included language consistent with Section 403.508(4), F.S. regarding intervention as follows:

"Intervention pursuant to this paragraph may be granted at the discretion of the designated administrative law judge and upon such conditions as he may prescribe any time prior to 30 days before the commencement of the certification hearing." The Notice of Land Use and Zoning Hearing regarding the Project published in the Palm Beach Post on June 16, 2005, included identical language regarding intervention. DEP published a Notice of Public Hearing regarding the land use hearing for the Project on June 17, 2005, that, under the heading "Point of Entry" also included substantially identical language on intervention. (FPL Ex. RZ-2, RZ-3; DEP Ex. 4; Palmer Tr. III, pp. 54, 55)

4. Each of the three newspaper notices published by FPL regarding this proceeding was approximately one-half page in size. The Palm Beach Post is a newspaper of general circulation in Palm Beach County. (FPL Ex. 6, RZ-2; RZ-3; Palmer, Tr. III, pp. 53, 54)

Background

5. Florida Power & Light Company is Florida's largest electric utility. FPL currently serves more than 8 million residents, representing approximately 4.4 million customer accounts. FPL provides service to these customers in all or parts of 35 counties in the state. FPL's service territory is

along the eastern seaboard and in the southern and southwestern portions of Florida. FPL has existing electrical generating units located at 14 sites in Florida. FPL has been providing electric service in Florida for more than 80 years. (FPL Ex. 1, pp. 1-2 to 1-3; FPL Ex. DH-1; Hicks, Tr. I, pp. 30-31)

6. The last electrical generating unit added by FPL in Palm Beach County was at its Riviera Plant in 1963. Between 1966 and 2005, FPL's electric sales in Palm Beach County have increased by 890 percent. (Hicks, Tr. I, p. 34)

7. FPL undertook an extensive public outreach program in connection with the WCEC Project. The goal of this program was to provide opportunities for FPL to share information with the public, to obtain their views, and to address their interests. Beginning in 2005 and continuing in 2006, FPL provided numerous presentations about the WCEC Project to homeowners' associations, Chambers of Commerce, and civic clubs. FPL also held open houses in local neighborhoods. (Priore, Tr. I, pp. 116-117; FPL Ex. 1, Vol. I, pp. 1-9 to 1-10; RZ-4)

PSC Need Determination

8. On June 28, 2006, the Public Service Commission issued its final order determining the need for the WCEC Units 1 and 2. The PSC found that: there is a need for FPL's proposed WCEC Units 1 and 2, taking into account the need for electric system

reliability and integrity, as used in Section 403.519, F.S.; without completing WCEC Unit 1 by June 2009, FPL's and Peninsular Florida's electric system reliability and integrity would be significantly reduced, and FPL would be unable to meet its reserve margin planning criterion; and, without completing WCEC Unit 2 by June 2010, FPL would fall below its reserve margin criterion. The PSC also found that: the WCEC Units 1 and 2 will be highly efficient and reliable, state-of-the-art units producing electricity for FPL's customers at a reasonable cost; the addition of WCEC Units 1 and 2 will improve FPL's average system heat rate by about four percent, allowing FPL's generating system to use four percent less natural gas; and that WCEC Units 1 and 2 are the most cost-effective alternatives available. The PSC found that there are no energy conservation measures reasonably available to FPL which could avoid or defer the need for the proposed WCEC Units 1 and 2 and that FPL is actively encouraging development of renewable energy, consistent with the direction of the Florida Legislature and the PSC. (FPL Ex. 5; Hicks, Tr. I, pp. 31-34)

Site and Site Vicinity

9. The site which is proposed to be certified in this proceeding is a new plant site of approximately 220 acres located adjacent to the existing FPL Corbett transmission

substation in the unincorporated area of Palm Beach County, Florida. FPL proposes to construct two new natural gas-fired combined cycle generating units, each providing approximately 1250 MW of electric generation. This new facility is referred to as the West County Energy Center. FPL is also seeking approval for 3300 MW of ultimate capacity for the site. The WCEC site is located north of State Road 80 and just northwest of the Village of Wellington. State Road 80, also known as U.S. Highways 98 and 441, is a major east-west corridor that traverses the middle of Palm Beach County. (FPL Ex. 1, pp. 1-1, 2-9, Fig. 2.1.1-1; FPL Ex. RH-2; Zwolak, Tr. III, p. 16-17; Palmer, Tr. III, p. 44)

10. FPL owns the 220 acre WCEC site, which was formerly owned by Palm Beach Aggregates, Inc. ("PBA"). Prior to FPL's purchase of the site, PBA conducted aggregate mining on a portion of this property. PBA reclaimed the land through removal of all organic material and overburden soils, and backfilled the site to 23 feet above mean sea level with structurally engineered material which meets the requirements of power plant construction. The site is currently undeveloped, disturbed land free of vegetation and void of any wetlands, significant wildlife habitat and threatened or endangered species. A berm has been constructed along the southern

boundary of the site where it abuts State Road 80, constituting a planted visual barrier approximately 30 feet above the elevation of State Road 80. The entire WCEC site is above the 100-year flood zone and is above the water levels projected in the event of a breach of the Lake Okeechobee dike. (FPL Ex. 1, pp. 2-1, 2-23 to 26, 4-4, 4-5; FPL Ex. RH-3; Gnecco, Tr. I, p. 44; Hathaway, Tr. I, p. 53-4; Zwolak, Tr. III, p. 10; Bullock, PT, p. 5)

11. Land uses immediately adjacent to the WCEC site include an electrical substation, mining, high voltage transmission lines and State Road 80. Agricultural lands are located west of the Project, while ongoing mining activities are located to the east and north of the Project. FPL's Corbett Substation is located northwest of and adjacent to the WCEC site. FPL's existing 500 kilovolts ("kV") transmission line corridor is located on the western boundary of the site. Palm Beach Aggregates has entered into an agreement with the SFWMD to construct water storage ponds to the east of the site after mining is completed by PBA. These ponds will be located east of the FPL site and between the PBA Road and the L-8 Canal. (FPL Ex. 1, pp. 2-1, 2-6, 2-21; FPL Ex. RH-3; Zwolak, Tr. III, pp. 10, 11, 14, 16)

12. The predominant land uses beyond those immediately adjacent to the site include mining to the east, industrial facilities, as well as mining to the north, industrial facilities to the southeast and agricultural land to the west of the site. (FPL Ex. 1, pp. 2-1, 2-6; FPL Ex. RH-3; Zwolak, Tr. III, p. 11)

13. The residential area nearest to the site is a multi-acre per lot subdivision called Deer Run, located to the northeast. The nearest residence in the Deer Run Subdivision is located approximately 0.75 miles from the location proposed for WCEC Unit 1. Beyond two miles from the site, land use patterns are primarily residential to the east, with density gradually increasing further to the east, and agriculture to the west. (FPL Ex. 1, p. 2-1; Zwolak, Tr. III, pp. 14-15)

14. The northern end of the Loxahatchee National Wildlife Refuge ("LNWR"), a part of the Everglades, is located south of the WCEC site and south of State Road 80. The LNWR comprises over 221 square miles including habitat for the American alligator and the endangered Everglades snail kite. In any given year, as many as 257 species of birds may use the LNWR's diverse wetland habitats. The portion of the LNWR located nearest the WCEC site is dominated by freshwater tree islands, marsh, shrubs, and cattails. Exotic species have extensively

colonized the northern, southwestern, and western portions of the LNWR. The LNWR's public access point nearest to the WCEC site is approximately 20 miles to the southeast. The portion of the LNWR closest to the WCEC site, a point on the LNWR's northern boundary, is not open for public use. (FPL Ex. 1, pp. 2-6, 2-7; Zwolak, Tr. III, pp. 13, 17) Testimony in the public comment portion of the hearing was that the distance from the site to the closest point in the LNWR is one-half mile. Mr. Zwolak, FPL's rebuttal witness estimated it to be "somewhere around 1000 foot one-fifth of a mile." Tr. III, p. 13. . . . Mr. Zwolak's estimate is found to be the more accurate. Whichever is more accurate, however, there is no question that the distance between the WCEC site and the nearest point of the LNWR is less than one mile.

15. In choosing the WCEC site, FPL considered a number of factors, including fuel supply, transmission access, water supply, location of the site, and physical attributes of the site. The WCEC site was found acceptable with respect to each of these factors. As to the site location and geology, FPL required assurances that PBA's ongoing mining operations, which include blasting of limerock material, would not adversely impact the operation of WCEC. PBA entered into an agreement with FPL that outlined the terms, conditions, and restrictions

associated with PBA's blasting activities. The blasting agreement included minimum separation criteria, maximum blasting levels, and coordination notification requirements. The minimum separation criteria was established to ensure that the most sensitive parts of the power plant (large rotating equipment such as the steam turbine) would not be adversely affected by blasting. With an understanding of the maximum velocity, displacement and accelerations associated with any blasting, FPL can design the WCEC structures, buildings and equipment to handle the resulting loads, including the combustion turbine foundations, fuel tanks and natural gas pipelines. Blasting associated with the PBA mining operations is not expected to adversely affect the buildings, structures, or equipment comprising WCEC or the safe and reliable operation of the facility. The ongoing mining activities of PBA have not adversely impacted the existing natural gas pipeline that runs along State Road 80, just south of the WCEC site. (Gnecco, Tr. I, pp. 40-49)

Project Design

16. The WCEC Project involves the construction and operation of two new "3-on-1" combined cycle units. Each unit will consist of three combustion turbines ("CTs") and three heat recovery steam generators ("HRSGs") that supply steam to a

single steam turbine generator. A combustion turbine is similar to a large jet engine. It combines air and fuel in the combustion turbine, where the fuel is ignited and the air expanded to rotate a shaft that has an electric generator attached to it. Heat from each combustion turbine, in addition to supplemental heat from duct burners, is exhausted into a HRSG which produces steam that is used with steam from the other HRSGs to rotate a conventional steam turbine shaft that is attached to a separate electric generator. The recovery of waste heat from the combustion turbine for use in the steam turbine results in the combined-cycle design having efficiency gains over conventional steam electric power plants. (FPL Ex. 1, pp. 3-1 to 3-2; Hicks, Tr. I, p. 32; Hathaway, Tr. I, p. 55)

17. Each of the 3-on-1 combined cycle units will have a total nominal generating capacity of 1250 MW. Each HRSG will contain a duct burner which is fired during peak demand periods to achieve the total nominal generating capacity. The duct burners will fire natural gas only. Duct firing will be limited to an equivalent of 2,880 hours per year per CT at the maximum firing rate. Each CT will also utilize inlet air cooling which removes heat from the inlet air and allows additional power to be produced more efficiently. An 8°F decrease in the inlet temperature would result in a three

percent increase in power output for each CT. (FPL Ex. 1, pp. 3-1 to 3-2; Hathaway, Tr. I, p. 56)

18. The WCEC Project will be fueled primarily by natural gas delivered by a new pipeline extension that will connect to an existing interstate natural gas pipeline. Natural gas will not be stored onsite. The natural gas pipeline extension will be permitted, constructed and operated by Gulfstream Natural Gas Systems, LLC. (FPL Ex. 1, pp. 3-2, 3-6; Hathaway, Tr. I, pp. 60-61)

19. Ultra low-sulfur light oil will be delivered by truck and used as a backup fuel for up to 500 hours per year per combustion turbine. Fuel oil will be stored onsite in two 6.3 million gallon storage tanks. Proper secondary containment will be provided to contain a spill of the fuel oil within these tanks. (FPL Ex. 1, pp. 3-2, 3-4; FPL Ex. 3; Hathaway, Tr. I, pp. 60-61)

20. No new transmission lines are required to connect the WCEC Project to FPL's existing transmission network. WCEC Units 1 and 2 will be connected to the existing FPL Corbett Substation located directly adjacent to the site by string buses from the onsite collector yards. (FPL Ex. 1, pp. 3-3, 6-1; Hathaway, Tr. I, p. 62)

Construction of WCEC Project Facilities

21. Construction of WCEC Units 1 and 2 is scheduled to commence in early 2007, with a planned in-service date for Unit 1 of June 2009 and a planned in-service date for Unit 2 of June 2010. (Hathaway, Tr. I, p. 62)

22. Construction traffic will use State Road 80 to access the existing PBA Road, which is an asphalt-paved road along the eastern boundary of the WCEC Project Site. A separate paved asphalt driveway will be constructed to connect the Site to PBA Road. (FPL Ex. 1, p. 4-4; Hathaway, Tr. I, p. 58).

23. Construction of the Project will not adversely impact adjacent surface water flood elevations or flows. There will be no adverse flooding or related impacts to offsite property.

(FPL Ex. 1, p. 4-4)

24. No explosives for blasting will be used during construction of the Project. (FPL Ex. 1, p. 4-1)

25. Site preparation will be minimal due to the existing character and structural stability of the backfilled material at the site. Structural fill will be used in areas of the site as needed. Spread foundations and pilings will be used. Fugitive dust generation from traffic and/or excavations will be minimized through paving, the use of water sprinkling, or other dust suppressant techniques. (FPL Ex. 1, p. 4-2)

26. Temporary dewatering may be required for initial site preparation. In the Revised Staff Analysis Report, there appears the following about "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 non-procedural requirements of Chapters 40E-2, 40E-3 and 40E-20, F.A.C., in effect at the time of submittal.

DEP Ex. 2., Appendix 1, p. 26 of 40. Dewatering should last less than one year and take place in the central portion of the site. Dewatering effluent will be routed to the stormwater retention ponds to allow it to evaporate or percolate. Construction dewatering is not expected to have any adverse impacts to groundwater or surface water resources and will comply with applicable SFWMD rules related to dewatering. FPL will submit a detailed dewatering plan to the SFWMD prior to commencement of dewatering. (FPL Ex. 1, p. 4-2; Powell, PT. pp. 10 to 11)

27. Water needed during construction will be obtained from the surficial aquifer. During construction, the work force will use portable chemical toilets. A licensed contractor will remove sanitary wastes for disposal in an approved disposal facility. (FPL Ex. 1, pp. 4-2 to 4-3)

Project Air Emissions, Air Emission Controls
and Air Quality Impacts

28. Air emissions from the WCEC Project will be minimized through the inherent efficiency of the combined cycle design, and the use of natural gas as the primary fuel, with ultra-low sulfur light oil as a backup fuel, advanced combustion control technology, and post-combustion control technology. Natural gas, the cleanest of fossil fuels, has very low levels of impurities relative to other fossil fuels. Ultra-low sulfur light oil is also relatively low in impurities and will be used as a backup fuel for no more than 500 hours per year per combustion turbine. Natural gas and ultra-low sulfur light oil can be burned very efficiently to minimize the formation of air pollutants. The use of dry low NO_x combustion design in the combustion turbines, and low NO_x burners in the duct burners, will also minimize air emissions by inhibiting formation of thermal NO_x by premixing of fuel and air prior to combustion, and by reducing flame temperatures. Selective Catalytic Reduction (SCR) will provide additional control of emissions of NO_x from the WCEC. The cooling towers will have high efficiency "drift" or "mist" eliminators to minimize the amount of drift and resulting particulate matter that is formed. These drift eliminators will reduce drift by over 99.99 percent. (FPL Ex. .

1, pp. 3-6 to 3-12; App. 10.1.5, pp. 2-1 to 2-8; Hathaway, Tr. I, p. 63; Kosky, Tr. I, pp. 75-78)

29. State and federal Prevention of Significant Deterioration ("PSD") regulations require that the WCEC Project meet all applicable emission limiting standards and that Best Available Control Technology ("BACT") be determined in order to limit emissions. BACT is defined in Florida Administrative Code Rule 62-210.200(39)(a), as:

An emission limitation, including a visible emissions standard, based on the maximum degree of reduction of each pollutant emitted which the Department [of Environmental Protection], on a case by case basis, taking into account:

1. Energy, environmental and economic impacts, and other costs;
2. All scientific, engineering, and technical material and other information available to the Department; and
3. The emission limiting standards or BACT determinations of Florida and any other state;

determines is achievable through application of production processes and available methods, systems and techniques (including fuel cleaning or treatment or innovative fuel combustion techniques) for control of each such pollutant.

The BACT requirements are intended to insure that the air emission control systems for WCEC reflect the latest in control technologies used in the electric utility industry and take into

consideration existing and future air quality in the vicinity of the Project. BACT review includes a cost-benefit analysis of alternative control technologies capable of achieving a higher degree of emission reduction than the proposed technology.

DEP's determination on what constitutes BACT for the WCEC Project is based on a balancing of environmental benefits with environmental, energy, and economic impacts and other costs.

(FPL Ex. 1, Vol. III, PSD Permit App., "PSD Report," pp. 3-2 to 3-4; DEP Ex. 2, App. VIII, pp. 7-8)

30. In its review for the PSD permit for the Project, the DEP determined that the emission limits proposed for WCEC Units 1 and 2 represent BACT for purposes of the PSD permit. (DEP Ex. 2, App. VIII, pp. 8-20)

31. The Project's use of relatively clean fuels, combined with advanced combustion control technology, will provide the maximum degree of emission reduction for sulfur dioxide, particulate matter, volatile organic compounds, carbon monoxide, and sulfuric acid mist. The dry low NO_x control technology for the combustion turbine combustion and the duct burners, along with SCR, reflect the latest available control technologies for reducing NO_x emissions from combined cycle systems. (FPL Ex. 1, pp. App. 10.1.5, "PSD Report" pp. 4-2 to 4-17; Kosky Tr. I, pp. 75-79)

32. The emission limits for the WCEC Project in the recommended Conditions of Certification contained in DEP Exhibit 2 incorporate the emission limits proposed as BACT by DEP. The recommended NO_x emission limit of 2.0 parts per million for combined cycle operation firing natural gas and 8.0 parts per million when firing ultra-low sulfur light oil are the lowest NO_x emission limits that have been approved as BACT for identical units, and are the lowest NO_x emission limits for any power plant in Florida. (DEP Ex. 2, Condition XXVIII.A. and App. 1, App. BD; Kosky Tr. I, pp. 79-80)

Air Quality Impact Analysis

33. Ambient air quality standards ("AAQS") have been established by the U.S. Environmental Protection Agency ("EPA") and DEP to protect public health and welfare. Air quality in the vicinity of the WCEC Project, and throughout Southeast Florida, currently meets all federal and State ambient air quality standards, and no area of Florida is currently designated as "nonattainment" for any air pollutant. The EPA and DEP have also established PSD increments that are more stringent than the AAQS to protect air quality from further degradation. PSD Class II increments apply except in designated Class I areas, which are subject to more restrictive increments. The Class I increments are designed to protect the sensitive

resources of national parks and national wilderness areas. (FPL Ex. 1, pp. 2-32, 2-33; Kosky, Tr. I, pp. 85-87)

34. In its review for the PSD permit for the Project, the DEP determined that air quality modeling demonstrates that WCEC Units 1 and 2 will comply with all federal and State ambient air quality standards, as well as PSD Class I and II increments. The air quality modeling conducted for the Project followed EPA and DEP modeling guidelines. Two air quality models were utilized to assess air quality impacts in the area surrounding the WCEC Project site, including assessing the potential impacts in the nearest PSD Class I area, which is the Everglades National Park ("ENP") located approximately 66 miles south of the WCEC site. Local and regional meteorological data from the National Weather Service was used in the modeling. The modeling incorporated maximum air emissions from the WCEC Project at various operating modes, fuels, loads, and ambient air temperatures, which may affect the emission rates from the WCEC Project. (FPL Ex. 1, pp. 5-21 to 5-29; Kosky, Tr. I, pp. 86, 87; DEP Ex. 2, p. 3 and App. VIII, pp. 30 to 39)

35. EPA has established "Significant Impact Levels" for the various pollutants that are subject to PSD review, and the Department has adopted these Significant Impact Levels at Rule 62-204.200(29), F.A.C. The comparison of a Project's

potential air quality impacts with the Significant Impact Levels represents an initial screening analysis to determine which pollutants require a more detailed modeling analysis. (FPL Ex. 1, pp. 5-21, 5-22, App. 10.1.5, "PSD Report" pp. 3-4 to 3-6; Kosky, Tr. I, pp. 89-91)

36. In its review for the PSD permit for the Project, the DEP determined that impacts of the emissions of WCEC Units 1 and 2 will be below the PSD Class II Significant Impact Levels for all applicable air pollutants, with the exception of the maximum impacts for particulate matter with an aerodynamic diameter of 10 microns ("PM₁₀") for the 24-hour averaging time. For this averaging time for PM₁₀, comparison of the maximum Project impacts and other increment consuming sources in the region compared to the PSD Class II increments was performed. This "multi-source modeling" demonstrated that the impacts of the Project, along with all other sources in the region would comply with the AAQS and the PSD increments. (FPL Ex. 1, pp. 5-29, 5-30, App. 10.1.5, "PSD Report" pp. 6-9 to 6-14; FPL Ex. KFK-2; Kosky, Tr. I, pp. 90, 93; DEP Ex. 2, App. VIII, pp. 30 to 39)

37. In its review for the PSD permit for the Project, the DEP determined that the impacts of WCEC Units 1 and 2 on air quality in the Everglades National Park comply with the restrictive PSD Class I increments. With the exception of the

24-hour averaging time for PM_{10} , predicted maximum Project impacts are below the Significant Impact Levels in ENP. A multi-source regional impact analysis for the 24-hour averaging time for PM_{10} demonstrated that maximum predicted impacts in the ENP comply with the Class I increment. The maximum impacts of the Project on air quality in the ENP could not be measured even with the most sophisticated monitoring equipment. (FPL Ex. 1, p. 5-30, App. 10.1.5, "PSD Report" pp. 6-12, 6-13; Kosky Tr. I, pp. 92, 93; DEP Ex. 2, App. VIII, pp. 31 to 35)

38. Analysis of the Project's potential impacts on Air Quality Related Values ("AQRVs") in the ENP was also performed as part of the PSD review. AQRVs are established by the federal land manager for each Class I area, taking into account potential impacts on soil, vegetation, wildlife, air deposition, and visibility. The analysis performed as part of the PSD permit review showed that the Project's impacts on ENP meet all of the federal land manager's AQRV criteria for protection of the sensitive resources in ENP. Nitrogen and sulfur deposition rates for the Project are less than the significant impact levels determined by the National Park Service, are well within the buffering capacities of the soils in the ENP, and are much less than the observed deposition rates in the area. Both natural gas and low sulfur light oil are relatively low in

mercury content. The relatively low sulfur deposition rate from the Project will also minimize activation of mercury in the soils by sulfur reducing bacteria. (FPL Ex. 1, pp. 5-32 to 5-34, App. 10.1.5, "PSD Report" pp. 7-9 to 7-21; DEP Ex. 2, App. VIII, pp. 36 to 37; Kosky, Tr. I, pp. 93, 94)

39. The Project's potential air quality impacts in the vicinity of the site and on the LNWR were evaluated based upon the soils, vegetation, and wildlife found in the LNWR. This evaluation and additional analyses conducted for staff of the LNWR included potential impacts of deposition from the Project's cooling towers. The analyses demonstrated that the Project's emissions would not have any adverse impact on the sensitive resources in the LNWR. (FPL Ex. 1, pp. 5-32 to 5-34, App. 10.1.5, "PSD Report" pp. 7-8, 7-9; Kosky Tr. I, pp. 88, 94, 95)

Project Water Use and Sources

40. Two mechanical draft cooling towers will be used in the heat dissipation system for the Project, one for each unit. The cooling towers bring water into contact with air for the purpose of lowering the temperature of the cooling water, mainly through evaporative cooling. Some of the cooling water must be continuously removed to prevent the buildup of dissolved solids that are left behind by the evaporative process. The water that is removed is called cooling tower

"blowdown." Water added to replace evaporation and blowdown is called cooling tower "makeup." (FPL Ex. 1, pp. 3-3, 3-13; Hathaway, Tr. I, pp. 55; 56; Powell PT p. 5)

41. One source of makeup water for the cooling towers will be surface water withdrawn from the SFWMD L10/L12 Canal, located to the south of the WCEC site. An inlet structure will be constructed and installed on the north bank of the L10/L12 Canal, with a circulating water pump structure located in the southeast corner of the WCEC site. When water is not available from the Canal, FPL will pump non-potable brackish groundwater from three new wells drilled into the Upper Floridan Aquifer. The wells will penetrate to 1400 feet below ground surface. The WCEC Project may also utilize captured onsite stormwater for cooling tower makeup when available. The Project will be able to accept reclaimed water when a source becomes available at the site in an acceptable quality and quantity for the new power plant's cooling towers. (FPL Ex. 1, pp. 3-3, 3-13; FPL Ex. RH-5; DEP Ex. 2, pp. 21, 23-25; Hathaway, Tr. I, pp. 59, 61, 62)

42. Under the recommended Conditions of Certification, water withdrawals from the L10/L12 Canal will be allowed when water is available in the regional system and the SFWMD determines that releases from the regional storage system are not required for the purpose of maintaining designated water

levels in the Canals and for meeting existing water supply demands. This limitation is recommended by SFWMD to protect the regional water supply needs and legal water users in existence prior to approval of FPL's Project. (DEP Ex. 2, p. 23; Powell PT, pp. 6-7)

43. Withdrawals from the L10/L12 Canal are not expected to cause any adverse effects on surface or ground waters in the vicinity of the WCEC site. A review of the historical water and flow levels in the Canal, as well as an evaluation of the hydrology and geohydrology of the Project area, demonstrates that there will be no adverse effects from these withdrawals from the L10/L12 Canal. (FPL Ex. 1, pp. 5-1 to 5-2, 5-13 to 5-16; Powell PT, pp. 6-7)

44. Withdrawals from the L10/L12 Canal are also not expected to have any adverse effect on aquatic life in the canals. The intake structure will use screening and diversion technologies to minimize impacts to aquatic organisms that may be in the canal. The intake structure will be designed to insure that maximum through-screen velocities are less than 0.5 feet per second. No protected species of fish are found in the canal. The canal does not provide desirable breeding habitat for native fish due to regular canal maintenance and excavation.

(FPL Ex. 1, pp. 5-1 to 5-2, 5-13 to 5-16; Powell PT, pp. 6-7; Bullock PT, p. 5)

45. The onsite wells pumping from the Floridan Aquifer system will supply cooling tower makeup and other plant water needs when surface water is not available. Each well will be rated at 7,000 gallons per minute ("gpm"). Analyses were performed to determine the impacts of these groundwater withdrawals from the Upper Floridan Aquifer. A three dimensional aquifer model was developed to evaluate these impacts. The model evaluates the response of the large natural aquifer system from the proposed pumping and can predict changes in water levels by changing inputs to the model. The model considers the layering within the aquifer system, the proposed withdrawal rates, and the aquifer system parameters. The Upper Floridan Aquifer model was run to assess the change in water levels or drawdown which would result from FPL's average proposed pumping of 14.56 million gallons per day ("mgd"). A series of sensitivity analysis simulations were also done to assess the effect of uncertainty or variability in the aquifer system parameters on the predicted results for aquifer drawdowns. There are no existing legal users of the Floridan Aquifer within 15 miles of the FPL West County Energy Center site. Two wells are located approximately 15.3 miles away.

These 2 wells will be within the cone of depression where there will be greater than a 1 foot drawdown in the aquifer levels. However, due to the potentiometric surface in the Floridan Aquifer, this drawdown is not expected to interfere with the operation of these wells. These groundwater withdrawals are not expected to impact surface wetlands. (FPL Ex. 1, pp. 5-16 to 5-17, App. 10.1.7; Andersen PT, pp. 9-12)

46. Potable water for the Project will be withdrawn from onsite wells in the surficial aquifer. These withdrawals of approximately 35,000 gallons per day were also modeled. The maximum cone of depression for these withdrawals, as defined by the 0.1 foot drawdown contour extends out 1,350 feet from the well. This drawdown will not significantly impact any wetlands or existing users of the surficial aquifer. The potable water system will meet the requirements of Chapter 62-555, F.A.C. (FPL Ex. 1, pp. 3-13, 5-17, App. 10.7; Andersen PT, p. 11; Bullock PT, p. 7)

47. The WCEC Project will have other process water needs. These water needs will be met by water from the L10/L12 Canal or from the Upper Floridan Aquifer. Demineralized water is required to replace blowdown from the HRSG which is necessary to maintain a low dissolved solids content in the HRSG, to replace steam losses, for NO_x control, and for the CT air inlet.

evaporative cooling system. Demineralized water will be produced using an onsite trailer-mounted reverse osmosis/mixed bed demineralizer system. The demineralized water will be stored in a 2 million gallon storage tank for each unit. Reject water from the demineralizer system will be mixed with cooling tower blowdown for disposal. General service water for the Project will include seal water, cleaning and flushing water, and fire protection water. (FPL Ex. 1, p. 3-14)

48. Water use by WCEC will meet the statutory criteria in Chapter 373, F.S. for consumptive water use permits, that the use is a reasonable and beneficial use, that it is in the public interest, and that there be no adverse impact to existing legal users. The proposed withdrawals will therefore be consistent and in compliance with the consumptive water use permitting criteria of the SFWMD Basis of Review for water use permits. Prior to beginning pumping of water from the Upper Floridan Aquifer, FPL will conduct an aquifer performance test on the Project site. (Andersen PT, pp. 11-13; DEP Ex. 2, App. VI)

Project Wastewaters and Disposal

49. Project wastewaters include cooling tower blowdown, HRSG blowdown, process water treatment system wastewater, groundwater pretreatment wastewater, equipment wash water, and equipment area stormwater. HRSG blowdown will be quenched with

cooling tower blowdown. Contact area stormwater will be passed through an oil/water separator and released to the stormwater ponds. (FPL Ex. 1, p. 3-15)

50. Sanitary wastewater will be routed to an onsite package sanitary treatment system which meets the requirements of state and local regulations. The treated sanitary wastewater will be recycled through the cooling tower or routed to the injection wells. (FPL Ex. 1, 3-16)

51. Cooling tower and HRSG blowdown and other wastewaters will be routed to an onsite injection well system. These wastewaters will be collected in an onsite sump and injected into a 3200-foot deep injection well. The WCEC will require wastewater disposal capacity of approximately 7.0 mgd per Unit. The proposed Class I injection wells and at least one associated dual-zone monitoring well are proposed for the site to accommodate disposal for up to 3300 MW of site buildout. The proposed well design is consistent with the requirements of a Class I "tubing and packer" injection well which is required for disposal of non-hazardous industrial wastewaters, pursuant to Rule 62-528.300(1)(a)(2), F.A.C. This well classification requires injection using a well equipped with tubing and packer assembly installed within a seamless mild steel outer final casing. The injection well is constructed using a series of

telescoped steel well casings to seal off various portions of the subsurface system. The inner tubing material consists of fiber glass reinforced plastic. (Hathaway, Tr. I, p. 63; Shaw PT. pp. 7, 8 ; Ex. JS-2, p. 5; Ex JS-3)

52. The underground zone in which this liquid will be injected is a highly permeable zone referred to as the Boulder Zone which contains salt water. This zone is isolated from underground sources of drinking water by approximately 500 to 800 feet of overlying confining rock strata of low permeability. This zone is located in the lower Floridan Aquifer which is not used for drinking water supply. The Boulder Zone underlies most of southern Florida. The permeability of the Boulder Zone is extremely high because of its cavernous nature. This prevents pressure buildup in injection wells and coupled with the fact that the Boulder Zone contains salt water makes it in an ideal zone for receiving injected wastewater. There are approximately 110 Class I deep injection wells located in Florida with approximately 15 located in Palm Beach County. (Shaw, PT. pp. 6, 7, 10)

53. The underground injection wells are regulated by the U.S. Environmental Protection Agency and the Florida Department of Environmental Protection through its Underground Injection Control ("UIC") program. The state's UIC regulations, found in

Chapter 62-528, F.A.C., seek to protect the quality of the underground sources of drinking water and prevent degradation of the quality of other aquifers adjacent to the injection zone. These rules seek to insure that the injected fluid remains in the injection zone and that unapproved interchange of water between the aquifers is prohibited. DEP's criteria and standards for Class I injection wells prohibit the injection of hazardous wastes through any well permitted after January 1, 1992. Rule 62-528.400, F.A.C. Characterization of the Project wastewaters to be disposed in the UIC well indicates that these wastewaters are expected to be non-hazardous. (FPL Ex. 1, Vol. 1, Table 3.6.0-1; Shaw, PT. pp. 8, 9)

54. For the WCEC site, the injection well program involves first obtaining an exploratory well permit from the DEP to gather site specific information. After the exploratory well is drilled and tested, FPL will apply for a test/injection well permit from the DEP. This second permit requires two years of testing of the UIC well after which FPL will be required to obtain an operating permit from the DEP for the injection well system. The permit application process for the UIC well is overseen by the Florida Technical Advisory Committee ("TAC") composed of representatives from DEP, SFWMD, the U.S. Geological Survey, and U.S. Environmental Protection Agency. The TAC

provides a means for review and determination by DEP of what is acceptable or approvable based on the requirements of the Department's rules. The TAC also provides expert assistance to both DEP and to FPL as the Applicant. The UIC well proposed for the WCEC site can be constructed and operated in a manner that protects the underground sources of drinking water. (FPL Ex. 1, pp. 4-5 to 4-8; Shaw PT, pp. 4 to 10, Ex. JS-2, p. 5; Ex. JS-3)

Solid and Hazardous Wastes

55. The WCEC Project is not expected to generate large quantities of solid or hazardous wastes. An approved solid waste disposal contractor will dispose of all solid waste. Any waste identified as hazardous will be collected onsite and disposed of by a licensed hazardous waste contractor. All hazardous waste will be managed according to applicable rules and regulations. (FPL Ex. 1, pp. 3-17, 3-18)

Stormwater Management

56. The Project's onsite stormwater management system is designed to insure that virtually all stormwater runoff from the Project will be retained onsite with no off-site discharge. The only off-site discharge of non-contact stormwater will be from 6.2 acres along the western boundary of the WCEC site. Runoff from this area will be allowed to infiltrate within the adjacent FPL transmission line right-of-way. The stormwater management

system is designed to retain runoff from the 100-year, 3-day storm event. The surface water management system is also designed to meet the requirements of all applicable local, regional, state, and federal requirements, including the rules of SFWMD, Palm Beach County, DEP, and EPA. (FPL Ex. 1, p. 3-18; Hathaway, Tr. I, p. 63; Powell PT, pp. 11-13)

57. The Project's drainage system consists of a series of catch basins, pipes, channels, swales, and culverts to convey stormwater runoff to two onsite detention ponds. The northern stormwater basin will receive runoff from the power block areas and areas to the east and west of the power block. Stormwater collected in the northern retention ponds will be pumped back to the cooling tower basin for reuse by the Plant. Water collected in the southern retention pond will be allowed to percolate and evaporate. Based on this design, there should be no discernible degradation of water quality as a result of Project stormwater. (FPL Ex. 1, pp. 3-18 to 3-20; Hathaway, Tr. I, pp. 58; Powell PT, pp. 11 to 14)

Spill Prevention and Containment

58. The oil storage tanks will be designed to American Petroleum Institute Standards to ensure quality of construction and integrity. The tanks will be located within secondary containment structures that will contain a volume equal to at

least 110 percent of the volume of the largest tank. The secondary containment will be constructed to American Concrete Institute Standards to assure quality of construction and integrity. (Hathaway, Tr. I, pp. 64, 65)

Noise Impacts

59. Noise impacts from the construction and operation of the WCEC are predicted to be lower than the allowable noise levels established in Palm Beach County's Land Development Code. The Project's noise impacts were evaluated using two components. Existing or baseline noise levels at the Project site and the surrounding area were collected during both the daytime and nighttime. The baseline noise levels are affected by ongoing mining operations and area road traffic, but are generally considered to be typical of a primarily rural area. Noise levels of Project construction and operation were then modeled, including the baseline noise levels collected. The predicted maximum noise levels at the nearest residence are predicted to be below the limits established by Palm Beach County. Operations noise levels were also modeled and are predicted to be below Palm Beach County's noise limits. The Project's operational noise levels would be below the County standards at a distance of one-half of a mile from WCEC Units 1 and 2. Since the noise estimates are conservative, actual noise impacts are

expected to be lower than the predictions. (FPL Ex. 1, pp. 2-35 to 2-39, 4-16 to 4-19; 5-35 to 5-36; Kosky, Tr. I, pp. 96 to 99)

Impacts to Wetlands and Protected Areas and Species

60. SFWMD evaluated the WCEC Project's effects on the Comprehensive Everglades Restoration Plan ("CERP"). SFWMD has an agreement with PBA to construct water storage ponds adjacent to the WCEC site to store additional water for the CERP. Ten aquifer storage and recovery ("ASR") wells are proposed to be constructed to store water for CERP. SFWMD has proposed a condition of certification for the Project under which SFWMD and FPL may share in the costs and use of the ASR wells for CERP. (DEP Ex. 1, App. VI, Impact Assessment Report, pp. 3, 14, 26)

61. The WCEC Project is not expected to have an adverse impact on natural resources at the Project site or in its vicinity. No wetlands or ecologically significant areas exist within the WCEC site. Construction of the water inlet structure for the Project in the north bank of the L10/L12 canal will affect less than one-quarter acre. Impacts to aquatic and wetland systems from this construction will be negligible. (FPL Ex. 1, pp. 2-22 to 2-23, 4-11 to 4-12; Bullock PT, p. 5)

62. Assessment of potential impacts of the Project on wildlife in the LNWR concluded that the WCEC will have no significant adverse impacts upon wildlife habitat within the

LNWR. No foraging or breeding habitats for wading birds will be affected. Surficial aquifer drawdowns for the Project will result in an insignificant impact on the water levels in the LNWR. There will be no offsite surface water discharges of industrial wastewater or contact stormwater from the Project, and no temperature effect on any surface waters. (FPL Ex. 1, p. 5-8; Bullock PT. pp. 6 to 8; Powell PT. pp. 11 to 13)

Traffic Impacts

63. Traffic associated with Project construction and operation will affect roadway areas on a temporary basis during construction and have minimal impact during operation of the Project. The peak use of State Road 80 for Project construction traffic will flow west during the morning peak hour, away from the urbanized areas of Palm Beach County. The opposite will occur in the evening peak hour when construction traffic will flow in a predominantly easterly direction toward the urban areas. Thus, Project construction traffic will flow in the opposite direction of peak hour traffic. (FPL Ex. 1, pp. 4-14; Zwolak, Tr. III, p. 35)

64. A traffic impact analysis was conducted for the WCEC to determine impacts during the construction period when the peak construction work force will be present, which is expected to be in 2008. Background traffic conditions were obtained

using traffic counts. Project construction will take place primarily over a 3 year period with an average of 350 workers and a maximum of approximately 1,000 construction workers onsite. Workers are expected to be onsite between the hours of 7 a.m. and 4 p.m. Truck deliveries are expected to arrive at the site daily and will not have a significant impact during the morning or evening peak traffic hours. The construction traffic analysis indicates that all road segments will continue to operate at or above established level of service standards for area roads. If necessary, traffic control will be provided at the intersection of PBA Road and State Road 80 where Project construction traffic enters and departs from State Road 80. Traffic control will be handled by a traffic management specialist hired for the peak construction period. (FPL Ex. 1, pp. 4-14 to 4-16; Zwolak, TR. pp. 34, 35)

65. Traffic impacts from Project operation are expected to be minimal with no more than 20 employees working on any shift. The worst case estimate of operational traffic for the Project indicates that up to 36 trips per peak hour could be expected for employee traffic and delivery of materials. The local roadway segments are anticipated to operate without any degradation of level of service and remain at or above the State's level of service standards. No improvements are

required to accommodate traffic impacts during operation of the Project. (FPL Ex. 1, 5-37 to 5-38; Zwolak, TR. pp. 35 to 37)

Project Compatibility and Comprehensive Plan Consistency

66. The WCEC site is an appropriate site for the proposed new facility. The Project will be compatible with existing land use patterns in the vicinity of the site. There will be no significant adverse impacts on existing land uses due to the construction and operation of the Project. The WCEC Units 1 and 2 will be a suitable distance from nearby residential and recreational areas, with a series of buffers and other land use types separating the Project site from nearby residential uses and the Loxahatchee National Wildlife Refuge. The Project site is adjacent to existing electric power infrastructure consisting of the substation to the north and the transmission lines to the west. Mining, industrial, and future water reservoir uses are found further to the north, east, and southeast of the Project. A number of natural gas-fired combined cycle power plants have been developed and operated in the past decade in Florida that co-exist and are compatible with land use patterns that resemble the pattern in the vicinity of the Project site. (Zwolak Tr. III, pp. 19 to 21)

67. The WCEC Project is consistent with the State Comprehensive Plan, with the Strategic Regional Policy Plan of

the Treasure Coast Regional Planning Council, and with the Palm Beach County Comprehensive Plan. The Project will be consistent with the adopted Land Development Regulations of Palm Beach County, Florida. Palm Beach County issued final approval of the site plan for the Project on July 1, 2006. Location of the WCEC at the proposed site will not cause residential growth in western Palm Beach County that would not otherwise occur. Power plants do not cause residential growth, rather electric utilities must respond to historic growth trends and the future projection for growth, and provide a reliable supply of electric power for their service area. Economic forces, as well as governmental regulatory controls, such as the comprehensive plan and land development regulations, ultimately dictate residential growth patterns. The Project will not cause additional growth in the area, but is a response to projected state-wide electrical power demand growth and the requirement that FPL maintain a 20 percent electrical reserve margin. (FPL Ex. 1, p. 5-31; DEP Ex. 2, App. VIII, p. 37; Zwolak Tr. III, pp. 21 to 28, 37)

Socioeconomic Impacts

68. Construction of the proposed WCEC Project will have a substantial benefit to the local and regional economy. Direct benefits from the Project include employment opportunities

created by the construction of the Project. The peak construction work force is estimated to be 1,000 people with an average construction work force estimated at 350 employees over a 3 year period. Employment opportunities will result from construction job opportunities as well as jobs indirectly generated through the purchase of goods and services in the area. The majority of the \$170 million in construction wages paid for the Project will be spent within Palm Beach County and the surrounding region. The expenditure of these wages will create additional demands for goods and services, resulting in additional employment opportunity. The construction costs for Units 1 and 2 will be approximately \$1.2 billion. Tax benefits will accrue to the State of Florida as a result of the construction of the Project. (FPL Ex. 1, pp. 7-1, 7-2; Zwolak, Tr. III, pp. 29 to 31)

69. Ongoing operations of the WCEC Units 1 and 2 will employ approximately 30 to 50 people. At an average wage of \$60,000 annually, the additional annual operational payroll will be approximately \$2.7 million. Other fixed operational costs are expected to be \$4 million annually for goods and services which would generally be expended in the region. Over the first five years of operation, an estimated \$2 million in sales taxes will be paid to the State of Florida. The operational work

force is assumed to reside within commuting distance to the Plant. Impacts to local services from these employees as well as from the Project are expected to be minimal. (FPL Ex. 1, p. 7-2; Zwolak, Tr. III, pp. 31 to 32)

70. The Project site has been previously disturbed due to mining activities, including the placement of fill over the entire site. No archaeological or historical sites have been discovered on the site. There are no archaeological or historical sites located within five miles of the WCEC site. In the event archaeological finds are made during Project construction, the State Division of Historical Resources in the Florida Department of State will be contacted. (FPL Ex. 1, p. 2-7; Zwolak, Tr. III, p. 32)

Ultimate Site Capacity Determination

71. A request for certification of ultimate site capacity under the PPSA involves the future use of the site for additional generating capacity, beyond the capacity for which full certification is initially sought. FPL in this case is seeking certification of WCEC Units 1 and 2, with nominal capacity of 1250 megawatts, and certification of an ultimate site capacity of 3300 megawatts. The Siting Board's Land Use Order determined that "an ultimate capacity of 3300 megawatts for the WCEC site [is] consistent and in compliance with

existing land use plans and zoning ordinances and site-specific zoning approvals of Palm Beach County as they apply to the Site" The WCEC site has sufficient space to accommodate a third combined cycle generating unit. Predicted air quality impacts from a total of 3300 megawatts of combined cycle units at the WCEC site are expected to comply with the AAQS and PSD increments. Predicted noise levels for 3300 megawatts of combined cycle units at the WCEC site would comply with Palm Beach County's noise standards. The use of the WCEC site for up to 3300 megawatts of electrical generating capacity would be an appropriate land use for the site. Prior to construction of a third generating unit at the WCEC site for a total capacity of up to 3300 megawatts, FPL would have to go through the full site certification process, with the exception of the land use portion of the process. (FPL Ex. 1, pp. 5-29 to 5-31, 5-36, App. 10.1.5, "PSD Report" pp. 6-14, 6-15; FPL Ex. 7, p. 5; Kosky, Tr. I, pp. 91-92; Zwolak, Tr. III, p. 20; Palmer, Tr. III, p. 44)

Public Comment and Public Testimony

72. During the "public comment" portion of the certification hearing, four individuals provided unsworn comments generally in support of the WCEC Project. Letters from

three other individuals generally in support of the Project were received following the certification hearing.

73. Twenty-five individuals, including Michael Christensen, Patricia Curry, and Alexandria Larson, gave sworn testimony during the "public comment" portion of the certification hearing. Many of these individuals expressed questions, generalized concerns, and speculation about and/or opposition to the WCEC Project. Letters from four other individuals in opposition to the Project, including one from Sharon Waite, were received prior to the September 15, 2006, deadline established for receipt of any additional written comment following the hearing. Mr. Silver did not file any written comments by that deadline. On September 22, 2006, FPL filed a letter from Kennard F. Kosky in response to one of the written comment letters.

74. The individuals who testified in opposition to the Project raised a wide range of questions and concerns. Most of these concerns and questions were addressed by the evidence and are discussed by reference to the relevant Findings of Fact. A number of individuals suggested that there had been inadequate notice to the public regarding the Project, or that information regarding the Project has not been readily available. These matters are addressed in Findings of Fact 1 through 4. The

public notices of this proceeding published by DEP and FPL met the statutory requirements. The public notices advised the public of the availability of the Project application at DEP's offices, at local Public Libraries, and at FPL's local offices. Concern that the site certification process has moved too fast, that it has been "accelerated," was also expressed, leading some to request that the process be slowed down or action deferred. The typical time frame under the PPSA, from filing of a site certification application to the certification hearing, is eleven or twelve months. In the case of the WCEC Project, that time frame has been almost seventeen months. The site certification process has not been accelerated for the WCEC Project. (See Section 403.508(3), F.S.; Palmer, Tr. III pp. 51 to 58, 64, 65; FPL Ex. 6, RZ-2, RZ-3; DEP Exs 2 and 3).

75. A number of the members of the public who testified indicated their belief that the WCEC Project would cause, promote or encourage "growth" and "development" in western Palm Beach County. This concern appeared to be based on the premise that, if the Project were not located in the vicinity, such "growth" would not occur. This issue is addressed in Finding of Fact 67. The evidence indicated that the WCEC Project would not cause additional residential growth in western Palm Beach County that would not otherwise occur. Power plants do not cause

residential growth; rather electric utilities must respond to historic growth trends and the future projection for growth, and provide a reliable supply of electric power for their service area. (Zwolak Tr. III, pp. 21 to 28, 37)

76. Several of those who testified advocated additional conservation measures and/or use of renewable sources of energy, such as solar power, as an alternative to the Project. Those issues related to energy conservation and other generation options are issues to be addressed by the PSC in its separate need determination proceeding, under Section 403.519, F.S. That order and its findings are discussed in Finding of Fact 8. The PSC addressed those issues in its final order determining the need for the WCEC Project. The PSC found that there were no energy conservation measures which could avoid or defer the need for the new generating capacity. The PSC found FPL had taken all reasonably achievable, cost-effective conservation and load management measures. The PSC also found that FPL is actively encouraging development of renewable energy, consistent with the direction of the Florida legislature and the PSC. (FPL Ex. 6)

77. The level of air emissions from the Project, and the potential impacts of those emissions on human health and the environment, was raised as areas of concern in the public testimony. In addition to these general concerns, several

individuals expressed more specific concerns about the potential impacts of air emissions from the Project on the LNWR and ENP. A particular concern raised in this context was the effect of Project emissions on mercury levels in those areas. Concerns about global warming were also expressed. These matters are discussed in Findings of Fact 28 to 39. The evidence shows that air emission limits proposed to be applied to the WCEC Project are among the lowest of any power plant in Florida. Project impacts are well below all applicable ambient air quality standards which have been established to protect public health and welfare. Additional air quality analyses demonstrated that the Project's emissions would not have any adverse impact on the sensitive resources in the ENP and LNWR. (FPL Ex. 1, pp. 5-32 to 5-34, App. 10.1.5, "PSD Report" pp. 7-8, 7-9; Kosky Tr. I, pp. 85 to 88, 94, 95)

78. Water use concerns about the Project were also addressed by several individuals. Questions about potential impacts on wells in the vicinity of the site from Project groundwater withdrawals were raised, as were questions about how surface water withdrawals for the Project might affect the Comprehensive Everglades Restoration Project and the Stormwater Treatment Areas ("STAs") in the vicinity of the WCEC site. These concerns related to water use are addressed in Findings of

Fact 40 to 48. The evidence, including detailed groundwater modeling, indicated that withdrawals from the L10/L12 canal and groundwater sources for the WCEC Project are not expected to adversely impact any existing wells in the vicinity of the Project, and would not adversely affect any nearby surface waters, which would include the CERP and STAs. (Andersen, PT 9 - 12; Powell, PT 6 -7)

79. Concerns about Project wastewater disposal were also raised. The potential impacts of the use of underground injection control wells for the Project were the subject of questions by several individuals, one of whom thought that the wastewater to be disposed of in the underground injection wells would be "hazardous." These concerns are addressed in Findings of Fact 51 to 54. The Project's use of deep well disposal of wastewaters will protect the quality of underground sources of drinking water and prevent degradation of the quality of other aquifers adjacent to the injection zone. DEP's regulations prohibit the disposal of hazardous wastewaters in underground injection wells. Rule 62-528.400, F.A.C. The WCEC Project will not dispose of hazardous wastewaters in the UIC wells.

80. In addition to the other concerns about potential Project impacts in the LNWR, one individual questioned whether noise from WCEC could adversely impact LNWR. The issue of noise

impacts is addressed in Finding of Fact 59. The evidence indicates the operation of the WCEC Project will comply with the noise limits established by Palm Beach County. The Project's operational noise impacts would be below the County standards at a distance of one-half of a mile from WCEC Units 1 and 2. The nearest point in the LWNR is three-quarters of a mile to a mile from the location of the nearest WCEC Unit. Since the noise estimates are conservative, actual noise impacts are expected to be lower than the predictions. (FPL Ex. 1, pp. 2-35 to 2-39, 4-16 to 4-19; 5-35 to 5-36; Kosky, Tr. I, pp. 96 to 99)

81. Several who commented expressed concerns about the potential impact of blasting associated with ongoing mining operations in the vicinity of the WCEC site. In particular, there were fears that such blasting might affect the integrity of oil storage tanks or natural gas pipelines. Concerns about the potential for a spill of oil from the Project were mentioned by several individuals. The issues related to this concern are addressed in Findings of Fact 15 and 19. FPL has obtained an agreement with PBA that assures that the ongoing blasting will not affect the operation of the WCEC. FPL can design the WCEC structures and equipment to account for the blasting. The ongoing blasting by PBA has not affected an existing natural gas pipeline that runs south of the WCEC site. Proper containment

will be provided to contain a spill of fuel oil within the tanks. (Gnecco, Tr. 1, pp. 40-49; Hathaway, Tr. I, pp. 60-61)

82. A number of the individuals who testified during the public comment period reside in the general vicinity of the Project site. Residents of Naples, Lake Worth, Hobe Sound, West Palm Beach, Stuart, Delray Beach, and Ochopee also testified. One individual testified in her capacity as Advocacy Chair of the Friends of the Loxahatchee Refuge. Another individual stated that he was representing the Loxahatchee Sierra Club. The President of the Indian Trail Improvement District also testified, as did the National Co-Chair of the Green Party of the United States. None of these organizations sought to intervene as parties to this proceeding. The testimony by members of the public did not counter the weight of the evidence offered in support of certification of the WCEC Project.

Agency Positions

83. The DEP reviewed the WCEC Project with respect to wetlands protection, stormwater management, air resource management, industrial waste, domestic wastewater, domestic water, solid and hazardous waste, and state lands. After receipt of FPL's responses to the sufficiency comments of DEP and other reviewing agencies, DEP determined FPL's site certification application for the Project to be complete on

September 12, 2005. Agency reports on the Project were submitted to DEP by the Public Service Commission, the Department of State's Division of Historical Resources, the Department of Community Affairs, the Department of Transportation, the South Florida Water Management District, and the Treasure Coast Regional Planning Council. The DEP Staff Analysis Report on the Project, issued on July 18, 2006, contained a summary of the Project, Conditions of Certification, the other agencies' reports and a recommendation for certification. DEP issued a Revised Staff Analysis Report on August 24, 2006, containing principally editorial revisions and one change to the wording of a condition recommended by the Florida Department of Transportation. (DEP Ex. 2; Palmer, Tr. III, pp. 47 to 50) The Revised Staff Analysis Report contains the following recommendation:

If Florida Power & Light Company agrees to abide by the Conditions of Certification, attached and incorporated herein as Staff Analysis Report, Appendix I, the Department of Environmental Protection would recommend certification of the West County Energy Center Electric Power Generation Project to be constructed and operated in Palm Beach County, Florida to produce 2,500 MW of electrical power with an ultimate site capacity of 3,300 MW.

DEP Ex. 2. The Revised Staff Analysis Report is incorporated by reference into the Findings of Fact Section of this Recommended Order.

84. DEP has received reasonable assurances that the WCEC Project will comply with all applicable DEP statutes, rules, policies, and criteria, including but not limited to those concerning air quality, water quality, stormwater, wetlands, solid waste, industrial wastewater, and domestic wastewater. It is DEP's position that, if FPL complies with all recommended Conditions of Certification, the WCEC Project would comply with all applicable non-procedural requirements of the reviewing agencies. (Palmer, Tr. III, pp. 58, 59)

85. No state, regional or local agency has recommended denial of certification for the Project or denial of an ultimate site capacity determination of 3300 megawatts. All parties, other than the TCRPC, which took no position, agree that the Site Certification Application, as supplemented by the responses to agency sufficiency questions and the recommended Conditions of Certification, provide reasonable assurances that construction and operation of WCEC Units 1 and 2 will comply with all applicable agency standards. (FPL Ex. 4, p. 5)

Compliance with Agency Standards and PPSA Criteria

86. The design and construction of WCEC Units 1 and 2 will comply with the applicable regulatory requirements and standards of the various State, regional, and local agencies that reviewed the Project. The design and construction of WCEC Units 1 and 2 will be consistent with the recommended Conditions of Certification included in DEP's Revised Staff Analysis Report. WCEC Units 1 and 2 will be capable of operating in compliance with the recommended Conditions of Certification included in DEP's Revised Staff Analysis Report. Those recommended Conditions of Certification are acceptable to FPL. (Hathaway, Tr. I, pp. 64, 65; Priore, Tr. I, pp. 117, 118; Palmer, Tr. III, p. 58)

87. The WCEC Project utilizes reasonable and available means to minimize adverse impacts on human health, the environment, the ecology of the land and its wildlife and the ecology of State waters and their aquatic life. The WCEC Project does not unduly conflict with the goals of the Palm Beach County Comprehensive Plan. The WCEC Project includes operational safeguards that are technically sufficient for the welfare and protection of the citizens of Florida. (Kosky, Tr. I, p. 99; Zwolak, Tr. III, pp. 25 to 27; Palmer, Tr. III, p. 59)

CONCLUSIONS OF LAW

88. The Division of Administrative Hearings has jurisdiction of the parties and the subject matter of this proceeding pursuant to Sections 120.569, 120.57, and 403.508(3), F.S..

89. This proceeding was held to implement the purpose and intent of the electrical power plant site certification process, which is to assure the citizens of Florida that construction and operation safeguards of the West County Energy Center are technically sufficient for their welfare and protection, and to effect a reasonable balance between the need for the proposed Project and the environmental impact resulting from its construction and operation, including air and water quality, fish and wildlife, and the water resources and other resources of the state. Subsections 403.502(1) and (2), Florida Statutes.

90. In accordance with Part II of Chapter 403, F.S., and Chapter 62-17, F.A.C., proper notice of this proceeding and of the certification hearing was accorded all persons, entities, and parties entitled to such notice. All necessary and required governmental agencies, as well as members of the public, either participated in or had the opportunity to participate in the certification hearing.

91. The *ore tenus* Motion to Intervene offered at the hearing on behalf of four individuals was untimely as it was made well after the statutory deadline requiring that such petitions be filed no later than 30 days before the September 6, 2006, hearing. Section 403.508(4)(e), F.S. ("Other parties may include any person . . . whose substantial interests are affected and being determined . . . and who timely file a motion to intervene Intervention . . . may be granted at the discretion of the designated administrative law judge and upon such conditions as he or she may prescribe any time prior to 30 days before the commencement of the certification hearing.") Substantially affected persons were afforded adequate and appropriate notice of their right to intervene. They were also afforded adequate and appropriate notice that the deadline for granting such intervention was 30 days before the site certification hearing. These four individuals offered no good cause or extenuating circumstances to allow them to intervene as parties at the certification hearing. Their counsel was allowed to participate in the hearing to cross-examine members of the public, to make a closing argument following the public comment, and allowed to file a post-hearing statement if he chose to do so. Their counsel did not file any additional written comments by the post-hearing deadline. This participation allowed these

four individuals adequate opportunity to identify their concerns about the Project, in light of their untimely Motion to Intervene. The record reflects that their concerns and questions were adequately addressed by the evidence.

92. Reports, studies, and recommended Conditions of Certification were issued by DEP, SFWMD, DCA, Department of State's Division of Historical Resources, FDOT, and TCRPC.

93. The PSC has issued an affirmative determination that a need exists for WCEC Units 1 and 2 and the electricity it will produce. The PSC is the sole forum for the determination of the need for the WCEC Project, pursuant to Section 403.519, F.S.

94. The Governor and Cabinet of the State of Florida, sitting as the Siting Board, have determined that the proposed site of the WCEC Project is in conformity with the existing land use plans and zoning ordinances of Palm Beach County, Florida.

95. FPL is the applicant for site certification in this proceeding under the Power Plant Siting Act, Chapter 403, Part II, F.S. As the applicant, FPL has the burden to prove by a preponderance of the evidence that its application for site certification should be approved. Section 120.57(1)(j), F.S.; Department of Transportation v. J.W.C. Co., Inc., 396 So. 2d 778, 788 (Fla. 1st DCA 1981). The standard for FPL's burden of proof is one of reasonable assurances, not absolute guarantees,

that the applicable conditions for the issuance of the certification have been satisfied. Manasota-88 Inc. v. Agrico Chemical Company and Department of Environmental Regulation, 12 F.A.L.R. 1319, 1325, 1988 WL 617583, (DER 1990). "Reasonable assurance" contemplates "a substantial likelihood that the project will be successfully implemented." Metropolitan Dade County v. Coscan Florida Inc., 609 So. 2d 644, 648 (Fla. 3d DCA 1992); Hamilton County Board of County Commissioners v. Department of Environmental Regulation, 587 So. 2d 1378, 1387 (Fla. 1st DCA 1991). The reasonable assurance standard requires FPL "to deal with 'reasonably foreseeable contingencies' in establishing entitlement to" the site certification. Further, FPL is "not required to disprove all the 'worst case scenarios' or 'theoretical impacts' raised by" members of the public. Ginnie Springs Inc. v. Craig Watson and Department of Environmental Protection, 21 FALR 4072, 4080, 1999 WL 1483647; (DEP 1999)

96. A party should be able to anticipate that when agency employees with special expertise in a field accept data and information supplied by the applicant, then the same data and information will be accepted by the administrative law judge, absent evidence showing the inaccuracy or unreliability of that data and information. J.W.C., 396 So. 2d at p. 789. In this

proceeding, FPL has met its burden of showing by a preponderance of the evidence its entitlement for site certification for the West County Energy Center under the Power Plant Siting Act. The data and information submitted by FPL to the agencies and at the hearing has not been rejected or contested by any of the agency parties, including DEP, which have expertise in the matters involved in this Project and which have reviewed the information submitted by FPL on the WCEC Project. The evidence offered by FPL is therefore entitled to acceptance as meeting FPL's burden of proof in support of issuance of a site certification for the Project.

97. In addition to FPL's affirmative evidence, the other evidence in support of issuance of certification includes the DEP's Revised Staff Analysis Report and the testimony of DEP staff. The DEP's Report reflects agencies' reviews of the Project and demonstrates the Project's compliance with applicable regulatory requirements, including but not limited to, air quality standards, water use criteria, and transportation-related standards. Cumulatively, this evidence from FPL, DEP and other agencies comprises the competent, substantial evidence in support of certification.

98. Once an applicant makes a preliminary showing of its entitlement to the certification, the burden shifts to those

opposing the project to offer "contrary evidence of equivalent quality" to show why the certification should be denied. J.W.C., 396 So. 2d at 789. In this case, no agency or party opposes certification and no party offered evidence in opposition to that presented by FPL. Several members of the public, who were not parties, raised generalized concerns and statements of opposition to the Project, but their statements do not constitute "contrary evidence of equivalent quality" to the evidence provided by FPL in support of certification. Such evidence constitutes "mere speculation on what might occur," which is an inadequate basis to overcome FPL's competent, substantial evidence in support of certification. Lake Region Audubon Society v. SWFWMD and Spanish Oaks of Central Florida, LLC, 2005 WL 373875 (DOAH Case No. 05-2606) (Fla. DOAH 2005) (Adopted in toto by SWFWMD Governing Board, Order No. SWF 05-81, dated November 30, 2005); Citizens Against Blasting, Inc. v. DEP and Angelo's Aggregate Materials, Ltd., 23 FALR 2463 (DEP 2001) Accordingly, FPL has met its burden of proof in this proceeding.

99. Competent substantial evidence produced at the certification hearing demonstrates that the West County Energy Center Units 1 and 2 meet the criteria for certification under the PPSA. The evidence demonstrates that the construction and operational safeguards for the WCEC Units 1 and 2 are

technically sufficient for the welfare and protection of the citizens of Florida and are reasonable and available methods to achieve that protection. The WCEC Project, if constructed, maintained, and operated in accordance with the recommended Conditions of Certification contained in DEP Exhibit 2, will produce minimal adverse effects on human health, the environment, the ecology of the land and its wildlife, and the ecology of state waters and their aquatic life. The WCEC Project will not unduly conflict with the goals established by the Palm Beach County Comprehensive Plan. Certification of the Units 1 and 2, with the recommended Conditions of Certification, will fully balance the increasing demand for electrical power plant location and operation in this State with the broad interests of the public that are protected by the PPSA.

RECOMMENDATION

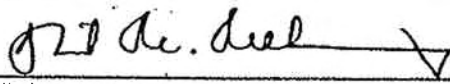
Based upon the foregoing Findings of Fact and Conclusions of Law, it is RECOMMENDED that the Siting Board:

1. Grant full and final certification to Florida Power & Light Company, under Chapter 403, Part II, Florida Statutes, for the location, construction, and operation of the West County Energy Center Units 1 and 2, comprising two nominal 1250 megawatt combined cycle units, as described in the Site Certification Application and the evidence presented at the

certification hearing, and subject to the Conditions of Certification contained in DEP Exhibit 2.

2. Certify the West County Energy Center site for an ultimate site capacity of 3300 megawatts, fueled by natural gas with light oil as backup fuel, subject to supplemental application review pursuant to Section 403.517, F.S. and Rule 62-17.231, F.A.C.

DONE AND ENTERED this 24th day of October, 2006, in Tallahassee, Leon County, Florida.



DAVID M. MALONEY
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Filed with the Clerk of the
Division of Administrative Hearings
this 24th day of October, 2006.

ENDNOTE

1/ References to testimony and exhibits use the following format: "FPL Ex." refers to FPL exhibits by number; "PT" refers to the Prefiled Testimony of FPL, which is FPL Exhibit 8; "Tr. I, II, or III" refers to the three volumes of the certification hearing transcript.

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NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit written exceptions within 15 days from the date of this Cite Certification Recommended Order. Any exceptions to this Cite Certification Recommended Order should be filed with the agency that will issue the Final Order in this case.

Conditions of Certification

CONDITIONS OF CERTIFICATION
FLORIDA POWER & LIGHT COMPANY – WEST COUNTY ENERGY CENTER
PA 05-47A
DOAH Case No. 05-1493EPP
OGC Case No. 05-0745
Modified 03/29/07

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I. CERTIFICATION CONTROL

A. This Certification authorizes an ultimate site capacity for the Florida Power & Light Company's (FPL) West County Energy Center of 3300 MW. Under the control of these Conditions of Certification FPL may construct and operate a 2,500 MW (nominal) facility consisting of two new units. Each unit will consist of three 250 MW natural gas fired combustion turbines with evaporative inlet cooling systems and with ultra low sulfur light oil as back-up fuel, three supplementary-fired heat recovery steam generators, three 428 MMBTU/hour gas-fired duct burners, three selective catalytic reduction reactors, one 500 MW steam turbine, three 149 feet exhaust stacks, and one 26 cell mechanical draft cooling tower. The two new units will be located on approximately 90 acres of the approximately 220 acres West County Energy Center site in Palm Beach County, Florida.

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

II. APPLICABLE RULES

The construction and operation of the certified facility shall be in accordance with all applicable provisions of Florida Statutes and Florida Administrative Code, including, but not limited to, the following regulations: Chapters 403 and 373, Florida Statutes (F.S.), and Chapters 40E-1, 40E-4, 40E-40, 40E-45, 62-4, 62-17, 62-256, 62-296, 62-297, 62-301, 62-302, 62-531, 62-532, 62-550, 62-555, 62-560, 62-600, 62-601, 62-604, 62-610, 62-620, 62-621, 62-650, 62-699, 62-660, 62-701, 62-762, 62-767, 62-769, and 62-770, Florida Administrative Code (F.A.C.), or their successors as they are renumbered

III. DEFINITIONS

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

A. "DCA" shall mean the Florida Department of Community Affairs.

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

- C. "DHR" shall mean the Florida Department of State, Division of Historical Resources.
- D. "Feasible" or "practicable" shall mean reasonably achievable considering a balance of land use impacts, environmental impacts, engineering constraints, and costs.
- E. "FWCC" shall mean the Florida Fish and Wildlife Conservation Commission.
- F. "IWW Permit" shall mean the Florida Industrial Wastewater permit issued by the Department in accordance with the federal Clean Water Act.
- G. "Licensee" shall mean an applicant that has obtained a certification order for the subject electrical power plant.
- H. "NPDES permit" shall mean any federal National Pollutant Discharge Elimination System permit issued in accordance with the federal Clean Water Act.
- I. "NSPS" shall mean new source performance standards as identified in 40 CFR 60.
- J. "Power plant", "facility", or "project" shall mean an electrical power generating plant as defined in Section 403.503(12), F.S. and as described in the Site Certification Application.
- K. "PSD permit" shall mean the federal Prevention of Significant Deterioration air emissions permit issued in accordance with the federal Clean Air Act.
- L. "Title III permit" shall mean any federal permit issued in accordance with Title III of the federal Clean Air Act (Hazardous Air pollutants).
- M. "Title IV permit" shall mean any federal permit issued in accordance with Title IV of the federal Clean Air Act (Acid Rain).
- N. "Title V permit" shall mean any federal permit issued in accordance with Title V of the federal Clean Air Act (Operation).
- O. "SED" shall mean the Department's Southeast District Office.
- P. "SFWMD" shall mean the South Florida Water Management District.
- Q. "UIC permit" shall mean any federal underground injection control permit issued in accordance with the federal Clean Water Act.

IV. FACILITY OPERATION

The Licensee shall at all times properly operate and maintain the West County Energy Center facility and related appurtenances, and systems of treatment and control that are installed and used to achieve compliance with these Conditions of Certification. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with these Conditions of Certification.

Any directly associated linear facilities connecting the collector yard to the switchyard shall be maintained in accordance with the site certification application and any appropriate state and federal regulations concerning use of herbicides. The Licensee shall notify the Southeast District of the Department and the Siting Coordination Office of the type of herbicides to be used at least 60 days prior to their first use.

V. RECORDS MAINTAINED AT THE FACILITY

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

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

VI. CHANGE IN DISCHARGES OR EMISSIONS

All discharges or emissions authorized herein shall be consistent with the terms and conditions of these Conditions of Certification. The discharge or emission of any pollutant not identified in the application, or discharged or emitted more frequently than, or at a level in excess of that authorized by these Conditions of Certification, shall constitute a violation of the Certification. Any anticipated facility expansions, production increases, or process modifications which may result in new, different or increased discharge or emission of any pollutant, a change in fuel, or an expansion in steam generating capacity must be reported by submission of an appropriate application for site certification or modification of these Conditions of Certification.

VII. COMPLIANCE

A. The Licensee shall comply with all rules adopted by the Department subsequent to the issuance of this certification, which prescribe new or stricter criteria to the extent that the rules are applicable to electric power plants. Except where express variances have been granted, subsequently adopted rules that prescribe new or stricter criteria, which are applicable to electrical power plants, shall operate as a modification pursuant to Section 403.511(5)(a), F.S.

B. Pursuant to Section 403.511(5)(b), F.S., upon written notification to the Department's Siting Coordination Office, the Licensee may choose to operate 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 this certification, so long as this operation causes no violation of standards or these Conditions of Certification.

C. If, for any reason, the Licensee does not comply with or is unable to comply with any limitation specified in these Conditions of Certification, the Licensee shall notify

the Southeast District Office of the Department by telephone during the working day that said noncompliance occurs. After normal business hours, the Licensee shall report any condition that poses a public health threat to the State Warning Point at telephone number (850) 413-9911 or (850) 413-9912. The Licensee shall confirm this situation to the Southeast DEP District Office in writing within seventy-two (72) hours of becoming aware of such conditions and shall supply the following information:

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

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

VIII. RIGHT OF ENTRY

The Licensee shall allow authorized agency personnel, including but not limited to representatives of the Florida Department of Environmental Protection, and/or Water Management District, when applicable, upon presentation of credentials or other documents as may be required by law, and at reasonable times, depending upon the nature of the concern being investigated:

- A. To enter upon the Licensee's premises where an effluent source is located or in which records are required to be kept under the terms and conditions of this Certification; and
- B. To have access to and to copy any records required to be kept under these Conditions of Certification; and
- C. To inspect the facilities, equipment, practices, or operations regulated or required under these Conditions of Certification; and
- D. To sample or monitor any substances or parameters at any location necessary to assure compliance with these Conditions of Certification.

IX. ENFORCEMENT

A. The terms, conditions, requirements, limitations and restrictions set forth in these Conditions of Certification are binding and enforceable pursuant to Sections 403.141, 403.161, 403.514, 403.727, and 403.859 through 403.861, F.S. Any noncompliance with these Conditions of Certification or any condition of a federally delegated or approved permit constitutes a violation of chapter 403, F.S., and is grounds for enforcement action. The Department may initiate enforcement action for any violation of these Conditions of Certification.

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

X. REVOCATION OR SUSPENSION

This certification may be suspended or revoked pursuant to Section 403.512, Florida Statutes, or for violations of any of these Conditions of Certification.

XI. CIVIL AND CRIMINAL LIABILITY

This certification does not relieve the Licensee from civil or criminal penalties for noncompliance with any conditions of this certification, applicable rules or regulations of the Agencies, or any other state statutes or regulations which may apply. As provided in Section 403.511, F.S., the issuance of this Certification does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to human health or welfare, public or private property or any invasion of personal rights. This certification does not allow any infringement of federal, state, or local laws or regulations, nor does it allow the Licensee to cause pollution in contravention of Florida Statutes and Department rules or injury to animal or plant life, unless specifically authorized by an order from the Department or these Conditions of Certification. This Certification is not a waiver of any other Department approval that may be required for other aspects of the total project under federally delegated or approved programs.

XII. PROPERTY RIGHTS

The issuance of this Certification does not convey any property rights in either real or personal property, or any exclusive privileges thereto. The applicant shall obtain title, lease, easement, or right of use from the State of Florida to any sovereign submerged lands utilized by the project.

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 circumstances, is held invalid, the application of such provision to other circumstances and the remainder of the Certification shall not be affected thereby.

XIV. PROCEDURAL RIGHTS

No term or condition of certification shall be interpreted to preclude the post-certification exercise by the Licensee of whatever procedural rights it may have under Chapter 120, F.S.

XV. MODIFICATION OF CONDITIONS OF CERTIFICATION

Pursuant to Section 403.516(1), F.S., Section 120.569(2)(n), F.S., and Rule 6217.211, F.A.C., the Siting Board hereby delegates the authority to the Secretary of the Department of Environmental Protection to modify these Conditions of Certification:

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

B. The Secretary of the Department may modify any condition of these Conditions of Certification except those pertaining to a change in fuel.

C. 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 enforceable from the date rendered.

D. 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.

XVI. TRANSFER OF CERTIFICATION

This Certification is transferable only upon Department approval in accordance with Section 403.516, F.S., and Rule 62-17.211(3), F.A.C. The Licensee shall be liable for any noncompliance of the approved activity until the transfer is approved by the Department.

XVII. SAFETY

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

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.

XIX. TOXIC, DELETERIOUS OR HAZARDOUS MATERIALS

A. The Licensee shall not discharge to surface waters wastes which are acutely toxic, or present in concentrations which are carcinogenic, mutagenic, or teratogenic to human beings or to significant locally occurring wildlife or aquatic species. The Licensee shall not discharge to ground waters wastes in concentrations which, alone or in combination with other substances, or components of discharges (whether thermal or non-thermal) are carcinogenic, mutagenic, teratogenic, or toxic to human beings 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. Specific criteria are established for such components in Section 62-520.420, F.A.C.

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

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

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.

XXII. HISTORICAL OR ARCHAEOLOGICAL FINDS

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

XXIII. ENDANGERED AND THREATENED SPECIES

Prior to start of construction, the Licensee shall survey the certified site for species of animal and plant life listed as endangered or threatened by the federal government or listed as endangered by the state. If these species are found, their presence shall be reported to the Siting Coordination Office, the SED, and the Florida Fish & Wildlife Conservation Commission's Office of Environmental Services. These species shall not be disturbed, if practicable. If avoidance is not practicable, the endangered species shall be treated as recommended by the appropriate agency. Entombment of gopher tortoises shall not be allowed.

XXIV. DISPUTE RESOLUTION

If a dispute situation arises between the Licensee and an Agency exercising its regulatory jurisdiction, the Department will act as mediator to resolve it. If, after mediation, a mutual agreement cannot be reached between the parties, then the matter will be immediately referred to the Division of Administrative Hearings (DOAH) for disposition in accordance with the provisions of Chapter 120, F.S.

XXV. LABORATORIES AND QUALITY ASSURANCE

A. The Licensee shall ensure that all laboratory analytical data submitted to the Department, as required by this certification, are from a laboratory which is approved by the Department and meets the requirements of Chapter 62-160, F.A.C.

B. The Licensee shall ensure that all samples required pursuant to this Certification are taken by an appropriately trained technician following EPA and Department approved sampling procedures and chain-of-custody requirements in accordance with Rule 62-160, F.A.C. Records of monitoring information shall follow the

guidelines in Rule 62-160.600, F.A.C. All chain-of-custody records shall be retained on-site for at least three (3) years and made available to the Department immediately upon request.

XXVI. POST-CERTIFICATION SUBMITTALS

A. Post-certification Submittals shall be handled pursuant to Rule 62-17.191, F.A.C.

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

XXVII. CONSTRUCTION

A. Standards and Review of Plans

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

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

3. Ninety (90) days prior to the anticipated date of first operation, the Licensee shall provide the Department with an itemized list of any changes made to the facility design and operation plans that would affect a change in discharge, as referenced in Condition VI, subsequent to the time of issuance of this Certification. This preoperational review of the final design and operation shall demonstrate continued compliance with Department rules and standards.

B. Control Measures

1. To control runoff which may reach and thereby pollute waters of the state, necessary measures shall be utilized to settle, filter, treat or absorb silt containing or pollutant laden storm water to ensure against spillage or discharge of excavated material that may cause turbidity in excess of 29 Nephelometric Turbidity Units (NTU) above background in waters of the state or significant degradation of Outstanding Florida Waters in violation of Rule 62-4.242, F.A.C. Control measures may consist of sediment traps, barriers, berms, and vegetation plantings. Exposed or disturbed soil shall be protected and stabilized as soon as possible to minimize silt and sediment-laden runoff. The pH of the runoff shall be kept within the range of 6.0 to 8.5. The Licensee shall comply with the applicable nonprocedural requirements in Rules 40B-4, 40C-42, 40D-4 and/or 40E-4, F.A.C.

2. Any open burning in connection with initial land clearing shall be in accordance with Chapter 62-256, F.A.C., Chapter 5I-2, F.A.C., Uniform Fire Code Section 33.101, Addendum, and any other applicable county regulation. Any burning of construction-generated material, after initial land clearing that is allowed to be burned in accordance with Chapter 62-256, F.A.C., shall be approved by the DEP Southeast District office in conjunction with the Division of Forestry and any other county regulations that may apply. Burning shall not occur if not approved by the appropriate agency or if the Department or the Division of Forestry has issued a ban on burning due to fire safety conditions or due to air pollution conditions.

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

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

5. The Licensee shall employ proper odor and dust control techniques to minimize odor and fugitive dust emissions. The applicant shall employ control techniques sufficient to prevent nuisance conditions which interfere with enjoyment of residents of adjoining property.

6. The Licensee shall develop the site so as to retain the buffer of natural vegetation as described in the application and in Condition XVIII, Screening.

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

C. Environmental Control Program

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

D. Reporting

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

XXVIII. AIR

A. The terms, conditions, requirements, limitations, and restrictions set forth in Permit PSD-FL-354 (0990646-001-AC), which is attached as Appendix 1, and any final issuance, modification, or amendment to such PSD permit, are incorporated by reference herein, and are binding and enforceable Conditions of this Certification. The Licensee is subject to and shall comply with the terms, conditions, requirements, limitations, and restrictions set forth in Appendix 1 and any final issuance, modification, or amendment to such PSD permit. A violation of the terms conditions, requirements, limitations, and restrictions in Appendix 1 is a violation of these Conditions of Certification.

B. General and Administrative

1. Permitting Authority: All documents related to applications for federally delegated or approved air permits to construct, modify or operate these emissions units shall be submitted to the:

Bureau of Air Regulation (BAR)
Florida Department of Environmental Protection
2600 Blair Stone Road, Tallahassee, Florida 32399-2400

and phone number 850/488-0114. Copies of these documents shall be submitted to the Compliance Authority.

2. Compliance Authority: All documents related to compliance activities for federally delegated or approved air permits such as reports, tests, and notifications shall be submitted to the compliance authority. The compliance authority is the:

Air Quality Division
DEP Southeast District Office

400 North Congress, Suite 200
West Palm Beach, Florida 33401

3. The owner and operator are subject to, and shall operate under the attached General Conditions listed in Appendix GC of Appendix 1 and any final issuance, modification, or amendment to such PSD permit. General Conditions are binding and enforceable pursuant to Chapter 403 of the Florida Statutes. [Rule 62-4.160, F.A.C.]

4. The proposed new emissions units are:

ID Emission Unit Description

- 001 Unit 1A – one nominal 250 MW gas turbine with supplementary-fired heat recovery steam generator
- 002 Unit 1B – one nominal 250 MW gas turbine with supplementary-fired heat recovery steam generator
- 003 Unit 1C – one nominal 250 MW gas turbine with supplementary-fired heat recovery steam generator
- 004 Unit 2A – one nominal 250 MW gas turbine with supplementary-fired heat recovery steam generator
- 005 Unit 2B – one nominal 250 MW gas turbine with supplementary-fired heat recovery steam generator
- 006 Unit 2C – one nominal 250 MW gas turbine with supplementary-fired heat recovery steam generator
- 007 Two nominal 6.3 million distillate fuel oil storage tanks
- 008 Two 26 cell mechanical draft cooling towers
- 009 Two nominal 85,000 lb/hr (99.8 MMBtu/hr) auxiliary boilers
- 010 Two nominal 10 MMBtu/hr gas-fired process heaters
- 011 Four nominal 2,250 KW (~ 21 MMBtu/hr) emergency generators
- 012 One nominal 300-hp emergency diesel fire pump engine and 500 gallon fuel oil storage tank

XXIX. INDUSTRIAL AND DOMESTIC WASTEWATER

A. The construction and operation of the West County Energy Center shall be in accordance with all applicable provisions of any required federal permit such as any NPDES permit issued for the West County Energy Center and of any updates or modifications thereto. Upon the issuance of any NPDES permit or any subsequent updates or modifications thereto, these Conditions of Certification will be modified to incorporate the conditions of that permit.

B. The Licensee is hereby authorized to operate wastewater 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. Domestic wastewater facilities shall comply with the provisions of Chapter 64E-6, F.A.C., and Palm Beach County ECR-I. 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

C. The construction and operation of the West County Energy Center shall be in accordance with all applicable provisions of any required federal permit such as any UIC permit issued for the West County Energy Center and of any updates or modifications thereto. Upon the issuance of any UIC permit or any subsequent updates or modifications thereto, these Conditions of Certification will be modified to incorporate the conditions of that permit.

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. Non-transient, noncommunity potable water facilities shall comply with the provisions of Chapter 62-555, F.A.C., and Palm Beach County ECR-II.

XXXI. SOLID AND HAZARDOUS WASTE

A. The Licensee is hereby authorized to collect any hazardous materials generated on site and to temporarily store them 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. No hazardous waste is to be permanently stored onsite. Any hazardous waste generated on site shall be contained and transferred for disposal to a properly licensed contractor in accordance with the Department's rules and regulations.

B. The Licensee is hereby authorized to collect any solid waste generated on site and to temporarily store them 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. No solid waste is to be permanently stored onsite. Any solid waste generated on site shall be contained and transferred for disposal to a properly licensed contractor in accordance with the Department's rules and regulations.

XXXII. WATER MANAGEMENT

A. Administrative

1. General

a. Responsible Entity

The Licensee shall be responsible for compliance with the Certification Conditions. If contractual rights, duties, or obligations are transferred under this Certification, notice of such transfer or assignment, including the identification of the entity responsible for compliance with the Certification, shall immediately be submitted to the Florida Department of Environmental Protection and the SFWMD by the previous certification holder (Licensee) and the Assignee. Any assignment or transfer shall carry with it the full responsibility for the limitations and conditions of this Certification. The previous Licensee

shall be responsible for informing the Assignee of all authorized facilities and uses and the conditions under which they were authorized. The previous Licensee shall remain liable for corrective actions that may be required as a result of any violations prior to transfer or assignment of any contractual rights, duties, or obligations under this Certification. Reference: Sections 373.044, 373.085, 373.113, 373.223, 373.342, and 373.413, F.S.; Rules 40E-2.091, 40E-2.301, 40E-2.381, 40E-3.101(1), and 40E-6.351, F.A.C.

b. Minimum Standards

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

c. Compliance Requirements

This project must be constructed, operated and maintained in compliance with and meet all non-procedural requirements set forth in Chapter 373, F.S., and Chapters 40E-2 (Consumptive Use), 40E-3 (Water Wells), 40E-20 (General Water Use Permits), and 40E-6 (Works or Lands of the District), F.A.C.

d. Off-site Impacts

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

e. Liability

The Licensee shall hold and save the SFWMD harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment and/or use of any system authorized by this Certification, to the extent allowed under Florida law. Reference: Sections 373.223 and 373.443, F.S.; Rules 40E-2.091, and 40E2.381, F.A.C.

f. Construction, Operation, and Maintenance Responsibilities

The Licensee shall be responsible for the construction, operation, and maintenance of all facilities installed for the proposed project. Reference: Sections 373.309, 373.413, and 373.416, F.S.; Rules 40E-3.301 and 40E-6.381, F.A.C.

g. Access

SFWMD representatives shall be allowed reasonable escorted access to the power plant site, the water withdrawal facilities and any associated 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. Reference: 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.

h. Post Certification Information Submittals

Information submitted to the SFWMD subsequent to Certification, in compliance with the conditions of this Certification, shall be for the purpose of the SFWMD determining the Licensee'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.

i. 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. Reference: 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

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. Reference: 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, 40E-20, 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. Reference: 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. Reference: 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. Reference: 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. Reference: Sections 373.085 and 373.229, F.S.; Rules 40E2.101(1), 40E-3.101(2), and 40E-6.101(1), F.A.C.

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. Reference: 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 may include pumpage reduction, replacement of the impacted individual's equipment, relocation of wells, change in withdrawal source, or other means. Interference to an existing legal use is defined as an impact that occurs under hydrologic conditions equal to or less severe than a 1 in 10 year drought event that results in the:

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

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

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

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

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

f. Legal Control Over Project Site

The Licensee must demonstrate the legal right to conduct water use on the project lands, in accordance with Section 2.1.1 of the Basis of Review for Water Use Permits in the SFWMD. Prior to issuance of the Certification Order, the Licensee shall submit copies of legal documents to the SFWMD that clearly demonstrate ownership or control of the project site, including a sketch map and project acreage, for incorporation into this Certification.

2. Site Specific Design Authorizations

a. Authorized Monthly Withdrawals

This Certification authorizes a maximum monthly withdrawal of 605 MGM from the L-10/L-12 Canal and/or the upper Floridan aquifer for cooling, service, and process water, subject to the limitations set forth in Condition B.2.d below. This Certification authorizes a maximum monthly withdrawal of 1.09 MGM from the surficial aquifer for potable water. The SFWMD may authorize alternative water supply sources for the project's cooling, service and process water, as set forth in Condition B.2.h below. However, in no instance shall the project's water use exceed a maximum of 605 MGM for its cooling, service and process water demands, except as provided for in Conditions B.2.d(4) and B.2.f below.

b. Authorized Annual Withdrawals

This Certification authorizes an average annual withdrawal of 5,550 MGY from the L-10/L-12 Canal and/or the upper Floridan aquifer for cooling, service, and process water, subject to the limitations set forth in Condition B.2.d below. This Certification authorizes an average annual withdrawal of 12.78 MGY from the Surficial aquifer for potable water. The SFWMD may authorize alternative water supply sources for the project's cooling, service and process water, as set forth in Condition B.2.h below. However, in no instance shall the project's water use exceed an average of 5,550 MGY for its cooling, service and process water demands, except as provided for in Conditions B.2.d(4) and B.2.f below.

c. Aquifer Performance Test

(1) Authorization to commence withdrawals from the upper Floridan aquifer for the backup water supply for the cooling tower makeup water will not be granted until an Aquifer Performance Test (APT) is completed, evaluated by the SFWMD, and a determination is made by the SFWMD that reasonable assurances have been provided confirming that interference to existing legal users will not occur. The report submitted to the SFWMD on the APT shall include the following and shall be signed and sealed by a Florida Registered Professional Geologist:

- (a) The transmissivity and storage of the proposed pumping zone of the Floridan aquifer;
- (b) An analysis of the potential impacts to existing legal users;
- (c) An impact analysis, if potential impacts to existing legal users are identified.

(2) Upon submittal of the APT report, the SFWMD shall have 30 days to review the report for completeness. If the information is not complete, accurate, or fully documented, the SFWMD shall, within the 30 day time period, request additional information needed to complete the review of the report. Once the report is deemed complete, the SFWMD shall evaluate the potential for impacts to existing legal users in accordance with the applicable criteria in Rule 40-2, F.A.C., and the Basis of Review for Water Use Permit Applications in the SFWMD.

(3) If the SFWMD determines that the results of the additional site-specific test data confirms the initial conclusion that interference to existing legal users will not occur, then the SFWMD shall provide the Licensee and DEP withwritten confirmation of this finding within 30 days of submittal of a complete report to the SFWMD on the APT.

(4) If the SFWMD determines that the potential exists for interference with existing legal users as a result of the site-specific test data, then the SFWMD will advise the Licensee and DEP, within 30 days of submittal of a complete report to the SFWMD on the APT, of this conclusion. The SFWMD will review additional submittals of data such as additional modeling, alternative water supplies, and mitigation plans that may be proposed by the Licensee to provide reasonable assurances that interference with existing legal users will not occur. The SFWMD shall have 30 days to review the additional submittals for completeness. Upon completion of the evaluation, the SFWMD will provide the Licensee and DEP with notification of authorization to commence withdrawals from the Floridan aquifer at acceptable rates and will require mitigation, as necessary and appropriate, pursuant to the Basis of Review for Water Use Permits in the SFWMD, to prevent interference with existing legal users. Reference: Sections 373.219 and 373.223, F.S.; Rules 40E-2.091, 40E-2.041, 40E-2.301, and 40E-2.381, F.A.C.

d. Limitations on Authorized Withdrawals

Withdrawals from the L-10/L-12 Canal are authorized, except as indicated below.

(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 Water Supply and Environment (WSE) Regulation Schedule (in effect at the time of withdrawal pursuant to the Water Control Plan for Lake Okeechobee and the Everglades Agricultural Area).

(3) Determination of water availability from the L-10/L-12 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 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.

(4) If, pursuant to Condition B.2.h, the SFWMD requires or authorizes the Licensee to utilize an alternative water supply source that results in a reduction or increase of the authorized withdrawals set forth in Conditions B.2.a and B.2.b above, the SFWMD shall petition the DEP for a modification to these Conditions of Certification.

e. Authorized Withdrawal Facilities

Prior to commencement of construction of the withdrawal facilities, the Licensee shall submit the details of the proposed withdrawal facilities (number of wells, well diameter, well depth, casing depth) for review and approval by the SFWMD. These Conditions of Certification shall be modified at a future date to reflect the specific withdrawal facilities authorized by the SFWMD.

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 ground water supply 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 five years from the date of issuance of the Certification Order and every five years thereafter, unless extended by mutual agreement between the Licensee and the SFWMD, the Licensee shall submit to the SFWMD a report on the project's consistency with SFWMD's Water Use Conditions of Certification contained herein. Within 90 days after receipt of the completed report, the SFWMD shall evaluate the information contained therein and issue a written notification to the DEP and the Licensee as to whether the ground water withdrawals for consumptive use authorized by this Certification remain in compliance with the provisions of Chapter 373, F.S., and Chapter 40-2, F.A.C., in effect at the time the certification was issued by the Siting Board. In determining whether the Licensee has established that its use of water complies with rule 40E-2, F.A.C., and the Basis of Review for Water Use Permit Applications within the SFWMD, the SFWMD shall evaluate whether the Licensee's use of water interferes with a legal use of water that existed at the time the certification was issued by the Siting Board. If the notification indicates that the withdrawals are not in compliance with these provisions, the SFWMD shall recommend to the Licensee possible alternatives for bringing the withdrawals into compliance with SFWMD's Water Use Conditions of Certification contained herein. In addition, if DEP determines, in consultation with SFWMD, based upon a review of a report submitted pursuant to this condition, that the Licensee has failed to establish that the Licensee's use of water meets the consumptive water use requirements described herein, DEP may seek to modify the authorization to use water in the certification or take other appropriate measures to ensure that the consumptive use of water meets the conditions for issuance in Chapter 40E-2, F.A.C., as described herein. Any modification made pursuant to this condition shall not be subject to

competing applications provided there is no increase in the allocation and no change in source.

h. Alternative Water Supplies

(1) Reclaimed Water

(a) Upon written notification from the SFWMD that a reliable source of reclaimed water is available at the project site to provide Units 1 and 2 with cooling water in a quality that meets the reclaimed water user requirements and limitations set forth in Rule 62-610, F.A.C., and would not require significant modifications to the plant's water pre-treatment system, the Licensee shall conduct a feasibility evaluation in accordance with Section 3.2.3.2 of the Basis of Review For Water Use Permit Applications in the SFWMD to determine the environmental, technical, and economic feasibility of utilizing reclaimed water. The evaluation shall include an analysis of potential conflicts with facility permit requirements such as air emission control and wastewater disposal.

(b) In conducting the feasibility evaluation, it shall not be deemed to be economically feasible for the Licensee to use reclaimed water unless the PSC authorizes the recovery of the additional costs associated with reclaimed water use.

(c) If the feasibility evaluation demonstrates that the use of reclaimed water is feasible, the Licensee shall provide the SFWMD with a schedule for reclaimed water use, for the SFWMD's review and approval, within 90 days of such notification. Once the use of reclaimed water has been approved by the SFWMD and established, withdrawals of surface water from the L-10/L-12 Canal, the Floridan aquifer, or any other authorized use of excess storm water shall be reduced in proportion to the volume of reclaimed water to be used by Units 1 and 2.

(2) Excess Storm Water

(a) Upon identification of a reliable alternative source of excess storm water available at the project site from the L-8, the L-8 water storage ponds, or other sources to serve Units 1 and 2 in a quantity and quality acceptable to the Licensee, and which does not result in a conflict with permit requirements for the facility, the Licensee shall provide the SFWMD with a schedule for use of the excess storm water for the SFWMD's review and approval.

(b) Once the use of excess storm water has been approved by the SFWMD and established, withdrawals of surface water from the L-10/L-12 Canal and/or ground water from the Floridan aquifer shall be reduced in proportion to the volume of excess storm water to be used by Units 1 and 2.

(3) Dual-Purpose Floridan Aquifer Wells

(a) If determined to be mutually beneficial, the Licensee and the SFWMD shall enter into an agreement to share the water made available by, and the costs associated with, the permitting, construction, and operation of dual-purpose aquifer storage and recovery (ASR) wells.

(b) Once withdrawals of ASR water have been approved by the SFWMD and established, the use of surface water from the L-10/L-12 Canal and/or excess storm water authorized under this certification shall be reduced in proportion to the volume of ASR water to be used by Units 1 and 2.

i. Request for Modification of Withdrawals

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

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

- (1) A detailed site plan which shows the location(s) for each proposed dewatering area;
 - (2) The method(s) used for each dewatering operation;
 - (3) The maximum depth for each dewatering operation;
 - (4) The location and specifications for all proposed wells and/or pumps associated with each dewatering operation;
 - (5) The duration of each dewatering operation;
 - (6) The discharge method, route, and location of receiving waters generated by each dewatering operation, including the measures (Best Management Practices) that will be taken to prevent water quality problems in the receiving water(s);
 - (7) An analysis of the impacts of the proposed dewatering operations on any existing on and/or off-site legal users, wetlands, or existing groundwater contamination plumes;
 - (8) The location of any infiltration trench(es) and/or recharge barriers; and
 - (9) All plans must be signed and sealed by a Professional Engineer or a Professional Geologist registered in the State of Florida.
- Reference: Sections 373.229 and 373.308, F.S.; Rules 40E-2.091, 40E-2.301, and 40E-2.500-531, F.A.C.

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

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

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

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 well location(s) on adjacent existing legal users, pollution sources, environmental features, and water bodies. Reference: Section 373.223, F.S.; Rules 40E-2.091, 40E-2.301, and 40E-2.381, F.A.C.

n. Water Conservation Plan

Prior to the commencement of construction of Units 1 and 2, the Licensee shall submit a Water Conservation Plan, as required by Chapter 40E-2, F.A.C., in effect at that time, for review and approval by SFWMD staff. The plan shall, at a minimum, incorporate the following components:

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

C. *Right-of-Way Conditions*

1. General

a. Inlet Structure Location

At least ninety (90) days prior to the commencement of construction of any portion of the inlet structure, the Licensee shall provide the SFWMD with the specific location(s) of all proposed facilities within the canal right-of-way.

Reference: Sections 373.085(1) and 373.413(2), F.S.

b. Construction Within SFWMD Right-of-Way

Prior to the commencement of construction of any portion of the inlet structure that will cross over, on, under, or otherwise use or be located within the SFWMD's right-of-way, the Licensee shall submit complete scaled or fully dimensioned 8½" X 11" drawings and related computations to the SFWMD, showing/delineating the proposed facilities, for a determination of compliance with the requirements of Chapter 40E-6, F.A.C.

(1) The drawings shall depict the proposed inlet structure in both plan and profile views and shall show, at a minimum, the following:

(a) The location of the facilities in relation to a section line, major road or other prominent well-known landmark by which the facility may be located in the field;

(b) The canal right-of-way lines;

(c) The top of the canal bank and its elevation;

(d) The maximum projection into the existing channel of the south face of the inlet structure as measured from the existing top of the canal bank;

(e) A cross section of the canal taken at the location of the inlet structure showing the location of the inlet structure in relation to the existing canal section;

(f) The maximum projection into the channel of the encroachment of any coffer dam (or similar temporary installation proposed to facilitate the construction of the inlet structure) as measured from the existing top of bank;

(g) A cross section of the canal taken at the location of the inlet structure showing the location of the coffer dam (or similar temporary installation proposed to facilitate the construction of the inlet structure) in relation to the existing canal section;

(h) The location and elevation of any buried facilities;

and

(i) All slope protection with the top and bottom elevations as well as the east and west limits clearly depicted.

(2) The computations shall show, at a minimum, the following:

(a) The cross-sectional area, in square feet, of the existing channel lost to the construction of the inlet structure;

(b) The maximum cross-sectional area, in square feet, of the existing channel lost to the construction of the temporary coffer dam (or similar temporary installation proposed to facilitate the construction of the inlet structure);

(c) The maximum cross-sectional area, in square feet, of the channel lost to the construction of any barges or other floating equipment used to facilitate the construction of the temporary coffer dam or the inlet structure; and

(d) The head loss imposed on the channel by the temporary equipment and facilities, including the coffer dam, barges, and floating equipment.

Reference: Sections 373.085 and 373.086, F.S.; Rules 40E-6.091(1) and 40E-6.201(1)(h), F.A.C.

c. Use of SFWMD Right-of-Way During and After Construction

Should the Licensee desire to utilize the SFWMD's right-of-way for access during construction of the inlet structure, and/or for inspection and maintenance after construction, the Licensee shall submit to the SFWMD a detailed plan identifying the proposed route, type and number of vehicles to be used and the frequency of such use. 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. All use of the SFWMD's right-of-way by the Licensee shall be in accordance with Chapter 40E-6, F.A.C., unless otherwise authorized in this Certification. Reference: Sections 373.085 and 373.086, F.S.; Chapter 40E-6, F.A.C.

2. Standard Limiting Conditions

a. All structures on SFWMD works or lands that are constructed by Licensee shall remain the property of Licensee, who shall be solely responsible for ensuring that such structures and other uses remain in good and safe condition. The Licensee is advised that other federal, state and local safety standards may govern the occupancy and use of the SFWMD's lands and works. The SFWMD assumes no duty with regard to ensuring that such uses are so maintained and assumes no liability with regard to injuries caused to others by any such failure.

b. Licensee solely acknowledges and accepts the duty and all associated responsibilities to incorporate safety features, which meet applicable engineering practice and accepted industry standards, into the design, construction, operation and continued maintenance of the authorized facilities/use. This duty shall include, but not be limited to, Licensee's consideration of the SFWMD's regulation and potential fluctuation, without notice, of water levels in canals and works, as well as the Licensee's consideration of upgrades and modifications to the authorized facilities/use which may be necessary to meet any future changes to applicable engineering practice and accepted industry standards. Licensee acknowledges that the SFWMD's review of this project and authorization to commence construction, including, but not limited to, any field inspections performed by the SFWMD, does not in any way consider or ensure that the authorized use/facilities are planned, designed, engineered, constructed, or will be operated, maintained or modified so as to meet applicable engineering practice and accepted industry standards, or otherwise provide any safety protections. Licensee further acknowledges that any inquiries, discussions, or representations, whether verbal or written, by or with any SFWMD staff or representative during the Site Certification review process, including, but not limited to, any field inspections, shall not in any way be relied upon by Licensee as the SFWMD's assumption of any duty to incorporate safety features, as set forth above, and shall also not be relied upon by Licensee in order to meet Licensee's duty to incorporate safety features, as set forth above.

c. Licensee agrees to abide by all of the terms and conditions of this Certification, including any representations made in the Site Certification Application and related documents. Licensee agrees to pay all removal and restoration costs, investigative costs, court costs and reasonable attorney's fees, including appeals, resulting from any action taken by the SFWMD to obtain compliance with the conditions of Certification. If SFWMD legal action is taken by staff counsel, "reasonable attorney's fees" is understood to mean the fair market value of the services provided, based upon what a private attorney would charge.

d. This Certification does not convey any property rights nor any rights or privileges other than those specified herein and this Certification shall not, in any way, be construed as abandonment or any other such impairment or disposition of the SFWMD's property rights. The SFWMD approves the use/facilities authorized in this Certification only to the extent of its interest in the works of the SFWMD. Licensee shall

obtain all other necessary federal, state, local, special district and private authorizations prior to the start of any construction or alteration authorized by this Certification. Licensee shall comply with any more stringent conditions or provisions which may be set forth in other required permits or other authorizations. The SFWMD, however, assumes no duty to ensure that any such authorizations have been obtained or to protect the legal rights of the underlying fee owner, in those instances where the SFWMD owns less than fee.

e. Unless specifically prohibited or limited by statute, Licensee agrees to indemnify, defend and save the SFWMD (which used herein includes the SFWMD and its past, present and future employees, agents, representatives, officers and Governing Board members and any of their successors and assigns) from and against any and all lawsuits, actions, claims, demands, losses, expenses, costs, attorneys fees (including but not limited to the fair market value of the SFWMD's in-house attorneys' fees based upon private attorneys' fees/rates), judgments and liabilities which arise from or may be related to the ownership, construction, maintenance or operation of the authorized use or the possession, utilization, maintenance, occupancy or ingress and egress of the SFWMD's right of way which arise directly or indirectly and/or are caused in whole or in part by the acts, omissions or negligence of the Licensee, its agents, representatives, and third parties under contract with the Licensee. Licensee agrees to provide legal counsel acceptable to the SFWMD if requested for the defense of any such claims.

f. The SFWMD does not waive sovereign immunity in any respect.

g. The Licensee shall not engage in any activity regarding the authorized use which interferes with the construction, alteration, maintenance or operation of the works of the SFWMD, including:

(1) Discharge of debris or aquatic weeds into the works of the SFWMD;

(2) Causing erosion or shoaling within the works of the SFWMD;

(3) Planting trees or shrubs or erecting structures which limit or prohibit access by SFWMD equipment and vehicles, except as may be authorized by this Certification;

(4) Leaving construction or other debris on the SFWMD's right of way or waterway; and

(5) Damaging SFWMD bank slopes, berms and levees.

(6) Licensee shall be responsible for any costs incurred by the SFWMD resulting from any such interference, as set forth in (1), (2), and (3), above;

h. The SFWMD is not responsible for any personal injury or property damage which may directly or indirectly result from the use of water from the SFWMD's canal or any activities which may include use or contact with water from the SFWMD's canal, since the SFWMD periodically sprays its canals for aquatic weed control purposes and uses substances which may be harmful to human health or plant life.

i. Licensee shall allow the SFWMD to inspect the authorized use at any reasonable time.

j. Licensee shall not interfere with any other existing or

future permitted uses or facilities authorized by the SFWMD. SFWMD shall advise Licensee of any future proposed permitted use or facility that may interfere with Licensee's facilities or withdrawals.

k. The SFWMD has the right to change, regulate, limit, schedule, or suspend discharges into, or withdrawals from, works of the SFWMD in accordance with criteria established by the SFWMD or the U. S. Army Corps of Engineers for the works of the SFWMD.

l. Licensee shall be responsible for the repair or replacement of any existing facilities located within the SFWMD's right of way which are damaged as a result of the installation or maintenance of the authorized facilities.

m. It is the responsibility of the Licensee to make prospective bidders aware of the terms and conditions of this Certification. It shall be the responsibility of the Licensee's contractors to understand the terms and conditions of this Certification and govern themselves accordingly.

n. The Licensee is advised that the SFWMD will not alter its operating practices to facilitate construction of the authorized facilities. At the pre-construction meeting, SFWMD shall advise the Licensee of its operating practices and any planned activities in the vicinity of the inlet structure during the period of planned construction. Reference: Sections 373.044, 373.113, 373.085(1), 373.086, 373.103, 373.129, and 373.603, F.S.; Rule 40E-6.381, 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 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 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. 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.

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

(4) 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.

(5) 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.

(6) 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.

D. 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.

XXXII. 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; Statewide Minimum Level of Service Standards, Rule Chapter 14-94, F.A.C.; Florida Department of Transportation's Roadway and Traffic Design Standards; and Florida Department of Transportation Standard Specifications 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, Rule 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. and State Highway Access Management Classification System and Standards,

Rule Chapter 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 Utility Accommodation Manual (Document 710-020-001) and Utilities Installation or Adjustment, Rule Chapter14-46, F.A.C. and Section 337.403, F.S.

E. Any drainage onto State of Florida right of way and transportation facilities will be subject to the requirements of Drainage Connections, Rule Chapter 1486, F.A.C.

F. Any structures proposed in the application which exceed 200 feet in height will be subject to an aeronautical study by the Federal Aviation Authority under the provisions of 14 CFR Part 77. The Licensee must obtain any necessary variances.

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.

H. The Licensee shall is 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.

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 Rule 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 Utility accommodation Manual (Document 710-020-001) and Rule Chapter14-46, 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.

XXXIV. EMERGENCY MANAGEMENT

A. The Licensee shall prepare a West County Energy Center hurricane preparation and recovery plan. The plan shall be submitted to the Department of Community Affairs 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 Department of Community Affairs and the Palm Beach County Office of Emergency Management.

C. The Department of Community Affairs will review the plan and any plan update. If the Department of Community Affairs 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.

History

Certified	12/26/06
Modified	03/29/07

APPENDIX 1

Air Construction Permit PSD-FL-354



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blirstone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary - Designee

PERMITTEE:

Florida Power and Light Company (FPL)
700 Universe Boulevard
Juno Beach, Florida 33408

Authorized Representative:

Randall R. LaBauve, Vice President

FPL West County Energy Center
DEP File No. 0990646-001-AC
Permit No. PSD-FL-354
SIC No. 4911
Expires: December 31, 2011

PROJECT AND LOCATION

This permit authorizes the construction of two nominal 1,250 megawatt combined cycle units at the proposed Florida Power and Light Company (FPL) West County Energy Center.

The proposed project will be located at 20505 State Road 80, Loxahatchee, Florida 33470. This site encompasses 220 acres of which approximately 40 acres will be used for two combined cycle units.

UTM coordinates are Zone 17; 562.19 km E; 2953.04 km N.

STATEMENT OF BASIS

This PSD construction permit is issued under the provisions of Chapter 403 of the Florida Statutes (F.S.), Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297 of the Florida Administrative Code (F.A.C.). The project was processed in accordance with the requirements of Rule 62-212.400, F.A.C., the preconstruction review program for the Prevention of Significant Deterioration (PSD) of Air Quality. Pursuant to Chapter 62-17, F.A.C. and Chapter 403 Part II, F.S., the project is also subject to Electrical Power Plant Siting. The permittee is authorized to install the proposed equipment in accordance with the conditions of this permit and as described in the application, approved drawings, plans, and other documents on file with the Department.

CONTENTS

- Section I. General Information
- Section II. Administrative Requirements
- Section III. Emissions Units Specific Conditions
- Section IV. Appendices

Joseph Kahn, Director
Division of Air Resource Management

1/16/2007
(Date)

SECTION I. GENERAL INFORMATION

FACILITY DESCRIPTION

The FPL West County Energy Center will be a nominal 2,500 megawatt (MW) greenfield power plant. The initial phase is the construction of two nominal 1,250 MW gas-fired combined cycle units that will use ultralow sulfur (ULS) fuel oil as backup fuel. The two combined cycle units are designated as Unit 1 and Unit 2.

Each combined cycle unit will consist of: three nominal 250 megawatt Model 501G gas turbine-electrical generator sets with evaporative inlet cooling systems; three supplementary-fired heat recovery steam generators (HRSG's) with SCR reactors; one nominal 428 mmBtu/hour (LHV) gas-fired duct burner located within each of the three HRSG's; three 149 feet exhaust stacks; one 26 cell mechanical draft cooling tower; and a common nominal 500 MW steam-electrical generator.

Additional ancillary equipment will include: four emergency generators; two natural gas fired fuel heaters; two diesel fuel storage tanks; two auxiliary steam boilers; and other associated support equipment.

{Note: Throughout this permit, the electrical generating capacities represent nominal values for the given operating conditions.}

NEW EMISSIONS UNITS

This permit authorizes construction and installation of the following new emissions units.

ID	Emission Unit Description
001	Unit 1A – one nominal 250 MW gas turbine with supplementary-fired heat recovery steam generator
002	Unit 1B – one nominal 250 MW gas turbine with supplementary-fired heat recovery steam generator
003	Unit 1C – one nominal 250 MW gas turbine with supplementary-fired heat recovery steam generator
004	Unit 2A – one nominal 250 MW gas turbine with supplementary-fired heat recovery steam generator
005	Unit 2B – one nominal 250 MW gas turbine with supplementary-fired heat recovery steam generator
006	Unit 2C – one nominal 250 MW gas turbine with supplementary-fired heat recovery steam generator
007	Two nominal 6.3 million distillate fuel oil storage tanks*
008	Two 26 cell mechanical draft cooling towers
009	Two nominal 85,000 lb/hr (99.8 MMBtu/hr) auxiliary boilers
010	Two nominal 10 MMBtu/hr gas-fired process heaters
011	Four nominal 2,250 KW (~ 21 MMBtu/hr) emergency generators
012	One emergency diesel fire pump engine (< 300 hp) and 500 gallon fuel oil storage tank

* This capacity will allow approximately 108 hours of on-site oil storage

REGULATORY CLASSIFICATION

Title III: This facility will be major for hazardous air pollutants (HAPs).

Title IV: The facility will operate emissions units subject to the acid rain provisions of the Clean Air Act.

Title V: Because potential emissions of at least one regulated pollutant exceed 100 tons per year, the new facility is a Title V major source of air pollution in accordance with Chapter 62-213, F.A.C. Regulated pollutants include pollutants such as carbon monoxide (CO), nitrogen oxides (NO_x), particulate matter (PM/PM₁₀), sulfur dioxide (SO₂), and volatile organic compounds (VOC).

SECTION I. GENERAL INFORMATION

PSD: The facility is located in an area designated as “attainment,” “maintenance,” or “unclassifiable” for each pollutant subject to a National Ambient Air Quality Standard. The facility is considered a “fossil fuel fired steam electric plant of more than 250 million BTU per hour of heat input”, which is one of the 28 PSD source categories with the lower PSD applicability threshold of 100 tons per year. Potential emissions of at least one regulated pollutant exceed 100 tons per year. Therefore, the facility is classified as a PSD-major source of air pollution with respect to Rule 62-212.400, F.A.C., Prevention of Significant Deterioration (PSD) of Air Quality.

NSPS: This project is subject to applicable requirements of 40 CFR 60, NSPS-Subpart KKKK (Standards of Performance for Stationary Combustion Turbines for Which Construction is Commenced After February 18, 2005). This project is also subject to applicable requirements of 40 CFR 60, NSPS-Subpart Dc (Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units) and to 40 CFR 60, NSPS-Subpart IIII - Standards of Performance for Stationary Compression Ignition Internal Combustion Engines (ICE).

NESHAPs: This project is subject to applicable requirements of 40 CFR 63, Subpart YYYYY, National Emissions Standards for Hazardous Air Pollutants for Stationary Combustion Gas Turbines. This project is also subject to applicable requirements of 40 CFR 63, Subpart ZZZZ, National Emissions Standards for Reciprocating Internal Combustion Engines (RICE); and to 40 CFR 63, Subpart DDDDD National Emissions Standards for Industrial, Commercial, or Institutional Boilers and Process Heaters.

Siting: The facility is subject to Electrical Power Plant Siting in accordance with Chapter 62-17, F.A.C. and Chapter 403, Part II, F.S.

PERMITTING AUTHORITY

All documents related to applications for permits to construct, operate or modify an emissions unit shall be submitted to the Bureau of Air Regulation of the Florida Department of Environmental Protection (DEP) at 2600 Blair Stone Road (MS #5505), Tallahassee, Florida 32399-2400. Copies of all such documents shall also be submitted to the Compliance Authority.

COMPLIANCE AUTHORITY

All documents related to compliance activities such as reports, tests, and notifications shall be submitted to the Department of Environmental Regulation Southeast District office (DEP-SED), 400 North Congress Avenue, Suite 200, West Palm Beach, FL 33401.

APPENDICES

The following Appendices are attached as part of this permit.

Appendix A: Subparts A from NSPS 40 CFR 60 and NESHAP 40 CFR 63; Identification of General Provisions.

Appendix BD: Final BACT Determinations and Emissions Standards.

Appendix Dc: NSPS Requirements for Small Steam Generating Units, 40 CFR 60, Subpart Dc.

Appendix DDDDD: NESHAP Requirements for Industrial, Commercial, and Institutional Boilers and Process Heaters, 40 CFR 63, Subpart DDDDD.

Appendix GC: General Conditions.

Appendix IIII: NSPS Requirements for Compression Ignition Internal Combustion Engines (ICE).

Appendix KKKK: NSPS Requirements for Gas Turbines, 40 CFR 60, Subpart KKKK.

Appendix SC: Standard Conditions.

Appendix XS: Semiannual NSPS Excess Emissions Report.

Appendix YYYYY: NESHAP Requirements for Gas Turbines, 40 CFR 63, Subpart YYYYY.

SECTION I. GENERAL INFORMATION

Appendix ZZZZ: NESHAP Requirements for Stationary Reciprocating Internal Combustion Engines, 40 CFR 63, Subpart ZZZZ.

RELEVANT DOCUMENTS

The documents listed below are not a part of this permit; however, they are specifically related to this permitting action and are on file with the Department.

- ☐ Permit application received on April 14, 2005;
- ☐ Department PSD Application Sufficiency comments dated June 13, 2005;
- ☐ Sufficiency Responses received August 12, 2005;
- ☐ Letter from FPL to DEP dated December 29, 2005 regarding equipment selection, capacities, etc.;
- ☐ Draft permit package issued on March 1, 2006;
- ☐ FPL's comments on the Draft Permit and TEPD received March 31, 2006;
- ☐ Public Meeting comments received at the Royal Palm Beach Cultural Center on April 19, 2006 and by e-mails, telephone and letters;
- ☐ The Final Order of the Siting Board approving Certification dated December 26, 2006; and
- ☐ Final Determination distributed concurrently with Final PSD Permit.

SECTION II. ADMINISTRATIVE REQUIREMENTS

1. General Conditions: The permittee shall operate under the attached General Conditions listed in Appendix GC of this permit. General Conditions are binding and enforceable pursuant to Chapter 403 of the Florida Statutes. [Rule 62-4.160, F.A.C.]
2. Applicable Regulations, Forms and Application Procedures: Unless otherwise indicated in this permit, the construction and operation of the subject emissions unit shall be in accordance with the capacities and specifications stated in the application. The facility is subject to all applicable provisions of: Chapter 403 of the Florida Statutes (F.S.); Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-296, and 62-297 of the Florida Administrative Code (F.A.C.); and the Title 40, Parts 51, 52, 60, 63, 72, 73, and 75 of the Code of Federal Regulations (CFR), adopted by reference in Rule 62-204.800, F.A.C. The terms used in this permit have specific meanings as defined in the applicable chapters of the Florida Administrative Code. The permittee shall use the applicable forms listed in Rule 62-210.900, F.A.C. and follow the application procedures in Chapter 62-4, F.A.C. Issuance of this permit does not relieve the permittee from compliance with any applicable federal, state, or local permitting or regulations. [Rules 62-204.800, 62-210.300 and 62-210.900, F.A.C.]
3. Construction and Expiration: The permit expiration date includes sufficient time to complete construction, perform required testing, submit test reports, and submit an application for a Title V operation permit to the Department. Approval to construct shall become invalid for any of the following reasons: construction is not commenced within 18 months after issuance of this permit; construction is discontinued for a period of 18 months or more; or construction is not completed within a reasonable time. The Department may extend the 18-month period upon a satisfactory showing that an extension is justified. In conjunction with an extension of the 18-month period to commence or continue construction (or to construct the project in phases), the Department may require the permittee to demonstrate the adequacy of any previous determination of Best Available Control Technology (BACT) for emissions units regulated by the project. For good cause, the permittee may request that this PSD air construction permit be extended. Such a request shall be submitted to the Department's Bureau of Air Regulation at least sixty (60) days prior to the expiration of this permit. [Rules 62-4.070(4), 62-4.080, 62-210.300(1), and 62-212.400(6)(b), F.A.C.]
4. New or Additional Conditions: For good cause shown and after notice and an administrative hearing, if requested, the Department may require the permittee to conform to new or additional conditions. The Department shall allow the permittee a reasonable time to conform to the new or additional conditions, and on application of the permittee, the Department may grant additional time. [Rule 62-4.080, F.A.C.]
5. Modifications: No emissions unit or facility subject to this permit shall be constructed or modified without obtaining an air construction permit from the Department. Such permit shall be obtained prior to beginning construction or modification. [Chapters 62-210 and 62-212, F.A.C.]
6. Application for Title IV Permit: At least 24 months before the date on which the new units begin serving an electrical generator greater than 25 MW, the permittee shall submit an application for a Title IV Acid Rain Permit to the Department's Bureau of Air Regulation in Tallahassee and a copy to the Region 4 Office of the U.S. Environmental Protection Agency in Atlanta, Georgia. [40 CFR 72]
7. Application for Title V Permit: The permittee shall submit an application, pursuant to Chapter 62-213, F.A.C, for a Title V air operation permit at least 90 days before the expiration of this permit, but no later than 180 days after commencing operation of the new units. To apply for a Title V operation permit, the applicant shall submit the appropriate application form, compliance test results, a Compliance Assurance Monitoring Plan (as necessary), and such additional information as the Department may by law require.

SECTION III - EMISSIONS UNITS SPECIFIC CONDITIONS

A. COMBINED CYCLE UNITS 1 AND 2 – GAS TURBINES (EUs 001, 002, 003, 004, 005, and 006)

This section of the permit addresses the following emissions units.

Combined Cycle Units 1 and 2 and associated equipment

Description: Emissions units 001, 002, 003, 004, 005, and 006. Each emission unit consists of: a Model 501G combustion gas turbine-electrical generator set with automated gas turbine control, inlet air filtration system and evaporative cooling, a gas-fired heat recovery steam generator (HRSG) with duct burner, a HRSG stack, and associated support equipment. Each combined cycle unit is comprised of three of the described emission units. The project also includes two steam turbine-electrical generators, each of which serves a combined cycle unit.

Fuels: Each gas turbine fires natural gas as the primary fuel and ultra low sulfur distillate fuel oil as a restricted alternate fuel.

Generating Capacity: Each of the six gas turbine-electrical generator sets has a nominal generating capacity of 250 MW. Each of the two steam turbine-electrical generators has a nominal generating capacity of 500 MW. The total nominal generating capacity of each of the “3 on 1” combined cycle unit is approximately 1,250 MW. The total nominal generating capacity of the proposed project is 2,500 MW.

Controls: The efficient combustion of natural gas and restricted firing of ultra low sulfur distillate fuel oil minimizes the emissions of CO, PM/PM₁₀, SAM, SO₂ and VOC. Dry Low-NO_x (DLN) combustion technology for gas firing and water injection for oil firing reduce NO_x emissions. A selective catalytic reduction (SCR) system further reduces NO_x emissions.

Stack Parameters: Each HRSG has a stack at least 149 feet tall with a nominal diameter of 22 feet. The Department may require the permittee to perform additional air dispersion modeling should the actual specified stack dimensions change. The following summarizes the exhaust characteristics without the duct burners:

<u>Fuel</u>	<u>Heat Input Rate (LHV)</u>	<u>Compressor Inlet Temp.</u>	<u>Exhaust Temp., °F</u>	<u>Flow Rate ACFM</u>
Gas	2,333 MMBtu/hour	59° F	195° F	1,330,197
Oil	2,117 MMBtu/hour	59° F	293° F	1,533,502

Continuous Monitors: Each stack is equipped with continuous emissions monitoring systems (CEMS) to measure and record CO and NO_x emissions as well as flue gas oxygen or carbon dioxide content.

APPLICABLE STANDARDS AND REGULATIONS

1. **BACT Determinations:** Determinations of the Best Available Control Technology (BACT) were made for carbon monoxide (CO), nitrogen oxides (NO_x), particulate matter (PM/PM₁₀), sulfuric acid mist (SAM), sulfur dioxide (SO₂) and volatile organic compounds (VOC).

See Appendix BD of this permit for a summary of the final BACT determinations.
[Rule 62-212.400(BACT), F.A.C.]

2. **NSPS Requirements:** The combustion turbines shall comply with all applicable requirements of 40 CFR 60, listed below, adopted by reference in Rule 62-204.800(7)(b), F.A.C. The Department determines that compliance with the BACT emissions performance requirements also assures compliance with the New Source Performance Standards given in 40 CFR 60, Subpart KKKK. Some separate reporting and monitoring may be required by the individual subparts.

a *Subpart A, General Provisions*, including:

- ☐ 40 CFR 60.7, Notification and Record Keeping
- ☐ 40 CFR 60.8, Performance Tests

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- ☐ 40 CFR 60.11, Compliance with Standards and Maintenance Requirements
- ☐ 40 CFR 60.12, Circumvention
- ☐ 40 CFR 60.13, Monitoring Requirements
- ☐ 40 CFR 60.19, General Notification and Reporting Requirements

b. *Subpart KKKK, Standards of Performance for Stationary Gas Turbines:* These provisions include standards for combustion gas turbines and duct burners.

3. NESHAP Requirements: The combustion turbines are subject to 40 CFR 63, Subpart A, Identification of General Provisions and 40 CFR 63, Subpart YYYY, National Emissions Standard for Hazardous Air Pollutants for Stationary Combustion Gas Turbines. The project must comply with the Initial Notification requirements set forth in Sec. 63.6145 but need not comply with any other requirement of Subpart YYYY until EPA takes final action to require compliance and publishes a document in the Federal Register. (Reference: Appendix YYYY and Appendix A, NESHAP Subpart A of this permit).

EQUIPMENT AND CONTROL TECHNOLOGY

4. Gas Turbines: The permittee is authorized to install, tune, operate, and maintain six Model 501G gas turbine-electrical generator sets each with a nominal generating capacity of 250 MW. Each gas turbine shall include an automated gas turbine control system and have dual-fuel capability. Ancillary equipment includes an inlet air filtration system and an evaporative inlet air-cooling system. The gas turbines will utilize DLN combustors. [Application; Design]
5. HRSGs: The permittee is authorized to install, operate, and maintain six new heat recovery steam generators (HRSGs) with separate HRSG exhaust stacks. Each HRSG shall be designed to recover exhaust heat energy from one of the six gas turbines (1A to 1C and 2A to 2C) and deliver steam to one of the two steam turbine electrical generators. Each HRSG may be equipped with a gas-fired duct burner having a nominal heat input rate of 428 MMBtu per hour (LHV).
6. Gas Turbine/Supplementary-fired HRSG Emission Controls
- a. *DLN Combustion:* The permittee shall operate and maintain the DLN system to control NO_x emissions from each gas turbine when firing natural gas. Prior to the initial emissions performance tests required for each gas turbine, the DLN combustors and automated gas turbine control system shall be tuned to achieve sufficiently low CO and NO_x values to meet the CO and NO_x limits with the additional SCR control technology described below. Thereafter, each system shall be maintained and tuned in accordance with the manufacturer's recommendations.
 - b. *Water Injection:* The permittee shall install, operate, and maintain a water injection system to reduce NO_x emissions from each gas turbine when firing distillate fuel oil. Prior to the initial emissions performance tests required for each gas turbine, the water injection system shall be tuned to achieve sufficiently low CO and NO_x values to meet the CO and NO_x limits with the additional SCR control technology described below. Thereafter, each system shall be maintained and tuned in accordance with the manufacturer's recommendations.
 - c. *Selective Catalytic Reduction (SCR) System:* The permittee shall install, tune, operate, and maintain an SCR system to control NO_x emissions from each gas turbine when firing either natural gas or distillate fuel oil. The SCR system consists of an ammonia (NH₃) injection grid, catalyst, ammonia storage, monitoring and control system, electrical, piping and other ancillary equipment. The SCR system shall be designed, constructed and operated to achieve the permitted levels for NO_x and NH₃ emissions.
 - d. *Oxidation Catalyst:* The permittee shall design and build the project to facilitate possible future installation of oxidation catalyst system to control CO emissions from each gas combustion

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A. COMBINED CYCLE UNITS 1 AND 2 – GAS TURBINES (EUs 001, 002, 003, 004, 005, and 006)

turbine/supplementary-fired heat recovery steam generator. The permittee may install the oxidation catalyst during project construction or, after notifying the Department, at a future date as described in Specific Condition 12.h.

- e. *Ammonia Storage:* In accordance with 40 CFR 60.130, the storage of ammonia shall comply with all applicable requirements of the Chemical Accident Prevention Provisions in 40 CFR 68.

[Design; Rule 62-212.400(BACT), F.A.C.]

PERFORMANCE RESTRICTIONS

7. Permitted Capacity - Gas Turbines: The nominal heat input rate to each gas turbine is 2,333 MMBtu per hour when firing natural gas and 2,117 MMBtu per hour when firing distillate fuel oil (based on a compressor inlet air temperature of 59° F, the lower heating value (LHV) of each fuel, and 100% load). Heat input rates will vary depending upon gas turbine characteristics, ambient conditions, alternate methods of operation, and evaporative cooling. The permittee shall provide manufacturer's performance curves (or equations) that correct for site conditions to the Permitting and Compliance Authorities within 45 days of completing the initial compliance testing. Operating data may be adjusted for the appropriate site conditions in accordance with the performance curves and/or equations on file with the Department.
[Rule 62-210.200(PTE), F.A.C.]
8. Permitted Capacity - HRSG Duct Burners: The total nominal heat input rate to the duct burners for each HRSG is 428 MMBtu per hour based on the lower heating value (LHV) of natural gas. Only natural gas shall be fired in the duct burners. [Rule 62-210.200(PTE), F.A.C.]
9. Authorized Fuels: The gas turbine shall fire natural gas as the primary fuel, which shall contain no more than 2.0 grains of sulfur per 100 standard cubic feet of natural gas. As a restricted alternate fuel, the gas turbine may fire ultra low sulfur distillate fuel oil containing no more than 0.0015% sulfur by weight. Each gas turbine shall fire no more than 500 hours of fuel oil, during any calendar year.
[Rules 62-210.200(PTE) and 62-212.400 (BACT), F.A.C.]
10. Hours of Operation: Subject to the operational restrictions of this permit, the gas turbines may operate throughout the year (8760 hours per year). Restrictions on individual methods of operation are specified below.
11. Methods of Operation: Subject to the restrictions and requirements of this permit, the gas turbines may operate under the following methods of operation.
 - a. *Combined Cycle Operation:* Each gas turbine/HRSG system may operate to produce direct, shaft-driven electrical power and steam-generated electrical power from the steam turbine-electrical generator as a three-on-one combined cycle unit subject to the restrictions of this permit. In accordance with the specifications of the SCR and HRSG manufacturers, the SCR system shall be on line and functioning properly during combined cycle operation or when the HRSG is producing steam.
 - b. *Inlet Conditioning:* In accordance with the manufacturer's recommendations and appropriate ambient conditions, the evaporative cooling system may be operated to reduce the compressor inlet air temperature and provide additional direct, shaft-driven electrical power.
 - c. *Duct Firing:* When firing natural gas, each HRSG system may fire natural gas in the duct burners to provide additional steam-generated electrical power. The total combined heat input rate to the duct burners (all six HRSGs) shall not exceed 7,395,840 MMBtu (LHV) during any consecutive 12 months.

[Application; Rules 62-210.200(PTE) and 62-212.400(BACT), F.A.C.]

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A. COMBINED CYCLE UNITS 1 AND 2 – GAS TURBINES (EUs 001, 002, 003, 004, 005, and 006)

EMISSIONS STANDARDS

12. Emissions Standards: Emissions from each gas turbine shall not exceed the following standards.

Pollutant	Fuel	Method of Operation	Stack Test, 3-Run Average		CEMS Block Average
			ppmvd @ 15% O ₂	lb/hr ^g	ppmvd @ 15% O ₂
CO ^a	Oil	Combustion Turbine (CT)	8.0	42.0	8.0, 24-hr 6, 12-month ^h
	Gas	CT & Duct Burner (DB)	7.6	52.5	
		CT Normal	4.1	23.2	
NO _x ^b	Oil	CT	8.0	82.4	8.0, 24-hr
	Gas	CT & DB	2.0	24.2	2.0, 24-hr
		CT Normal	2.0	20.0	
PM/PM ₁₀ ^c	Oil/Gas	All Modes	2 gr S/100SCF of gas, 0.0015% sulfur fuel oil		
			Visible emissions shall not exceed 10% opacity for each 6-minute block average.		
SAM/SO ₂ ^d	Oil/Gas	All Modes	2 gr S/100 SCF of gas, 0.0015% sulfur fuel oil		
VOC ^e	Oil	CT	6.0	19.6	NA
	Gas	CT & DB	1.5	5.4	
		CT Normal	1.2	4.1	
Ammonia ^f	Oil/Gas	CT, All Modes	5	NA	NA

- a. Compliance with the continuous 24-hour CO standards shall be demonstrated based on data collected by the required CEMS. The initial and annual EPA Method 10 tests associated with the certification of the CEMS instruments shall also be used to demonstrate compliance with the individual standards for natural gas, fuel oil, and basic duct burner modes. The stacks test limits apply only at high load (90-100% of the combustion turbine capacity).
- b. Compliance with the continuous NO_x standards shall be demonstrated based on data collected by the required CEMS. The initial and annual EPA Method 7E or Method 20 tests associated with demonstration of compliance with 40 CFR 60, Subpart KKKK or certification of the CEMS instruments shall also be used to demonstrate compliance with the individual standards for natural gas, fuel oil, and duct burner modes during the time of those tests. NO_x mass emission rates are defined as oxides of nitrogen expressed as NO₂.
- c. The sulfur fuel specifications combined with the efficient combustion design and operation of each gas turbine represents (BACT) for PM/PM₁₀ emissions. Compliance with the fuel specifications, CO standards, and visible emissions standards shall serve as indicators of good combustion. Compliance with the fuel specifications shall be demonstrated by keeping records of the fuel sulfur content. Compliance with the visible emissions standard shall be demonstrated by conducting tests in accordance with EPA Method 9.
- d. The fuel sulfur specifications effectively limit the potential emissions of SAM and SO₂ from the gas turbines and represent BACT for these pollutants. Compliance with the fuel sulfur specifications shall be determined by the ASTM methods for determination of fuel sulfur as detailed in the permit.
- e. Compliance with the VOC standards shall be demonstrated by conducting tests in accordance with EPA Method 25A. Optionally, EPA Method 18 may also be performed to deduct emissions of methane and ethane. The emission standards are based on VOC measured as methane. The limits apply only at high load (90-100% of the

SECTION III - EMISSIONS UNITS SPECIFIC CONDITIONS

A. COMBINED CYCLE UNITS 1 AND 2 – GAS TURBINES (EUs 001, 002, 003, 004, 005, and 006)

combustion turbine capacity). Compliance with the CO CEMS based limits at lower loads shall be deemed as compliance with the VOC limit.

- f. Compliance with the ammonia slip standard shall be demonstrated by conducting tests in accordance with EPA Method CTM-027.
- g. The mass emission rate standards are based on a turbine inlet condition of 59° F and may be adjusted to actual test conditions in accordance with the performance curves and/or equations on file with the Department.
- h. Rolling Average. Enforcement discretion may be exercised for up to 12 months with respect to the 6 ppmvd @15% O₂ limit for any combustion turbine/supplementary-fired heat recovery steam generator upon notification by the permittee of intent to install the oxidation catalyst. The permittee shall have 12 months to complete the oxidation catalyst installation. After completing the installation of the catalyst all prior partial or complete calendar months shall be excluded from the 12-month rolling average.

{“DB” means duct burning. “SCR” means selective catalytic reduction. “NA” means not applicable}.

[Rule 62-212.400(BACT), F.A.C.]

13. Duct Burners: The duct burners are also subject to the provisions of Subpart KKKK of the New Source Performance Standards in 40 CFR 60, which are summarized in Appendix KKKK.

{Permitting Note: The BACT limits applicable during duct firing are much more stringent than the standards of NSPS Subpart KKKK for duct burners. Therefore, compliance with the BACT limits insures compliance with the emission limitations in Subpart KKKK.} [40 CFR 60, Subpart KKKK]

EXCESS EMISSIONS

{Permitting Note: The following conditions apply only to the SIP-based emissions standards specified in Condition No. 12 of this section. Rule 62-210.700, F.A.C. (Excess Emissions) cannot vary or supersede any federal provision of the NSPS, or Acid Rain programs.}

14. Operating Procedures: The Best Available Control Technology (BACT) determinations established by this permit rely on “good operating practices” to reduce emissions. Therefore, all operators and supervisors shall be properly trained to operate and maintain the gas turbines, HRSGs, and pollution control systems in accordance with the guidelines and procedures established by each manufacturer. The training shall include good operating practices as well as methods of minimizing excess emissions.

[Rules 62-4.070(3) and 62-212.400(BACT), F.A.C.]

15. Alternate Visible Emissions Standard: Visible emissions due to startups, shutdowns, and malfunctions shall not exceed 10% opacity except for up to ten, 6-minute averaging periods during a calendar day, which shall not exceed 20% opacity. [Rule 62-212.400(BACT), F.A.C.]

16. Definitions

- a. *Startup* is defined as the commencement of operation of any emissions unit which has shut down or ceased operation for a period of time sufficient to cause temperature, pressure, chemical or pollution control device imbalances, which result in excess emissions.
[Rule 62-210.200(245), F.A.C.]
- b. *Shutdown* is the cessation of the operation of an emissions unit for any purpose.
[Rule 62-210.200(230), F.A.C.]
- c. *Malfunction* is defined as any unavoidable mechanical and/or electrical failure of air pollution control equipment or process equipment or of a process resulting in operation in an abnormal or unusual manner. [Rule 62-210.200(159), F.A.C.]

17. Excess Emissions Prohibited: Excess emissions caused entirely or in part by poor maintenance, poor operation or any other equipment or process failure that may reasonably be prevented during startup,

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shutdown or malfunction shall be prohibited. All such preventable emissions shall be included in any compliance determinations based on CEMS data. [Rule 62-210.700(4), F.A.C.]

18. Excess Emissions Allowed: As specified in this condition, excess emissions resulting from startup, shutdown, oil-to-gas fuel switches and documented malfunctions are allowed provided that operators employ the best operational practices to minimize the amount and duration of emissions during such incidents. For each gas turbine/HRSG system, excess emissions resulting from startup, shutdown, or documented malfunctions shall not exceed two hours in any 24-hour period except for the specific cases listed below. A “documented malfunction” means a malfunction that is documented within one working day of detection by contacting the Compliance Authority by telephone, facsimile transmittal, or electronic mail.
- a. *Steam Turbine/HRSG System Cold Startup*: For cold startup of the steam turbine system, excess emissions from any gas turbine/HRSG system shall not exceed eight hours in any 24-hour period. A cold “startup of the steam turbine system” is defined as startup of the 3-on-1 combined cycle system following a shutdown of the steam turbine lasting at least 48 hours.
{Permitting Note: During a cold startup of the steam turbine system, each gas turbine/HRSG system is sequentially brought on line at low load to gradually increase the temperature of the steam-electrical turbine and prevent thermal metal fatigue. Note that shutdowns and documented malfunctions are separately regulated in accordance with the requirements of this condition.}
 - b. *Shutdown Combined Cycle Operation*: For shutdown of the combined cycle operation, excess emissions from any gas turbine/HRSG system shall not exceed three hours in any 24-hour period.
 - c. *Gas Turbine/HRSG System Cold Startup*: For cold startup of a gas turbine/HRSG system, excess emissions shall not exceed four hours in any 24-hour period. “Cold startup of a gas turbine/HRSG system” is defined as a startup after the pressure in the high-pressure (HP) steam drum falls below 450 psig for at least a one-hour period.
 - d. *Fuel Switching*: For fuel switching, excess emissions shall not exceed 2 hours in any 24-hour period.
19. Ammonia Injection: Ammonia injection shall begin as soon as operation of the gas turbine/HRSG system achieves the operating parameters specified by the manufacturer. As authorized by Rule 62-210.700(5), F.A.C., the above conditions allow excess emissions only for specifically defined periods of startup, shutdown, fuel switching, and documented malfunction of the gas turbines.
[Design; Rules 62-212.400(BACT) and 62-210.700, F.A.C.]
20. DLN Tuning: CEMS data collected during initial or other major DLN tuning sessions shall be excluded from the CEMS compliance demonstration provided the tuning session is performed in accordance with the manufacturer’s specifications. A “major tuning session” would occur after completion of initial construction, a combustor change-out, a major repair or maintenance to a combustor, or other similar circumstances. Prior to performing any major tuning session, the permittee shall provide the Compliance Authority with an advance notice of at least 14 days that details the activity and proposed tuning schedule. The notice may be by telephone, facsimile transmittal, or electronic mail.
[Design; Rule 62-4.070(3), F.A.C.]

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EMISSIONS PERFORMANCE TESTING

21. Test Methods: Any required tests shall be performed in accordance with the following reference methods.

Method	Description of Method and Comments
CTM-027	Procedure for Collection and Analysis of Ammonia in Stationary Source {Notes: This is an EPA conditional test method. The minimum detection limit shall be 1 ppm.}
7E	Determination of Nitrogen Oxide Emissions from Stationary Sources
9	Visual Determination of the Opacity of Emissions from Stationary Sources
10	Determination of Carbon Monoxide Emissions from Stationary Sources {Notes: The method shall be based on a continuous sampling train.}
18	Measurement of Gaseous Organic Compound Emissions by Gas Chromatography {Note: EPA Method 18 may be used (optional) concurrently with EPA Method 25A to deduct emissions of methane and ethane from the measured VOC emissions.}
20	Determination of Nitrogen Oxides, Sulfur Dioxide and Diluent Emissions from Stationary Gas Turbines
25A	Determination of Volatile Organic Concentrations

Method CTM-027 is published on EPA's Technology Transfer Network Web Site at www.epa.gov/ttn/emc/ctm.html. The other methods are described in Appendix A of 40 CFR 60, adopted by reference in Rule 62-204.800, F.A.C. No other methods may be used unless prior written approval is received from the Department.
[Rules 62-204.800, F.A.C.; 40 CFR 60, Appendix A]

22. Initial Compliance Determinations: Each gas turbine shall be stack tested to demonstrate initial compliance with the emission standards for CO, NO_x, VOC, visible emissions, and ammonia slip. The tests shall be conducted within 60 days after achieving the maximum production rate at which the unit will be operated, but not later than 180 days after the initial startup of each unit configuration. Each unit shall be tested when firing natural gas, when using the duct burners and when firing distillate fuel oil. Referenced method data collected during the required Relative Accuracy Test Audits (RATAs) may be used to demonstrate compliance with the initial CO and NO_x standards. With appropriate flow measurements (or fuel measurements and approved F-factors), CEMS data may be used to demonstrate compliance with the CO and NO_x mass rate emissions standards. CO and NO_x emissions recorded by the CEMS shall also be reported for each run during tests for visible emissions, VOC and ammonia slip. The Department may require the permittee to conduct additional tests after major replacement or major repair of any air pollution control equipment, such as the SCR catalyst, oxidation catalyst, DLN combustors, etc.
[Rule 62-297.310(7)(a)1, F.A.C. and 40 CFR 60.8]

23. Continuous Compliance: The permittee shall demonstrate continuous compliance with the 24-hour CO and NO_x emissions standards based on data collected by the certified CEMS. Within 45 days of conducting any RATA on a CEMS, the permittee shall submit a report to the Compliance Authority summarizing results of the RATA. Compliance with the CO emission standards also serves as an indicator of efficient fuel combustion and oxidation catalyst operation, which reduces emissions of particulate matter and volatile organic compounds. The Department also reserves the right to use data from the continuous monitoring record and from annual RATA tests to determine compliance with the short term CO and NO_x limits for each method of operation given in Condition 12 above. [Rule 62-212.400 (BACT), F.A.C.]

24. Annual Compliance Tests: During each federal fiscal year (October 1st to September 30th), each gas turbine shall be tested to demonstrate compliance with the emission standards for visible emissions. NO_x and CO emissions data collected during the required continuous monitor Relative Accuracy Test Audits (RATAs) may be used to demonstrate compliance with the CO and NO_x standards. Annual testing to determine the ammonia slip shall be conducted while firing the primary fuel. NO_x emissions recorded by the CEMS shall

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be reported for each ammonia slip test run. CO emissions recorded by the CEMS shall be reported for the visible emissions observation period.

{Permitting Note: After initial compliance with the VOC standards is demonstrated, annual compliance tests for VOC emissions are not required. Compliance with the continuously monitored CO standards shall indicate efficient combustion and low VOC emissions. The Department retains the right to require VOC testing if CO limits are exceeded or for the reasons given in Appendix SC, Condition 17, Special Compliance Tests.}

[Rules 62-212.400 (BACT) and 62-297.310(7)(a)4, F.A.C.]

CONTINUOUS MONITORING REQUIREMENTS

25. CEM Systems: The permittee shall install, calibrate, maintain, and operate continuous emission monitoring systems (CEMS) to measure and record the emissions of CO and NO_x from the combined cycle gas turbine in a manner sufficient to demonstrate continuous compliance with the CEMS emission standards of this section. Each monitoring system shall be installed, calibrated, and properly functioning prior to the initial performance tests. Within one working day of discovering emissions in excess of a CO or NO_x standard (and subject to the specified averaging period), the permittee shall notify the Compliance Authority.

- a. CO Monitors. The CO monitors shall be certified pursuant to 40 CFR 60, Appendix B, Performance Specification 4 or 4A. Quality assurance procedures shall conform to the requirements of 40 CFR 60, Appendix F, and the Data Assessment Report of Section 7 shall be made each calendar quarter, and reported semiannually to the Compliance Authority. The RATA tests required for the CO monitor shall be performed using EPA Method 10 in Appendix A of 40 CFR 60 and shall be based on a continuous sampling train. The CO monitor span values shall be set appropriately considering the allowable methods of operation and corresponding emission standards.
- b. NO_x Monitors. Each NO_x monitor shall be certified, operated, and maintained in accordance with the requirements of 40 CFR 75. Record keeping and reporting shall be conducted pursuant to Subparts F and G in 40 CFR 75. The RATA tests required for the NO_x monitor shall be performed using EPA Method 20 or 7E in Appendix A of 40 CFR 60.
- c. Diluent Monitors. The oxygen (O₂) or carbon dioxide (CO₂) content of the flue gas shall be monitored at the location where CO and NO_x are monitored to correct the measured emissions rates to 15% oxygen. If a CO₂ monitor is installed, the oxygen content of the flue gas shall be calculated using F-factors that are appropriate for the fuel fired. Each monitor shall comply with the performance and quality assurance requirements of 40 CFR 75.

26. CEM Data Requirements:

- a. Data Collection: Emissions shall be monitored and recorded at all times including startup, operation, shutdown, and malfunction except for continuous monitoring system breakdowns, repairs, calibration checks, and zero and span adjustments. The CEMS shall be designed and operated to sample, analyze, and record data evenly spaced over an hour. If the CEMS measures concentration on a wet basis, the CEM system shall include provisions to determine the moisture content of the exhaust gas and an algorithm to enable correction of the monitoring results to a dry basis (0% moisture). Alternatively, the owner or operator may develop through manual stack test measurements a curve of moisture contents in the exhaust gas versus load for each allowable fuel, and use these typical values in an algorithm to enable correction of the monitoring results to a dry basis (0% moisture). Final results of the CEMS shall be expressed as ppmvd corrected to 15% oxygen. The CEMS shall be used to demonstrate compliance with the CEMS emission standards for CO and NO_x as specified in this permit. For purposes of determining compliance with the CEMS emissions standards of this permit, missing (or

SECTION III - EMISSIONS UNITS SPECIFIC CONDITIONS

A. COMBINED CYCLE UNITS 1 AND 2 – GAS TURBINES (EUs 001, 002, 003, 004, 005, and 006)

excluded) data shall not be substituted. Upon request by the Department, the CEMS emission rates shall be corrected to ISO conditions.

- b. *Valid Hour:* Hourly average values shall begin at the top of each hour. Each hourly average value shall be computed using at least one data point in each fifteen-minute quadrant of an hour, where the unit combusted fuel during that quadrant of an hour. Notwithstanding this requirement, an hourly value shall be computed from at least two data points separated by a minimum of 15 minutes (where the unit operates for more than one quadrant of an hour). If less than two such data points are available, the hourly average value is not valid. An hour in which any oil is fired is attributed towards compliance with the permit standards for oil firing. The permittee shall use all valid measurements or data points collected during an hour to calculate the hourly average values.
- c. *24-hour Block Averages:* A 24-hour block shall begin at midnight of each operating day and shall be calculated from 24 consecutive hourly average emission rate values. If a unit operates less than 24 hours during the block, the 24-hour block average shall be the average of all available valid hourly average emission rate values for the 24-hour block. For purposes of determining compliance with the 24-hour CEMS standards, the missing data substitution methodology of 40 CFR Part 75, subpart D, shall not be utilized. Instead, the 24-hour block average shall be determined using the remaining hourly data in the 24-hour block. [Rule 62-212.400(BACT), F.A.C.]

{Permitting Note: There may be more than one 24-hour compliance demonstration required for CO and NO_x emissions depending on the use of alternate methods of operation}

- d. *Data Exclusion:* Each CEMS shall monitor and record emissions during all operations including episodes of startup, shutdown, malfunction, fuel switches and DLN tuning. Some of the CEMS emissions data recorded during these episodes may be excluded from the corresponding CEMS compliance demonstration subject to the provisions of Condition Nos. 17 and 18 of this section. All periods of data excluded shall be consecutive for each such episode and only data obtained during the described episodes (startup, shutdown, malfunction, fuel switches, DLN tuning) may be used for the appropriate exclusion periods. The permittee shall minimize the duration of data excluded for such episodes to the extent practicable. Data recorded during such episodes shall not be excluded if the episode was caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure, which may reasonably be prevented. Best operational practices shall be used to minimize hourly emissions that occur during such episodes. Emissions of any quantity or duration that occur entirely or in part from poor maintenance, poor operation, or any other equipment or process failure, which may reasonably be prevented, shall be prohibited.
- e. *Availability:* Monitor availability for the CEMS shall be 95% or greater in any calendar quarter. The quarterly excess emissions report shall be used to demonstrate monitor availability. In the event 95% availability is not achieved, the permittee shall provide the Department with a report identifying the problems in achieving 95% availability and a plan of corrective actions that will be taken to achieve 95% availability. The permittee shall implement the reported corrective actions within the next calendar quarter. Failure to take corrective actions or continued failure to achieve the minimum monitor availability shall be violations of this permit, except as otherwise authorized by the Department's Compliance Authority.

[Rule 62-297.520, F.A.C.; 40 CFR 60.7(a)(5) and 40 CFR 60.13; 40 CFR Part 51, Appendix P; 40 CFR 60, Appendix B - Performance Specifications; 40 CFR 60, Appendix F - Quality Assurance Procedures; and Rules 62-4.070(3) and 62-212.400(BACT), F.A.C.]

- 27. Ammonia Monitoring Requirements: In accordance with the manufacturer's specifications, the permittee shall install, calibrate, operate and maintain an ammonia flow meter to measure and record the ammonia

SECTION III - EMISSIONS UNITS SPECIFIC CONDITIONS

A. COMBINED CYCLE UNITS 1 AND 2 – GAS TURBINES (EUs 001, 002, 003, 004, 005, and 006)

injection rate to the SCR system by the time of the initial compliance tests. The permittee shall document and periodically update the general range of ammonia flow rates required to meet permitted emissions levels over the range of load conditions allowed by this permit by comparing NO_x emissions recorded by the CEM system with ammonia flow rates recorded using the ammonia flow meter. During NO_x monitor downtimes or malfunctions, the permittee shall operate at the ammonia flow rate and, as applicable for fuel oil firing, the water-to-fuel ratio, that are consistent with the documented flow rate for the combustion turbine load condition. [Rules 62-4.070(3) and 62-212.400(BACT), F.A.C.]

RECORDS AND REPORTS

28. Monitoring of Capacity: The permittee shall monitor and record the operating rate of each gas turbine and HRSG duct burner system on a daily average basis, considering the number of hours of operation during each day (including the times of startup, shutdown and malfunction). Such monitoring shall be made using a monitoring component of the CEM system required above, or by monitoring daily rates of consumption and heat content of each allowable fuel in accordance with the provisions of 40 CFR 75 Appendix D. [Rules 62-4.070(3) and 62-212.400(BACT), F.A.C.]
29. Monthly Operations Summary: By the fifth calendar day of each month, the permittee shall record the following for each fuel in a written or electronic log for each gas turbine for the previous month of operation: fuel consumption, hours of operation, hours of duct firing, and the updated 12-month rolling totals for each. Information recorded and stored as an electronic file shall be available for inspection and printing within at least three days of a request by the Department. The fuel consumption shall be monitored in accordance with the provisions of 40 CFR 75 Appendix D. [Rules 62-4.070(3) and 62-212.400(BACT), F.A.C.]
30. Fuel Sulfur Records: The permittee shall demonstrate compliance with the fuel sulfur limits specified in this permit by maintaining the following records of the sulfur contents.
- Natural Gas Sulfur Limit*: Compliance with the fuel sulfur limit for natural gas shall be demonstrated by keeping reports obtained from the vendor indicating the average sulfur content of the natural gas being supplied from the pipeline for each month of operation. Methods for determining the sulfur content of the natural gas shall be ASTM methods D4084-82, D4468-85, D5504-01, D6228-98 and D6667-01, D3246-81 or more recent versions.
 - Distillate Fuel Oil Sulfur Limit*: Compliance with the distillate fuel oil sulfur limit shall be demonstrated by taking a sample, analyzing the sample for fuel sulfur, and reporting the results to each Compliance Authority before initial startup. Sampling the fuel oil sulfur content shall be conducted in accordance with ASTM D4057-88, Standard Practice for Manual Sampling of Petroleum and Petroleum Products, and one of the following test methods for sulfur in petroleum products: ASTM methods D5453-00, D129-91, D1552-90, D2622-94, or D4294-90. More recent versions of these methods may be used. For each subsequent fuel delivery, the permittee shall maintain a permanent file of the certified fuel sulfur analysis from the fuel vendor. At the request of a Compliance Authority, the permittee shall perform additional sampling and analysis for the fuel sulfur content.

The above methods shall be used to determine the fuel sulfur content in conjunction with the provisions of 40 CFR 75 Appendix D. [Rules 62-4.070(3) and 62-4.160(15), F.A.C.]

31. Emissions Performance Test Reports: A report indicating the results of any required emissions performance test shall be submitted to the Compliance Authority no later than 45 days after completion of the last test run. The test report shall provide sufficient detail on the tested emission unit and the procedures used to allow the Department to determine if the test was properly conducted and if the test results were properly computed. At a minimum, the test report shall provide the applicable information listed in Rule 62-297.310(8)(c), F.A.C. and in Appendix SC of this permit. [Rule 62-297.310(8), F.A.C.].

SECTION III - EMISSIONS UNITS SPECIFIC CONDITIONS

A. COMBINED CYCLE UNITS 1 AND 2 – GAS TURBINES (EUs 001, 002, 003, 004, 005, and 006)

32. Excess Emissions Reporting:

- a. *Malfunction Notification:* If emissions in excess of a standard (subject to the specified averaging period) occur due to malfunction, the permittee shall notify the Compliance Authority within (1) working day of: the nature, extent, and duration of the excess emissions; the cause of the excess emissions; and the actions taken to correct the problem. In addition, the Department may request a written summary report of the incident.
- b. *SIP Quarterly Permit Limits Excess Emissions Report:* Within 30 days following the end of each calendar-quarter, the permittee shall submit a report to the Compliance Authority summarizing periods of CO and NO_x emissions in excess of the BACT permit standards following the NSPS format in 40 CFR 60.7(c), Subpart A. Periods of startup, shutdown and malfunction, shall be monitored, recorded and reported as excess emissions when emission levels exceed the standards specified in this permit. In addition, the report shall summarize the CEMS systems monitor availability for the previous quarter.
- c. *NSPS Semi-Annual Excess Emissions Reports:* For purposes of reporting emissions in excess of NSPS Subpart KKKK, excess emissions from the gas turbine are defined as: a specified averaging period over which either the NO_x emissions are higher than the applicable emission limit in 60.4320; or the total sulfur content of the fuel being combusted in the affected facility exceeds the limit specified in 60.4330. Within thirty (30) days following each calendar semi-annual period, the permittee shall submit a report on any periods of excess emissions that occurred during the previous semi-annual period to the Compliance Authority.

{Note: If there are no periods of excess emissions as defined in NSPS Subpart KKKK, a statement to that effect may be submitted with the SIP Quarterly Report to suffice for the NSPS Semi-Annual Report.}

[Rules 62-4.130, 62-204.800, 62-210.700(6), F.A.C., and 40 CFR 60.7, and 60.4420]

33. Annual Operating Report: The permittee shall submit an annual report that summarizes the actual operating hours and emissions from this facility. The permittee shall also keep records sufficient to determine the annual throughput of distillate fuel oil for the fuel oil storage tank for use in the Annual Operating Report. Annual operating reports shall be submitted to the Compliance Authority by March 1st of each year.
[Rule 62-210.370(2), F.A.C.]

SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS

B. DISTILLATE FUEL OIL STORAGE TANK (EU 007)

This section of the permit addresses the following emissions unit.

ID	Emission Unit Description
007	Two Nominal 6.3 million gallon distillate fuel oil storage tanks

NSPS APPLICABILITY

1. NSPS Subpart Kb Applicability: The distillate fuel oil tanks are not subject to Subpart Kb, which applies to any storage tank with a capacity greater than or equal to 10,300 gallons (40 cubic meters) that is used to store volatile organic liquids for which construction, reconstruction, or modification is commenced after July 23, 1984. Tanks with a capacity greater than or equal to 40,000 gallons (151 cubic meters) storing a liquid with a maximum true vapor pressure less than 3.5 kPa are exempt from the General Provisions (40 CFR 60, Subpart A) and from the provisions of NSPS Subpart Kb,. [40 CFR 60.110b(a) and (c); Rule 62-204.800(7)(b), F.A.C.]

The listed emission units shall comply with 40 CFR 60, Subpart Kb only to the extent that the regulations apply to the emission unit and its operations.

EQUIPMENT SPECIFICATIONS

2. Equipment: The permittee is authorized to install, operate, and maintain two 6.3 million gallon distillate fuel oil storage tank designed to provide ultra low sulfur fuel oil to the gas turbines.
[Applicant Request; Rule 62-210.200(PTE), F.A.C.]

EMISSIONS AND PERFORMANCE REQUIREMENTS

3. Hours of Operation: The hours of operation are not restricted (8760 hours per year).
[Applicant Request; Rule 62-210.200(PTE), F.A.C.]

NOTIFICATION, REPORTING AND RECORDS

4. Oil Tank Records: The permittee shall keep readily accessible records showing the dimension of each storage vessel and an analysis showing the capacity of each storage tank. Records shall be retained for the life of the facility. The permittee shall also keep records sufficient to determine the annual throughput of distillate fuel oil for each storage tank for use in the Annual Operating Report. [Rule 62-4.070(3) F.A.C.]
5. Fuel Oil Records: The permittee shall keep readily accessible records showing the maximum true vapor pressure of the stored liquid. The maximum true vapor pressure shall be less than 3.5 kPa. Compliance with this condition may be demonstrated by using the information from the respective MSDS for the ultra low sulfur fuel oil(s) stored in the tanks. [62-4.070(3) F.A.C.]

{Permitting Note: An evaluation of several Material Safety Data Sheets (MSDS) by the Department and applicant demonstrated that the vapor pressure is much less than 3.5 kPa for ultralow sulfur fuel oil.}

SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS

C. COOLING TOWER (EU 008)

This section of the permit addresses the following new emissions unit.

ID	Emission Unit Description
008	Two 26-cell mechanical draft cooling towers

EQUIPMENT

1. Cooling Tower: The permittee is authorized to install two new 26-cell mechanical draft cooling towers with the following nominal design characteristics: a circulating water flow rate of 306,000 gpm; design hot/cold water temperatures of 105° F/87° F; a design air flow rate of 1,500,000 per cell; a liquid-to-gas air flow ratio of 1.045; and drift eliminators. The permittee shall submit the final design details within 60 days of selecting the vendor. [Application; Design]

EMISSIONS AND PERFORMANCE REQUIREMENTS

2. Drift Rate: Within 60 days of commencing operation, the permittee shall certify that the cooling tower was constructed to achieve the specified drift rate of no more than 0.0005 percent of the circulating water flow rate. [Rule 62-212.400(BACT), F.A.C.]

{Permitting Note: This work practice standard is established as BACT for PM/PM₁₀ emissions from the cooling tower. Based on this design criteria, potential emissions are expected to be less than 100 tons of PM per year and less than 5 tons of PM₁₀ per year. Actual emissions are expected be lower than these rates.}.

SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS
D. AUXILIARY BOILERS AND PROCESS HEATERS (EU009 – EU 010)

This section of the permit addresses the following emissions units.

ID	Emission Unit Description
014	Two limited use gas-fueled auxiliary boilers (99.8 MMBTU/h and 85,000 lb/hr)
015	Two gas-fueled 10 MMBtu/hr process heaters

NESHAP APPLICABILITY

1. NESHAP Subpart DDDDD Applicability: These emissions units are subject to Subpart DDDDD, which applies to an industrial, commercial, or institutional boiler or process heater as defined in Sec. 63.7575 that is located at, or is part of, a major source of HAP as defined in Sec. 40 CFR 63.2.

The listed emission units shall comply with 40 CFR 63, NESHAP Subpart DDDDD only to the extent that the regulations apply to the emission unit and its operations (e.g. limited use gas-fueled or small gas-fueled categories).

[40 CFR 63, Subpart DDDDD - National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, or Institutional Boiler or Process Heater]

NSPS APPLICABILITY

2. NSPS Subpart Dc Applicability: Each 99.8 MMBTU/hr (85,000 lb/hr) auxiliary boiler is subject to all applicable requirements of 40 CFR 60, Subpart Dc which applies to Small Industrial, Commercial, or Institutional Boiler. Specifically, each emission unit shall comply with 40 CFR 60.48c Reporting and Recordkeeping Requirements.

[Rule 62-204.800(7)(b) and 40 CFR 60, NSPS-Subpart Dc - Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, attached as Appendix Dc].

EMISSIONS AND TESTING REQUIREMENTS

3. Auxiliary Boiler BACT Emissions Limits:

NO _x	CO	VOC, SO ₂ , PM/PM ₁₀
0.05 lb/MMBtu	0.08 lb/MMBtu	2 gr S/100SCF natural gas spec and 10% Opacity

4. Auxiliary Boilers Testing Requirements: Each unit shall be stack tested to demonstrate initial compliance with the emission standards for CO, NO_x and visible emissions. The tests shall be conducted within 60 days after achieving the maximum production rate at which the unit will be operated, but not later than 180 days after the initial startup of each combined cycle unit.

[Rule 62-297.310(7)(a)1, F.A.C. and 40 CFR 63.7]

Test Methods: Any required tests shall be performed in accordance with the following reference methods.

Method	Description of Method and Comments
7E	Determination of Nitrogen Oxide Emissions from Stationary Sources
9	Visual Determination of the Opacity of Emissions from Stationary Sources
10	Determination of Carbon Monoxide Emissions from Stationary Sources {Notes: The method shall be based on a continuous sampling train.}

SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS

D. AUXILIARY BOILERS AND PROCESS HEATERS (EU009 – EU 010)

5. Annual CO Performance Test for Auxiliary Boilers: Pursuant to 40 CFR 63.7515(e) permittee shall conduct an annual CO test according to Sec. 63.7520. Each annual performance test must be conducted between 10 and 12 months after the previous performance test.

[40 CFR 63.7515 and Rule 62-204.800(11)(b)84. F.A.C.]

6. Natural Gas Fired Process Heaters BACT Emissions Limits:

NO _x	CO	VOC, SO ₂ , PM/PM ₁₀
0.095 lb/MMBtu	0.08 lb/MMBtu	2 gr S/100SCF natural gas spec and 10% Opacity

7. Natural Gas Fired Process Heaters Testing Requirements: Each unit shall be stack tested to demonstrate initial compliance with the emission standards for CO, NO_x and visible emissions. The tests shall be conducted within 60 days after achieving the maximum production rate at which the unit will be operated, but not later than 180 days after the initial startup of each combined cycle unit. As an alternative, a Manufacturer certification of emissions characteristics of the purchased model that are at least as stringent as the BACT values can be used to fulfill this requirement.

[Rule 62-297.310(7)(a)1, F.A.C. and 40 CFR 60.8]

Test Methods: Any required tests shall be performed in accordance with the following reference methods.

Method	Description of Method and Comments
7E	Determination of Nitrogen Oxide Emissions from Stationary Sources
9	Visual Determination of the Opacity of Emissions from Stationary Sources
10	Determination of Carbon Monoxide Emissions from Stationary Sources {Notes: The method shall be based on a continuous sampling train.}

EQUIPMENT SPECIFICATIONS

8. Equipment: The permittee is authorized to install, operate, and maintain two auxiliary boilers with a maximum design heat input of 99.8 MMBtu/hr (85,000 lb/hr) each to produce steam during start up of the CTs and two 10 MMBtu/hr process heaters for the purpose of heating the natural gas supply to the CTs. [Applicant Request; Rule 62-210.200(PTE), F.A.C.]

PERFORMANCE REQUIREMENTS

9. Hours of Operation: The hours of operation of each limited use gas-fueled auxiliary boiler shall not exceed 500 hours per year. The gas-fueled process heaters are allowed to operate continuously (8760 hours per year). [Applicant Request; Rule 62-210.200(PTE), F.A.C. and 40 CFR 63.7575]

NOTIFICATION, REPORTING AND RECORDS

10. Notification: Initial notification is required for the two limited use 99.8 MMBtu/hr gas-fueled auxiliary boilers. Initial notification is not required for the two small gas-fueled 10 MMBtu/hr process heaters. [40 CFR 63.9, 40 CFR 63.7506(c) and Rule 62-204.800(11)(b) F.A.C.]
11. Reporting: The permittee shall maintain records of the amount of natural gas used in the heaters and auxiliary boilers. These records shall be submitted to the Compliance Authority on an annual basis or upon request. [Rule 62-4.070(3) F.A.C.]

SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS

EMERGENCY GENERATOR (011)

This section of the permit addresses the following emissions unit.

ID	Emission Unit Description
011	Four nominal 2,250 Kw Liquid Fueled Emergency Generators – Reciprocating Internal Combustion Engines

NESHAPS APPLICABILITY

1. NESHAPS Subpart ZZZZ Applicability: These emergency generators are Liquid Fueled Reciprocating Internal Combustion Engines (RICE) and are subject to 40 CFR 63, Subpart ZZZZ. They shall comply with 40 CFR 63, NESHAP Subpart ZZZZ only to the extent that the regulations apply to the emissions unit and its operations.

[40 CFR 63, Subpart ZZZZ - National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (RICE) and Rule 62-204.800(11)(b)80, F.A.C.]

NSPS APPLICABILITY

2. NSPS Subpart IIII Applicability: These emergency generators are Stationary Compression Ignition Internal Combustion Engines (Stationary ICE) and are subject to 40 CFR 60, Subpart IIII. They shall comply with 40 CFR 60, Subpart IIII only to the extent that the regulations apply to the emission unit and its operations (e.g. non-road, emergency, displacement, capacity, model year selected).

[40 CFR 60, Subpart IIII - Standards of Performance for Stationary Compression Ignition Internal Combustion Engines]

EQUIPMENT SPECIFICATIONS

3. Equipment: The permittee is authorized to install, operate, and maintain four 2,250 Kw emergency generators. [Applicant Request; Rule 62-210.200(PTE), F.A.C.]

EMISSIONS AND PERFORMANCE REQUIREMENTS

4. Hours of Operation and Fuel Specifications: The hours of operation shall not exceed 160 hours per year per each generator. The generators are allowed to burn 0.0015% sulfur fuel oil. [Applicant Request; Rule 62-210.200(PTE), F.A.C.]

5. Emergency Generators BACT Emissions Limits:

NO _x	CO	Hydrocarbons ¹	SO ₂	PM/PM ₁₀
6.9 gm/bhp-hr	8.5 gm/bhp-hr	1.0 gm/bhp-hr	0.0015% S F.O.	0.4 gm/bhp-hr

Note 1. Hydrocarbons are surrogate for VOC.

{The BACT limits are equal to the values corresponding to the Tier 1 values cited in the proposed rule 40 CFR 60, Subpart IIII}

6. Emergency Generators Testing Requirements: Each unit shall be stack tested to demonstrate initial compliance with the emission standards for CO, NO_x and visible emissions. The tests shall be conducted within 60 days after achieving the maximum production rate at which the unit will be operated, but not later than 180 days after the initial startup of each combined cycle unit. As an alternative, an EPA Certification of emissions characteristics of the purchased model that are at least as stringent as the BACT values and the use of ULS fuel oil can be used to fulfill this requirement.

[Rule 62-297.310(7)(a)1, F.A.C.; 40 CFR 60.8 and 40 CFR 60.4211]

SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS

EMERGENCY GENERATOR (011)

Test Methods: Any required tests shall be performed in accordance with the following reference methods.

Method	Description of Method and Comments
7E	Determination of Nitrogen Oxide Emissions from Stationary Sources
9	Visual Determination of the Opacity of Emissions from Stationary Sources
10	Determination of Carbon Monoxide Emissions from Stationary Sources {Notes: The method shall be based on a continuous sampling train.}

NOTIFICATION, REPORTING AND RECORDS

7. Notifications: Initial notification are required pursuant to 40 CFR 60.7, 40 CFR 63.9, and 40 CFR 63.6590 (b) (i) for the four 2,250 Kw RICE units.
8. Reporting: The permittee shall maintain records of the amount of liquid fuel used. These records shall be submitted to the Compliance Authority on an annual basis or upon request. [Rule 62-4.070(3) F.A.C.].

SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS

EMERGENCY FIRE PUMP (012)

This section of the permit addresses the following emissions unit.

ID	Emission Unit Description
012	One emergency diesel fire pump engine (< 300 hp) and 500 gallon fuel oil storage tank.

NSPS APPLICABILITY

1. NSPS Subpart IIII Applicability: The fire pump engine is an Emergency Stationary Compression Ignition Internal Combustion Engine (Stationary ICE) and is subject to 40 CFR 60, Subpart IIII. It shall comply with 40 CFR 60, Subpart IIII only to the extent that the regulations apply to the emissions unit and its operations (e.g. fire pumps, horsepower, model year selected).

[40 CFR 60, Subpart IIII - Standards of Performance for Stationary Compression Ignition Internal Combustion Engines.]

EQUIPMENT SPECIFICATIONS

2. Equipment: The permittee is authorized to install, operate, and maintain one diesel engine driven fire pump (< 300 hp) and an associated 500 gallon fuel oil storage tank.

EMISSIONS AND PERFORMANCE REQUIREMENTS

3. Hours of Operation: The fire pump may operate in response to emergency conditions and 80 non-emergency hours per year for maintenance testing.
[Applicant Request; Rule 62-210.200 (PTE), F.A.C.]
4. Authorized Fuel: This unit shall fire low sulfur fuel oil (or superior fuel), which shall contain no more than 0.05% sulfur by weight. [Rules 62-210.200(PTE) and 62-212.400 (BACT), F.A.C.]

Compliance with the distillate fuel oil sulfur limit shall be demonstrated by taking a sample, analyzing the sample for fuel sulfur, and reporting the results to each Compliance Authority before initial startup. Sampling the fuel oil sulfur content shall be conducted in accordance with ASTM D4057-88, Standard Practice for Manual Sampling of Petroleum and Petroleum Products, and one of the following test methods for sulfur in petroleum products: ASTM methods D5453-00, D129-91, D1552-90, D2622-94, or D4294-90. More recent versions of these methods may be used. For each subsequent fuel delivery, the permittee shall maintain a permanent file of the certified fuel sulfur analysis from the fuel vendor. At the request of a Compliance Authority, the permittee shall perform additional sampling and analysis for the fuel sulfur content.

SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS

EMERGENCY FIRE PUMP (012)

5. Fire Pump Engine BACT Emissions Limits:

The following limits apply based on the size category of the fire pump located at the facility.

Size (hp)	CO	NMHC+NO _x	PM
$175 \leq \text{hp} < 300$	2.6	7.8	0.40

Note 1. Non-Methane Hydrocarbons (NMHC) are surrogate for VOC.

{The BACT limits are equal to the values corresponding to the size class indicated above and cited in 40 CFR 60, Subpart III}

6. Fire Pump Engine Certification: Manufacturer certification shall be provided to the Department in lieu of actual testing. [Rule 62-212.400 (BACT), F.A.C. and 40 CFR 60.411]

Site Certification Amendments and Modifications



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt Governor

Michael W. Sole
Secretary

August 1, 2007

- CERTIFIED MAIL - RETURN RECEIPT REQUESTED -

Ms. Barbara P. Linkiewicz
Director of Environmental Licensing
Florida Power & Light Company
Environmental Services Dept.
P.O.B. 1400
Juno Beach, FL 33408

**RE: FPL West County Energy Center PA05-47
(Postcertification Amendment dated July 30, 2007)**

Dear Ms. Linkiewicz:

On July 31, 2007, the Department received a post certification amendment to the application for the West County Energy Center. Pursuant to Section 62-17 205(c), F.A.C., the Department has determined that this request is an amendment to the application and will not require modification to the conditions of certification for the facility. The Department has no objection to the agreement between FPL and Palm Beach County for the temporary (until 2014) use of excess bulk water.

The Department's Order shall become final unless a timely petition for an administrative hearing is filed under sections 120.569 and 120.57, Florida Statutes ("F.S."), within 21 days of receipt of this Order. The procedures for petitioning for a hearing are set forth below.

Persons affected by this Order have the following options:

If you choose to accept the above decision by the Department concerning the postcertification amendment you do not have to do anything. This Order is final and effective as of the date on the top of the first page of this Order.

If you disagree with the decision, you may do one of the following:

1. File a petition for administrative hearing with the Department's Office of General Counsel within 21 days of receipt of this Order; or

2. File a request for an extension of time to file a petition for hearing with the Department's Office of General Counsel within 21 days of receipt of this Order. Such a request should be made if you wish to meet with the Department in an attempt to informally resolve any disputes without first filing a petition for hearing

Please be advised that mediation of this decision pursuant to section 120.573, Florida Statutes ("F.S."), is not available.

How to Request an Extension of Time to File a Petition for Hearing

For good cause shown, pursuant to rule 62-110.106(4), Florida Administrative Code ("F.A.C."), the Department may grant a request for an extension of time to file a petition for hearing. Such a request must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000, within 21 days of receipt of this Order. Petitioner, if different from the addressee, shall mail a copy of the request to the addressee at the time of filing. Timely filing a request for an extension of time tolls the time period within which a petition for administrative hearing must be made.

How to File a Petition for Administrative Hearing

A person whose substantial interests are affected by this Order may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida, 32399-3000, within 21 days of receipt of this Order. Petitioner, if different from the addressee, shall mail a copy of the petition to the addressee at the time of filing. Failure to file a petition within this time period shall waive the right of anyone who may request an administrative hearing under sections 120.569 and 120.57, F.S.

Pursuant to subsections 120.54(5)(b)4 and 120.569(2), F.S. and rule 28-106.201, F.A.C., a petition for administrative hearing shall contain the following information:

- a) The name, address, and telephone number of each petitioner, the name, address, and telephone number of the petitioner's representative, if any, the site owner's name and address, if different from the petitioner, the DEP facility number, and the name and address of the facility;
- b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- c) An explanation of how each petitioner's substantial interests are or will be affected by the Department's action or proposed action;

- d) A statement of the material facts disputed by the petitioner, or a statement that there are no disputed facts;
- e) A statement of the ultimate facts alleged, including a statement of the specific facts the petitioner contends warrant reversal or modification of the Department's action or proposed action;
- f) A statement of the specific rules or statutes the petitioner contends requires reversal or modification of the Department's action or proposed action; and
- g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Department's action or proposed action.

This Order is final and effective as of the date on the top of the first page of this Order. Timely filing a petition for administrative hearing postpones the date this Order takes effect until the Department issues either a final order pursuant to an administrative hearing or an Order Responding to Supplemental Information provided to the Department pursuant to meetings with the Department.

Judicial Review

Any party to this Order has the right to seek judicial review of it under section 120.68, F.S., by filing a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department in the Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this order is filed with the clerk of the Department (see below).

Questions

Any questions regarding the Department's review of your postcertification amendment should be directed to Michael P. Halpin, P.E. at (850) 487-0472. Questions regarding legal issues should be referred to the Department's Office of General Counsel at (850) 488 - 9314. Contact with any of the above does not constitute a petition for administrative hearing or request for an extension of time to file a petition for administrative hearing.

Sincerely,



Michael P. Halpin
Administrator
Siting Coordination Office

FILING AND ACKNOWLEDGMENT
FILED, on this date, pursuant to §120.52
Florida Statutes, with the designated
Department Clerk, receipt of which is
hereby acknowledged.

Jana Korokos 8-1-07
Clerk Date
(or Deputy Clerk)

CC: Toni Sturtevant, Esq.

Kelly A. Martinson
Office of General Counsel
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, FL 32399

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Tallahassee, FL 32399-0458

**Department of Environmental Protection
Prevention of Significant Deterioration Permit
(Final)**



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blainstone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary - Designee

PERMITTEE:

Florida Power and Light Company (FPL)
700 Universe Boulevard
Juno Beach, Florida 33408

Authorized Representative:
Randall R. LaBauve, Vice President

FPL West County Energy Center
DEP File No. 0990646-001-AC
Permit No. PSD-FL-354
SIC No. 4911
Expires: December 31, 2011

PROJECT AND LOCATION

This permit authorizes the construction of two nominal 1,250 megawatt combined cycle units at the proposed Florida Power and Light Company (FPL) West County Energy Center.

The proposed project will be located at 20505 State Road 80, Loxahatchee, Florida 33470. This site encompasses 220 acres of which approximately 40 acres will be used for two combined cycle units.

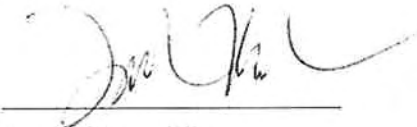
UTM coordinates are Zone 17; 562.19 km E; 2953.04 km N.

STATEMENT OF BASIS

This PSD construction permit is issued under the provisions of Chapter 403 of the Florida Statutes (F.S.), Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297 of the Florida Administrative Code (F.A.C.). The project was processed in accordance with the requirements of Rule 62-212.400, F.A.C., the preconstruction review program for the Prevention of Significant Deterioration (PSD) of Air Quality. Pursuant to Chapter 62-17, F.A.C. and Chapter 403 Part II, F.S., the project is also subject to Electrical Power Plant Siting. The permittee is authorized to install the proposed equipment in accordance with the conditions of this permit and as described in the application, approved drawings, plans, and other documents on file with the Department.

CONTENTS

- Section I. General Information
- Section II. Administrative Requirements
- Section III. Emissions Units Specific Conditions
- Section IV. Appendices



Joseph Kahn, Director
Division of Air Resource Management

1/10/2007
(Date)

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF PERMIT

In the Matter of an
Application for Permit by:

Mr. Randall R. LaBauve
Vice President of Environmental Services
Florida Power and Light Company (FPL)
700 Universe Boulevard
Juno Beach, Florida 33408

DEP File No. 0990646-001-AC
Permit No. PSD-FL-354
FPL West County Energy Center
Two 1,250 MW Combined Cycle Units
Palm Beach County

Enclosed is the Final Permit Number PSD-FL-354 (0990646-001-AC) to construct/install two nominal 1,250 MW combined cycle units and auxiliary equipment at the FPL West County Energy Center at 20505 State Road 80, Loxahatchee, in unincorporated Palm Beach County. This permit is issued pursuant to Chapter 403, Florida Statutes.

Any party to this order (permit) has the right to seek judicial review of the permit pursuant to Section 120.68, F.S., by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Legal Office; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 (thirty) days from the date this Notice is filed with the Clerk of the Department.

Executed in Tallahassee, Florida.



Trina L. Vielhauer, Chief
Bureau of Air Regulation

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Notice of Final Permit (including the Final Permit) and all copies were sent electronically (with Received Receipt) or by certified mail* (Return Receipt Requested) before the close of business on 1/10/07 to the person(s) listed:

Randall R. LaBauve, FPL: randall_labauve@fpl.com
Chair, Palm Beach County BCC: Agreene@co.palm-beach.fl.us
Mayor, Village of Royal Palm Beach: dlodwick@royalpalm.com
Mayor, Village of Wellington: twenham@ci.wellington.fl.us
John Benjamin, Everglades National Park: EVER_Superintendent@nps.gov
Gregg Worley, U.S. EPA Region 4, Atlanta GA: worley.gregg@epa.gov
Dee Morse, National Park Service, Denver CO: dee_morse@nps.gov
Hamilton Owen, DEP Siting Office: hamilton.oven@dep.state.fl.us
Darrel Graziani, DEP SED: darrel.graziani@dep.state.fl.us
Paul Darst, Department of Community Affairs: paul.darst@dca.fl.us
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Nancy J. Gribble: NanJ58@aol.com
Alexandria Larson: daniellarson@earthlink.net
Patricia D. Curry: GremlinLtd@aol.com
Sharon Waite*

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to §120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Mary J. Stoney 1/10/07
(Clerk) (Date)

PERMITTEE:

Florida Power and Light Company (FPL)
700 Universe Boulevard
Juno Beach, Florida 33408

Authorized Representative:

Randall R. LaBauve, Vice President

FPL West County Energy Center DEP File No. 0990646-001-AC Permit No. PSD-FL-354 SIC No. 4911 Expires: December 31, 2011

PROJECT AND LOCATION

This permit authorizes the construction of two nominal 1,250 megawatt combined cycle units at the proposed Florida Power and Light Company (FPL) West County Energy Center.

The proposed project will be located at 20505 State Road 80, Loxahatchee, Florida 33470. This site encompasses 220 acres of which approximately 40 acres will be used for two combined cycle units.

UTM coordinates are Zone 17; 562.19 km E; 2953.04 km N.

STATEMENT OF BASIS

This PSD construction permit is issued under the provisions of Chapter 403 of the Florida Statutes (F.S.), Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297 of the Florida Administrative Code (F.A.C.). The project was processed in accordance with the requirements of Rule 62-212.400, F.A.C., the preconstruction review program for the Prevention of Significant Deterioration (PSD) of Air Quality. Pursuant to Chapter 62-17, F.A.C. and Chapter 403 Part II, F.S., the project is also subject to Electrical Power Plant Siting. The permittee is authorized to install the proposed equipment in accordance with the conditions of this permit and as described in the application, approved drawings, plans, and other documents on file with the Department.

CONTENTS

- Section I. General Information
- Section II. Administrative Requirements
- Section III. Emissions Units Specific Conditions
- Section IV. Appendices

_____ Joseph Kahn, Director Division of Air Resource Management	_____ (Date)
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SECTION I. GENERAL INFORMATION

FACILITY DESCRIPTION

The FPL West County Energy Center will be a nominal 2,500 megawatt (MW) greenfield power plant. The initial phase is the construction of two nominal 1,250 MW gas-fired combined cycle units that will use ultralow sulfur (ULS) fuel oil as backup fuel. The two combined cycle units are designated as Unit 1 and Unit 2.

Each combined cycle unit will consist of: three nominal 250 megawatt Model 501G gas turbine-electrical generator sets with evaporative inlet cooling systems; three supplementary-fired heat recovery steam generators (HRSG's) with SCR reactors; one nominal 428 mmBtu/hour (LHV) gas-fired duct burner located within each of the three HRSG's; three 149 feet exhaust stacks; one 26 cell mechanical draft cooling tower; and a common nominal 500 MW steam-electrical generator.

Additional ancillary equipment will include: four emergency generators; two natural gas fired fuel heaters; two diesel fuel storage tanks; two auxiliary steam boilers; and other associated support equipment.

{Note: Throughout this permit, the electrical generating capacities represent nominal values for the given operating conditions.}

NEW EMISSIONS UNITS

This permit authorizes construction and installation of the following new emissions units.

ID	Emission Unit Description
001	Unit 1A – one nominal 250 MW gas turbine with supplementary-fired heat recovery steam generator
002	Unit 1B – one nominal 250 MW gas turbine with supplementary-fired heat recovery steam generator
003	Unit 1C – one nominal 250 MW gas turbine with supplementary-fired heat recovery steam generator
004	Unit 2A – one nominal 250 MW gas turbine with supplementary-fired heat recovery steam generator
005	Unit 2B – one nominal 250 MW gas turbine with supplementary-fired heat recovery steam generator
006	Unit 2C – one nominal 250 MW gas turbine with supplementary-fired heat recovery steam generator
007	Two nominal 6.3 million distillate fuel oil storage tanks*
008	Two 26 cell mechanical draft cooling towers
009	Two nominal 85,000 lb/hr (99.8 MMBtu/hr) auxiliary boilers
010	Two nominal 10 MMBtu/hr gas-fired process heaters
011	Four nominal 2,250 KW (~ 21 MMBtu/hr) emergency generators
012	One emergency diesel fire pump engine (< 300 hp) and 500 gallon fuel oil storage tank

* This capacity will allow approximately 108 hours of on-site oil storage

REGULATORY CLASSIFICATION

Title III: This facility will be major for hazardous air pollutants (HAPs).

Title IV: The facility will operate emissions units subject to the acid rain provisions of the Clean Air Act.

Title V: Because potential emissions of at least one regulated pollutant exceed 100 tons per year, the new facility is a Title V major source of air pollution in accordance with Chapter 62-213, F.A.C. Regulated pollutants include pollutants such as carbon monoxide (CO), nitrogen oxides (NO_x), particulate matter (PM/PM₁₀), sulfur dioxide (SO₂), and volatile organic compounds (VOC).

SECTION I. GENERAL INFORMATION

PSD: The facility is located in an area designated as “attainment,” “maintenance,” or “unclassifiable” for each pollutant subject to a National Ambient Air Quality Standard. The facility is considered a “fossil fuel fired steam electric plant of more than 250 million BTU per hour of heat input”, which is one of the 28 PSD source categories with the lower PSD applicability threshold of 100 tons per year. Potential emissions of at least one regulated pollutant exceed 100 tons per year. Therefore, the facility is classified as a PSD-major source of air pollution with respect to Rule 62-212.400, F.A.C., Prevention of Significant Deterioration (PSD) of Air Quality.

NSPS: This project is subject to applicable requirements of 40 CFR 60, NSPS-Subpart KKKK (Standards of Performance for Stationary Combustion Turbines for Which Construction is Commenced After February 18, 2005). This project is also subject to applicable requirements of 40 CFR 60, NSPS-Subpart Dc (Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units) and to 40 CFR 60, NSPS-Subpart IIII - Standards of Performance for Stationary Compression Ignition Internal Combustion Engines (ICE).

NESHAPs: This project is subject to applicable requirements of 40 CFR 63, Subpart YYYY, National Emissions Standards for Hazardous Air Pollutants for Stationary Combustion Gas Turbines. This project is also subject to applicable requirements of 40 CFR 63, Subpart ZZZZ, National Emissions Standards for Reciprocating Internal Combustion Engines (RICE); and to 40 CFR 63, Subpart DDDDD National Emissions Standards for Industrial, Commercial, or Institutional Boilers and Process Heaters.

Siting: The facility is subject to Electrical Power Plant Siting in accordance with Chapter 62-17, F.A.C. and Chapter 403, Part II, F.S.

PERMITTING AUTHORITY

All documents related to applications for permits to construct, operate or modify an emissions unit shall be submitted to the Bureau of Air Regulation of the Florida Department of Environmental Protection (DEP) at 2600 Blair Stone Road (MS #5505), Tallahassee, Florida 32399-2400. Copies of all such documents shall also be submitted to the Compliance Authority.

COMPLIANCE AUTHORITY

All documents related to compliance activities such as reports, tests, and notifications shall be submitted to the Department of Environmental Regulation Southeast District office (DEP-SED), 400 North Congress Avenue, Suite 200, West Palm Beach, FL 33401.

APPENDICES

The following Appendices are attached as part of this permit.

Appendix A: Subparts A from NSPS 40 CFR 60 and NESHAP 40 CFR 63; Identification of General Provisions.

Appendix BD: Final BACT Determinations and Emissions Standards.

Appendix Dc: NSPS Requirements for Small Steam Generating Units, 40 CFR 60, Subpart Dc.

Appendix DDDDD: NESHAP Requirements for Industrial, Commercial, and Institutional Boilers and Process Heaters, 40 CFR 63, Subpart DDDDD.

Appendix GC: General Conditions.

Appendix IIII: NSPS Requirements for Compression Ignition Internal Combustion Engines (ICE).

Appendix KKKK: NSPS Requirements for Gas Turbines, 40 CFR 60, Subpart KKKK.

Appendix SC: Standard Conditions.

Appendix XS: Semiannual NSPS Excess Emissions Report.

Appendix YYYY: NESHAP Requirements for Gas Turbines, 40 CFR 63, Subpart YYYY.

SECTION I. GENERAL INFORMATION

Appendix ZZZZ: NESHAP Requirements for Stationary Reciprocating Internal Combustion Engines, 40 CFR 63, Subpart ZZZZ.

RELEVANT DOCUMENTS

The documents listed below are not a part of this permit; however, they are specifically related to this permitting action and are on file with the Department.

- ☐ Permit application received on April 14, 2005;
- ☐ Department PSD Application Sufficiency comments dated June 13, 2005;
- ☐ Sufficiency Responses received August 12, 2005;
- ☐ Letter from FPL to DEP dated December 29, 2005 regarding equipment selection, capacities, etc.;
- ☐ Draft permit package issued on March 1, 2006;
- ☐ FPL's comments on the Draft Permit and TEPD received March 31, 2006;
- ☐ Public Meeting comments received at the Royal Palm Beach Cultural Center on April 19, 2006 and by e-mails, telephone and letters;
- ☐ The Final Order of the Siting Board approving Certification dated December 26, 2006; and
- ☐ Final Determination distributed concurrently with Final PSD Permit.

SECTION II. ADMINISTRATIVE REQUIREMENTS

1. General Conditions: The permittee shall operate under the attached General Conditions listed in Appendix GC of this permit. General Conditions are binding and enforceable pursuant to Chapter 403 of the Florida Statutes. [Rule 62-4.160, F.A.C.]
2. Applicable Regulations, Forms and Application Procedures: Unless otherwise indicated in this permit, the construction and operation of the subject emissions unit shall be in accordance with the capacities and specifications stated in the application. The facility is subject to all applicable provisions of: Chapter 403 of the Florida Statutes (F.S.); Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-296, and 62-297 of the Florida Administrative Code (F.A.C.); and the Title 40, Parts 51, 52, 60, 63, 72, 73, and 75 of the Code of Federal Regulations (CFR), adopted by reference in Rule 62-204.800, F.A.C. The terms used in this permit have specific meanings as defined in the applicable chapters of the Florida Administrative Code. The permittee shall use the applicable forms listed in Rule 62-210.900, F.A.C. and follow the application procedures in Chapter 62-4, F.A.C. Issuance of this permit does not relieve the permittee from compliance with any applicable federal, state, or local permitting or regulations. [Rules 62-204.800, 62-210.300 and 62-210.900, F.A.C.]
3. Construction and Expiration: The permit expiration date includes sufficient time to complete construction, perform required testing, submit test reports, and submit an application for a Title V operation permit to the Department. Approval to construct shall become invalid for any of the following reasons: construction is not commenced within 18 months after issuance of this permit; construction is discontinued for a period of 18 months or more; or construction is not completed within a reasonable time. The Department may extend the 18-month period upon a satisfactory showing that an extension is justified. In conjunction with an extension of the 18-month period to commence or continue construction (or to construct the project in phases), the Department may require the permittee to demonstrate the adequacy of any previous determination of Best Available Control Technology (BACT) for emissions units regulated by the project. For good cause, the permittee may request that this PSD air construction permit be extended. Such a request shall be submitted to the Department's Bureau of Air Regulation at least sixty (60) days prior to the expiration of this permit. [Rules 62-4.070(4), 62-4.080, 62-210.300(1), and 62-212.400(6)(b), F.A.C.]
4. New or Additional Conditions: For good cause shown and after notice and an administrative hearing, if requested, the Department may require the permittee to conform to new or additional conditions. The Department shall allow the permittee a reasonable time to conform to the new or additional conditions, and on application of the permittee, the Department may grant additional time. [Rule 62-4.080, F.A.C.]
5. Modifications: No emissions unit or facility subject to this permit shall be constructed or modified without obtaining an air construction permit from the Department. Such permit shall be obtained prior to beginning construction or modification. [Chapters 62-210 and 62-212, F.A.C.]
6. Application for Title IV Permit: At least 24 months before the date on which the new units begin serving an electrical generator greater than 25 MW, the permittee shall submit an application for a Title IV Acid Rain Permit to the Department's Bureau of Air Regulation in Tallahassee and a copy to the Region 4 Office of the U.S. Environmental Protection Agency in Atlanta, Georgia. [40 CFR 72]
7. Application for Title V Permit: The permittee shall submit an application, pursuant to Chapter 62-213, F.A.C, for a Title V air operation permit at least 90 days before the expiration of this permit, but no later than 180 days after commencing operation of the new units. To apply for a Title V operation permit, the applicant shall submit the appropriate application form, compliance test results, a Compliance Assurance Monitoring Plan (as necessary), and such additional information as the Department may by law require.

SECTION III - EMISSIONS UNITS SPECIFIC CONDITIONS

A. COMBINED CYCLE UNITS 1 AND 2 – GAS TURBINES (EUs 001, 002, 003, 004, 005, and 006)

This section of the permit addresses the following emissions units.

Combined Cycle Units 1 and 2 and associated equipment

Description: Emissions units 001, 002, 003, 004, 005, and 006. Each emission unit consists of: a Model 501G combustion gas turbine-electrical generator set with automated gas turbine control, inlet air filtration system and evaporative cooling, a gas-fired heat recovery steam generator (HRSG) with duct burner, a HRSG stack, and associated support equipment. Each combined cycle unit is comprised of three of the described emission units. The project also includes two steam turbine-electrical generators, each of which serves a combined cycle unit.

Fuels: Each gas turbine fires natural gas as the primary fuel and ultra low sulfur distillate fuel oil as a restricted alternate fuel.

Generating Capacity: Each of the six gas turbine-electrical generator sets has a nominal generating capacity of 250 MW. Each of the two steam turbine-electrical generators has a nominal generating capacity of 500 MW. The total nominal generating capacity of each of the “3 on 1” combined cycle unit is approximately 1,250 MW. The total nominal generating capacity of the proposed project is 2,500 MW.

Controls: The efficient combustion of natural gas and restricted firing of ultra low sulfur distillate fuel oil minimizes the emissions of CO, PM/PM₁₀, SAM, SO₂ and VOC. Dry Low-NO_x (DLN) combustion technology for gas firing and water injection for oil firing reduce NO_x emissions. A selective catalytic reduction (SCR) system further reduces NO_x emissions.

Stack Parameters: Each HRSG has a stack at least 149 feet tall with a nominal diameter of 22 feet. The Department may require the permittee to perform additional air dispersion modeling should the actual specified stack dimensions change. The following summarizes the exhaust characteristics without the duct burners:

<u>Fuel</u>	<u>Heat Input Rate (LHV)</u>	<u>Compressor Inlet Temp.</u>	<u>Exhaust Temp., °F</u>	<u>Flow Rate ACFM</u>
Gas	2,333 MMBtu/hour	59° F	195° F	1,330,197
Oil	2,117 MMBtu/hour	59° F	293° F	1,533,502

Continuous Monitors: Each stack is equipped with continuous emissions monitoring systems (CEMS) to measure and record CO and NO_x emissions as well as flue gas oxygen or carbon dioxide content.

APPLICABLE STANDARDS AND REGULATIONS

1. **BACT Determinations:** Determinations of the Best Available Control Technology (BACT) were made for carbon monoxide (CO), nitrogen oxides (NO_x), particulate matter (PM/PM₁₀), sulfuric acid mist (SAM), sulfur dioxide (SO₂) and volatile organic compounds (VOC).

See Appendix BD of this permit for a summary of the final BACT determinations.
[Rule 62-212.400(BACT), F.A.C.]

2. **NSPS Requirements:** The combustion turbines shall comply with all applicable requirements of 40 CFR 60, listed below, adopted by reference in Rule 62-204.800(7)(b), F.A.C. The Department determines that compliance with the BACT emissions performance requirements also assures compliance with the New Source Performance Standards given in 40 CFR 60, Subpart KKKK. Some separate reporting and monitoring may be required by the individual subparts.

a *Subpart A, General Provisions*, including:

- ☐ 40 CFR 60.7, Notification and Record Keeping
- ☐ 40 CFR 60.8, Performance Tests

SECTION III - EMISSIONS UNITS SPECIFIC CONDITIONS

A. COMBINED CYCLE UNITS 1 AND 2 – GAS TURBINES (EUs 001, 002, 003, 004, 005, and 006)

- ☐ 40 CFR 60.11, Compliance with Standards and Maintenance Requirements
- ☐ 40 CFR 60.12, Circumvention
- ☐ 40 CFR 60.13, Monitoring Requirements
- ☐ 40 CFR 60.19, General Notification and Reporting Requirements

b. *Subpart KKKK, Standards of Performance for Stationary Gas Turbines:* These provisions include standards for combustion gas turbines and duct burners.

3. NESHAP Requirements: The combustion turbines are subject to 40 CFR 63, Subpart A, Identification of General Provisions and 40 CFR 63, Subpart YYYYY, National Emissions Standard for Hazardous Air Pollutants for Stationary Combustion Gas Turbines. The project must comply with the Initial Notification requirements set forth in Sec. 63.6145 but need not comply with any other requirement of Subpart YYYYY until EPA takes final action to require compliance and publishes a document in the Federal Register. (Reference: Appendix YYYYY and Appendix A, NESHAP Subpart A of this permit).

EQUIPMENT AND CONTROL TECHNOLOGY

4. Gas Turbines: The permittee is authorized to install, tune, operate, and maintain six Model 501G gas turbine-electrical generator sets each with a nominal generating capacity of 250 MW. Each gas turbine shall include an automated gas turbine control system and have dual-fuel capability. Ancillary equipment includes an inlet air filtration system and an evaporative inlet air-cooling system. The gas turbines will utilize DLN combustors. [Application; Design]
5. HRSGs: The permittee is authorized to install, operate, and maintain six new heat recovery steam generators (HRSGs) with separate HRSG exhaust stacks. Each HRSG shall be designed to recover exhaust heat energy from one of the six gas turbines (1A to 1C and 2A to 2C) and deliver steam to one of the two steam turbine electrical generators. Each HRSG may be equipped with a gas-fired duct burner having a nominal heat input rate of 428 MMBtu per hour (LHV).
6. Gas Turbine/Supplementary-fired HRSG Emission Controls
- a. *DLN Combustion:* The permittee shall operate and maintain the DLN system to control NO_x emissions from each gas turbine when firing natural gas. Prior to the initial emissions performance tests required for each gas turbine, the DLN combustors and automated gas turbine control system shall be tuned to achieve sufficiently low CO and NO_x values to meet the CO and NO_x limits with the additional SCR control technology described below. Thereafter, each system shall be maintained and tuned in accordance with the manufacturer's recommendations.
 - b. *Water Injection:* The permittee shall install, operate, and maintain a water injection system to reduce NO_x emissions from each gas turbine when firing distillate fuel oil. Prior to the initial emissions performance tests required for each gas turbine, the water injection system shall be tuned to achieve sufficiently low CO and NO_x values to meet the CO and NO_x limits with the additional SCR control technology described below. Thereafter, each system shall be maintained and tuned in accordance with the manufacturer's recommendations.
 - c. *Selective Catalytic Reduction (SCR) System:* The permittee shall install, tune, operate, and maintain an SCR system to control NO_x emissions from each gas turbine when firing either natural gas or distillate fuel oil. The SCR system consists of an ammonia (NH₃) injection grid, catalyst, ammonia storage, monitoring and control system, electrical, piping and other ancillary equipment. The SCR system shall be designed, constructed and operated to achieve the permitted levels for NO_x and NH₃ emissions.
 - d. *Oxidation Catalyst:* The permittee shall design and build the project to facilitate possible future installation of oxidation catalyst system to control CO emissions from each gas combustion

SECTION III - EMISSIONS UNITS SPECIFIC CONDITIONS

A. COMBINED CYCLE UNITS 1 AND 2 – GAS TURBINES (EUs 001, 002, 003, 004, 005, and 006)

turbine/supplementary-fired heat recovery steam generator. The permittee may install the oxidation catalyst during project construction or, after notifying the Department, at a future date as described in Specific Condition 12.h.

- e. *Ammonia Storage*: In accordance with 40 CFR 60.130, the storage of ammonia shall comply with all applicable requirements of the Chemical Accident Prevention Provisions in 40 CFR 68.

[Design; Rule 62-212.400(BACT), F.A.C.]

PERFORMANCE RESTRICTIONS

7. Permitted Capacity - Gas Turbines: The nominal heat input rate to each gas turbine is 2,333 MMBtu per hour when firing natural gas and 2,117 MMBtu per hour when firing distillate fuel oil (based on a compressor inlet air temperature of 59° F, the lower heating value (LHV) of each fuel, and 100% load). Heat input rates will vary depending upon gas turbine characteristics, ambient conditions, alternate methods of operation, and evaporative cooling. The permittee shall provide manufacturer's performance curves (or equations) that correct for site conditions to the Permitting and Compliance Authorities within 45 days of completing the initial compliance testing. Operating data may be adjusted for the appropriate site conditions in accordance with the performance curves and/or equations on file with the Department.
[Rule 62-210.200(PTE), F.A.C.]
8. Permitted Capacity - HRSG Duct Burners: The total nominal heat input rate to the duct burners for each HRSG is 428 MMBtu per hour based on the lower heating value (LHV) of natural gas. Only natural gas shall be fired in the duct burners. [Rule 62-210.200(PTE), F.A.C.]
9. Authorized Fuels: The gas turbine shall fire natural gas as the primary fuel, which shall contain no more than 2.0 grains of sulfur per 100 standard cubic feet of natural gas. As a restricted alternate fuel, the gas turbine may fire ultra low sulfur distillate fuel oil containing no more than 0.0015% sulfur by weight. Each gas turbine shall fire no more than 500 hours of fuel oil, during any calendar year.
[Rules 62-210.200(PTE) and 62-212.400 (BACT), F.A.C.]
10. Hours of Operation: Subject to the operational restrictions of this permit, the gas turbines may operate throughout the year (8760 hours per year). Restrictions on individual methods of operation are specified below.
11. Methods of Operation: Subject to the restrictions and requirements of this permit, the gas turbines may operate under the following methods of operation.
 - a. *Combined Cycle Operation*: Each gas turbine/HRSG system may operate to produce direct, shaft-driven electrical power and steam-generated electrical power from the steam turbine-electrical generator as a three-on-one combined cycle unit subject to the restrictions of this permit. In accordance with the specifications of the SCR and HRSG manufacturers, the SCR system shall be on line and functioning properly during combined cycle operation or when the HRSG is producing steam.
 - b. *Inlet Conditioning*: In accordance with the manufacturer's recommendations and appropriate ambient conditions, the evaporative cooling system may be operated to reduce the compressor inlet air temperature and provide additional direct, shaft-driven electrical power.
 - c. *Duct Firing*: When firing natural gas, each HRSG system may fire natural gas in the duct burners to provide additional steam-generated electrical power. The total combined heat input rate to the duct burners (all six HRSGs) shall not exceed 7,395,840 MMBtu (LHV) during any consecutive 12 months.

[Application; Rules 62-210.200(PTE) and 62-212.400(BACT), F.A.C.]

SECTION III - EMISSIONS UNITS SPECIFIC CONDITIONS

A. COMBINED CYCLE UNITS 1 AND 2 – GAS TURBINES (EUs 001, 002, 003, 004, 005, and 006)

EMISSIONS STANDARDS

12. Emissions Standards: Emissions from each gas turbine shall not exceed the following standards.

Pollutant	Fuel	Method of Operation	Stack Test, 3-Run Average		CEMS Block Average
			ppmvd @ 15% O ₂	lb/hr ^g	ppmvd @ 15% O ₂
CO ^a	Oil	Combustion Turbine (CT)	8.0	42.0	8.0, 24-hr 6, 12-month ^h
	Gas	CT & Duct Burner (DB)	7.6	52.5	
		CT Normal	4.1	23.2	
NO _x ^b	Oil	CT	8.0	82.4	8.0, 24-hr
	Gas	CT & DB	2.0	24.2	2.0, 24-hr
		CT Normal	2.0	20.0	
PM/PM ₁₀ ^c	Oil/Gas	All Modes	2 gr S/100SCF of gas, 0.0015% sulfur fuel oil		
			Visible emissions shall not exceed 10% opacity for each 6-minute block average.		
SAM/SO ₂ ^d	Oil/Gas	All Modes	2 gr S/100 SCF of gas, 0.0015% sulfur fuel oil		
VOC ^e	Oil	CT	6.0	19.6	NA
	Gas	CT & DB	1.5	5.4	
		CT Normal	1.2	4.1	
Ammonia ^f	Oil/Gas	CT, All Modes	5	NA	NA

- a. Compliance with the continuous 24-hour CO standards shall be demonstrated based on data collected by the required CEMS. The initial and annual EPA Method 10 tests associated with the certification of the CEMS instruments shall also be used to demonstrate compliance with the individual standards for natural gas, fuel oil, and basic duct burner modes. The stacks test limits apply only at high load (90-100% of the combustion turbine capacity).
- b. Compliance with the continuous NO_x standards shall be demonstrated based on data collected by the required CEMS. The initial and annual EPA Method 7E or Method 20 tests associated with demonstration of compliance with 40 CFR 60, Subpart KKKK or certification of the CEMS instruments shall also be used to demonstrate compliance with the individual standards for natural gas, fuel oil, and duct burner modes during the time of those tests. NO_x mass emission rates are defined as oxides of nitrogen expressed as NO₂.
- c. The sulfur fuel specifications combined with the efficient combustion design and operation of each gas turbine represents (BACT) for PM/PM₁₀ emissions. Compliance with the fuel specifications, CO standards, and visible emissions standards shall serve as indicators of good combustion. Compliance with the fuel specifications shall be demonstrated by keeping records of the fuel sulfur content. Compliance with the visible emissions standard shall be demonstrated by conducting tests in accordance with EPA Method 9.
- d. The fuel sulfur specifications effectively limit the potential emissions of SAM and SO₂ from the gas turbines and represent BACT for these pollutants. Compliance with the fuel sulfur specifications shall be determined by the ASTM methods for determination of fuel sulfur as detailed in the permit.
- e. Compliance with the VOC standards shall be demonstrated by conducting tests in accordance with EPA Method 25A. Optionally, EPA Method 18 may also be performed to deduct emissions of methane and ethane. The emission standards are based on VOC measured as methane. The limits apply only at high load (90-100% of the

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combustion turbine capacity). Compliance with the CO CEMS based limits at lower loads shall be deemed as compliance with the VOC limit.

- f. Compliance with the ammonia slip standard shall be demonstrated by conducting tests in accordance with EPA Method CTM-027.
- g. The mass emission rate standards are based on a turbine inlet condition of 59° F and may be adjusted to actual test conditions in accordance with the performance curves and/or equations on file with the Department.
- h. Rolling Average. Enforcement discretion may be exercised for up to 12 months with respect to the 6 ppmvd @15% O₂ limit for any combustion turbine/supplementary-fired heat recovery steam generator upon notification by the permittee of intent to install the oxidation catalyst. The permittee shall have 12 months to complete the oxidation catalyst installation. After completing the installation of the catalyst all prior partial or complete calendar months shall be excluded from the 12-month rolling average.

{“DB” means duct burning. “SCR” means selective catalytic reduction. “NA” means not applicable}.

[Rule 62-212.400(BACT), F.A.C.]

13. Duct Burners: The duct burners are also subject to the provisions of Subpart KKKK of the New Source Performance Standards in 40 CFR 60, which are summarized in Appendix KKKK.

{Permitting Note: The BACT limits applicable during duct firing are much more stringent than the standards of NSPS Subpart KKKK for duct burners. Therefore, compliance with the BACT limits insures compliance with the emission limitations in Subpart KKKK.} [40 CFR 60, Subpart KKKK]

EXCESS EMISSIONS

{Permitting Note: The following conditions apply only to the SIP-based emissions standards specified in Condition No. 12 of this section. Rule 62-210.700, F.A.C. (Excess Emissions) cannot vary or supersede any federal provision of the NSPS, or Acid Rain programs.}

14. Operating Procedures: The Best Available Control Technology (BACT) determinations established by this permit rely on “good operating practices” to reduce emissions. Therefore, all operators and supervisors shall be properly trained to operate and maintain the gas turbines, HRSGs, and pollution control systems in accordance with the guidelines and procedures established by each manufacturer. The training shall include good operating practices as well as methods of minimizing excess emissions.

[Rules 62-4.070(3) and 62-212.400(BACT), F.A.C.]

15. Alternate Visible Emissions Standard: Visible emissions due to startups, shutdowns, and malfunctions shall not exceed 10% opacity except for up to ten, 6-minute averaging periods during a calendar day, which shall not exceed 20% opacity. [Rule 62-212.400(BACT), F.A.C.]

16. Definitions

- a. *Startup* is defined as the commencement of operation of any emissions unit which has shut down or ceased operation for a period of time sufficient to cause temperature, pressure, chemical or pollution control device imbalances, which result in excess emissions.
[Rule 62-210.200(245), F.A.C.]
- b. *Shutdown* is the cessation of the operation of an emissions unit for any purpose.
[Rule 62-210.200(230), F.A.C.]
- c. *Malfunction* is defined as any unavoidable mechanical and/or electrical failure of air pollution control equipment or process equipment or of a process resulting in operation in an abnormal or unusual manner. [Rule 62-210.200(159), F.A.C.]

17. Excess Emissions Prohibited: Excess emissions caused entirely or in part by poor maintenance, poor operation or any other equipment or process failure that may reasonably be prevented during startup,

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shutdown or malfunction shall be prohibited. All such preventable emissions shall be included in any compliance determinations based on CEMS data. [Rule 62-210.700(4), F.A.C.]

18. Excess Emissions Allowed: As specified in this condition, excess emissions resulting from startup, shutdown, oil-to-gas fuel switches and documented malfunctions are allowed provided that operators employ the best operational practices to minimize the amount and duration of emissions during such incidents. For each gas turbine/HRSG system, excess emissions resulting from startup, shutdown, or documented malfunctions shall not exceed two hours in any 24-hour period except for the specific cases listed below. A “documented malfunction” means a malfunction that is documented within one working day of detection by contacting the Compliance Authority by telephone, facsimile transmittal, or electronic mail.
- a. *Steam Turbine/HRSG System Cold Startup*: For cold startup of the steam turbine system, excess emissions from any gas turbine/HRSG system shall not exceed eight hours in any 24-hour period. A cold “startup of the steam turbine system” is defined as startup of the 3-on-1 combined cycle system following a shutdown of the steam turbine lasting at least 48 hours.
{Permitting Note: During a cold startup of the steam turbine system, each gas turbine/HRSG system is sequentially brought on line at low load to gradually increase the temperature of the steam-electrical turbine and prevent thermal metal fatigue. Note that shutdowns and documented malfunctions are separately regulated in accordance with the requirements of this condition.}
 - b. *Shutdown Combined Cycle Operation*: For shutdown of the combined cycle operation, excess emissions from any gas turbine/HRSG system shall not exceed three hours in any 24-hour period.
 - c. *Gas Turbine/HRSG System Cold Startup*: For cold startup of a gas turbine/HRSG system, excess emissions shall not exceed four hours in any 24-hour period. “Cold startup of a gas turbine/HRSG system” is defined as a startup after the pressure in the high-pressure (HP) steam drum falls below 450 psig for at least a one-hour period.
 - d. *Fuel Switching*: For fuel switching, excess emissions shall not exceed 2 hours in any 24-hour period.
19. Ammonia Injection: Ammonia injection shall begin as soon as operation of the gas turbine/HRSG system achieves the operating parameters specified by the manufacturer. As authorized by Rule 62-210.700(5), F.A.C., the above conditions allow excess emissions only for specifically defined periods of startup, shutdown, fuel switching, and documented malfunction of the gas turbines.
[Design; Rules 62-212.400(BACT) and 62-210.700, F.A.C.]
20. DLN Tuning: CEMS data collected during initial or other major DLN tuning sessions shall be excluded from the CEMS compliance demonstration provided the tuning session is performed in accordance with the manufacturer’s specifications. A “major tuning session” would occur after completion of initial construction, a combustor change-out, a major repair or maintenance to a combustor, or other similar circumstances. Prior to performing any major tuning session, the permittee shall provide the Compliance Authority with an advance notice of at least 14 days that details the activity and proposed tuning schedule. The notice may be by telephone, facsimile transmittal, or electronic mail.
[Design; Rule 62-4.070(3), F.A.C.]

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EMISSIONS PERFORMANCE TESTING

21. Test Methods: Any required tests shall be performed in accordance with the following reference methods.

Method	Description of Method and Comments
CTM-027	Procedure for Collection and Analysis of Ammonia in Stationary Source {Notes: This is an EPA conditional test method. The minimum detection limit shall be 1 ppm.}
7E	Determination of Nitrogen Oxide Emissions from Stationary Sources
9	Visual Determination of the Opacity of Emissions from Stationary Sources
10	Determination of Carbon Monoxide Emissions from Stationary Sources {Notes: The method shall be based on a continuous sampling train.}
18	Measurement of Gaseous Organic Compound Emissions by Gas Chromatography {Note: EPA Method 18 may be used (optional) concurrently with EPA Method 25A to deduct emissions of methane and ethane from the measured VOC emissions.}
20	Determination of Nitrogen Oxides, Sulfur Dioxide and Diluent Emissions from Stationary Gas Turbines
25A	Determination of Volatile Organic Concentrations

Method CTM-027 is published on EPA's Technology Transfer Network Web Site at www.epa.gov/ttn/emc/ctm.html. The other methods are described in Appendix A of 40 CFR 60, adopted by reference in Rule 62-204.800, F.A.C. No other methods may be used unless prior written approval is received from the Department.
[Rules 62-204.800, F.A.C.; 40 CFR 60, Appendix A]

22. Initial Compliance Determinations: Each gas turbine shall be stack tested to demonstrate initial compliance with the emission standards for CO, NO_x, VOC, visible emissions, and ammonia slip. The tests shall be conducted within 60 days after achieving the maximum production rate at which the unit will be operated, but not later than 180 days after the initial startup of each unit configuration. Each unit shall be tested when firing natural gas, when using the duct burners and when firing distillate fuel oil. Referenced method data collected during the required Relative Accuracy Test Audits (RATAs) may be used to demonstrate compliance with the initial CO and NO_x standards. With appropriate flow measurements (or fuel measurements and approved F-factors), CEMS data may be used to demonstrate compliance with the CO and NO_x mass rate emissions standards. CO and NO_x emissions recorded by the CEMS shall also be reported for each run during tests for visible emissions, VOC and ammonia slip. The Department may require the permittee to conduct additional tests after major replacement or major repair of any air pollution control equipment, such as the SCR catalyst, oxidation catalyst, DLN combustors, etc.
[Rule 62-297.310(7)(a)1, F.A.C. and 40 CFR 60.8]
23. Continuous Compliance: The permittee shall demonstrate continuous compliance with the 24-hour CO and NO_x emissions standards based on data collected by the certified CEMS. Within 45 days of conducting any RATA on a CEMS, the permittee shall submit a report to the Compliance Authority summarizing results of the RATA. Compliance with the CO emission standards also serves as an indicator of efficient fuel combustion and oxidation catalyst operation, which reduces emissions of particulate matter and volatile organic compounds. The Department also reserves the right to use data from the continuous monitoring record and from annual RATA tests to determine compliance with the short term CO and NO_x limits for each method of operation given in Condition 12 above. [Rule 62-212.400 (BACT), F.A.C.]
24. Annual Compliance Tests: During each federal fiscal year (October 1st to September 30th), each gas turbine shall be tested to demonstrate compliance with the emission standards for visible emissions. NO_x and CO emissions data collected during the required continuous monitor Relative Accuracy Test Audits (RATAs) may be used to demonstrate compliance with the CO and NO_x standards. Annual testing to determine the ammonia slip shall be conducted while firing the primary fuel. NO_x emissions recorded by the CEMS shall

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be reported for each ammonia slip test run. CO emissions recorded by the CEMS shall be reported for the visible emissions observation period.

{Permitting Note: After initial compliance with the VOC standards is demonstrated, annual compliance tests for VOC emissions are not required. Compliance with the continuously monitored CO standards shall indicate efficient combustion and low VOC emissions. The Department retains the right to require VOC testing if CO limits are exceeded or for the reasons given in Appendix SC, Condition 17, Special Compliance Tests.}

[Rules 62-212.400 (BACT) and 62-297.310(7)(a)4, F.A.C.]

CONTINUOUS MONITORING REQUIREMENTS

25. CEM Systems: The permittee shall install, calibrate, maintain, and operate continuous emission monitoring systems (CEMS) to measure and record the emissions of CO and NO_x from the combined cycle gas turbine in a manner sufficient to demonstrate continuous compliance with the CEMS emission standards of this section. Each monitoring system shall be installed, calibrated, and properly functioning prior to the initial performance tests. Within one working day of discovering emissions in excess of a CO or NO_x standard (and subject to the specified averaging period), the permittee shall notify the Compliance Authority.

- a. *CO Monitors*. The CO monitors shall be certified pursuant to 40 CFR 60, Appendix B, Performance Specification 4 or 4A. Quality assurance procedures shall conform to the requirements of 40 CFR 60, Appendix F, and the Data Assessment Report of Section 7 shall be made each calendar quarter, and reported semiannually to the Compliance Authority. The RATA tests required for the CO monitor shall be performed using EPA Method 10 in Appendix A of 40 CFR 60 and shall be based on a continuous sampling train. The CO monitor span values shall be set appropriately considering the allowable methods of operation and corresponding emission standards.
- b. *NO_x Monitors*. Each NO_x monitor shall be certified, operated, and maintained in accordance with the requirements of 40 CFR 75. Record keeping and reporting shall be conducted pursuant to Subparts F and G in 40 CFR 75. The RATA tests required for the NO_x monitor shall be performed using EPA Method 20 or 7E in Appendix A of 40 CFR 60.
- c. *Diluent Monitors*. The oxygen (O₂) or carbon dioxide (CO₂) content of the flue gas shall be monitored at the location where CO and NO_x are monitored to correct the measured emissions rates to 15% oxygen. If a CO₂ monitor is installed, the oxygen content of the flue gas shall be calculated using F-factors that are appropriate for the fuel fired. Each monitor shall comply with the performance and quality assurance requirements of 40 CFR 75.

26. CEM Data Requirements:

- a. *Data Collection*: Emissions shall be monitored and recorded at all times including startup, operation, shutdown, and malfunction except for continuous monitoring system breakdowns, repairs, calibration checks, and zero and span adjustments. The CEMS shall be designed and operated to sample, analyze, and record data evenly spaced over an hour. If the CEMS measures concentration on a wet basis, the CEM system shall include provisions to determine the moisture content of the exhaust gas and an algorithm to enable correction of the monitoring results to a dry basis (0% moisture). Alternatively, the owner or operator may develop through manual stack test measurements a curve of moisture contents in the exhaust gas versus load for each allowable fuel, and use these typical values in an algorithm to enable correction of the monitoring results to a dry basis (0% moisture). Final results of the CEMS shall be expressed as ppmvd corrected to 15% oxygen. The CEMS shall be used to demonstrate compliance with the CEMS emission standards for CO and NO_x as specified in this permit. For purposes of determining compliance with the CEMS emissions standards of this permit, missing (or

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excluded) data shall not be substituted. Upon request by the Department, the CEMS emission rates shall be corrected to ISO conditions.

- b. *Valid Hour*: Hourly average values shall begin at the top of each hour. Each hourly average value shall be computed using at least one data point in each fifteen-minute quadrant of an hour, where the unit combusted fuel during that quadrant of an hour. Notwithstanding this requirement, an hourly value shall be computed from at least two data points separated by a minimum of 15 minutes (where the unit operates for more than one quadrant of an hour). If less than two such data points are available, the hourly average value is not valid. An hour in which any oil is fired is attributed towards compliance with the permit standards for oil firing. The permittee shall use all valid measurements or data points collected during an hour to calculate the hourly average values.
- c. *24-hour Block Averages*: A 24-hour block shall begin at midnight of each operating day and shall be calculated from 24 consecutive hourly average emission rate values. If a unit operates less than 24 hours during the block, the 24-hour block average shall be the average of all available valid hourly average emission rate values for the 24-hour block. For purposes of determining compliance with the 24-hour CEMS standards, the missing data substitution methodology of 40 CFR Part 75, subpart D, shall not be utilized. Instead, the 24-hour block average shall be determined using the remaining hourly data in the 24-hour block. [Rule 62-212.400(BACT), F.A.C.]

{Permitting Note: There may be more than one 24-hour compliance demonstration required for CO and NO_x emissions depending on the use of alternate methods of operation}

- d. *Data Exclusion*: Each CEMS shall monitor and record emissions during all operations including episodes of startup, shutdown, malfunction, fuel switches and DLN tuning. Some of the CEMS emissions data recorded during these episodes may be excluded from the corresponding CEMS compliance demonstration subject to the provisions of Condition Nos. 17 and 18 of this section. All periods of data excluded shall be consecutive for each such episode and only data obtained during the described episodes (startup, shutdown, malfunction, fuel switches, DLN tuning) may be used for the appropriate exclusion periods. The permittee shall minimize the duration of data excluded for such episodes to the extent practicable. Data recorded during such episodes shall not be excluded if the episode was caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure, which may reasonably be prevented. Best operational practices shall be used to minimize hourly emissions that occur during such episodes. Emissions of any quantity or duration that occur entirely or in part from poor maintenance, poor operation, or any other equipment or process failure, which may reasonably be prevented, shall be prohibited.
- e. *Availability*: Monitor availability for the CEMS shall be 95% or greater in any calendar quarter. The quarterly excess emissions report shall be used to demonstrate monitor availability. In the event 95% availability is not achieved, the permittee shall provide the Department with a report identifying the problems in achieving 95% availability and a plan of corrective actions that will be taken to achieve 95% availability. The permittee shall implement the reported corrective actions within the next calendar quarter. Failure to take corrective actions or continued failure to achieve the minimum monitor availability shall be violations of this permit, except as otherwise authorized by the Department's Compliance Authority.

[Rule 62-297.520, F.A.C.; 40 CFR 60.7(a)(5) and 40 CFR 60.13; 40 CFR Part 51, Appendix P; 40 CFR 60, Appendix B - Performance Specifications; 40 CFR 60, Appendix F - Quality Assurance Procedures; and Rules 62-4.070(3) and 62-212.400(BACT), F.A.C.]

- 27. Ammonia Monitoring Requirements: In accordance with the manufacturer's specifications, the permittee shall install, calibrate, operate and maintain an ammonia flow meter to measure and record the ammonia

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injection rate to the SCR system by the time of the initial compliance tests. The permittee shall document and periodically update the general range of ammonia flow rates required to meet permitted emissions levels over the range of load conditions allowed by this permit by comparing NO_x emissions recorded by the CEM system with ammonia flow rates recorded using the ammonia flow meter. During NO_x monitor downtimes or malfunctions, the permittee shall operate at the ammonia flow rate and, as applicable for fuel oil firing, the water-to-fuel ratio, that are consistent with the documented flow rate for the combustion turbine load condition. [Rules 62-4.070(3) and 62-212.400(BACT), F.A.C.]

RECORDS AND REPORTS

28. Monitoring of Capacity: The permittee shall monitor and record the operating rate of each gas turbine and HRSG duct burner system on a daily average basis, considering the number of hours of operation during each day (including the times of startup, shutdown and malfunction). Such monitoring shall be made using a monitoring component of the CEM system required above, or by monitoring daily rates of consumption and heat content of each allowable fuel in accordance with the provisions of 40 CFR 75 Appendix D. [Rules 62-4.070(3) and 62-212.400(BACT), F.A.C.]
29. Monthly Operations Summary: By the fifth calendar day of each month, the permittee shall record the following for each fuel in a written or electronic log for each gas turbine for the previous month of operation: fuel consumption, hours of operation, hours of duct firing, and the updated 12-month rolling totals for each. Information recorded and stored as an electronic file shall be available for inspection and printing within at least three days of a request by the Department. The fuel consumption shall be monitored in accordance with the provisions of 40 CFR 75 Appendix D. [Rules 62-4.070(3) and 62-212.400(BACT), F.A.C.]
30. Fuel Sulfur Records: The permittee shall demonstrate compliance with the fuel sulfur limits specified in this permit by maintaining the following records of the sulfur contents.
- a. *Natural Gas Sulfur Limit*: Compliance with the fuel sulfur limit for natural gas shall be demonstrated by keeping reports obtained from the vendor indicating the average sulfur content of the natural gas being supplied from the pipeline for each month of operation. Methods for determining the sulfur content of the natural gas shall be ASTM methods D4084-82, D4468-85, D5504-01, D6228-98 and D6667-01, D3246-81 or more recent versions.
 - b. *Distillate Fuel Oil Sulfur Limit*: Compliance with the distillate fuel oil sulfur limit shall be demonstrated by taking a sample, analyzing the sample for fuel sulfur, and reporting the results to each Compliance Authority before initial startup. Sampling the fuel oil sulfur content shall be conducted in accordance with ASTM D4057-88, Standard Practice for Manual Sampling of Petroleum and Petroleum Products, and one of the following test methods for sulfur in petroleum products: ASTM methods D5453-00, D129-91, D1552-90, D2622-94, or D4294-90. More recent versions of these methods may be used. For each subsequent fuel delivery, the permittee shall maintain a permanent file of the certified fuel sulfur analysis from the fuel vendor. At the request of a Compliance Authority, the permittee shall perform additional sampling and analysis for the fuel sulfur content.

The above methods shall be used to determine the fuel sulfur content in conjunction with the provisions of 40 CFR 75 Appendix D. [Rules 62-4.070(3) and 62-4.160(15), F.A.C.]

31. Emissions Performance Test Reports: A report indicating the results of any required emissions performance test shall be submitted to the Compliance Authority no later than 45 days after completion of the last test run. The test report shall provide sufficient detail on the tested emission unit and the procedures used to allow the Department to determine if the test was properly conducted and if the test results were properly computed. At a minimum, the test report shall provide the applicable information listed in Rule 62-297.310(8)(c), F.A.C. and in Appendix SC of this permit. [Rule 62-297.310(8), F.A.C.].

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32. Excess Emissions Reporting:

- a. *Malfunction Notification:* If emissions in excess of a standard (subject to the specified averaging period) occur due to malfunction, the permittee shall notify the Compliance Authority within (1) working day of: the nature, extent, and duration of the excess emissions; the cause of the excess emissions; and the actions taken to correct the problem. In addition, the Department may request a written summary report of the incident.
- b. *SIP Quarterly Permit Limits Excess Emissions Report:* Within 30 days following the end of each calendar-quarter, the permittee shall submit a report to the Compliance Authority summarizing periods of CO and NO_x emissions in excess of the BACT permit standards following the NSPS format in 40 CFR 60.7(c), Subpart A. Periods of startup, shutdown and malfunction, shall be monitored, recorded and reported as excess emissions when emission levels exceed the standards specified in this permit. In addition, the report shall summarize the CEMS systems monitor availability for the previous quarter.
- c. *NSPS Semi-Annual Excess Emissions Reports:* For purposes of reporting emissions in excess of NSPS Subpart KKKK, excess emissions from the gas turbine are defined as: a specified averaging period over which either the NO_x emissions are higher than the applicable emission limit in 60.4320; or the total sulfur content of the fuel being combusted in the affected facility exceeds the limit specified in 60.4330. Within thirty (30) days following each calendar semi-annual period, the permittee shall submit a report on any periods of excess emissions that occurred during the previous semi-annual period to the Compliance Authority.

{Note: If there are no periods of excess emissions as defined in NSPS Subpart KKKK, a statement to that effect may be submitted with the SIP Quarterly Report to suffice for the NSPS Semi-Annual Report.}

[Rules 62-4.130, 62-204.800, 62-210.700(6), F.A.C., and 40 CFR 60.7, and 60.4420]

33. Annual Operating Report: The permittee shall submit an annual report that summarizes the actual operating hours and emissions from this facility. The permittee shall also keep records sufficient to determine the annual throughput of distillate fuel oil for the fuel oil storage tank for use in the Annual Operating Report. Annual operating reports shall be submitted to the Compliance Authority by March 1st of each year.
[Rule 62-210.370(2), F.A.C.]

SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS

B. DISTILLATE FUEL OIL STORAGE TANK (EU 007)

This section of the permit addresses the following emissions unit.

ID	Emission Unit Description
007	Two Nominal 6.3 million gallon distillate fuel oil storage tanks

NSPS APPLICABILITY

1. NSPS Subpart Kb Applicability: The distillate fuel oil tanks are not subject to Subpart Kb, which applies to any storage tank with a capacity greater than or equal to 10,300 gallons (40 cubic meters) that is used to store volatile organic liquids for which construction, reconstruction, or modification is commenced after July 23, 1984. Tanks with a capacity greater than or equal to 40,000 gallons (151 cubic meters) storing a liquid with a maximum true vapor pressure less than 3.5 kPa are exempt from the General Provisions (40 CFR 60, Subpart A) and from the provisions of NSPS Subpart Kb,. [40 CFR 60.110b(a) and (c); Rule 62-204.800(7)(b), F.A.C.]

The listed emission units shall comply with 40 CFR 60, Subpart Kb only to the extent that the regulations apply to the emission unit and its operations.

EQUIPMENT SPECIFICATIONS

2. Equipment: The permittee is authorized to install, operate, and maintain two 6.3 million gallon distillate fuel oil storage tank designed to provide ultra low sulfur fuel oil to the gas turbines.
[Applicant Request; Rule 62-210.200(PTE), F.A.C.]

EMISSIONS AND PERFORMANCE REQUIREMENTS

3. Hours of Operation: The hours of operation are not restricted (8760 hours per year).
[Applicant Request; Rule 62-210.200(PTE), F.A.C.]

NOTIFICATION, REPORTING AND RECORDS

4. Oil Tank Records: The permittee shall keep readily accessible records showing the dimension of each storage vessel and an analysis showing the capacity of each storage tank. Records shall be retained for the life of the facility. The permittee shall also keep records sufficient to determine the annual throughput of distillate fuel oil for each storage tank for use in the Annual Operating Report. [Rule 62-4.070(3) F.A.C.]
5. Fuel Oil Records: The permittee shall keep readily accessible records showing the maximum true vapor pressure of the stored liquid. The maximum true vapor pressure shall be less than 3.5 kPa. Compliance with this condition may be demonstrated by using the information from the respective MSDS for the ultra low sulfur fuel oil(s) stored in the tanks. [62-4.070(3) F.A.C.]

{Permitting Note: An evaluation of several Material Safety Data Sheets (MSDS) by the Department and applicant demonstrated that the vapor pressure is much less than 3.5 kPa for ultralow sulfur fuel oil.}

SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS

C. COOLING TOWER (EU 008)

This section of the permit addresses the following new emissions unit.

ID	Emission Unit Description
008	Two 26-cell mechanical draft cooling towers

EQUIPMENT

1. Cooling Tower: The permittee is authorized to install two new 26-cell mechanical draft cooling towers with the following nominal design characteristics: a circulating water flow rate of 306,000 gpm; design hot/cold water temperatures of 105° F/87° F; a design air flow rate of 1,500,000 per cell; a liquid-to-gas air flow ratio of 1.045; and drift eliminators. The permittee shall submit the final design details within 60 days of selecting the vendor. [Application; Design]

EMISSIONS AND PERFORMANCE REQUIREMENTS

2. Drift Rate: Within 60 days of commencing operation, the permittee shall certify that the cooling tower was constructed to achieve the specified drift rate of no more than 0.0005 percent of the circulating water flow rate. [Rule 62-212.400(BACT), F.A.C.]

{Permitting Note: This work practice standard is established as BACT for PM/PM₁₀ emissions from the cooling tower. Based on this design criteria, potential emissions are expected to be less than 100 tons of PM per year and less than 5 tons of PM₁₀ per year. Actual emissions are expected be lower than these rates.}.

SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS
D. AUXILIARY BOILERS AND PROCESS HEATERS (EU009 – EU 010)

This section of the permit addresses the following emissions units.

ID	Emission Unit Description
014	Two limited use gas-fueled auxiliary boilers (99.8 MMBTU/h and 85,000 lb/hr)
015	Two gas-fueled 10 MMBtu/hr process heaters

NESHAP APPLICABILITY

1. NESHAP Subpart DDDDD Applicability: These emissions units are subject to Subpart DDDDD, which applies to an industrial, commercial, or institutional boiler or process heater as defined in Sec. 63.7575 that is located at, or is part of, a major source of HAP as defined in Sec. 40 CFR 63.2.

The listed emission units shall comply with 40 CFR 63, NESHAP Subpart DDDDD only to the extent that the regulations apply to the emission unit and its operations (e.g. limited use gas-fueled or small gas-fueled categories).

[40 CFR 63, Subpart DDDDD - National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, or Institutional Boiler or Process Heater]

NSPS APPLICABILITY

2. NSPS Subpart Dc Applicability: Each 99.8 MMBTU/hr (85,000 lb/hr) auxiliary boiler is subject to all applicable requirements of 40 CFR 60, Subpart Dc which applies to Small Industrial, Commercial, or Institutional Boiler. Specifically, each emission unit shall comply with 40 CFR 60.48c Reporting and Recordkeeping Requirements.

[Rule 62-204.800(7)(b) and 40 CFR 60, NSPS-Subpart Dc - Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, attached as Appendix Dc].

EMISSIONS AND TESTING REQUIREMENTS

3. Auxiliary Boiler BACT Emissions Limits:

NO _x	CO	VOC, SO ₂ , PM/PM ₁₀
0.05 lb/MMBtu	0.08 lb/MMBtu	2 gr S/100SCF natural gas spec and 10% Opacity

4. Auxiliary Boilers Testing Requirements: Each unit shall be stack tested to demonstrate initial compliance with the emission standards for CO, NO_x and visible emissions. The tests shall be conducted within 60 days after achieving the maximum production rate at which the unit will be operated, but not later than 180 days after the initial startup of each combined cycle unit.

[Rule 62-297.310(7)(a)1, F.A.C. and 40 CFR 63.7]

Test Methods: Any required tests shall be performed in accordance with the following reference methods.

Method	Description of Method and Comments
7E	Determination of Nitrogen Oxide Emissions from Stationary Sources
9	Visual Determination of the Opacity of Emissions from Stationary Sources
10	Determination of Carbon Monoxide Emissions from Stationary Sources {Notes: The method shall be based on a continuous sampling train.}

SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS

D. AUXILIARY BOILERS AND PROCESS HEATERS (EU009 – EU 010)

5. Annual CO Performance Test for Auxiliary Boilers: Pursuant to 40 CFR 63.7515(e) permittee shall conduct an annual CO test according to Sec. 63.7520. Each annual performance test must be conducted between 10 and 12 months after the previous performance test.

[40 CFR 63.7515 and Rule 62-204.800(11)(b)84. F.A.C.]

6. Natural Gas Fired Process Heaters BACT Emissions Limits:

NO _x	CO	VOC, SO ₂ , PM/PM ₁₀
0.095 lb/MMBtu	0.08 lb/MMBtu	2 gr S/100SCF natural gas spec and 10% Opacity

7. Natural Gas Fired Process Heaters Testing Requirements: Each unit shall be stack tested to demonstrate initial compliance with the emission standards for CO, NO_x and visible emissions. The tests shall be conducted within 60 days after achieving the maximum production rate at which the unit will be operated, but not later than 180 days after the initial startup of each combined cycle unit. As an alternative, a Manufacturer certification of emissions characteristics of the purchased model that are at least as stringent as the BACT values can be used to fulfill this requirement.

[Rule 62-297.310(7)(a)1, F.A.C. and 40 CFR 60.8]

Test Methods: Any required tests shall be performed in accordance with the following reference methods.

Method	Description of Method and Comments
7E	Determination of Nitrogen Oxide Emissions from Stationary Sources
9	Visual Determination of the Opacity of Emissions from Stationary Sources
10	Determination of Carbon Monoxide Emissions from Stationary Sources {Notes: The method shall be based on a continuous sampling train.}

EQUIPMENT SPECIFICATIONS

8. Equipment: The permittee is authorized to install, operate, and maintain two auxiliary boilers with a maximum design heat input of 99.8 MMBtu/hr (85,000 lb/hr) each to produce steam during start up of the CTs and two 10 MMBtu/hr process heaters for the purpose of heating the natural gas supply to the CTs. [Applicant Request; Rule 62-210.200(PTE), F.A.C.]

PERFORMANCE REQUIREMENTS

9. Hours of Operation: The hours of operation of each limited use gas-fueled auxiliary boiler shall not exceed 500 hours per year. The gas-fueled process heaters are allowed to operate continuously (8760 hours per year). [Applicant Request; Rule 62-210.200(PTE), F.A.C. and 40 CFR 63.7575]

NOTIFICATION, REPORTING AND RECORDS

10. Notification: Initial notification is required for the two limited use 99.8 MMBtu/hr gas-fueled auxiliary boilers. Initial notification is not required for the two small gas-fueled 10 MMBtu/hr process heaters. [40 CFR 63.9, 40 CFR 63.7506(c) and Rule 62-204.800(11)(b) F.A.C.]
11. Reporting: The permittee shall maintain records of the amount of natural gas used in the heaters and auxiliary boilers. These records shall be submitted to the Compliance Authority on an annual basis or upon request. [Rule 62-4.070(3) F.A.C.]

SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS

EMERGENCY GENERATOR (011)

This section of the permit addresses the following emissions unit.

ID	Emission Unit Description
011	Four nominal 2,250 Kw Liquid Fueled Emergency Generators – Reciprocating Internal Combustion Engines

NESHAPS APPLICABILITY

1. NESHAPS Subpart ZZZZ Applicability: These emergency generators are Liquid Fueled Reciprocating Internal Combustion Engines (RICE) and are subject to 40 CFR 63, Subpart ZZZZ. They shall comply with 40 CFR 63, NESHAP Subpart ZZZZ only to the extent that the regulations apply to the emissions unit and its operations.

[40 CFR 63, Subpart ZZZZ - National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (RICE) and Rule 62-204.800(11)(b)80, F.A.C.]

NSPS APPLICABILITY

2. NSPS Subpart IIII Applicability: These emergency generators are Stationary Compression Ignition Internal Combustion Engines (Stationary ICE) and are subject to 40 CFR 60, Subpart IIII. They shall comply with 40 CFR 60, Subpart IIII only to the extent that the regulations apply to the emission unit and its operations (e.g. non-road, emergency, displacement, capacity, model year selected).

[40 CFR 60, Subpart IIII - Standards of Performance for Stationary Compression Ignition Internal Combustion Engines]

EQUIPMENT SPECIFICATIONS

3. Equipment: The permittee is authorized to install, operate, and maintain four 2,250 Kw emergency generators. [Applicant Request; Rule 62-210.200(PTE), F.A.C.]

EMISSIONS AND PERFORMANCE REQUIREMENTS

4. Hours of Operation and Fuel Specifications: The hours of operation shall not exceed 160 hours per year per each generator. The generators are allowed to burn 0.0015% sulfur fuel oil. [Applicant Request; Rule 62-210.200(PTE), F.A.C.]

5. Emergency Generators BACT Emissions Limits:

NO _x	CO	Hydrocarbons ¹	SO ₂	PM/PM ₁₀
6.9 gm/bhp-hr	8.5 gm/bhp-hr	1.0 gm/bhp-hr	0.0015% S F.O.	0.4 gm/bhp-hr

Note 1. Hydrocarbons are surrogate for VOC.

{The BACT limits are equal to the values corresponding to the Tier 1 values cited in the proposed rule 40 CFR 60, Subpart IIII}

6. Emergency Generators Testing Requirements: Each unit shall be stack tested to demonstrate initial compliance with the emission standards for CO, NO_x and visible emissions. The tests shall be conducted within 60 days after achieving the maximum production rate at which the unit will be operated, but not later than 180 days after the initial startup of each combined cycle unit. As an alternative, an EPA Certification of emissions characteristics of the purchased model that are at least as stringent as the BACT values and the use of ULS fuel oil can be used to fulfill this requirement.

[Rule 62-297.310(7)(a)1, F.A.C.; 40 CFR 60.8 and 40 CFR 60.4211]

SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS

EMERGENCY GENERATOR (011)

Test Methods: Any required tests shall be performed in accordance with the following reference methods.

Method	Description of Method and Comments
7E	Determination of Nitrogen Oxide Emissions from Stationary Sources
9	Visual Determination of the Opacity of Emissions from Stationary Sources
10	Determination of Carbon Monoxide Emissions from Stationary Sources {Notes: The method shall be based on a continuous sampling train.}

NOTIFICATION, REPORTING AND RECORDS

7. Notifications: Initial notification are required pursuant to 40 CFR 60.7, 40 CFR 63.9, and 40 CFR 63.6590 (b) (i) for the four 2,250 Kw RICE units.
8. Reporting: The permittee shall maintain records of the amount of liquid fuel used. These records shall be submitted to the Compliance Authority on an annual basis or upon request. [Rule 62-4.070(3) F.A.C.].

SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS

EMERGENCY FIRE PUMP (012)

This section of the permit addresses the following emissions unit.

ID	Emission Unit Description
012	One emergency diesel fire pump engine (< 300 hp) and 500 gallon fuel oil storage tank.

NSPS APPLICABILITY

1. NSPS Subpart IIII Applicability: The fire pump engine is an Emergency Stationary Compression Ignition Internal Combustion Engine (Stationary ICE) and is subject to 40 CFR 60, Subpart IIII. It shall comply with 40 CFR 60, Subpart IIII only to the extent that the regulations apply to the emissions unit and its operations (e.g. fire pumps, horsepower, model year selected).

[40 CFR 60, Subpart IIII - Standards of Performance for Stationary Compression Ignition Internal Combustion Engines.]

EQUIPMENT SPECIFICATIONS

2. Equipment: The permittee is authorized to install, operate, and maintain one diesel engine driven fire pump (< 300 hp) and an associated 500 gallon fuel oil storage tank.

EMISSIONS AND PERFORMANCE REQUIREMENTS

3. Hours of Operation: The fire pump may operate in response to emergency conditions and 80 non-emergency hours per year for maintenance testing.
[Applicant Request; Rule 62-210.200 (PTE), F.A.C.]
4. Authorized Fuel: This unit shall fire low sulfur fuel oil (or superior fuel), which shall contain no more than 0.05% sulfur by weight. [Rules 62-210.200(PTE) and 62-212.400 (BACT), F.A.C.]

Compliance with the distillate fuel oil sulfur limit shall be demonstrated by taking a sample, analyzing the sample for fuel sulfur, and reporting the results to each Compliance Authority before initial startup. Sampling the fuel oil sulfur content shall be conducted in accordance with ASTM D4057-88, Standard Practice for Manual Sampling of Petroleum and Petroleum Products, and one of the following test methods for sulfur in petroleum products: ASTM methods D5453-00, D129-91, D1552-90, D2622-94, or D4294-90. More recent versions of these methods may be used. For each subsequent fuel delivery, the permittee shall maintain a permanent file of the certified fuel sulfur analysis from the fuel vendor. At the request of a Compliance Authority, the permittee shall perform additional sampling and analysis for the fuel sulfur content.

SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS

EMERGENCY FIRE PUMP (012)

5. Fire Pump Engine BACT Emissions Limits:

The following limits apply based on the size category of the fire pump located at the facility.

Size (hp)	CO	NMHC+NO _x	PM
175 ≤ hp < 300	2.6	7.8	0.40

Note 1. Non-Methane Hydrocarbons (NMHC) are surrogate for VOC.

{The BACT limits are equal to the values corresponding to the size class indicated above and cited in 40 CFR 60, Subpart III}

6. Fire Pump Engine Certification: Manufacturer certification shall be provided to the Department in lieu of actual testing. [Rule 62-212.400 (BACT), F.A.C. and 40 CFR 60.411]

SECTION IV. APPENDICES

CONTENTS

Appendix A	NSPS Subpart A and NESHAP Subpart A - Identification of General Provisions
Appendix BD	Final BACT Determinations and Emissions Standards
Appendix Dc	NSPS Subpart Dc Requirements for Small Industrial Commercial-Institutional Steam Generating Units
Appendix DDDDD	NESHAP Requirements for Industrial, Commercial, and Institutional Boilers and Process Heaters from 40 CFR 63, Subpart DDDDD
Appendix GC	General Conditions
Appendix IIII	NSPS Subpart IIII Requirements for Reciprocating Internal Combustion Engines (ICE)
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Appendix SC	Standard Conditions
Appendix XS	Semiannual NSPS Excess Emissions Report
Appendix YYYY	NESHAP Requirements for Gas Turbines from 40 CFR 63, Subpart YYYY
Appendix ZZZZ	NESHAP Requirements for Reciprocating Internal Combustion Engines from 40 CFR 63, Subpart ZZZZ

SECTION IV. APPENDIX A
NSPS SUBPART A, IDENTIFICATION OF GENERAL PROVISIONS

The provisions of this Subpart may be provided in full upon request. Emissions units subject to a New Source Performance Standard of 40 CFR 60 are also subject to the applicable requirements of Subpart A, the General Provisions, including:

- § 60.1 Applicability.
- § 60.2 Definitions.
- § 60.3 Units and abbreviations.
- § 60.4 Address.
- § 60.5 Determination of construction or modification.
- § 60.6 Review of plans.
- § 60.7 Notification and Record Keeping.
- § 60.8 Performance Tests.
- § 60.9 Availability of information.
- § 60.10 State Authority.
- § 60.11 Compliance with Standards and Maintenance Requirements.
- § 60.12 Circumvention.
- § 60.13 Monitoring Requirements.
- § 60.14 Modification.
- § 60.15 Reconstruction.
- § 60.16 Priority List.
- § 60.17 Incorporations by Reference.
- § 60.18 General Control Device Requirements.
- § 60.19 General Notification and Reporting Requirements.

Individual subparts may exempt specific equipment or processes from some or all of these requirements. The general provisions may be provided in full upon request.

NESHAP - SUBPART A, IDENTIFICATION OF GENERAL PROVISIONS

The provisions of this Subpart may be provided in full upon request. Emissions units subject to a National Emission Standards for Hazardous Air Pollutants of 40 CFR 63 are also subject to the applicable requirements of Subpart A, the General Provisions, including:

- § 63.1 Applicability.
- § 63.2 Definitions.
- § 63.3 Units and abbreviations.
- § 63.4 Prohibited Activities and Circumvention.
- § 63.5 Preconstruction Review and Notification Requirements.
- § 63.6 Compliance with Standards and Maintenance Requirements.
- § 63.7 Performance Testing Requirements.
- § 63.8 Monitoring Requirements.
- § 63.9 Notification Requirements.

SECTION IV. APPENDIX A
NSPS SUBPART A, IDENTIFICATION OF GENERAL PROVISIONS

- § 63.10 Recordkeeping and Reporting Requirements.
- § 63.11 Control Device Requirements.
- § 63.12 State Authority and Delegations.
- § 63.13 Addresses of State Air Pollution Control Agencies and EPA Regional Offices.
- § 63.14 Incorporation by Reference.
- § 63.15 Availability of Information and Confidentiality.

Individual subparts may exempt specific equipment or processes from some or all of these requirements. The general provisions may be provided in full upon request.

SECTION IV. APPENDIX BD

FINAL BACT DETERMINATIONS AND EMISSIONS STANDARDS

Refer to the BACT proposal discussed in the initial Technical Evaluation for this project and to the Final Determination issued with the Final permit for the rationale regarding the following BACT determination.

Pollutant	Fuel	Method of Operation	Stack Test, 3-Run Average		CEMS Block Average
			ppmvd @ 15% O ₂	lb/hr ^g	ppmvd @ 15% O ₂
CO ^a	Oil	Combustion Turbine (CT)	8.0	42.0	8.0, 24-hr 6, 12-month ^h
	Gas	CT & Duct Burner (DB)	7.6	52.5	
		CT Normal	4.1	23.2	
NO _x ^b	Oil	CT	8.0	82.4	8.0, 24-hr
	Gas	CT & DB	2.0	24.2	2.0, 24-hr
		CT Normal	2.0	20.0	
PM/PM ₁₀ ^c	Oil/Gas	All Modes	2 gr S/100SCF of gas, 0.0015% sulfur fuel oil		
			Visible emissions shall not exceed 10% opacity for each 6-minute block average.		
SAM/SO ₂ ^d	Oil/Gas	All Modes	2 gr S/100 SCF of gas, 0.0015% sulfur fuel oil		
VOC ^e	Oil	CT	6.0	19.6	NA
	Gas	CT & DB	1.5	5.4	
		CT Normal	1.2	4.1	
Ammonia ^f	Oil/Gas	CT, All Modes	5	NA	NA

- a. Compliance with the continuous 24-hour CO standards shall be demonstrated based on data collected by the required CEMS. The initial and annual EPA Method 10 tests associated with the certification of the CEMS instruments shall also be used to demonstrate compliance with the individual standards for natural gas, fuel oil, and basic duct burner modes. The stacks test limits apply only at high load (90-100% of the combustion turbine capacity).
- b. Compliance with the continuous NO_x standards shall be demonstrated based on data collected by the required CEMS. The initial and annual EPA Method 7E or Method 20 tests associated with demonstration of compliance with 40 CFR 60, Subpart GG or certification of the CEMS instruments shall also be used to demonstrate compliance with the individual standards for natural gas, fuel oil, and duct burner modes during the time of those tests. NO_x mass emission rates are defined as oxides of nitrogen expressed as NO₂.
- c. The sulfur fuel specifications combined with the efficient combustion design and operation of each gas turbine represents (BACT) for PM/PM₁₀ emissions. Compliance with the fuel specifications, CO standards, and visible emissions standards shall serve as indicators of good combustion. Compliance with the fuel specifications shall be demonstrated by keeping records of the fuel sulfur content. Compliance with the visible emissions standard shall be demonstrated by conducting tests in accordance with EPA Method 9.
- d. The fuel sulfur specifications effectively limit the potential emissions of SAM and SO₂ from the gas turbines and represent BACT for these pollutants. Compliance with the fuel sulfur specifications shall be determined by the ASTM methods for determination of fuel sulfur as detailed in the draft permit.
- e. Compliance with the VOC standards shall be demonstrated by conducting tests in accordance with EPA Method 25A. Optionally, EPA Method 18 may also be performed to deduct emissions of methane and ethane. The emission standards are based on VOC measured as methane. The limits apply only at high load (90-100% of the combustion turbine capacity). Compliance with the CO CEMS based limits at lower loads shall be deemed as compliance with the VOC limit.
- f. Compliance with the ammonia slip standard shall be demonstrated by conducting tests in accordance with EPA Method CTM-027.
- g. The mass emission rate standards are based on a turbine inlet condition of 59° F and may be adjusted to actual test conditions in accordance with the performance curves and/or equations on file with the Department.
- h. Rolling Average. Enforcement discretion may be exercised for up to 12 months with respect to the 6 ppmvd @15% O₂ limit-for any combustion turbine/supplementary-fired heat recovery steam generator upon notification by the permittee of intent to install oxidation catalyst. The permittee shall have 12 months to complete the oxidation catalyst installation. After completing the installation of the catalyst all prior partial or complete calendar months shall be excluded from the 12-month rolling average.

SECTION IV. APPENDIX Dc

NSPS REQUIREMENTS FOR SMALL INDUSTRIAL-COMMERCIAL-INSTITUTIONAL STEAM GENERATING UNITS

A 99.8 MMBtu/hr (85,000 lb/hr) auxiliary boilers will serve each combined cycle unit system to produce steam during start up of the CTs. They are regulated as Emissions Unit 009. The provisions of this Subpart may be provided in full upon request.

{Note: Only applicable definitions have been included.}

§ 60.40c Applicability and delegation of authority.

- (a) Except as provided in paragraph (d) of this section, the affected facility to which this subpart applies is each steam generating unit for which construction, modification, or reconstruction is commenced after June 9, 1989 and that has a maximum design heat input capacity of 29 megawatts (MW) (100 million Btu per hour (Btu/hr)) or less, but greater than or equal to 2.9 MW (10 million Btu/hr).
- (b) In delegating implementation and enforcement authority to a State under section 111(c) of the Clean Air Act, § 60.48c(a)(4) shall be retained by the Administrator and not transferred to a State.
- (c) Steam generating units which meet the applicability requirements in paragraph (a) of this section are not subject to the sulfur dioxide (SO₂) or particulate matter (PM) emission limits, performance testing requirements, or monitoring requirements under this subpart (§ 60.42c, 60.43c, 60.44c, 60.45c, 60.46c, or 60.47c) during periods of combustion research, as defined in § 60.41c.
- (d) Any temporary change to an existing steam generating unit for the purpose of conducting combustion research is not considered a modification under § 60.14.

§ 60.41c Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the Clean Air Act and in subpart A of this part.

Annual capacity factor means the ratio between the actual heat input to a steam generating unit from an individual fuel or combination of fuels during a period of 12 consecutive calendar months and the potential heat input to the steam generating unit from all fuels had the steam ch a separate source (such as a stationary gas turbine, internal combustion engine, or kiln) provides exhaust gas to a steam generating unit.

Heat input means heat derived from combustion of fuel in a steam generating unit and does not include the heat derived from preheated combustion air, recirculated flue gases, or exhaust gases from other sources (such as stationary gas turbines, internal combustion engines, and kilns).

Natural gas means (1) a naturally occurring mixture of hydrocarbon and non-hydrocarbon gases found in geologic formations beneath the earth's surface, of which the principal constituent is methane, or (2) liquefied petroleum (LP) gas, as defined by the American Society for Testing and Materials in ASTM D1835-86, 87, 91, or 97, "Standard Specification for Liquefied Petroleum Gases" (incorporated by reference -- see § 60.17).

Steam generating unit means a device that combusts any fuel and produces steam or heats water or any other heat transfer medium. This term includes any duct burner that combusts fuel and is part of a combined cycle system. This term does not include process heaters as defined in this subpart.

§ 60.42c Standard for sulfur dioxide.

§ 60.43c Standard for particulate matter.

§ 60.44c Compliance and performance test methods and procedures for sulfur dioxide.

§ 60.45c Compliance and performance test methods and procedures for particulate matter.

§ 60.46c Emission monitoring for sulfur dioxide

§ 60.47c Emission monitoring for particulate matter.

SECTION IV. APPENDIX Dc

NSPS REQUIREMENTS FOR SMALL INDUSTRIAL-COMMERCIAL-INSTITUTIONAL STEAM GENERATING UNITS

§ 60.48c Reporting and recordkeeping requirements.

- (a) The owner or operator of each affected facility shall submit notification of the date of construction or reconstruction, anticipated startup, and actual startup, as provided by § 60.7 of this part. This notification shall include:
 - (1) The design heat input capacity of the affected facility and identification of fuels to be combusted in the affected facility.
 - (3) The annual capacity factor at which the owner or operator anticipates operating the affected facility based on all fuels fired and based on each individual fuel fired.
 - (4) Notification if an emerging technology will be used for controlling SO₂ emissions. The Administrator will examine the description of the control device and will determine whether the technology qualifies as an emerging technology. In making this determination, the Administrator may require the owner or operator of the affected facility to submit additional information concerning the control device. The affected facility is subject to the provisions of § 60.42c(a) or (b)(1), unless and until this determination is made by the Administrator.
- (g) The owner or operator of each affected facility shall record and maintain records of the amounts of each fuel combusted during each day.
- (i) All records required under this section shall be maintained by the owner or operator of the affected facility for a period of two years following the date of such record.
- (j) The reporting period for the reports required under this subpart is each six-month period. All reports shall be submitted to the Administrator and shall be postmarked by the 30th day following the end of the reporting period.

SECTION IV. APPENDIX GC

GENERAL CONDITIONS

The permittee shall comply with the following general conditions from Rule 62-4.160, F.A.C.

1. The terms, conditions, requirements, limitations, and restrictions set forth in this permit are "Permit Conditions" and are binding and enforceable pursuant to Sections 403.161, 403.727, or 403.859 through 403.861, Florida Statutes. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in Subsections 403.087(6) and 403.722(5), Florida Statutes, the issuance of this permit does not convey and vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. This permit is not a waiver or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at a reasonable time, access to the premises, where the permitted activity is located or conducted to:
 - a. Have access to and copy and records that must be kept under the conditions of the permit;
 - b. Inspect the facility, equipment, practices, or operations regulated or required under this permit, and,
 - c. Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:
 - a. A description of and cause of non-compliance; and
 - b. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

The permittee 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 permit.

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Sections 403.73 and 403.111, Florida

SECTION IV. APPENDIX GC

GENERAL CONDITIONS

Statutes. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance, provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.
11. This permit is transferable only upon Department approval in accordance with Florida Administrative Code Rules 62-4.120 and 62-730.300, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
12. This permit or a copy thereof shall be kept at the work site of the permitted activity.
13. This permit also constitutes:
 - a. Determination of Best Available Control Technology (X);
 - b. Determination of Prevention of Significant Deterioration (X);
 - c. Compliance with National Emission Standards for Hazardous Air Pollutants (X); and
 - d. Compliance with New Source Performance Standards (X).
14. The permittee shall comply with the following:
 - a. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
 - b. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application or this permit. These materials shall be retained at least three 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.
15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

SECTION IV. APPENDIX KKKK
NSPS SUBPART KKKK REQUIREMENTS FOR GAS TURBINES

The two combined cycle unit systems ("3-on-1") are regulated as Emissions Units 001, 002, 003, 004, 005, and 006. The gas turbines and the HRSG duct burners are part of these combined cycle unit systems. These emissions units shall comply with all applicable requirements of this Subpart.

NEW SOURCE PERFORMANCE STANDARDS (NSPS)

On July 6, 2006, EPA published the final NSPS Subpart KKKK (40 CFR 60) provisions for combustion turbines in the Federal Register. Although not yet adopted by Rule 62-204.800(8), F.A.C., the combustion turbine shall comply with the applicable federal requirements. The provisions of this Subpart may be provided in full upon request.

Source: Federal Register dated 7/6/06

Subpart KKKK--Standards of Performance for Stationary Combustion Turbines

Introduction

60.4300 What is the purpose of this subpart?

Applicability

60.4305 Does this subpart apply to my stationary combustion turbine?

60.4310 What types of operations are exempt from these standards of performance?

Emission Limits

60.4315 What pollutants are regulated by this subpart?

60.4320 What emission limits must I meet for nitrogen oxides (NOX)?

60.4325 What emission limits must I meet for NOX if my turbine burns both natural gas and distillate oil (or some other combination of fuels)?

60.4330 What emission limits must I meet for sulfur dioxide (SO2)?

General Compliance Requirements

60.4333 What are my general requirements for complying with this subpart?

Monitoring

60.4335 How do I demonstrate compliance for NOX if I use water or steam injection?

60.4340 How do I demonstrate continuous compliance for NOX if I do not use water or steam injection?

60.4345 What are the requirements for the continuous emission monitoring system equipment, if I choose to use this option?

60.4350 How do I use data from the continuous emission monitoring equipment to identify excess emissions?

60.4355 How do I establish and document a proper parameter monitoring plan?

60.4360 How do I determine the total sulfur content of the turbine's combustion fuel?

60.4365 How can I be exempted from monitoring the total sulfur content of the fuel?

60.4370 How often must I determine the sulfur content of the fuel?

Reporting

60.4375 What reports must I submit?

60.4380 How are excess emissions and monitor downtime defined for NOX?

60.4385 How are excess emissions and monitoring downtime defined for SO2?

60.4390 What are my reporting requirements if I operate an emergency combustion turbine or a research and development turbine?

60.4395 When must I submit my reports?

SECTION IV. APPENDIX KKKK

NSPS SUBPART KKKK REQUIREMENTS FOR GAS TURBINES

Performance Tests

60.4400 How do I conduct the initial and subsequent performance tests, regarding NOX?

60.4405 How do I perform the initial performance test if I have chosen to install a NOX-diluent CEMS?

60.4410 How do I establish a valid parameter range if I have chosen to continuously monitor parameters?

60.4415 How do I conduct the initial and subsequent performance tests for sulfur?

Definitions

60.4420 What definitions apply to this subpart?

Table 1 to Subpart KKKK of Part 60-Nitrogen Oxide Emission Limits for New Stationary Combustion Turbines.

SECTION IV. APPENDIX SC

STANDARD CONDITIONS

Unless otherwise specified in the permit, the following conditions apply to all emissions units and activities at this facility.

EMISSIONS AND CONTROLS

1. Plant Operation - Problems: If temporarily unable to comply with any of the conditions of the permit due to breakdown of equipment or destruction by fire, wind or other cause, the permittee shall notify each Compliance Authority as soon as possible, but at least within one working day, excluding weekends and holidays. The notification shall include: pertinent information as to the cause of the problem; steps being taken to correct the problem and prevent future recurrence; and, where applicable, the owner's intent toward reconstruction of destroyed facilities. Such notification does not release the permittee from any liability for failure to comply with the conditions of this permit or the regulations. [Rule 62-4.130, F.A.C.]
2. Circumvention: The permittee shall not circumvent the air pollution control equipment or allow the emission of air pollutants without this equipment operating properly. [Rule 62-210.650, F.A.C.]
3. Excess Emissions Allowed: Excess emissions resulting from startup, shutdown or malfunction of any emissions unit shall be permitted providing (1) best operational practices to minimize emissions are adhered to and (2) the duration of excess emissions shall be minimized but in no case exceed two hours in any 24 hour period unless specifically authorized by the Department for longer duration. [Rule 62-210.700(1), F.A.C.]
4. Excess Emissions Prohibited: Excess emissions caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure that may reasonably be prevented during startup, shutdown or malfunction shall be prohibited. [Rule 62-210.700(4), F.A.C.]
5. Excess Emissions - Notification: In case of excess emissions resulting from malfunctions, the permittee shall notify the Department or the appropriate Local Program in accordance with Rule 62-4.130, F.A.C. A full written report on the malfunctions shall be submitted in a quarterly report, if requested by the Department. [Rule 62-210.700(6), F.A.C.]
6. VOC or OS Emissions: No person shall store, pump, handle, process, load, unload or use in any process or installation, volatile organic compounds or organic solvents without applying known and existing vapor emission control devices or systems deemed necessary and ordered by the Department. [Rule 62-296.320(1), F.A.C.]
7. Objectionable Odor Prohibited: No person shall cause, suffer, allow or permit the discharge of air pollutants, which cause or contribute to an objectionable odor. An "objectionable odor" means any odor present in the outdoor atmosphere which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance. [Rules 62-296.320(2) and 62-210.200(203), F.A.C.]
8. General Visible Emissions: No person shall cause, let, permit, suffer or allow to be discharged into the atmosphere the emissions of air pollutants from any activity equal to or greater than 20 percent opacity. [Rule 62-296.320(4)(b)1, F.A.C.]
9. Unconfined Particulate Emissions: During the construction period, unconfined particulate matter emissions shall be minimized by dust suppressing techniques such as covering and/or application of water or chemicals to the affected areas, as necessary. [Rule 62-296.320(4)(c), F.A.C.]

TESTING REQUIREMENTS

10. Required Number of Test Runs: For mass emission limitations, a compliance test shall consist of three complete and separate determinations of the total air pollutant emission rate through the test section of the stack or duct and three complete and separate determinations of any applicable process variables corresponding to the three distinct time periods during which the stack emission rate was measured; provided, however, that three complete and separate determinations shall not be required if the process variables are not subject to variation during a compliance test, or if three determinations are not necessary in order to calculate the unit's emission rate. The three required test runs shall be completed within one consecutive five-day period. In the event that a sample is lost or one of the three runs must be discontinued because of circumstances beyond the control of the owner or operator, and a valid third run cannot be obtained within the five-day period allowed for the test, the Secretary or his or her designee may accept the results of two complete runs as proof of compliance, provided that the arithmetic mean of the two complete runs is at least 20% below the allowable emission limiting standard. [Rule 62-297.310(1), F.A.C.]

SECTION IV. APPENDIX SC

STANDARD CONDITIONS

11. Operating Rate During Testing: Testing of emissions shall be conducted with the emissions unit operating at permitted capacity. Permitted capacity is defined as 90 to 100 percent of the maximum operation rate allowed by the permit. If it is impractical to test at permitted capacity, an emissions unit may be tested at less than the maximum permitted capacity; in this case, subsequent emissions unit operation is limited to 110 percent of the test rate until a new test is conducted. Once the unit is so limited, operation at higher capacities is allowed for no more than 15 consecutive days for the purpose of additional compliance testing to regain the authority to operate at the permitted capacity. [Rule 62-297.310(2), F.A.C.]
12. Calculation of Emission Rate: For each emissions performance test, the indicated emission rate or concentration shall be the arithmetic average of the emission rate or concentration determined by each of the three separate test runs unless otherwise specified in a particular test method or applicable rule. [Rule 62-297.310(3), F.A.C.]
13. Test Procedures: Tests shall be conducted in accordance with all applicable requirements of Chapter 62-297, F.A.C.
 - a. Required Sampling Time. Unless otherwise specified in the applicable rule, the required sampling time for each test run shall be no less than one hour and no greater than four hours, and the sampling time at each sampling point shall be of equal intervals of at least two minutes. The minimum observation period for a visible emissions compliance test shall be thirty (30) minutes. The observation period shall include the period during which the highest opacity can reasonably be expected to occur.
 - b. Minimum Sample Volume. Unless otherwise specified in the applicable rule or test method, the minimum sample volume per run shall be 25 dry standard cubic feet.
 - c. Calibration of Sampling Equipment. Calibration of the sampling train equipment shall be conducted in accordance with the schedule shown in Table 297.310-1, F.A.C.[Rule 62-297.310(4), F.A.C.]
14. Determination of Process Variables
 - a. Required Equipment. The owner or operator of an emissions unit for which compliance tests are required shall install, operate, and maintain equipment or instruments necessary to determine process variables, such as process weight input or heat input, when such data are needed in conjunction with emissions data to determine the compliance of the emissions unit with applicable emission limiting standards.
 - b. Accuracy of Equipment. Equipment or instruments used to directly or indirectly determine process variables, including devices such as belt scales, weight hoppers, flow meters, and tank scales, shall be calibrated and adjusted to indicate the true value of the parameter being measured with sufficient accuracy to allow the applicable process variable to be determined within 10% of its true value.[Rule 62-297.310(5), F.A.C.]
15. Sampling Facilities: The permittee shall install permanent stack sampling ports and provide sampling facilities that meet the requirements of Rule 62-297.310(6), F.A.C.
16. Test Notification: The owner or operator shall notify the Department, at least 15 days prior to the date on which each formal compliance test is to begin, of the date, time, and place of each such test, and the test contact person who will be responsible for coordinating and having such test conducted for the owner or operator. [Rule 62-297.310(7)(a)9, F.A.C.]
17. Special Compliance Tests: When the Department, after investigation, has good reason (such as complaints, increased visible emissions or questionable maintenance of control equipment) to believe that any applicable emission standard contained in a Department rule or in a permit issued pursuant to those rules is being violated, it shall require the owner or operator of the emissions unit to conduct compliance tests which identify the nature and quantity of pollutant emissions from the emissions unit and to provide a report on the results of said tests to the Department. [Rule 62-297.310(7)(b), F.A.C.]
18. Test Reports: The owner or operator of an emissions unit for which a compliance test is required shall file a report with the Department on the results of each such test. The required test report shall be filed with the Department as soon as practical but no later than 45 days after the last sampling run of each test is completed. The test report shall provide

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STANDARD CONDITIONS

sufficient detail on the emissions unit tested and the test procedures used to allow the Department to determine if the test was properly conducted and the test results properly computed. As a minimum, the test report, other than for an EPA or DEP Method 9 test, shall provide the following information:

- 1) The type, location, and designation of the emissions unit tested.
- 2) The facility at which the emissions unit is located.
- 3) The owner or operator of the emissions unit.
- 4) The normal type and amount of fuels used and materials processed, and the types and amounts of fuels used and material processed during each test run.
- 5) The means, raw data and computations used to determine the amount of fuels used and materials processed, if necessary to determine compliance with an applicable emission limiting standard.
- 6) The type of air pollution control devices installed on the emissions unit, their general condition, their normal operating parameters (pressure drops, total operating current and GPM scrubber water), and their operating parameters during each test run.
- 7) A sketch of the duct within 8 stack diameters upstream and 2 stack diameters downstream of the sampling ports, including the distance to any upstream and downstream bends or other flow disturbances.
- 8) The date, starting time and duration of each sampling run.
- 9) The test procedures used, including any alternative procedures authorized pursuant to Rule 62-297.620, F.A.C. Where optional procedures are authorized in this chapter, indicate which option was used.
- 10) The number of points sampled and configuration and location of the sampling plane.
- 11) For each sampling point for each run, the dry gas meter reading, velocity head, pressure drop across the stack, temperatures, average meter temperatures and sample time per point.
- 12) The type, manufacturer and configuration of the sampling equipment used.
- 13) Data related to the required calibration of the test equipment.
- 14) Data on the identification, processing and weights of all filters used.
- 15) Data on the types and amounts of any chemical solutions used.
- 16) Data on the amount of pollutant collected from each sampling probe, the filters, and the impingers, are reported separately for the compliance test.
- 17) The names of individuals who furnished the process variable data, conducted the test, analyzed the samples and prepared the report.
- 18) All measured and calculated data required to be determined by each applicable test procedure for each run.
- 19) The detailed calculations for one run that relate the collected data to the calculated emission rate.
- 20) The applicable emission standard, and the resulting maximum allowable emission rate for the emissions unit, plus the test result in the same form and unit of measure.
- 21) A certification that, to the knowledge of the owner or his authorized agent, all data submitted are true and correct. When a compliance test is conducted for the Department or its agent, the person who conducts the test shall provide the certification with respect to the test procedures used. The owner or his authorized agent shall certify that all data required and provided to the person conducting the test are true and correct to his knowledge.

[Rule 62-297.310(8), F.A.C.]

RECORDS AND REPORTS

19. Records Retention: All measurements, records, and other data required by this permit shall be documented in a permanent, legible format and retained for at least five (5) years following the date on which such measurements, records, or data are recorded. Records shall be made available to the Department upon request. [Rules 62-4.160(14) and 62-213.440(1)(b)2, F.A.C.]
20. Annual Operating Report: The permittee shall submit an annual report that summarizes the actual operating rates and emissions from this facility. Annual operating reports shall be submitted to the Compliance Authority by March 1st of each year. [Rule 62-210.370(2), F.A.C.]

SECTION IV. APPENDIX XS
SEMIANNUAL NSPS EXCESS EMISSIONS REPORT

FIGURE 1. SUMMARY REPORT - GASEOUS AND OPACITY EXCESS EMISSION AND MONITORING SYSTEM PERFORMANCE

[Note: This form is referenced in 40 CFR 60.7, Subpart A-General Provisions]

Pollutant (Circle One): SO₂ NO_x TRS H₂S CO Opacity

Reporting period dates: From _____ to _____

Company: _____

Emission Limitation: _____

Address: _____

Monitor Manufacturer: _____

Model No.: _____

Date of Latest CMS Certification or Audit: _____

Process Unit(s) Description: _____

Total source operating time in reporting period ¹: _____

Emission data summary ¹	CMS performance summary ¹
1. Duration of excess emissions in reporting period due to: a. Startup/shutdown b. Control equipment problems c. Process problems d. Other known causes e. Unknown causes 2. Total duration of excess emissions 3. Total duration of excess emissions x (100) / [Total source operating time] % ²	1. CMS downtime in reporting period due to: a. Monitor equipment malfunctions b. Non-Monitor equipment malfunctions c. Quality assurance calibration d. Other known causes e. Unknown causes 2. Total CMS Downtime 3. [Total CMS Downtime] x (100) / [Total source operating time] % ²

¹ For opacity, record all times in minutes. For gases, record all times in hours.

² For the reporting period: If the total duration of excess emissions is 1 percent or greater of the total operating time or the total CMS downtime is 5 percent or greater of the total operating time, both the summary report form and the excess emission report described in 40 CFR 60.7(c) shall be submitted.

Note: On a separate page, describe any changes since the last in CMS, process or controls.

I certify that the information contained in this report is true, accurate, and complete.

Name: _____

Signature: _____ Date: _____

Title: _____

SECTION IV. APPENDIX YYYY
NESHAP REQUIREMENTS FOR COMBUSTION TURBINES

The gas turbines are subject to the applicable requirements of this 40 CFR 63, Subpart YYYY. The provisions of this Subpart may be provided in full upon request. The gas turbines are regulated as Emissions Units 001, 002, 003, 004, 005, and 006.

Applicability of NESHAP Subpart YYYY

The West County Energy Center will be a major source of hazardous air pollutant emissions. As such, the proposed new combustion turbines are subject to NESHAP Subpart YYYY, which became final on March 5, 2004. According to the final rule, each unit is considered a "new lean premix gas-fired stationary combustion turbine". Therefore, each new combustion turbine is subject to an emissions standard for formaldehyde of no more than 91 parts per billion by volume, dry (ppbvd @ 15% O₂). Compliance must be demonstrated by initial and annual performance tests. In addition, acceptable operating parameters must be specified that show continuous compliance with the standard. These operating parameters must be continuously monitored that ensure continuous compliance.

Staying of the Rule

On August 18, 2004, EPA stayed the effectiveness of 40 CFR 63, Subpart YYYY for lean premix gas turbines such as those proposed for the West County Project. Following is the change in 40 CFR 63 that stays effectiveness:

§ 63.6095(d) Stay of standards for gas-fired subcategories.

If you start up a new or reconstructed stationary combustion turbine that is a lean premix gas-fired stationary combustion turbine or diffusion flame gas-fired stationary combustion turbine as defined by this subpart, you must comply with the Initial Notification requirements set forth in Sec. 63.6145 but need not comply with any other requirement of this subpart until EPA takes final action to require compliance and publishes a document in the Federal Register.

Requirements

The applicable requirements in Subpart YYYY are:

§ 63.6145 What notifications must I submit and when?

- (a) You must submit all of the notifications in §§ 63.7(b) and (c), 63.8(e), 63.8(f)(4), and 63.9(b) and (h) that apply to you by the dates specified.
- (b) As specified in § 63.9(b)(2), if you start up your new or reconstructed stationary combustion turbine before March 5, 2004, you must submit an Initial Notification not later than 120 calendar days after March 5, 2004.
- (c) As specified in § 63.9(b), if you start up your new or reconstructed stationary combustion turbine on or after March 5, 2004, you must submit an Initial Notification not later than 120 calendar days after you become subject to this subpart.
- (d) If you are required to submit an Initial Notification but are otherwise not affected by the emission limitation requirements of this subpart, in accordance with § 63.6090(b), your notification must include the information in § 63.9(b)(2)(i) through (v) and a statement that your new or reconstructed stationary combustion turbine has no additional emission limitation requirements and must explain the basis of the exclusion (for example, that it operates exclusively as an emergency stationary combustion turbine).
- (e) If you are required to conduct an initial performance test, you must submit a notification of intent to conduct an initial performance test at least 60 calendar days before the initial performance test is scheduled to begin as required in § 63.7(b)(1).
- (f) If you are required to comply with the emission limitation for formaldehyde, you must submit a Notification of Compliance Status according to § 63.9(h)(2)(ii). For each performance test required to demonstrate compliance with the emission limitation for formaldehyde, you must submit the Notification of Compliance Status, including the performance test results, before the close of business on the 60th calendar day following the completion of the performance test.

[Rules 62-4.070(3) and 62-204.800, F.A.C.; Subparts A and YYYY in 40 CFR 63]

SECTION IV. APPENDIX DDDDD

NESHAPS REQUIREMENTS FOR INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS AND PROCESS HEATERS

The auxiliary boilers and process heaters are subject to the applicable requirements of this 40 CFR 63, Subpart DDDDD. The provisions of this Subpart may be provided in full upon request. These emissions units are regulated as Emissions Units 009 and 010.

Source: Federal Register Dated 9/12/04

What This Subpart Covers

63.7480 What is the purpose of this subpart?

63.7485 Am I subject to this subpart?

63.7490 What is the affected source of this subpart?

63.7491 Are any boilers or process heaters not subject to this subpart?

63.7495 When do I have to comply with this subpart?

Emission Limits and Work Practice Standards

63.7499 What are the subcategories of boilers and process heaters?

63.7500 What emission limits, work practice standards, and operating limits must I meet?

General Compliance Requirements

63.7505 What are my general requirements for complying with this subpart?

63.7506 Do any boilers or process heaters have limited requirements?

63.7507 What are the health-based compliance alternatives for the hydrogen chloride (HCl) and total selected metals (TSM) standards?

Testing, Fuel Analyses, and Initial Compliance Requirements

63.7510 What are my initial compliance requirements and by what date must I conduct them?

63.7515 When must I conduct subsequent performance tests or fuel analyses?

63.7520 What performance tests and procedures must I use?

63.7521 What fuel analyses and procedures must I use?

63.7522 Can I use emission averaging to comply with this subpart?

63.7525 What are my monitoring, installation, operation, and maintenance requirements?

63.7530 How do I demonstrate initial compliance with the emission limits and work practice standards?

Continuous Compliance Requirements

63.7535 How do I monitor and collect data to demonstrate continuous compliance?

63.7540 How do I demonstrate continuous compliance with the emission limits and work practice standards?

63.7541 How do I demonstrate continuous compliance under the emission averaging provision?

Notifications, Reports, and Records

63.7545 What notifications must I submit and when?

63.7550 What reports must I submit and when?

63.7555 What records must I keep?

63.7560 In what form and how long must I keep my records?

Other Requirements and Information

63.7565 What parts of the General Provisions apply to me?

63.7570 Who implements and enforces this subpart?

63.7575 What definitions apply to this subpart?

SECTION IV. APPENDIX DDDDD

NESHAPS REQUIREMENTS FOR INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS AND PROCESS HEATERS

Tables to Subpart DDDDD of Part 63

Table 1 to Subpart DDDDD of Part 63--Emission Limits and Work Practice Standards

Table 2 to Subpart DDDDD of Part 63--Operating Limits for Boilers and Process Heaters With Particulate Matter Emission Limits

Table 3 to Subpart DDDDD of Part 63--Operating Limits for Boilers and Process Heaters With Mercury Emission Limits and Boilers and Process Heaters That Choose to Comply With the Alternative Total Selected Metals Emission Limits

Table 4 to Subpart DDDDD of Part 63--Operating Limits for Boilers and Process Heaters With Hydrogen Chloride Emission Limits

Table 5 to Subpart DDDDD of Part 63--Performance Testing Requirements

Table 6 to Subpart DDDDD of Part 63--Fuel Analysis Requirements

Table 7 to Subpart DDDDD of Part 63--Establishing Operating Limits

Table 8 to Subpart DDDDD of Part 63--Demonstrating Continuous Compliance

Table 9 to Subpart DDDDD of Part 63--Reporting Requirements

Table 10 to Subpart DDDDD of Part 63--Applicability of General Provisions to Subpart DDDDD (See Appendix B)

Appendices to Subpart DDDDD

Appendix A to Subpart DDDDD--Methodology and Criteria for Demonstrating Eligibility for the Health-Based Compliance Alternatives Specified for the Large Solid Fuel Subcategory

Appendix B to Subpart DDDDD--Applicability of General Provisions to Subpart DDDDD

SECTION IV. APPENDIX ZZZZ
NESHAPS REQUIREMENTS FOR STATIONARY RECIPROCATING INTERNAL COMBUSTION ENGINES

The emergency generators are subject to the applicable requirements of this 40 CFR 63, Subpart ZZZZ. The provisions of this Subpart may be provided in full upon request. These emissions units are regulated as Emissions Unit 011.

Source: Federal Register dated 6/15/04; updated 4/20/06

What This Subpart Covers

63.6580 The purpose of subpart ZZZZ

63.6585 Subject to this subpart

63.6590 Parts of my plant does this subpart cover

63.6595 Compliance with this subpart

Emission Limitations

63.6600 Emission limitations and operating limitations

General Compliance Requirements

63.6605 General requirements for complying with this subpart

Testing and Initial Compliance Requirements

63.6610 Dates to conduct the initial performance tests or other initial compliance demonstrations

63.6615 Subsequent performance tests

63.6620 Performance tests and other procedures

63.6625 Monitoring, installation, operation, and maintenance requirements

63.6630 Initial compliance with the emission limitations and operating limitations

Continuous Compliance Requirements

63.6635 Monitoring and collecting data to demonstrate continuous compliance

63.6640 Continuous compliance with the emission limitations and operating limitations

Notification, Reports, and Records

63.6645 Notifications

63.6650 Reports

63.6655 Records

63.6660 Records form and retention

Other Requirements and Information

63.6665 General Provisions

63.6670 implementation and enforcement

63.6675 Definitions

Tables to Subpart ZZZZ of Part 63

Table 1a to Subpart ZZZZ of Part 63--Emission Limitations for Existing, New, and Reconstructed Spark Ignition, 4SRB Stationary RICE

Table 1b to Subpart ZZZZ of Part 63--Operating Limitations for Existing, New, and Reconstructed Spark Ignition, 4SRB Stationary RICE

Table 2a to Subpart ZZZZ of Part 63--Emission Limitations for New and Reconstructed Lean Burn and Compression Ignition Stationary RICE

Table 2b to Subpart ZZZZ of Part 63--Operating Limitations for New and Reconstructed Lean Burn and Compression Ignition Stationary RICE

Table 3 to Subpart ZZZZ of Part 63--Subsequent Performance Tests

SECTION IV. APPENDIX ZZZZ
NESHAPS REQUIREMENTS FOR STATIONARY RECIPROCATING INTERNAL COMBUSTION ENGINES

Table 4 to Subpart ZZZZ of Part 63--Requirements for Performance Tests

Table 5 to Subpart ZZZZ of Part 63--Initial Compliance with Emission Limitations and Operating Limitations

Table 6 to Subpart ZZZZ of Part 63--Continuous Compliance with Emission Limitations and Operating Limitations

Table 7 to Subpart ZZZZ of Part 63--Requirements for Reports

Table 8 to Subpart ZZZZ of Part 63--Applicability of General Provisions to Subpart ZZZZ- See Appendix A to Subpart ZZZZ

Appendix A to Subpart ZZZZ of Part 63- Applicability of General Provisions to Subpart ZZZZ

SECTION IV. APPENDIX IIII
NSPS REQUIREMENTS FOR STATIONARY COMPRESSION IGNITION INTERNAL COMBUSTION ENGINES

The emergency fired pump and the emergency generators are subject to the applicable requirements of this 40 CFR 60, Subpart IIII. The provisions of this Subpart may be provided in full upon request. These emissions units are regulated as Emissions Units 011 and 012.

Source Federal Register Dated 7/11/06. Updated 7/19/06 - EFFECTIVE 9/11/06

Subpart IIII--Standards of Performance for Stationary Compression Ignition Internal Combustion Engines

What This Subpart Covers

60.4200 Am I subject to this subpart?

Emission Standards for Manufacturers

60.4201 What emission standards must I meet for non-emergency engines if I am a stationary CI internal combustion engine manufacturer?

60.4202 What emission standards must I meet for emergency engines if I am a stationary CI internal combustion engine manufacturer?

60.4203 How long must my engines meet the emission standards if I am a stationary CI internal combustion engine manufacturer?

Emission Standards for Owners and Operators

60.4204 What emission standards must I meet for non-emergency engines if I am an owner or operator of a stationary CI internal combustion engine?

60.4205 What emission standards must I meet for emergency engines if I am an owner or operator of a stationary CI internal combustion engine?

60.4206 How long must I meet the emission standards if I am an owner or operator of a stationary CI internal combustion engine?

Fuel Requirements for Owners and Operators

60.4207 What fuel requirements must I meet if I am an owner or operator of a stationary CI internal combustion engine subject to this subpart?

Other Requirements for Owners and Operators

60.4208 What is the deadline for importing and installing stationary CI ICE produced in the previous model year?

60.4209 What are the monitoring requirements if I am an owner or operator of a stationary CI internal combustion engine?

Compliance Requirements

60.4210 What are my compliance requirements if I am a stationary CI internal combustion engine manufacturer?

60.4211 What are my compliance requirements if I am an owner or operator of a stationary CI internal combustion engine?

Testing Requirements for Owners and Operators

60.4212 What test methods and other procedures must I use if I am an owner or operator of a stationary CI internal combustion engine with a displacement of less than 30 liters per cylinder?

60.4213 What test methods and other procedures must I use if I am an owner or operator of a stationary CI internal combustion engine with a displacement of greater than or equal to 30 liters per cylinder?

SECTION IV. APPENDIX III
NSPS REQUIREMENTS FOR STATIONARY COMPRESSION IGNITION INTERNAL COMBUSTION ENGINES

Notification, Reports, and Records for Owners and Operators

60.4214 What are my notification, reporting, and recordkeeping requirements if I am an owner or operator of a stationary CI internal combustion engine?

Special Requirements

60.4215 What requirements must I meet for engines used in Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands?

60.4216 What requirements must I meet for engines used in Alaska?

60.4217 What emission standards must I meet if I am an owner or operator of a stationary internal combustion engine using special fuels?

General Provisions

60.4218 What parts of the General Provisions apply to me?

Definitions

60.4219 What definitions apply to this subpart?

Tables to Subpart IIII of Part 60

Table 1 to Subpart IIII of Part 60--Emission Standards for Stationary Pre-2007 Model Year Engines with a displacement of < 10 liters per cylinder and 2007-2010 Model Year Engines >2,237 KW (3,000 HP) and with a displacement of < 10 liters per cylinder

Table 2 to Subpart IIII of Part 60--Emission Standards for 2008 Model Year and Later Emergency Stationary CI ICE < 37 KW (50 HP) and with a Displacement of < 10 liters per cylinder

Table 3 to Subpart IIII of Part 60--Certification Requirements for Stationary Fire Pump Engines

Table 4 to Subpart IIII of Part 60--Emission Standards for Stationary Fire Pump Engines

Table 5 to Subpart IIII of Part 60--Labeling and Recordkeeping Requirements for New Stationary Emergency Engines

Table 6 to Subpart IIII of Part 60--Optional 3-Mode Test Cycle for Stationary Fire Pump Engines

Table 7 to Subpart IIII of Part 60--Requirements for Performance Tests for Stationary CI ICE with a displacement of ≥ 30 liters per cylinder

Table 8 to Subpart IIII of Part 60--Applicability of General Provisions to Subpart IIII

Acid Rain Application



Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Colleen M. Castille
Secretary

August 7, 2006

Ms. Barbara P. Linkiewicz
Environmental Licensing Manager
Florida Power & Light Company
P.O. Box 14000
Juno Beach, FL 33408

Re: Phase II Acid Rain Part Application
West County Energy Center
ORIS Code 56407

Dear Ms. Linkiewicz:

Thank you for your recent submission of the Phase II Acid Rain Part Application for the subject facility and a copy of the corresponding Certificate of Representation (EPA form noting the facility's Designated Representative). We have reviewed your application and deem it complete. Call me at 850-921-9526 if you have any questions.

Sincerely,

Tom Cascio, D.B.A.
Engineering Specialist IV
Permitting South Section

Gracy Danois, EPA Region 4



Certificate of Representation

For more information, see instructions and refer to 40 CFR 72.24

Page 1

This submission is: ☒ New ☐ Revised (revised submissions must be complete; see instructions)

STEP 1

Identify the source by plant name, State, and ORIS code.

Plant Name	West County Energy Center	State	FL	ORIS Code	56407
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STEP 2

Enter requested information for the designated representative.

Name		R. Bryan Fennell, General Manager Environmental Services	
Address		P. O. Box 14000 700 Universe Blvd. Juno Beach, Florida 33408-0420	
Phone Number	561-691-2781	Fax Number	561-691-2606
E-mail address (if available)		r_b_fennell@fpl.com	
Name		Adalberto Alfonso, Vice President Power Generation – FPL Operations	
Phone Number	561-691-2900	Fax Number	561-691-2606
E-mail address (if available)		adalberto_alfonso@fpl.com	

STEP 3

Enter requested information for the alternate designated representative, if

I certify that I was selected as the designated representative or alternate designated representative, as applicable, by an agreement binding on the owners and operators of the affected source and each affected unit at the source.

I certify that I have given notice of the agreement, selecting me as the 'designated representative' for the affected source and each affected unit at the source identified in this certificate of representation, in a newspaper of general circulation in the area where the source is located or in a State publication designed to give general public notice.

I certify that I have all necessary authority to carry out my duties and responsibilities under the Acid Rain Program on behalf of the owners and operators of the affected source and of each affected unit at the source and that each such owner and operator shall be fully bound by my actions, inactions, or submissions.

I certify that I shall abide by any fiduciary responsibilities imposed by the agreement by which I was selected as designated representative or alternate designated representative, as applicable.

I certify that the owners and operators of the affected source and of each affected unit at the source shall be bound by any order issued to me by the Administrator, the permitting authority, or a court regarding the source or unit.

Where there are multiple holders of a legal or equitable title to, or a leasehold interest in, an affected unit, or where a utility or industrial customer purchases power from an affected unit under life-of-the-unit, firm power contractual arrangements, I certify that:

I have given a written notice of my selection as the designated representative or alternate designated representative, as applicable, and of the agreement by which I was selected to each owner and operator of the affected source and of each affected unit at the source; and

Allowances and the proceeds of transactions involving allowances will be deemed to be held or distributed in proportion to each holder's legal, equitable, leasehold, or contractual reservation or entitlement or, if such multiple holders have expressly provided for a different distribution of allowances by contract, that allowances and the proceeds of transactions involving allowances will be deemed to be held or distributed in accordance with the contract.

The agreement by which I was selected as the alternate designated representative, if applicable, includes a procedure for the owners and operators of the source and affected units at the source to authorize the alternate designated representative to act in lieu of the designated representative.

STEP 4

Complete Step 5, read the certifications, and sign and date. For a designated representative of a combustion or process source under 40 CFR part 74, the references in the certifications to "affected unit" or "affected units" also apply to the combustion or process source under 40 CFR part 74 and the references to "affected source" also apply to the source at which the combustion or process source is located.

West County Energy Center

Plant Name (from Step 1)

Certificate - Page 2

I am authorized to make this submission on behalf of the owners and operators of the affected source or affected units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Signature (designated representative)	Date 7/12/06
Signature (alternate designated representative)	Date 7/07/06

STEP 5
Provide the name of every owner and operator of the source and identify each affected unit (or combustion or process source) they own and/or operate.

Name Florida Power & Light Company					☒ Owner	☒ Operator
WCCT1A	WCCT1B	WCCT1C	WCCT2A	WCCT2B	WCCT2C	
ID#	ID#	ID#	ID#	ID#	ID#	ID#
ID#	ID#	ID#	ID#	ID#	ID#	ID#

Name					☐ Owner	☐ Operator
ID#	ID#	ID#	ID#	ID#	ID#	ID#
ID#	ID#	ID#	ID#	ID#	ID#	ID#

Name					☐ Owner	☐ Operator
ID#	ID#	ID#	ID#	ID#	ID#	ID#
ID#	ID#	ID#	ID#	ID#	ID#	ID#

Name					☐ Owner	☐ Operator
ID#	ID#	ID#	ID#	ID#	ID#	ID#
ID#	ID#	ID#	ID#	ID#	ID#	ID#

^{EPA} **Acid Rain Program** **Instructions for** **Certificate of Representation (40 CFR 72.24)**

Under the Acid Rain Program (40 CFR part 72 subpart B), the owners and operators for each affected source must designate a representative, and may designate an alternate, to act on their behalf. The owners and operators must choose the designated representative through a process that ensures that all owners and operators have a voice regarding the selection.

All affected units at a source must have the same designated representative. The designated representative is responsible for all submissions and allowance transactions relating to the units at that source, and is liable for acts or omissions within the scope of his or her responsibilities under the Acid Rain Program.

Please type or print. If more space is needed, photocopy the second page. Indicate the page order and total number of pages (e.g., 1 of 4, 2 of 4, etc.) in the boxes in the upper right hand corner of each page. A Certificate of Representation amending an earlier submission supersedes the earlier submission in its entirety. A revised Certificate of Representation must therefore be complete, including original signature(s) and dating by the designated representative (and the alternate designated representative, if applicable), as required under 40 CFR 72.24(a) and 72.25(a).

Submit one Certificate of Representation form with original signatures. Remember that under 40 CFR 72.21, the designated representative must notify each owner and operator of all Acid Rain Program submissions.

For assistance, call the Acid Rain Hotline at (202) 564-9620.

STEP 1 An ORIS code is a 4 digit number assigned by the Energy Information Administration (EIA) at the U.S. Department of Energy to power plants owned by utilities. If the plant is not owned by a utility but has a 5 digit facility code (also assigned by EIA), use the facility code. If no code has been assigned or if there is uncertainty regarding what the code number is, contact EIA at (202) 287-1730 (for ORIS codes), or (202) 287-1927 (for facility codes).

For a combustion or process source under 40 CFR part 74, enter the ORIS or facility code if one has been assigned by EIA. If not, leave blank.

STEP 2 The designated representative must be a natural person and cannot be a company. Please enter the firm name and address as it should appear on all correspondence. **All EPA correspondence is mailed to the designated representative only.** An alternate designated representative must rely on the designated representative to forward information mailed by EPA to the designated representative.

STEP 3 Although not required, EPA strongly encourages owners and operators to designate an alternate designated representative to act on behalf of the designated representative.

STEP 4 The public notice declaring the appointment of a designated representative must be posted for at least one day. Also, all certification statements apply to the designated representative of combustion or process sources seeking to become opt-in sources under 40 CFR part 74.

STEP 5 See 40 CFR 72.2 for the definitions of "owner" and "owner or operator." Enter the company name of the owner(s) and operator in the "Name" field. Indicate whether the company is the owner, operator, or both. If the operator of a unit has not yet been chosen, indicate that the owner is both the owner and operator and submit a revised form

STEP 5, cont'd.

when the operator has been selected within 30 days of the effective date of the selection.

Identify each affected unit at the affected source that is owned or operated by the named party by providing the appropriate unit identification number. Do not provide any identifiers for steam turbines or duct burners.

The identification number entered for each affected unit should be consistent with previously submitted Certificates of Representation (if applicable) and with unit identification numbers used in reporting to DOE and/or EIA. For new units without identification numbers, owners and operators may assign such numbers consistent with EIA and DOE requirements. All submissions to EPA that include the unit identification number(s) (monitoring plans, quarterly reports, etc.) should reference those unit identification numbers in exactly the same way that they are referenced on the Certificate of Representation.

Mail this form to:

U.S. Environmental Protection Agency
 Acid Rain Program (6204N)
 Attention: Designated Representative

by regular or certified mail: or overnight mail:

1200 Pennsylvania Ave., NW
 Washington, DC 20460

633 3rd St. NW
 Washington DC 20001
 (202) 564-9150

Submit this form prior to making any other submissions under the Acid Rain Program. This form must be submitted before participating in the annual auctions and sales of allowances. EPA will not issue proceeds from auctions or sales to a unit until it receives a complete Certificate of Representation.

Combustion or process sources seeking to become opt-in sources under 40 CFR part 74 must submit this form prior to or concurrent with the opt-in permit application under 40 CFR 74.14.

Submit a revised Certificate of Representation when any information in the existing Certificate of Representation changes. **EPA must be notified of changes to owners and operators within 30 days of the effective date of the change.**

Paperwork Burden Estimate

The burden on the public for collecting and reporting information under this request is estimated at 35 hours per response. Send comments regarding this collection of information, including suggestions for reducing the burden, to: Chief, Information Policy Branch (2136), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460; and to: Paperwork Reduction Project (OMB#2060-0221), Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503. **Do not submit forms to these addresses; see the submission instructions above.**



Florida Power & Light Company, Environmental Services Dept., P.O. Box 14000, Juno Beach, FL 33408

July 7, 2006

Mr. Al Linero
Administrator, Title V Section
Division of Air Resource Management
2600 Blair Stone Road, MS 5500
Tallahassee, Florida 32399-2400

RE: FPL West County Energy Center (WCEC)
Phase II Acid Rain Part Application Submission
EPA ORIS Code # 56407

Dear Mr. Linero:

Per the requirements of 40 CFR 72.30 , 72.31 and Chapter 62 -214, F.A.C., please find attached the Acid Rain Part Application for Florida Power & Light's West County Energy Center (WCEC) which is currently estimated to commence commercial operation by 2009 (Unit # 1) & 2010 (Unit # 2).

If you have any questions or need additional information, please contact me at (561) 691-7518.

Sincerely,

A handwritten signature in cursive script, reading 'Barbara P. Linkiewicz'.

Barbara Linkiewicz
Environmental Licensing Manager
Florida Power & Light Company

cc: Mr. Steven Palmer, DEP Siting Office
Mr. Tom Cascio - FDEP Permitting
Ms. Laurel Desantis - EPA
Mr. Manuel Oliva - EPA
File

Acid Rain Part Application

For more information, see instructions and refer to 40 CFR 72.30 and 72.31 and Chapter 62-214, F.A.C.

This submission is: ☒ New ☐ Revised

STEP 1

Identify the source by plant name, State, and ORIS code

Plant Name: **West County Energy Center** State: **Florida** ORIS Code: **56407**

STEP 2

Enter the unit ID# for every Acid Rain unit at the Acid Rain source in column "a." For new units, enter the requested information in columns "c" and "d."

a	b	c	d
Unit ID#	Unit will hold allowances in accordance with 40 CFR 72.9(c)(1)	New Units Commence Operation Date	New Units Monitor Certification Deadline
WCCT1A	Yes	04/01/2009	10/01/2009
WCCT1B	Yes	04/01/2009	10/01/2009
WCCT1C	Yes	04/01/2009	10/01/2009
WCCT2A	Yes	04/01/2010	10/01/2010
WCCT2B	Yes	04/01/2010	10/01/2010
WCCT2C	Yes	04/01/2010	10/01/2010
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		

West County Energy Center
Plant Name (from Step 1)

STEP 3
Read the standard requirements

Acid Rain Part Requirements

- (1) The designated representative of each Acid Rain source and each Acid Rain unit at the source shall:
 - (i) Submit a complete Acid Rain part application (including a compliance plan) under 40 CFR part 72 and Rules 62-214.320 and 330, F.A.C., in accordance with the deadlines specified in Rule 62-214.320, F.A.C.; and
 - (ii) Submit in a timely manner any supplemental information that the Department determines is necessary in order to review an Acid Rain part application and issue or deny an Acid Rain part;
- (2) The owners and operators of each Acid Rain source and each Acid Rain unit at the source shall:
 - (i) Operate the unit in compliance with a complete Acid Rain part application or a superseding Acid Rain part issued by the Department; and
 - (ii) Have an Acid Rain Part.

Monitoring Requirements

- (1) The owners and operators and, to the extent applicable, designated representative of each Acid Rain source and each Acid Rain unit at the source shall comply with the monitoring requirements as provided in 40 CFR part 75, and Rule 62-214.420, F.A.C.
- (2) The emissions measurements recorded and reported in accordance with 40 CFR part 75 shall be used to determine compliance by the unit with the Acid Rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain Program.
- (3) The requirements of 40 CFR part 75 shall not affect the responsibility of the owners and operators to monitor emissions of other pollutants or other emissions characteristics at the unit under other applicable requirements of the Act and other provisions of the operating permit for the source.

Sulfur Dioxide Requirements

- (1) The owners and operators of each source and each Acid Rain unit at the source shall:
 - (i) Hold allowances, as of the allowance transfer deadline, in the unit's compliance subaccount (after deductions under 40 CFR 73.34(c)), or in the compliance subaccount of another Acid Rain unit at the same source to the extent provided in 40 CFR 73.35(b)(3), not less than the total annual emissions of sulfur dioxide for the previous calendar year from the unit; and
 - (ii) Comply with the applicable Acid Rain emissions limitations for sulfur dioxide.
- (2) Each ton of sulfur dioxide emitted in excess of the Acid Rain emissions limitations for sulfur dioxide shall constitute a separate violation of the Act.
- (3) An Acid Rain unit shall be subject to the requirements under paragraph (1) of the sulfur dioxide requirements as follows:
 - (i) Starting January 1, 2000, an Acid Rain unit under 40 CFR 72.6(a)(2); or
 - (ii) Starting on the later of January 1, 2000 or the deadline for monitor certification under 40 CFR part 75, an Acid Rain unit under 40 CFR 72.6(a)(3).
- (4) Allowances shall be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program.
- (5) An allowance shall not be deducted in order to comply with the requirements under paragraph (1) of the sulfur dioxide requirements prior to the calendar year for which the allowance was allocated.
- (6) An allowance allocated by the Administrator under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the Acid Rain part application, the Acid Rain part, or an exemption under 40 CFR 72.7 or 72.8 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.
- (7) An allowance allocated by the Administrator under the Acid Rain Program does not constitute a property right.

Nitrogen Oxides Requirements The owners and operators of the source and each Acid Rain unit at the source shall comply with the applicable Acid Rain emissions limitation for nitrogen oxides.

Excess Emissions Requirements

- (1) The designated representative of an Acid Rain unit that has excess emissions in any calendar year shall submit a proposed offset plan, as required under 40 CFR part 77.
- (2) The owners and operators of an Acid Rain unit that has excess emissions in any calendar year shall:
 - (i) Pay without demand the penalty required, and pay upon demand the interest on that penalty, as required by 40 CFR part 77; and
 - (ii) Comply with the terms of an approved offset plan, as required by 40 CFR part 77.

Recordkeeping and Reporting Requirements

- (1) Unless otherwise provided, the owners and operators of the source and each Acid Rain unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the EPA or the Department:
 - (i) The certificate of representation for the designated representative for the source and each Acid Rain unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with Rule 62-214.350, F.A.C.; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative;
 - (ii) All emissions monitoring information, in accordance with 40 CFR part 75, provided that to the extent that 40 CFR part 75 provides for a 3-year period for recordkeeping, the 3-year period shall apply;
 - (iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the Acid Rain Program; and,

West County Energy Center

Plant Name (from Step 1)

STEP 3,
Cont'd.Recordkeeping and Reporting Requirements (cont)

(iv) Copies of all documents used to complete an Acid Rain part application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program.

(2) The designated representative of an Acid Rain source and each Acid Rain unit at the source shall submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR part 72 subpart I and 40 CFR part 75.

Liability.

(1) Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, a complete Acid Rain part application, an Acid Rain part, or an exemption under 40 CFR 72.7 or 72.8, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement pursuant to section 113(c) of the Act.

(2) Any person who knowingly makes a false, material statement in any record, submission, or report under the Acid Rain Program shall be subject to criminal enforcement pursuant to section 113(c) of the Act and 18 U.S.C. 1001.

(3) No permit revision shall excuse any violation of the requirements of the Acid Rain Program that occurs prior to the date that the revision takes effect.

(4) Each Acid Rain source and each Acid Rain unit shall meet the requirements of the Acid Rain Program.

(5) Any provision of the Acid Rain Program that applies to an Acid Rain source (including a provision applicable to the designated representative of an Acid Rain source) shall also apply to the owners and operators of such source and of the Acid Rain units at the source.

(6) Any provision of the Acid Rain Program that applies to an Acid Rain unit (including a provision applicable to the designated representative of an Acid Rain unit) shall also apply to the owners and operators of such unit. Except as provided under 40 CFR 72.44 (Phase II repowering extension plans) and 40 CFR 76.11 (NO_x averaging plans), and except with regard to the requirements applicable to units with a common stack under 40 CFR part 75 (including 40 CFR 75.16, 75.17, and 75.18), the owners and operators and the designated representative of one Acid Rain unit shall not be liable for any violation by any other Acid Rain unit of which they are not owners or operators or the designated representative and that is located at a source of which they are not owners or operators or the designated representative.

(7) Each violation of a provision of 40 CFR parts 72, 73, 75, 76, 77, and 78 by an Acid Rain source or Acid Rain unit, or by an owner or operator or designated representative of such source or unit, shall be a separate violation of the Act.

Effect on Other Authorities.

No provision of the Acid Rain Program, an Acid Rain part application, an Acid Rain part, or an exemption under 40 CFR 72.7 or 72.8 shall be construed as:

(1) Except as expressly provided in title IV of the Act, exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an Acid Rain source or Acid Rain unit from compliance with any other provision of the Act, including the provisions of title I of the Act relating to applicable National Ambient Air Quality Standards or State Implementation Plans;

(2) Limiting the number of allowances a unit can hold; provided, that the number of allowances held by the unit shall not affect the source's obligation to comply with any other provisions of the Act;

(3) Requiring a change of any kind in any State law regulating electric utility rates and charges, affecting any State law regarding such State regulation, or limiting such State regulation, including any prudence review requirements under such State law;

(4) Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or,

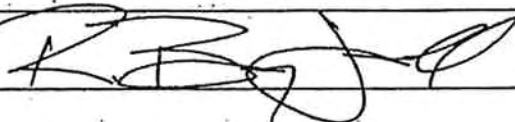
(5) Interfering with or impairing any program for competitive bidding for power supply in a State in which such program is established.

Certification

I am authorized to make this submission on behalf of the owners and operators of the Acid Rain source or Acid Rain units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Name: **R. Bryan Fennell**

Signature

Date **7/12/06**

STEP 4

Read the
certification
statement, sign,
and date

Acid Rain Program

Instructions for

Acid Rain Part Application

(40 CFR 72.30 - 72.31 and Rule 62-214.320, F.A.C.)

The Acid Rain Program requires the designated representative to submit an Acid Rain part application for each source with an Acid Rain unit. A complete Certificate of Representation must be received by EPA before the part application is submitted to the title V permitting authority. A complete Acid Rain part application, once submitted, is binding on the owners and operators of the Acid Rain source and is enforceable in the absence of an Acid Rain part and the title V permitting authority. Other issues an Acid Rain part to the source or disapproves the application.

Please type or print. The alternate designated representative may sign in lieu of the designated representative. If assistance is needed, contact the title V permitting authority.

STEP 1 Use the plant name and ORIS Code listed on the Certificate of Representation for the plant. An ORIS code is a 4 digit number assigned by the Energy Information Agency (EIA) at the U.S. Department of Energy to power plants owned by utilities. If the plant is not owned by a utility but has a 5 digit facility code (also assigned by EIA), use the facility code. If no code has been assigned or if there is uncertainty regarding what the code number is, contact EIA at (202) 287-1730 (for ORIS codes), or (202) 287-1927 (for facility codes).

STEP 2 For column "a," identify each Acid Rain unit at the Acid Rain source by providing the appropriate unit identification numbers, consistent with the unit identification numbers entered on the Certificate of Representation and with unit identification numbers used in reporting to DOE and/or EIA. For new units without identification numbers, owners and operators may assign such numbers consistent with EIA and DOE requirements.

For columns "c" and "d," enter the commence operation date(s) and monitor certification deadline(s) for new units in accordance with 40 CFR 72.2 and 75.4, respectively.

Submission Deadlines

For new units, an initial Acid Rain part application must be submitted to the title V permitting authority 24 months before the date the unit commences operation. Acid rain part renewal applications must be submitted at least 6 months in advance of the expiration of the acid rain portion of a title V permit, or such longer time as provided for under the title V permitting authority's operating permits regulation.

Submission Instructions

Submit this form to the appropriate title V permitting authority. If you have questions regarding this form, contact your local, State, or EPA Regional acid rain contact, or call EPA's Acid Rain Hotline at (202) 564-9620.

Notification of EPA Hazardous Waste Generator ID Number



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blairstone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

03/07/2007

Barbara Linkiewicz, Environmental Director
FPL West County Energy Center
700 Universe Blvd JES/JB
Juno Beach, FL 33408-

DEP/EPA ID: **FLR000042986**
LOCATION: **20505 State Rd 80, Loxahatchee.**

Based on information supplied by you, we have processed and accepted your request for the facility identified with the above DEP/EPA identification number to receive the following name change under RCRA:

FPL West County Energy Center

The status of your facility is:

Conditionally Exempt SQG, Universal Waste Handler

Please notify us in writing if there is any change in your operations which would affect your status. For further assistance, please call the Hazardous Waste Notification Coordinator at (850)245-8760 or (850)245-8772.

Sincerely,

Michael X. Redig
Environmental Manager
Hazardous Waste Regulation Section

ME ID: 62025
Email Address: barbara_p_linkiewicz@fpl.com
Previous Facility Name: FPL Corbett Substation



Florida Power and Light Company, 700 Universe Blvd. JES/JB, Juno Beach, FL 33408
561-691-7013

January 19, 2007

EPA ID Notification Coordinator
Hazardous Waste Regulation Section MS 4560
Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2400

RECEIVED
RCRA

JAN 22 2007

Hazardous Waste Regulation

RECEIVED

JAN 22 2007

BY: BSHW

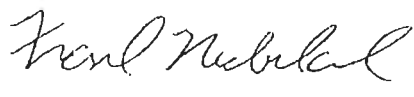
Re: Notification of Regulated Waste Activity
Corbett Substation
EPA ID FLR000042986

Dear Sir/Madam:

Florida Power and Light Company ("FPL") is submitting a notification of regulated waste activity form to change the facility name and address to the Corbett Substation's EPA ID number. As you may be aware, FPL is planning to construct the West County Energy Center (i.e., power plant) that will be located on contiguous property to the Corbett Substation. Since the West County Energy Center will be constantly manned, we are respectfully requesting the EPA ID number currently listed for the Corbett Substation be changed to "FPL - West County Energy Center," including the associated address shown on the form. The EPA ID number will be controlled by the West County Energy Center, and will include any waste activities conducted on the Corbett Substation.

If you have any questions, please call me at (561) 691-7013.

Sincerely,

 *frank_j_nesbihal@fpl.com*

Frank Nesbihal, CHMM
Principal Environmental Specialist

C: Patsy Scoville, FPL
Barbara Linkiewicz, FPL
Carmine Priore, FPL
Dan Rawson, FPL
Karla Martens, WCPP

FIESTA Business Data Maintenance

Business Data Maintenance

Florida Integrated Environmental System Today

ME ID: 62025 Master ME ID: Land Type: PRI Mobile Unit: Data Entry Status: APPR

Name: FPL Corbett Substation Short Name: FPL CORBETT SUBSTATION

Physical Address: 2000 210th Trl

City/ST/Zip: Loxahatchee FL 33470 9209

County: **Code*** **Name** **Begin Date*** **End Date**

50 Palm Beach 04/05/1998

Validate Address Accepted: ☒

Addr Codeable: ☒ Srv Certified: ☒

Srv Processed Date: 01/13/2003

Env Interest: **CCMAG** **Location** **Amplifiers** **Ant** **Paralle** **Antenna** **Base** **Relay** **Power**

Env Interest Type: HWR Hazardous Waste Regulation Program

Ampl Type	Primary	Ind ID	Individual Name	Org ID	Business Name	Begin Date	End Date
FCCT	Individual	60365	A Rueckerl			01/13/2003	
NOTIF	Organization			66318	FPL Corbett Substation	04/05/1998	
OWN	Organization			37963	FPL	01/13/2003	
OWN	Organization			37916	FPL	01/13/2003	01/13/2003

*Notif will change to West County
Energy Center*

FIESTA Business Data Maintenance

Florida Integrated Environmental System Today

Business Data Maintenance

ME ID*: 62025 Master ME ID: Land Type: PRJ Mobile Unit: Data Entry Status: APPR

Name*: FPL Corbett Substation Short Name: FPL CORBETT SUBSTATION

Physical Address: 2000 210th Trl Directions

City/ST/Zip: Loxahatchee FL 33470 9209

County: 50 Palm Beach 04/06/1998

Code* Name Begin Date* End Date

Validate Address Accepted: ☒

Addr Codeable: ☒ Srv Certified: ☒

Srv Processed Date:

Env Interest: OFFICES SIGNAL Location Attributes ADD Permits Compliance Other Costs Payments Plan View

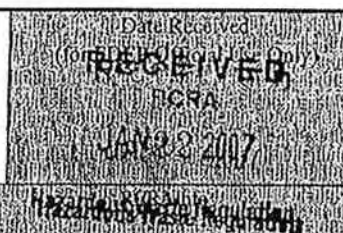
Managed Entity Type*	Env Interest Type*	Begin Date*	End Date
DWGS Hazardous Waste Generator	HWR Hazardous Waste Remediation Program	04/06/1998	04/06/1998

Overwrite with new
Energy Center address



8700-12FL - FLORIDA NOTIFICATION OF
REGULATED WASTE ACTIVITY

DEP Waste Management Division-HWRS, MS4560
2600 Blair Stone Rd. Tallahassee, FL 32399-2400
(850) 245-8760



EPA ID

FLR000042986

1. Reason for
Submittal

Check correct
box:

- ☐ To provide initial notification (to obtain an EPA ID Number for hazardous waste, universal waste, or used oil activities).
- ☒ To provide subsequent notification (to update status and facility identification information).

2. Facility or Business Name

FPL - West County Energy Center

3. Facility Operator
(List additional
Operators in the
comments section).

Name of Operator:

Florida Power and Light Co. (FPL)

☒ New Operator

Date became Operator: 4 / 1 / 2009
mm dd yy

Street or P.O. Box:

700 Universe Blvd. JES/JB

Phone Number:

(561) 691-7518

City or Town:

Juno Beach

State:

FL

Zip Code:

33408

Operator Type: ☐ Private

☐ Federal

☐ Municipal

☐ State

☒ Other Publicly Traded Utility

4. Facility Physical
Location
Information

Physical Street Address:

20505 State Road 80

City or Town:

Loxahatchee

State:

FL

Zip Code:

33470

County:

Palm Beach

Land Type: ☒ Private

☐ Federal

☐ Municipal

☐ State ☐ Other

Latitude: 26 41 54.98 Longitude: 80 22 29.54 Method:
d d m m s s . ssss d d m m s s . ssss Datum:

5. Facility North American Industry
Classification System (NAICS)
Code(s)

A.

221112

B.

C.

D.

6. Facility Mailing
Address

Street Address or P.O. Box:

700 Universe Blvd. JES/JB

City or Town:

Juno Beach

State:

FL

Zip Code:

33408

7. Facility Contact
Person

First Name:

Barbara

Last Name:

Linkiewicz

Title:

Env'l Director

Phone Number:

(561) 691-7518

Extension:

E-Mail:

Barbara_P_Linkiewicz@FPL.com

Street or P.O. Box:

700 Universe Blvd. JES/JB

City or Town:

Juno Beach

State:

FL

Zip Code:

33408

8. Real Property
Owner of the
Facility's
Physical Location
(List additional
real property owners
in the comments
section.)

Name of Real Property Owner:

Florida Power and Light Co.

☒ New Owner

Date became Owner: 6 / 2 / 2006
mm dd yy

Street or P.O. Box:

700 Universe Blvd. JES/JB

Phone Number:

(561) 691-7518

City or Town:

Juno Beach

State:

FL

Zip Code:

33408

Owner Type: ☒ Private ☐ Federal ☐ Municipal ☐ State ☐ Other

9. Type of Regulated Waste Activity (Mark 'X' in the appropriate boxes):**A. Hazardous Waste Activities:**

For Items 2 through 7, check all that apply.

1. Generator of Hazardous Waste

(Choose only one of the following three categories.)

- ☐ a. Large Quantity Generator (LQG):
Generates in any calendar month 1,000 kilograms or greater per month (kg/mo) (2,200 lbs.) of *non-acute* hazardous waste; or Greater than 1 kg (2.2 lbs) of *acute* hazardous waste
- ☐ b. Small Quantity Generator (SQG):
Generates in any calendar month greater than 100kg/mo but less than 1,000 kg/mo (>220 to <2,200 lbs.) of *non-acute* hazardous waste and/or 1 kg (2.2 lbs) or less of *acute* hazardous waste
- ☒ c. Conditionally Exempt SQG (CESQG):
Generates in any calendar month 100 kg/mo or less (220 lbs.) of *non-acute* hazardous waste and/or 1 kg (2.2 lbs) or less of *acute* hazardous waste

In addition, indicate other generator activities (that apply).

- ☐ d. United States Importer of hazardous waste
- ☐ e. Mixed Waste (hazardous and radioactive) Generator

2. ☐ **Treater, Storer, or Disposer of Hazardous Waste** (at your facility) Note: A hazardous waste permit may be required for this activity.
3. ☐ **Recycler of Hazardous Waste** (at your facility) Specify:
☐ Commercial; ☐ Non-Commercial. Note: A hazardous waste permit may be required for this activity.
4. ☐ **Exempt Boiler and/or Industrial Furnace**
☐ a. Small Quantity On-site Burner Exemption
☐ b. Smelting, Melting, and Refining Furnace Exemption
5. ☐ **Person Authorized to Manage Conditionally Exempt Waste generated at other facilities** - Check this management activity ONLY if you attach EITHER a copy of your application for such authorization OR the authorization you received from FDEP
6. ☐ **Underground Injection Control**

7. ☐ **Transporter of Hazardous Waste** Note: A Certificate of Liability Insurance is required along with this registration. Registration must be renewed annually. ☐ a. For own waste only; ☐ b. For Commercial Purposes

c. Hazardous Waste Transporter Insurance Information:

Insurance Company _____

Address _____

Contact: _____

Telephone: _____

Policy Number: _____

Expiration date: _____

- d. Transportation Mode: ☐ Air; ☐ Rail; ☐ Highway; ☐ Water; ☐ Other - specify _____

- e. ☐ **Hazardous Waste Transfer Facility:** Storage Volume _____

B. Universal Waste Activities:

1. Indicate types of universal waste generated and/or accumulated at your facility (includes destination facilities). (check all boxes that apply)

	Generate	Accumulate
a. Batteries	☒	☐
b. Pesticides	☐	☐
c. Mercury Containing Thermostats	☐	☐
d. Mercury Containing Lamps	☒	☐
e. Mercury Containing Devices	☐	☐
f. Other (specify) _____	☐	☐
g. Other (specify) _____	☐	☐

2. Total quantity of universal waste on site at any time.

- ☐ a. 5,000 kg or more; Large Quantity Handler (LQH)
- ☐ b. More than 1 kg of acutely hazardous pharmaceutical waste ("P-listed") (LQH)
- ☒ c. Less than 5,000 kg (11,000 lbs); Small Quantity Handler (SQH)

3. ☐ **Destination Facility for Universal Waste**

Note: For this activity, a facility must treat, dispose or recycle a universal waste. A facility must either have a hazardous waste permit or recycle the universal waste without storing it.

EPA ID No.

FLR000042986

9. Type of Regulated Waste Activity - continued (Mark 'X' in the appropriate boxes):**C. Used Oil Activities:****1. Used Oil Transporter - Indicate type(s) of activity(ies)**

- ☐ a. Transporter
☐ b. Transfer Facility

2. Used Oil Processor and/or Re-refiner - Indicate type(s) of activity(ies)

- ☐ a. Processor
☐ b. Re-refiner

3. ☐ Off-Specification Used Oil Burner**4. Used Oil Fuel Marketer - Indicate type(s) of activity(ies)**

- ☐ a. Marketer who directs shipment of off-specification used oil to off-specification used oil burner
☐ b. Marketer who first claims the used oil meets the specifications

5. ☒ Used Oil Generator**D. Other State Regulated Waste Activities:****1. ☐ Used Oil Filter Handler****2. ☐ PCW Handler**

These activities may require additional submissions.

10. Waste Codes for Federally Regulated Hazardous Wastes: List the waste codes of the Federal hazardous wastes handled at your facility. List them in the order they are presented in the regulations (e.g., D001, D003, F007, U112). Hazardous waste transporters list codes routinely or usually transported. Use an additional page if more spaces are needed.

1	2	3	4	5	6	7
D001	D002	D007	D008	D035	F005	
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28

11. Other Status Changes (Mark 'X' in the appropriate boxes):**A. Non-Handler of Regulated Waste at this facility**

- ☐ 1. Business no longer generates, transports, treats, stores, or disposes of hazardous waste.
☐ 2. Waste generated by business has been delisted.
☐ 3. Other (explain) _____

B. Facility Closed

- ☐ 1. Closed at this location and **moved or moving** to another - submit a new 8700-12FL for the new location if you will be handling regulated waste there.
- ☐ 2. Out of Business - Business closed on _____ (Date). Please provide a contact person, mailing address, and phone number where you can be reached after closing.
Contact _____ Phone _____
Address _____
City, State, Zip _____

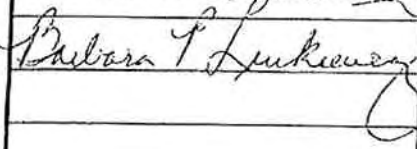
☐ **C. Property Tax Default**☐ **D. Petition for Bankruptcy Protection****12. Comments:**

This EPA ID number is currently listed with the FDEP as the Corbett Substation. However, the West County Energy Center (i.e., power plant) is planned to be constructed on contiguous property to the Corbett Substation and will maintain the EPA ID number, which will include the Corbett Substation. Construction activities are expected to commence on or about February, 2007, and the plant is planned to become operational on or about April, 2009.

EPA ID No.

FLR000042986

13. Certification: 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.

Signature of owner, operator, or an
authorized representativeName and official title (type or print) of owner,
operator, or an authorized representativeDate Signed
(mm-dd-yyyy)

Barbara Linkiewicz Env'l Director

01-19-2007

14. Additional Comments

or optionally, include a map or sketch of the facility boundaries to aid in establishing an accurate Latitude/Longitude for your facility:

All lead acid-filled batteries generated for recycling will be managed in accordance with 40 CFR 266 Subpart G.

South Florida Water Management District
Water Allocation for Underground Injection Control Construction



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

3301 Gun Club Road, West Palm Beach, Florida 33406 • (561) 686-8800 • FL WATS 1-800-432-2045 • IDD (561) 697-2574
Mailing Address: P.O. Box 24680, West Palm Beach, FL 33416-4680 • www.sfwmd.gov

CON 24-06

Application No.: 070308-37

April 10, 2007

FLORIDA POWER AND LIGHT COMPANY
700 UNIVERSE BLVD
JUNO BEACH, FL 33408

Dear Permittee:

SUBJECT: Permit No.: 50-07562-W
Project: WEST COUNTY ENERGY PLANT
Location: PALM BEACH COUNTY S32/T43S/R40E
Permittee: FLORIDA POWER AND LIGHT COMPANY

District staff has reviewed the information submitted in support of the referenced application for permit modification(s) and determined that the proposed activities are in compliance with the previous permit and the appropriate provisions of Rule 40E-20.331 (3)(a), Florida Administrative Code. The permit modification(s) include the following:

The monthly allocation is being increased from 0.15 million gallons to 0.45 million gallons. No changes have been made to the annual allocation. Permit duration is being extended until August 12, 2010.

Please understand that your permit remains subject to the 17 Limiting Conditions and all other terms of the permit authorization as previously issued.

Sincerely,

A handwritten signature in black ink, appearing to read "RFB", is written over the typed name.

Rick F. Bower, P.G.
Sr. Supervisory Hydrogeologist
Water Use Regulation Division

RFB /tl

GOVERNING BOARD

Kevin McCarty, *Chair*
Irela M. Bagué, *Vice-Chair*
Miya Burt-Stewart

Alice J. Carlson
Michael Collins
Nicolás J. Gutiérrez, Jr., Esq.

Lennart E. Lindahl, P.E.
Harkley R. Thornton
Malcolm S. Wade, Jr.

EXECUTIVE OFFICE

Carol Ann Wehle, *Executive Director*

Limiting Conditions

- 1 This permit shall expire on August 12, 2010.
- 2 Application for a permit modification may be made at any time.
- 3 Water use classification:

Industrial water supply

- 4 Source classification is:

Ground Water from:
Surficial Aquifer System

- 5 Annual allocation shall not exceed 26.28 MG.

Maximum monthly allocation shall not exceed 0.45 MG.

- 6 Pursuant to Rule 40E-1.6105, F.A.C., Notification of Transfer of Interest in Real Property, within 30 days of any transfer of interest or control of the real property at which any permitted facility, system, consumptive use, or activity is located, the permittee must notify the District, in writing, of the transfer giving the name and address of the new owner or person in control and providing a copy of the instrument effectuating the transfer, as set forth in Rule 40E-1.6107, F.A.C.

Pursuant to Rule 40E-1.6107 (4), until transfer is approved by the District, the permittee shall be liable for compliance with the permit. The permittee transferring the permit shall remain liable for all actions that are required as well as all violations of the permit which occurred prior to the transfer of the permit.

Failure to comply with this or any other condition of this permit constitutes a violation and pursuant to Rule 40E-1.609, Suspension, Revocation and Modification of Permits, the District may suspend or revoke the permit.

This Permit is issued to:

FLORIDA POWER AND LIGHT COMPANY
700 UNIVERSE BLVD
JUNO BEACH, FL - 33408

- 7 Withdrawal facilities:

Ground Water - Proposed:

1 - 4" X 85' X 50 GPM Well Cased To 85 Feet

- 8 Permittee shall mitigate interference with existing legal uses that was caused in whole or in part by the permittee'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 withdraw water consistent with provisions of the permit, such as when remedial structural or operational actions not materially authorized by existing permits must be taken to address the interference; 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.

- 9 Permittee shall mitigate harm to existing off-site land uses caused by the permittee's withdrawals, as determined through reference to the conditions for permit issuance. When harm occurs, or is imminent, the District will require the permittee to modify withdrawal rates or mitigate the harm. Harm as determined through reference to the conditions for permit issuance, 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 governmental 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; or

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

- 10 Permittee shall mitigate harm to the natural resources caused by the permittee's withdrawals, as determined through reference to the conditions for permit issuance. When harm occurs, or is imminent, the District will require the permittee to modify withdrawal rates or mitigate the harm. Harm, as determined through reference to the conditions for permit issuance 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.

- 11 If any condition of the permit is violated, the permit shall be subject to review and possible modification, enforcement action, or revocation.

- 12 Authorized representatives of the District shall be permitted to enter, inspect, and observe the permitted system to determine compliance with special conditions.

- 13 The Permittee is advised that this permit does not relieve any person from the requirement to obtain all necessary federal, state, local and special district authorizations.
- 14 The permit does not convey any property right to the Permittee, nor any rights and privileges other than those specified in the Permit and Chapter 40E-2, Florida Administrative Code.
- 15 Permittee shall submit all data as required by the implementation schedule for each of the limiting conditions to: S.F.W.M.D., Supervising Hydrogeologist – Post-Permit Compliance, Water Use Regulation Dept. (4320), P.O. Box 24680, West Palm Beach, FL 33416-4680.
- 16 In the event of a declared water shortage, water withdrawal reductions will be ordered by the District in accordance with the Water Shortage Plan, Chapter 40E-21, F.A.C. The Permittee is advised that during a water shortage, pumpage reports shall be submitted as required by Chapter 40E-21, F.A.C.
- 17 Permittee shall secure a well construction permit prior to construction, repair, or abandonment of all wells, as described in Chapters 40E-3 and 40E-30, Florida Administrative Code.

Summary Of Water Use Demands & Reco

Recommended Allocation Components

Application Number: 070308-37

Industrial

Recommended Allocation (MGD): 0.072 Recommended Maximum Month Withdrawals (MGM): 0.45

Description	Number	Rec. Unit Demand (gallons)	Recommended Demands—		Delivery System Efficiency	Recommended Allocation	
			Avg. Daily MGD	Peak Factor		Daily MGD	Max. Monthly MGM
Others	400	10	0.072	1	100%	0.072	0.45

Exhibit No: 1

**Underground Injection Control
Dual Zone Monitoring Well Permit**



Department of Environmental Protection

Southeast District
400 N. Congress Avenue — Suite 200
West Palm Beach, Florida 33401

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

ELECTRONIC MAIL

NOTICE OF PERMIT

June 5, 2007

Mr. Randall LaBauve, Vice President
FPL
700 Universe Blvd.
Juno Beach FL 33408
FPL West County Energy Center DZMW-1

UIC – FPL West County Energy Center,
FPL West County Energy Center DZMW-1
File: 247895-006-UC

Dear Mr. LaBauve:

Enclosed is Permit Number 247895-006-UC, to construct a dual zone monitoring well (DZMW-1) to be located at the FPL West County Energy Center (WCEC) near the intersection of Southern Blvd. (SR 80) and the L-8 Canal in Loxahatchee, Palm Beach County. This permit is issued pursuant to Section(s) 403.087, Florida Statutes and Florida Administrative Codes 62-4, 62-520, 62-522, 62-528 and 62-550.

Any party to this Order (permit) has the right to seek judicial review of the permit pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, Mail Stop 35, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this Notice is filed with the Clerk of the Department.

Should you have any questions, please contact Joseph May, P.G., of this office, telephone (561) 681-6691.

Executed in West Palm Beach, Florida.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Jack Long
District Director
Southeast District
JL/LAB/JRM/jrm

Date

cc: Richard Deuerling, FDEP/TLH
Robert Renken, USGS/FLL
Nancy Marsh, USEPA/Reg IV
Barbara Linkiewicz, FPL-Juno Beach
Dave McNabb, McNabb Hydrogeological Consulting
Mike Halpin, SCA

Cathy McCarty, FDEP/TLH UIC Permitting File, FDEP/WPB
Steve Anderson, SFWMD
John Gnecco, FPL-Juno Beach
Marister Ruiz, FPL-Juno Beach
Jonathan Shaw, Golder Assoc.

CERTIFICATE OF SERVICE

This is to certify that this NOTICE OF PERMIT and all copies were mailed before the close of business on 06/05/07 to the listed persons.
Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to the §120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

James O. Stone
Clerk

06/05/07
Date



Department of Environmental Protection

Southeast District
400 N. Congress Avenue — Suite 200
West Palm Beach, Florida 33401

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

PERMITTEE:
Mr. Randall LaBauve, Vice President
FPL
700 Universe Blvd.
Juno Beach FL 33408

PERMIT/CERTIFICATION NUMBER: 247895-006-UC
DATE OF ISSUANCE: June 5, 2007
EXPIRATION DATE: June 4, 2012
COUNTY: Palm Beach
POSITION: 26° 41' 19" N / 80° 22' 28" W
PROJECT: FPL West County Energy
Center DZMW-1

PROJECT: Construction and testing of a dual zone monitoring well DZMW-1

This permit is issued under the provisions of Chapter 403.087, Florida Statutes, and Florida Administrative Code (F.A.C.) Rules 62-4, 62-520, 62-522, 62-528 and 62-550. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

TO CONSTRUCT AND TEST: The dual zone monitoring well, DZMW-1, shall be constructed to accommodate anticipated Class I injection well monitoring should Class I injection prove feasible at the location of the Class V exploratory injection well EW-2. The upper monitoring zone will be positioned at or near the base of the Underground Source of Drinking Water (USDW) and the lower zone will be placed below the upper zone but above the primary confining unit above the injection zone. This well will be of a telescoped design using steel casings with a fiberglass reinforced pipe (FRP) final casing.

The proposed design and approximate depths are: 34-inch steel surface casing from 0-200 feet bpl, 24-inch steel first intermediate casing from 0-935 feet below pad level (bpl), 16-inch steel second intermediate casing from 0-1940 feet bpl which provides the top of the upper monitoring interval, 6^{5/8}-inch FRP final casing from 0-2180 feet bpl, and a nominal 9-inch open interval to provide the lower monitoring interval. All casings are to have neat cement with up to 12% bentonite filled annuli. Casing setting depths and monitoring intervals are approximations for descriptive as well as planning purposes. Final determinations are to be made upon review of the Final Report of EW-2 and field results within the bore of DZMW-1. Monitoring zones will have an interval of 20 feet to 50 feet, contingent upon water flow to the bore. The upper monitoring zone is anticipated to be 1955-1975 feet below land bpl and the lower monitoring zone is anticipated to be 2160-2180 feet below pad level.

IN ACCORDANCE WITH: Application for a dual zone monitoring well construction and testing permit, received March 2, 2007 deemed complete as of April 30, 2007.

LOCATED AT: Adjacent to the FPL Corbett Substation. The facility is located at 20505 State Road 80, Loxahatchee, near the intersection of Southern Blvd. (i.e., SR 80) and the L-8 Canal (slightly east of Twenty Mile Bend on State Road 80) in Loxahatchee, Palm Beach County, Florida.

TO SERVE: FPL West County Energy Center.

SUBJECT TO: General Conditions 1-24 and Specific Conditions 1-8.

GENERAL CONDITIONS:

The following General Conditions are referenced in Florida Administrative Code Rule 62-528.307.

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit are "permit conditions" and are binding and enforceable pursuant to Section 403.141, F.S.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action.
3. As provided in Subsection 403.087(7), F.S., the issuance of this permit does not convey any vested rights or exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.
4. This permit conveys no title to land, water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
5. This permit does not relieve the permittee from liability for harm to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties there from; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, or are required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:
 - a. Have access to and copy any records that must be kept under conditions of this permit;
 - b. Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
 - c. Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

Reasonable time will depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:
 - a. A description of and cause of noncompliance; and
 - b. 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 the

recurrence of the noncompliance. The permittee 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 permit:

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is proscribed by Sections 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.
11. This permit is transferable only upon Department approval in accordance with Rules 62-4.120 and 62-528.350, F.A.C. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
12. This permit or a copy thereof shall be kept at the work site of the permitted activity.
13. The permittee shall comply with the following:
 - a. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records shall be extended automatically unless the Department determines that the records are no longer required.
 - b. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule. Since there is no facility at this site for the purposes of this permit then these records may be kept at the permittee's office in Juno Beach, FL or the Site office.
 - c. Records of monitoring information shall include:
 - 1) the date, exact place, and time of sampling or measurements;
 - 2) the person responsible for performing the sampling or measurements;
 - 3) the dates analyses were performed;
 - 4) the person responsible for performing the analyses;
 - 5) the analytical techniques or methods used
 - 6) the results of such analyses
 - d. The permittee shall furnish to the Department, within the time requested in writing, any information which the Department requests to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit.
 - e. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.
14. All applications, reports, or information required by the Department shall be certified as being true, accurate, and complete.

15. Reports of compliance or noncompliance with, or any progress reports on, requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each scheduled date.
16. Any permit noncompliance constitutes a violation of the Safe Drinking Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
17. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
18. The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this permit.
19. This permit may be modified, revoked and reissued, or terminated for cause, as provided in 40 C.F.R. Sections 144.39(a), 144.40(a), and 144.41 (1998). The filing of a request by the permittee for a permit modification, revocation or reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
20. The permittee shall retain all records of all monitoring information concerning the construction of the well until five years after completion of any plugging and abandonment procedures specified under Rule 62-528.435, F.A.C. The permittee shall deliver the records to the Department office that issued the permit at the conclusion of the retention period unless the permittee elects to continue retention of the records.
21. All reports and other submittals required to comply with this permit shall be signed by a person authorized under Rules 62-528.340(1) or (2), F.A.C. All reports shall contain the certification required in Rule 62-528.340(4), F.A.C.
22. The permittee shall notify the Department as soon as possible of any planned physical alterations or additions to the permitted facility. In addition, prior approval is required for activities described in Rule 62-528.410(1)(h).
23. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or injection activity that may result in noncompliance with permit requirements.
24. The permittee shall report any noncompliance which may endanger health or the environment including:
 - a. Any monitoring or other information which indicates that any contaminant may cause an endangerment to an underground source of drinking water; or
 - b. Any noncompliance with a permit condition or malfunction of the injection system which may cause fluid migration into or between underground sources of drinking water.

Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause, the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

Specific Conditions

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit are "permit conditions" and are binding and enforceable pursuant to Section 403.141, F.S.

- a. This permit is to construct and test a dual zone monitoring well, referred herein as DZMW-1.
- b. This permit approval is based upon evaluation of the data contained in the application and the plans and specifications submitted in support of the application. Any changes, except as provided elsewhere in this permit, must be approved by the Department before implementation.
- c. The permittee shall be subject to all requirements and regulations of Palm Beach County and the South Florida Water Management District regarding the construction and testing of this dual-zone monitoring well.
- d. Four surficial aquifer monitor wells, identified as Pad Monitor Wells (PMWs), shall be located near the corners of the pad to be constructed for the dual-zone monitoring well, and shall be identified by location number and pad location, i.e. DZMW-NW, DZMW-NE, DZMW-SW, and DZMW-SE. If located in a traffic area the well head(s) must be protected by traffic bearing enclosure(s) and cover(s). Each well must be specifically marked to identify the well and its purpose. The PMWs shall be sampled as follows:
 - 1) During the construction, the PMWs shall be sampled weekly for chlorides (mg/L), specific conductance ($\mu\text{mho}/\text{cm}$ or $\mu\text{S}/\text{cm}$), total dissolved solids, temperature and water level (relative to the North American Vertical Datum of 1988 [NAVD 88]).
 - 2) Initial PMW water quality analysis results shall be submitted prior to the onset of drilling activities.

The results of the PMW analyses shall be submitted to the Department within 30 days of the completion of the activity. A summary sheet from the FDEP Southeast District is attached for your use when reporting the above information. The PMWs shall be retained in service throughout the construction phase of the project.

- e. No fluid shall be injected.
 - f. If historical or archaeological artifacts, such as Indian canoes, are discovered at any time within the project site, the permittee shall notify the FDEP SED office in West Palm Beach and the Bureau of Historic Preservation, Division of Archives, History and Records Management, R. A. Gray Building, Tallahassee, Florida 32301, telephone number 850-487-2073.
2. Construction and Testing Requirements
 - a. Prior to the commencement of any work, the name of the Florida-licensed water well contractors supervising the drilling operations and the water well contractors' registration number shall be submitted to the Department. The permittee or the engineer of record shall provide the Department with copies of all required federal, state or local permits prior to spudding the dual-zone monitoring well.

- b. A Department approved blow-out prevention device shall be installed on the well prior to penetration of the Floridan Aquifer.
- c. The measurement points for drilling and logging operations shall be surveyed and referenced to the NAVD 88 prior to the onset of drilling activities for the dual-zone monitoring well.
- d. No drilling operations shall begin without an approved disposal site for drilling fluids, cuttings, or waste. It shall be the permittee's responsibility to obtain any necessary Department and local agency approvals for disposal prior to the start of construction. Any formation waters discharged to surface or surficial aquifer waters during an aquifer performance test shall require an Industrial Wastewater permit from the Department, unless otherwise authorized.
- e. The Department shall be notified within forty-eight (48) hours after work has commenced.
- f. Hurricane Preparedness — Upon the issuance of a "Hurricane Watch" by the National Weather Service, the preparations to be made include but are not necessarily limited to the following:
 - 1) Secure all on-site salt and stockpiled additive materials to prevent surface and/or groundwater contamination.
 - 2) Properly secure drilling equipment and rig(s) to prevent damage to well(s) and on-site treatment process equipment.
- g. Waters spilled during construction or testing of the dual-zone monitoring well shall be contained and properly disposed.
- h. Department approval and UIC-TAC review is required prior to the following stages of construction:
 - 1) Spud date for the well
 - 2) Each casing landing
 - 3) Monitoring zone interval determination.
- i. The drilling and geophysical logging program, during the drilling of the dual-zone monitoring well, shall at a minimum include:
 - 1) Install a 44-inch steel pit casing from approximately 0-40 feet bpl.
 - 2) Ream a nominal 44-inch diameter hole using the mud rotary method from the landing of the pit casing to approximately 200 feet bpl, conducting inclination surveys every 90 feet. Perform the following logging techniques prior to reaming:
 - X-Y caliper
 - Natural gamma ray
 - 3) Install and cement in place 34-inch diameter steel casing. Run temperature log after each lift.

- 4) Drill a nominal 12-inch diameter pilot hole using the mud rotary method from approximately 200 feet bpl to approximately 935 feet bpl. Conduct inclination surveys every 90 feet and perform the following logging techniques:
 - X-Y caliper
 - Natural gamma ray
 - Dual-induction
- 5) Install and cement in place 24-inch steel casing to approximately 935 feet bpl. Conduct temperature survey after each lift.
- 6) Drill a nominal 12-inch diameter pilot hole by the reverse-air circulation method to approximately 2160 feet bpl. Drill a 9-inch diameter borehole from 2160 to 2180 feet bpl. Conduct inclination surveys every 90 feet and perform the following logging techniques:
 - X-Y caliper
 - Dual-induction
 - Borehole-Compensated Sonic — VDL
 - Gamma ray
 - Temperature/Differential temperature
 - Fluid resistivity
 - Flowmeter
 - Temperature/Differential temperature (dynamic conditions)
 - Fluid resistivity (dynamic conditions)
 - Flowmeter (dynamic conditions)
- 7) Ream a nominal 24-inch diameter borehole by the reverse-air circulation method from the bottom of the 24-inch diameter casing to the top of the upper monitoring zone at approximately 1955 feet bpl. Conduct inclination surveys at 90-foot intervals during reaming.
- 8) Install and cement in place a 16-inch, steel casing to the top of the upper monitoring zone at approximately 1955 feet bpl. Conduct a temperature log after each lift.
- 9) Conduct a pressure test on the 16-inch diameter casing.
- 10) Ream a nominal 16-inch diameter borehole by the reverse-air circulation method from 1955 to 2160 feet bpl. Clean out the 9-inch diameter borehole from 2160 to 2180 feet bpl. Conduct inclination surveys every 90 feet and perform the following logging techniques:
 - X-Y caliper
 - Gamma ray
- 11) Set 6⁵/₈ -inch FRP tubing with external casing packer to the top of the lower monitoring zone at approximately 2160 feet bpl. Place cement from approximately 1975 feet to 2160 feet bpl. Run a temperature log after each lift, and a CBL-VDL and video survey after cementing.
- 12) Conduct a pressure test on 6⁵/₈ -inch FRP tubing.

13) Develop the monitoring well.

- j. The depth of the USDW and background water quality shall be determined during drilling and testing. This determination shall be accomplished, analyzed, and interpreted using, at least, the following information:

- 1) Water sample analysis results from packer testing
- 2) Packer test hydraulic testing data.
- 3) Geophysical logging data.

- k. Packer testing shall be accomplished to assist in identifying the base of the USDW as well in each proposed monitoring interval, for a minimum of three tests. Water quality sampling shall also be incorporated.

l. Testing:

- 1) Injection is prohibited as this is a dual-zone monitoring well.
- 2) The Department shall be notified at least seventy-two (72) hours prior to all testing.

- m. UIC-TAC meetings are scheduled on the 2nd and 4th Tuesday of each month subject to a five working day prior notice and timely receipt of critical data by all UIC-TAC members. Emergency meetings may be arranged when justified to avoid undue construction delays.

- n. Department approval at a scheduled UIC-TAC meeting shall be based on the permittee's presentation that shows compliance with Department rules and this permit.

- o. No fluids shall be injected with the exception of fluids used while drilling operations are under way.

3. Quality Assurance/Quality Control Requirements

- a. The permittee shall ensure that the construction of this facility shall be as described in the application and supporting documents. Any proposed modifications to this permit shall be submitted in writing to the Underground Injection Control program manager for review and clearance prior to implementation. Changes of negligible impact to the environment and staff time will be reviewed by the program manager, cleared when appropriate and incorporated into this permit. Changes or modifications other than those described above will require submission of a completed application and appropriate processing fee as per Rule 62-4.050, F.A.C.
- b. A Florida registered professional engineer, pursuant to Chapter 471, Florida Statutes (F.S.), shall be retained throughout the construction period and operational testing to be responsible for the construction and operation and to certify the application, specifications and completion report and other related documents, pursuant to Rule 62-528.440(5), F.A.C. A professional engineer or professional geologist, pursuant to Chapter 492, F.S., shall provide monitoring of the drilling and testing operation. The permittee shall notify the Department immediately of any change of the Engineer of Record or Geologist of Record.

- c. In accordance with Chapter 492, Florida Statutes, all documents prepared for the geological/hydrogeological evaluation of the dual-zone monitor well shall be signed and sealed by a Florida Licensed Professional Geologist or qualified Florida Licensed Professional Engineer.
- d. All water quality samples required in this permit shall be collected and analyzed in accordance with Department Standard Operating Procedures (SOP), pursuant to the FDEP Quality Assurance, Chapter 62-160, F.A.C. The various components of the collection of the FDEP SOPs are found in DEP-SOP-001/01 (Field Procedures) and DEP-SOP-002/-1 (Laboratory Procedures).
- e. Continuous on-site supervision by qualified personnel (engineer or geologist) is required during all drilling, testing, geophysical logging and cementing operations.
- f. The permittee shall calibrate all pressure gauge(s), flow meter(s) and other related measurement equipment associated with the injection well system on a semi-annual basis. The permittee shall maintain all monitoring equipment and shall ensure that the monitoring equipment is calibrated and in proper operating condition at all times. Laboratory equipment, methods, and quality control will follow EPA guidelines as expressed in Standard Methods for the Examination of Water and Wastewater. The pressure gauge(s), flow meter(s) and other related measurement equipment associated with the injection well system shall be calibrated using standard engineering methods.
- g. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures.

4. Reporting Requirements

- a. This project shall be monitored by the Department of the TAC, which consists of representatives of the following agencies:
 - Department of Environmental Protection, West Palm Beach
 - Department of Environmental Protection, Tallahassee
 - South Florida Water Management District (SFWMD), West Palm Beach
 - USGS–Fort Lauderdale office, Final Report only
- b. The permittee shall provide copies of all correspondence relative to this permit to each member of the UIC-TAC. Such correspondence includes but is not limited to reports, schedules, analyses and geophysical logs required by the Department under the terms of this permit. The permittee is not required to provide specific correspondence to any TAC member who submits to the permittee a written request to be omitted as a recipient of specific correspondence.
- c. Throughout the construction period allowed by this permit, daily progress reports shall be submitted to the Department, and the TAC each week. The reporting period shall run Friday through Thursday and reports shall be mailed on Friday of each week. The weekly progress reports, certified by a Florida Licensed Professional Geologist or qualified Florida Licensed Professional Engineer, pursuant to S.C.s 3.b. and 7.a., and shall include at a minimum the following information:
 - 1) A cover letter summarizing each week's activities and a projection of activities for the next reporting period;
 - 2) Description of daily footage drilled by diameter of bit or size of hole opener or reamer being used;

- 3) Description of work during installation and cementing of casing, including amounts of casing and cement used. Details of cementing operations shall include the number of cementing stages, and the following information for each stage of cementing: cement slurry composition, specific gravity, pumping rate, volume of cement pumped, theoretical fill depth, and actual tag depth. From both the physical tag and the geophysical logs, a percent fill shall be calculated. An explanation of any deviation between actual versus theoretical fill shall be provided;
 - 4) Daily engineers report and driller's log with detailed descriptions of all drilling progress, cementing, testing, logging, and casing installation activities;
 - 5) Lithologic log with cuttings description, formation and depth encountered;
 - 6) Collection of drilling cuttings at least every 10 feet and at every formation change;
 - 7) Well development records;
 - 8) Water quality analyses, including but not limited to the weekly water quality analysis and water levels for the four PMWs;
 - 9) Description of work and type of testing accomplished including geophysical and video logs and pumping tests;
 - 10) Description of any construction problems that developed during the reporting period and current status;
 - 11) Copies of the driller's log;
 - 12) Description of any deviation survey conducted;
 - 13) Details of any packer tests, pump tests and core analyses; and
 - 14) Details of the additions of salt or other materials to suppress well flow, and include the date, depth and amount of material used.
- d. If any problem develops that may seriously hinder compliance with this permit, construction progress or good construction practice, the Department shall be notified immediately. The Department may require a detailed written report describing what problems have occurred, the remedial measures applied to assure compliance and the measures taken to prevent recurrence of the problem.
- e. Abnormal Events
- 1) In the event the permittee is temporarily unable to comply with any conditions of this permit due to breakdown of equipment, power outages, destruction by hazard of fire, wind or by other cause, the permittee shall notify the Department. Notification shall be made in person, by telephone or by electronic mail within 24 hours of breakdown or malfunction to the UIC Program staff, SED office in West Palm Beach.

- 2) A written report of any noncompliance referenced in Specific Condition (S.C.) 4.e above shall be submitted to the SED office within five days after discovery of the occurrence. The report shall describe the nature and cause of the breakdown or malfunction, the steps being taken or planned to be taken to correct the problem and prevent its reoccurrence, emergency procedures in use pending correction of the problem, and the time when the facility will again be operating in accordance with permit conditions.
- f. An interpretation of all test results must be submitted with all submittals.
 - g. Within 30 days of well completion of DZMW-1, the permittee or the authorized representative shall submit to the Department the following information:
 - 1) Certification of Monitor Well Completion, DEP Form 62-528.900(10);
 - h. Upon completion of construction of the well, a complete set of as-built engineering drawings (Florida registered P.E. signed and sealed) shall be submitted to the Department's SED office in West Palm Beach and Tallahassee UIC Program.
 - i. After completion of construction and testing of the well, the following requirements shall apply:
 - 1) A final engineering report shall be submitted to the Department, the UIC-TAC. The report shall include, but not be limited to, all information and data collected under Rules 62-528.605, 62-528.615, and 62-528.635, F.A.C., with appropriate interpretations. Mill certificates for the casings shall be included in the report. This report shall also be signed and sealed by a Florida licensed professional engineer and professional geologist. At this time, a recommendation to properly plug and abandon the pad monitoring wells may be made.
 - 2) The permittee shall contact the UIC Section of the Department of Environmental Protection in Tallahassee to arrange for the transfer, at the permittee's expense, of the following items to the State Geologist at the Florida Geological Survey, 903 West Tennessee Street, Tallahassee, Florida 32304-7707:
 - a) Cuttings obtained during well construction;
 - b) Any cores obtained during well construction when no longer needed by the permittee;
 - c) Any water samples collected during packer testing and final background water sampling;
 - d) Any geophysical logs run during well construction; and
 - e) A copy of the final report described in S.C. 4.i.1) above.
 - 3) Surface equipment completion certification or certification of interim completion for the purposes of testing;
 - 4) Signed and sealed record (as-built) engineering drawings of all well construction, subsurface and surface equipment, and appurtenances. The drawings shall include but not be limited to the wellhead, subsurface well components;

5) All other applicable permits;

- j. The Department shall conduct an inspection of the facility to determine if the conditions of this permit have been met. FPL shall contact the Underground Injection Control Section of the Department, SED, to arrange for the site inspection. The inspection will determine if all equipment necessary for DZMW-1 is in compliance with the permit and Department rules. During the inspection, reporting requirements shall be reviewed.
 - 1) A minimum of three well volumes of fluid shall be evacuated prior to sampling for water quality parameters. A State-certified laboratory shall analyze all samples. Sufficient purging shall have occurred when either of the following have occurred:
 - a) pH, specific conductance and temperature when sampled, upon purging the third or subsequent well volume, each vary less than 5% from that sampled upon purging the previous well volume; or
 - b) upon purging the fifth well volume.
 - 2) Alternative sampling methodology may be proposed for Departmental review and approval prior to actual sampling.
 - 3) All well system data submittals shall be clearly identified on each page with: facility name, I.D. Number, permit number, date of sampling/recording, and type of data.

5. Surface Equipment

- a. The integrity of the sampling system shall be maintained at all times. Sampling line(s) shall be clearly and unambiguously identified at the point at which samples are drawn. All reasonable and prudent precautions shall be taken to ensure that samples are properly identified and that samples obtained are representative. Sampling lines and equipment shall be kept free of contamination with independent discharges and no interconnections with any other lines.
- b. The surface equipment for the well system shall maintain access for logging and testing, and reliability and flexibility in the event of damage to the well and piping. A regular program of exercising the valves integral to the wellhead shall be instituted. At a minimum, all valves integral to the wellhead shall be exercised at the time of each cycle change.
- c. The well surface equipment and piping shall be kept free of corrosion at all times.
- d. Spillage onto the well pad during construction activities, and any waters spilled during testing, other maintenance, testing or repairs to the system shall be contained by an impermeable structure around the edge of the pad and disposed of via approved and permitted methods.
- e. The four surficial aquifer monitor wells installed at the corners of the well pad shall be secured, maintained, and retained in service throughout the construction phase of the project. The permittee may submit a request to the Department for cessation of sampling followed by capping, or plugging and abandonment of these wells.

6. Plugging and Abandonment and Alternate Use Plans

- a. Permittees who are unable to operate the well to meet its intended purpose shall within 180 days of FDEP notification:
- 1) Submit a plugging and abandonment permit application in accordance with Rules 62-528.625 and 62-528.645, F.A.C., or
 - 2) Submit an alternate use plan for the well. Alternate use may commence after the plan has been approved by the Department, including any necessary permit or permit modifications as required by the Department or any other agency, or
 - 3) Implement the plugging and abandonment plan.

7. Signatories

- a. All reports and other submittals required to comply with this permit shall be signed by a person authorized under Rules 62-528.340(1) or (2), F.A.C.
- b. In accordance with Rule 62-528.340(4), F.A.C., all reports and submittals shall contain the following certification signed by a person authorized under Rules 62-528.340(1) or (2), F.A.C. or be included under such certification as may have been previously provided (i.e., responses to a Request for Information (RFI) which are simple clarifications are thereby certified):

"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."

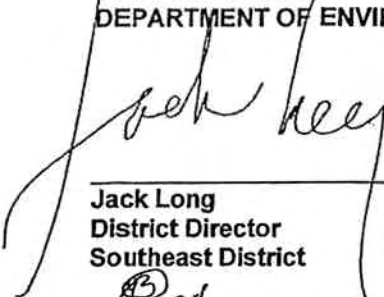
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8. Permit Extension(s) and Renewal(s)

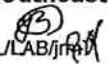
- a. Pursuant to Rule 62-4.080(3), a permittee may request that a permit be extended as a modification of an existing permit. A request for an extension is the responsibility of the permittee and shall be submitted to the Department before the expiration of the permit. In accordance with Rule 62-4.070(4), F.A.C., a permit cannot be extended beyond the maximum 5-year statutory limit.

Issued this 05 day of June, 2007

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Jack Long
District Director
Southeast District


JLLAB/rt

**Underground Injection Control Exploratory Well Permit – EW1
and
Conversion to South Florida Water Management District Monitoring Well**



Department of Environmental Protection

Jeb Bush
Governor

Southeast District
400 N. Congress Avenue — Suite 200
West Palm Beach, Florida 33401

Colleen M. Castille
Secretary

NOTICE OF PERMIT January 11, 2006

Mr. Randall LaBauve, Vice President
FPL
700 Universe Blvd.
Juno Beach FL 33408

UIC – FPL West County Energy Center,
Class I Exploratory Well and Dual Zone Monitoring Well
File: 247895-001-UC

Dear Mr. LaBauve:

Enclosed is Permit Number 247895-001-UC, to construct a Class I exploratory well (DZMW-1) to be located at the FPL West County Energy Center (WCEC) near the intersection of Southern Blvd. (SR 80) and the L-8 Canal in Loxahatchee, Palm Beach County. This permit is issued pursuant to Section(s) 403.087, Florida Statutes and Florida Administrative Codes 62-4, 62-520, 62-522, 62-528 and 62-550.

Any party to this Order (permit) has the right to seek judicial review of the permit pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, Mail Stop 35, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this Notice is filed with the Clerk of the Department.

Should you have any questions, please contact Joseph May, P.G., of this office, telephone (561) 681-6691.

Executed in West Palm Beach, Florida.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Kevin R. Neal

1/10/06

Date

Kevin R. Neal
District Director
Southeast District

KRN/LAH/JRM/jrm

cc: Richard Deuerling, FDEP/TLH
Robert Renken, USGS/FLL
Nancy Marsh, USEPA/Reg IV
Jonathan Shaw, Golder Assoc.

Joe Haberfeld, FDEP/TLH
Ron Reese, USGS/FLL
John Gnecco, FPL-Juno Beach

UIC Permitting File, FDEP/WPB
Steve Anderson, SFWMD
Barbara Linkiewicz, FPL-Juno Beach

CERTIFICATE OF SERVICE

This is to certify that this NOTICE OF PERMIT and all copies were mailed before the close of business on
1/11/06 to the listed persons.

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to the §120.52, Florida Statutes, with the designated
Department Clerk, receipt of which is hereby acknowledged.

[Signature]
Clerk

1/11/06
Date



Department of Environmental Protection

Jeb Bush
Governor

Southeast District
400 N. Congress Avenue—Suite 200
West Palm Beach, Florida 33401

Colleen M. Castille
Secretary

PERMITTEE:
Mr. Randall LaBauve, Vice President
FPL
700 Universe Blvd.
Juno Beach FL 33413

PERMIT/CERTIFICATION NUMBER: 247895-001-UC
DATE OF ISSUANCE: 1/11/06
EXPIRATION DATE: 1/10/09
COUNTY: Palm Beach
POSITION: 26° 42' 30" N / 80° 22' 30" W
PROJECT: FPL West Energy County Center Class I Exploratory
Well Construction and Testing DZMW-1

PROJECT: Construction and testing of a Class I exploratory well and associated dual zone monitoring well.

This permit is issued under the provisions of Chapter 403.087, Florida Statutes, and Florida Administrative Code (F.A.C.) Rules 62-4, 62-520, 62-522, 62-528 and 62-550. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

TO CONSTRUCT AND TEST: The Class I Exploratory Well and Dual Zone Monitoring Well (DZMW-1) shall be constructed to first explore to approximately 3200 feet below pad level (bpl) with a design that includes an inner tubing supported by a bridge plug to finish the well as a dual zone monitoring well. A 6⁵/₈-inch inside diameter (I.D.), 0.335-inch thick fiberglass reinforced plastic (FRP) casing will be installed within a 12-inch diameter (I.D.) steel casing to allow for monitoring of the upper zone above 1950 feet below pad level (bpl) and the lower zone between 2000 and 2200 feet bpl, subject to field conditions.

The conceptual design of the Class I injection well has a planned depth of the packer center point is approximately 2750 feet bpl. The injection interval shall be within the "Boulder Zone" in the lower Oldsmar Formation, and is preliminarily planned between approximately 2800 feet and the total depth of the well at 3200 feet bpl. The confinement of the injection zone from overlying underground source of drinking water (USDW) aquifers and fluid movement adjacent to the bore of the injection well will be monitored by two monitoring zones in DZMW-1. The lower interval shall be positioned in a transmissive interval below the USDW at an appropriate point, above the injection interval and lowermost confining unit, to monitor for reasonable assurance with regard to the earliest indication of vertical confinement of injected fluids, should that occur, as well as external mechanical integrity of the injection well. The upper interval shall be positioned in a transmissive interval in immediate proximity to the base of the USDW. Final depth of each casing and range of each interval for the well will be determined during construction and field-testing, subject to approval by the Department.

IN ACCORDANCE WITH: Application for a Class I exploratory well construction and testing permit, received April 14, 2005; Request for Information (RFI) dated June 21, 2005; Response to RFI-1 received July 12, 2005; application deemed complete as of August 15, 2005; and publication of the Notice of Draft Permit 247895-001-UC in the Palm Beach Post newspaper on December 9, 2005.

LOCATED AT: The FPL Corbett Substation near the intersection of Southern Blvd. (i.e., SR 80) and the L-8 Canal (slightly east of Twenty Mile Bend on State Road 80) in Loxahatchee, Palm Beach County, Florida.

TO SERVE: FPL West County Energy Complex.

SUBJECT TO: General Conditions 1-24 and Specific Conditions 1-10.

GENERAL CONDITIONS:

The following General Conditions are referenced in Florida Administrative Code Rule 62-528.307.

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit are "permit conditions" and are binding and enforceable pursuant to Section 403.141, F.S.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action.
3. As provided in Subsection 403.087(7), F.S., the issuance of this permit does not convey any vested rights or exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.
4. This permit conveys no title to land, water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
5. This permit does not relieve the permittee from liability for harm to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefrom; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, or are required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:
 - a. Have access to and copy any records that must be kept under conditions of this permit;
 - b. Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
 - c. Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

Reasonable time will depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:
 - a. A description of and cause of noncompliance; and
 - b. 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 the recurrence of the noncompliance. The permittee 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 permit.

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is proscribed by Sections 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.
11. This permit is transferable only upon Department approval in accordance with Rules 62-4.120 and 62-528.350, F.A.C. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
12. This permit or a copy thereof shall be kept at the work site of the permitted activity.
13. The permittee shall comply with the following:
 - a. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records shall be extended automatically unless the Department determines that the records are no longer required.
 - b. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule. Since there is no facility at this site for the purposes of this permit then these records may be kept at the permittee's office in Juno Beach, FL.
 - c. Records of monitoring information shall include:
 - 1) the date, exact place, and time of sampling or measurements;
 - 2) the person responsible for performing the sampling or measurements;
 - 3) the dates analyses were performed;
 - 4) the person responsible for performing the analyses;
 - 5) the analytical techniques or methods used
 - 6) the results of such analyses
 - d. The permittee shall furnish to the Department, within the time requested in writing, any information which the Department requests to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit.
 - e. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.
14. All applications, reports, or information required by the Department shall be certified as being true, accurate, and complete.
15. Reports of compliance or noncompliance with, or any progress reports on, requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each scheduled date.
16. Any permit noncompliance constitutes a violation of the Safe Drinking Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
17. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

18. The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this permit.
19. This permit may be modified, revoked and reissued, or terminated for cause, as provided in 40 C.F.R. Sections 144.39(a), 144.40(a), and 144.41 (1998). The filing of a request by the permittee for a permit modification, revocation or reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
20. The permittee shall retain all records of all monitoring information concerning the construction of the well until five years after completion of any plugging and abandonment procedures specified under Rule 62-528.435, F.A.C. The permittee shall deliver the records to the Department office that issued the permit at the conclusion of the retention period unless the permittee elects to continue retention of the records.
21. All reports and other submittals required to comply with this permit shall be signed by a person authorized under Rules 62-528.340(1) or (2), F.A.C. All reports shall contain the certification required in Rule 62-528.340(4), F.A.C.
22. The permittee shall notify the Department as soon as possible of any planned physical alterations or additions to the permitted facility. In addition, prior approval is required for activities described in Rule 62-528.410(1)(h).
23. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or injection activity that may result in noncompliance with permit requirements.
24. The permittee shall report any noncompliance which may endanger health or the environment including:
 - a. Any monitoring or other information which indicates that any contaminant may cause an endangerment to an underground source of drinking water; or
 - b. Any noncompliance with a permit condition or malfunction of the injection system which may cause fluid migration into or between underground sources of drinking water.

Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause, the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

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General Requirements

- a. This permit is to construct and test a Class I exploratory well and associated dual zone monitoring well, referred herein as DZMW-1.
 - b. This permit approval is based upon evaluation of the data contained in the application and the plans and specifications submitted in support of the application. Any changes, except as provided elsewhere in this permit, must be approved by the Department before implementation.
 - c. The permittee shall be subject to all requirements and regulations of Palm Beach County and the South Florida Water Management District regarding the construction and testing of this exploratory well.
 - d. Four surficial aquifer monitor wells, identified as Pad Monitor Wells (PMWs), shall be located near the corners of the pad to be constructed for the exploratory well, and shall be identified by location number and pad location, i.e. NW, NE, SW, and SE. If located in a traffic area the well head(s) must be protected by traffic bearing enclosure(s) and cover(s). Each cover must lock and be specifically marked to identify the well and its purpose. The PMWs shall be sampled as follows:
 - 1) During the construction and associated testing phases, the PMWs shall be sampled weekly for chlorides (mg/L), specific conductance ($\mu\text{mho/cm}$ or $\mu\text{S/cm}$), temperature and water level (relative to the North American Vertical Datum of 1988 [NAVD 88]).
 - 2) Initial PMW water quality analysis results shall be submitted prior to the onset of drilling activities.
 - 3) The PMWs shall also be sampled for total dissolved solids (mg/L) during the first four weeks of PMW sampling; prior to events as described under Item 4) below; and at all times when specifically requested by the Department.
 - 4) The PMWs shall be sampled 48 hours prior to any maintenance, testing (including mechanical integrity testing) or repairs to the system which represent an increased potential for accidental discharge to the surficial aquifer.
- The results of the PMW analyses shall be submitted to the Department within 30 days of the completion of the activity. A summary sheet from the FDEP Southeast District is attached for your use when reporting the above information. The PMWs shall be retained in service throughout the construction phase of the project.
- e. No fluid shall be injected without written authorization from the Department. The issuance of this construction and testing permit does not obligate the Department to authorize its operation, unless the well, monitoring system and surface appurtenances qualifies for an authorization. Note: exploratory wells do not inject as part of the testing program.
 - f. No underground injection is allowed that causes or allows movement of fluid into an underground source of drinking water if such fluid movement may cause a violation of any primary drinking water standard or may otherwise adversely affect the health of persons. Note: exploratory wells do not inject as part of the testing program.
 - g. If historical or archaeological artifacts, such as Indian canoes, are discovered at any time within the project site, the permittee shall notify the FDEP SED office in West Palm Beach and the Bureau of Historic Preservation, Division of Archives, History and Records Management, R. A. Gray Building, Tallahassee, Florida 32301, telephone number (850) 487-2073.

2. Construction and Testing Requirements

- a. Prior to the commencement of any work, the name of the Florida-licensed water well contractors supervising the drilling operations and the water well contractors' registration number shall be submitted to the Department. The permittee or the engineer of record shall provide the Department with copies of all required federal, state or local permits prior to spudding the exploratory well.
- b. Blow-out preventers shall be installed on the exploratory well and the dual zone monitoring well prior to penetration of the Floridan Aquifer.
- c. The measurement points for drilling and logging operations shall be surveyed and referenced to the NAVD 88 prior to the onset of drilling activities for the exploratory well.
- d. No drilling operations shall begin without an approved disposal site for drilling fluids, cuttings, or waste. It shall be the permittee's responsibility to obtain any necessary Department and local agency approvals for disposal prior to the start of construction. Any formation waters discharged to surface or surficial aquifer waters during an aquifer performance test shall require an Industrial Wastewater permit from the Department, unless otherwise authorized.
- e. The Department shall be notified within forty-eight (48) hours after work has commenced.
- f. Hurricane Preparedness — Upon the issuance of a "Hurricane Watch" by the National Weather Service, the preparations to be made include but are not necessarily limited to the following:
 - 1) Secure all on-site salt and stockpiled additive materials to prevent surface and/or groundwater contamination.
 - 2) Properly secure drilling equipment and rig(s) to prevent damage to well(s) and on-site treatment process equipment.
- g. Waters spilled during construction or testing of the exploratory well shall be contained and properly disposed.
- h. Department approval and UIC-TAC review is required prior to the following stages of construction:
 - 1) Spud date for the well
 - 2) Each casing landing
 - 3) Injection zone and monitoring zone intervals
 - 4) Plugging the open hole with cement to the bottom of the lower monitoring zone interval.
- i. The drilling and geophysical logging program, during the drilling of the exploratory well, shall at a minimum include:
 - 1) Drill a 40-inch diameter borehole using the mud rotary method from pad level to approximately 40 feet bpl. Perform the following logging techniques prior to installing and cementing the 36-inch conductor casing from 0–40 feet bpl:
 - X-Y caliper
 - Natural gamma ray
 - 2) Drill a 12-inch diameter pilot hole using the mud rotary method from the landing of the conductor casing to approximately 200 feet bpl, conducting inclination surveys every 90 feet. Perform the following logging techniques prior to subsequent reaming:

- X-Y caliper
 - Natural gamma ray
 - Dual induction
- 3) Ream the pilot hole to a nominal 36-inch diameter borehole using the mud rotary method, conducting inclination surveys every 90 feet, from bottom of conductor casing to approximately 200 feet bpl. Perform the following logging techniques:
- X-Y caliper
 - Natural gamma ray
- 4) Install and cement a 30-inch diameter steel outer casing from pad level to approximately 200 feet bpl, and perform the following logging techniques:
- Temperature log after each lift of cement
- 5) Drill a 12-inch diameter pilot hole using the mud rotary method from the landing of the outer casing to approximately 1000 feet bpl, conducting inclination surveys every 90 feet. Perform the following logging techniques prior to subsequent reaming:
- X-Y caliper
 - Natural gamma ray
 - Dual induction
- 6) Ream the pilot hole to a nominal 30-inch diameter borehole using the mud rotary method, conducting inclination surveys every 90 feet, from bottom of conductor casing to approximately 1000 feet bpl. Perform the following logging techniques:
- X-Y caliper
 - Natural gamma ray
- 7) Install and cement a 24-inch diameter intermediate steel casing from pad level to approximately 1000 feet bpl, and perform the following logging techniques:
- Temperature log after each lift of cement
- 8) Drill a 12-inch diameter pilot hole using the reverse air method from the landing of the intermediate casing to approximately 2000 feet bpl, conducting inclination surveys every 90 feet. Perform the following logging techniques prior to subsequent reaming:
- Static conditions
- X-Y caliper
 - Natural gamma ray
 - Dual induction
 - Borehole Compensated Sonic — VDL
 - Temperature with differential plot
 - Fluid Resistivity
 - Flowmeter
- Dynamic conditions
- Temperature with differential plot
 - Fluid resistivity
 - Flowmeter

A minimum of two and an anticipated maximum of 5 packer-pumping tests shall be performed between the depths of 1000 and 2000 feet bpl to determine the depth of the 10,000 mg/L TDS isopleth based upon field determined conditions. Note: Pumping logs shall be run to adequately stress the confining units to make them clearly identifiable.

- 9) Ream the pilot hole to a nominal 24-inch diameter borehole using the reverse air method, conducting inclination surveys every 90 feet, from bottom of intermediate casing to approximately 2200 feet bpl. Perform the following logging techniques:
 - X-Y caliper
 - Natural gamma ray
- 10) Install and cement a 12-inch diameter steel upper monitoring zone (final) casing from 12 to approximately 2000 feet bpl, and perform the following logging techniques:
 - Temperature log after each lift of cement
 - Cement Bond Log
 - Television Survey
- 11) Drill a 12-inch diameter pilot hole using the reverse air method from the landing of the upper monitoring zone casing to approximately 3200 feet bpl, conducting inclination surveys every 90 feet. Perform the following logging techniques prior to subsequent to completion of the lower monitoring zone:
 - X-Y caliper
 - Natural gamma ray
 - Dual induction

A minimum of four and an anticipated maximum of seven cores shall be collected between the depths of 2000 feet and 3200 feet bpl to investigate confinement characteristics. Additionally, a minimum of four and an anticipated maximum of seven straddle-packer pumping tests shall be performed for the same purpose.

- 12) Once the lower monitoring zone has been selected (anticipated to be a minimum of 2200 feet bpl but will likely be deeper if there is sufficient confinement), plug the lower portion of the pilot hole from total depth to the bottom of the lower monitoring zone using the approved procedure.
 - 13) Install the 6⁵/₈-inch FRP inner casing of 0.335 thickness with external casing packer and perform the following logging techniques:
 - Television survey
 - Temperature log
- j. Packer testing shall at a minimum include:
- 1) At least one packer test from each monitoring zone
 - 2) At least one packer test to reliably determine the base of the USDW.
 - 3) Water samples shall be collected from each packer test and analyzed, at a minimum, for: total dissolved solids, chlorides, specific conductance, sulfates, dissolved ammonia and total Kjeldhal nitrogen.

- k. The depth of the USDW and the background water quality of the monitoring zones shall be determined during drilling and testing. This determination shall be accomplished, analyzed, and interpreted using, at least, the following information:
 - 1) Water sample analysis results from packer testing
 - 2) Aquifer performance testing data.
 - 3) Geophysical logging data.
 - 4) Plots of sonic porosity and apparent fluid resistivity (R_{wa}). Interpretation shall also include calculations of the sonic porosity and the R_{wa} and the input parameters provided.
The lower monitoring zone shall be positioned in a suitably transmissive interval at an appropriate point above the injection interval, and the immediately overlying major confining unit, have a TDS concentration significantly greater than 10,000 mg/L with regard to TDS. The upper monitoring interval shall be located in immediate proximity to the base of the USDW. Final hydrogeological evaluation shall be done once all pertinent data and results have been submitted and incorporated in the proposal.
 - l. If effluent is encountered or suspected during drilling or testing, the Department shall be notified immediately by telephone, and subsequently in writing. Immediate precautionary measures shall be taken to prevent any upward fluid movement.
 - m. Upon completion of each monitoring well zone, background water quality sampling shall be performed to determine water quality characteristics (chlorides, conductivity, total dissolved solids, temperature and pH) as well as primary and secondary drinking water standards (Rule 62-550, F.A.C.), as attached.
 - n. Testing:
 - 1) Injection is prohibited as this is an exploratory well.
 - 2) The Department shall be notified at least seventy-two (72) hours prior to all testing.
 - o. UIC–TAC meetings are scheduled on the 2nd and 4th Tuesday of each month subject to a five working day prior notice and timely receipt of critical data by all UIC-TAC members and the USEPA, Region IV, Atlanta. Emergency meetings may be arranged when justified to avoid undue construction delays.
 - p. Department approval at a scheduled UIC–TAC meeting shall be based on the permittee's presentation that shows compliance with Department rules and this permit.
 - q. No fluids shall be injected with the exception of fluids used while drilling operations are under way.
3. Quality Assurance/Quality Control Requirements
- a. The permittee shall ensure that the construction of this facility shall be as described in the application and supporting documents. Any proposed modifications to this permit shall be submitted in writing to the Underground Injection Control program manager for review and clearance prior to implementation. Changes of negligible impact to the environment and staff time will be reviewed by the program manager, cleared when appropriate and incorporated into this permit. Changes or modifications other than those described above will require submission of a completed application and appropriate processing fee as per Rule 62-4.050, F.A.C.
 - b. A Florida registered professional engineer, pursuant to Chapter 471, Florida Statutes (F.S.), shall be retained throughout the construction period and operational testing to be responsible for the construction and operation and to certify the application, specifications and completion report and other related documents, pursuant to Rule 62-528.440(5), F.A.C. A professional engineer or professional

geologist, pursuant to Chapter 492, F.S., shall provide monitoring of the drilling and testing operation. The permittee shall notify the Department immediately of any change of the Engineer of Record or Geologist of Record.

- c. In accordance with Chapter 492, Florida Statutes, all documents prepared for the geological/hydrogeological evaluation of the exploratory well shall be signed and sealed by a Florida Licensed Professional Geologist or qualified Florida Licensed Professional Engineer.
- d. All water quality samples required in this permit shall be collected and analyzed in accordance with Department Standard Operating Procedures (SOP), pursuant to the FDEP Quality Assurance, Chapter 62-160, F.A.C. The various components of the collection of the FDEP SOPs are found in DEP-SOP-001/01 (Field Procedures) and DEP-SOP-002/-1 (Laboratory Procedures).
- e. Continuous on-site supervision by qualified personnel (engineer or geologist) is required during all drilling, testing, geophysical logging and cementing operations.
- f. The permittee shall calibrate all pressure gauge(s), flow meter(s) and other related measurement equipment associated with the injection well system on a semi-annual basis. The permittee shall maintain all monitoring equipment and shall ensure that the monitoring equipment is calibrated and in proper operating condition at all times. Laboratory equipment, methods, and quality control will follow EPA guidelines as expressed in Standard Methods for the Examination of Water and Wastewater. The pressure gauge(s), flow meter(s) and other related measurement equipment associated with the injection well system shall be calibrated using standard engineering methods.
- g. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures.

4. Reporting Requirements

- a. This project shall be monitored by the Department with the assistance of the EPA - Region 4 and the TAC, which consists of representatives of the following agencies:
 - Department of Environmental Protection, West Palm Beach and Tallahassee
 - South Florida Water Management District (SFWMD), West Palm Beach
 - United States Geological Survey (USGS), Miami
- b. The permittee shall provide copies of all correspondence relative to this permit to each member of the TAC and to the Atlanta office of EPA, Region IV. Such correspondence includes but is not limited to reports, schedules, analyses and geophysical logs required by the Department under the terms of this permit. The permittee is not required to provide specific correspondence to any TAC member who submits to the permittee a written request to be omitted as a recipient of specific correspondence.
- c. Throughout the construction period allowed by this permit, daily progress reports shall be submitted to the Department, the USEPA, and the TAC each week. The reporting period shall run Friday through Thursday and reports shall be mailed on Friday of each week. The weekly progress reports, certified by a Florida Licensed Professional Geologist or qualified Florida Licensed Professional Engineer, pursuant to S.C.s 3.b. and 7.a., and shall include at a minimum the following information:
 - 1) A cover letter summarizing each week's activities and a projection of activities for the next reporting period;
 - 2) Description of daily footage drilled by diameter of bit or size of hole opener or reamer being used;
 - 3) Description of work during installation and cementing of casing, including amounts of casing and cement used. Details of cementing operations shall include the number of cementing stages, and

the following information for each stage of cementing: cement slurry composition, specific gravity, pumping rate, volume of cement pumped, theoretical fill depth, and actual tag depth. From both the physical tag and the geophysical logs, a percent fill shall be calculated. An explanation of any deviation between actual versus theoretical fill shall be provided;

- 4) Daily engineers report and driller's log with detailed descriptions of all drilling progress, cementing, testing, logging, and casing installation activities;
 - 5) Lithologic log with cuttings description, formation and depth encountered;
 - 6) Collection of drilling cuttings at least every 10 feet and at every formation change, with 5 foot sampling starting 100 feet above and continuing through the injection zone;
 - 7) Well development records;
 - 8) Water quality analyses, including but not limited to the weekly water quality analysis and water levels for the four PMWs;
 - 9) Description of work and type of testing accomplished including geophysical and video logs and pumping tests;
 - 10) Description of any construction problems that developed during the reporting period and current status;
 - 11) Copies of the driller's log;
 - 12) Description of any deviation survey conducted;
 - 13) Details of any packer tests, pump tests and core analyses; and
 - 14) Details of the additions of salt or other materials to suppress well flow, and include the date, depth and amount of material used.
- d. If any problem develops that may seriously hinder compliance with this permit, construction progress or good construction practice, the Department shall be notified immediately. The Department may require a detailed written report describing what problems have occurred, the remedial measures applied to assure compliance and the measures taken to prevent recurrence of the problem.
- e. Abnormal Events
- 1) In the event the permittee is temporarily unable to comply with any conditions of this permit due to breakdown of equipment, power outages, destruction by hazard of fire, wind or by other cause, the permittee shall notify the Department. Notification shall be made in person, by telephone or by electronic mail within 24 hours of breakdown or malfunction to the UIC Program staff, SED office in West Palm Beach.
 - 2) A written report of any noncompliance referenced in Specific Condition (S.C.) 4.e above shall be submitted to the SED office within five days after discovery of the occurrence. The report shall describe the nature and cause of the breakdown or malfunction, the steps being taken or planned to be taken to correct the problem and prevent its reoccurrence, emergency procedures in use pending correction of the problem, and the time when the facility will again be operating in accordance with permit conditions.
- f. An interpretation of all test results must be submitted with all submittals.

- g. Within 30 days of well completion of Well DZMW-1, the permittee or the authorized representative shall submit to the Department the following information:
 - 1) Certification of Class I Well Construction Completion, DEP Form 62-528.900(4);
 - 2) A copy of the SFWMD permit to construct a well;
 - 3) A copy of the SFWMD's Well Completion Report.
- h. Upon completion of construction of the well, a complete set of as-built engineering drawings (Florida registered P.E. signed and sealed) shall be submitted to the Department's SED office in West Palm Beach and Tallahassee UIC Program.
- i. After completion of construction and testing of the well, the following requirements shall apply:
 - 1) A final engineering report shall be submitted to the Department, the TAC and to the Atlanta office of EPA, Region IV. The report shall include, but not be limited to, all information and data collected under Rules 62-528.605, 62-528.615, and 62-528.635, F.A.C., with appropriate interpretations. Mill certificates for the casings shall be included in the report. To the extent possible, the transmissivity and storativity of the injection zone and the maximum capacity within safe pressure limits shall be estimated. This report shall also be signed and sealed by a Florida licensed professional engineer and professional geologist. At this time, a recommendation to properly plug and abandon the pad monitoring wells may be made.
 - 2) The permittee shall contact the UIC Section of the Department of Environmental Protection in Tallahassee to arrange for the transfer of the following items to the State Geologist at the Florida Geological Survey, 903 West Tennessee Street, Tallahassee, Florida 32304-7707:
 - a) Cuttings obtained during well construction;
 - b) Any cores obtained during well construction when no longer needed by the permittee;
 - c) Any water samples collected;
 - d) Any geophysical logs run during well construction; and
 - e) A copy of the final report described in S.C. 4.i.1) above.
- j. The Florida Geological Survey (FGS) is currently involved in a study that is investigating the upper Floridan aquifer. For this reason, it is requested that several 500ml samples of ambient ground water be collected from the monitoring zone intervals where the interval/packer tests will be conducted for FGS analyses. Dr. Jon Arthur at the FGS will arrange for the samples to be collected, and can be contacted at the Hydrogeological Investigations Section, Florida Geological Survey at 903 West Tennessee Street, Tallahassee FL 32304-7700, phone number (850) 488-9380. The samples may be delivered to the SED office's UIC program if not delivered directly to the FGS.
- k. A 2½ gallon sample of formation fluid may also be requested for collection from the completed well, or zones. Samples should be labeled with the well number, depth of sample, and collection method. Dr. Jon Arthur at the FGS will arrange for the samples to be collected and can be contacted at the Hydrogeological Investigations Program, Florida Geological Survey at 903 West Tennessee Street, Tallahassee FL 32304-7700, phone number (850) 488-9380. The samples may be delivered to the SED office's UIC program if not delivered directly to the FGS.
 - 1) Surface equipment completion certification or certification of interim completion for the purposes of testing;

- 2) Signed and sealed record (as-built) engineering drawings of all well construction, subsurface and surface equipment, and appurtenances. The drawings shall include but not be limited to the wellhead, subsurface well components, and the location of permanent sampling points for both the injectate and the recovered waters;
 - 3) All other applicable permits;
- I. The Department shall conduct an inspection of the facility to determine if the conditions of this permit have been met. FPL shall contact the Underground Injection Control Section of the Department, SED, to arrange for the site inspection. The inspection will determine if all equipment necessary to operate and DZMW-1 is in compliance with the permit and Department rules has been installed. During the inspection, reporting requirements shall be reviewed.
- 1) A minimum of three well volumes of fluid shall be evacuated from the monitoring zones prior to sampling for water quality parameters. A State-certified laboratory shall analyze all samples. Sufficient purging shall have occurred when either of the following have occurred:
 - a) pH, specific conductivity and temperature when sampled, upon purging the third or subsequent well volume, each vary less than 5% from that sampled upon purging the previous well volume; or
 - b) upon purging the fifth well volume.
 - 2) All well system data submissions, shall be clearly identified on each page with: facility name, I.D. Number, permit number, date of sampling/recording, and type of data.
5. Surface Equipment
- a. The integrity of the sampling system shall be maintained at all times. Sampling line(s) shall be clearly and unambiguously identified at the point at which samples are drawn. All reasonable and prudent precautions shall be taken to ensure that samples are properly identified and that samples obtained are representative. Sampling lines and equipment shall be kept free of contamination with independent discharges and no interconnections with any other lines.
 - b. The surface equipment for the well system shall maintain access for logging and testing, and reliability and flexibility in the event of damage to the well and piping. A regular program of exercising the valves integral to the wellhead shall be instituted. At a minimum, all valves integral to the wellhead shall be exercised at the time of each cycle change.
 - c. The well surface equipment and piping shall be kept free of corrosion at all times.
 - d. Spillage onto the well pad during construction activities, and any waters spilled during testing, other maintenance, testing or repairs to the system shall be contained by an impermeable structure around the edge of the pad and disposed of via approved and permitted methods.
 - e. The four surficial aquifer monitor wells installed at the corners of the well pad shall be secured, maintained, and retained in service throughout the construction phase of the project. The permittee may submit a request to the Department for cessation of sampling followed by capping, or plugging and abandonment of these wells.

6. Plugging and Abandonment and Alternate Use Plans

- a. Permittees who are unable to operate the well to meet its intended purpose shall within 180 days of FDEP notification:
 - 1) Submit a plugging and abandonment permit application in accordance with Rules 62-528.625 and 62-528.645, F.A.C., or
 - 2) Submit an alternate use plan for the well. Alternate use may commence after the plan has been approved by the Department, including any necessary permit or permit modifications as required by the Department or any other agency, or
 - 3) Implement the plugging and abandonment plan.

7. Signatories

- a. All reports and other submittals required to comply with this permit shall be signed by a person authorized under Rules 62-528.340(1) or (2), F.A.C.
- b. In accordance with Rule 62-528.340(4), F.A.C., all reports and submittals shall contain the following certification signed by a person authorized under Rules 62-528.340(1) or (2), F.A.C. or be included under such certification as may have been previously provided (i.e., responses to a Request for Information (RFI) which are simple clarifications are thereby certified):

"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."

8. Permit Extension(s) and Renewal(s)

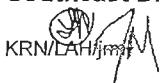
- a. Pursuant to Rule 62-4.080(3), a permittee may request that a permit be extended as a modification of an existing permit. A request for an extension is the responsibility of the permittee and shall be submitted to the Department before the expiration of the permit. In accordance with Rule 62-4.070(4), F.A.C., a permit cannot be extended beyond the maximum 5-year statutory limit.

Issued this 11th day of January, 2006

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Kevin R. Neal
District Director
Southeast District


KRNLAH/jms

Conversion



Department of Environmental Protection

Jeb Bush
Governor

Southeast District
400 N. Congress Avenue — Suite 200
West Palm Beach, Florida 33401

Colleen M. Castille
Secretary

ELECTRONIC CORRESPONDENCE

10 August 2006

Mr. Randall LaBauve, Vice President
FPL
700 Universe Blvd.
Juno Beach FL 33408

PALM BEACH COUNTY
UIC - FPL West County Energy Complex
Class I Exploratory Well Construction and Testing
Position: 26° 42' 30" N / 80° 22' 30" W

Subject: **Minor Modification** to FDEP Permit 0247895-001-UC, to convert the exploratory well to a monitoring well for a potable well field monitoring

Dear Mr. LaBauve:

This letter acknowledges the August 2, 2006 receipt of your application for minor modification to the referenced permit. The FPL application for modification proposes to isolate the open hole interval of the well bore by the use of a lower bridge plug and an upper bridge plug with a cemented interval from 1960 feet below land surface (bls) upwards to 1200 feet bls with neat cement. Once the cement has been properly tagged and accepted the casing may then be perforated, the monitoring zone conditioned and an FRP liner cemented within the inner casing for more represented and efficient sampling. Upon approval of the final report this well will no longer be under the auspice of the UIC program.

The following procedure shall be used for the ultimate utilization of potable monitoring well DMZ-1.

1. Install a bridge plug or cement plug within the interval of 2214 to 2206 feet bls to isolate the interval below 2214 feet bls from the interval above 2206 feet bls.
2. Install a mechanical bridge plug at the depth of 1960 feet bls to isolate the fractured intervals between 2206 and 1970 feet bls from the non fractured intervals above 1960 feet bls.
3. Cement the interval from 1960 to 1200 feet bls with ASTM C150, Type II neat cement in accordance with the exploratory well cementing specifications and the exploratory well permit.
4. Tag cement and request FDEP approval of cementing completion prior to additional well work.
5. Ensure there are no radio communications or stray electrical currents within 300 feet of the exploratory well and perforating gun staging area. Conduct a safety meeting prior to unloading perforating gun and/or any explosive materials. When all key personnel for the perforating procedure are on site, block site access in order to prevent vehicle traffic within 500 feet of the exploratory well/perforating gun staging area. Site access shall remain blocked until the perforating procedure has been completed. All cell phones shall be shut off for the entire perforating procedure.
6. Perforate the 12-inch casing using an 11-foot long, 7-inch diameter scalloped perforating gun with Super Deep Penetrating charges. A minimum of 12 charges per foot shall be used. The perforating procedure shall be performed on two 10-foot intervals. These intervals are 1015 to 1025 and 1090 to 1100 feet bls.
7. Develop the well until free of solids.

8. Perform a flow test on the well to determine if the perforated well is productive enough (at least 10 gpm) to serve as a monitor well.
9. If flow testing demonstrates adequate capacity, install 6⁵/₈-inch diameter FRP casing, with external casing packer, to a depth of 930 feet bls.
10. If flow testing indicates the perforated well does not provide sufficient capacity, acidize the perforated interval to increase productivity. After acidization, develop the well and perform flow testing. Then install 6⁵/₈-inch diameter FRP casing as indicated above. Acid shall be removed from the well until the pH readings become neutral.
11. Perform casing pressure test to demonstrate casing integrity.
12. Cement FRP casing from 930 feet bls to land surface with ASTM C150, Type II cement with up to 12% bentonite in accordance with the exploratory well cementing specifications and the exploratory well permit.
13. Perform a cement bond log on the cemented FRP casing.
14. Install monitor wellhead and permanent pad.
15. Demobilize from the exploratory well location and mobilize to the location of the proposed exploratory/test injection well.
16. Submit a properly signed and sealed final report to FDEP within 60 days.

Based on the information provided and receipt of comment from the Underground Injection Control - Technical Advisory Committee (UIC-TAC), the Department hereby approves the above-cited minor modification to FDEP Construction Permit 0196693-001-UC under FDEP Permit 0196693-002-UC. This minor modification becomes a part of and must be attached to the above referenced permit.

All other permit conditions and specifications remain in effect.

A person whose substantial interests are affected by the Department's proposed action may petition for an administrative proceeding (hearing) in accordance with Sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Department's Office of General Counsel, 3900 Commonwealth Blvd., Mail Station 35, Tallahassee, Florida 32399-3000. Petitions filed by the permit applicant, any of the parties listed below or by any other person must be filed within 14 days of receipt of this intent. Petitions filed by other persons must be filed within 14 days of their receipt of this intent. A petitioner other than the applicant must mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57 of the Florida Statutes, or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will only be at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code.

A Petition must contain the following information:

- (a) The name, address, and telephone number of each petitioner, the Department Permit File Number and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;
- (d) A statement of the material facts disputed by Petitioner, if any;
- (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and
- (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301 of the Florida Administrative Code.

Because the administrative hearing process is designed to formulate agency action, the filing of a petition means that the Department final action may be different from the position taken by it in this order. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation under Section 120.573 of the Florida Statutes is not available for this proceeding.

Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57 of the Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205 of the Florida Administrative Code.

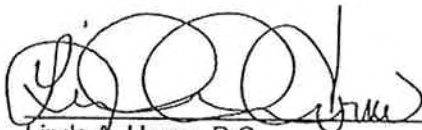
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Mr. Randall LaBauve, Vice President
FPL
Minor Modification to Permit, FPL WCEC
Page 4 of 4

This minor modification to permit letter must be made a part of and attached to FDEP Construction Permit 0202658-001-UC.

If you have any questions, please contact Joseph May, P.G., at (561) 681-6691.

Sincerely,



Linda A. Horne, P.G. Date
Water Facilities Administrator
Southeast District

KRN/LAH


cc: UIC Permitting File, SED

Joseph May, FDEP/WPB

Richard Deuerling, FDEP/TLH

John Gnecco, FPL-Juno Beach

Steve Anderson, SFWMD

Barbara Linkiewicz, FPL-Juno Beach

Jonathan Shaw, Golder & Assoc.

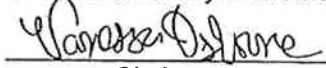
David McNabb, LBF&H

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this MINOR MODIFICATION TO PERMIT and all copies were mailed before the close of business on 08/10/06 to the listed persons.
Clerk Stamp

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to §120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.



Clerk

08/10/06
Date



STATE OF FLORIDA PERMIT APPLICATION TO CONSTRUCT, REPAIR, MODIFY, OR ABANDON A WELL

- ☐ Southwest
☐ Northwest
☐ St. Johns River
☐ South Florida
☐ Suwannee River

THIS FORM MUST BE FILLED OUT COMPLETELY.

The water well contractor is responsible for completing this form and forwarding the permit to the appropriate delegated county where applicable.

CHECK BOX FOR APPROPRIATE DISTRICT. ADDRESS ON BACK OF PERMIT FORM.

Permit No. 1231 - 2006

Florida Unique I.D. _____

Permit Stipulations Required (See attached)

CUP/WUP Application No. _____

ABOVE THIS LINE FOR OFFICIAL USE ONLY

1. Florida Power & Light 700 Universe Blvd. Juno Beach FL

Owner, Legal Name of Entity if Corporation Address City Zip Telephone Number

20505 State Road 80, Loxahatchee

Well-Location - Address, Road Name or Number, City

OSTDS # _____

3. Youngquist Brothers 1504 (239) 489-4444

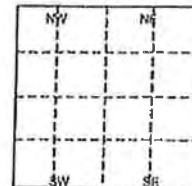
Well Drilling Contractor License No. Telephone No.

15465 Pine Ridge Road

Address NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 29
 (smallest) (biggest) (Indicate Well on Chart)

FL Meyers FL 33008 Township 43 Range 40
 City State Zip

6. Palm Beach
 County Subdivision Name Lot Block Unit



7. Number of proposed wells 1 Check the use of well: (See back of permit for additional choices) 0 Domestic Monitor (type) -1

0 Irrigation (type) Public Water Supply (type) 0 List Other 0
 (See Back) (See Back)

Distance from septic system _____ ft. Description of facility Power plant Estimated start of construction date 8/15/2006

8. Application for: 1 New Construction 0 Repair/Modify 0 Abandonment

Reason for Abandonment

9. Estimated: Well Depth 1200 Casing Depth 930 Screen Interval from 1015-1025 to 1090-1100
 Casing Material STL Casing Diameter 22" Seal Material cement

Blk-Steel / Galvanized / PVC

10. If applicable: Proposed From 0 to 925 Seal Material cement
 Grouting Interval From 1200 to 1200 Seal Material cement
 From _____ to _____ Seal Material _____

11. Telescope Casing YES or Liner YES (check one) Diameter 6
 Blk-Steel / Galvanized / PVC FRP Other (specify) _____

12. Method of Construction: YES Rotary 0 Cable Tool 0 Combination

0 Auger Other (specify) _____

13. Indicate total No. of wells on site 1 List number of unused wells on site 0

14. Is this well or any other well or water withdrawal on the owner's contiguous property covered under a Consumptive Water Use Permit (CUP/WUP) or CUP/WUP Application? 0

(If yes, complete the following) CUP/WUP No. _____

District well I.D. No. _____

Latitude: _____ Longitude: _____

Data obtained from GPS _____ or map _____ or survey _____ (map datum NAD 27 _____ NAD 83 _____)

15. I hereby certify that I will comply with the applicable rules of Title 40, Florida Administrative Code, and that a water use permit or artificial recharge permit, if needed, has been or will be obtained prior to commencement of well construction. I further certify that all information provided on this application is accurate and that I will obtain approval from either federal, state, or local governments, if applicable. I agree to provide a well completion report to the District within 30 days after drilling or the permit expiration, whichever occurs first.

I certify that I am the owner of the property, that the information provided is accurate, and that I am aware of my responsibilities under Chapter 373, Florida Statutes, to maintain or properly abandon this well, or I certify that I am the agent for the owner, that the information provided is accurate, and that I have informed the owner of his responsibilities stated above. Owner consents to personnel from the WMD or a representative access to the well site.

Youngquist Brothers 1504

Signature of Contractor

License No.

Owner's or Agent's Signature

Date

DO NOT WRITE BELOW THIS LINE - FOR OFFICIAL USE ONLY

Approval Granted By: [Signature]

Issue Date 8/16/2006

Hydrologist Approval

Initials

Owner Number: _____

Fees Received \$ \$100.00

Receipt No.: _____

Check No.: 7120

Enter numerical month, day and full, four-digit year

THIS PERMIT NOT VALID UNTIL PROPERLY SIGNED BY AN AUTHORIZED OFFICER OR REPRESENTATIVE OF THE WMD. IT SHALL BE AVAILABLE AT THE WELL SITE DURING ALL DRILLING OPERATIONS. This permit is valid for 90 days from date of issue.

Comments: 1. Grout per detail; 2. Well is an IW well converted to 6" monitoring well.



Underground Injection Control Exploratory Well Permit – EW2



Jeb Bush
Governor

Department of Environmental Protection

Southeast District
400 N. Congress Avenue, Suite 200
West Palm Beach, Florida 33401

Colleen M. Castille
Secretary

ELECTRONIC CORRESPONDENCE

December 6, 2006

NOTICE OF PERMIT

Mr. Randall LaBauve, Vice President
FPL
700 Universe Blvd.
Juno Beach FL 33408

PALM BEACH COUNTY
UIC - FPL West Energy Center
FILE: 247895-002-UC (Class V Exploratory
Well EW-2)

Dear Mr. LaBauve:

Enclosed is Permit Number 247895-002-UC, to construct a Class V exploratory well, EW-2, to approximately 3400 feet below pad level (bpl), and to test EW-2 excluding the injection of fluids. The permit is issued pursuant to Section(s) 403.087, Florida Statutes and Florida Administrative Codes 62-4, 62-520, 62-522, 62-528 and 62-550. The exploratory well will be constructed adjacent to the FPL Corbett Substation, in Loxahatchee, Florida.

Any party to this Order (permit) has the right to seek judicial review of the permit pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, Mail Stop 35, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this Notice is filed with the Clerk of the Department.

Should you have any questions, please contact Joseph R. May, P.G. or Gardner Strasser, P.G. of this office at (561) 681-6691 or (561) 681-6688, respectively.

Executed in West Palm Beach, Florida.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Kevin Neal

12/6/06

Kevin Neal
District Director
Southeast District

Date

KRN/LAH/jmm

cc: UIC Permitting File, SED
Steve Anderson, SFWMD

Jonathan Shaw, Golder Assoc.

Richard Deuerling, FDEP/TLH

Barbara Linkiewicz, FPL-Juno Beach

David McNabb, McNabb Hydrogeologic Con., Inc.

Cathy McCarty, FDEP/TLH

John Gnecco, FPL-Juno Beach

CERTIFICATE OF SERVICE

This is to certify that this NOTICE OF PERMIT and all copies were mailed before the close of business on 12-06-06 to the listed persons.

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to the §120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Samira Osborn
Clerk

12/06/06
Date



Department of Environmental Protection

Jeb Bush
Governor

Southeast District
400 N. Congress Avenue—Suite 200
West Palm Beach, Florida 33401

Colleen M. Castille
Secretary

PERMITTEE:
Mr. Randall LaBauve, Vice President
FPL
700 Universe Blvd.
Juno Beach FL 33408

PERMIT/CERTIFICATION NUMBER: 247895-002-UC
DATE OF ISSUANCE: December 6, 2006
EXPIRATION DATE: December 6, 2008
COUNTY: Palm Beach
POSITION: 26° 41' 12" N / 80° 22' 27" W
PROJECT: FPL West Energy Center Class V
Exploratory Well EW-2

PROJECT: Construction and testing of a Class V exploratory well EW-2

This permit is issued under the provisions of Chapter 403.087, Florida Statutes, and Florida Administrative Code (F.A.C.) Rules 62-4, 62-520, 62-522, 62-528 and 62-550. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

TO CONSTRUCT AND TEST: The Class V Exploratory Well, EW-2, shall be constructed to explore and test, excluding injection of fluids, to approximately 3400 feet below pad level (bpl) with a conventional telescoped well design that includes a 20-inch final casing of a minimum 0.500-inch wall thickness.

The conceptual design of this Class V exploratory well has a planned total depth of approximately 3400 feet bpl utilizing a telescoped casing. This design and approximate depths are: 60-inch surface casing from 0–200 feet bpl, 48-inch first intermediate casing from 0–945 feet bpl, 36-inch second intermediate casing from 0–1940 feet bpl, 20-inch final casing from 0–3000 feet bpl, and a nominal 20-inch open hole interval of 3000–3400 feet bpl. All casings are to have cement-filled annuli. A 30-inch formational casing may also be installed as a precautionary measure if dredging conditions are encountered during drilling below the 36-inch casing.

IN ACCORDANCE WITH: Application for a Class V exploratory well construction and testing permit, received July 25, 2006 deemed complete as of August 15, 2006; publication of the Notice of Draft Permit 247895-002-UC in the Palm Beach Post on October 13, 2006; in consideration of receipt of public comment received as a result of a public meeting held on November 13, 2006; and publication of Notice of Intent to Issue Permit in the Palm Beach Post on November 21, 2006.

LOCATED AT: Adjacent to the FPL Corbett Substation. The facility is located at 20505 State Road 80, Loxahatchee, near the intersection of Southern Blvd. (i.e., SR 80) and the L-8 Canal (slightly east of Twenty Mile Bend on State Road 80) in Loxahatchee, Palm Beach County, Florida.

TO SERVE: FPL West County Energy Center.

SUBJECT TO: General Conditions 1-24 and Specific Conditions 1-8.

GENERAL CONDITIONS:

The following General Conditions are referenced in Florida Administrative Code Rule 62-528.307.

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit are "permit conditions" and are binding and enforceable pursuant to Section 403.141, F.S.

2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action.
3. As provided in Subsection 403.087(7), F.S., the issuance of this permit does not convey any vested rights or exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.
4. This permit conveys no title to land, water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
5. This permit does not relieve the permittee from liability for harm to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefrom; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, or are required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:
 - a. Have access to and copy any records that must be kept under conditions of this permit;
 - b. Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
 - c. Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.Reasonable time will depend on the nature of the concern being investigated.
8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:
 - a. A description of and cause of noncompliance; and
 - b. 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 the recurrence of the noncompliance. The permittee 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 permit.
9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is proscribed by Sections 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.
11. This permit is transferable only upon Department approval in accordance with Rules 62-4.120 and 62-528.350, F.A.C. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
12. This permit or a copy thereof shall be kept at the work site of the permitted activity.
13. The permittee shall comply with the following:
 - a. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records shall be extended automatically unless the Department determines that the records are no longer required.
 - b. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule. Since there is no facility at this site for the purposes of this permit then these records may be kept at the permittee's office in Juno Beach, FL or the Site office.
 - c. Records of monitoring information shall include:
 - 1) the date, exact place, and time of sampling or measurements;
 - 2) the person responsible for performing the sampling or measurements;
 - 3) the dates analyses were performed;
 - 4) the person responsible for performing the analyses;
 - 5) the analytical techniques or methods used
 - 6) the results of such analyses
 - d. The permittee shall furnish to the Department, within the time requested in writing, any information which the Department requests to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit.
 - e. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.
14. All applications, reports, or information required by the Department shall be certified as being true, accurate, and complete.
15. Reports of compliance or noncompliance with, or any progress reports on, requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each scheduled date.
16. Any permit noncompliance constitutes a violation of the Safe Drinking Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
17. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
18. The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this permit.
19. This permit may be modified, revoked and reissued, or terminated for cause, as provided in 40 C.F.R. Sections 144.39(a), 144.40(a), and 144.41 (1998). The filing of a request by the permittee for a permit

modification, revocation or reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

20. The permittee shall retain all records of all monitoring information concerning the construction of the well until five years after completion of any plugging and abandonment procedures specified under Rule 62-528.435, F.A.C. The permittee shall deliver the records to the Department office that issued the permit at the conclusion of the retention period unless the permittee elects to continue retention of the records.
21. All reports and other submittals required to comply with this permit shall be signed by a person authorized under Rules 62-528.340(1) or (2), F.A.C. All reports shall contain the certification required in Rule 62-528.340(4), F.A.C.
22. The permittee shall notify the Department as soon as possible of any planned physical alterations or additions to the permitted facility. In addition, prior approval is required for activities described in Rule 62-528.410(1)(h).
23. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or injection activity that may result in noncompliance with permit requirements.
24. The permittee shall report any noncompliance which may endanger health or the environment including:
 - a. Any monitoring or other information which indicates that any contaminant may cause an endangerment to an underground source of drinking water; or
 - b. Any noncompliance with a permit condition or malfunction of the injection system which may cause fluid migration into or between underground sources of drinking water.

Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause, the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

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Specific Conditions

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit are "permit conditions" and are binding and enforceable pursuant to Section 403.141, F.S.

- a. This permit is to construct and test a Class V exploratory well, referred herein as EW-2.
- b. This permit approval is based upon evaluation of the data contained in the application and the plans and specifications submitted in support of the application. Any changes, except as provided elsewhere in this permit, must be approved by the Department before implementation.
- c. The permittee shall be subject to all requirements and regulations of Palm Beach County and the South Florida Water Management District regarding the construction and testing of this exploratory well.
- d. Four surficial aquifer monitor wells, identified as Pad Monitor Wells (PMWs), shall be located near the corners of the pad to be constructed for the exploratory well, and shall be identified by location number and pad location, i.e. NW, NE, SW, and SE. If located in a traffic area the well head(s) must be protected by traffic bearing enclosure(s) and cover(s). Each well must be specifically marked to identify the well and its purpose. The PMWs shall be sampled as follows:
 - 1) During the construction, the PMWs shall be sampled weekly for chlorides (mg/L), specific conductance ($\mu\text{mho}/\text{cm}$ or $\mu\text{S}/\text{cm}$), total dissolved solids, temperature and water level (relative to the North American Vertical Datum of 1988 [NAVD 88]).
 - 2) Initial PMW water quality analysis results shall be submitted prior to the onset of drilling activities.

The results of the PMW analyses shall be submitted to the Department within 30 days of the completion of the activity. A summary sheet from the FDEP Southeast District is attached for your use when reporting the above information. The PMWs shall be retained in service throughout the construction phase of the project.

- e. No fluid shall be injected without written authorization from the Department. The issuance of this construction and testing permit does not obligate the Department to authorize its operation, unless the well, monitoring system and surface appurtenances qualifies for an authorization. Note: exploratory wells do not inject as part of the testing program.
- f. No underground injection is allowed that causes or allows movement of fluid into an underground source of drinking water if such fluid movement may cause a violation of any primary drinking water standard or may otherwise adversely affect the health of persons. Note: exploratory wells do not inject as part of the testing program.
- g. If historical or archaeological artifacts, such as Indian canoes, are discovered at any time within the project site, the permittee shall notify the FDEP SED office in West Palm Beach and the Bureau of Historic Preservation, Division of Archives, History and Records Management, R. A. Gray Building, Tallahassee, Florida 32301, telephone number 850-487-2073.

2. Construction and Testing Requirements

- a. Prior to the commencement of any work, the name of the Florida-licensed water well contractors supervising the drilling operations and the water well contractors' registration number shall be submitted to the Department. The permittee or the engineer of record shall provide the Department with copies of all required federal, state or local permits prior to spudding the exploratory well.
- b. A Department approved blow-out prevention device shall be installed on the exploratory well prior to penetration of the Floridan Aquifer.

- c. The measurement points for drilling and logging operations shall be surveyed and referenced to the NAVD 88 prior to the onset of drilling activities for the exploratory well.
- d. No drilling operations shall begin without an approved disposal site for drilling fluids, cuttings, or waste. It shall be the permittee's responsibility to obtain any necessary Department and local agency approvals for disposal prior to the start of construction. Any formation waters discharged to surface or surficial aquifer waters during an aquifer performance test shall require an Industrial Wastewater permit from the Department, unless otherwise authorized.
- e. The Department shall be notified within forty-eight (48) hours after work has commenced.
- f. Hurricane Preparedness — Upon the issuance of a "Hurricane Watch" by the National Weather Service, the preparations to be made include but are not necessarily limited to the following:
 - 1) Secure all on-site salt and stockpiled additive materials to prevent surface and/or groundwater contamination.
 - 2) Properly secure drilling equipment and rig(s) to prevent damage to well(s) and on-site treatment process equipment.
- g. Waters spilled during construction or testing of the exploratory well shall be contained and properly disposed.
- h. Department approval and UIC-TAC review is required prior to the following stages of construction:
 - 1) Spud date for the well
 - 2) Each casing landing
 - 3) Injection zone interval determination.
- i. The drilling and geophysical logging program, during the drilling of the exploratory well, shall at a minimum include:
 - 1) Install a 72-inch steel pit casing from approximately 0-40 feet bpl.
 - 2) Drill a nominal 12-inch diameter pilot hole using the mud rotary method from the landing of the conductor casing to approximately 200 feet bpl, conducting inclination surveys every 90 feet. Perform the following logging techniques prior to subsequent reaming:
 - X-Y caliper
 - Natural gamma ray
 - 3) Ream a nominal 70-inch hole using the mud rotary method, conducting inclination surveys every 90 feet, from bottom of conductor casing to approximately 200 feet bpl. Perform the following logging techniques:
 - X-Y caliper
 - Natural gamma ray

- 4) Install and cement a 60-inch diameter steel outer casing from pad level to approximately 200 feet bpl, and perform the following logging techniques:
 - Temperature log after each lift of cement
- 5) Drill a nominal 12-inch diameter pilot hole using the mud rotary method from the landing of the outer casing to approximately 945 feet bpl, conducting inclination surveys every 90 feet. Perform the following logging techniques prior to subsequent reaming:
 - X-Y caliper
 - Natural gamma ray
 - Dual induction
- 6) Ream a nominal 58-inch diameter borehole using the mud rotary method, conducting inclination surveys every 90 feet, from bottom of conductor casing to approximately 945 feet bpl. Perform the following logging techniques:
 - X-Y caliper
 - Natural gamma ray
- 7) Install and cement a 48-inch diameter intermediate steel casing from pad level to approximately 945 feet bpl, and perform the following logging techniques:
 - Temperature log after each lift of cement
- 8) Drill a nominal 12-inch diameter pilot hole using the reverse air method from the landing of the intermediate casing to approximately 3400 feet bpl, conducting inclination surveys every 90 feet. Perform the following logging techniques prior to subsequent reaming:

Static conditions

- X-Y caliper
- Natural gamma ray
- Dual induction
- Borehole Compensated Sonic — VDL
- Temperature with differential plot
- Fluid Resistivity
- Flowmeter
- TV Survey or Borehole Televiewer

Dynamic conditions

- Temperature with differential plot
- Fluid resistivity
- Flowmeter

A minimum of two and an anticipated maximum of 5 packer-pumping tests shall be performed between the depths of 945 and 1940 feet bpl to determine the depth of the 10,000 mg/L TDS isopleth based upon field determined conditions. Note: Pumping logs shall be run to adequately stress the confining units to make them clearly identifiable.

A minimum of two and up to 5 packer-pumping tests shall be performed between the depths of 1,940 and 3,400 feet bpl to assist in evaluating the confining characteristics of the strata above the injection zone.

- 9) Ream a nominal 44-inch pilot hole using the reverse air method, conducting inclination surveys every 90 feet, from the landing of the intermediate casing to approximately 1940 feet bpl. Perform the following logging techniques:
 - X-Y caliper
 - Natural gamma ray
 - 10) Install and cement a 36-inch diameter steel casing to approximately 1940 feet bpl, and perform the following logging techniques:
 - Temperature log after each lift of cement
 - Cement Bond Log
 - Television Survey
 - 11) Drill a nominal 30-inch diameter borehole using the reverse air method from the landing of the 36-inch casing approximately 3000 feet bpl, conducting inclination surveys every 90 feet. Perform the following logging techniques:
 - X-Y caliper
 - Natural gamma ray
 - 12) Install and cement a final casing of 20-inch seamless steel casing of minimum 0.500-inch thickness to approximately 3000 feet bpl. Perform the following geophysical surveys and test:
 - Cement Bond Log
 - Cement plug pressure test with an anticipated initial testing pressure of 150± psig
 - 13) Drill a nominal 20-inch diameter borehole using the reverse air method from the landing of the final casing to approximately 3400 feet bpl. Perform the following geophysical logging techniques:
 - X-Y caliper
 - Television Survey
- j. The depth of the USDW and background water quality shall be determined during drilling and testing. This determination shall be accomplished, analyzed, and interpreted using, at least, the following information:
- 1) Water sample analysis results from packer testing
 - 2) Aquifer performance testing data.
 - 3) Geophysical logging data.
 - 4) Plots of sonic porosity and apparent fluid resistivity (R_{wa}). Interpretation shall also include calculations of the sonic porosity and the R_{wa} and the input parameters provided. If effluent is encountered or suspected during drilling or testing, the Department shall be notified immediately by telephone, and subsequently in writing. Immediate precautionary measures shall be taken to prevent any upward fluid movement.
- k. A background water quality sampling shall be performed within the potential injection zone to determine water quality characteristics with regard to the primary and secondary drinking water standards (Rule 62-550, F.A.C.).

I. Testing:

- 1) Injection is prohibited as this is an exploratory well.
- 2) The Department shall be notified at least seventy-two (72) hours prior to all testing.
- m. UIC-TAC meetings are scheduled on the 2nd and 4th Tuesday of each month subject to a five working day prior notice and timely receipt of critical data by all UIC-TAC members. Emergency meetings may be arranged when justified to avoid undue construction delays.
- n. Department approval at a scheduled UIC-TAC meeting shall be based on the permittee's presentation that shows compliance with Department rules and this permit.
- o. No fluids shall be injected with the exception of fluids used while drilling operations are under way.

3. Quality Assurance/Quality Control Requirements

- a. The permittee shall ensure that the construction of this facility shall be as described in the application and supporting documents. Any proposed modifications to this permit shall be submitted in writing to the Underground Injection Control program manager for review and clearance prior to implementation. Changes of negligible impact to the environment and staff time will be reviewed by the program manager, cleared when appropriate and incorporated into this permit. Changes or modifications other than those described above will require submission of a completed application and appropriate processing fee as per Rule 62-4.050, F.A.C.
- b. A Florida registered professional engineer, pursuant to Chapter 471, Florida Statutes (F.S.), shall be retained throughout the construction period and operational testing to be responsible for the construction and operation and to certify the application, specifications and completion report and other related documents, pursuant to Rule 62-528.440(5), F.A.C. A professional engineer or professional geologist, pursuant to Chapter 492, F.S., shall provide monitoring of the drilling and testing operation. The permittee shall notify the Department immediately of any change of the Engineer of Record or Geologist of Record.
- c. In accordance with Chapter 492, Florida Statutes, all documents prepared for the geological/hydrogeological evaluation of the exploratory well shall be signed and sealed by a Florida Licensed Professional Geologist or qualified Florida Licensed Professional Engineer.
- d. All water quality samples required in this permit shall be collected and analyzed in accordance with Department Standard Operating Procedures (SOP), pursuant to the FDEP Quality Assurance, Chapter 62-160, F.A.C. The various components of the collection of the FDEP SOPs are found in DEP-SOP-001/01 (Field Procedures) and DEP-SOP-002/-1 (Laboratory Procedures).
- e. Continuous on-site supervision by qualified personnel (engineer or geologist) is required during all drilling, testing, geophysical logging and cementing operations.
- f. The permittee shall calibrate all pressure gauge(s), flow meter(s) and other related measurement equipment associated with the injection well system on a semi-annual basis. The permittee shall maintain all monitoring equipment and shall ensure that the monitoring equipment is calibrated and in proper operating condition at all times. Laboratory equipment, methods, and quality control will follow EPA guidelines as expressed in Standard Methods for the Examination of Water and Wastewater. The pressure gauge(s), flow meter(s) and other related measurement equipment associated with the injection well system shall be calibrated using standard engineering methods.
- g. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures.

4. Reporting Requirements

- a. This project shall be monitored by the Department of the TAC, which consists of representatives of the following agencies:
 - Department of Environmental Protection, West Palm Beach
 - Department of Environmental Protection, Tallahassee
 - South Florida Water Management District (SFWMD), West Palm Beach
 - USGS—Fort Lauderdale office, Final Report only.
- b. The permittee shall provide copies of all correspondence relative to this permit to each member of the UIC-TAC. Such correspondence includes but is not limited to reports, schedules, analyses and geophysical logs required by the Department under the terms of this permit. The permittee is not required to provide specific correspondence to any TAC member who submits to the permittee a written request to be omitted as a recipient of specific correspondence.
- c. Throughout the construction period allowed by this permit, daily progress reports shall be submitted to the Department, and the TAC each week. The reporting period shall run Friday through Thursday and reports shall be mailed on Friday of each week. The weekly progress reports, certified by a Florida Licensed Professional Geologist or qualified Florida Licensed Professional Engineer, pursuant to S.C.s 3.b. and 7.a., and shall include at a minimum the following information:
 - 1) A cover letter summarizing each week's activities and a projection of activities for the next reporting period;
 - 2) Description of daily footage drilled by diameter of bit or size of hole opener or reamer being used;
 - 3) Description of work during installation and cementing of casing, including amounts of casing and cement used. Details of cementing operations shall include the number of cementing stages, and the following information for each stage of cementing: cement slurry composition, specific gravity, pumping rate, volume of cement pumped, theoretical fill depth, and actual tag depth. From both the physical tag and the geophysical logs, a percent fill shall be calculated. An explanation of any deviation between actual versus theoretical fill shall be provided;
 - 4) Daily engineers report and driller's log with detailed descriptions of all drilling progress, cementing, testing, logging, and casing installation activities;
 - 5) Lithologic log with cuttings description, formation and depth encountered;
 - 6) Collection of drilling cuttings at least every 10 feet and at every formation change, with 5 foot sampling starting 100 feet above and continuing through the injection zone;
 - 7) Well development records;
 - 8) Water quality analyses, including but not limited to the weekly water quality analysis and water levels for the four PMWs;
 - 9) Description of work and type of testing accomplished including geophysical and video logs and pumping tests;
 - 10) Description of any construction problems that developed during the reporting period and current status;
 - 11) Copies of the driller's log;
 - 12) Description of any deviation survey conducted;

- 13) Details of any packer tests, pump tests and core analyses; and
 - 14) Details of the additions of salt or other materials to suppress well flow, and include the date, depth and amount of material used.
- d. If any problem develops that may seriously hinder compliance with this permit, construction progress or good construction practice, the Department shall be notified immediately. The Department may require a detailed written report describing what problems have occurred, the remedial measures applied to assure compliance and the measures taken to prevent recurrence of the problem.
- e. **Abnormal Events**
- 1) In the event the permittee is temporarily unable to comply with any conditions of this permit due to breakdown of equipment, power outages, destruction by hazard of fire, wind or by other cause, the permittee shall notify the Department. Notification shall be made in person, by telephone or by electronic mail within 24 hours of breakdown or malfunction to the UIC Program staff, SED office in West Palm Beach.
 - 2) A written report of any noncompliance referenced in Specific Condition (S.C.) 4.e above shall be submitted to the SED office within five days after discovery of the occurrence. The report shall describe the nature and cause of the breakdown or malfunction, the steps being taken or planned to be taken to correct the problem and prevent its reoccurrence, emergency procedures in use pending correction of the problem, and the time when the facility will again be operating in accordance with permit conditions.
- f. An interpretation of all test results must be submitted with all submittals.
- g. Within 30 days of well completion of EW-2, the permittee or the authorized representative shall submit to the Department the following information:
- 1) Certification of Class V Well Construction Completion, DEP Form 62-528.900(4);
 - 2) A copy of the SFWMD permit to construct a well;
 - 3) A copy of the SFWMD Well Completion Report.
- h. Upon completion of construction of the well, a complete set of as-built engineering drawings (Florida registered P.E. signed and sealed) shall be submitted to the Department's SED office in West Palm Beach and Tallahassee UIC Program.
- i. After completion of construction and testing of the well, the following requirements shall apply:
- 1) A final engineering report shall be submitted to the Department, the UIC-TAC. The report shall include, but not be limited to, all information and data collected under Rules 62-528.605, 62-528.615, and 62-528.635, F.A.C., with appropriate interpretations. Mill certificates for the casings shall be included in the report. This report shall also be signed and sealed by a Florida licensed professional engineer and professional geologist. At this time, a recommendation to properly plug and abandon the pad monitoring wells may be made.
 - 2) The permittee shall contact the UIC Section of the Department of Environmental Protection in Tallahassee to arrange for the transfer, at the permittee's expense, of the following items to the State Geologist at the Florida Geological Survey, 903 West Tennessee Street, Tallahassee, Florida 32304-7707:

- a) Cuttings obtained during well construction;
 - b) Any cores obtained during well construction when no longer needed by the permittee;
 - c) Any water samples collected;
 - d) Any geophysical logs run during well construction; and
 - e) A copy of the final report described in S.C. 4.i.1) above.
- 3) Surface equipment completion certification or certification of interim completion for the purposes of testing;
 - 4) Signed and sealed record (as-built) engineering drawings of all well construction, subsurface and surface equipment, and appurtenances. The drawings shall include but not be limited to the wellhead, subsurface well components;
 - 5) All other applicable permits;
- j. The Department shall conduct an inspection of the facility to determine if the conditions of this permit have been met. FPL shall contact the Underground Injection Control Section of the Department, SED, to arrange for the site inspection. The inspection will determine if all equipment necessary for EW-2 is in compliance with the permit and Department rules. During the inspection, reporting requirements shall be reviewed.
- 1) A minimum of three well volumes of fluid shall be evacuated prior to sampling for water quality parameters. A State-certified laboratory shall analyze all samples. Sufficient purging shall have occurred when either of the following have occurred:
 - a) pH, specific conductance and temperature when sampled, upon purging the third or subsequent well volume, each vary less than 5% from that sampled upon purging the previous well volume; or
 - b) upon purging the fifth well volume.
 - 2) Alternative sampling methodology may be proposed for Departmental review and approval prior to actual sampling.
 - 3) All well system data submittals shall be clearly identified on each page with: facility name, I.D. Number, permit number, date of sampling/recording, and type of data.
5. Surface Equipment
- a. The integrity of the sampling system shall be maintained at all times. Sampling line(s) shall be clearly and unambiguously identified at the point at which samples are drawn. All reasonable and prudent precautions shall be taken to ensure that samples are properly identified and that samples obtained are representative. Sampling lines and equipment shall be kept free of contamination with independent discharges and no interconnections with any other lines.
 - b. The surface equipment for the well system shall maintain access for logging and testing, and reliability and flexibility in the event of damage to the well and piping. A regular program of exercising the valves integral to the wellhead shall be instituted. At a minimum, all valves integral to the wellhead shall be exercised at the time of each cycle change.
 - c. The well surface equipment and piping shall be kept free of corrosion at all times.

- d. Spillage onto the well pad during construction activities, and any waters spilled during testing, other maintenance, testing or repairs to the system shall be contained by an impermeable structure around the edge of the pad and disposed of via approved and permitted methods.
- e. The four surficial aquifer monitor wells installed at the corners of the well pad shall be secured, maintained, and retained in service throughout the construction phase of the project. The permittee may submit a request to the Department for cessation of sampling followed by capping, or plugging and abandonment of these wells.

6. Plugging and Abandonment and Alternate Use Plans

- a. Permittees who are unable to operate the well to meet its intended purpose shall within 180 days of FDEP notification:
 - 1) Submit a plugging and abandonment permit application in accordance with Rules 62-528.625 and 62-528.645, F.A.C., or
 - 2) Submit an alternate use plan for the well. Alternate use may commence after the plan has been approved by the Department, including any necessary permit or permit modifications as required by the Department or any other agency, or
 - 3) Implement the plugging and abandonment plan.

7. Signatories

- a. All reports and other submittals required to comply with this permit shall be signed by a person authorized under Rules 62-528.340(1) or (2), F.A.C.
- b. In accordance with Rule 62-528.340(4), F.A.C., all reports and submittals shall contain the following certification signed by a person authorized under Rules 62-528.340(1) or (2), F.A.C. or be included under such certification as may have been previously provided (i.e., responses to a Request for Information (RFI) which are simple clarifications are thereby certified):

"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."

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8. Permit Extension(s) and Renewal(s)

- a. Pursuant to Rule 62-4.080(3), a permittee may request that a permit be extended as a modification of an existing permit. A request for an extension is the responsibility of the permittee and shall be submitted to the Department before the expiration of the permit. In accordance with Rule 62-4.070(4), F.A.C., a permit cannot be extended beyond the maximum 5-year statutory limit.

Issued this 6 day of DECEMBER, 2006

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION



For
Kevin R. Neal
District Director
Southeast District

 ma
KRN/LAH/jrm

Approval for Construction of Upper Floridan Aquifer Wells



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

3301 Gun Club Road, West Palm Beach, Florida 33406 • (561) 686-8800 • FL WATS 1-800-432-2045 • TDD (561) 697-2574
Mailing Address: P.O. Box 24680, West Palm Beach, FL 33416-4680 • www.sfwmd.gov

LAN 04-06

June 6, 2007

Ms. Barbara P. Linkiewicz
Environmental Licensing Manager
Florida Power & Light Company
Environmental Services Department
P.O. Box 14000
Juno Beach, FL 33416-4680

Dear Ms. Linkiewicz:

Subject: FPL West County Energy Center Project, PA 05-47
Authorization to Commence Well Construction

South Florida Water Management District (SFWMD) staff has reviewed the proposed well construction plans for the above subject project submitted on May 10, 2007, pursuant to Certification Condition XXXII.B.2.e. According to the documentation submitted, FPL is proposing to discharge the Floridan Aquifer APT water off-site into the L-8 or the L-10/12 Canals instead of the UIC well, as the UIC well will not be completed and available for use until early next year. The SFWMD would prefer that the saline discharge water be retained on-site in one of the Palm Beach Aggregates rock pit cells or piped and discharged into the C-51 Canal at a point downstream of Structure S5AE, as the L-8 Canal is a Class I surface water body and the L-10/12 Canals discharge through Structure S5A into Water Conservation Area No. 1, which is a designated Water Preserve Area.

The proposed well construction plans for the West County Energy Center Project are consistent with SFWMD criteria and previous approvals. Consequently, the SFWMD has no objections to the proposed well construction activities if the saline APT water is discharged into one of the nearby Palm Beach Aggregates rock pit cells with no off-site discharge. This authorization is contingent upon the Licensee providing the SFWMD with documentation of approval from Palm Beach Aggregates for use of their rock pit cells for this purpose.

If the Licensee is unable to secure approval from Palm Beach Aggregates for use of the rock pits, the saline water should be discharged into the C-51 Canal east of Structure S5AE. This alternative is subject to the following:

- (1) It will be necessary for the Licensee to obtain a Right Of Way Occupancy Permit from the SFWMD for the proposed facilities within the C-51 Canal right-of-way, as

GOVERNING BOARD

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Irela M. Bagué, *Vice-Chair*
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Malcolm S. Wade, *Jr.*

EXECUTIVE OFFICE

Carol Ann Wehle, *Executive Director*

Ms. Barbara Linkiewicz
June 6, 2007
Page 2

the proposed facilities were not addressed in the Site Certification Application or the Conditions of Certification (Note: The Licensee is advised to allow sufficient time for processing and review).

- (1) DEP approval of the proposed off-site discharges and demonstration to the DEP that all water quality requirements can be met; and
- (2) Prior to commencement of the APT test, please submit the final plan for the discharge water to the SFWMD for review and approval.

Further inquiries regarding this matter should be directed to Jim Golden at (561) 682-6862.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith R. Smith", written over a horizontal line.

Keith R. Smith, P.G., Deputy Director
Water Supply Department

KS/jg

c: Michael P. Halpin, DEP



FPL

May 8, 2007

Mr. James Golden
South Florida Water Management District
PO Box 24680
West Palm Beach, Florida 33416-4680

**RE: FPL West County Energy Center
PA 05-47 Conditions of Certification
Submittal of Upper Floridan Aquifer Wells Drilling Plan**

Dear Mr. Golden:

Florida Power & Light Company (FPL) is hereby submitting the Well Drilling Plan for the Upper Floridan Aquifer (UFA) wells for FPL's West County Energy Center (WCEC) Project. According to Condition XXXII.B.2.e. of the WCEC Site Certification (Certification Number PA 05-47),

"Prior to commencement of construction of the withdrawal facilities, the License shall submit the details of the proposed withdrawal facilities (number of wells, well diameter, well depth, casing depth) for review and approval by the SFWMD. These Conditions of Certification shall be modified at a future date to reflect the specific withdrawal facilities authorized by the SFWMD."

Attached are two (2) copies of the required information. If you have any questions on this submittal, or need additional information, please contact me at (561) 691-7518.

Thank you in advance for your prompt attention. We look forward to receiving South Florida Water Management District approval for these plans.

Sincerely,

Barbara P. Linkiewicz
Director of Environmental Licensing

cc: Mike Halpin, FDEP Siting Office
Tim Gray FDEP SED

bcc: Tom Young (w/o attachments)
Potsy Scoville (w/o attachments)
Rob Leonard (w/o attachments)
Carmine Priore(w/o attachments)
Marister Ruiz (w attachments)
Terry Apple (B&V) (w/o attachments)

Upper Floridan Aquifer Companion Wells Permit

UFA Companion Wells Permit

FAW Supply 3



STATE OF FLORIDA PERMIT APPLICATION TO CONSTRUCT, REPAIR, MODIFY, OR ABANDON A WELL

- ☐ Southwest
☐ Northwest
☐ St. Johns River
☐ South Florida
☐ Suwannee River

THIS FORM **MUST** BE FILLED OUT COMPLETELY.
 The water well contractor is responsible for completing this form and forwarding the permit to the appropriate delegated county where applicable.

CHECK BOX FOR APPROPRIATE DISTRICT, ADDRESS ON BACK OF PERMIT FORM.

Permit No. 07-787
 Florida Unique I.D. _____
 Permit Stipulations Required (See attached)
 62-524 well ☐
 GUP Application No. _____
 ABOVE THIS LINE FOR OFFICIAL USE ONLY

Fold at this line in order that address is visible through envelope window

1. Florida Power & Light 700 Universe Blvd Juno Beach, FL 33408 561-694-4200
 Owner, Legal Name of Entity if Corporation Address City Zip Telephone Number

2. 20505 S.R. 80 Loxahatchee
 Well Location - Address, Road Name or Number, City

3. Youngquist Brothers, Inc. 1504 239 560 4561
 Well Drilling Contractor License No. Telephone No.

15465 Pine Ridge Rd.
 Address

4. SE 1/4 of SW 1/4 of Section 29
 (smallest) (biggest)
 (Indicate Well on Chart)

Fort Myers FL 33908
 City State Zip

5. Township 43S Range 40E

6. Palm Beach
 County

Subdivision Name Lot Block Unit



7. Number of proposed wells 1 Check the use of well: (See back of permit for additional choices) Domestic Monitor (type)

Intigation (type) Public Water Supply (type) List Other Temporary Supply Well

Distance from septic system n/a ft. Description of facility Power Plant Estimated start of construction date 6/06/07

8. Application for: X New Construction Repair/Modify Abandonment

(Reason for Abandonment)

9. Estimated: Well Depth 100 Casing Depth 80 Screen Interval from 25 to 50
 Casing Material: Blk-Steel / Gal / PVC Casing Diameter 4" Seal Material

10. If applicable: Proposed From 0 to 20 Seal Material Neat cement
 Grouting Interval From 20 to 100 Seal Material Sand pack
 From to Seal Material

11. Telescope Casing N/A or Liner (check one) Diameter
 Blk-Steel / Galvanized / PVC Other (specify):

12. Method of Construction: X Rotary Cable Tool Combination
 Auger Other (specify):

13. Indicate total No. of wells on site 2. List number of unused wells on site

14. Is this well or any other well or water withdrawal on the owner's contiguous property covered under a Consumptive Water Use Permit (CUP/WUP) or CUP/WUP Application? No Yes
 (If yes, complete the following) CUP/WUP No. SLA PA 05-47

District well I.D. No.

Latitude

Longitude

Data obtained from GPS or map or survey (map datum NAD 27 NAD 83)

15. I hereby certify that I will comply with the applicable rules of Title 40, Florida Administrative Code, and that a water use permit or initial recharge permit, if needed, has been or will be obtained prior to commencing construction. I further certify that all information provided on this application is accurate and that I will obtain necessary approval from other federal, state, or local governments, if applicable. I agree to provide a well completion report to the District within 30 days after drilling of the permit exploration, whichever occurs first.

I certify that I am the owner of the property, that the information provided is accurate, and that I am aware of my responsibilities under Chapter 373, Florida Statutes, to install or properly abandon the well or, if I certify that I am the agent for the owner, that the information provided is accurate, and that I have informed the owner or his representative as stated above. Owner consents to personnel of the WMD or a representative access to the well site.

Tom Yumy 1509
 Signature of Contractor License No.

Tom Yumy 5/31/07
 Owner's or Agent's Signature Date

DO NOT WRITE BELOW THIS LINE - FOR OFFICIAL USE ONLY

Approval Granted By: Janice Issue Date: 6/1/07 Hydrologist Approval:

Owner Number: Fee Received: \$ 100.00 Receipt No.: 28263 Check No.: 0709 06/01/07

THIS PERMIT NOT VALID UNTIL PROPERLY SIGNED BY AN AUTHORIZED OFFICER OR REPRESENTATIVE OF THE WMD. IT SHALL BE AVAILABLE AT THE WELL SITE DURING ALL DRILLING OPERATIONS. This permit is valid for 90 days from date of issue.

FAW Supply 2



STATE OF FLORIDA PERMIT APPLICATION TO CONSTRUCT, REPAIR, MODIFY, OR ABANDON A WELL

- ☐ Southwest
☐ Northwest
☐ St. Johns River
☐ South Florida
☐ Suwannee River

THIS FORM MUST BE FILLED OUT COMPLETELY.

The water well contractor is responsible for completing this form and forwarding the permit to the appropriate delegated county where applicable.

CHECK BOX FOR APPROPRIATE DISTRICT. ADDRESS ON BACK OF PERMIT FORM.

Permit No. 07-726
 Florida Unique I.D. _____
 Permit Situations Required (See attached)
 62-524 well ☐
 CUPW Application No. _____
 ABOVE THIS LINE, FILL IN ALL USE ONLY

Fold at this line in order that address is visible through envelope window

1. Florida Power & Light 700 Universe Blvd Juno Beach FL 33408 561-654 4000
 Owner, Legal Name of Entity If Corporation Address City Zip Telephone Number

2. 20505 S.R. 80 Loxahatchee
 Well Location - Address, Road Name or Number, City

3. Youngquist Brothers, Inc. 1509 239 560 4561
 Well Drilling Contractor License No. Telephone No.

15465 Pine Ridge Rd.
 Address

4. NW 1/4 of SW 1/4 of Section 29
 (Indicate Well on Chart) (Indicate Well on Chart)

5. Township 43 Range 40

6. Palm Beach _____
 County Subdivision Name Lot Block Unit

7. Number of proposed wells 2 Check the use of well: (See back of permit for additional choices) _____ Domestic Monitor (type)
 _____ Irrigation (type) _____ Public Water Supply (type) _____ List Other Temporary Supply Well
 (See Back) Distance from septic system n/a ft. Description of facility Power Plant Estimated start of construction date 6/6/07

8. Application for: ☒ New Construction _____ Repair/Modify _____ Abandonment _____ (Reason for Abandonment)
 Date Stamp

9. Estimated: Well Depth 100 Casing Depth 80 Screen Interval from 25 to 50'
 Casing Material: Blk-Steel / Galv Casing Diameter 4" Seal Material _____

10. If applicable: Proposed From 0 to 20 Seal Material Neat cement
 Grouting Interval From 20 to 100 Seal Material Sand pack
 From _____ to _____ Seal Material _____

11. Telescope Casing MA or Liner _____ (check one) Diameter _____
 Blk-Steel / Galvanized / PVC Other (specify): _____

12. Method of Construction: ☒ Rotary _____ Cable Tool _____ Combination _____
 _____ Auger _____ Other (specify): _____

13. Indicate total No. of wells on site 2 List number of unused wells on site _____

14. Is this well or any other well or water withdrawal on the owner's contiguous property covered under a Consumptive Water Use Permit (CUPWUP) or CUPWUP Application? No Yes
 (If yes, complete the following) CUPWUP No. SCA PA 05-47
 District well I.D. No. _____
 Latitude _____ Longitude _____
 Data obtained from GPS _____ or map _____ or survey _____ (map datum NAD 27 _____ NAD 83 _____)

15. I hereby certify that I will comply with the applicable rules of Title 40, Florida Administrative Code, and that a water use permit or artificial recharge permit, if needed, has been or will be obtained prior to commencement of well construction. I further certify that all information provided on this application is accurate and that I will obtain necessary approval from other federal, state, or local governmental agencies, if applicable, I agree to provide a well completion report to the District within 30 days after completion of the permit activity, whichever occurs first.

I certify that I am the owner of the property, that the information provided is accurate, and that I am aware of my responsibilities under Chapter 375, Florida Statutes, to maintain or properly abandon this well, or I certify that I am the agent for the owner, that the information provided is accurate, and that I have informed the owner of his responsibilities as stated above. Owner consents to personnel of the WMD or a representative access to the well site.

Youngquist 1509 Tom Young 5/31/07
 Signature of Contractor License No. Owner's or Agent's Signature Date

DO NOT WRITE BELOW THIS LINE - FOR OFFICIAL USE ONLY

Approval Granted By: James Issue Date: 6/1/07 Hydrologist Approval _____
 Owner Number: _____ Fee Received: \$ 100.00 Receipt No.: 28263 Check No.: 0709 06/01/07
 Enter numerical month, day and full, four-digit year.

THIS PERMIT NOT VALID UNTIL PROPERLY SIGNED BY AN AUTHORIZED OFFICER OR REPRESENTATIVE OF THE WMD. IT SHALL BE AVAILABLE AT THE WELL SITE DURING ALL DRILLING OPERATIONS. This permit is valid for 90 days from date of issue.

FAW Supply 7



STATE OF FLORIDA PERMIT APPLICATION TO CONSTRUCT,
REPAIR, MODIFY, OR ABANDON A WELL.

- ☐ Southwest
☐ Northwest
☐ St. Johns River
☐ South Florida
☐ Suwannee River

THIS FORM **MUST** BE FILLED OUT COMPLETELY.

The water well contractor is responsible for completing this form and forwarding the permit to the appropriate delegated county where applicable.

CHECK BOX FOR APPROPRIATE DISTRICT. ADDRESS ON BACK OF PERMIT FORM.

Permit No. <u>07-725</u>
Florida Unique I.D. _____
Permit Stipulations Required (See attached): _____
62-624 well ☐
GUP/WUP Application No. _____
ALLOW THIS LINE FOR OFFICIAL USE ONLY

Field at this line in order that address is visible through envelope window

1. Florida Power & Light 700 Universe Blvd Juno Beach FL 33408 561-644-4200
Owner, Legal Name of Entity If Corporation Address City Zip Telephone Number

2. 20505 S.R. 80 Loxahatchee
Well Location - Address, Road Name or Number, City

3. Youngquist Brothers, Inc. 1509 239 560 4561
Well Drilling Contractor License No. Telephone No.

15465 Pine Ridge Rd.
Address

4. SE 1/4 of NW 1/4 of Section 29
(fraction) (fraction) (Indicate Well on Chart)

5. Township 43S Range 40E

6. Palm Beach _____
County Subdivision Name Lot Block Unit

7. Number of proposed wells 1 Check the use of well: (See back of permit for additional choices) _____ Domestic Monitor (type) _____
(See Back) Irrigation (type) _____ Public Water Supply (type) _____ List Other Temporary Supply Well
Distance from septic system 1/4 ft. Description of facility Power Plant Estimated start of construction date 6/6/07

8. Application for: X New Construction _____ Repair/Modify _____ Abandonment _____
(Reason for Abandonment) _____ Date Stamp _____

9. Estimated: Well Depth 100 Casing Depth 80 Screen Interval from 25 to 90'
Casing Material: Blk-Steel / Gal / PVC Casing Diameter 4" Seal Material _____

10. If applicable: Proposed From 0 to 20 Seal Material neut cement
Grouting Interval From 20 to 100 Seal Material sand pack
From _____ to _____ Seal Material _____

11. Telescope Casing N/A or Liner _____ (check one) Diameter _____
Blk-Steel / Galvanized / PVC Other (specify): _____

12. Method of Construction: X Rotary _____ Cable Tool _____ Combination _____
_____ Auger _____ Other (specify): _____

13. Indicate total No. of wells on site 2. List number of unused wells on site _____

14. Is this well or any other well or water withdrawal on the owner's contiguous property covered under a Consumptive Water Use Permit (CUP/WUP) or GUP/WUP Application? No Yes
(If yes, complete the following) CUP/WUP No. SCA PA 05-47
District well I.D. No. _____
Latitude _____ Longitude _____
Data obtained from GPS _____ or map _____ or survey _____ (map datum NAD 27 _____ NAD 83 _____)

15. I hereby certify that I will comply with the applicable rules of Title 40, Florida Administrative Code, and that a water use permit or official recharge permit, if needed, has been or will be obtained prior to commencing construction of well or installation. I further certify that all information provided on this application is accurate and that I will obtain necessary approval from other federal, state, or local governments, if applicable. I agree to provide a well completion report to the District within 30 days after drilling this permit application, whichever occurs first.

I certify that I am the owner of the property, that the information provided is accurate, and that I am aware of my responsibilities under Chapter 373, Florida Statutes, to maintain or properly abandon this well. Or, I certify that I am the agent for the owner, that the information provided is accurate, and that I have informed the owner of his responsibilities as stated above. Owner consents to personnel of the WMD or a representative access to the well site.

Youngquist Brothers 1509 Tom Young 5/31/07
Signature of Contractor License No. Owner or Agent's Signature Date

DO NOT WRITE BELOW THIS LINE - FOR OFFICIAL USE ONLY

Approval Granted By: [Signature] Issue Date: 6/1/07 Hydrologist Approval: _____
Owner Number: _____ Fee Received: \$ 100.00 Receipt No.: 28263 Check No.: 0709

THIS PERMIT NOT VALID UNTIL PROPERLY SIGNED BY AN AUTHORIZED OFFICER OR REPRESENTATIVE OF THE WMD. IT SHALL BE AVAILABLE AT THE WELL SITE DURING ALL DRILLING OPERATIONS. This permit is valid for 90 days from date of issue.

Approval of Surface Water and Stormwater Management System



Florida Department of Environmental Protection

Southeast District Office
400 North Congress Avenue, Suite 200
West Palm Beach, Florida 33401-2913

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

December 3, 2007

Florida Power & Light Company
c/o Barbara_P_Linkiewicz
700 Universe Blvd.
Juno Beach, FL 33408

Barbara_P_Linkiewicz@fpl.com

Subject: FPL West County Energy Center
PA 05-47 Conditions of Certification
Final Drainage Plan Approval - Revision

The Department acknowledges receipt of the Final Drainage Plans on February 5th 2007 and additional information received on May 11, 2007. Based on our review, The Department hereby approves construction of the surface water management system as shown on the approved plans and drawings, Sheets DS-0043, DS-0045 (dated 4/27/07), S3007, S3019, S3121 and S3126 (dated 5/3/07) and supporting calculations received on May 11, 2007.

This approval is subject to the limits, conditions, and locations of work shown in the approved drawings, and is also subjected to the following Conditions:

- (1) The surface water management system shall be constructed as shown in the approved drawings (attached). The proposed surface water management system consists of the following components: 1) the 14.1-acre North Pond (w/ bottom elevation @ 15.0 feet NGAVD) providing a storage volume of 103.8 ac-ft (@ elevation 23 feet NGAVD; 2) the 15.3-acre South Pond w/ bottom elevation @ 15.0 feet NGAVD providing a storage volume of 113.5 ac-ft (@ elevation 23 feet NGAVD); 3) emergency rip-rap weir at elevation 23.75 feet NGAVD; 4) minimum perimeter elevation set at elevation of 24.0 feet NGAVD; and 5) Units 1 and 2 are equipped with oil/water separators.
- (2) A maintenance schedule shall be implemented to ensure that the stormwater management system is functioning as designed. Berms behind which water is contained shall be inspected to ensure its integrity.
- (3) Activities shall be conducted in a manner which does not cause violations of state water quality standards. The permittee shall implement best management practices for erosion and pollution control to prevent violation of state water quality standards. Temporary erosion control shall be implemented prior to and during construction and permanent control measures shall be completed within 7 days of any construction activity. Silt screens, or other such sediment control measures shall be utilized during construction. The selected sediment control measures shall be

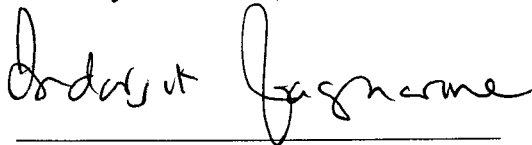
FPL West County Energy Center
PA 05-47 Conditions of Certification
Final Drainage Plan Approval

installed around the perimeter of the area to be developed. All areas shall be stabilized and vegetated immediately after construction to prevent erosion.

- (4) Within 30 days after completion of construction of the construction completion, the Permittee shall submit: **1)** a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing the supplied "Environmental Resource Permit As-Built Certification by a Registered Professional" (Form No. 62-343.900(5), F.A.C.); **2)** a "Request for Transfer of Environmental Resource Permit Construction Phase to Operation Phase" (Form No. 62-343.900(7), F.A.C.); and **3)** as-built record drawings.

Please feel free to contact me @ (561) 681-6640 or email indarjit.jagnarine@dep.state.fl.us if you have any questions regarding this document.

Sincerely



Indarjit Jagnarine, P.E.
Professional Engineer III
Environmental Resources Program

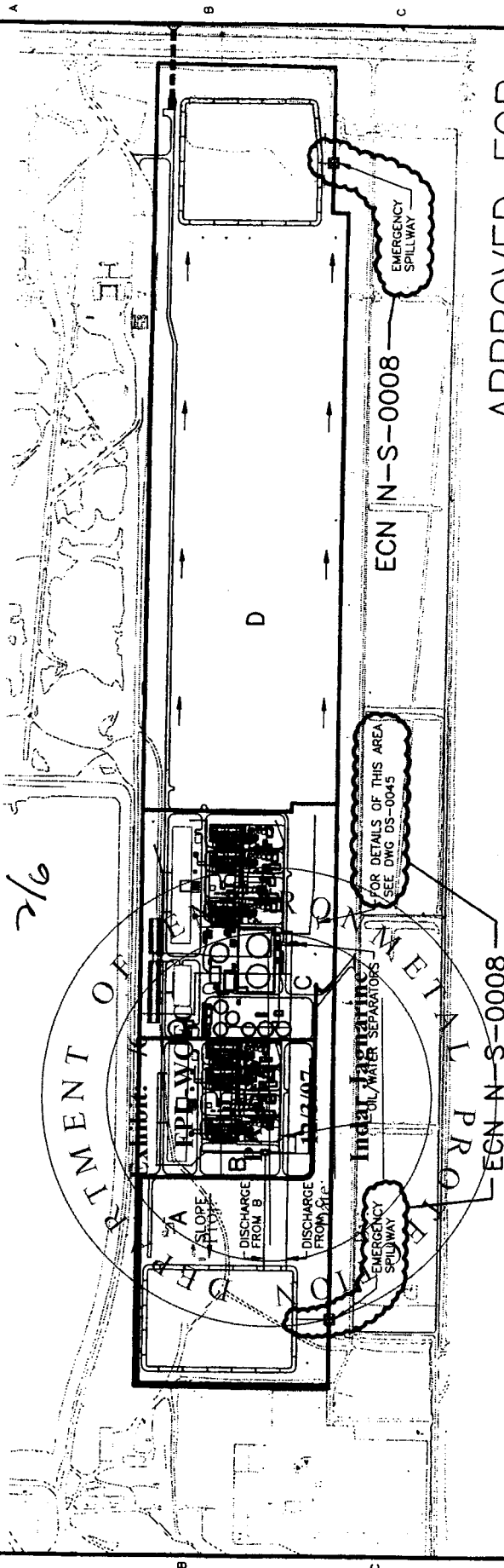
w/ attachments(6)

cc:

Marister_Ruiz@fpl.com
Barbara_P_Linkiewicz@fpl.com
Tim.Gray@dep.state.fl.us
Karen.Skinner@dep.state.fl.us
Cindy.mulkey@dep.state.fl.us

BASIN DESCRIPTION:

- A OVERLAND FLOWS TO NORTH STORM WATER POND
- B UNIT 1 AREA - PUMPED TO NORTH STORM WATER POND
- C UNIT 2/Common Area - PUMPED TO NORTH STORM WATER POND
- D AREA D WILL HAVE DITCHES TO FACILITATE DRAINAGE TO SOUTH STORM WATER POND



APPROVED FOR
CONSTRUCTION
FOR PERMITTING
PURPOSES ONLY

JAMES JOSEPH SHERMAN
FLORIDA P.E. LICENSE NO. 51652
BLACK & VEATCH CORPORATION
11401 LAMAR AVENUE
OVERLAND PARK, KANSAS 66211
CERTIFICATE OF AUTHORIZATION NO. 00008132

WEST COUNTY
Power Partners, LLC

FLORIDA POWER & LIGHT
WEST COUNTY ENERGY CENTER

PROJECT
FPLWC-DS-0043

REV
1

STORMWATER PLAN

CODE
AREA

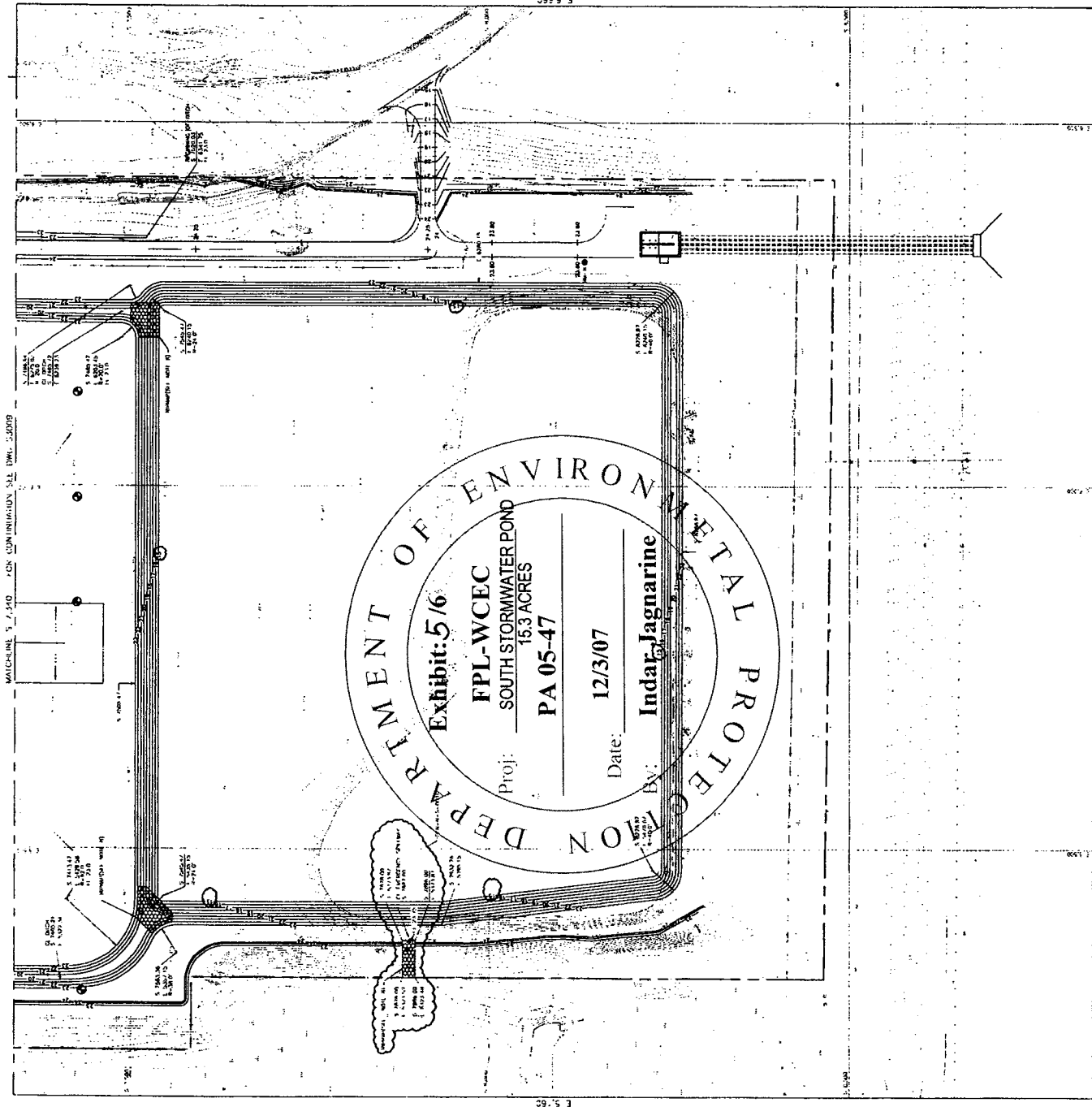
NO	DATE	REVISIONS AND RECORD OF ISSUE	DRN	DES	CHK	PDE	APP
1	04/12/07	GENERAL REVISIONS	JWS	SAG	SEP	RMP	
0	03/07/07	INITIAL ISSUE	MRR	SAG	SEP	RMP	

RECEIVED

MAY 11 2007

DEPT OF ENV PROTECTION

66-0107-
105-
29232

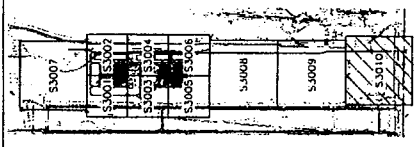


MATCHLINE 5' 7.5' 0" 42N CONFINEMENT SEE DWG. 5-0019

E 6.56C

E 5.6C

NET 11.4N



NOTES

1. ALL ELEVATIONS SHOWN ARE BASED ON THE 1985 MEAN SEA LEVEL DATUM AND ARE SUBJECT TO CHANGE.
2. STORMWATER POND SHALL BE CONSTRUCTED TO A MINIMUM OF 2' DEPTH.
3. ELEVATIONS SHOWN IN PARENTS ARE BASED ON THE 1985 MEAN SEA LEVEL DATUM AND ARE SUBJECT TO CHANGE.
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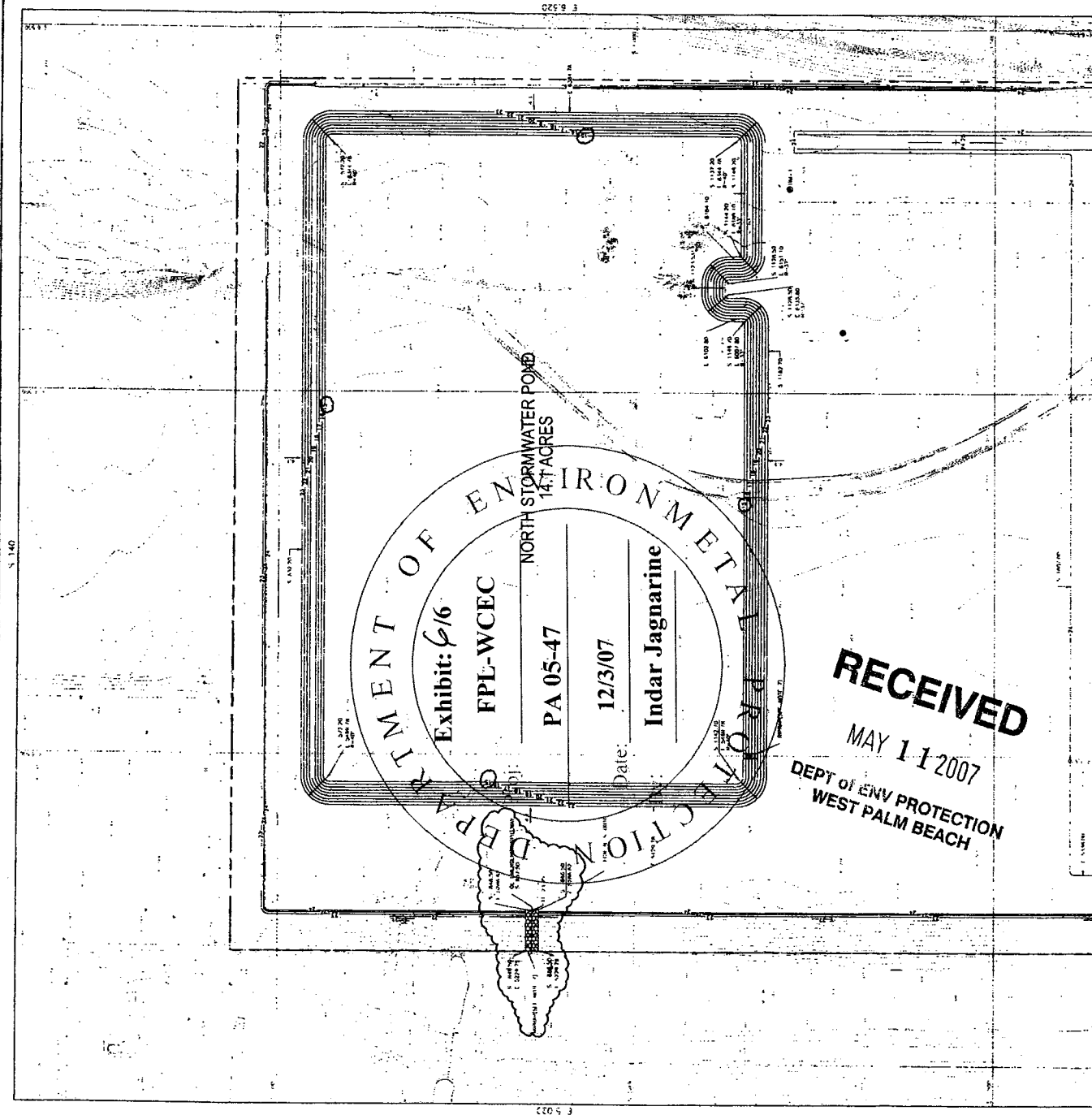
APPROVED FOR CONSTRUCTION FOR PERMITTING PURPOSES ONLY

12/6/15

Indar Jagnarine

PROJECT NO.	FLWC-CSTF-S3010
DATE	12/6/15
DESIGNED BY	INDAR JAGNARINE
CHECKED BY	INDAR JAGNARINE
APPROVED BY	INDAR JAGNARINE

PROJECT NO.	FLWC-CSTF-S3010
DATE	12/6/15
DESIGNED BY	INDAR JAGNARINE
CHECKED BY	INDAR JAGNARINE
APPROVED BY	INDAR JAGNARINE

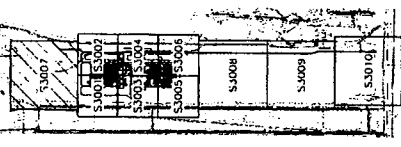


S 140

S 6.520

S 5.022

KEY PLAN



NOTES

1. ALL DIMENSIONS ARE TO CENTER OF ROAD OR CENTER OF CANAL UNLESS OTHERWISE NOTED.
2. ALL DIMENSIONS ARE TO CENTER OF ROAD OR CENTER OF CANAL UNLESS OTHERWISE NOTED.
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APPROVED FOR
CONSTRUCTION
FOR PERMITTING
PURPOSES ONLY

FLORIDA POWER & LIGHT
WEST COUNTY ENERGY CENTER
GRADING AND DRAINAGE - SITE
FINISH GRADING - REG. 7

WEST COUNTY
Power Partners, LLC

FLORIDA POWER & LIGHT
WEST COUNTY ENERGY CENTER
GRADING AND DRAINAGE - SITE
FINISH GRADING - REG. 7

FLORIDA POWER & LIGHT
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FINISH GRADING - REG. 7

FLORIDA POWER & LIGHT
WEST COUNTY ENERGY CENTER
GRADING AND DRAINAGE - SITE
FINISH GRADING - REG. 7

**Notice of Intent to Use Generic Permit for Stormwater Discharge
from Large and Small Construction Activities**

WEST COUNTY POWER PARTNERS, LLC

11401 Lamar Avenue
Overland Park, Kansas 66211
Tel: (913) 458-2000
Fax: (913) 458-4018 or 2934

527 Logwood
San Antonio, TX 78221
Ph: 210-475-8000
Fax: 210-475-8060

Florida Power & Light Company
West County Energy Center

WCPP Project 144553
WCPP File 32.0425
WCPP-TP-2007-013

January 19, 2007

Express Mail

NPDES Stormwater Notices Center, MS #2510
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Subject: Notice of Intent Submittal

Gentlemen:

Florida Power and Light Company (FPL) are planning to begin construction of a new unit at the West County Energy Center on or about February 5, 2007. The Final Order Approving Certification and Conditions of Certification (Order No. PA 05-47) were issued for the project on December 26, 2006, under authority of the Florida Power Plant Siting Act. FPL has contracted with West County Power Partners, LLC (WCPP) to design and construct the new facility and WCPP has also been assigned responsibility for construction related activities, including storm water management during construction.

On behalf of FPL, the West County Power Partners, LLC, submit the enclosed *Notice of Intent to Use Generic Permit for Stormwater Discharge from Large and Small Construction Activities* and check for the permit application fee for authorization of storm water discharges from the West County Energy Center construction site. The permanent site storm water management system is designed to retain the runoff generated from the 100-year, 3 day storm event with no off-site discharge. During the construction and commissioning of this storm water management system, treated storm water from construction areas may run-off down the fill slopes of the project site. On-site treatment will be achieved through the use of temporary controls such as silt fence, hay bales, sedimentation ponds, etc. As noted in the attached NOI, this treated storm water will drain into existing areas that eventually discharge into the L-12 canal.

If you have any questions about the project, please do not hesitate to call me at (210) 475-8455.

Very truly yours,

WEST COUNTY POWER PARTNERS, LLC



Rick Walter
Project Executive

cc: Indarjit Jagnarine, DEP Southeast District Office, 400 N Congress Street,
West Palm Beach, FL 33401

Florida Power & Light Company
West County Energy Center

WCPP Project 144553
January 19, 2007

bcc: Patsy Scoville, FPL, Juno Beach
Larry Payne, FPL, Juno Beach
Tom Young, FPL, Juno Beach
Barbara Linkiewicz, FPL, Juno Beach
Marister Ruiz, FPL, Juno Beach
Rick Walter, WCPP-SA
Terry Apple/File, WCPP-KC
Gary Jamison, WCPP-KC
Rob Phelps, WCPP-KC
Sean Pechon, WCPP-KC
Mike Soltys, WCPP-KC
Bruce Beall, WCPP-Site
Bill Nash, WCPP-SA
Billy Rawson, WCPP-Site
Bert Usry WCPP-Site



**NOTICE OF INTENT
TO USE
GENERIC PERMIT FOR STORMWATER
DISCHARGE FROM LARGE AND SMALL
CONSTRUCTION ACTIVITIES
(RULE 62-621.300(4), F.A.C.)**

This Notice of Intent (NOI) form is to be completed and submitted to the Department before use of the Generic Permit for Stormwater Discharge From Large and Small Construction Activities provided in Rule 62-621.300(4), F.A.C. The type of project or activity that qualifies for use of the generic permit, the conditions of the permit, and additional requirements to request coverage are specified in the generic permit document [DEP Document 62-621.300(4)(a)]. **The appropriate generic permit fee, as specified in Rule 62-4.050(4)(d), F.A.C., shall be submitted with this NOI in order to obtain permit coverage. Permit coverage will not be granted without submittal of the appropriate generic permit fee.** You should familiarize yourself with the generic permit document and the attached instructions before completing this NOI form. Please print or type information in the appropriate areas below.

I. IDENTIFICATION NUMBER: Project ID _____

II. APPLICANT INFORMATION:

A. Operator Name: West County Power Partners, LLC		
B. Address: c/o Zachry Construction Corp., 527 Logwood		
C. City: San Antonio		E. Zip Code: 78244-0130
D. State: TX		
F. Operator Status: P	G. Responsible Authority: Rick Walter, Project Executive, WCPP	
H. Phone No.: (210) 475-8455		

III. PROJECT/SITE LOCATION INFORMATION:

A. Project Name: West County Energy Center		
B. Project Address/Location: 20505 State Road 80		
C. City: Loxahatchee		E. Zip Code: 33470
D. State: FL		
F. County: Palm Beach	G. Latitude: 26 ° 41' 54.98 "	Longitude: 80 ° 22' 29.54 "
H. Is the site located on Indian lands? ☐ Yes ☒ No		I. Water Management District: SFWMD
J. Project Contact: Bruce Beall, Site Project Manager, WCPP		K. Phone No.: (602) 206-8688

IV. PROJECT/SITE ACTIVITY INFORMATION:

A. Indicate whether Large or Small Construction (check only one):	☒ Large Construction (Project will disturb five or more acres of land.)
	☐ Small Construction (Project will disturb one or more acres but less than five acres of land.)
B. Approximate total area of land disturbance from commencement through completion of construction: 206 Acres	
C. SWPPP Location:	☐ Address in Part II above ☒ Address in Part III above ☐ Other address (specify below)
D. SWPPP Address: 20505 State Road 80	
E. City: Loxahatchee	F. State: FL G. Zip Code: 33470
H. Construction Period:	Start Date: February 5, 2007 Completion Date: February, 2010

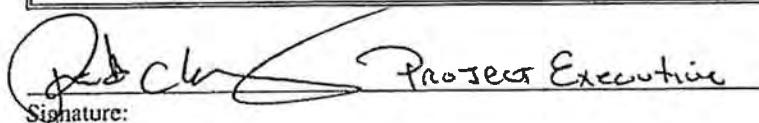
V. DISCHARGE INFORMATION

A. MS4 Operator Name (if applicable): NA
B. Receiving Water Name: Treated stormwater runoff from the construction area may discharge down the fill slopes of the project site. This treated stormwater will drain into areas that eventually discharge into the L12 Canal.

VI. CERTIFICATION¹:

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 and Official Title (Type or Print):
--


Signature: _____ Project Executive

January 19, 2007
Date Signed: _____

¹ Signatory requirements are contained in Rule 62-620.305, F.A.C.

INSTRUCTIONS – DEP FORM 62-621.300(4)(b)
NOTICE OF INTENT (NOI) TO USE GENERIC PERMIT FOR STORMWATER DISCHARGE FROM LARGE
AND SMALL CONSTRUCTION ACTIVITIES

Who Must File an NOI:

Federal law at 40 CFR Part 122 prohibits the point source discharge of pollutants, including the discharge of stormwater associated with large construction activities as defined at 40 CFR 122.26(b)(14)(x) or small construction activities as defined at 40 CFR 122.26(b)(15), to waters of the United States without a National Pollutant Discharge Elimination System (NPDES) permit. Under the State of Florida's authority to administer the NPDES stormwater program at 403.0885, F.S., operators that have stormwater discharge associated with large or small construction activities to surface waters of the State, including through a Municipal Separate Storm Sewer System (MS4), must obtain coverage either under a generic permit issued pursuant to Chapter 62-621, F.A.C., or an individual permit issued pursuant to Chapter 62-620, F.A.C.

Where to File NOI:

NOIs for coverage under this generic permit must be sent to the following address:

NPDES Stormwater Notices Center, MS #2510
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Permit Fee:

Permit fees for large and small construction activities to be covered under the generic permit are specified in Rule 62-4.050(4)(d), F.A.C. The appropriate generic permit fee (either for large or small construction activities) must be submitted along with the completed NOI in order to obtain coverage under the generic permit. **Generic permit coverage will not be granted without payment of the appropriate permit fee.**

The permit fee shall be paid by either check or money order made payable to: "Florida Department of Environmental Protection"

Part I – Identification Number

Enter the project's DEP identification number (generic permit coverage number) if known. If an ID number has not yet been assigned to this project (i.e., if this is a new project), leave this item blank.

Part II – Applicant Information

Item A.: Provide the legal name of the person, firm, contractor, public organization, or other legal entity that owns or operates the construction activity described in this NOI. The operator is the legal entity that has authority to control those activities at the project necessary to ensure compliance with the terms and conditions of the generic permit.

Items B. – E.: Provide the complete mailing address of the operator, including city, state, and zip code.

Item F.: Enter the appropriate one letter code from the list below to indicate the legal status of the operator:

F = Federal; S = State; P = Private; M = Public (other than federal or state); O = Other

Items G. – H.: Provide the name and telephone number (including area code) of the person authorized to submit this NOI on behalf of the operator (e.g., Jane Smith, President of Smith Construction Company on behalf of the operator, Smith Construction Company; John Doe, Public Works Director on behalf of the operator, City of Townsville; etc.). This should be the same person as indicated in the certification in Part VI.

Part III – Project/Site Location Information

Items A. – E.: Enter the official or legal name and complete street address, including city, state, and zip code of the project. Do not provide a P.O. Box number as the street address. If it lacks a street address, describe the project site location (e.g., intersection of State Road 1 and Smith Street).

Item F.: Enter the county in which the project is located.

Item G.: Enter the latitude and longitude, **in degrees-minutes-seconds format**, of the approximate center of the project.

Item H.: Indicate whether the project is located on Indian lands.

Item I.: Enter the appropriate five or six letter code from the list below to indicate the Water Management District the project is located within:

NWFWMD = Northwest Florida Water Management District
SRWMD = Suwannee River Water Management District
SFWMD = South Florida Water Management District
SWFWMD = Southwest Florida Water Management District
SJRWMD = St. John's River Water Management District

Items J. – K.: Give the name, title, and telephone number (including area code) of the project contact person. The project contact is the person who is thoroughly familiar with the project, with the facts reported in this NOI, and who can be contacted by the Department if necessary.

Part IV – Project/Site Activity Information:

Item A.: Check the appropriate box to indicate whether the project involves large construction activity or small construction activity. **Check one box only.**

“Large Construction Activity” means construction activity that results in the disturbance of five (5) or more acres of total land area. Large construction activity also includes the disturbance of less than five acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more.

“Small Construction Activity” means construction activity that results in the disturbance of equal to or greater than one (1) acre and less than five (5) acres of total land area. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre and less than five acres.

Item B.: Provide the approximate total area of land disturbance in acres that the project will involve from commencement of construction through completion.

Items C. - G.: Indicate the location where the Stormwater Pollution Prevention Plan (SWPPP) can be viewed. Provide the address where the SWPPP can be viewed if other than as provided in Parts II or III of the NOI. **Note that to be eligible for coverage under the generic permit, the SWPPP must have been prepared prior to filing this NOI.**

Item H.: Enter the estimated construction start and completion dates in the MM/DD/YY format.

Part V – Discharge Information

Item A.: If stormwater from the project discharges to a municipal separate storm sewer system (MS4), enter the name of the operator of the MS4 (e.g., City of Tallahassee MS4, Orange County MS4, FDOT MS4, etc.). If stormwater from the project does not discharge to an MS4 but rather discharges to surface waters of the State, leave this item blank or indicate "N/A" and skip to Item B of this part. **Please note that if the project discharges stormwater to an MS4, you must provide the MS4 operator with a copy of the completed NOI.**

Item B.: If the project discharges stormwater to surface waters of the State, and not to an MS4, enter the name of the receiving water body to which the stormwater is discharged. Please provide the first named water body to which the stormwater from the project is discharged (e.g., Cypress Creek, Tampa Bay, unnamed ditch to St. Johns River, Tate's Hell Swamp, etc.).

Part VI – Certification

Type or print the name and official title of the person signing the certification. Please note that this should be the same person as indicated in Item II.G. as the Responsible Authority. Sign and date the certification.

Section 403.161, F.S., provides severe penalties for submitting false information on this application (NOI) or any reports or records required by a permit. There are both civil and criminal penalties, in addition to the revocation of permit coverage for submitting false information.

Rule 62-620.305, F.A.C., requires that the NOI and any reports required by the permit to be signed as follows:

- A. For a corporation, by a responsible corporate officer as described in Rule 62-620.305, F.A.C.;
- B. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or,
- C. For a municipality, state, federal or other public facility, by a principal executive officer or elected official.



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road, MS 2510
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

February 9, 2007

Rick Walter
West County Power Partners LLC
c/o Zachry Construction Corp
527 Logwood
San Antonio, TX 78244

RE: Project ID: FLR10EL17
West County Energy Center
County: Palm Beach

Dear Permittee:

The Florida Department of Environmental Protection has received and processed your *Notice of Intent to Use Generic Permit for Stormwater Discharge from Large and Small Construction Activities* (NOI) and the accompanying processing fee. This letter serves to acknowledge that your NOI is complete, your fee is paid-in-full, and your project is covered under the generic permit effective January 21, 2007. Your coverage under the generic permit will expire January 20, 2012.

The *Generic Permit for Stormwater Discharge from Large and Small Construction Activities* (CGP) was issued under the provisions of Section 403.0885, Florida Statutes, and applicable rules of the Florida Administrative Code. Until the CGP is terminated, modified or revoked, permittees that have properly obtained coverage under this permit are authorized to disturb land, to construct and operate facilities, and to discharge to surface waters in accordance with the terms and conditions of this permit.

Your project identification number is FLR10EL17. Please make reference to this number on all future correspondence including any checks made out to the Department.

This letter is not your permit. Your NOI allows you to proceed with construction by complying with the CGP (DEP Document No. 62-621.300(4) (a)), a copy of which you may obtain online at <http://www.dep.state.fl.us/water/stormwater/npdes/construction3.htm> or by contacting the NPDES Stormwater Notices Center.

Rick Walter

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Facility ID: FLR10EL17

February 9, 2007

Key provisions of the permit are (1) implementation of your stormwater pollution prevention plan (SWPPP) that was required to be developed prior to NOI submittal; (2) conducting and documenting routine inspections as required by the permit; and (3) retention of records required by the permit, including retention of a copy of the SWPPP at the construction site, or at an alternative location as specified in your NOI, from the date of project initiation to the date of final site stabilization.

If your project will continue discharging stormwater associated with construction activity beyond expiration of the current coverage, request for continued coverage shall be made by filing a completed NOI at least 2 days before expiration of the current coverage period. If you discontinue discharging stormwater associated with construction activity, or otherwise qualify to discontinue coverage under the CGP, you may terminate permit coverage by filing a Notice of Termination of Generic Permit Coverage (NOT).

If you have any questions concerning this acknowledgment letter, please contact the NPDES Stormwater Notices Center at (866) 336-6312 or (850) 297-1232

CERTIFICATE OF SERVICE

THE UNDERSIGNED HEREBY CERTIFIES that the foregoing acknowledgment of coverage under the Construction Generic Permit Rule 62-621.300(4), F.A.C., was mailed by Science Applications International Corporation working under FDEP Contract Number WM788, on behalf of the Florida Department of Environmental Protection, on the date indicated below via the United States Postal Service.

Dianna Brooks 2/9/2007
Name Date

Department of Environmental Protection
Stormwater Discharge Generic Permit

State of Florida

Department of Environmental Protection

Generic Permit

For

Stormwater Discharge from Large and Small Construction Activities

May 2003

This permit is issued under the provisions of Section 403.0885, Florida Statutes, and applicable rules of the Florida Administrative Code pursuant to the Department's federally-approved National Pollutant Discharge Elimination System (NPDES) stormwater regulatory program. Stormwater discharge associated with large construction activity, as defined at 40 CFR Part 122.26(b)(14)(x) and herein, is regulated pursuant to Section 402(p)(2) of the federal Clean Water Act (CWA). Stormwater discharge associated with small construction activity, as defined at 40 CFR 122.26(b)(15) and herein, is regulated pursuant to Section 402(p)(6) of the CWA. This permit constitutes authorization to discharge stormwater associated with large and small construction activities to surface waters of the State, including through a Municipal Separate Storm Sewer System (MS4). Until this permit is terminated, modified, or revoked, permittees that have properly obtained coverage under this permit are authorized to discharge to surface waters of the State, including through an MS4, in accordance with the terms and conditions of this permit.

Part I. General Provisions

A. Applicability and Coverage

1. Federal law prohibits the point source discharge of pollutants, including the discharge of stormwater associated with large or small construction activities pursuant to 40 CFR Part 122 and as defined in Part II of this permit, to waters of the United States without a National Pollutant Discharge Elimination System (NPDES) permit. Under the State of Florida's authority to administer the NPDES stormwater program at 403.0885, F.S., operators that have stormwater discharge associated with large or small construction activities to surface waters of the State, including through a Municipal Separate Storm Sewer System (MS4), must obtain coverage either under a generic permit issued pursuant to Chapter 62-621, F.A.C., or an individual permit issued pursuant to Chapter 62-620, F.A.C.

2. Coverage under this generic permit is available for stormwater discharges from large and small construction activities to surface waters of the State as defined in Section 403.031, F.S., including stormwater discharges associated with construction activity to surface waters of the State through an MS4.

3. This generic permit does not constitute authorization under Part IV of Chapter 373, F. S., for the construction, alteration, operation, maintenance, abandonment, or removal of any stormwater management system, dam, impoundment, reservoir, or appurtenant work or works, including dredging or filling, in, on or over wetlands and other surface waters, as determined by the methodology authorized in Subsection 373.421(1), F. S.

4. This generic permit authorizes the discharge of stormwater associated with construction activity under the State's federally-approved NPDES stormwater program only and does not supercede the requirement to obtain a stormwater discharge permit under Chapter 62-25, F.A.C.; environmental resource permit (ERP) under Part IV, Chapter 373, F.S.; stormwater discharge permit from a Department-approved delegated local government; or any other required federal, state, or local government permit.

B. Eligibility

1. This permit authorizes the discharge of stormwater associated with large and small construction activity, as defined in Part II of this permit, occurring after the effective date of this permit.

2. This permit authorizes stormwater discharge associated with construction activity that is mixed with stormwater discharges associated with industrial activity other than construction, where:

- a. the industrial source other than construction is located on the same site as the construction activity;
- b. stormwater discharges associated with industrial activity from the areas of the site where construction activities are occurring are in compliance with the terms of this permit; and
- c. stormwater discharges associated with industrial activity from the areas of the site where industrial activity other than construction are occurring are in compliance with the terms of a different generic permit (e.g., Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity) or individual permit authorizing such discharges.

3. Limitations on Coverage. The following stormwater discharges from construction sites are not authorized by this permit:
- stormwater discharges that originate from the site after construction activities have been completed and the site has undergone final stabilization;
 - discharges that are mixed with sources of non-stormwater, other than discharges identified in Part IV.A.3. of this permit;
 - stormwater discharge associated with construction activity that is covered under an existing generic or individual permit. Such discharges may be authorized under this permit after the existing individual permit or generic permit term of coverage expires, provided the existing permit did not establish numeric limitations for such discharges; or
 - stormwater discharge associated with construction activity that the Department has determined to be or may reasonably be expected to be causing or contributing to a violation of a surface water quality standard.

C. Obtaining Authorization

- In order for stormwater discharge associated with construction activity to be authorized under this generic permit, an operator must:
 - Meet the eligibility requirements in Part I.B. of this permit;
 - Develop and implement a stormwater pollution prevention plan (SWPPP) in accordance with the requirements of Part V of this permit; and
 - Submit a completed Notice of Intent (NOI) in accordance with the requirements of Part III. of this permit, including submittal of the appropriate processing fee as established in Rule 62-4.050(4)(d), F.A.C.
- The Department may deny coverage under this permit or require submittal of a revised NOI based on the Department's determination that the NOI is incomplete, the permit fee has not been paid, or the submittal otherwise is not in accordance with the requirements of this generic permit.

Part II. Definitions

For the purposes of this generic permit, the following definitions shall apply, unless otherwise indicated:

- "Best Management Practices" or "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of surface waters. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- "Construction Activity" means the act or process of developing or improving land which involves the disturbance of soils and includes clearing, grading, and excavation.
- "Commencement of Construction" means the initial disturbance of soils associated with clearing, grading, or excavating activities or other construction activities.
- "Department" or "DEP" means the Florida Department of Environmental Protection.
- "Final Stabilization" means that all soil disturbing activities at the site have been completed, and that a uniform (e.g., evenly distributed, without large bare areas) perennial

vegetative cover with a density of at least 70% for all unpaved areas and areas not covered by permanent structures has been established or equivalent permanent stabilization measures (e.g., geotextiles) have been employed.

6. "Large Construction Activity" means construction activity that results in the disturbance of five (5) or more acres of total land area. Large construction activity also includes the disturbance of less than five acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more.

7. "Municipal Separate Storm Sewer System" or "MS4" means a large, medium, or small MS4 as defined in Chapter 62-624, F.A.C.

8. "NOI" means notice of intent to be covered by this permit (see Part III of this permit.)

9. "NOT" means notice of termination (see Part VIII of this permit).

10. "NPDES" means the Department's federally-approved National Pollutant Discharge Elimination System program.

11. "Operator" means the person, firm, contractor, public organization, or other legal entity that owns or operates the construction activity and that has authority to control those activities at the project necessary to ensure compliance with the terms and conditions of this permit.

12. "Qualified Inspector" means a person that:

- a. has successfully completed and met all requirements necessary to be fully certified through the DEP Stormwater, Erosion, and Sedimentation Control Inspector Training Program;
- b. has successfully completed an equivalent formal training program; or
- c. that is qualified by other training or practical experience in the field of stormwater pollution prevention and erosion and sedimentation control.

13. "Small Construction Activity" means construction activity that results in the disturbance of equal to or greater than one (1) acre and less than five (5) acres of total land area. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre and less than five acres.

14. "Stormwater" means the flow of water which results from, and which occurs immediately following, a rainfall event.

15. "Stormwater discharge associated with construction activity" means the discharge of stormwater from large or small construction activities, including areas where soil disturbing activities; construction materials handling or storage; or, equipment storage or maintenance are located.

16. "Surface Waters of the State" means those surface waters that are defined in section 403.031, F. S.

17. "Water Management District" or "WMD" means the Northwest Florida Water Management District, the Suwannee River Water Management District, the St. Johns River Water Management District, the Southwest Florida Water Management District, or the South Florida Water Management District.

Part III. Notice of Intent Requirements

A. Deadlines for Notification.

1. Operators seeking coverage under this generic permit to authorize stormwater discharge associated with construction activity for new large or small construction activities, for which commencement of construction begins after the effective date of this permit, shall file an NOI for coverage under this permit at least two (2) days before commencement of construction.

2. Operators of small construction activity, where commencement of construction occurred prior to the effective date of this permit, seeking coverage under this permit to authorize stormwater discharge associated with construction activity after the effective date of this permit shall file an NOI for coverage within 31 days of the effective date of this permit.

3. Permittees that previously obtained coverage under the State of Florida Generic Permit for Construction Activities That Disturb Five or More Acres of Land, issued and effective October 22, 2000, for large construction activity shall remain covered under that generic permit until permit coverage is terminated, revoked, or the permittee's five year term of coverage expires. Permittees covered under the October 2000 generic permit indicated above that will have stormwater discharge associated with construction activity beyond their initial five year term of coverage under the October 2000 generic permit shall submit an NOI for coverage under this generic permit at least two (2) days before expiration of coverage under the October 2000 generic permit.

4. For construction activities where the operator changes, the new operator shall file an NOI for coverage under this permit at least two (2) days before assuming control of the project and the previous operator shall file an NOT to terminate permit coverage in accordance with Part VIII of this permit.

B. Contents of Notice of Intent.

1. In order to obtain coverage under this permit, an operator of the stormwater discharge associated with construction activity shall submit a completed Notice of Intent to Use Generic Permit for Stormwater Discharge from Large and Small Construction Activities, DEP Form 62-621.300(4)(b), effective May 1, 2003, including the applicable permit processing fee as specified in Rule 62-4.050(4)(d), F.A.C. By completing, signing, and submitting an NOI, the operator is certifying that they meet all eligibility requirements of this permit and are informing the Department of their intent to be covered by, and comply with, the terms and conditions of this generic permit. The Notice of Intent shall be signed in accordance with Part VII.C. of this permit by the operator.

C. Where to Submit.

1. NOIs are to be submitted to the following address:

NPDES Stormwater Notices Center, MS# 2510
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

2. A copy of the NOI or letter from DEP confirming coverage under this generic permit shall be posted at the construction site in a prominent place for public viewing (such as alongside a building permit).

D. Additional Notification.

1. Projects that discharge stormwater associated with construction activity to a municipal separate stormwater system (MS4) shall submit a copy of the NOI to the operator of the MS4.

E. Period of Coverage

1. Coverage under this generic permit is effective two (2) days after the date of submittal of a complete NOI to the Department.

2. Coverage under this generic permit is limited to a term not to exceed five years from the effective date of coverage.

F. Permit Coverage Renewal

1. If the project will continue to have stormwater discharge associated with construction activity beyond the initial five year term of coverage, the operator shall submit a new NOI at least two (2) days before expiration of the current term of coverage under this permit.

Part IV. Special Conditions, Management Practices, and Other Non-numeric Limitations

A. Prohibition on Non-stormwater Discharges.

1. Except as provided in paragraphs I.B.2. and IV.A.3., all discharges covered by this permit shall be composed entirely of stormwater associated with construction activity.

2. Except as specified in IV.A.3. below, discharges of material other than stormwater associated with construction activity must be in compliance with a Department permit (other than this permit) issued for the discharge, or be exempt therefrom.

3. The following non-stormwater discharges may be authorized by this permit provided the non-stormwater component of the discharge is in compliance with paragraph V.D.5.: discharges from fire fighting activities; fire hydrant flushings; waters used to spray off loose solids from vehicles (wastewaters from a more thorough cleaning, including the use of detergents or other cleaners is not authorized by this part) or control dust in accordance with Part V.D.2.c.(2); potable water sources including waterline flushings; irrigation drainage; routine external building washdown which does not use detergents; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; springs; and foundation or footing drains where flows are not contaminated with process materials such as solvents.

4. Discharges resulting from ground water dewatering activities at construction sites are not covered by this permit. Applicants for these discharges must obtain coverage under the Department's Generic Permit for the Discharge of Produced Ground Water from any Non-contaminated Site Activity pursuant to Rule 62-621.300(2), F.A.C.

B. Releases in Excess of Reportable Quantities.

1. The discharge of hazardous substances or oil in the stormwater discharge(s) from a facility or activity shall be prevented or minimized in accordance with the applicable stormwater pollution prevention plan for the facility or activity. This permit does not relieve the operator of the reporting requirements of 40 CFR part 117 and 40 CFR part 302. Where a release containing a hazardous substance in an amount equal to or in excess of a reporting quantity established under either 40 CFR 117 or 40 CFR 302, occurs during a 24 hour period:

a. The operator is required to notify the State Warning Point (800-320-0519 or 850-413-9911) as soon as he or she has knowledge of the discharge;

b. The operator shall submit within 14 calendar days of knowledge of the release a written description of: the release (including the type and estimate of the amount of material released), the date that such release occurred, the circumstances leading to the release, and remedial steps to be taken, to the Florida Department of Environmental Protection, NPDES Stormwater Section, Mail Station 2500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; and

c. The stormwater pollution prevention plan required under Part V of this permit must be modified within 14 calendar days of knowledge of the release to: provide a description of the release, the circumstances leading to the release, and the date of the release. In addition, the plan must be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate.

2. This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.

Part V. Stormwater Pollution Prevention Plan

A. A stormwater pollution prevention plan shall be developed and implemented for each construction site covered by this permit. Stormwater pollution prevention plans shall be prepared in accordance with good engineering practices. Equivalent erosion and sediment control plans prepared as a permit requirement under Part IV, Chapter 373, F.S., or Chapter 62-25, F.A.C., may serve as the pollution prevention plan provided all of the elements of this section are included in such an alternative plan. The plan shall identify potential sources of pollution that may reasonably be expected to affect the quality of stormwater discharge associated with construction activity. In addition, the plan shall describe and ensure the implementation of best management practices which will be used to reduce the pollutants in stormwater discharge associated with construction activity and to assure compliance with the terms and conditions of this permit. Facilities must implement the provisions of the stormwater pollution prevention plan required under this part as a condition of this permit. Failure to develop and implement a stormwater pollution prevention plan in accordance with the requirements of this part shall be deemed a violation of this permit and may result in enforcement action.

B. Deadlines for Plan Preparation and Compliance.

1. The pollution prevention plan shall:

DEP Document No. 62-621.300(4)(a)
Effective May 1, 2003

- a. Be completed (including certification by the operator in accordance with Part VII.C.) prior to the submittal of an NOI to be covered under this permit and updated as appropriate;
- b. The plan shall provide for compliance with the terms and schedule of the plan beginning with the initiation of construction activities.

C. Keeping Plans Current.

1. The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to surface waters of the State or an MS4, including the addition of or change in location of stormwater discharge points, and which has not otherwise been addressed in the plan. The permittee also shall amend the plan if it proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under Part V.D.1. of this permit, or in otherwise achieving the general objectives of controlling pollutants in stormwater discharge associated with construction activity. In addition, the plan shall be amended to identify any new contractor and/or subcontractor that will implement a measure of the stormwater pollution prevention plan (see Part V.D.6.). Amendments to the plan shall be prepared, signed, dated, and kept as attachments to the original plan.

D. Contents of Plan.

1. Site Description. Each plan shall provide a description of pollutant sources and other information as indicated:
 - a. A description of the nature of the construction activity;
 - b. A description of the intended sequence of major activities which disturb soils for major portions of the site (e.g. grubbing, excavation, grading);
 - c. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by excavation, grading, or other construction activities;
 - d. Existing data describing the soil or the quality of any discharge from the site and an estimate of the size of the drainage area for each discharge point;
 - e. A site map indicating drainage patterns and approximate slopes anticipated after major grading activities, areas of soil disturbance, an outline of areas which may not be disturbed, the location of major structural and nonstructural controls identified in the plan, the location of areas where stabilization practices are expected to occur, surface waters, wetlands, and locations where stormwater is discharged to a surface water or MS4; and,
 - f. The latitude and longitude of each discharge point and the name of the receiving water(s) for each discharge point.
2. Controls. Each plan shall include a description of appropriate controls, BMPs, and measures that will be implemented at the construction site. The plan shall clearly describe for each major activity identified in Part V.D.1.b. appropriate control measures and the timing during the construction process that the measures will be implemented. For example, perimeter controls for one portion of the site will be installed after the clearing and grubbing necessary for installation of the measure, but before the clearing and grubbing for the remaining portions of the site. Perimeter controls shall be actively maintained until final stabilization of those portions of the site upward of the perimeter control. Temporary perimeter controls shall be removed after final stabilization. All controls shall be consistent with the performance standards for erosion and sediment control and

stormwater treatment as set forth in Rule 62-40.432, F.A.C., the applicable stormwater or environmental resource permitting requirements of the DEP or appropriate WMD, and the guidelines contained in the Florida Development Manual: A Guide to Sound Land and Water Management (DEP, 1988) and any subsequent amendments.

a. Erosion and Sediment Controls.

(1) Stabilization Practices. Each plan shall provide a description of interim and permanent stabilization practices, including site-specific scheduling of the implementation of the practices. Site plans should ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized. Stabilization practices may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. A record of the dates when major grading activities occur, when construction activities temporarily or permanently cease on a portion of the site and when stabilization measures are initiated shall be included in the plan. Stabilization measures shall be initiated as soon as practicable, but in no case more than 7 days, in portions of the site where construction activities have temporarily or permanently ceased.

(2) Structural Practices. Each plan shall include a description of structural practices, to divert flows from exposed soils, store flows, retain sediment on-site, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site. Such practices may include silt fences, earth dikes, diversions, swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, coagulating agents and temporary or permanent sediment basins. Structural BMPs shall be placed on upland soils unless a State of Florida wetland resource management permit or environmental resource permit issued pursuant to Chapter 373, F.S., and applicable regulations of the DEP or WMD authorize otherwise.

(3) Sediment Basins.

(a) For drainage basins with 10 or more disturbed acres at one time, a temporary (or permanent) sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent control measures, shall be provided where attainable until final stabilization of the site. The 3,600 cubic feet of storage area per acre drained does not apply to flows from offsite areas and flows from onsite areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin. For drainage basins with 10 or more disturbed acres at one time and where a temporary sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent controls is not attainable, a combination of smaller sediment basins and/or sediment traps and other BMPs should be used. At a minimum, silt fences, or equivalent sediment controls are required for all sideslope and downslope boundaries of the construction area.

(b) For drainage basins of less than 10 acres, sediment basins and/or sediment traps are recommended but not required. At a minimum, silt fences or equivalent sediment controls are required for all sideslope and downslope boundaries of the construction area.

(c) Areas that will be used for permanent stormwater infiltration treatment (e.g., stormwater retention ponds) should not be used for temporary sediment basins unless appropriate measures are taken to assure removal of accumulated fine sediments, which may cause premature clogging and loss of infiltration capacity, and to avoid excessive compaction of soils by construction machinery or equipment.

b. Permanent Stormwater Management Controls.

Each plan shall include a description of stormwater management controls or BMPs (e.g., stormwater detention or retention systems, vegetated swales, velocity dissipation devices at discharge points) that will be installed during the construction process to control pollutants in stormwater discharges that will occur during construction and after construction operations have been completed. This generic permit only addresses the installation of stormwater management controls and not the ultimate operation and maintenance of such controls after the construction activities have been completed and the site has undergone final stabilization. Under this generic permit, permittees are only responsible for the installation and maintenance of stormwater management BMPs prior to final stabilization of the site, and are not responsible for maintenance after stormwater discharges associated with construction activity have been eliminated from the site. However, all stormwater management systems and BMPs shall be operated and maintained in perpetuity after final stabilization in accordance with requirements set forth in the State of Florida stormwater or environmental resource permit issued under Chapter 62-25, F.A.C., or Part IV, Chapter 373, F.S.

c. Controls for Other Potential Pollutants.

(1) **Waste Disposal.** The plan shall assure that waste, such as discarded building materials, chemicals, litter, and sanitary waste are properly controlled in accordance with all applicable state, local, and federal regulations. This permit does not authorize the discharge of solid materials, including building materials, to surface waters of the State or an MS4.

(2) The plan shall assure that off-site vehicle tracking of sediments and the generation of dust is minimized.

(3) The plan shall be consistent with applicable State and local waste disposal, sanitary sewer or septic system regulations.

(4) The plan shall address the proper application rates and methods for the use of fertilizers, herbicides and pesticides at the construction site and set forth how these procedures will be implemented and enforced. Nutrients shall be applied only at rates necessary to establish and maintain vegetation.

(5) The plan shall ensure that the application, generation, and migration of toxic substances is limited and that toxic materials are properly stored and disposed.

3. **Maintenance.** The plan shall include a description of procedures that will be followed to ensure the timely maintenance of vegetation, erosion and sediment controls, stormwater management practices, and other protective measures and BMPs so they will remain in good and effective operating condition.

4. **Inspections.** A qualified inspector (provided by the operator) shall inspect all points of discharge into surface waters of the State or an MS4; disturbed areas of the construction site that have not been finally stabilized; areas used for storage of materials that are exposed to precipitation; structural controls; and, locations where vehicles enter or exit the site, at least once every seven calendar days and within 24 hours of the end of a storm that is 0.50 inches or greater as follows:

a. Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the stormwater system. The stormwater management system and erosion and sediment control measures identified in the plan shall be observed to ensure that they are operating correctly. Discharge locations or points shall be inspected to ascertain whether erosion and sediment control and stormwater treatment measures are effective in preventing or minimizing the discharge of

pollutants, including retaining sediment onsite pursuant to Rule 62-40.432, F.A.C. Locations where vehicles enter or exit the site shall be inspected for evidence of offsite sediment tracking.

b. Based on the results of the inspection, all maintenance operations needed to assure proper operation of all controls, BMPs, practices, or measures identified in the stormwater pollution prevention plan shall be done in a timely manner, but in no case later than 7 calendar days following the inspection. If needed, pollution prevention controls, BMPs, and measures identified in the plan shall be revised as appropriate, but in no case later than 7 calendar days following the inspection. Such modifications shall provide for timely implementation of any changes to the plan within 7 calendar days following the inspection.

c. A report summarizing the scope of the inspection; name(s) and qualifications of personnel making the inspection; the date(s) of the inspection; rainfall data; major observations relating to the implementation of the stormwater pollution prevention plan; and actions taken in accordance with paragraph V.D.4.b. of this permit, shall be made and retained, in accordance with Part VI of this permit, as part of the stormwater pollution prevention plan. Such reports shall identify any incidents of non-compliance. Where a report does not identify any incidents of non-compliance, the report shall contain a certification that the facility is in compliance with the stormwater pollution prevention plan and this permit. The report shall be signed in accordance with Part VII.C of this permit.

5. Non-Stormwater Discharges. Except for flows from fire fighting activities, sources of non-stormwater listed in Part IV.A.3 of this permit that are combined with stormwater discharges associated with construction activity must be identified in the plan. The plan shall identify and ensure the implementation of appropriate pollution prevention and treatment measures for the non-stormwater component(s) of the discharge.

6. Contractor/Subcontractor Certification.

a. The stormwater pollution prevention plan must clearly identify, for each measure identified in the plan, the contractor(s) and/or subcontractor(s) that will implement the measure. All contractors and subcontractors identified in the plan must sign a copy of the certification statement in Part V.D.6.b. of this permit. All certifications must be included in the stormwater pollution prevention plan.

b. Certification Statement for Contractors/Subcontractors. All contractors and subcontractors identified in a stormwater pollution prevention plan in accordance with Part V.D.6.a. of this permit shall sign a copy of the following certification statement before conducting any activities at the site:

"I certify under penalty of law that I understand, and shall comply with, the terms and conditions of the State of Florida Generic Permit for Stormwater Discharge from Large and Small Construction Activities and this Stormwater Pollution Prevention Plan prepared thereunder."

The certification must include the name and title of the person providing the signature in accordance with Part VII.C of this permit; the name, address and telephone number of the contracting firm; and the date the certification is made.

Part VI. Retention of Records

A. The permittee shall retain copies of stormwater pollution prevention plans and all reports required by this permit, and records of all data used to complete the Notice of Intent to be covered by this permit, for a period of at least three years from the date that the site is finally stabilized.

B. The permittee shall retain a copy of the stormwater pollution prevention plan and all reports, records and documentation required by this permit at the construction site, or an appropriate alternative location as specified in the NOI, from the date of project initiation to the date of final stabilization.

Part VII. Standard Permit Conditions

A. Any permit noncompliance constitutes a violation of Section 403.0885, F. S. and is grounds for enforcement action; for permit coverage termination, or revocation; or for denial of permit coverage renewal.

B. All of the general conditions listed in Rule 62-621.250, F.A.C., are adopted herein by reference.

C. Signatory Requirements.

1. All Notices of Intent, Notices of Termination, stormwater pollution prevention plans, reports, certifications or information either submitted to the Department or the operator of a municipal separate storm sewer system, or that this permit requires be maintained by the permittee, shall be signed as set forth in Rule 62-620.305, F.A.C.

2. Inspection reports prepared pursuant to Part V.D.4.c. of this permit shall be signed by the qualified inspector that prepared them as well as by a responsible authority for the operator as specified in Part VII.C.1. above.

3. Any person signing documents under this permit, except contractor/subcontractor certifications under Part V.D.6., shall make the following certification:

"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 gathered and evaluated 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."

Part VIII. Termination of Coverage

A. Notice of Termination.

1. Where a site has been finally stabilized (see Part II for the definition of final stabilization) and all stormwater discharges authorized by this permit are eliminated, the permittee shall submit a completed Notice of Termination (DEP Form 62-621.300(6)), signed in accordance

with Part VII.C. of this permit, within 14 days of final stabilization of the site to terminate coverage under this permit.

2. Elimination of stormwater discharges associated with construction activity means that all disturbed soils at the site have been finally stabilized and temporary erosion and sediment control measures have been removed or will be removed at an appropriate time, or that all stormwater discharges associated with construction activity from the site that are authorized by this generic permit have otherwise been eliminated.

3. For construction activities where the operator changes, the existing operator shall file an NOT in accordance with this Part within 14 days of relinquishing control of the project to a new operator.

B. Where to Submit.

1. A permittee shall submit a Notice of Termination to the following address:

NPDES Stormwater Notices Center, MS# 2510
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

2. Projects that discharged stormwater associated with construction activity to a municipal separate storm sewer system (MS4) shall submit a copy of the NOT to the operator of the MS4.

Palm Beach County Water Use Agreement



**Water Utilities Department
Engineering**

P.O. Box 16097
West Palm Beach, FL 33416-6097
(561) 493-6000
Fax: (561) 493-6113
www.pbcwater.com

**Palm Beach County
Board of County
Commissioners**

Addie L. Greene, Chairperson

Jeff Koons, Vice Chair

Karen T. Marcus

Warren H. Newell

Mary McCarty

Burt Aaronson

Jess R. Santamaria

County Administrator

Robert Weisman

June 22, 2007

John C. Gnecco IV, P.E.
Manager, Engineering & Contracting
Engineering & Construction Division
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420

Re: Agreement between PBC and FPL

Dear Mr. Gnecco:

Enclosed for your records is a copy of the executed and recorded Agreement between Palm Beach County and Florida Power & Light Company for the Temporary Purchase of bulk Potable Water.

If you have any questions, please contact me at (561) 493-6081

Sincerely,

A handwritten signature in black ink, appearing to read "B. Shields", with a horizontal line extending to the right.

Brian A. Shields, P.E.
Director, Engineering Division

cc: File

*"An Equal Opportunity
Affirmative Action Employer"*

R2007 1028

AGREEMENT BETWEEN PALM BEACH COUNTY AND
FLORIDA POWER & LIGHT COMPANY FOR THE TEMPORARY
PURCHASE OF BULK POTABLE WATER

THIS AGREEMENT made and entered into this JUN 19 2007 day of _____, 2007,
by and between PALM BEACH COUNTY, a political subdivision of the State of Florida
(hereinafter "County"), and the FLORIDA POWER & LIGHT COMPANY, a Florida
Corporation (hereinafter "FPL").

WITNESSETH

WHEREAS, FPL wishes to purchase bulk Potable Water from the County for use at its
West County Energy Center ("WCEC"); and

WHEREAS, the County wishes to sell FPL bulk Potable Water pursuant to the terms
and conditions of this Agreement; and

WHEREAS, to encourage and facilitate conservation of water resources, the parties
desire to enter into this Agreement.

NOW, THEREFORE, for and in consideration of these premises, the mutual
undertakings and agreements herein contained and assumed, County and FPL hereby
covenant and agree as follows:

1. The foregoing statements are true and correct.
2. Term. The term of this Agreement shall commence upon execution by both parties and shall continue in full force and effect until July 1, 2014, except for capacity purchased on a permanent basis, which shall continue indefinitely.
3. Effective Date. This Agreement shall become effective upon approval by both parties and completion of the modification of the conditions of certification, pursuant to Section 403.516, F.S., and Section 62-17.211, F.A.C., for WCEC issued by the South Florida Water Management District ("SFWMD"). FPL intends to modify its conditions of certification for WCEC to incorporate this Agreement and to maintain its current water use allocation under its certification. If FPL or SFWMD do not successfully modify WCEC's conditions of certification to incorporate this Agreement, and to allow FPL to keep its current water use allocation from SFWMD under its existing certification, this Agreement shall not become effective. Palm Beach County shall participate in discussions with FPL and SFWMD in order to facilitate the modification of conditions of certification for WCEC.
4. Definitions. The following definitions and references are given for the purpose of interpreting the terms as used in this Agreement and apply unless the context indicates a different meaning:
 - (a) "Average Daily Flow" – The average daily flow rate of Potable Water collectively measured through all Points of Service. The Average Daily Flow rate is calculated by

dividing the total amount of Potable Water flowing through the Points of Service in any one calendar year by the number of days in that same calendar year;

(b) "Commodity Fee" - A fee to be paid by FPL to County on a monthly basis which is intended to recover County's variable cost of producing and supplying Potable Water to FPL at the various Points of Service. This fee includes any charges necessary for the temporary reservation of capacity in the amounts required under this Agreement. This fee is assessed per one thousand (1,000) gallons of Potable Water delivered by County to the various Points of Service;

(c) "County's Potable Water System" - the system owned and/or operated by the County for the production and distribution of Potable Water to all retail, wholesale, and/or bulk customers of the County, said system being located on the County's side of the various Points of Service and including all Potable Water meters and related appurtenances located at the various Points of Service;

(d) "Peak Instantaneous Flow" - The highest collective rate of Potable Water flow measured at the combined Points of Connection at any moment in time during the Term of this Agreement;

(e) "Point(s) of Service" - The location(s) where the County's Potable Water System is connected with FPL's internal water system, as shown in Exhibit "A", which is incorporated herein and attached hereto. The Potable Water System of County shall include the master water meters and related appurtenances located at the Point(s) of Service, with said master water meters being utilized for the measurement and payment of bulk Potable Water obtained by FPL;

(f) "Potable Water" - Water for human consumption which meets all applicable Federal, state, and County standards;

(g) "Property" - The West County Energy Center ("WCEC") owned and operated by FPL, a site plan of which is attached hereto and incorporated herein as Exhibit "B."

(h) "Service Initiation Date" - the date County begins providing Potable Water to FPL at the Point(s) of Service.

(i) "UPAP" - the Uniform Policies and Procedures Manual of the Palm Beach County Water Utilities Department as may be amended from time to time.

5. Scope of Agreement. County agrees to furnish, and FPL agrees to purchase and accept, a supply of Potable Water in accordance with the terms and conditions of this Agreement. This Agreement encompasses the temporary bulk purchase of Potable Water by FPL for process and miscellaneous use. This includes fire suppression, potable water, and domestic use. County shall furnish, and FPL shall accept, the Potable Water at the Point(s) of Service shown in Exhibit "A". The Potable Water provided under this Agreement shall only be used to provide service to the Property. Provision of the Potable Water by FPL to a user outside

of the Property shall be a default of this Agreement.

6. Sole Provider. County, and/or its successor and assigns, shall have the sole and exclusive right to provide Potable Water and wastewater facilities and services, of any nature, to the Property, for the period of this Agreement. This provision does not preclude FPL from providing water, and wastewater facilities and services, to the Property as outlined in WCEC's Site Certification. In the event of a termination of this Agreement by the County, or any interruption in water service, as outlined in paragraph 18, FPL may immediately seek all other available options for water supply.

7. Water Pressure. The water pressure of Potable Water delivered by the County to the Point(s) of Connection shall be a minimum of 50 psi at all times, with an expected water pressure of between 60 and 65 psi depending upon water demand conditions.

8. Capacity. County shall provide FPL with Potable Water at the varying flow rates, as required by FPL, not to exceed 3.2 million (3,200,000) gallons per day ("MGD"). This capacity shall be temporary in nature, and shall expire on July 1, 2014. At any time and at FPL's option, FPL may convert its temporary capacity reservation to permanent capacity by paying the then existing bulk rate capacity fee for permanent service.

Beginning with the first anniversary date of the Service Initiation Date of this Agreement, and for each successive year thereafter, the County shall determine the Average Daily Flow rate of the preceding year. The Average Daily Flow rate during each year shall not exceed 3.2 million (3,200,000) gallons per day. If such flow is exceeded, FPL shall pay an overage fee of one hundred fifty percent (150%) of the then current Commodity Fee for all such excess use during the previous year.

9. Commodity Fee. The initial monthly Commodity Fee shall be \$ 1.49 per thousand gallons. Beginning on the one (1) year anniversary date of this Agreement, and for each calendar year thereafter, this Commodity Fee shall be adjusted upward by an amount equal to one-half (1/2) of the prior year's (measured October to October) Consumer Price Index, all Urban Consumers, Water and Sewerage Maintenance, published by the U.S. Department of Labor, Bureau of Labor Statistics ("CPI") or some other mutually agreed upon index if the CPI is discontinued, but in no case shall the escalation exceed three (3%) percent annually.

10. Responsibilities of County. County shall provide for the design, construction, operation and maintenance of the County's Potable Water System, up to and including the Point of Service, including the design and construction of any Potable Water meters and related appurtenances. County shall be responsible for the securing of any permits and rights of way, or other approvals, necessary to provide Potable Water to the Property at the Point of Service.

As of the Effective Date of this Agreement, County shall construct a water pipe along State Road 80 (Southern Boulevard) to the L-8 Canal. Within 180 days of the Effective Date of this Agreement, County shall have constructed a water pipe from the L-8 Canal to the Point of Service (hereinafter referred to as "FPL Pipe") A depiction of the FPL

Pipe is shown on "Exhibit A." Within 60 days of the Effective Date of this Agreement, and prior to installation of the FPL Pipe by the County, FPL shall pay the County the amount of \$298,098.32 for the costs associated with the installation of the FPL Pipe. FPL, as outlined in Exhibit C, shall pay for the costs of installing a 12 inch pipe for the FPL Pipe, and the County shall pay any additional costs associated with the installation of a larger pipe. A Report of Costs for the construction of the FPL Pipe is incorporated herein as "Exhibit C."

The County shall establish a bulk meter at the West County Energy Center, as shown in Exhibit "A". The meter shall be in a locked, fenced location, and the County and FPL shall both have access to the meter.

11. Water Quality. The physical, chemical, and biological quality of the Potable Water delivered by County to FPL at the Point(s) of Service shall meet all federal, state, and local laws, regulations, and requirements for Potable Water, as may be amended from time to time. FPL shall be responsible for the water quality of the Potable Water once it enters FPL's internal system.

12. Water Shortages. In the event the South Florida Water Management District or other government unit with just cause and authority declares a water shortage, the County shall have the right to restrict service to FPL only as outlined in SFWMD Rule 40E-21, Water Shortage Plan, Florida Administrative Code, or other applicable provisions existing as of the time of the declaration of the water shortage. Specifically, as currently written, Sections 40E-21.521, and 40E-21.531, F.A.C., require that during Phase I Moderate Water Shortage restrictions and Phase II Severe Water Shortage Restrictions, power production use shall only be reduced voluntarily. Therefore, the County, during Phase I and Phase II SFWMD water shortage restrictions, and based upon the current provisions of Sections 40E-21.521 and 40E-21.531, F.A.C., shall not alter the amount of its water supply to WCEC. For Phase III water restrictions and beyond, the County shall proceed as directed by SFWMD and applicable laws. In the event of a declaration of a water shortage, regardless of class, the County may adjust the Commodity Fee and water pressure, when required by law for essential facilities, in the same manner as rates water pressure are adjusted for customers located within the County limits. The parties agree that these provisions are subject to amendment, and, that both the County and FPL will comply with all applicable provisions in effect at the time of the declaration of the water shortage.

13. Payment of Bills. The County will bill the FPL Commodity Fees every thirty days. FPL agrees to pay for all Potable Water received from the County and make payments to the County within sixty (60) days from the date the bill is rendered by County. A past due notice will be mailed by County to the City after sixty (60) days. If payment has not been received after ninety (90) days from the date of the original bill, service may be disconnected and a one percent (1%) per month interest charge will be assessed on the outstanding balance.

14. County to Maintain Master Meters. County agrees to have an annual inspection and report prepared regarding the condition and accuracy of the master water meters. A copy of the annual report on meter inspection shall be furnished to FPL. FPL shall have the right to

make its own meter inspection, or to have an independent company inspect the metering equipment at any time; provided, however, no such inspection shall be made unless FPL shall first give County written notice of the date and time of its intent to have the inspection made, nor shall any such inspection be made prior to twenty-four (24) hours, excluding Saturdays, Sundays, and holidays, subsequent to the receipt of said notice by County. All costs and expenses of FPL's interim inspection shall be borne by FPL. If the meter is found not to be in good working order, the County shall reimburse FPL the cost incurred as a result of the interim inspection. Normal maintenance of the meter shall be performed by County as an expense of water distribution.

15. Time Period Limitation In Case of Master Meter Inaccuracy. Both parties agree that, should a master meter be found to be inaccurate beyond American Water Works Association (AWWA) standards, the meter will be assumed to have been inaccurate since the time of the event failure or since the last meter inspection or for a period of three months, whichever time should be less, and that the following month's billing will be adjusted to show a credit or additional charge to FPL for that period, based upon the method established in Section 14 herein.

16. Presumed Consumption and Required Payment In Case of Master Meter Inaccuracy. Both parties agree, that if at any time a master meter shall be inaccurate with respect to the quantity of consumption by the FPL, FPL will pay to the County a daily amount equal to the average consumption of the ninety (90) day period prior to the date the meter became inaccurate multiplied by the rate in effect.

17. Security. The parties shall be responsible jointly and severally for security of the Point(s) of Service, including provision of access locking features so that each party can have keyed access to the fenced location. The Point(s) of Service will be controlled by valves which can be operated by authorized representatives of either the County or FPL. Only authorized employees of either County or FPL will operate the valves controlling the Point(s) of Service. The County and FPL shall provide prior notice to each other prior to operating the valves at the Point(s) of Service.

18. Termination. Termination of this Agreement without cause by the either party shall require three hundred and sixty five (365) days written notice of the termination date. In the event either party defaults on this Agreement, the non-defaulting party shall provide written notice to the defaulting party. The non-defaulting party shall provide the defaulting party thirty (30) days from receipt of the written notice to cure the default, or begin the cure if it will take longer than 30 days, before the non-defaulting party can terminate the Agreement. Notwithstanding the above, if service is interrupted for any reason, FPL may immediately, without notifying the County, seek all other available options for water supply.

The parties may mutually agree to extend the time for cure and/or termination.

19. Force Majeure. In the event that the performance of this Agreement by either party to this Agreement is prevented or interrupted in consequence of any cause beyond the control of either party, including, but not limited to, Acts of God or of the public enemy, war, national emergency, allocation of or other governmental restrictions upon the use or

availability of labor or materials, rationing, civil insurrection, riot, disorder or demonstration, terrorism, strike, embargo, flood, tidal wave, fire, explosion, bomb detonation, nuclear fallout, windstorm, hurricane, earthquake, or other casualty or disaster or catastrophe or water plant failures and water main breaks, neither party shall be liable for such non-performance.

20. Remedies. This Agreement shall be governed by the laws of the State of Florida. Any and all legal action necessary to enforce the Agreement will be held in Palm Beach County. No remedy herein conferred is intended to be exclusive of any other remedy, and each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder now or hereafter.

21. Successors and Assigns. County and FPL each binds itself and its partners, successors, executors, administrators and assigns to the other party and to the partners, successors, executors, administrators and assigns of such other party, in respect to all covenants of this Agreement. Neither County nor FPL shall assign, sublet, convey, or transfer its interest in this Agreement without prior written consent of the other.

22. Waiver. The failure of either party to insist on the strict performance of any of the agreements, terms, covenants and conditions hereof shall not be deemed a waiver of any rights or remedies that said party may have for any subsequent breach, default, or non-performance, and said party's right to insist on strict performance of this Agreement shall not be affected by any previous waiver of course or dealing.

23. Severability. If any term or provision of this Agreement, or the application thereof to any person or circumstances shall, to any extent, be held invalid or unenforceable by any court of competent jurisdiction, then the remainder of this Agreement, or the application of such terms or provision, to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected, and every other term and provision of this Agreement shall be deemed valid and enforceable to the extent permitted by law.

24. Notice. All notices provided for herein shall be in writing and transmitted by mail or by courier, and, if to FPL, shall be mailed or delivered to FPL at:

FPL West County Energy Center
attn: Plant General Manager
20505 State Road 80
Loxahatchee, FL 33470

and if to County, shall be mailed or delivered at:

Palm Beach County Water Utilities Department
8100 Forest Hill Boulevard
P.O. Box 16097
West Palm Beach, FL 33416-6097.
Attn: Department Director

25. Amendment and Modification. This Agreement may only be amended, modified, changed, supplemented or discharged by an instrument in writing signed by the parties hereto.

26. Entirety of Agreement. County and FPL agree that this Agreement and any Exhibits hereto set forth the entire agreement between the parties, and that there are no promises or understandings other than those stated herein. None of the provisions, terms and conditions contained in this Agreement may be added to, modified, superceded or otherwise altered, except by written instrument executed by the parties.

(THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK)

IN WITNESS WHEREOF, County and FPL have executed or have caused this Agreement, with the named Exhibits attached, to be duly executed in several counterparts, each of which counterpart shall be considered an original executed copy of this Agreement.

R2007 1028

JUN 19 2007

ATTEST:

SHARON R. BOCK

CLERK AND COMPTROLLER

PALM BEACH COUNTY, BY ITS
BOARD OF COUNTY
COMMISSIONERS

By:

Deputy Clerk

By:

Addie L. Greene, Chairperson

(SEAL)

APPROVED AS TO FORM AND TO
LEGAL SUFFICIENCY

By:

County Attorney

APPROVED AS TO TERMS AND
CONDITIONS

By:

Director of Water Utilities

FLORIDA POWER & LIGHT COMPANY

By:

Bill Yeager
Vice-President
Engineering and Construction

Signed in the presence of:

Witness

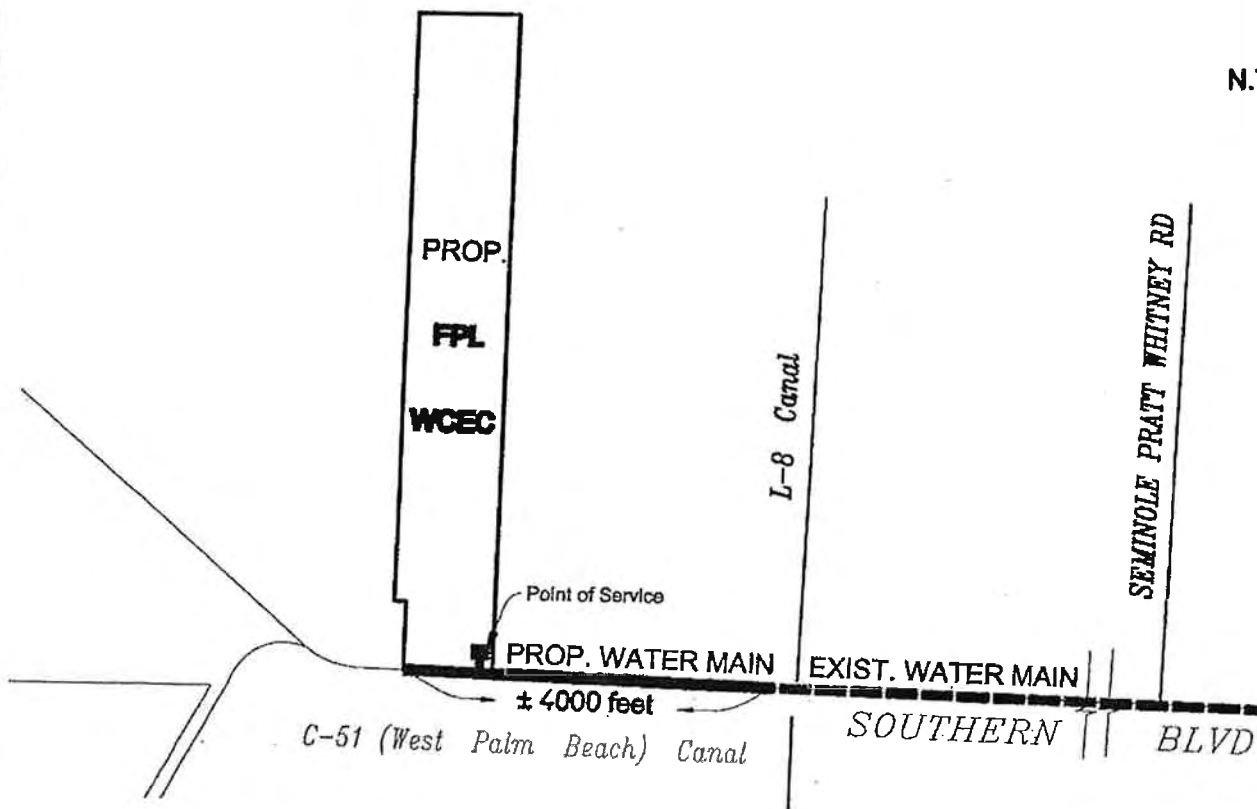
EN Scoville II

Print Name

Date:

6/14/07

EXHIBIT "A"

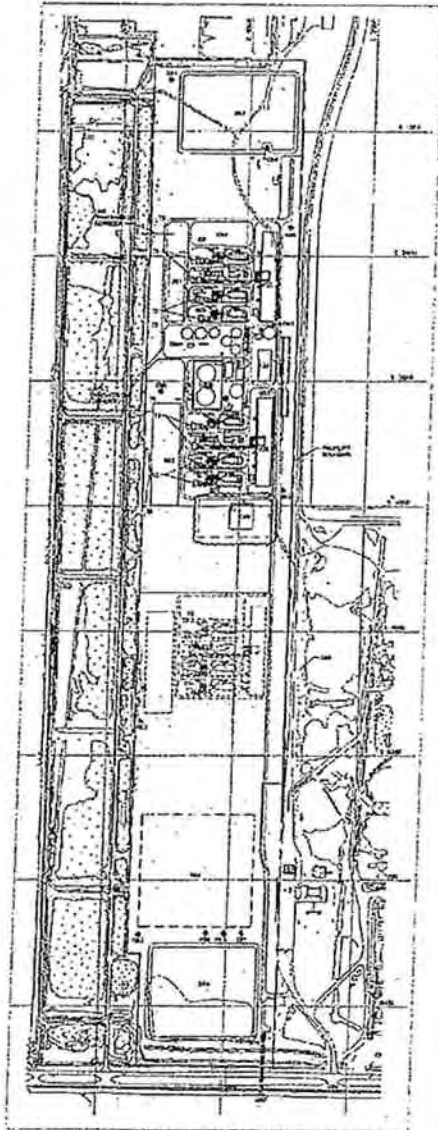


SEC 32 TWP 43 RNG 40

**PALM BEACH COUNTY / FPL
WEST COUNTY ENERGY CENTER
TEMPORARY WATER SERVICE
WUD 07-147**

JUNE 2007

EXHIBIT "B"



N.T.S.

SEC 29, 32 TWP 43 RNG 40

PALM BEACH COUNTY / FPL WEST COUNTY ENERGY CENTER SITE PLAN WUD 07-147

JUNE 2007

EXHIBIT "C"

PBCWUD/FPL
WCEC
Temporary Water Service
WUD No. 07-147

Item	Description	Quantity	Unit	Unit Price	Total Price
1	12" DIP WM/Rclm WM 3 - 5' cover (Polyethylene Encased)	4,000	lf	\$ 53.50	\$ 214,000.00
2	12" DIP WM conflict 20' pipe 4 45 deg 5-7' cover	2	ea	\$ 5,300.00	\$ 10,600.00
3	DI Fittings WM/Rclm WM	0.520	ton	\$ 3,600.00	\$ 1,872.00
4	12" MJ Restraint for DIP	20	ea	\$ 104.00	\$ 2,080.00
5	12" Joint Rest Gasket	15	ea	\$ 130.00	\$ 2,002.00
6	12" BFV & Box	4	ea	\$ 1,500.00	\$ 6,000.00
7	Hydrant Assmby w/6" Vlv & 6" DIP	4	ea	\$ 3,600.00	\$ 14,400.00
8	Sample Point on Hydrants	5	ea	\$ 225.00	\$ 1,125.00
9	2" Blow off Assmby	1	ea	\$ 615.00	\$ 615.00
10	4" to 12" Conn to Exist not inclu restraint	1	ea	\$ 4,200.00	\$ 4,200.00
11	Limerock Dr or Roadway Removal & Restoration	57	ton	\$ 35.00	\$ 1,987.65
12	Floritam Sod	4,333	sy	\$ 4.25	\$ 18,416.67
13	Record Drawing	4,000	lf	\$ 0.70	\$ 2,800.00
14	Construction Survey	4,000	lf	\$ 4.00	\$ 16,000.00
15	Preconstruction Video Taping	4,000	lf	\$ 0.50	\$ 2,000.00
CONSTRUCTION COST					
TOTAL					\$ 298,098.32

APPENDIX 10.5

MONITORING PROGRAMS

APPENDIX 10.5.1

SITE PHOTOGRAPHS



1018 Thomasville Road
Suite 200-C
Tallahassee, FL 32303
850-224-8207
fax 850-681-9364
www.fnai.org

Colleen Cunningham
Golder & Associates Inc.
6241 NW 23rd Street, Suite 500
Gainesville, FL 32653

August 27, 2007

Dear Ms. Cunningham,

Thank you for your request for information from the Florida Natural Areas Inventory (FNAI). We have compiled the following information for your project area.

Project: West County Energy Center: 073-87652
Date Received: August 17, 2007
Location: Palm Beach County

Element Occurrences

A search of our maps and database indicates that currently we have one Element Occurrence mapped within the vicinity of the study area (see enclosed map and element occurrence table). Please be advised that a lack of element occurrences in the FNAI database is not a sufficient indication of the absence of rare or endangered species on a site.

The Element Occurrences data layer includes occurrences of rare species and natural communities. The map legend indicates that some element occurrences occur in the general vicinity of the label point. This may be due to lack of precision of the source data, or an element that occurs over an extended area (such as a wide ranging species or large natural community). For animals and plants, Element Occurrences generally refer to more than a casual sighting; they usually indicate a viable population of the species. Note that some element occurrences represent historically documented observations which may no longer be extant.

*Several of the species and natural communities tracked by the Inventory are considered **data sensitive**. Occurrence records for these elements contain information that we consider sensitive due to collection pressures, extreme rarity, or at the request of the source of the information. The Element Occurrence Record has been labeled "Data Sensitive." We request that you not publish or release specific locational data about these species or communities without consent from the Inventory. If you have any questions concerning this please do not hesitate to call.*

Likely and Potential Rare Species

In addition to documented occurrences, other rare species and natural communities may be identified on or near the site based on habitat models and species range models (see enclosed Biodiversity Matrix Report). These species should be taken into consideration in field surveys, land management, and impact avoidance and mitigation.

FNAI habitat models indicate areas, which based on landcover type, offer suitable habitat for one or more rare species that is known to occur in the vicinity. Habitat models have been developed



Florida Resources
and Environmental
Analysis Center

Institute of Science
and Public Affairs

The Florida State University

Tracking Florida's Biodiversity

for approximately 300 of the most rare species tracked by the Inventory, including all federally listed species.

FNAI species range models indicate areas that are within the known or predicted range of a species, based on climate variables, soils, vegetation, and/or slope. Species range models have been developed for approximately 340 species, including all federally listed species.

The FNAI Biodiversity Matrix Geodatabase compiles Documented, Likely, and Potential species and natural communities for each square mile Matrix Unit statewide.

The Inventory always recommends that professionals familiar with Florida's flora and fauna should conduct a site-specific survey to determine the current presence or absence of rare, threatened, or endangered species.

Please visit www.fnai.org/trackinglist.cfm for county or statewide element occurrence distributions and links to more element information.

The database maintained by the Florida Natural Areas Inventory is the single most comprehensive source of information available on the locations of rare species and other significant ecological resources. However, the data are not always based on comprehensive or site-specific field surveys. Therefore, this information should not be regarded as a final statement on the biological resources of the site being considered, nor should it be substituted for on-site surveys. Inventory data are designed for the purposes of conservation planning and scientific research, and are not intended for use as the primary criteria for regulatory decisions.

Information provided by this database may not be published without prior written notification to the Florida Natural Areas Inventory, and the Inventory must be credited as an information source in these publications. FNAI data may not be resold for profit.

Thank you for your use of FNAI services. If I can be of further assistance, please give me a call at (850) 224-8207.

Sincerely,

Lindsay Horton

Lindsay Horton
Environmental GIS Analyst

encl



Florida Natural Areas Inventory

Element Occurrences

- Animals
- Plants
- Communities
- Other
- Data Sensitive
- Point Indicates General Vicinity of Element

U.S. Fish & Wildlife Service
Scrub Jay Survey 1992-96

Conservation Lands

- Federal
- State
- Local
- Private
- State Aquatic Preserves

Land Acquisition Projects

Florida Forever
Board of Trustees Projects

- FNAI Rare Species Habitat
- FNAI Biodiversity Matrix Square Mile Units

County Boundary

- Interstate
- Turnpike
- Major Highway
- Local Road
- Railroad [inactive railroads shown in Gray]
- Water

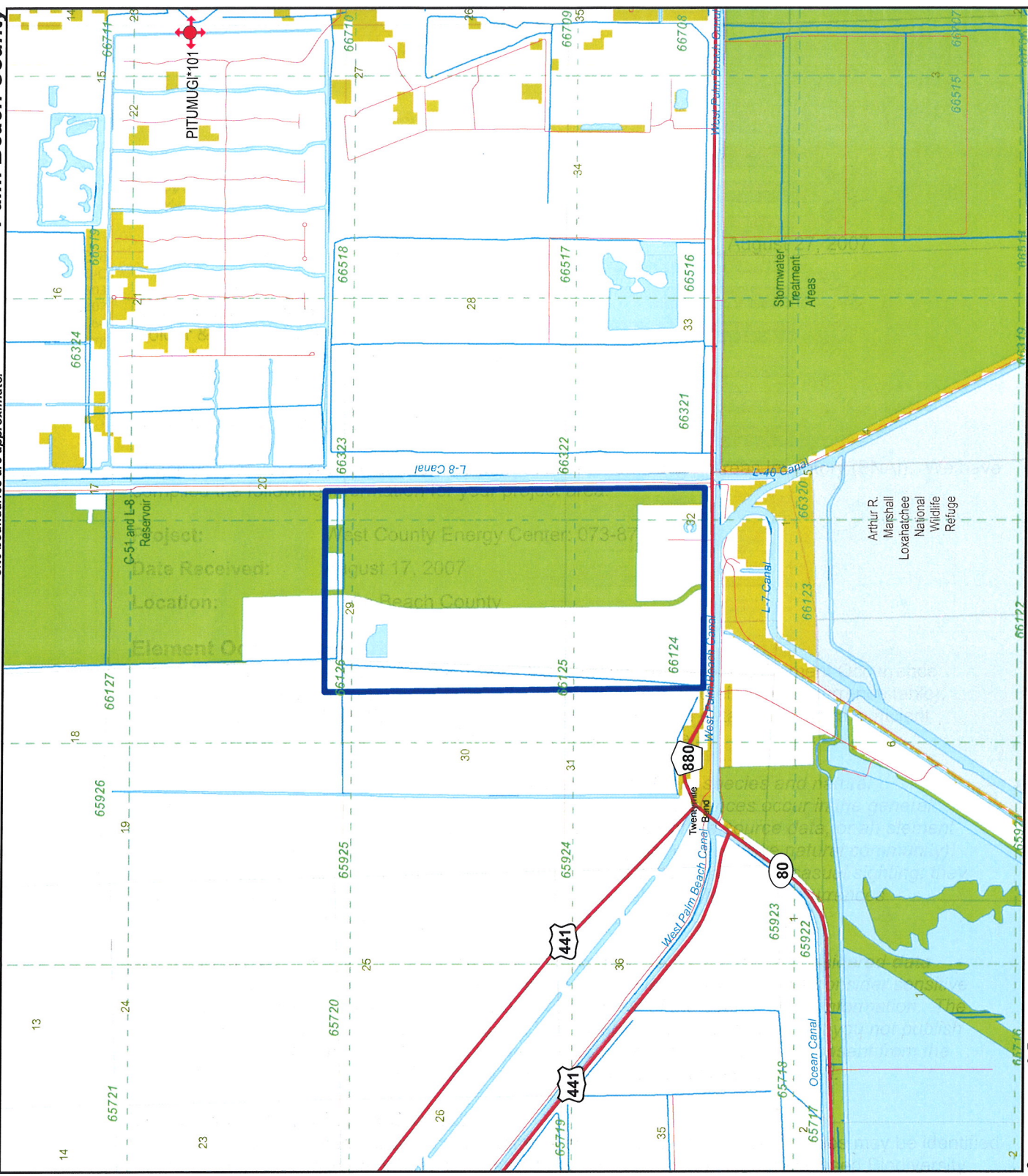


NOTE
Map should not be interpreted without accompanying documents.

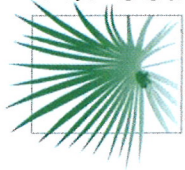
West County Energy Center: 073-87652

Palm Beach County

Site boundaries are approximate.



Map produced by LHH
Map Date: 27 AUG 2007



1018 Thomasville Road
Suite 200-C
Tallahassee, FL 32303
(850) 224-8207
(850) 681-9364 Fax
www.fnai.org

Florida Natural Areas Inventory

ELEMENT OCCURRENCES DOCUMENTED ON OR NEAR PROJECT SITE



Global State		Federal		State		Observation	EO Comments	
Map Label	Scientific Name	Common Name	Rank	Rank	Status	Listing	Date	Description
PITUMUG1*101	Pituophis melanoleucus mugitus	Florida Pine Snake	G4T3	S3	N	LS	ZZ	No general description given
								SPEC. COLL. ON UNKNOWN DATE BY UNKNOWN COLLECTOR.

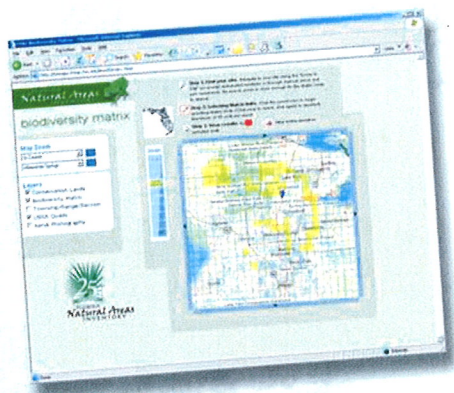


Technical Assistance Provided by:

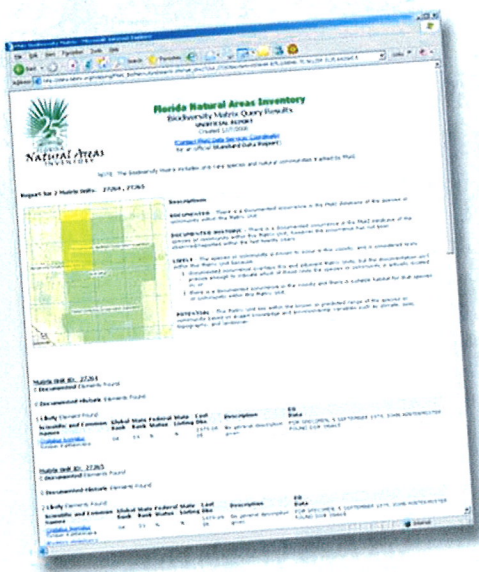


FOR IMMEDIATE RELEASE

FNAI's Biodiversity Matrix Online



The Biodiversity Matrix Map Server is a new **screening tool** from FNAI that provides **immediate, free access** to rare species occurrence information statewide. This tool allows you to zoom to your site of interest and create a report listing documented, likely, and potential occurrences of rare species and natural communities.



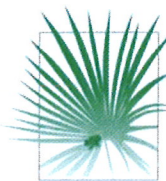
The FNAI Biodiversity Matrix offers **built-in interpretation** of the likelihood of species occurrence for each 1-square-mile Matrix Unit across the state. The report includes a site map and list of species and natural communities by occurrence status: Documented, Documented-Historic, Likely, and Potential.

Try it today:

www.fnai.org/biointro.cfm

Please note: FNAI will continue to offer our Standard Data Report service as always. The Standard Data Report offers the most comprehensive information available on rare species, natural communities, conservation lands, and other natural resources.

www.fnai.org



1018 Thomasville Road
Suite 200-C
Tallahassee, FL 32303
(850) 224-8207
(850) 681-9364 Fax
www.fnai.org

FLORIDA
Natural Areas
INVENTORY

Florida Natural Areas Inventory

Biodiversity Matrix Report



Scientific Name	Common Name	Global Rank	State Rank	Federal Status	State Listing
Matrix Unit ID: 66124					
Likely					
<i>Mycteria americana</i>	Wood Stork	G4	S2	LE	LE
Matrix Unit ID: 66125					
Likely					
<i>Mycteria americana</i>	Wood Stork	G4	S2	LE	LE
Matrix Unit ID: 66321					
Likely					
<i>Mycteria americana</i>	Wood Stork	G4	S2	LE	LE
Matrix Unit ID: 66322					
Likely					
<i>Mycteria americana</i>	Wood Stork	G4	S2	LE	LE
Matrix Unit ID: 66323					
Likely					
<i>Mycteria americana</i>	Wood Stork	G4	S2	LE	LE
Potential from any/all selected units					
<i>Athene cunicularia floridana</i>	Florida Burrowing Owl	G4T3	S3	N	LS
<i>Drymarchon couperi</i>	Eastern Indigo Snake	G3	S3	LT	LT
<i>Elytraria caroliniensis</i> var. <i>angustifolia</i>	Narrow-leaved Carolina Scalystem	G4T2	S2	N	N
<i>Encyclia cochleata</i> var. <i>triandra</i>	Clamshell Orchid	G4G5T2	S2	N	LE
<i>Forestiera segregata</i> var. <i>pinetorum</i>	Florida Pinewood Privet	G4T2	S2	N	N
<i>Gopherus polyphemus</i>	Gopher Tortoise	G3	S3	N	LS
<i>Grus canadensis pratensis</i>	Florida Sandhill Crane	G5T2T3	S2S3	N	LT
<i>Linum carteri</i> var. <i>smallii</i>	Carter's Large-flowered Flax	G2T2	S2	N	LE
<i>Nemastylis floridana</i>	Celestial Lily	G2	S2	N	LE
<i>Pituophis melanoleucus mugitus</i>	Florida Pine Snake	G4T3	S3	N	LS
<i>Polygala smallii</i>	Tiny Polygala	G1	S1	LE	LE
<i>Rostrhamus sociabilis plumbeus</i>	Snail Kite	34G5T3C	S2	LE	LE
<i>Roystonea elata</i>	Florida Royal Palm	G2G3	S2	N	LE
<i>Trichomanes punctatum</i> ssp. <i>floridanu</i>	Florida Filmy Fern	G4G5T1	S1	N	LE

Definitions: Documented - Rare species and natural communities documented on or near this site.
Documented-Historic - Rare species and natural communities documented, but not observed/reported within the last twenty years.
Likely - Rare species and natural communities likely to occur on this site based on suitable habitat and/or known occurrences in the vicinity.
Potential - This site lies within the known or predicted range of the species listed.

GLOBAL AND STATE RANKS

Florida Natural Areas Inventory (FNAI) defines an **element** as any rare or exemplary component of the natural environment, such as a species, natural community, bird rookery, spring, sinkhole, cave, or other ecological feature. FNAI assigns two ranks to each element found in Florida: the **global rank**, which is based on an element's worldwide status, and the **state rank**, which is based on the status of the element within Florida. Element ranks are based on many factors, including estimated number of occurrences, estimated abundance (for species and populations) or area (for natural communities), estimated number of adequately protected occurrences, range, threats, and ecological fragility.

GLOBAL RANK DEFINITIONS

- G1** Critically imperiled globally because of extreme rarity (5 or fewer occurrences or less than 1000 individuals) or because of extreme vulnerability to extinction due to some natural or man-made factor.
- G2** Imperiled globally because of rarity (6 to 20 occurrences or less than 3000 individuals) or because of vulnerability to extinction due to some natural or man-made factor.
- G3** Either very rare and local throughout its range (21-100 occurrences or less than 10,000 individuals) or found locally in a restricted range or vulnerable to extinction from other factors.
- G4** Apparently secure globally (may be rare in parts of range).
- G5** Demonstrably secure globally.
- G#?** Tentative rank (e.g., G2?)
- G#G#** Range of rank; insufficient data to assign specific global rank (e.g., G2G3)
- G#T#** Rank of a taxonomic subgroup such as a subspecies or variety; the G portion of the rank refers to the entire species and the T portion refers to the specific subgroup; numbers have same definition as above (e.g., G3T1)
- G#Q** Rank of questionable species - ranked as species but questionable whether it is species or subspecies; numbers have same definition as above (e.g., G2Q)
- G#T#Q** Same as above, but validity as subspecies or variety is questioned.
- GH** Of historical occurrence throughout its range, may be rediscovered (e.g., ivory-billed woodpecker)
- GNA** Ranking is not applicable because element is not a suitable target for conservation (e.g. as for hybrid species)
- GNR** Not yet ranked (temporary)
- GNRTNR** Neither the full species nor the taxonomic subgroup has yet been ranked (temporary)
- GX** Believed to be extinct throughout range
- GXC** Extirpated from the wild but still known from captivity/cultivation
- GU** Unrankable. Due to lack of information, no rank or range can be assigned (e.g., GUT2).

STATE RANK DEFINITIONS

Definition parallels global element rank: substitute "S" for "G" in above global ranks, and "in Florida" for "globally" in above global rank definitions.

FEDERAL AND STATE LEGAL STATUSES (U.S. Fish and Wildlife Service – USFWS) PROVIDED BY FNAI FOR INFORMATION ONLY.

For official definitions and lists of protected species, consult the relevant state or federal agency.

FEDERAL LEGAL STATUS

Definitions derived from U.S. Endangered Species Act of 1973, Sec. 3. Note that the federal status given by FNAI refers only to Florida populations and that federal status may differ elsewhere.

- LE** Listed as Endangered Species in the List of Endangered and Threatened Wildlife and Plants under the provisions of the Endangered Species Act. Defined as any species which is in danger of extinction throughout all or a significant portion of its range.
- LE,XN** A non essential experimental population of a species otherwise Listed as an Endangered Species in the List of Endangered and Threatened Wildlife and Plants. LE,XN for *Grus americana* (Whooping crane), Federally listed as XN (Non essential experimental population) refers to the Florida experimental population only. Federal listing elsewhere for *Grus americana* is LE.
- PE** Proposed for addition to the List of Endangered and Threatened Wildlife and Plants as Endangered Species.
- LT** Listed as Threatened Species, defined as any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.
- LT,PDL** Species currently listed Threatened but has been proposed for delisting.
- PT** Proposed for listing as Threatened Species.
- C** Candidate Species for addition to the list of Endangered and Threatened Wildlife and Plants, Category 1. Federal listing agencies have sufficient information on biological vulnerability and threats to support proposing to list the species as Endangered or Threatened.
- SAT** Threatened due to similarity of appearance to a threatened species.
- SC** Species of Concern, species is not currently listed but is of management concern to USFWS.
- N** Not currently listed, nor currently being considered for addition to the List of Endangered and Threatened Wildlife and Plants.

FLORIDA LEGAL STATUSES (Florida Fish and Wildlife Conservation Commission – FFWCC/ Florida Department of Agriculture and Consumer Services – FDACS)

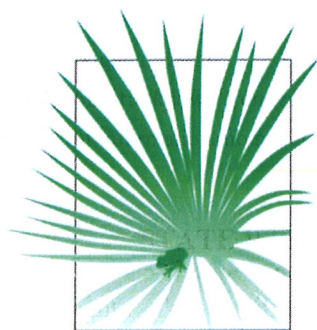
Animals: Definitions derived from “Florida’s Endangered Species and Species of Special Concern, Official Lists” published by Florida Fish and Wildlife Conservation Commission - FFWCC, 1 August 1997, and subsequent updates.

- LE** Listed as Endangered Species by the FFWCC. Defined as a species, subspecies, or isolated population which is so rare or depleted in number or so restricted in range of habitat due to any man-made or natural factors that it is in immediate danger of extinction or extirpation from the state, or which may attain such a status within the immediate future.
- LT** Listed as Threatened Species by the FFWCC. Defined as a species, subspecies, or isolated population which is acutely vulnerable to environmental alteration, declining in number at a rapid rate, or whose range or habitat is decreasing in area at a rapid rate and as a consequence is destined or very likely to become an endangered species within the foreseeable future.
- LT*** Indicates that a species has LT status only in selected portions of its range in Florida. LT* for *Ursus americanus floridanus* (Florida black bear) indicates that LT status does not apply in Baker and Columbia counties and in the Apalachicola National Forest. LT* for *Neovison vison* pop. 1 (Southern mink, South Florida population) state listed as Threatened refers to the Everglades population only (Note: species formerly listed as *Mustela vison* mink pop. 1. Also, priorly listed as *Mustela evergladensis*).
- LS** Listed as Species of Special Concern by the FFWCC, defined as a population which warrants special protection, recognition, or consideration because it has an inherent significant vulnerability to habitat modification,

- environmental alteration, human disturbance, or substantial human exploitation which, in the foreseeable future, may result in its becoming a threatened species.
- LS*** Indicates that a species has LS status only in selected portions of its range in Florida. LS* for *Pandion haliaetus* (Osprey) state listed as LS (Species of Special Concern) in Monroe County only.
- PE** Proposed for listing as Endangered.
- PT** Proposed for listing as Threatened.
- PS** Proposed for listing as a Species of Special Concern.
- N** Not currently listed, nor currently being considered for listing.

Plants: Definitions derived from Sections 581.011 and 581.185(2), Florida Statutes, and the Preservation of Native Flora of Florida Act, 5B-40.001. FNAI does not track all state-regulated plant species; for a complete list of state-regulated plant species, call Florida Division of Plant Industry, 352-372-3505 or please visit: <http://DOACS.State.FL.US/PI/Images/Rule05b.pdf>

- LE** Listed as Endangered Plants in the Preservation of Native Flora of Florida Act. Defined as species of plants native to the state that are in imminent danger of extinction within the state, the survival of which is unlikely if the causes of a decline in the number of plants continue, and includes all species determined to be endangered or threatened pursuant to the Federal Endangered Species Act of 1973, as amended.
- PE** Proposed by the FDACS for listing as Endangered Plants.
- LT** Listed as Threatened Plants in the Preservation of Native Flora of Florida Act. Defined as species native to the state that are in rapid decline in the number of plants within the state, but which have not so decreased in such number as to cause them to be endangered. LT* indicates that a species has LT status only in selected portions of its range in Florida.
- PT** Proposed by the FDACS for listing as Threatened Plants.
- N** Not currently listed, nor currently being considered for listing.



FLORIDA
Natural Areas
INVENTORY

**1018 Thomasville Road
Suite 200-C
Tallahassee, FL 32303
(850) 224-8207
(850) 681-9364 Fax
www.fnai.org**

WOOD STORK

Mycteria americana

Order: Ciconiiformes

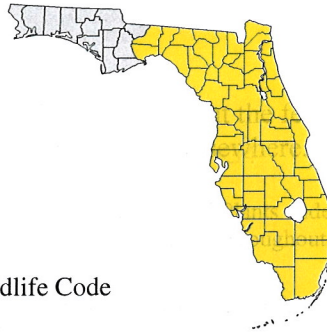
Family: Ciconiidae

FNAI Ranks: G4/S2

U.S. Status: Endangered

FL Status: Endangered

U.S. Migratory Bird Treaty Act and state Wildlife Code prohibit take of birds, nests, or eggs.



immatures
© Barry Mansell

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Description: Very large, white wader with black in wings and a short black tail. Soars with neck and legs extended, displaying its long, broad wings; black flight feathers contrast with white along length of wings. Legs are dark and feet are beige. Adults have bare, scaly, dark-gray heads and necks and long, heavy, decurved bills. Head and neck of immature storks have grayish brown feathering, and their bills are yellowish.

Similar Species: American white pelicans (*Pelecanus erythrorhynchos*) have a similar wing pattern and also soar but have short legs, white tail, and do not fly with necks extended. White ibis (*Eudocimus albus*; see species account) is much smaller and only has black on wing tips. Great egret (*Ardea alba*) lacks black on wings.

Habitat: Nests colonially in a variety of inundated forested wetlands, including cypress strands and domes, mixed hardwood swamps, sloughs,

WOOD STORK

Mycteria americana

and mangroves. Increasingly nesting in artificial habitats (e.g., impoundments and dredged areas with native or exotic vegetation) in north and central Florida. Forages mainly in shallow water in freshwater marshes, swamps, lagoons, ponds, tidal creeks, flooded pastures and ditches, where they are attracted to falling water levels that concentrate food sources (mainly fish).

Seasonal Occurrence: Post-breeding dispersal carries large numbers from more southern locales to more northern parts of range; in winter, northern birds move south. Annual and long-term use of nesting sites is very dependent on feeding conditions, which may be affected dramatically by altered hydrologic patterns. Colonies may form late November - early March in south Florida and February - March in central and northern Florida.

Florida Distribution: Locally rare to abundant in the peninsula and Big Bend, but generally rare or lacking in panhandle and the Florida Keys. Uncommon to rare in winter in north.

Range-wide Distribution: In U.S., breeds locally in South Carolina, Georgia, and Florida (formerly west to Texas). South, locally in lowlands from Mexico and northern Central America to South America (to western Ecuador, eastern Peru, Bolivia, northern Argentina), and rarely in Cuba and the Dominican Republic. Winters throughout breeding range except in South Carolina and Georgia.

Conservation Status: Many known breeding sites occur within public and private conservation lands. Dramatic decline in the large colonies (>500 individuals) formerly found in south Florida, and trend toward fewer birds distributed among smaller, more numerous colonies in central and northern Florida. Very sensitive to manipulation of water regimes and loss of wetland habitat, which affect both nesting sites and feeding areas.

Protection and Management: Survey colony sites and important feeding areas regularly. Essential to protect wetland areas, closely monitor water quality, and manage hydrologic patterns that consider the needs of the wood stork.

Selected References: Poole and Gill (eds.) 1999, Robertson and Woolfenden 1992, Rodgers et al. (eds.) 1996, Runde et al. 1991, Stevenson and Anderson 1994.



Photo 1. Project Site – open land (FLUCFCS 190) cleared of vegetation, filled, and graded.



Photo 2. View of filled Project Site berm from substation access road facing east.



Photo 3. Improved pasture (FLUCFCS 211), located to the west of the Corbett substation access road.



Photo 4. SFWMD L10/12 Canal (FLUCFCS 510), located south across State Road 80.



Photo 5. Drainage ditch (FLUCFCS 511) adjacent to filled Project site.



Photo 6. Drainage ditch located within improved pasture to west of Project site.



Photo 7. Brazilian pepper (FLUCFCS 422) located upon disturbed land immediately west of filled Project site.



Photo 8. Disturbed herbaceous wetland (FLUCFCS 641) dominated by common reed, located west of filled Project site.

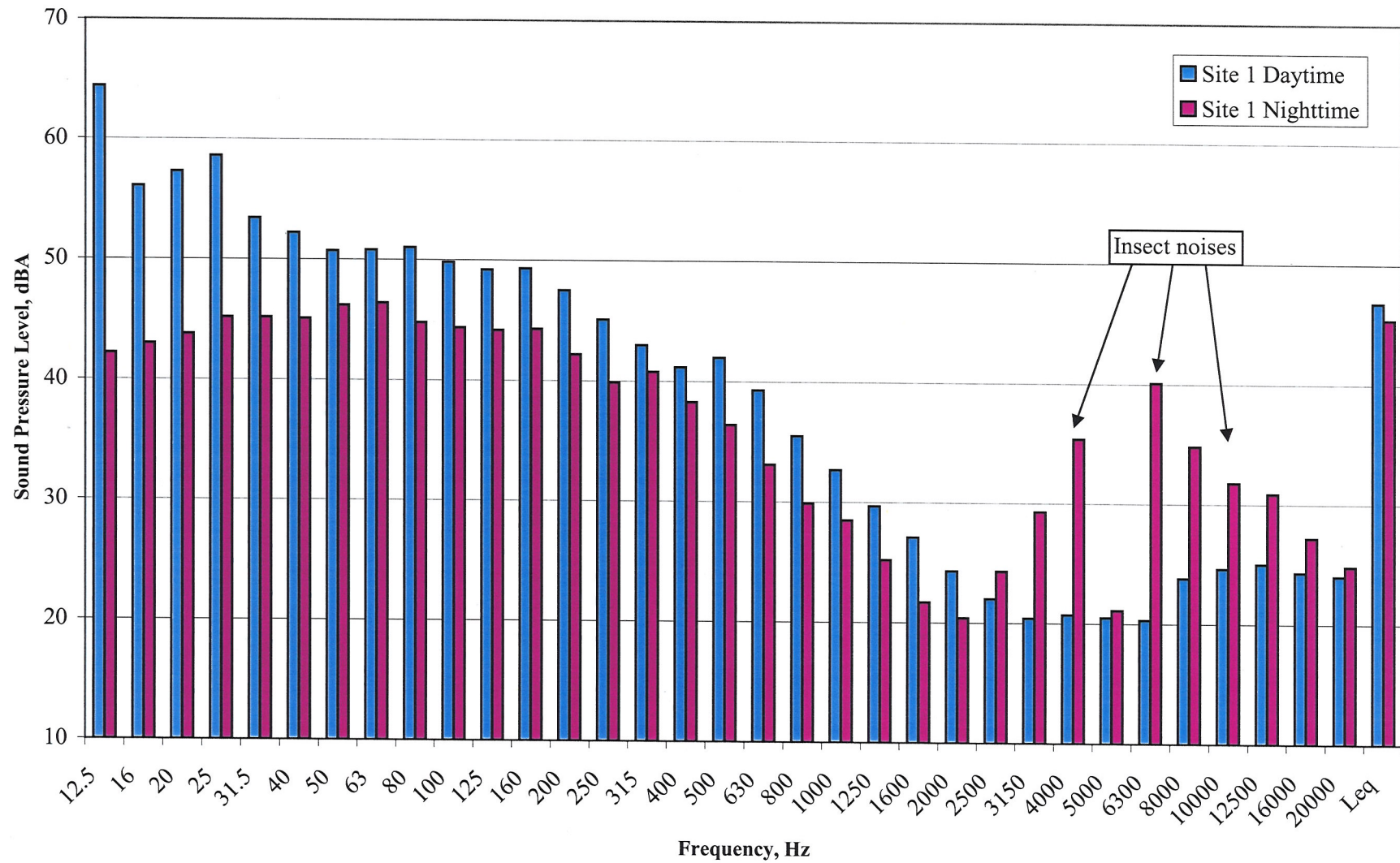
APPENDIX 10.5.2

NOISE INFORMATION

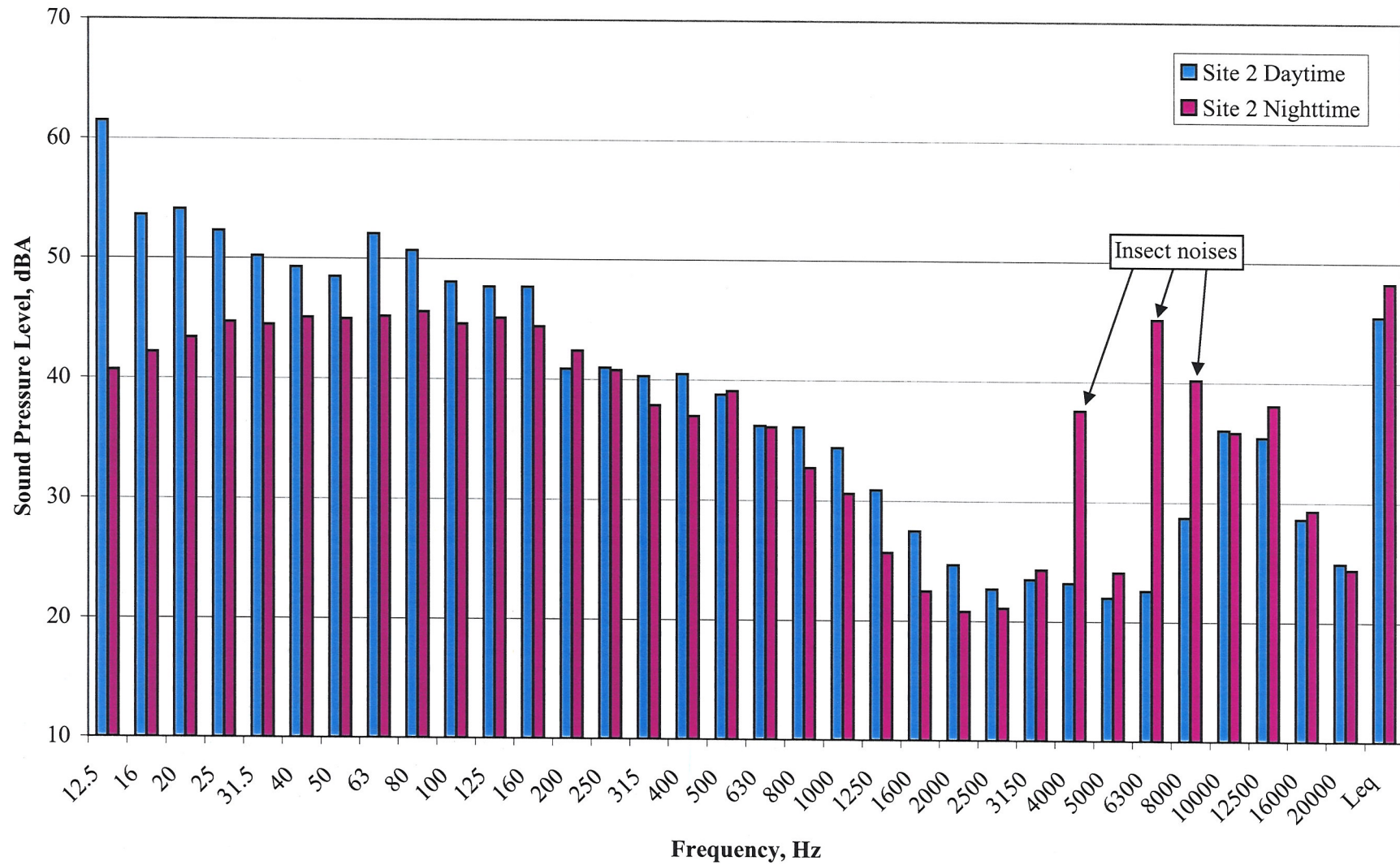
OCTAVE BAND SPECTRA

**[Refer to Table 2.3.8-1 and Figure 2.3.8-1
for data summary and monitoring locations.]**

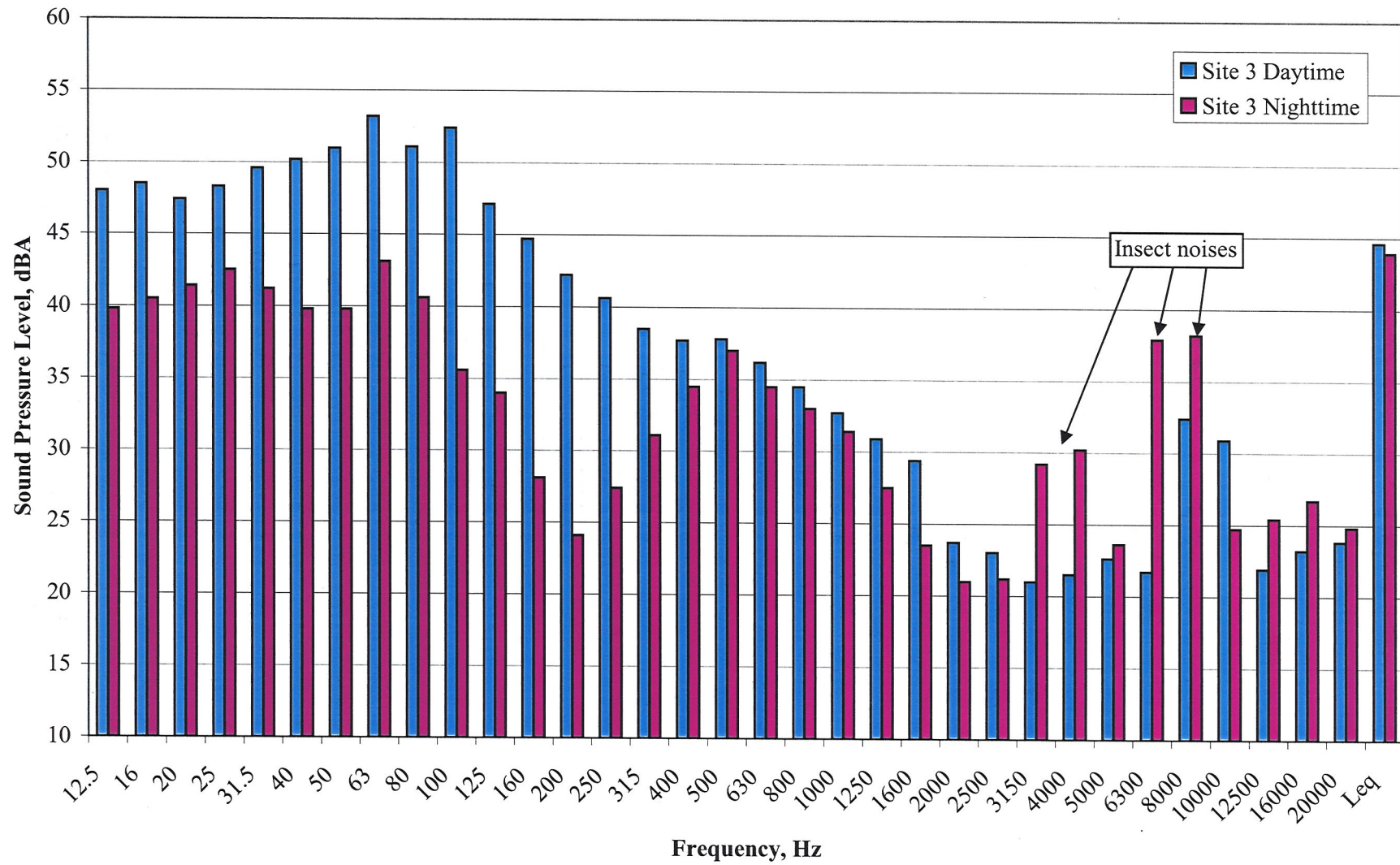
West County Energy Center Day/Night Octave Band Spectra-August 2001



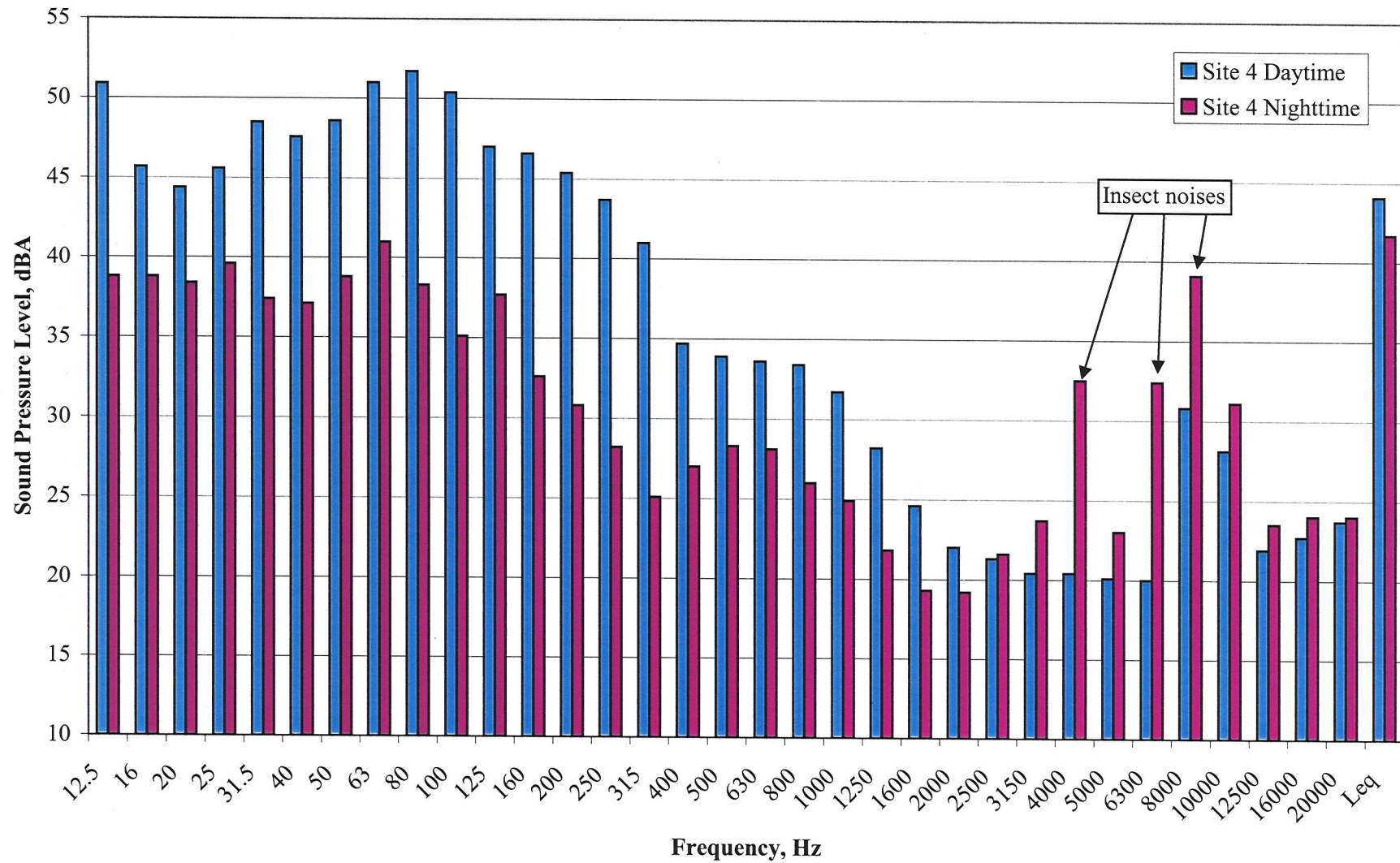
West County Energy Center Day/Night Octave Band Spectra-August 2001



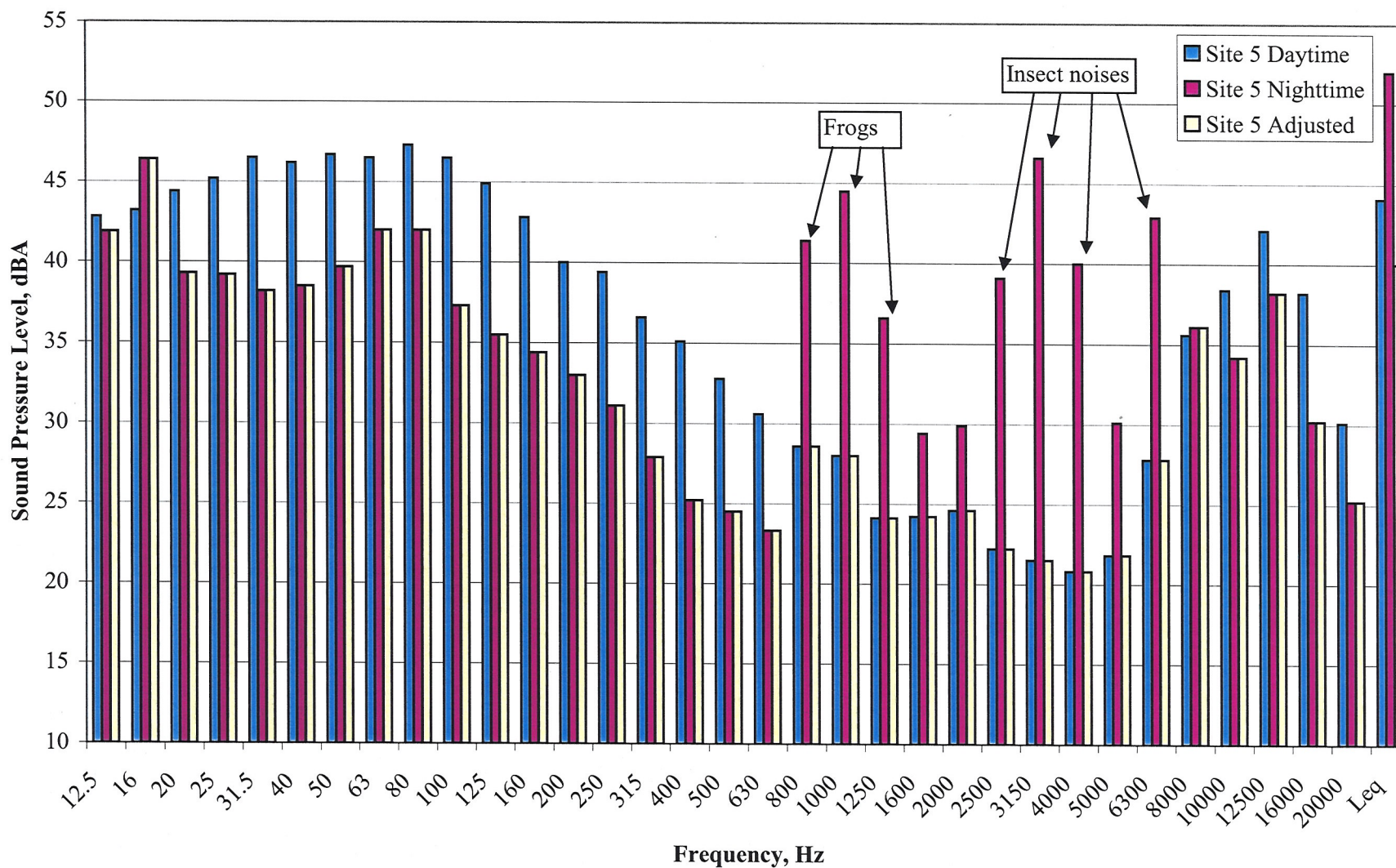
West County Energy Center Day/Night Octave Band Spectra-August 2001



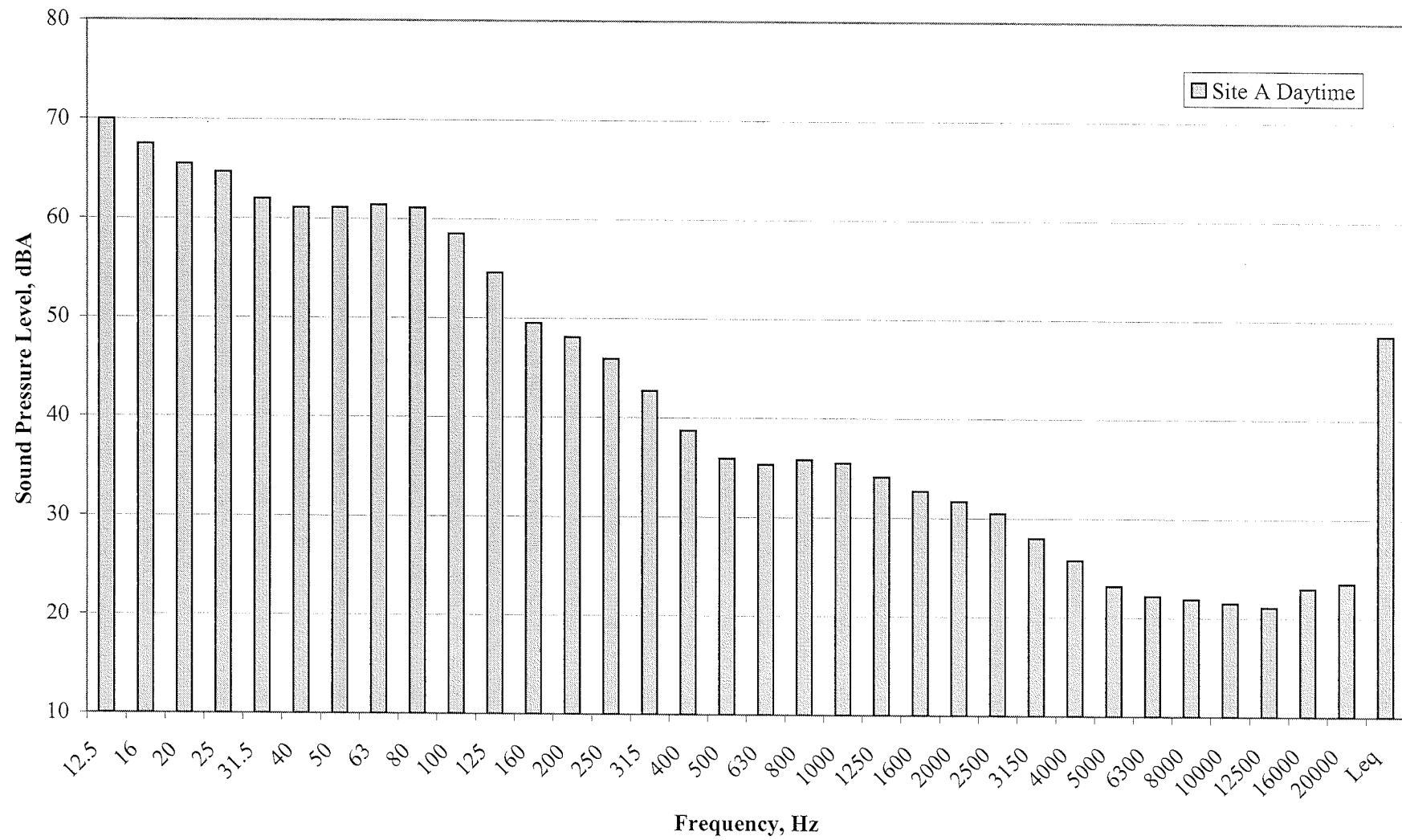
West County Energy Center Day/Night Octave Band Spectra-August 2001



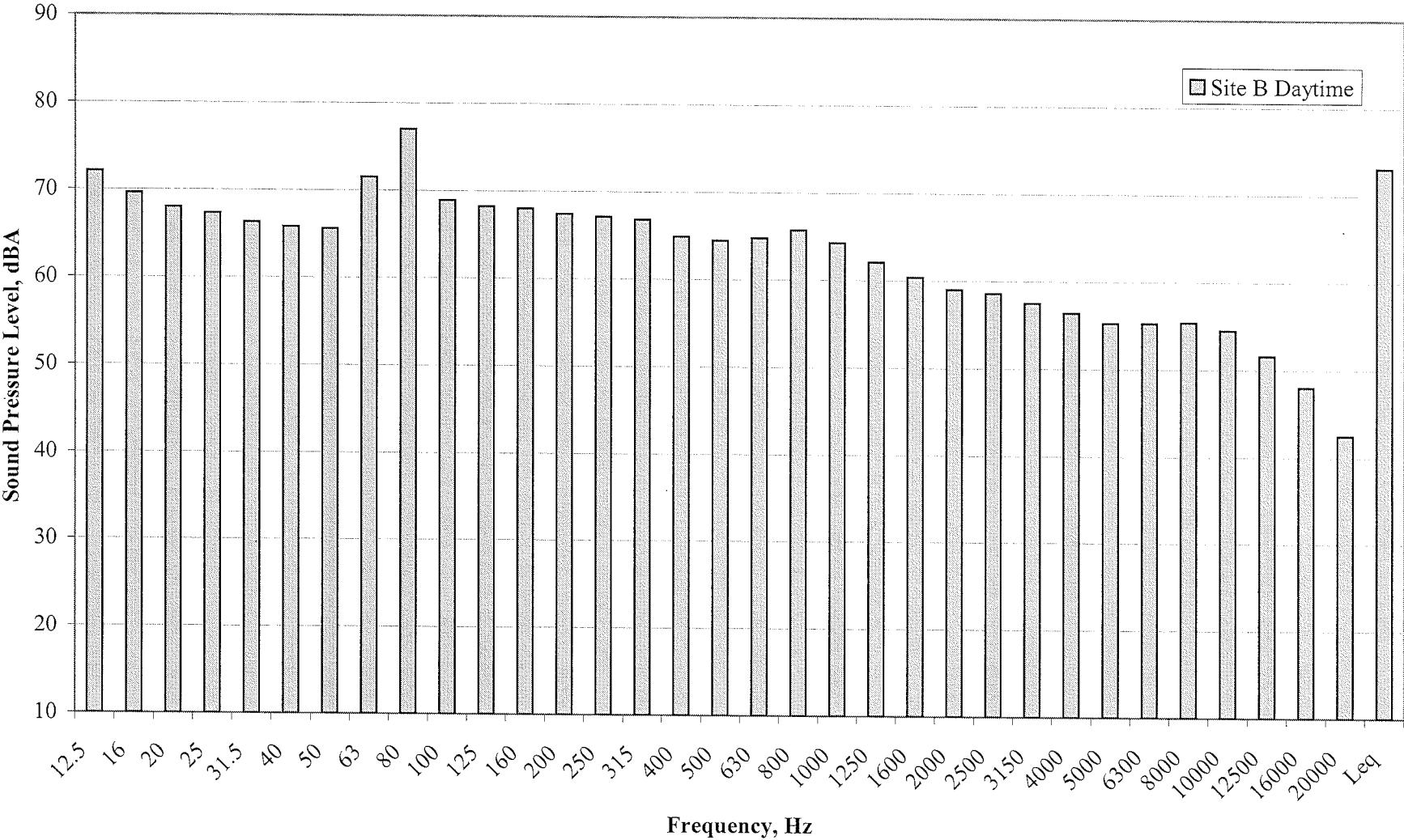
West County Energy Center Day/Night Octave Band Spectra-August 2001



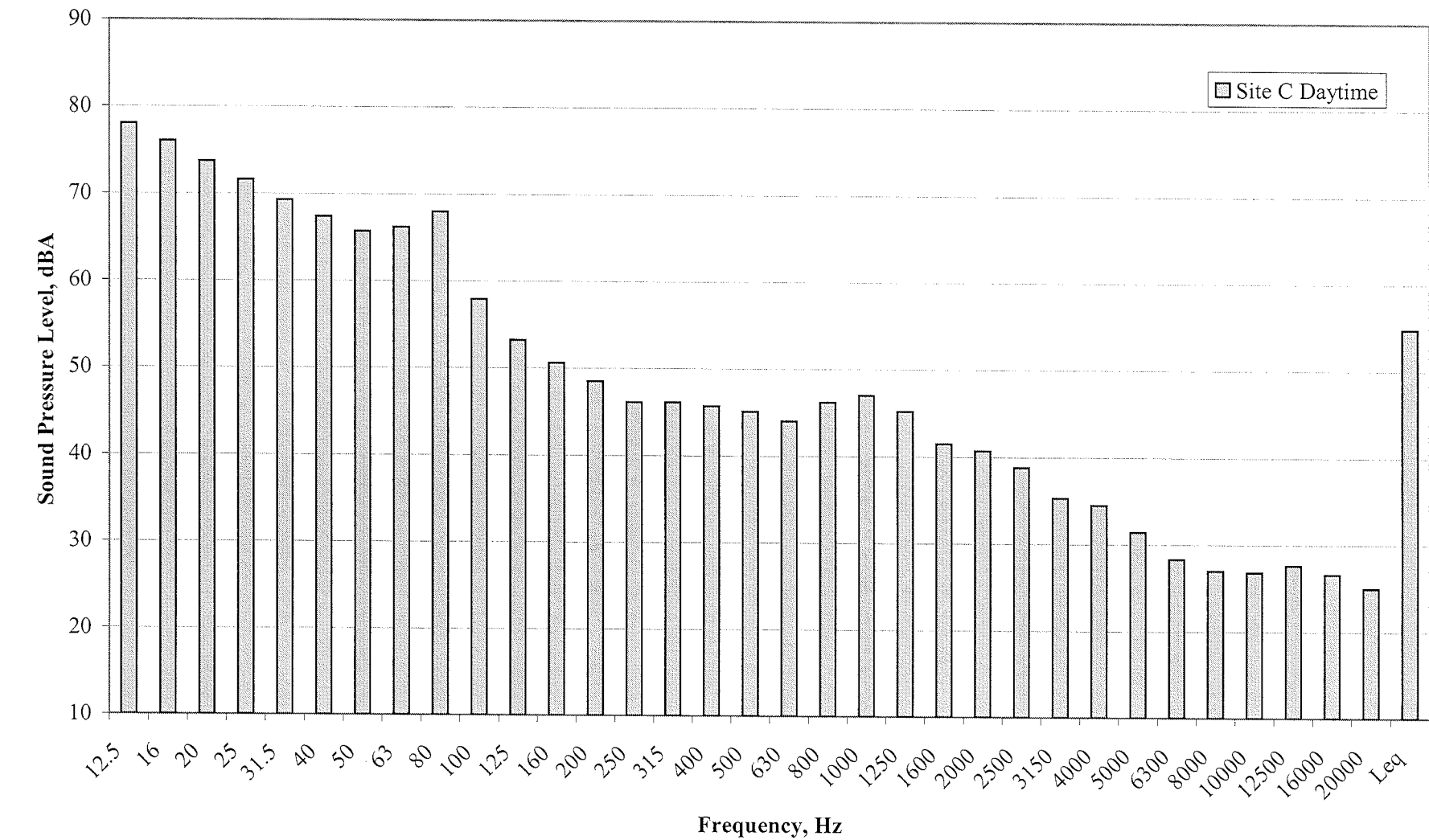
West County Energy Center Daytime Octave Band Spectra - Dec. 2004



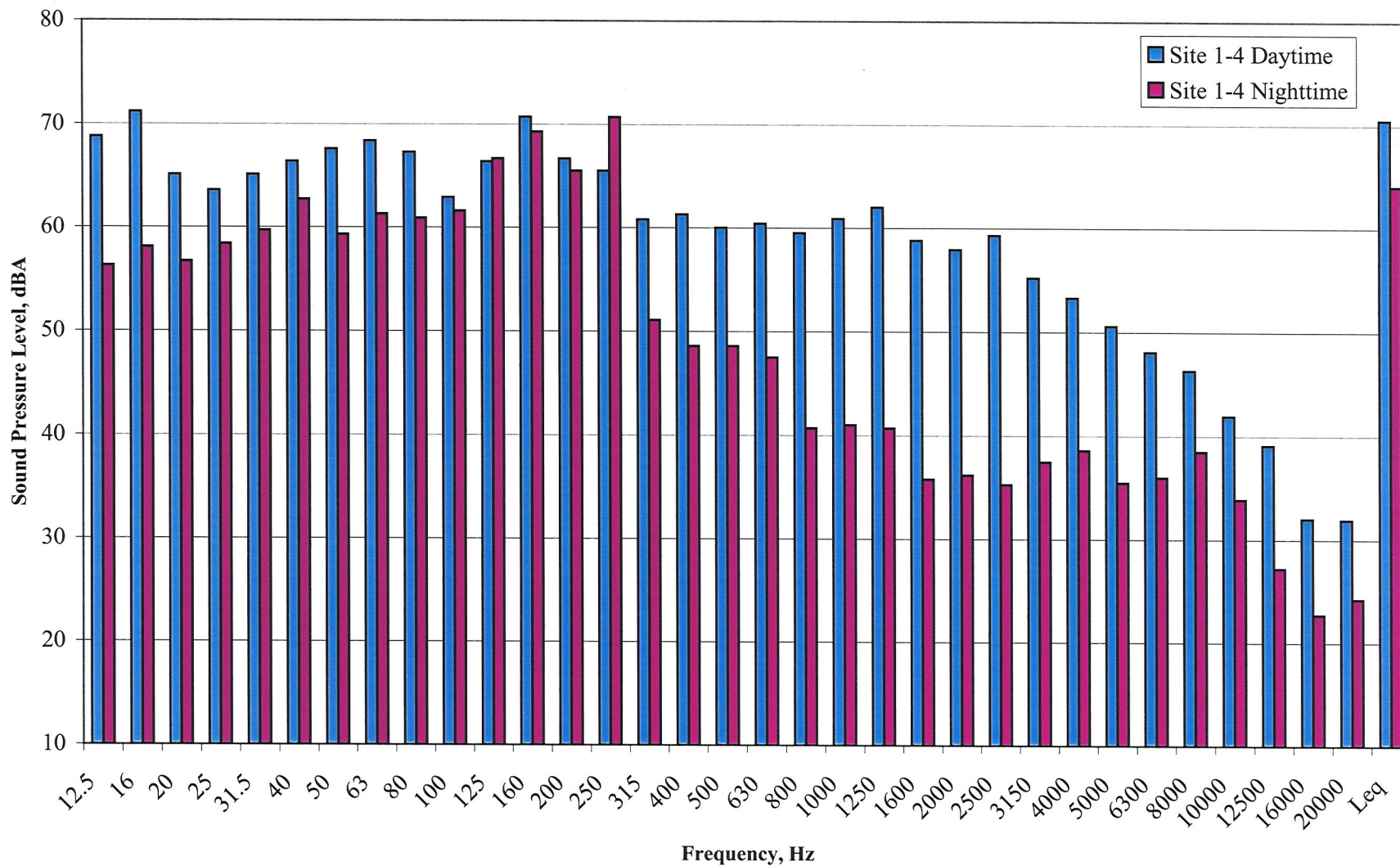
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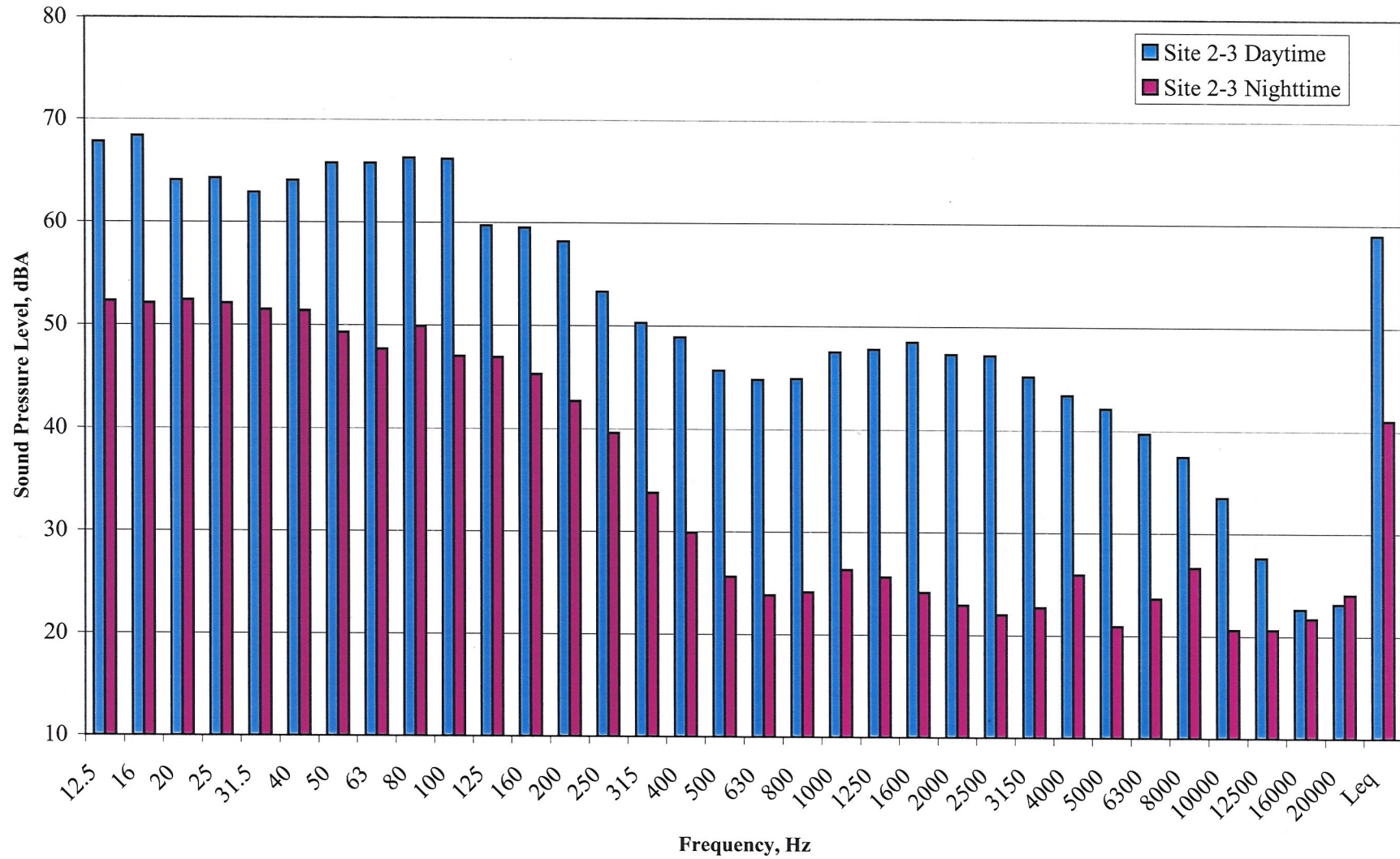
West County Energy Center Daytime Octave Band Spectra - Dec. 2004



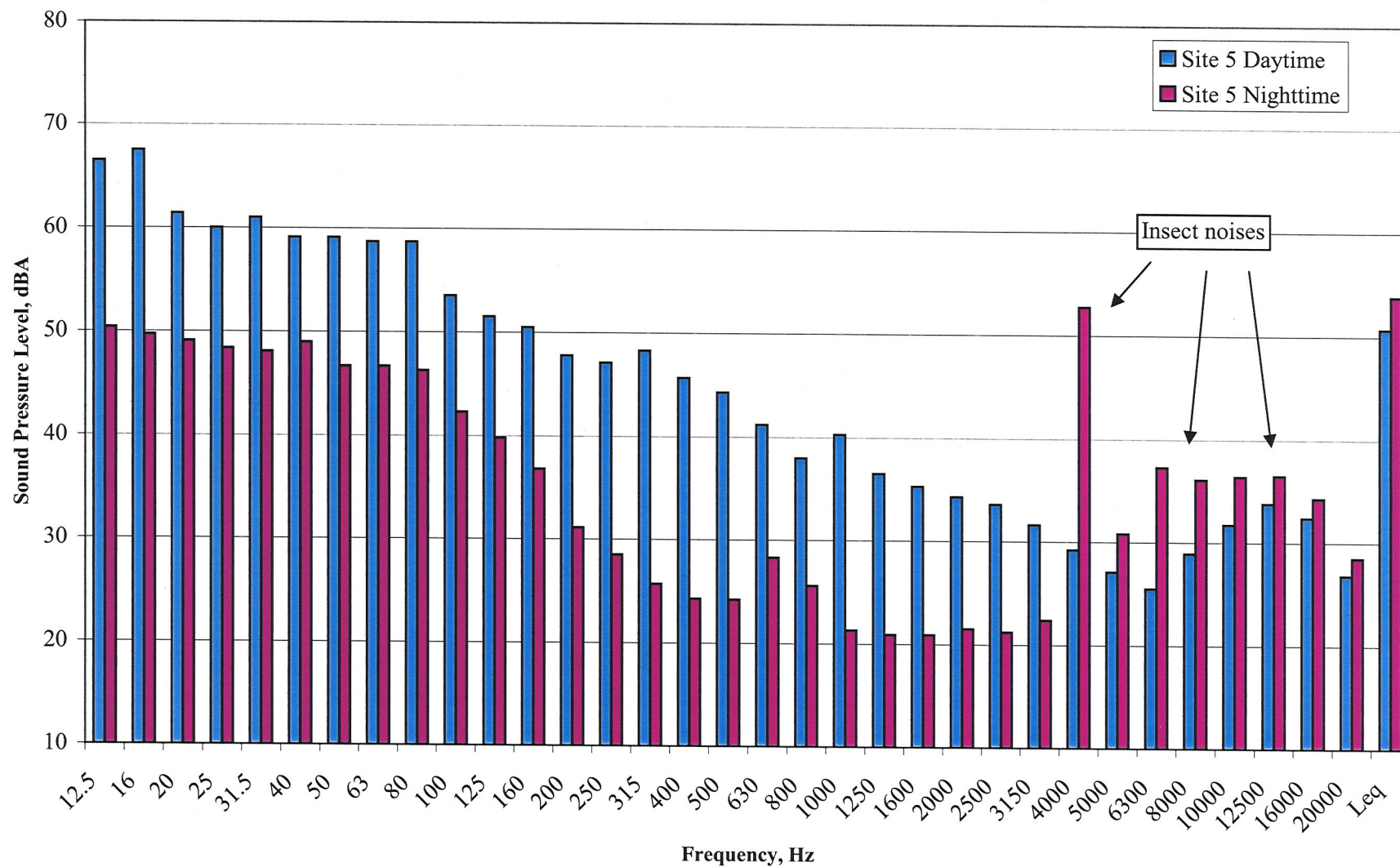
Site 1-4 2007
West County Energy Center Day/Night Octave Band Spectra



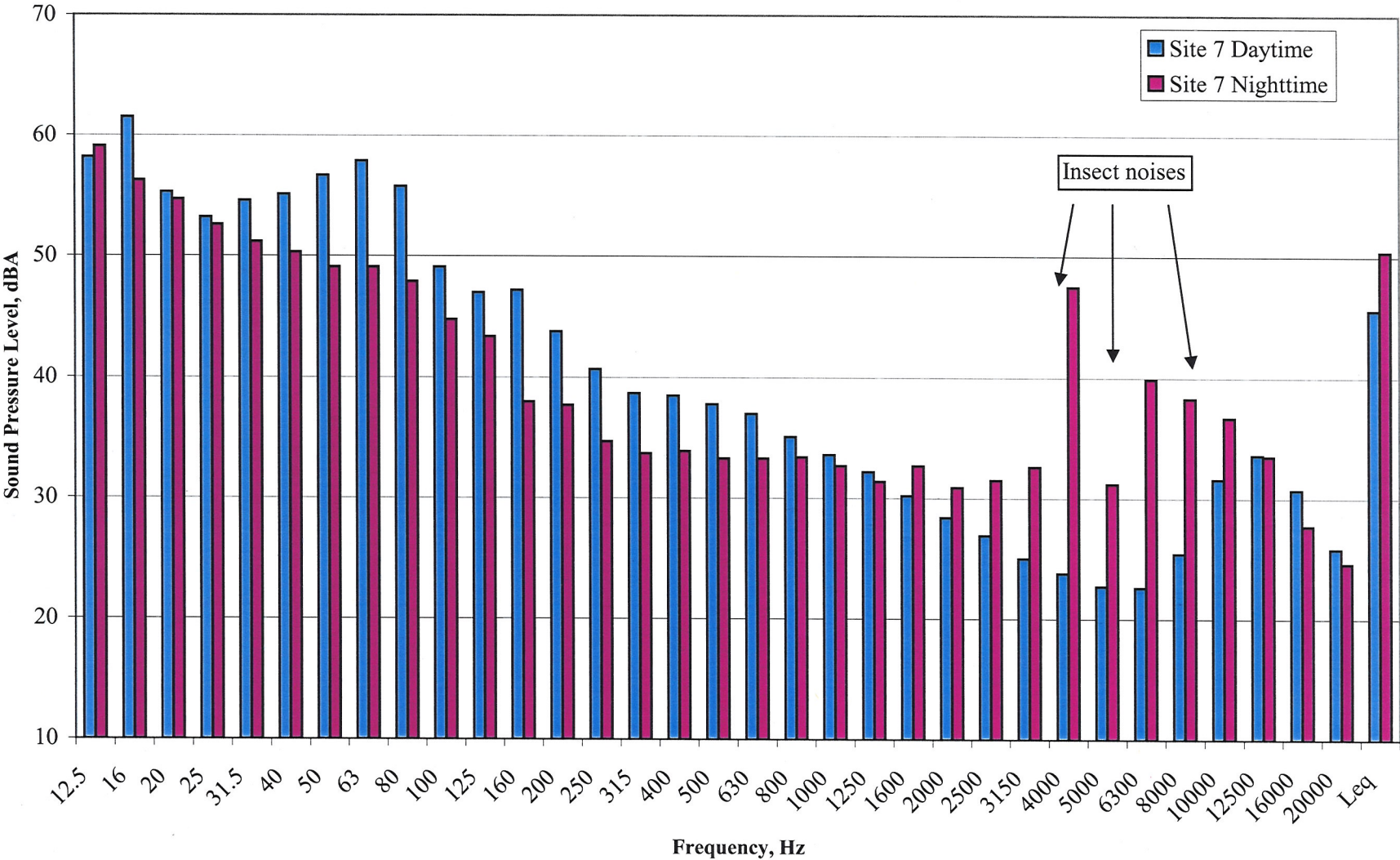
Site 2-3 2007
West County Energy Center Day/Night Octave Band Spectra



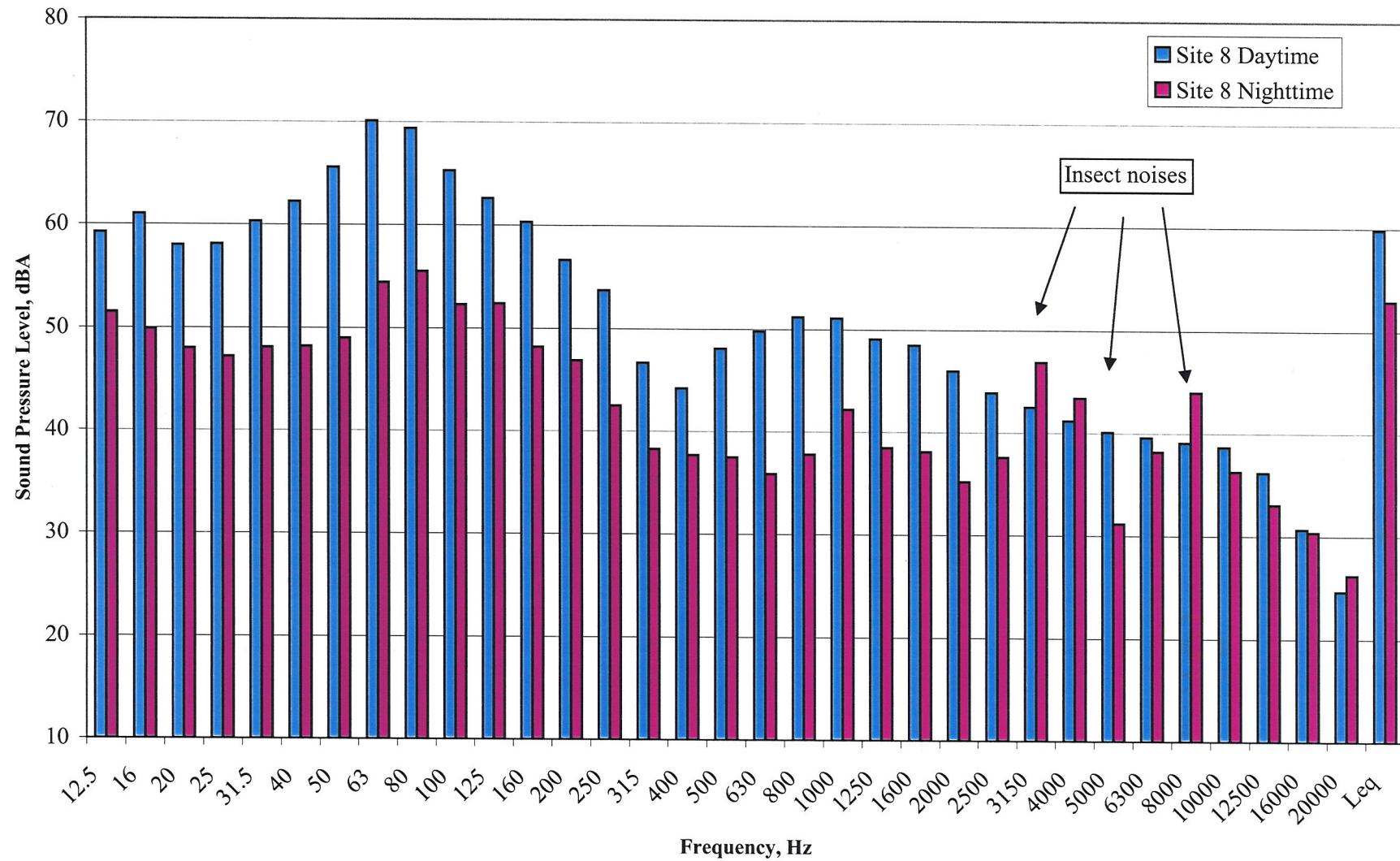
Site 5 2007
West County Energy Center Day/Night Octave Band Spectra



Site 7 2007
West County Energy Center Day/Night Octave Band Spectra



Site 8 2007
West County Energy Center Day/Night Octave Band Spectra



NOISE MODEL INPUT DATA

[Modeling Input Files from CADNA A Noise Model]

Summary of Noise Source Data Used at FPL West County Energy Center

Point Sources

Sources	Status	Source Location		Source Height (m)	Sound Power Level (dB) for Octave Band Center Frequency (Hz)									Overall Sound Power Level (dBA)
		X (m)	Y (m)		31.5	63	125	250	500	1000	2000	4000	8000	
1A HRSG Stack		562213	2953554	48.11	49.0	55.0	68.0	71.0	80.0	106.5	100.0	74.0	56.0	107.6
1B HRSG Stack		562211	2953461	48.01	49.0	55.0	68.0	71.0	80.0	106.5	100.0	74.0	56.0	107.6
1C HRSG Stack		562210	2953415	48.01	49.0	55.0	68.0	71.0	80.0	106.5	100.0	74.0	56.0	107.6
2A HRSG Stack		562206	2953150	48.01	49.0	55.0	68.0	71.0	80.0	106.5	100.0	74.0	56.0	107.6
2B HRSG Stack		562204	2953056	48.01	49.0	55.0	68.0	71.0	80.0	106.5	100.0	74.0	56.0	107.6
2C HRSG Stack		562203	2953010	48.01	49.0	55.0	68.0	71.0	80.0	106.5	100.0	74.0	56.0	107.6
1A CT Transformer		562096	2953544	9.01	96.0	102.0	104.0	103.0	99.0	93.0	88.0	83.0	76.0	100.1
1B CT Transformer		562095	2953451	9.01	96.0	102.0	104.0	103.0	99.0	93.0	88.0	83.0	76.0	100.1
1C CT Transformer		562103	2953405	9.01	96.0	102.0	104.0	103.0	99.0	93.0	88.0	83.0	76.0	100.1
2A CT Transformer		562088	2953141	9.01	96.0	102.0	104.0	103.0	99.0	93.0	88.0	83.0	76.0	100.1
2B CT Transformer		562086	2953047	9.01	96.0	102.0	104.0	103.0	99.0	93.0	88.0	83.0	76.0	100.1
2C CT Transformer		562096	2953001	9.01	96.0	102.0	104.0	103.0	99.0	93.0	88.0	83.0	76.0	100.1
1A Boiler Feed Pump		562193	2953568	9.01	103.0	100.0	97.0	96.0	97.0	96.0	97.0	89.0	77.0	101.7
1B Boiler Feed Pump		562192	2953475	9.01	103.0	100.0	97.0	96.0	97.0	96.0	97.0	89.0	77.0	101.7
1C Boiler Feed Pump		562191	2953429	9.01	103.0	100.0	97.0	96.0	97.0	96.0	97.0	89.0	77.0	101.7
2A Boiler Feed Pump		562186	2953163	9.01	103.0	100.0	97.0	96.0	97.0	96.0	97.0	89.0	77.0	101.7
2B Boiler Feed Pump		562185	2953070	9.01	103.0	100.0	97.0	96.0	97.0	96.0	97.0	89.0	77.0	101.7
2C Boiler Feed Pump		562184	2953024	9.01	103.0	100.0	97.0	96.0	97.0	96.0	97.0	89.0	77.0	101.7
Unit 1 STG Transformer		562096	2953497	9.01	102.0	108.0	110.0	109.0	105.0	99.0	94.0	89.0	82.0	106.1
Unit 2 STG Transformer		562089	2953092	9.01	102.0	108.0	110.0	109.0	105.0	99.0	94.0	89.0	82.0	106.1
Turbine Vent Fan 1A1		562158	2953555	15.51	104.0	104.0	109.0	102.0	99.0	93.0	104.0	106.0	107.0	111.2
Turbine Vent Fan 1A2		562153	2953555	15.51	104.0	104.0	109.0	102.0	99.0	93.0	104.0	106.0	107.0	111.2
Turbine Vent Fan 1B1		562156	2953461	15.51	104.0	104.0	109.0	102.0	99.0	93.0	104.0	106.0	107.0	111.2
Turbine Vent Fan 1B2		562151	2953461	15.51	104.0	104.0	109.0	102.0	99.0	93.0	104.0	106.0	107.0	111.2
Turbine Vent Fan 1C1		562156	2953415	15.51	104.0	104.0	109.0	102.0	99.0	93.0	104.0	106.0	107.0	111.2
Turbine Vent Fan 1C2		562151	2953416	15.51	104.0	104.0	109.0	102.0	99.0	93.0	104.0	106.0	107.0	111.2
Turbine Vent Fan 2A1		562151	2953150	15.51	104.0	104.0	109.0	102.0	99.0	93.0	104.0	106.0	107.0	111.2
Turbine Vent Fan 2A2		562146	2953150	15.51	104.0	104.0	109.0	102.0	99.0	93.0	104.0	106.0	107.0	111.2
Turbine Vent Fan 2B1		562150	2953057	15.51	104.0	104.0	109.0	102.0	99.0	93.0	104.0	106.0	107.0	111.2
Turbine Vent Fan 2B2		562144	2953057	15.51	104.0	104.0	109.0	102.0	99.0	93.0	104.0	106.0	107.0	111.2
Turbine Vent Fan 2C1		562149	2953011	15.51	104.0	104.0	109.0	102.0	99.0	93.0	104.0	106.0	107.0	111.2
Turbine Vent Fan 2C2		562143	2953011	15.51	104.0	104.0	109.0	102.0	99.0	93.0	104.0	106.0	107.0	111.2
Load Comp Vent Fan 1A		562146	2953555	13.51	102.0	103.0	103.0	99.0	94.0	92.0	95.0	91.0	84.0	100.2
Load Comp Vent Fan 1B		562144	2953461	13.51	102.0	103.0	103.0	99.0	94.0	92.0	95.0	91.0	84.0	100.2
Load Comp Vent Fan 1C		562143	2953416	13.51	102.0	103.0	103.0	99.0	94.0	92.0	95.0	91.0	84.0	100.2
Load Comp Vent Fan 2A		562139	2953150	13.51	102.0	103.0	103.0	99.0	94.0	92.0	95.0	91.0	84.0	100.2
Load Comp Vent Fan 2B		562137	2953057	13.51	102.0	103.0	103.0	99.0	94.0	92.0	95.0	91.0	84.0	100.2
Load Comp Vent Fan 2C		562136	2953011	13.51	102.0	103.0	103.0	99.0	94.0	92.0	95.0	91.0	84.0	100.2
Cooling Tower 1 Fan		562279	2953602	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 1 Fan		562263	2953602	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 1 Fan		562279	2953584	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 1 Fan		562263	2953585	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 1 Fan		562278	2953568	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 1 Fan		562263	2953568	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 1 Fan		562278	2953551	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 1 Fan		562262	2953551	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 1 Fan		562278	2953535	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 1 Fan		562263	2953535	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2

Summary of Noise Source Data Used at FPL West County Energy Center

Point Sources

Sources	Status	Source Location		Source Height (m)	Sound Power Level (dB) for Octave Band Center Frequency (Hz)									Overall Sound Power Level (dBA)
		X (m)	Y (m)		31.5	63	125	250	500	1000	2000	4000	8000	
Cooling Tower 1 Fan		562278	2953502	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 1 Fan		562262	2953502	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 1 Fan		562278	2953486	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 1 Fan		562262	2953486	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 1 Fan		562277	2953470	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 1 Fan		562261	2953470	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 1 Fan		562277	2953453	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 1 Fan		562261	2953454	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 1 Fan		562278	2953437	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 1 Fan		562261	2953437	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 1 Fan		562277	2953419	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 1 Fan		562261	2953419	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 1 Fan		562263	2953520	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 1 Fan		562278	2953520	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 1 Fan		562260	2953404	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 1 Fan		562277	2953404	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 2 Fan		562271	2953196	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 2 Fan		562256	2953196	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 2 Fan		562272	2953180	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 2 Fan		562256	2953180	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 2 Fan		562271	2953164	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 2 Fan		562256	2953164	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 2 Fan		562271	2953147	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 2 Fan		562255	2953147	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 2 Fan		562270	2953131	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 2 Fan		562255	2953131	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 2 Fan		562270	2953114	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 2 Fan		562255	2953115	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 2 Fan		562271	2953097	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 2 Fan		562256	2953098	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 2 Fan		562270	2953081	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 2 Fan		562255	2953081	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 2 Fan		562269	2953065	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 2 Fan		562254	2953065	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 2 Fan		562269	2953049	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 2 Fan		562254	2953049	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 2 Fan		562269	2953032	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 2 Fan		562253	2953032	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 2 Fan		562253	2953016	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 2 Fan		562268	2953016	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 2 Fan		562252	2953000	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 2 Fan		562268	2953000	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
3A HRSG Stack		562199	2952748	48.01	49.0	55.0	68.0	71.0	80.0	106.5	100.0	74.0	56.0	107.6
3B HRSG Stack		562197	2952654	48.01	49.0	55.0	68.0	71.0	80.0	106.5	100.0	74.0	56.0	107.6
3C HRSG Stack		562196	2952608	48.01	49.0	55.0	68.0	71.0	80.0	106.5	100.0	74.0	56.0	107.6
3A CT Transformer		562082	2952738	9.01	96.0	102.0	104.0	103.0	99.0	93.0	88.0	83.0	76.0	100.1
3B CT Transformer		562079	2952645	9.01	96.0	102.0	104.0	103.0	99.0	93.0	88.0	83.0	76.0	100.1
3C CT Transformer		562089	2952599	9.01	96.0	102.0	104.0	103.0	99.0	93.0	88.0	83.0	76.0	100.1
3A Boiler Feed Pump		562179	2952762	9.01	103.0	100.0	97.0	96.0	97.0	96.0	97.0	89.0	77.0	101.7

Summary of Noise Source Data Used at FPL West County Energy Center

Point Sources

Sources	Status	Source Location		Source Height (m)	Sound Power Level (dB) for Octave Band Center Frequency (Hz)									Overall Sound Power Level (dBA)
		X (m)	Y (m)		31.5	63	125	250	500	1000	2000	4000	8000	
3B Boiler Feed Pump		562178	2952668	9.01	103.0	100.0	97.0	96.0	97.0	96.0	97.0	89.0	77.0	101.7
3C Boiler Feed Pump		562177	2952623	9.01	103.0	100.0	97.0	96.0	97.0	96.0	97.0	89.0	77.0	101.7
Unit 3 STG Transformer		562080	2952689	9.01	102.0	108.0	110.0	109.0	105.0	99.0	94.0	89.0	82.0	106.1
Turbine Vent Fan 3A1		562144	2952748	15.51	104.0	104.0	109.0	102.0	99.0	93.0	104.0	106.0	107.0	111.2
Turbine Vent Fan 3A2		562139	2952749	15.51	104.0	104.0	109.0	102.0	99.0	93.0	104.0	106.0	107.0	111.2
Turbine Vent Fan 3B1		562143	2952655	15.51	104.0	104.0	109.0	102.0	99.0	93.0	104.0	106.0	107.0	111.2
Turbine Vent Fan 3B2		562137	2952655	15.51	104.0	104.0	109.0	102.0	99.0	93.0	104.0	106.0	107.0	111.2
Turbine Vent Fan 3C1		562142	2952609	15.51	104.0	104.0	109.0	102.0	99.0	93.0	104.0	106.0	107.0	111.2
Turbine Vent Fan 3C2		562136	2952609	15.51	104.0	104.0	109.0	102.0	99.0	93.0	104.0	106.0	107.0	111.2
Load Comp Vent Fan 3A		562132	2952749	13.51	102.0	103.0	103.0	99.0	94.0	92.0	95.0	91.0	84.0	100.2
Load Comp Vent Fan 3B		562130	2952655	13.51	102.0	103.0	103.0	99.0	94.0	92.0	95.0	91.0	84.0	100.2
Load Comp Vent Fan 3C		562129	2952609	13.51	102.0	103.0	103.0	99.0	94.0	92.0	95.0	91.0	84.0	100.2
Cooling Tower 3 Fan		562263	2952796	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 3 Fan		562248	2952796	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 3 Fan		562264	2952780	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 3 Fan		562248	2952780	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 3 Fan		562263	2952763	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 3 Fan		562248	2952764	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 3 Fan		562263	2952746	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 3 Fan		562247	2952746	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 3 Fan		562262	2952730	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 3 Fan		562247	2952730	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 3 Fan		562263	2952714	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 3 Fan		562247	2952715	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 3 Fan		562263	2952697	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 3 Fan		562248	2952698	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 3 Fan		562262	2952680	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 3 Fan		562247	2952681	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 3 Fan		562261	2952664	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 3 Fan		562246	2952665	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 3 Fan		562261	2952648	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 3 Fan		562246	2952649	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 3 Fan		562261	2952631	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 3 Fan		562245	2952632	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 3 Fan		562245	2952615	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 3 Fan		562260	2952615	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 3 Fan		562244	2952599	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2
Cooling Tower 3 Fan		562260	2952599	24.01	112.0	115.0	115.0	112.0	109.0	105.0	102.0	99.0	91.0	111.2

Summary of Noise Source Data Used at FPL West County Energy Center

Line Sources

Sources	Status	Sound Power Level (dB) for Octave Band Center Frequency (Hz)								Overall Sound Power Level	
		31.5	63	125	250	500	1000	2000	4000	8000	(dBA)
Unit 1A Exhaust Duct North		113.0	110.0	108.0	101.0	100.0	98.0	96.0	95.0	92.0	104.0
Unit 1A Exhaust Duct South		113.0	110.0	108.0	101.0	100.0	98.0	96.0	95.0	92.0	104.0
Unit 1B Exhaust Duct North		113.0	110.0	108.0	101.0	100.0	98.0	96.0	95.0	92.0	104.0
Unit 1B Exhaust Duct South		113.0	110.0	108.0	101.0	100.0	98.0	96.0	95.0	92.0	104.0
Unit 1C Exhaust Duct North		113.0	110.0	108.0	101.0	100.0	98.0	96.0	95.0	92.0	104.0
Unit 1C Exhaust Duct South		113.0	110.0	108.0	101.0	100.0	98.0	96.0	95.0	92.0	104.0
Unit 1 Condenser		115.0	116.0	115.0	113.0	114.0	108.0	103.0	98.0	94.0	114.1
Unit 2A Exhaust Duct North		113.0	110.0	108.0	101.0	100.0	98.0	96.0	95.0	92.0	104.0
Unit 2A Exhaust Duct South		113.0	110.0	108.0	101.0	100.0	98.0	96.0	95.0	92.0	104.0
Unit 2B Exhaust Duct North		113.0	110.0	108.0	101.0	100.0	98.0	96.0	95.0	92.0	104.0
Unit 2B Exhaust Duct South		113.0	110.0	108.0	101.0	100.0	98.0	96.0	95.0	92.0	104.0
Unit 2C Exhaust Duct North		113.0	110.0	108.0	101.0	100.0	98.0	96.0	95.0	92.0	104.0
Unit 2C Exhaust Duct South		113.0	110.0	108.0	101.0	100.0	98.0	96.0	95.0	92.0	104.0
Unit 2 Condenser		115.0	116.0	115.0	113.0	114.0	108.0	103.0	98.0	94.0	114.1
Unit 3A Exhaust Duct North		113.0	110.0	108.0	101.0	100.0	98.0	96.0	95.0	92.0	104.0
Unit 3A Exhaust Duct South		113.0	110.0	108.0	101.0	100.0	98.0	96.0	95.0	92.0	104.0
Unit 3B Exhaust Duct North		113.0	110.0	108.0	101.0	100.0	98.0	96.0	95.0	92.0	104.0
Unit 3B Exhaust Duct South		113.0	110.0	108.0	101.0	100.0	98.0	96.0	95.0	92.0	104.0
Unit 3C Exhaust Duct North		113.0	110.0	108.0	101.0	100.0	98.0	96.0	95.0	92.0	104.0
Unit 3C Exhaust Duct South		113.0	110.0	108.0	101.0	100.0	98.0	96.0	95.0	92.0	104.0
Unit 3 Condenser		115.0	116.0	115.0	113.0	114.0	108.0	103.0	98.0	94.0	114.1

Summary of Noise Source Data Used at FPL West County Energy Center

Area Sources

Sources	Status	Sound Power Level (dB) for Octave Band Center Frequency (Hz)								Overall Sound Power Level	
		31.5	63	125	250	500	1000	2000	4000	8000	(dBA)
Unit 1 Steam Turbine HP		122.0	122.0	118.0	117.0	115.0	110.0	104.0	101.0	100.0	116.0
Unit 1 Steam Turbine LP		124.0	124.0	120.0	119.0	117.0	112.0	106.0	103.0	102.0	118.0
Unit 1 Steam Turbine Generator		114.0	113.0	110.0	105.0	105.0	101.0	97.0	89.0	78.0	106.3
Unit 2 Steam Turbine Roof HP		122.0	122.0	118.0	117.0	115.0	110.0	104.0	101.0	100.0	116.0
Unit 2 Steam Turbine Roof LP		124.0	124.0	120.0	119.0	117.0	112.0	106.0	103.0	102.0	118.0
Unit 2 Steam Turbine Generator Roof		114.0	113.0	110.0	105.0	105.0	101.0	97.0	89.0	78.0	106.3
Unit 3 Steam Turbine Roof HP		122.0	122.0	118.0	117.0	115.0	110.0	104.0	101.0	100.0	116.0
Unit 3 Steam Turbine Roof LP		124.0	124.0	120.0	119.0	117.0	112.0	106.0	103.0	102.0	118.0
Unit 3 Steam Turbine Generator Roof		114.0	113.0	110.0	105.0	105.0	101.0	97.0	89.0	78.0	106.3
Gas Yard			85.5	85.6	89.0	91.1	94.0	108.5	113.4	112.2	117.0

Summary of Noise Source Data Used at FPL West County Energy Center

Vertical Area Sources

Sources	Status	Sound Power Level (dB) for Octave Band Center Frequency (Hz)									Overall Sound Power Level (dBA)
		31.5	63	125	250	500	1000	2000	4000	8000	
Unit 1A Air Inlet		96.0	100.0	93.0	88.0	80.0	72.0	68.0	76.0	71.0	84.7
Unit 1B Air Inlet		96.0	100.0	93.0	88.0	80.0	72.0	68.0	76.0	71.0	84.7
Unit 1C Air Inlet		96.0	100.0	93.0	88.0	80.0	72.0	68.0	76.0	71.0	84.7
Unit 1A HRSG North		111.0	116.0	112.0	104.0	94.0	93.0	81.0	61.0	31.0	100.7
Unit 1A HRSG South		111.0	116.0	112.0	104.0	94.0	93.0	81.0	61.0	31.0	100.7
Unit 1B HRSG North		111.0	116.0	112.0	104.0	94.0	93.0	81.0	61.0	31.0	100.7
Unit 1B HRSG South		111.0	116.0	112.0	104.0	94.0	93.0	81.0	61.0	31.0	100.7
Unit 1C HRSG North		111.0	116.0	112.0	104.0	94.0	93.0	81.0	61.0	31.0	100.7
Unit 1C HRSG South		111.0	116.0	112.0	104.0	94.0	93.0	81.0	61.0	31.0	100.7
Unit 1 Steam Turbine LP		124.0	124.0	120.0	119.0	117.0	112.0	106.0	103.0	102.0	118
Unit 1 Steam Turbine LP		124.0	124.0	120.0	119.0	117.0	112.0	106.0	103.0	102.0	118
Unit 1 Steam Turbine HP		122.0	122.0	118.0	117.0	115.0	110.0	104.0	101.0	100.0	116
Unit 1 Steam Turbine HP		122.0	122.0	118.0	117.0	115.0	110.0	104.0	101.0	100.0	116
Unit 1 Steam Turbine HP		122.0	122.0	118.0	117.0	115.0	110.0	104.0	101.0	100.0	116
Unit 1 Steam Turbine Generator		114.0	113.0	110.0	105.0	105.0	101.0	97.0	89.0	78.0	106.3
Unit 1 Steam Turbine Generator		114.0	113.0	110.0	105.0	105.0	101.0	97.0	89.0	78.0	106.3
Unit 1 Steam Turbine Generator		114.0	113.0	110.0	105.0	105.0	101.0	97.0	89.0	78.0	106.3
Cooling Tower 1 East		80.0	80.0	82.0	85.0	92.0	96.0	96.0	97.0	96.0	102.9
Cooling Tower 1 West		80.0	80.0	82.0	85.0	92.0	96.0	96.0	97.0	96.0	102.9
Unit 2A Air Inlet		96.0	100.0	93.0	88.0	80.0	72.0	68.0	76.0	71.0	84.7
Unit 2B Air Inlet		96.0	100.0	93.0	88.0	80.0	72.0	68.0	76.0	71.0	84.7
Unit 2C Air Inlet		96.0	100.0	93.0	88.0	80.0	72.0	68.0	76.0	71.0	84.7
Unit 2A HRSG North		111.0	116.0	112.0	104.0	94.0	93.0	81.0	61.0	31.0	100.7
Unit 2A HRSG South		111.0	116.0	112.0	104.0	94.0	93.0	81.0	61.0	31.0	100.7
Unit 2B HRSG North		111.0	116.0	112.0	104.0	94.0	93.0	81.0	61.0	31.0	100.7
Unit 2B HRSG South		111.0	116.0	112.0	104.0	94.0	93.0	81.0	61.0	31.0	100.7
Unit 2C HRSG North		111.0	116.0	112.0	104.0	94.0	93.0	81.0	61.0	31.0	100.7
Unit 2C HRSG South		111.0	116.0	112.0	104.0	94.0	93.0	81.0	61.0	31.0	100.7
Unit 2 Steam Turbine LP		124.0	124.0	120.0	119.0	117.0	112.0	106.0	103.0	102.0	118
Unit 2 Steam Turbine LP		124.0	124.0	120.0	119.0	117.0	112.0	106.0	103.0	102.0	118
Unit 2 Steam Turbine HP		122.0	122.0	118.0	117.0	115.0	110.0	104.0	101.0	100.0	116
Unit 2 Steam Turbine HP		122.0	122.0	118.0	117.0	115.0	110.0	104.0	101.0	100.0	116
Unit 2 Steam Turbine HP		122.0	122.0	118.0	117.0	115.0	110.0	104.0	101.0	100.0	116
Unit 2 Steam Turbine Generator		114.0	113.0	110.0	105.0	105.0	101.0	97.0	89.0	78.0	106.3
Unit 2 Steam Turbine Generator		114.0	113.0	110.0	105.0	105.0	101.0	97.0	89.0	78.0	106.3
Unit 2 Steam Turbine Generator		114.0	113.0	110.0	105.0	105.0	101.0	97.0	89.0	78.0	106.3
Cooling Tower 2 East		80.0	80.0	82.0	85.0	92.0	96.0	96.0	97.0	96.0	102.9
Cooling Tower 2 West		80.0	80.0	82.0	85.0	92.0	96.0	96.0	97.0	96.0	102.9
Unit 3A Air Inlet		96.0	100.0	93.0	88.0	80.0	72.0	68.0	76.0	71.0	84.7
Unit 3B Air Inlet		96.0	100.0	93.0	88.0	80.0	72.0	68.0	76.0	71.0	84.7
Unit 3C Air Inlet		96.0	100.0	93.0	88.0	80.0	72.0	68.0	76.0	71.0	84.7
Unit 3A HRSG North		111.0	116.0	112.0	104.0	94.0	93.0	81.0	61.0	31.0	100.7
Unit 3A HRSG South		111.0	116.0	112.0	104.0	94.0	93.0	81.0	61.0	31.0	100.7
Unit 3B HRSG North		111.0	116.0	112.0	104.0	94.0	93.0	81.0	61.0	31.0	100.7
Unit 3B HRSG South		111.0	116.0	112.0	104.0	94.0	93.0	81.0	61.0	31.0	100.7
Unit 3C HRSG North		111.0	116.0	112.0	104.0	94.0	93.0	81.0	61.0	31.0	100.7
Unit 3C HRSG South		111.0	116.0	112.0	104.0	94.0	93.0	81.0	61.0	31.0	100.7
Unit 3 Steam Turbine LP		124.0	124.0	120.0	119.0	117.0	112.0	106.0	103.0	102.0	118
Unit 3 Steam Turbine LP		124.0	124.0	120.0	119.0	117.0	112.0	106.0	103.0	102.0	118
Unit 3 Steam Turbine HP		122.0	122.0	118.0	117.0	115.0	110.0	104.0	101.0	100.0	116
Unit 3 Steam Turbine HP		122.0	122.0	118.0	117.0	115.0	110.0	104.0	101.0	100.0	116
Unit 3 Steam Turbine HP		122.0	122.0	118.0	117.0	115.0	110.0	104.0	101.0	100.0	116
Unit 3 Steam Turbine Generator		114.0	113.0	110.0	105.0	105.0	101.0	97.0	89.0	78.0	106.3
Unit 3 Steam Turbine Generator		114.0	113.0	110.0	105.0	105.0	101.0	97.0	89.0	78.0	106.3
Unit 3 Steam Turbine Generator		114.0	113.0	110.0	105.0	105.0	101.0	97.0	89.0	78.0	106.3
Cooling Tower 3 East		80.0	80.0	82.0	85.0	92.0	96.0	96.0	97.0	96.0	102.9
Cooling Tower 3 West		80.0	80.0	82.0	85.0	92.0	96.0	96.0	97.0	96.0	102.9

NOISE METER CERTIFICATIONS

Certificate of Calibration and Conformance

Certificate Number 2007-92886

Microphone Model 2560, Serial Number 3424, was calibrated on 08MAY2007. The microphone meets current factory specifications per Test Procedure D0001.8167.

Instrument found to be in calibration as received: YES

Date Calibrated: 08MAY2007

Calibration due: 08MAY2008

Calibration Standards Used

MANUFACTURER	MODEL	SERIAL NUMBER	INTERVAL	CAL. DUE	TRACEABILITY NO.
Larson Davis	2900	0575	12 Months	27JUN2007	2006-81604
Larson Davis	CAL250	42630	12 Months	03AUG2007	2006-82792
Larson Davis	2559	3034LF	12 Months	30AUG2007	2006-83723
Larson Davis	PRM902	0529	12 Months	06SEP2007	2006-83918
Larson Davis	PRM902	0528	12 Months	06SEP2007	2006-83919
Larson Davis	MTS1000 / 2201	1000 / 0100	12 Months	11SEP2007	2006-0911-1
Larson Davis	PRM915	0102	12 Months	13NOV2007	2006-86003
Larson Davis	PRM902	0206	12 Months	13NOV2007	2006-85999
Larson Davis	PRM916	0102	12 Months	13NOV2007	2006-86001
Hewlett Packard	34401A	3146A62099	12 Months	13NOV2007	294807
Larson Davis	2559	2506	12 Months	30JAN2008	14714-1

Reference Standards are traceable to the National Institute of Standards and Technology (NIST)

Calibration Environmental Conditions

Environmental test conditions as printed on microphone calibration chart.

Affirmations

This Certificate attests that this instrument has been calibrated under the stated conditions with Measurement and Test Equipment (M&TE) Standards traceable to the U.S. National Institute of Standards and Technology (NIST). All of the Measurement Standards have been calibrated to their manufacturers' specified accuracy / uncertainty. Evidence of traceability and accuracy is on file at Provo Engineering & Manufacturing Center. An acceptable accuracy ratio between the Standard(s) and the item calibrated has been maintained. This instrument meets or exceeds the manufacturer's published specification unless noted.

This calibration complies with the requirements of ISO 17025 and ANSI Z540. The collective uncertainty of the Measurement Standard used does not exceed 25% of the applicable tolerance for each characteristic calibrated unless otherwise noted.

The results documented in this certificate relate only to the item(s) calibrated or tested. A one year calibration is recommended, however calibration interval assignment and adjustment are the responsibility of the end user. This certificate may not be reproduced, except in full, without the written approval of the issuer.

"AS RECEIVED" data is the same as shipped data.

Signed: *Abraham Ortega*
Technician: Abraham Ortega

Certificate of Calibration and Conformance

Certificate Number 2007-92859

Instrument Model PRM902, Serial Number 3275, was calibrated on 08MAY2007. The instrument meets factory specifications per Procedure D0001.8126.

Instrument found to be in calibration as received: YES

Date Calibrated: 08MAY2007

Calibration due: 08MAY2008

Calibration Standards Used

MANUFACTURER	MODEL	SERIAL NUMBER	INTERVAL	CAL. DUE	TRACEABILITY NO.
Larson Davis	2900 / 2209	0097 / 0118	12 Months	04AUG2007	2006-82872
Hewlett Packard	34401A	MY41044529	12 Months	08JAN2008	295900

Reference Standards are traceable to the National Institute of Standards and Technology (NIST)

Calibration Environmental Conditions

Temperature: 23 ° Centigrade

Relative Humidity: 31 %

Affirmations

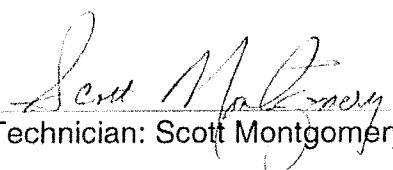
This Certificate attests that this instrument has been calibrated under the stated conditions with Measurement and Test Equipment (M&TE) Standards traceable to the U.S. National Institute of Standards and Technology (NIST). All of the Measurement Standards have been calibrated to their manufacturers' specified accuracy / uncertainty. Evidence of traceability and accuracy is on file at Provo Engineering & Manufacturing Center. An acceptable accuracy ratio between the Standard(s) and the item calibrated has been maintained. This instrument meets or exceeds the manufacturer's published specification unless noted.

This calibration complies with the requirements of ISO 17025 and ANSI Z540. The collective uncertainty of the Measurement Standard used does not exceed 25% of the applicable tolerance for each characteristic calibrated unless otherwise noted.

The results documented in this certificate relate only to the item(s) calibrated or tested. A one year calibration is recommended, however calibration interval assignment and adjustment are the responsibility of the end user. This certificate may not be reproduced, except in full, without the written approval of the issuer.

"As Received" data is the same as shipped data.

Signed:


Technician: Scott Montgomery

Provo Engineering and Manufacturing Center, 1681 West 820 North, Provo, Utah 84601

Toll Free: 888.258.3222 Telephone: 716.926.8243 Fax: 716.926.8215

ISO 9001-2000 Certified

Certificate of Calibration and Conformance

Certificate Number 2007-92877

Instrument Model 824, Serial Number 3106, was calibrated on 08MAY2007. The instrument meets factory specifications per Procedure D0001.8046, IEC 61672-1:2002 Class 1; IEC 60651-2001, 60804-2000 and ANSI S1.4-1983 Type 1 1/3, 1/1 Oct. Filters; S1.11-1986 Type 1C; IEC61260-am1-2001 Class 1.

Instrument found to be in calibration as received: YES

Date Calibrated: 08MAY2007

Calibration due: 08MAY2008

Calibration Standards Used

MANUFACTURER	MODEL	SERIAL NUMBER	INTERVAL	CAL. DUE	TRACEABILITY NO.
Larson Davis	LDSigGn/2209	0589 / 0103	12 Months	06DEC2007	2006-87149

Reference Standards are traceable to the National Institute of Standards and Technology (NIST)

Calibration Environmental Conditions

Temperature: 23 ° Centigrade

Relative Humidity: 31 %

Affirmations

This Certificate attests that this instrument has been calibrated under the stated conditions with Measurement and Test Equipment (M&TE) Standards traceable to the U.S. National Institute of Standards and Technology (NIST). All of the Measurement Standards have been calibrated to their manufacturers' specified accuracy / uncertainty. Evidence of traceability and accuracy is on file at Provo Engineering & Manufacturing Center. An acceptable accuracy ratio between the Standard(s) and the item calibrated has been maintained. This instrument meets or exceeds the manufacturer's published specification unless noted.

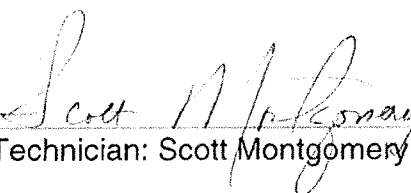
This calibration complies with the requirements of ISO 17025 and ANSI Z540. The collective uncertainty of the Measurement Standard used does not exceed 25% of the applicable tolerance for each characteristic calibrated unless otherwise noted.

The results documented in this certificate relate only to the item(s) calibrated or tested. A one year calibration is recommended, however calibration interval assignment and adjustment are the responsibility of the end user. This certificate may not be reproduced, except in full, without the written approval of the issuer.

"As Received" data is the same as shipped data.

Tested with PRM902 S/N 3275

Signed:


Technician: Scott Montgomery

Certificate of Calibration and Conformance

Certificate Number 2007-92854

Instrument Model CAL200, Serial Number 4318, was calibrated on 08MAY2007. The instrument meets factory specifications per Procedure D0001.8190.

Instrument found to be in calibration as received: YES

Date Calibrated: 08MAY2007

Calibration due: 08MAY2008

Calibration Standards Used

MANUFACTURER	MODEL	SERIAL NUMBER	INTERVAL	CAL. DUE	TRACEABILITY NO.
Hewlett Packard	34401A	US36033460	12 Months	02JUN2007	290347
Hewlett Packard	34401A	3146A10352	12 Months	23JUN2007	291010
Larson Davis	MTS1000/2201	0111	12 Months	11SEP2007	2006-0911-2
Larson Davis	PRM915	0112	12 Months	18SEP2007	2006-84212
Larson Davis	PRM902	0480	12 Months	18SEP2007	2006-84211
Larson Davis	2559	2504	12 Months	11OCT2007	14485-1
Schaevitz	P3061-15PSIA	17590	12 Months	16NOV2007	294809
Larson Davis	2900	0661	12 Months	04APR2008	2007-91426

Reference Standards are traceable to the National Institute of Standards and Technology (NIST)

Calibration Environmental Conditions

Environmental test conditions as shown on calibration report.

Affirmations

This Certificate attests that this instrument has been calibrated under the stated conditions with Measurement and Test Equipment (M&TE) Standards traceable to the U.S. National Institute of Standards and Technology (NIST). All of the Measurement Standards have been calibrated to their manufacturers' specified accuracy / uncertainty. Evidence of traceability and accuracy is on file at Provo Engineering & Manufacturing Center. An acceptable accuracy ratio between the Standard(s) and the item calibrated has been maintained. This instrument meets or exceeds the manufacturer's published specification unless noted.

This calibration complies with the requirements of ISO 17025 and ANSI Z540. The collective uncertainty of the Measurement Standard used does not exceed 25% of the applicable tolerance for each characteristic calibrated unless otherwise noted.

The results documented in this certificate relate only to the item(s) calibrated or tested. A one year calibration is recommended, however calibration interval assignment and adjustment are the responsibility of the end user. This certificate may not be reproduced, except in full, without the written approval of the issuer.

Before: 114.09 dB, 94.10 dB, 1000.3 Hz @ sea level.
After: Refer to Certificate of Measured Output.

Signed:

Technician: Scott Montgomery

APPENDIX 10.5.3

**WATER QUALITY
(SOURCE OF RECLAIMED WATER)**

The City of West Palm Beach



"The Capital City of the Palm Beaches"

May 5, 2007

Cathy McCarty
Bureau of Ground Water Protection
U.I.C.
DEP Twin Towers Building # MS 3530
2600 Blairstone Road
Tallahassee, FL 32399

RE: 2007 Annual Waste Stream Analysis- Primary & Secondary Standards

Dear Ms. McCarty

Attached is a copy of Annual Waste Stream Analysis- Primary & Secondary for 2007.
If you have any questions please do not hesitate to contact my office at 561-835 -7415

Sincerely

A handwritten signature in cursive script, appearing to read "Robert Watts".

Robert Watts
Chief Operator
ECR Water Reclamation Facility

xc: Len Fishken- DEP/WPB

"An Equal Opportunity Employer"

ANALYTICAL RESULTS

Printed: 05/22/07 11:08pm

Project No: 002950, CITY OF WEST PALM BEACH-WATER LAB

P.O. No: 070868

Inv. No: 189095

Job Name: EFF SAMPLING EVENT

Job Id: SE

Sample Number L225534-1
 Sample Description EFF 'COMP'
 Samp. Date/Time/Temp 04/11/07 01:50pm 29.3 C
 Receive Date 04/11/07
 Sampled by Eric Casavant, USB
 Received Temp 3 C Iced (Y/N): Y

Parameter	Method	Result	DIL	MDL	PQL	Prep Date, Time	Test Date, Time, Analyst
Field Testing							
CHLORINE TOTAL	330.5	U mg/l	1	0.050	0.050	N/A	04/11 14:15 EC
PH FIELD	150.1	7.34 std unit	1	0.10	0.10	N/A	04/11 14:15 EC
TEMPERATURE	170.1	29.3 Deg. C	1	0.10	0.10	N/A	04/11 14:15 EC
Metals Analysis							
SILVER	3010/6010B U	mg/l	1	0.0049	0.020	04/12 00:00	04/13 18:54 JG
ALUMINUM	3010/6010B U	mg/l	1	0.056	0.10	04/12 00:00	04/13 18:54 JG
ARSENIC	3010/6010B U	mg/l	1	0.0038	0.010	04/12 00:00	04/13 18:54 JG
BARIUM	3010/6010B 0.00460 I	mg/l	1	0.0026	0.010	04/12 00:00	04/13 18:54 JG
BERYLLIUM	3010/6010B U	mg/l	1	0.0012	0.0040	04/12 00:00	04/13 18:54 JG
CADMIUM	3010/6010B U	mg/l	1	0.0019	0.0050	04/12 00:00	04/13 18:54 JG
CHROMIUM	3010/6010B 0.00120 I	mg/l	1	0.0011	0.0050	04/12 00:00	04/13 18:54 JG
COPPER	3010/6010B 0.0104 V	mg/l	1	0.0024	0.010	04/12 00:00	04/13 18:54 JG
IRON	3010/6010B 0.304	mg/l	1	0.075	0.20	04/12 00:00	04/13 18:54 JG
MANGANESE	3010/6010B 0.0176 V	mg/l	1	0.0022	0.010	04/12 00:00	04/13 18:54 JG
SODIUM	3010/6010B 148. V	mg/l	1	0.054	0.25	04/12 00:00	04/13 18:54 JG
NICKEL	3010/6010B 0.00320 I	mg/l	1	0.0024	0.010	04/12 00:00	04/13 18:54 JG
LEAD	3010/6010B U	mg/l	1	0.0023	0.0050	04/12 00:00	04/13 18:54 JG
ANTIMONY	3010/6010B U	mg/l	1	0.0032	0.0050	04/12 00:00	04/13 18:54 JG
SELENIUM	3010/6010B U	mg/l	1	0.0075	0.030	04/12 00:00	04/13 18:54 JG
THALLIUM	200.8	U mg/l	1	0.000075	0.00050	04/16 00:00	04/17 19:40 STW
ZINC	3010/6010B 0.0446 V	mg/l	1	0.0065	0.025	04/12 00:00	04/13 18:54 JG
Mercury Analysis							
MERCURY	245.1	U mg/l	1	0.000076	0.00020	04/18 00:00	04/18 17:28 TB
Radiologicals							
GROSS ALPHA (E83033)	900.0	<1.8+/-1.1 pCi/l	1	1.8	1.8	04/17 06:31	04/18 11:37 SUB
RADIUM 226 (E83033)	903.1	<0.2+/-0.1 pCi/l	1	0.20	0.20	04/20 10:48	04/30 11:40 SUB
RADIUM 228 (E83033)	RA-05	<0.8+/-0.5 pCi/l	1	0.80	0.80	04/20 10:48	04/30 08:55 SUB

ANALYTICAL RESULTS

Printed: 05/22/07 11:08pm

Project No: 002950, CITY OF WEST PALM BEACH-WATER LAB
 Job Name: EFF SAMPLING EVENT
 Job Id: SE

P.O. No: 070868

Inv. No: 189095

Sample Number L225534-1
 Sample Description EFF 'COMP'
 Samp. Date/Time/Temp 04/11/07 01:50pm 29.3 C
 Receive Date 04/11/07
 Sampled by Eric Casavant, USB

Parameter	Method	Result	DIL	MDL	PQL	Prep Date,Time	Test Date, Time,Analyst
Ion Chromatography FLUORIDE	300.0	0.591 mg/l	1	0.030	0.20	N/A	04/12 16:20 JK
FLUORIDE-II	300.0	0.591 mg/l	1	0.030	0.20	N/A	04/12 16:20 JK
NITRATE (AS N)	300.0	0.641 mg/l	1	0.00050	0.050	N/A	04/12 16:20 JK
NITRITE (AS N)	300.0	2.14 mg/l	1	0.0012	0.050	N/A	04/12 16:20 JK
SULFATE	300.0	60.6 mg/l	5	0.012	2.5	N/A	04/26 21:48 JK
BOD (5 day) BOD	405.1	2.80 mg/l	1	2.0	2.0	04/12 12:00	04/17 10:00 RB
Chloride CHLORIDE	325.2	245. V mg/l	5	0.65	5.0	N/A	04/26 12:00 ZE
Chemical Oxygen Demand CHEMICAL OXYGEN DEMAND	410.4	92.9 mg/l	1	7.5	10	04/26 13:00	04/26 17:30 SA
Color-Lab COLOR-LAB	110.2	40.0 pcu	1	5.0	5.0	N/A	04/12 16:45 JK
Total Kjeldahl Nitrogen KJELDAHL NITROGEN	351.2	10.6 mg/l	1	0.20	0.40	N/A	04/27 14:08 EF
MBAS-LAS, molwt 340 DETERGENTS MBAS	425.1	0.133 I* mg/l	1	0.10	0.20	N/A	04/13 10:30 JK
Organic Nitrogen ORGANIC NITROGEN	LAB CALC	5.60 mg/l	1	0.22	0.50	N/A	04/27 14:08
Ammonia AMMONIA	350.1	5.00 mg/l	1	0.030	0.050	N/A	04/26 10:37 EF
Odor ODOR	140.1	1.00 I TON	1	1.0	1.0	N/A	04/12 12:15 JK
pH PH LAB	150.1	7.40 units	1	0.10	0.10	N/A	04/18 11:50 LP
Phosphorus PHOSPHATE TOTAL AS P	365.1	3.77 mg/l	5	0.027	0.050	N/A	04/26 15:14 LP
Total Dissolved Solids TOTAL DISSOLVED SOLIDS	160.1	600 mg/l	2	14	20	N/A	04/17 16:00 SA

ANALYTICAL RESULTS

Printed: 05/22/07 11:08pm

Project No: 002950, CITY OF WEST PALM BEACH-WATER LAB

Job Name: EFF SAMPLING EVENT

Job Id: SE

P.O. No: 070868

Inv. No: 189095

**** NOTES CONCERNING THE ABOVE SAMPLE ****

CCB FOR TL@0.0001MG/L

MB Cu 0.0038mg/L, Zn 0.016mg/L, Mn 0.0022mg/L, Na 0.056mg/L

DETERGENTS MBAS - MS and/or MSD recoveries outside control limits. However, LCS and/or LCSD within limits. Data reported.

ANALYTICAL RESULTS

Printed: 05/22/07 11:08pm

Project No: 002950, CITY OF WEST PALM BEACH-WATER LAB

P.O. No: 070868

Inv. No: 189095

Job Name: EFF SAMPLING EVENT

Job Id: SE

Sample Number L225534-2
 Sample Description EFF 'GRAB'
 Samp. Date/Time/Temp 04/11/07 02:15pm 14.9 C
 Receive Date 04/11/07
 Sampled by Eric Casavant, USB
 Received Temp 3 C Iced (Y/N): Y

Parameter	Method	Result	DIL	MDL	PQL	Prep Date, Time	Test Date, Time, Analyst
Volatile Organic Compounds							
VINYL CHLORIDE	524.2	U ug/l	1	0.34	0.50	N/A	04/13 14:43 WH
CHLOROETHANE	524.2	U ug/l	1	0.30	0.50	N/A	04/13 14:43 WH
1,1-DICHLOROETHENE	524.2	U ug/l	1	0.27	0.50	N/A	04/13 14:43 WH
METHYLENE CHLORIDE	524.2	U ug/l	1	0.40	0.50	N/A	04/13 14:43 WH
TRANS-1,2-DICHLOROETHENE	524.2	U ug/l	1	0.19	0.50	N/A	04/13 14:43 WH
CIS-1,2-DICHLOROETHENE	524.2	U ug/l	1	0.17	0.50	N/A	04/13 14:43 WH
CHLOROFORM	524.2	0.390 I ug/l	1	0.28	0.50	N/A	04/13 14:43 WH
1,2-DICHLOROETHANE	524.2	U ug/l	1	0.18	0.50	N/A	04/13 14:43 WH
1,1,1-TRICHLOROETHANE	524.2	U ug/l	1	0.10	0.50	N/A	04/13 14:43 WH
CARBON TETRACHLORIDE	524.2	U ug/l	1	0.11	0.50	N/A	04/13 14:43 WH
BENZENE	524.2	U ug/l	1	0.10	0.50	N/A	04/13 14:43 WH
1,2-DICHLOROPROPANE	524.2	U ug/l	1	0.14	0.50	N/A	04/13 14:43 WH
TRICHLOROETHENE	524.2	U ug/l	1	0.23	0.50	N/A	04/13 14:43 WH
BROMODICHLOROMETHANE	524.2	U ug/l	1	0.16	0.50	N/A	04/13 14:43 WH
1,1,2-TRICHLOROETHANE	524.2	U ug/l	1	0.42	0.50	N/A	04/13 14:43 WH
TOLUENE	524.2	0.870 ug/l	1	0.10	0.50	N/A	04/13 14:43 WH
DIBROMOCHLOROMETHANE	524.2	U ug/l	1	0.25	0.50	N/A	04/13 14:43 WH
TETRACHLOROETHENE	524.2	U ug/l	1	0.27	0.50	N/A	04/13 14:43 WH
CHLOROBENZENE	524.2	U ug/l	1	0.30	0.50	N/A	04/13 14:43 WH
ETHYL BENZENE	524.2	U ug/l	1	0.080	0.50	N/A	04/13 14:43 WH
M&P-XYLENES	524.2	U ug/l	1	0.31	0.50	N/A	04/13 14:43 WH
BROMOFORM	524.2	U ug/l	1	0.20	0.50	N/A	04/13 14:43 WH
TOTAL THM	524.2	U ug/l	1	0.89	2.0	N/A	04/13 14:43 WH
STYRENE	524.2	U ug/l	1	0.15	0.50	N/A	04/13 14:43 WH
O-XYLENE	524.2	U ug/l	1	0.10	0.50	N/A	04/13 14:43 WH

ANALYTICAL RESULTS

Printed: 05/22/07 11:08pm

Project No: 002950, CITY OF WEST PALM BEACH-WATER LAB

P.O. No: 070868

Inv. No: 189095

Job Name: EFF SAMPLING EVENT

Jobid: SE

Sample Number L225534-2
 Sample Description EFF 'GRAB'
 Samp. Date/Time/Temp 04/11/07 02:15pm 14.9 C
 Receive Date 04/11/07
 Sampled by Eric Casavant, USB

Parameter	Method	Result	DIL	MDL	PQL	Prep Date, Time	Test Date, Time, Analyst
XYLENES (TOTAL)	524.2	U ug/l	1	0.41	1.0	N/A	04/13 14:43 WH
1,4-DICHLOROBENZENE	524.2	0.720 ug/l	1	0.10	0.50	N/A	04/13 14:43 WH
1,2-DICHLOROBENZENE	524.2	U ug/l	1	0.10	0.50	N/A	04/13 14:43 WH
1,2,4-TRICHLOROBENZENE	524.2	U ug/l	1	0.16	0.50	N/A	04/13 14:43 WH
SURROGATES		% RECOVERY		% Recovery Limits			
BROMOFLUOROBENZENE (SURR)	524.2	98 %	1		70-130		04/13 14:43 WH
1,2-DICHLOROBENZENE-D4	524.2	96 %	1		70-130		04/13 14:43 WH
Semivolatile Compounds							
N-NITROSODIMETHYLAMINE	625	U ug/l	1	1.0	4.0	04/13 00:00	04/13 23:21 SMB
PHENOL	625	U ug/l	1	0.41	4.0	04/13 00:00	04/13 23:21 SMB
BIS(2-CHLOROETHYL)ETHER	625	U ug/l	1	0.46	4.0	04/13 00:00	04/13 23:21 SMB
2-CHLOROPHENOL	625	U ug/l	1	2.6	4.0	04/13 00:00	04/13 23:21 SMB
1,3-DICHLOROBENZENE	625	U ug/l	1	0.35	4.0	04/13 00:00	04/13 23:21 SMB
1,4-DICHLOROBENZENE	625	0.551 I ug/l	1	0.28	4.0	04/13 00:00	04/13 23:21 SMB
1,2-DICHLOROBENZENE	625	U ug/l	1	0.34	4.0	04/13 00:00	04/13 23:21 SMB
BIS(2-CHLOROISOPROPYL)ETHER	625	U ug/l	1	0.34	4.0	04/13 00:00	04/13 23:21 SMB
N-NITROSO-DI-N-PROPYLAMINE	625	U ug/l	1	0.33	4.0	04/13 00:00	04/13 23:21 SMB
HEXACHLOROETHANE	625	U ug/l	1	0.36	4.0	04/13 00:00	04/13 23:21 SMB
NITROBENZENE	625	U ug/l	1	0.31	4.0	04/13 00:00	04/13 23:21 SMB
ISOPHORONE	625	U ug/l	1	0.34	4.0	04/13 00:00	04/13 23:21 SMB
2-NITROPHENOL	625	U ug/l	1	0.24	4.0	04/13 00:00	04/13 23:21 SMB
2,4-DIMETHYLPHENOL	625	U ug/l	1	0.40	4.0	04/13 00:00	04/13 23:21 SMB
BIS(2-CHLOROETHOXY)METHANE	625	U ug/l	1	0.32	4.0	04/13 00:00	04/13 23:21 SMB
2,4-DICHLOROPHENOL	625	U ug/l	1	0.43	4.0	04/13 00:00	04/13 23:21 SMB
1,2,4-TRICHLOROBENZENE	625	U ug/l	1	0.23	4.0	04/13 00:00	04/13 23:21 SMB
NAPHTHALENE	625	U ug/l	1	0.34	4.0	04/13 00:00	04/13 23:21 SMB
HEXACHLOROBUTADIENE	625	U ug/l	1	0.45	4.0	04/13 00:00	04/13 23:21 SMB

ANALYTICAL RESULTS

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Project No: 002950, CITY OF WEST PALM BEACH-WATER LAB
 Job Name: EFF SAMPLING EVENT
 Job Id: SE

P.O. No: 070868

Inv. No: 189095

Sample Number L225534-2
 Sample Description EFF 'GRAB'
 Samp. Date/Time/Temp 04/11/07 02:15pm 14.9 C
 Receive Date 04/11/07
 Sampled by Eric Casavant, USB

Parameter	Method	Result	DIL	MDL	PQL	Prep Date, Time	Test Date, Time, Analyst
4-CHLORO-3-METHYLPHENOL	625	U ug/l	1	0.22	4.0	04/13 00:00	04/13 23:21 SMB
HEXACHLOROCYCLOPENTADIENE	625	U ug/l	1	0.74	4.0	04/13 00:00	04/13 23:21 SMB
2,4,6-TRICHLOROPHENOL	625	U ug/l	1	0.27	4.0	04/13 00:00	04/13 23:21 SMB
2-CHLORONAPHTHALENE	625	U ug/l	1	0.32	4.0	04/13 00:00	04/13 23:21 SMB
DIMETHYLPHTHALATE	625	U ug/l	1	0.31	4.0	04/13 00:00	04/13 23:21 SMB
ACENAPHTHYLENE	625	U ug/l	1	0.26	4.0	04/13 00:00	04/13 23:21 SMB
ACENAPHTHENE	625	U ug/l	1	0.33	4.0	04/13 00:00	04/13 23:21 SMB
2,4-DINITROPHENOL	625	U ug/l	1	1.4	10	04/13 00:00	04/13 23:21 SMB
2,4-DINITROTOLUENE	625	U ug/l	1	0.31	4.0	04/13 00:00	04/13 23:21 SMB
4-NITROPHENOL	625	U ug/l	1	0.79	4.0	04/13 00:00	04/13 23:21 SMB
DIETHYLPHTHALATE	625	U ug/l	1	0.33	4.0	04/13 00:00	04/13 23:21 SMB
FLUORENE	625	U ug/l	1	0.27	4.0	04/13 00:00	04/13 23:21 SMB
4-CHLOROPHENYL-PHENYLETHER	625	U ug/l	1	0.45	4.0	04/13 00:00	04/13 23:21 SMB
4,6-DINITRO-2-METHYLPHENOL	625	U ug/l	1	0.35	4.0	04/13 00:00	04/13 23:21 SMB
N-NITROSODIPHENYLAMINE	625	U ug/l	1	0.31	4.0	04/13 00:00	04/13 23:21 SMB
4-BROMOPHENYL-PHENYLETHER	625	U ug/l	1	0.27	4.0	04/13 00:00	04/13 23:21 SMB
HEXACHLOROBENZENE	625	U ug/l	1	0.32	4.0	04/13 00:00	04/13 23:21 SMB
PENTACHLOROPHENOL	625	U ug/l	1	0.67	10	04/13 00:00	04/13 23:21 SMB
PHENANTHRENE	625	U ug/l	1	0.29	4.0	04/13 00:00	04/13 23:21 SMB
ANTHRACENE	625	U ug/l	1	0.25	4.0	04/13 00:00	04/13 23:21 SMB
DI-N-BUTYLPHTHALATE	625	U ug/l	1	0.21	4.0	04/13 00:00	04/13 23:21 SMB
FLUORANTHENE	625	U ug/l	1	0.20	4.0	04/13 00:00	04/13 23:21 SMB
BENZIDINE	625	U ug/l	1	9.7	10	04/13 00:00	04/13 23:21 SMB
PYRENE	625	U ug/l	1	0.47	4.0	04/13 00:00	04/13 23:21 SMB
BUTYLBENZYLPHTHALATE	625	U ug/l	1	0.36	4.0	04/13 00:00	04/13 23:21 SMB
BENZO(A)ANTHRACENE	625	U ug/l	1	0.27	4.0	04/13 00:00	04/13 23:21 SMB

ANALYTICAL RESULTS

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Project No: 002950, CITY OF WEST PALM BEACH-WATER LAB
 Job Name: EFF SAMPLING EVENT
 Job Id: SE

P.O. No: 070868

Inv. No: 189095

Sample Number L225534-2
 Sample Description EFF 'GRAB'
 Samp. Date/Time/Temp 04/11/07 02:15pm 14.9 C
 Receive Date 04/11/07
 Sampled by Eric Casavant, USB

Parameter	Method	Result	DIL	MDL	PQL	Prep Date, Time	Test Date, Time, Analyst
3,3'-DICHLOROBENZIDINE	625	U ug/l	1	0.31	4.0	04/13 00:00	04/13 23:21 SMB
CHRYSENE	625	U ug/l	1	0.28	4.0	04/13 00:00	04/13 23:21 SMB
BIS(2-ETHYLHEXYL)PHTHALATE	625	0.932 I ug/l	1	0.20	4.0	04/13 00:00	04/13 23:21 SMB
DI-N-OCTYLPHTHALATE	625	U ug/l	1	0.28	4.0	04/13 00:00	04/13 23:21 SMB
BENZO(B)FLUORANTHENE	625	U ug/l	1	0.25	4.0	04/13 00:00	04/13 23:21 SMB
BENZO(K)FLUORANTHENE	625	U ug/l	1	0.39	4.0	04/13 00:00	04/13 23:21 SMB
BENZO(A)PYRENE	625	U ug/l	1	0.31	4.0	04/13 00:00	04/13 23:21 SMB
INDENO(1,2,3-CD)PYRENE	625	U ug/l	1	0.26	4.0	04/13 00:00	04/13 23:21 SMB
DIBENZ(A,H)ANTHRACENE	625	U ug/l	1	0.55	4.0	04/13 00:00	04/13 23:21 SMB
BENZO(G,H,I)PERYLENE	625	U ug/l	1	0.28	4.0	04/13 00:00	04/13 23:21 SMB
SURROGATES		% RECOVERY		% Recovery Limits			
NITROBENZENE-D5 (SURR)	625	112 %	1		28-128	04/13 00:00	04/13 23:21 SMB
2-FLUOROBIPHENYL (SURR)	625	103 %	1		45-126	04/13 00:00	04/13 23:21 SMB
TERPHENYL-D14 (SURR)	625	110 %	1		50-146	04/13 00:00	04/13 23:21 SMB
PHENOL-D5 (SURR)	625	33 %	1		10-137	04/13 00:00	04/13 23:21 SMB
2-FLUOROPHENOL (SURR)	625	50 %	1		10-115	04/13 00:00	04/13 23:21 SMB
2,4,6-TRIBROMOPHENOL (SURR)	625	105 %	1		51-134	04/13 00:00	04/13 23:21 SMB
Field Testing							
CHLORINE TOTAL	330.5	U mg/l	1	0.050	0.050	N/A	04/11 13:50 EC
PH FIELD	150.1	7.28 std unit	1	0.10	0.10	N/A	04/11 13:50 EC
TEMPERATURE	170.1	14.9 Deg. C	1	0.10	0.10	N/A	04/11 13:50 EC
EDB/DBCP BY GC							
1,2-DIBROMOETHANE	504.1	U ug/l	1	0.0027	0.010	04/12 16:00	04/13 22:38 VR
1,2-DIBROMO-3-CHLOROPROPANE	504.1	U ug/l	1	0.0061	0.020	04/12 16:00	04/13 22:38 VR
SURROGATES		% RECOVERY		% Recovery Limits			
BROMOFLUOROBENZENE (SURR)	504.1	95 %	1		70-130	04/12 16:00	04/13 22:38 VR
Organochlorine Pesticides/PCBs							
ALPHA-BHC	608	U* ug/l	1	0.0013	0.050	04/13 02:00	04/20 21:02 RC

ANALYTICAL RESULTS

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Project No: 002950, CITY OF WEST PALM BEACH-WATER LAB
 Job Name: EFF SAMPLING EVENT
 Job Id: SE

P.O. No: 070868

Inv. No: 189095

Sample Number L225534-2
 Sample Description EFF 'GRAB'
 Samp. Date/Time/Temp 04/11/07 02:15pm 14.9 C
 Receive Date 04/11/07
 Sampled by Eric Casavant, USB

Parameter	Method	Result	DIL	MDL	PQL	Prep Date,Time	Test Date, Time,Analyst
GAMMA-BHC (LINDANE)	608	U ug/l	1	0.0016	0.050	04/13 02:00	04/20 21:02 RC
HEPTACHLOR	608	U ug/l	1	0.0014	0.050	04/13 02:00	04/20 21:02 RC
ALDRIN	608	U ug/l	1	0.0019	0.050	04/13 02:00	04/20 21:02 RC
BETA-BHC	608	U* ug/l	1	0.0090	0.050	04/13 02:00	04/20 21:02 RC
DELTA-BHC	608	U ug/l	1	0.0022	0.050	04/13 02:00	04/20 21:02 RC
HEPTACHLOR EPOXIDE	608	U* ug/l	1	0.0010	0.050	04/13 02:00	04/20 21:02 RC
ENDOSULFAN I	608	U* ug/l	1	0.0025	0.050	04/13 02:00	04/20 21:02 RC
4,4'-DDE	608	U* ug/l	1	0.0020	0.10	04/13 02:00	04/20 21:02 RC
ALPHA-CHLORDANE	608	U* ug/l	1	0.0030	0.050	04/13 02:00	04/20 21:02 RC
GAMMA-CHLORDANE	608	U* ug/l	1	0.0040	0.050	04/13 02:00	04/20 21:02 RC
CHLORDANE	608	U ug/l	1	0.76	0.76	04/13 02:00	04/20 21:02 RC
DIELDRIN	608	U* ug/l	1	0.0030	0.10	04/13 02:00	04/20 21:02 RC
ENDRIN	608	U* ug/l	1	0.0025	0.10	04/13 02:00	04/20 21:02 RC
4,4'-DDD	608	U* ug/l	1	0.0030	0.10	04/13 02:00	04/20 21:02 RC
ENDOSULFAN II	608	U ug/l	1	0.0020	0.10	04/13 02:00	04/20 21:02 RC
4,4'-DDT	608	U ug/l	1	0.0021	0.10	04/13 02:00	04/20 21:02 RC
ENDRIN ALDEHYDE	608	U* ug/l	1	0.0070	0.10	04/13 02:00	04/20 21:02 RC
METHOXYCHLOR	608.2	U ug/l	1	0.0026	0.50	04/13 02:00	04/20 21:02 RC
ENDOSULFAN SULFATE	608	U* ug/l	1	0.0090	0.10	04/13 02:00	04/20 21:02 RC
ENDRIN KETONE	608	U ug/l	1	0.10	0.10	04/13 02:00	04/20 21:02 RC
TOXAPHENE	608	U ug/l	1	3.0	3.0	04/13 02:00	04/20 21:02 RC
PCB 1016	608	U ug/l	1	0.50	0.50	04/13 02:00	04/20 21:02 RC
PCB 1221	608	U ug/l	1	0.50	0.50	04/13 02:00	04/20 21:02 RC
PCB 1232	608	U ug/l	1	0.50	0.50	04/13 02:00	04/20 21:02 RC
PCB 1242	608	U ug/l	1	0.50	0.50	04/13 02:00	04/20 21:02 RC
PCB 1248	608	U ug/l	1	0.50	0.50	04/13 02:00	04/20 21:02 RC

ANALYTICAL RESULTS

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Project No: 002950, CITY OF WEST PALM BEACH-WATER LAB
 Job Name: EFF SAMPLING EVENT
 Job Id: SE

P.O. No: 070868

Inv. No: 189095

Sample Number L225534-2
 Sample Description EFF 'GRAB'
 Samp. Date/Time/Temp 04/11/07 02:15pm 14.9 C
 Receive Date 04/11/07
 Sampled by Eric Casavant, USB

Parameter	Method	Result	DIL	MDL	PQL	Prep Date,Time	Test Date, Time,Analyst
PCB 1254	608	U ug/l	1	0.50	0.50	04/13 02:00	04/20 21:02 RC
PCB 1260	608	U ug/l	1	0.50	0.50	04/13 02:00	04/20 21:02 RC
TOTAL PCB	608	U ug/l	1	2.0	2.0	04/13 02:00	04/20 21:02 RC
SURROGATES		% RECOVERY			% Recovery Limits		
2,4,5,6-TETRA-CHLORO-M-XYLENE	608	77 %	1		39-135	04/13 02:00	04/20 21:02 RC
DECACHLOROBIPHENYL	608	95 %	1		31-164	04/13 02:00	04/20 21:02 RC
Semivolatile Organic Compounds							
ALACHLOR (E83079)	508.1	U ug/l	1	0.015	0.10	04/18 14:45	04/20 22:51 SUB
ATRAZINE (E83079)	508.1	U ug/l	1	0.14	0.31	04/18 14:45	04/20 22:51 SUB
LINDANE (E83079)	508.1	U ug/l	1	0.0083	0.010	04/18 14:45	04/20 22:51 SUB
CHLORDANE (E83079)	508.1	U ug/l	1	0.060	0.10	04/18 14:45	04/20 22:51 SUB
ENDRIN (E83079)	508.1	U ug/l	1	0.0083	0.010	04/18 14:45	04/20 22:51 SUB
HEPTACHLOR (E83079)	508.1	U ug/l	1	0.027	0.031	04/18 14:45	04/20 22:51 SUB
HEPTACHLOR EPOXIDE (E83079)	508.1	U ug/l	1	0.0063	0.010	04/18 14:45	04/20 22:51 SUB
HEXACHLOROBENZENE (E83079)	508.1	U ug/l	1	0.0083	0.10	04/18 14:45	04/20 22:51 SUB
HEXACHLOROCYCLOPENTADIENE (E83079)	508.1	U ug/l	1	0.019	0.10	04/18 14:45	04/20 22:51 SUB
METHOXYCHLOR (E83079)	508.1	U ug/l	1	0.021	0.052	04/18 14:45	04/20 22:51 SUB
SIMAZINE (E83079)	508.1	U ug/l	1	0.13	1.6	04/18 14:45	04/20 22:51 SUB
TOXAPHENE (E83079)	508.1	U ug/l	1	0.093	0.19	04/18 14:45	04/20 22:51 SUB
PCB'S (E83079)	508.1	U ug/l	1	0.10	0.10	04/18 14:45	04/20 22:51 SUB
2,4-DICHLOROPHENOXYACETIC ACID (E83079)	515.3	U ug/l	1	0.071	0.10	04/23 08:50	04/27 16:56 SUB
DALAPON (E83079)	515.3	U ug/l	1	0.78	1.0	04/23 08:50	04/27 16:56 SUB
DINOSEB (E83079)	515.3	U ug/l	1	0.16	0.20	04/23 08:50	04/27 16:56 SUB
PENTACHLOROPHENOL (E83079)	515.3	U ug/l	1	0.0080	0.040	04/23 08:50	04/27 16:56 SUB
PICLORAM (E83079)	515.3	U ug/l	1	0.037	0.10	04/23 08:50	04/27 16:56 SUB
SILVEX, METHYL ESTER (E83079)	515.3	U ug/l	1	0.057	0.20	04/23 08:50	04/27 16:56 SUB
BENZO(A)PYRENE (E83079)	525.2	U ug/l	1	0.038	0.11	04/18 09:15	04/24 22:03 SUB

ANALYTICAL RESULTS

Printed: 05/22/07 11:08pm

Project No: 002950, CITY OF WEST PALM BEACH-WATER LAB
 Job Name: EFF SAMPLING EVENT
 Job Id: SE

P.O. No: 070868

Inv. No: 189095

Sample Number L225534-2
 Sample Description EFF 'GRAB'
 Samp. Date/Time/Temp 04/11/07 02:15pm 14.9 C
 Receive Date 04/11/07
 Sampled by Eric Casavant, USB

Parameter	Method	Result	DIL	MDL	PQL	Prep Date, Time	Test Date, Time, Analyst
ADIPATE, DI(2-ETHYLHEXYL) (E83079)	525.2	U ug/l	1	0.25	1.7	04/18 09:15	04/24 22:03 SUB
PHTHALATE, DI(2-ETHYLHEXYL) (E83079)	525.2	U ug/l	1	0.54	2.1	04/18 09:15	04/24 22:03 SUB
OXAMYL (VYDATE) (E83079)	531.1	U ug/l	1	0.52	2.0	04/16 17:30	04/17 14:46 SUB
CARBOFURAN (E83079)	531.1	U ug/l	1	0.45	2.0	04/16 17:30	04/17 14:46 SUB
DIQUAT (E83079)	549.2	U ug/l	1	0.29	0.40	04/17 18:00	04/20 01:12 SUB
ALDICARB (E83079)	531.1	U ug/l	1	0.31	2.0	04/16 17:30	04/17 14:46 SUB
ENDOTHALL (E83079)	548.1	U ug/l	1	2.7	9.0	04/17 14:00	04/20 09:21 SUB
ALDICARB SULFONE (E83079)	531.1	1.1 I ug/l	1	0.57	2.0	04/16 17:30	04/17 14:46 SUB
GLYPHOSATE (E83079)	547	U ug/l	1	3.2	6.0	04/20 13:30	04/23 23:22 SUB
ALDICARB SULFOXIDE (E83079)	531.1	U ug/l	1	0.48	2.0	04/16 17:30	04/17 14:46 SUB
CYANIDE CYANIDE TOTAL, LOW LEVEL	335.4	U mg/l	1	0.0032	0.0050	04/15 12:30	04/15 17:06 RB

**** NOTES CONCERNING THE ABOVE SAMPLE ****

4,4'-DDD - % difference of results from primary and secondary columns is >40%, possible due to matrix interference. Detection limit elevated above lowest concentration.

4,4'-ODE - % difference of results from primary and secondary columns is >40%, possible due to matrix interference. Detection limit elevated above lowest concentration.

ALPHA-BHC - % difference of results from primary and secondary columns is >40%, possible due to matrix interference. Detection limit elevated above lowest concentration.

ALPHA-CHLORDANE - % difference of results from primary and secondary columns is >40%, possible due to matrix interference. Detection limit elevated above lowest concentration.

BETA-BHC - % difference of results from primary and secondary columns is >40%, possible due to matrix interference. Detection limit elevated above lowest concentration.

DIELDRIN - % difference of results from primary and secondary columns is >40%, possible due to matrix interference. Detection limit elevated above lowest concentration.

ENDOSULFAN I - % difference of results from primary and secondary columns is >40%, possible due to matrix interference. Detection limit elevated above lowest concentration.

ANALYTICAL RESULTS

Printed: 05/22/07 11:08pm

Project No: 002950, CITY OF WEST PALM BEACH-WATER LAB

P.O. No: 070868

Inv. No: 189095

Job Name: EFF SAMPLING EVENT

Job Id: SE

ENDOSULFAN SULFATE - % difference of results from primary and secondary columns is >40%, possible due to matrix interference. Detection limit elevated above lowest concentration.

ENDRIN - % difference of results from primary and secondary columns is >40%, possible due to matrix interference. Detection limit elevated above lowest concentration.

ENDRIN ALDEHYDE - % difference of results from primary and secondary columns is >40%, possible due to matrix interference. Detection limit elevated above lowest concentration.

GAMMA-CHLORDANE - % difference of results from primary and secondary columns is >40%, possible due to matrix interference. Detection limit elevated above lowest concentration.

HEPTACHLOR EPOXIDE - % difference of results from primary and secondary columns is >40%, possible due to matrix interference. Detection limit elevated above lowest concentration.

ANALYTICAL RESULTS

Printed: 05/22/07 11:08pm

Project No: 002950, CITY OF WEST PALM BEACH-WATER LAB
 Job Name: EFF SAMPLING EVENT
 Job Id: SE

P.O. No: 070868

Inv. No: 189095

Sample Number L225534-3
 Sample Description TRIP BLANK
 Samp. Date/Time/Temp 04/11/07 00:00pm NA C
 Receive Date 04/11/07
 Sampled by Eric Casavant, USB
 Received Temp 3 C Iced (Y/N): Y

Parameter	Method	Result	DIL	MDL	PQL	Prep Date, Time	Test Date, Time, Analyst
Volatile Organic Compounds							
VINYL CHLORIDE	524.2	U ug/l	1	0.34	0.50	N/A	04/13 13:32 WH
CHLOROETHANE	524.2	U ug/l	1	0.30	0.50	N/A	04/13 13:32 WH
1,1-DICHLOROETHENE	524.2	U ug/l	1	0.27	0.50	N/A	04/13 13:32 WH
METHYLENE CHLORIDE	524.2	0.610 ug/l	1	0.40	0.50	N/A	04/13 13:32 WH
TRANS-1,2-DICHLOROETHENE	524.2	U ug/l	1	0.19	0.50	N/A	04/13 13:32 WH
CIS-1,2-DICHLOROETHENE	524.2	U ug/l	1	0.17	0.50	N/A	04/13 13:32 WH
CHLOROFORM	524.2	U ug/l	1	0.28	0.50	N/A	04/13 13:32 WH
1,2-DICHLOROETHANE	524.2	U ug/l	1	0.18	0.50	N/A	04/13 13:32 WH
1,1,1-TRICHLOROETHANE	524.2	U ug/l	1	0.10	0.50	N/A	04/13 13:32 WH
CARBON TETRACHLORIDE	524.2	U ug/l	1	0.11	0.50	N/A	04/13 13:32 WH
BENZENE	524.2	U ug/l	1	0.10	0.50	N/A	04/13 13:32 WH
1,2-DICHLOROPROPANE	524.2	U ug/l	1	0.14	0.50	N/A	04/13 13:32 WH
TRICHLOROETHENE	524.2	U ug/l	1	0.23	0.50	N/A	04/13 13:32 WH
BROMODICHLOROMETHANE	524.2	U ug/l	1	0.16	0.50	N/A	04/13 13:32 WH
1,1,2-TRICHLOROETHANE	524.2	U ug/l	1	0.42	0.50	N/A	04/13 13:32 WH
TOLUENE	524.2	U ug/l	1	0.10	0.50	N/A	04/13 13:32 WH
DIBROMOCHLOROMETHANE	524.2	U ug/l	1	0.25	0.50	N/A	04/13 13:32 WH
TETRACHLOROETHENE	524.2	U ug/l	1	0.27	0.50	N/A	04/13 13:32 WH
CHLOROBENZENE	524.2	U ug/l	1	0.30	0.50	N/A	04/13 13:32 WH
ETHYL BENZENE	524.2	U ug/l	1	0.080	0.50	N/A	04/13 13:32 WH
M&P-XYLENES	524.2	U ug/l	1	0.31	0.50	N/A	04/13 13:32 WH
BROMOFORM	524.2	U ug/l	1	0.20	0.50	N/A	04/13 13:32 WH
TOTAL THM	524.2	U ug/l	1	0.89	2.0	N/A	04/13 13:32 WH
STYRENE	524.2	U ug/l	1	0.15	0.50	N/A	04/13 13:32 WH
O-XYLENE	524.2	U ug/l	1	0.10	0.50	N/A	04/13 13:32 WH

ANALYTICAL RESULTS

Printed: 05/22/07 11:08pm

Project No: 002950, CITY OF WEST PALM BEACH-WATER LAB

P.O. No: 070868

Inv. No: 189095

Job Name: EFF SAMPLING EVENT

Job Id: SE

Sample Number L225534-3
 Sample Description TRIP BLANK
 Samp. Date/Time/Temp 04/11/07 00:00pm NA C
 Receive Date 04/11/07
 Sampled by Eric Casavant, USB

Parameter	Method	Result	DIL	MDL	PQL	Prep Date,Time	Test Date, Time,Analyst
XYLENES (TOTAL)	524.2	U ug/l	1	0.41	1.0	N/A	04/13 13:32 WH
1,4-DICHLOROBENZENE	524.2	U ug/l	1	0.10	0.50	N/A	04/13 13:32 WH
1,2-DICHLOROBENZENE	524.2	U ug/l	1	0.10	0.50	N/A	04/13 13:32 WH
1,2,4-TRICHLOROBENZENE	524.2	U ug/l	1	0.16	0.50	N/A	04/13 13:32 WH
SURROGATES		% RECOVERY			% Recovery Limits		
BROMOFLUOROBENZENE (SURR)	524.2	98 %	1		70-130		04/13 13:32 WH
1,2-DICHLOROBENZENE-D4	524.2	97 %	1		70-130		04/13 13:32 WH
EDB/D8CP BY GC							
1,2-DIBROMOETHANE	504.1	U ug/l	1	0.0027	0.010	04/12 16:00	04/13 22:57 VR
1,2-DIBROMO-3-CHLOROPROPANE	504.1	U ug/l	1	0.0061	0.020	04/12 16:00	04/13 22:57 VR
SURROGATES		% RECOVERY			% Recovery Limits		
BROMOFLUOROBENZENE (SURR)	504.1	86 %	1		70-130	04/12 16:00	04/13 22:57 VR

ANALYTICAL RESULTS

Printed: 05/22/07 11:08pm

Regarding:

ATTN: STEVE SCHMIDT
CITY OF WEST PALM BEACH-WATER LAB
P.O. BOX 3483
WEST PALM BEACH, FL 33402

CITY OF WEST PALM BEACH-WATER LAB
P.O. BOX 3483
WEST PALM BEACH, FL 33402

Project No: 002950, CITY OF WEST PALM BEACH-WATER LAB
Job Name: EFF SAMPLING EVENT
Job Id: SE

P.O. No: 070868

Inv. No: 189095

Collected by: Eric Casavant

Laboratory Sample #	Client Sample #
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L225534-1	EFF 'COMP'
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L225534-2	EFF 'GRAB'
-----------	------------

L225534-3	TRIP BLANK
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All analyses were performed using EPA, ASTM, NIOSH, USGS, or Standard Methods and certified to meet NELAC requirements.
Flags: ND or U-below MDL; IL-meets internal lab limits;MI-matrix interference; NA-not applicable.
Flags: CFR-Pb/Cu rule; NFL-no free liquids; DRY = dry wt; ASIS = wet wt; C(#) See attached USB code
FLDEP Flags: J(#)-estimated 1:surr. fail 2:no known QC req. 3:QC fail %R or %RPD; 4:matrix int. 5:improper fld. protocol; L-
exceeds calibration; Q-holding time exceeded;
FLDEP Flags: T-value<MDL; V-present in blank; Y-improper preservation; B-colonies exceed range;I-estimated value;between the MDL
and PQL;
Lab certification IDs: FLD0H/NELAC E86240; NC 444; SC 96031001; IL/NELAC 200020; VA 00395; KS/NELAC E-10360; TN 02985; GA 917;NJ
FL014; PA 68-03756;
Lab IDs: ADEM 40850; USDA Soil Permit# S-35240; The above results relate only to the samples.

US Biosystems 3231 NW 7th Avenue Boca Raton, FL 33431 (888)862-5227

Page 1 of 14

Serial Number: 647107

Respectfully submitted,

Sherree Baker
Project Manager

ANALYTICAL RESULTS

Printed: 05/22/07 11:08pm

Project No: 002950, CITY OF WEST PALM BEACH-WATER LAB

P.O. No: 070868

Inv. No: 189095

Job Name: EFF SAMPLING EVENT

Job Id: SE

Sample Number L225534-1
 Sample Description EFF 'COMP'
 Samp. Date/Time/Temp 04/11/07 01:50pm 29.3 C
 Receive Date 04/11/07
 Sampled by Eric Casavant, USB
 Received Temp 3 C Iced (Y/N): Y

Parameter	Method	Result	DIL	MDL	PQL	Prep Date, Time	Test Date, Time, Analyst
Field Testing							
CHLORINE TOTAL	330.5	U mg/l	1	0.050	0.050	N/A	04/11 14:15 EC
PH FIELD	150.1	7.34 std unit	1	0.10	0.10	N/A	04/11 14:15 EC
TEMPERATURE	170.1	29.3 Deg. C	1	0.10	0.10	N/A	04/11 14:15 EC
Metals Analysis							
SILVER	3010/6010B U	mg/l	1	0.0049	0.020	04/12 00:00	04/13 18:54 JG
ALUMINUM	3010/6010B U	mg/l	1	0.056	0.10	04/12 00:00	04/13 18:54 JG
ARSENIC	3010/6010B U	mg/l	1	0.0038	0.010	04/12 00:00	04/13 18:54 JG
BARIUM	3010/6010B 0.00460 I	mg/l	1	0.0026	0.010	04/12 00:00	04/13 18:54 JG
BERYLLIUM	3010/6010B U	mg/l	1	0.0012	0.0040	04/12 00:00	04/13 18:54 JG
CADMIUM	3010/6010B U	mg/l	1	0.0019	0.0050	04/12 00:00	04/13 18:54 JG
CHROMIUM	3010/6010B 0.00120 I	mg/l	1	0.0011	0.0050	04/12 00:00	04/13 18:54 JG
COPPER	3010/6010B 0.0104 V	mg/l	1	0.0024	0.010	04/12 00:00	04/13 18:54 JG
IRON	3010/6010B 0.304	mg/l	1	0.075	0.20	04/12 00:00	04/13 18:54 JG
MANGANESE	3010/6010B 0.0176 V	mg/l	1	0.0022	0.010	04/12 00:00	04/13 18:54 JG
SODIUM	3010/6010B 148. V	mg/l	1	0.054	0.25	04/12 00:00	04/13 18:54 JG
NICKEL	3010/6010B 0.00320 I	mg/l	1	0.0024	0.010	04/12 00:00	04/13 18:54 JG
LEAD	3010/6010B U	mg/l	1	0.0023	0.0050	04/12 00:00	04/13 18:54 JG
ANTIMONY	3010/6010B U	mg/l	1	0.0032	0.0050	04/12 00:00	04/13 18:54 JG
SELENIUM	3010/6010B U	mg/l	1	0.0075	0.030	04/12 00:00	04/13 18:54 JG
THALLIUM	200.8 U	mg/l	1	0.000075	0.00050	04/16 00:00	04/17 19:40 STW
ZINC	3010/6010B 0.0446 V	mg/l	1	0.0065	0.025	04/12 00:00	04/13 18:54 JG
Mercury Analysis							
MERCURY	245.1 U	mg/l	1	0.000076	0.00020	04/18 00:00	04/18 17:28 TB
Radiologicals							
GROSS ALPHA (E83033)	900.0	<1.8+/-1.1 pCi/l	1	1.8	1.8	04/17 06:31	04/18 11:37 SUB
RADIUM 226 (E83033)	903.1	<0.2+/-0.1 pCi/l	1	0.20	0.20	04/20 10:48	04/30 11:40 SUB
RADIUM 228 (E83033)	RA-05	<0.8+/-0.5 pCi/l	1	0.80	0.80	04/20 10:48	04/30 08:55 SUB
Ion Chromatography							
FLUORIDE	300.0	0.591 mg/l	1	0.030	0.20	N/A	04/12 16:20 JK
FLUORIDE-II	300.0	0.591 mg/l	1	0.030	0.20	N/A	04/12 16:20 JK
NITRATE (AS N)	300.0	0.641 mg/l	1	0.00050	0.050	N/A	04/12 16:20 JK
NITRITE (AS N)	300.0	2.14 mg/l	1	0.0012	0.050	N/A	04/12 16:20 JK
SULFATE	300.0	60.6 mg/l	5	0.012	2.5	N/A	04/26 21:48 JK

BOD (5 day) BOD	405.1	2.80	mg/l	1	2.0	2.0	04/12 12:00	04/17 10:00	RB
Chloride CHLORIDE	325.2	245. V	mg/l	5	0.65	5.0	N/A	04/26 12:00	ZE
Chemical Oxygen Demand CHEMICAL OXYGEN DEMAND	410.4	92.9	mg/l	1	7.5	10	04/26 13:00	04/26 17:30	SA
Color-Lab COLOR-LAB	110.2	40.0	pcu	1	5.0	5.0	N/A	04/12 16:45	JK
Total Kjeldahl Nitrogen KJELDAHL NITROGEN	351.2	10.6	mg/l	1	0.20	0.40	N/A	04/27 14:08	EF

ANALYTICAL RESULTS

Printed: 05/22/07 11:08pm

Project No: 002950, CITY OF WEST PALM BEACH-WATER LAB
Job Name: EFF SAMPLING EVENT
Job Id: SE

P.O. No: 070868

Inv. No: 189095

Sample Number L225634-1
Sample Description EFF 'COMP'
Samp. Date/Time/Temp 04/11/07 01:50pm 29.3 C
Receive Date 04/11/07
Sampled by Eric Casavant, USB

Parameter	Method	Result	DIL	MDL	PQL	Prep Date,Time	Test Date, Time,Analyst
MBAS-LAS,molwt 340 DETERGENTS MBAS	425.1	0.133 I* mg/l	1	0.10	0.20	N/A	04/13 10:30 JK
Organic Nitrogen ORGANIC NITROGEN	LAB CALC	5.60 mg/l	1	0.22	0.50	N/A	04/27 14:08
Ammonia AMMONIA	350.1	5.00 mg/l	1	0.030	0.050	N/A	04/26 10:37 EF
Odor ODOR	140.1	1.00 I TON	1	1.0	1.0	N/A	04/12 12:15 JK
pH PH LAB	150.1	7.40 units	1	0.10	0.10	N/A	04/18 11:50 LP
Phosphorus PHOSPHATE TOTAL AS P	365.1	3.77 mg/l	5	0.027	0.050	N/A	04/26 15:14 LP
Total Dissolved Solids TOTAL DISSOLVED SOLIDS	160.1	600 mg/l	2	14	20	N/A	04/17 16:00 SA

**** NOTES CONCERNING THE ABOVE SAMPLE ****

CCB FOR TL00.0001MG/L

MB Cu 0.0038mg/L, Zn 0.016mg/L, Mn 0.0022mg/L, Na 0.056mg/L

DETERGENTS MBAS - MS and/or MSD recoveries outside control limits. However, LCS and/or LCSD within limits. Data reported.

ANALYTICAL RESULTS

Printed: 05/22/07 11:08pm

Project No: 002950, CITY OF WEST PALM BEACH-WATER LAB

P.O. No: 070868

Inv. No: 189095

Job Name: EFF SAMPLING EVENT

Job Id: SE

Sample Number L225534-2
 Sample Description EFF 'GRAB'
 Samp. Date/Time/Temp 04/11/07 02:15pm 14.9 C
 Receive Date 04/11/07
 Sampled by Eric Casavant, USB
 Received Temp 3 C Iced (Y/N): Y

Parameter	Method	Result	DIL	MDL	PQL	Prep Date, Time	Test Date, Time, Analyst
Volatile Organic Compounds							
VINYL CHLORIDE	524.2	U ug/l	1	0.34	0.50	N/A	04/13 14:43 WH
CHLOROETHANE	524.2	U ug/l	1	0.30	0.50	N/A	04/13 14:43 WH
1,1-DICHLOROETHENE	524.2	U ug/l	1	0.27	0.50	N/A	04/13 14:43 WH
METHYLENE CHLORIDE	524.2	U ug/l	1	0.40	0.50	N/A	04/13 14:43 WH
TRANS-1,2-DICHLOROETHENE	524.2	U ug/l	1	0.19	0.50	N/A	04/13 14:43 WH
CIS-1,2-DICHLOROETHENE	524.2	U ug/l	1	0.17	0.50	N/A	04/13 14:43 WH
CHLOROFORM	524.2	0.390 I ug/l	1	0.28	0.50	N/A	04/13 14:43 WH
1,2-DICHLOROETHANE	524.2	U ug/l	1	0.18	0.50	N/A	04/13 14:43 WH
1,1,1-TRICHLOROETHANE	524.2	U ug/l	1	0.10	0.50	N/A	04/13 14:43 WH
CARBON TETRACHLORIDE	524.2	U ug/l	1	0.11	0.50	N/A	04/13 14:43 WH
BENZENE	524.2	U ug/l	1	0.10	0.50	N/A	04/13 14:43 WH
1,2-DICHLOROPROPANE	524.2	U ug/l	1	0.14	0.50	N/A	04/13 14:43 WH
TRICHLOROETHENE	524.2	U ug/l	1	0.23	0.50	N/A	04/13 14:43 WH
BROMODICHLOROMETHANE	524.2	U ug/l	1	0.16	0.50	N/A	04/13 14:43 WH
1,1,2-TRICHLOROETHANE	524.2	U ug/l	1	0.42	0.50	N/A	04/13 14:43 WH
TOLUENE	524.2	0.870 ug/l	1	0.10	0.50	N/A	04/13 14:43 WH
DIBROMOCHLOROMETHANE	524.2	U ug/l	1	0.25	0.50	N/A	04/13 14:43 WH
TETRACHLOROETHENE	524.2	U ug/l	1	0.27	0.50	N/A	04/13 14:43 WH
CHLOROBENZENE	524.2	U ug/l	1	0.30	0.50	N/A	04/13 14:43 WH
ETHYL BENZENE	524.2	U ug/l	1	0.080	0.50	N/A	04/13 14:43 WH
M&P-XYLENES	524.2	U ug/l	1	0.31	0.50	N/A	04/13 14:43 WH
BROMOFORM	524.2	U ug/l	1	0.20	0.50	N/A	04/13 14:43 WH
TOTAL THM	524.2	U ug/l	1	0.89	2.0	N/A	04/13 14:43 WH
STYRENE	524.2	U ug/l	1	0.15	0.50	N/A	04/13 14:43 WH
O-XYLENE	524.2	U ug/l	1	0.10	0.50	N/A	04/13 14:43 WH
XYLENES (TOTAL)	524.2	U ug/l	1	0.41	1.0	N/A	04/13 14:43 WH
1,4-DICHLOROBENZENE	524.2	0.720 ug/l	1	0.10	0.50	N/A	04/13 14:43 WH
1,2-DICHLOROBENZENE	524.2	U ug/l	1	0.10	0.50	N/A	04/13 14:43 WH
1,2,4-TRICHLOROBENZENE	524.2	U ug/l	1	0.16	0.50	N/A	04/13 14:43 WH
SURROGATES		% RECOVERY		% Recovery Limits			
BROMOFLUOROBENZENE (SURR)	524.2	98 %	1		70-130		04/13 14:43 WH

1,2-DICHLOROBENZENE-D4	524.2	96	%	1		70-130		04/13 14:43	WH
Semivolatile Compounds									
N-NITROSODIMETHYLAMINE	625	U	ug/l	1	1.0	4.0	04/13 00:00	04/13 23:21	SMB
PHENOL	625	U	ug/l	1	0.41	4.0	04/13 00:00	04/13 23:21	SMB
BIS(2-CHLOROETHYL)ETHER	625	U	ug/l	1	0.46	4.0	04/13 00:00	04/13 23:21	SMB
2-CHLOROPHENOL	625	U	ug/l	1	2.6	4.0	04/13 00:00	04/13 23:21	SMB
1,3-DICHLOROBENZENE	625	U	ug/l	1	0.35	4.0	04/13 00:00	04/13 23:21	SMB
1,4-DICHLOROBENZENE	625	0.551 I	ug/l	1	0.28	4.0	04/13 00:00	04/13 23:21	SMB
1,2-DICHLOROBENZENE	625	U	ug/l	1	0.34	4.0	04/13 00:00	04/13 23:21	SMB

ANALYTICAL RESULTS

Printed: 05/22/07 11:08pm

Project No: 002950, CITY OF WEST PALM BEACH-WATER LAB

P.O. No: 070868

Inv. No: 189095

Job Name: EFF SAMPLING EVENT

Job Id: SE

Sample Number L225534-2
 Sample Description EFF 'GRAB'
 Samp. Date/Time/Temp 04/11/07 02:15pm 14.9 C
 Receive Date 04/11/07
 Sampled by Eric Casavant, USB

Parameter	Method	Result	DIL	MDL	PQL	Prep Date, Time	Test Date, Time, Analyst
BIS(2-CHLOROISOPROPYL)ETHER	625	U ug/l	1	0.34	4.0	04/13 00:00	04/13 23:21 SMB
N-NITROSO-DI-N-PROPYLAMINE	625	U ug/l	1	0.33	4.0	04/13 00:00	04/13 23:21 SMB
HEXACHLOROETHANE	625	U ug/l	1	0.36	4.0	04/13 00:00	04/13 23:21 SMB
NITROBENZENE	625	U ug/l	1	0.31	4.0	04/13 00:00	04/13 23:21 SMB
ISOPHORONE	625	U ug/l	1	0.34	4.0	04/13 00:00	04/13 23:21 SMB
2-NITROPHENOL	625	U ug/l	1	0.24	4.0	04/13 00:00	04/13 23:21 SMB
2,4-DIMETHYLPHENOL	625	U ug/l	1	0.40	4.0	04/13 00:00	04/13 23:21 SMB
BIS(2-CHLOROETHOXY)METHANE	625	U ug/l	1	0.32	4.0	04/13 00:00	04/13 23:21 SMB
2,4-DICHLOROPHENOL	625	U ug/l	1	0.43	4.0	04/13 00:00	04/13 23:21 SMB
1,2,4-TRICHLOROBENZENE	625	U ug/l	1	0.23	4.0	04/13 00:00	04/13 23:21 SMB
NAPHTHALENE	625	U ug/l	1	0.34	4.0	04/13 00:00	04/13 23:21 SMB
HEXACHLOROBUTADIENE	625	U ug/l	1	0.45	4.0	04/13 00:00	04/13 23:21 SMB
4-CHLORO-3-METHYLPHENOL	625	U ug/l	1	0.22	4.0	04/13 00:00	04/13 23:21 SMB
HEXACHLOROCYCLOPENTADIENE	625	U ug/l	1	0.74	4.0	04/13 00:00	04/13 23:21 SMB
2,4,6-TRICHLOROPHENOL	625	U ug/l	1	0.27	4.0	04/13 00:00	04/13 23:21 SMB
2-CHLORONAPHTHALENE	625	U ug/l	1	0.32	4.0	04/13 00:00	04/13 23:21 SMB
DIMETHYLPHTHALATE	625	U ug/l	1	0.31	4.0	04/13 00:00	04/13 23:21 SMB
ACENAPHTHYLENE	625	U ug/l	1	0.26	4.0	04/13 00:00	04/13 23:21 SMB
ACENAPHTHENE	625	U ug/l	1	0.33	4.0	04/13 00:00	04/13 23:21 SMB
2,4-DINITROPHENOL	625	U ug/l	1	1.4	10	04/13 00:00	04/13 23:21 SMB
2,4-DINITROTOLUENE	625	U ug/l	1	0.31	4.0	04/13 00:00	04/13 23:21 SMB
4-NITROPHENOL	625	U ug/l	1	0.79	4.0	04/13 00:00	04/13 23:21 SMB
DIETHYLPHTHALATE	625	U ug/l	1	0.33	4.0	04/13 00:00	04/13 23:21 SMB
FLUORENE	625	U ug/l	1	0.27	4.0	04/13 00:00	04/13 23:21 SMB
4-CHLOROPHENYL-PHENYLETHER	625	U ug/l	1	0.45	4.0	04/13 00:00	04/13 23:21 SMB
4,6-DINITRO-2-METHYLPHENOL	625	U ug/l	1	0.35	4.0	04/13 00:00	04/13 23:21 SMB
N-NITROSODIPHENYLAMINE	625	U ug/l	1	0.31	4.0	04/13 00:00	04/13 23:21 SMB
4-BROMOPHENYL-PHENYLETHER	625	U ug/l	1	0.27	4.0	04/13 00:00	04/13 23:21 SMB
HEXACHLOROBENZENE	625	U ug/l	1	0.32	4.0	04/13 00:00	04/13 23:21 SMB
PENTACHLOROPHENOL	625	U ug/l	1	0.67	10	04/13 00:00	04/13 23:21 SMB
PHENANTHRENE	625	U ug/l	1	0.29	4.0	04/13 00:00	04/13 23:21 SMB
ANTHRACENE	625	U ug/l	1	0.25	4.0	04/13 00:00	04/13 23:21 SMB

DI-N-BUTYLPHTHALATE	625	U	ug/l	1	0.21	4.0	04/13 00:00	04/13 23:21	SMB
FLUORANTHENE	625	U	ug/l	1	0.20	4.0	04/13 00:00	04/13 23:21	SMB
BENZIDINE	625	U	ug/l	1	9.7	10	04/13 00:00	04/13 23:21	SMB
PYRENE	625	U	ug/l	1	0.47	4.0	04/13 00:00	04/13 23:21	SMB
BUTYLBENZYLPHTHALATE	625	U	ug/l	1	0.36	4.0	04/13 00:00	04/13 23:21	SMB
BENZO(A)ANTHRACENE	625	U	ug/l	1	0.27	4.0	04/13 00:00	04/13 23:21	SMB
3,3'-DICHLOROBENZIDINE	625	U	ug/l	1	0.31	4.0	04/13 00:00	04/13 23:21	SMB
CHRYSENE	625	U	ug/l	1	0.28	4.0	04/13 00:00	04/13 23:21	SMB

ANALYTICAL RESULTS

Printed: 05/22/07 11:08pm

Project No: 002950, CITY OF WEST PALM BEACH-WATER LAB

P.O. No: 070868

Inv. No: 189095

Job Name: EFF SAMPLING EVENT

Job Id: SE

Sample Number L225534-2
 Sample Description EFF 'GRAB'
 Samp. Date/Time/Temp 04/11/07 02:15pm 14.9 C
 Receive Date 04/11/07
 Sampled by Eric Casavant, USB

Parameter	Method	Result	DIL	MDL	PQL	Prep Date,Time	Test Date, Time,Analyst
BIS(2-ETHYLHEXYL)PHTHALATE	625	0.932 I ug/l	1	0.20	4.0	04/13 00:00	04/13 23:21 SMB
DI-N-OCTYLPHTHALATE	625	U ug/l	1	0.28	4.0	04/13 00:00	04/13 23:21 SMB
BENZO(B)FLUORANTHENE	625	U ug/l	1	0.25	4.0	04/13 00:00	04/13 23:21 SMB
BENZO(K)FLUORANTHENE	625	U ug/l	1	0.39	4.0	04/13 00:00	04/13 23:21 SMB
BENZO(A)PYRENE	625	U ug/l	1	0.31	4.0	04/13 00:00	04/13 23:21 SMB
INDENO(1,2,3-CD)PYRENE	625	U ug/l	1	0.26	4.0	04/13 00:00	04/13 23:21 SMB
DIBENZ(A,H)ANTHRACENE	625	U ug/l	1	0.55	4.0	04/13 00:00	04/13 23:21 SMB
BENZO(G,H,I)PERYLENE	625	U ug/l	1	0.28	4.0	04/13 00:00	04/13 23:21 SMB
SURROGATES		% RECOVERY		% Recovery Limits			
NITROBENZENE-D5 (SURR)	625	112 %	1		28-128	04/13 00:00	04/13 23:21 SMB
2-FLUOROBIPHENYL (SURR)	625	103 %	1		45-126	04/13 00:00	04/13 23:21 SMB
TERPHENYL-D14 (SURR)	625	110 %	1		50-146	04/13 00:00	04/13 23:21 SMB
PHENOL-D5 (SURR)	625	33 %	1		10-137	04/13 00:00	04/13 23:21 SMB
2-FLUOROPHENOL (SURR)	625	50 %	1		10-115	04/13 00:00	04/13 23:21 SMB
2,4,6-TRIBROMOPHENOL (SURR)	625	105 %	1		51-134	04/13 00:00	04/13 23:21 SMB
Field Testing							
CHLORINE TOTAL	330.5	U mg/l	1	0.050	0.050	N/A	04/11 13:50 EC
PH FIELD	150.1	7.28 std unit	1	0.10	0.10	N/A	04/11 13:50 EC
TEMPERATURE	170.1	14.9 Deg. C	1	0.10	0.10	N/A	04/11 13:50 EC
EDS/DBCP BY GC							
1,2-DIBROMOETHANE	504.1	U ug/l	1	0.0027	0.010	04/12 16:00	04/13 22:38 VR
1,2-DIBROMO-3-CHLOROPROPANE	504.1	U ug/l	1	0.0061	0.020	04/12 16:00	04/13 22:38 VR
SURROGATES		% RECOVERY		% Recovery Limits			
BROMOFLUOROBENZENE (SURR)	504.1	95 %	1		70-130	04/12 16:00	04/13 22:38 VR
Organochlorine Pesticides/PCBs							
ALPHA-BHC	608	U* ug/l	1	0.0013	0.050	04/13 02:00	04/20 21:02 RC
GAMMA-BHC (LINDANE)	608	U ug/l	1	0.0016	0.050	04/13 02:00	04/20 21:02 RC
HEPTACHLOR	608	U ug/l	1	0.0014	0.050	04/13 02:00	04/20 21:02 RC
ALDRIN	608	U ug/l	1	0.0019	0.050	04/13 02:00	04/20 21:02 RC
BETA-BHC	608	U* ug/l	1	0.0090	0.050	04/13 02:00	04/20 21:02 RC
DELTA-BHC	608	U ug/l	1	0.0022	0.050	04/13 02:00	04/20 21:02 RC
HEPTACHLOR EPOXIDE	608	U* ug/l	1	0.0010	0.050	04/13 02:00	04/20 21:02 RC
ENDOSULFAN I	608	U* ug/l	1	0.0025	0.050	04/13 02:00	04/20 21:02 RC

4,4'-DDE	608	U*	ug/l	1	0.0020	0.10	04/13 02:00	04/20 21:02	RC
ALPHA-CHLORDANE	608	U*	ug/l	1	0.0030	0.050	04/13 02:00	04/20 21:02	RC
GAMMA-CHLORDANE	608	U*	ug/l	1	0.0040	0.050	04/13 02:00	04/20 21:02	RC
CHLORDANE	608	U	ug/l	1	0.76	0.76	04/13 02:00	04/20 21:02	RC
DIELDRIN	608	U*	ug/l	1	0.0030	0.10	04/13 02:00	04/20 21:02	RC
ENDRIN	608	U*	ug/l	1	0.0025	0.10	04/13 02:00	04/20 21:02	RC
4,4'-DDD	608	U*	ug/l	1	0.0030	0.10	04/13 02:00	04/20 21:02	RC
ENDOSULFAN II	608	U	ug/l	1	0.0020	0.10	04/13 02:00	04/20 21:02	RC
4,4'-DDT	608	U	ug/l	1	0.0021	0.10	04/13 02:00	04/20 21:02	RC

ANALYTICAL RESULTS

Printed: 05/22/07 11:08pm

Project No: 002950, CITY OF WEST PALM BEACH-WATER LAB
 Job Name: EFF SAMPLING EVENT
 Job Id: SE

P.O. No: 070868

Inv. No: 189095

Sample Number L225534-2
 Sample Description EFF 'GRAB'
 Samp. Date/Time/Temp 04/11/07 02:15pm 14.9 C
 Receive Date 04/11/07
 Sampled by Eric Casavant, USB

Parameter	Method	Result	DIL	MDL	PQL	Prep Date,Time	Test Date, Time,Analyst
ENDRIN ALDEHYDE	608	U* ug/l	1	0.0070	0.10	04/13 02:00	04/20 21:02 RC
METHOXYCHLOR	608.2	U ug/l	1	0.0026	0.50	04/13 02:00	04/20 21:02 RC
ENDOSULFAN SULFATE	608	U* ug/l	1	0.0090	0.10	04/13 02:00	04/20 21:02 RC
ENDRIN KETONE	608	U ug/l	1	0.10	0.10	04/13 02:00	04/20 21:02 RC
TOXAPHENE	608	U ug/l	1	3.0	3.0	04/13 02:00	04/20 21:02 RC
PCB 1016	608	U ug/l	1	0.50	0.50	04/13 02:00	04/20 21:02 RC
PCB 1221	608	U ug/l	1	0.50	0.50	04/13 02:00	04/20 21:02 RC
PCB 1232	608	U ug/l	1	0.50	0.50	04/13 02:00	04/20 21:02 RC
PCB 1242	608	U ug/l	1	0.50	0.50	04/13 02:00	04/20 21:02 RC
PCB 1248	608	U ug/l	1	0.50	0.50	04/13 02:00	04/20 21:02 RC
PCB 1254	608	U ug/l	1	0.50	0.50	04/13 02:00	04/20 21:02 RC
PCB 1260	608	U ug/l	1	0.50	0.50	04/13 02:00	04/20 21:02 RC
TOTAL PCB	608	U ug/l	1	2.0	2.0	04/13 02:00	04/20 21:02 RC
SURROGATES		% RECOVERY		% Recovery Limits			
2,4,5,6-TETRA-CHLORO-M-XYLENE	608	77 %	1		39-135	04/13 02:00	04/20 21:02 RC
DECACHLOROBIPHENYL	608	95 %	1		31-164	04/13 02:00	04/20 21:02 RC
Semivolatile Organic Compounds							
ALACHLOR (E83079)	508.1	U ug/l	1	0.015	0.10	04/18 14:45	04/20 22:51 SUB
ATRAZINE (E83079)	508.1	U ug/l	1	0.14	0.31	04/18 14:45	04/20 22:51 SUB
LINDANE (E83079)	508.1	U ug/l	1	0.0083	0.010	04/18 14:45	04/20 22:51 SUB
CHLORDANE (E83079)	508.1	U ug/l	1	0.060	0.10	04/18 14:45	04/20 22:51 SUB
ENDRIN (E83079)	508.1	U ug/l	1	0.0083	0.010	04/18 14:45	04/20 22:51 SUB
HEPTACHLOR (E83079)	508.1	U ug/l	1	0.027	0.031	04/18 14:45	04/20 22:51 SUB
HEPTACHLOR EPOXIDE (E83079)	508.1	U ug/l	1	0.0063	0.010	04/18 14:45	04/20 22:51 SUB
HEXACHLOROBENZENE (E83079)	508.1	U ug/l	1	0.0083	0.10	04/18 14:45	04/20 22:51 SUB
HEXACHLOROCYCLOPENTADIENE (E83079)	508.1	U ug/l	1	0.019	0.10	04/18 14:45	04/20 22:51 SUB
METHOXYCHLOR (E83079)	508.1	U ug/l	1	0.021	0.052	04/18 14:45	04/20 22:51 SUB
SIMAZINE (E83079)	508.1	U ug/l	1	0.13	1.6	04/18 14:45	04/20 22:51 SUB
TOXAPHENE (E83079)	508.1	U ug/l	1	0.093	0.19	04/18 14:45	04/20 22:51 SUB
PCB'S (E83079)	508.1	U ug/l	1	0.10	0.10	04/18 14:45	04/20 22:51 SUB
2,4-DICHLOROPHENOXYACETIC ACID (E83079)	515.3	U ug/l	1	0.071	0.10	04/23 08:50	04/27 16:56 SUB

DALAPON (E83079)	515.3	U	ug/l	1	0.78	1.0	04/23 08:50	04/27 16:56	SUB
DINOSEB (E83079)	515.3	U	ug/l	1	0.16	0.20	04/23 08:50	04/27 16:56	SUB
PENTACHLOROPHENOL (E83079)	515.3	U	ug/l	1	0.0080	0.040	04/23 08:50	04/27 16:56	SUB
PICLORAM (E83079)	515.3	U	ug/l	1	0.037	0.10	04/23 08:50	04/27 16:56	SUB
SILVEX, METHYL ESTER (E83079)	515.3	U	ug/l	1	0.057	0.20	04/23 08:50	04/27 16:56	SUB
BENZO(A)PYRENE (E83079)	525.2	U	ug/l	1	0.038	0.11	04/18 09:15	04/24 22:03	SUB
ADIPATE, DI(2-ETHYLHEXYL) (E83079)	525.2	U	ug/l	1	0.25	1.7	04/18 09:15	04/24 22:03	SUB
PHTHALATE, DI(2-ETHYLHEXYL) (E83079)	525.2	U	ug/l	1	0.54	2.1	04/18 09:15	04/24 22:03	SUB
OXAMYL(VYDATE) (E83079)	531.1	U	ug/l	1	0.52	2.0	04/16 17:30	04/17 14:46	SUB
CARBOFURAN (E83079)	531.1	U	ug/l	1	0.45	2.0	04/16 17:30	04/17 14:46	SUB

ANALYTICAL RESULTS

Printed: 05/22/07 11:08pm

Project No: 002950, CITY OF WEST PALM BEACH-WATER LAB
 Job Name: EFF SAMPLING EVENT
 Job Id: SE

P.O. No: 070868

Inv. No: 189095

Sample Number L225534-2
 Sample Description EFF 'GRAB'
 Samp. Date/Time/Temp 04/11/07 02:15pm 14.9 C
 Receive Date 04/11/07
 Sampled by Eric Casavant, USB

Parameter	Method	Result	DIL	MDL	PQL	Prep Date,Time	Test Date, Time,Analyst
DIQUAT (E83079)	549.2	U ug/l	1	0.29	0.40	04/17 18:00	04/20 01:12 SUB
ALDICARB (E83079)	531.1	U ug/l	1	0.31	2.0	04/16 17:30	04/17 14:46 SUB
ENDOTHALL (E83079)	548.1	U ug/l	1	2.7	9.0	04/17 14:00	04/20 09:21 SUB
ALDICARB SULFONE (E83079)	531.1	1.1 I ug/l	1	0.57	2.0	04/16 17:30	04/17 14:46 SUB
GLYPHOSATE (E83079)	547	U ug/l	1	3.2	6.0	04/20 13:30	04/23 23:22 SUB
ALDICARB SULFOXIDE (E83079)	531.1	U ug/l	1	0.48	2.0	04/16 17:30	04/17 14:46 SUB
CYANIDE							
CYANIDE TOTAL, LOW LEVEL	335.4	U mg/l	1	0.0032	0.0050	04/15 12:30	04/15 17:06 RB

**** NOTES CONCERNING THE ABOVE SAMPLE ****

4,4'-DDD - % difference of results from primary and secondary columns is >40%, possible due to matrix interference. Detection limit elevated above lowest concentration.

4,4'-DDE - % difference of results from primary and secondary columns is >40%, possible due to matrix interference. Detection limit elevated above lowest concentration.

ALPHA-BHC - % difference of results from primary and secondary columns is >40%, possible due to matrix interference. Detection limit elevated above lowest concentration.

ALPHA-CHLORDANE - % difference of results from primary and secondary columns is >40%, possible due to matrix interference. Detection limit elevated above lowest concentration.

BETA-BHC - % difference of results from primary and secondary columns is >40%, possible due to matrix interference. Detection limit elevated above lowest concentration.

DIELDRIN - % difference of results from primary and secondary columns is >40%, possible due to matrix interference. Detection limit elevated above lowest concentration.

ENDOSULFAN I - % difference of results from primary and secondary columns is >40%, possible due to matrix interference. Detection limit elevated above lowest concentration.

ENDOSULFAN SULFATE - % difference of results from primary and secondary columns is >40%, possible due to matrix interference. Detection limit elevated above lowest concentration.

ENDRIN - % difference of results from primary and secondary columns is >40%, possible due to matrix interference. Detection limit elevated above lowest concentration.

ENDRIN ALDEHYDE - % difference of results from primary and secondary columns is >40%, possible due to matrix interference. Detection limit elevated above lowest concentration.

GAMMA-CHLORDANE - % difference of results from primary and secondary columns is >40%, possible due to matrix interference. Detection limit elevated above lowest concentration.

HEPTACHLOR EPOXIDE - % difference of results from primary and secondary columns is >40%, possible due to matrix interference. Detection limit elevated above lowest concentration.

ANALYTICAL RESULTS

Printed: 05/22/07 11:08pm

Project No: 002950, CITY OF WEST PALM BEACH-WATER LAB
 Job Name: EFF SAMPLING EVENT
 Job Id: SE

P.O. No: 070868

Inv. No: 189095

Sample Number L225534-3
 Sample Description TRIP BLANK
 Samp. Date/Time/Temp 04/11/07 00:00pm NA C
 Receive Date 04/11/07
 Sampled by Eric Casavant, USB
 Received Temp 3 C Iced (Y/N): Y

Parameter	Method	Result	DIL	MDL	PQL	Prep Date,Time	Test Date, Time,Analyst
Volatile Organic Compounds							
VINYL CHLORIDE	524.2	U ug/l	1	0.34	0.50	N/A	04/13 13:32 WH
CHLOROETHANE	524.2	U ug/l	1	0.30	0.50	N/A	04/13 13:32 WH
1,1-DICHLOROETHENE	524.2	U ug/l	1	0.27	0.50	N/A	04/13 13:32 WH
METHYLENE CHLORIDE	524.2	0.610 ug/l	1	0.40	0.50	N/A	04/13 13:32 WH
TRANS-1,2-DICHLOROETHENE	524.2	U ug/l	1	0.19	0.50	N/A	04/13 13:32 WH
CIS-1,2-DICHLOROETHENE	524.2	U ug/l	1	0.17	0.50	N/A	04/13 13:32 WH
CHLOROFORM	524.2	U ug/l	1	0.28	0.50	N/A	04/13 13:32 WH
1,2-DICHLOROETHANE	524.2	U ug/l	1	0.18	0.50	N/A	04/13 13:32 WH
1,1,1-TRICHLOROETHANE	524.2	U ug/l	1	0.10	0.50	N/A	04/13 13:32 WH
CARBON TETRACHLORIDE	524.2	U ug/l	1	0.11	0.50	N/A	04/13 13:32 WH
BENZENE	524.2	U ug/l	1	0.10	0.50	N/A	04/13 13:32 WH
1,2-DICHLOROPROPANE	524.2	U ug/l	1	0.14	0.50	N/A	04/13 13:32 WH
TRICHLOROETHENE	524.2	U ug/l	1	0.23	0.50	N/A	04/13 13:32 WH
BROMODICHLOROMETHANE	524.2	U ug/l	1	0.16	0.50	N/A	04/13 13:32 WH
1,1,2-TRICHLOROETHANE	524.2	U ug/l	1	0.42	0.50	N/A	04/13 13:32 WH
TOLUENE	524.2	U ug/l	1	0.10	0.50	N/A	04/13 13:32 WH
DIBROMOCHLOROMETHANE	524.2	U ug/l	1	0.25	0.50	N/A	04/13 13:32 WH
TETRACHLOROETHENE	524.2	U ug/l	1	0.27	0.50	N/A	04/13 13:32 WH
CHLOROBENZENE	524.2	U ug/l	1	0.30	0.50	N/A	04/13 13:32 WH
ETHYL BENZENE	524.2	U ug/l	1	0.080	0.50	N/A	04/13 13:32 WH
M&P-XYLENES	524.2	U ug/l	1	0.31	0.50	N/A	04/13 13:32 WH
BROMOFORM	524.2	U ug/l	1	0.20	0.50	N/A	04/13 13:32 WH
TOTAL THM	524.2	U ug/l	1	0.89	2.0	N/A	04/13 13:32 WH
STYRENE	524.2	U ug/l	1	0.15	0.50	N/A	04/13 13:32 WH
O-XYLENE	524.2	U ug/l	1	0.10	0.50	N/A	04/13 13:32 WH
XYLENES (TOTAL)	524.2	U ug/l	1	0.41	1.0	N/A	04/13 13:32 WH
1,4-DICHLOROBENZENE	524.2	U ug/l	1	0.10	0.50	N/A	04/13 13:32 WH
1,2-DICHLOROBENZENE	524.2	U ug/l	1	0.10	0.50	N/A	04/13 13:32 WH
1,2,4-TRICHLOROBENZENE	524.2	U ug/l	1	0.16	0.50	N/A	04/13 13:32 WH
SURROGATES		% RECOVERY		% Recovery Limits			
BROMOFLUOROBENZENE (SURR)	524.2	98 %	1		70-130		04/13 13:32 WH

1,2-DICHLOROBENZENE-D4	524.2	97	%	1		70-130		04/13 13:32	WH
EDB/DBCP BY GC									
1,2-DIBROMOETHANE	504.1	U	ug/l	1	0.0027	0.010	04/12 16:00	04/13 22:57	VR
1,2-DIBROMO-3-CHLOROPROPANE	504.1	U	ug/l	1	0.0061	0.020	04/12 16:00	04/13 22:57	VR
SURROGATES			% RECOVERY			% Recovery Limits			
BROMOFLUOROBENZENE (SURR)	504.1	86	%	1		70-130	04/12 16:00	04/13 22:57	VR

CHAIN OF CUSTODY RECORD

Log# 205534 T#S _____

Quote: _____

Page 1 of 3

Company Name: C.O. WPB WWTP PO# _____

Address: ONFILE

City: _____ State: _____ Zip: _____

Attn: Bob Watts 561-644-7443

email: _____

Project Name: EFF sampling Eval Proj # SE

Sampler Signature: [Signature] Phone# [Signature]

Matrix Code:

1	EFF COMP	41107	1350	WW	6
2	EFF GRAB	✓	1415	✓	3
3					
4					
5					
6					
7					
8					
9					
0					

Primary + Secondary metals

5419

BOD

FI, NO₂, NO₃, pH, TDS, MBAS, Cl, SO₄, Color

BALPHA

RAD 226-228

NH₃, TKN, TPB

COD, O₂, N.

CN

547/548

508

Container Type Codes	
AV Amber Vial	FS Froth Sample
CV Clear Vial	PPV Preserved Vial
P Plastic	PLC Plastic container
AL Amber Lids	PLJ Plastic Jar
CL Clear Lids	ZLZ Ziploc bag
AP Amber Plastic	THCARB Traffic bag
AS Amber Glass	WHALP White bag
SJ Soil Jar	G Glass Jar

Other: _____
 Sizes: 2oz, 4oz, 8oz, 16oz or 32oz or 1L or 500ml other
 Example: docP = 4oz Plastic, 002S = 002 Soil Jar

Matrix Codes	
SD Solid Waste	WW Wastewater
SE Sediment	APV Analyte Free Water
OL Oil	GW Groundwater
PE Petroleum	SW Surface Water
NA N/A	AD Aqueous
ML Mixed Media	SW Surface Water
GW Groundwater	AI Air
EFF Effluent	CI Other (Please Specify)
INF Influent	

Pres Codes		
A. None	E. HCL	I. Ice
B. HNO ₃	F. MeOH	J. MOAA
C. H ₂ SO ₄	G. Na ₂ S ₂ O ₅	K. Zn Acetate
D. NaOH	H. NaHSO ₄	O. Other

4-320-1-88P

REMARKS

5x GRAB + comp

FT = 2HRS

TT = 2HRS

Chain of Custody

None 1 2 3 Other

USB 41107 1550

WSP

QSP

19:00

Lab Use Only

Sample INTACT upon receipt? 3

Received on date? 10/2/00

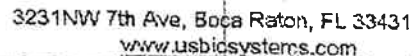
Proper Preservation indicated? ✓

Received within holding time? ✓

Carefully sealed? ✓

Visually inspected? ✓

Proper Containers Used? ✓



Log# 225534 T#S 3 Quote: _____

Page 2 of 3

Matrix Code					
1	EFF "Grab"	41107	14/15	WW	13
2	Trip BLANK	✓	✓	AFW	2
3					
4					
5					
6					
7					
8					
9					
0					

[illegible]

Container Type Codes			
AV	Arctic Vial	CV	Encore Blender
QV	Clear Vial	FFV	Freeze-dried vial
P	Pack	FLC	Flexible container
A	Ambicoflitter	FLJ	Flexible Jar
GL	Clear Litter	ZABR	Plastic bag
AD	Arctic Plastic	TFOLCR	Tadpole bag
AG	Arctic Green	WHRLH	Whirl mix
SL	Soil Jar	G	Gallon Jug
Other _____			

Straps: 200, 400, 600, 1600, 3200 or 1L, 60ml other _____

Example: 400P = 400 Plastic, 400SL = 600 Soil Jar

Matrix Codes*	
SD Solid Waste	SW Wastewater
SE Soil	TW Treated Sewage Water
SC Sediment	DW Drinking Water
DL DL	SF Surface Water
PB Petroleum	AQ Aquatics
NH Nephrotoxic	SW Surface Water
MU Misc. Liquid	Air Air
GW Ground Water	C Other
EFF Effluent	(Please Specify)
INF Infant	

Pres/Codes		
A. None	E. HCL	I. Ica
B. HNO ₃	F. MeOH	J. MCAA
C. H ₂ SO ₄	G. Na ₂ S ₂ O ₃	K. Thiocarbim
D. NaOH	H. NaHSO ₄	O. Other

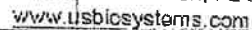
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☒ Yes	Date Received _____	☒ X	N _____	Name _____ 1 _____ 2 _____ 3 _____ Other _____	☐ No	Unit _____
		6767	A USK	41107 1550		US 4-1604 19:00

US Biosystems, Inc. Telephone: 888-852-1ARS or 564-447-3373 Fax: 888-455-1111

Lab Use Only			
	Yes	No	N/A
Sample: P1AC1 uae swab			
Received on Wetlab? Comp	☒	☒	☒
Proper Preservation technique?	☒	☒	☒
Received within testing time?	☒	☒	☒
Capacity sealed correct?	☒	☒	☒
Vials sealed without leakage?	☒	☒	☒
Proper Containers Used?	☒	☒	☒

ORIGINALS



Log# 225534 T#S Quote:

Page 3 of 3

**Matrix
Code®**

[illegible]

Container Type Codes

AV	Arbor Vitae	RE	Reinhold Baumgartner
CV	Clear Vial	REV	Reinhold Baumgartner
F	Funk	U-C	Ullrich, C.
AL	Arbor Vitae	ULC	Ullrich, C.
CL	Clear Vial	ZKUS	Zucker, S.
AP	Arbor Vitae	TCOAR P	Tadpole, P.
AS	Arbor Vitae	WHISF	Whitfield, F.
SJ	Soft Jaws	G	Gordon, J.

Example: 402P = 402 Plastic, 802SJ = 802 Soil Jar

Matrix Codes

SD	Solid Waste	WW	Waste Water
SO	Soil	AFW	Amalgam Free Water
SE	Sediment	UW	Urinary Water
OL	Oil	SL	Surface Water
PF	Hydrocarbon	AQ	Aqueous
NA	Nonaqueous	SW	Source Water
ML	Misc. Liquids	A	Air
GW	Groundwater	O	Other
FFF	Effluent		(Please Specify)
AF	Amalgam		

PresiCodes

A. None	E. HCL	I. Ice
B. HNO ₃	F. MeOH	J. MCAA
C. H ₂ SO ₄	G. Na ₂ S ₂ O ₃	K. Δ Acetone
D. NaOH	H. NaHSO ₄	O. Other

REMARKS

5. GRAB + comp

THE

US Biosystems, Inc. Telephone: 888-862-LABS or 561-447-7373 Fax: 888-456-4846 or 561-447-6136

Revision: USB051604

C.O.C.# 149396

APPENDIX 10.6

STORMWATER MANAGEMENT AND CALCULATIONS

**SURFACE WATER MANAGEMENT CALCULATIONS
FOR
FPL WCEC UNIT 3 EXPANSION
(ALL ELEVATIONS ARE NAVD)**

PREPARED BY:

SERRA ENGINEERING, INC.
10105 DOGWOOD AVENUE
PALM BEACH GARDENS, FLORIDA 33410
PH: (561) 627-5254 FAX: (561) 627-5446
EMAIL: serraeng@aol.com
FBPE CERTIFICATION AUTHORIZATION NUMBER: 7976

NOVEMBER, 2007



Serra
11/15/07

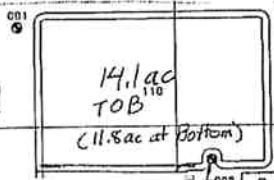
FPL WCEC - UNIT 3 EXPANSION

11.14.07

SUMMARY

	WATER TABLE ELEV 11.5' NAVD	
	NORTH BASIN	SOUTH BASIN
BASIN AREA	89.75 AC	114.5 AC
BASIN POND AREA		
AT BOTTOM EL 15.0' NAVD	11.8 AC	13.0 AC
AT TOP EL 23.0' NAVD	14.1 AC	14.3 AC
25 YR - 3 DAY RUNOFF VOLUME	64.38 AC-FT	73.72 AC-FT
25 YR -3 DAY STAGE IN POND	20.13 FT NAVD	20.35 FT NAVD
MODRET INFILTRATION STAGE	17.22 FT NAVD	17.15 FT NAVD
2ND 25 YR-3 DAY STORM STAGE	22.22 FT NAVD	22.68 FT NAVD
100 YR-3 DAY STORM STAGE	20.86 FT NAVD	22.33 FT NAVD
TOP ELEVATION IN POND	23.0 FT NAVD	23.0 FT NAVD
OVERFLOW ELEVATION	23.75 FT NAVD	23.75 FT NAVD

EMERGENCY
SPILLWAY



S 1000

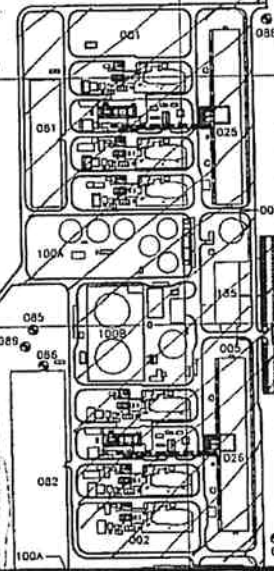
NORTH BASIN
Contributing Area
89.75 ac



S 2000

S 3000

IMPERVIOUS
AREAS

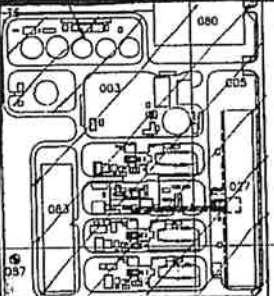


PROPERTY
BOUNDARY

S 4000

S 5000

SOUTH BASIN
Contributing Area
114.5 ac

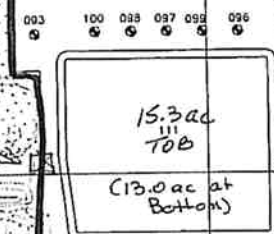


153

S 6000

S 7000

EMERGENCY
SPILLWAY



Serra Engineering, Inc.
10105 Dogwood Avenue
Palm Beach Gardens, FL 33410
11/14/07

**SURFACE WATER MANAGEMENT CALCULATIONS
FOR
FPL WCEC UNIT 3 EXPANSION**

TOTAL DRAINAGE AREA = 204.25 ACRES

NORTH BASIN AREA = 89.75 ACRES * UNITS 1 & 2
SOUTH BASIN AREA = 114.50 ACRES * UNIT 3
TOTAL CONTRIBUTING AREA = 204.25 ACRES

* AREAS FROM B&V'S 4/13/07 SITE RUNOFF ANALYSIS. FOR NORTH BASIN, AREA DOES NOT INCLUDE UNIT 1 & 2 COOLING TOWERS, FUEL OIL TRANSFORMER CONTAINERS & SCU'S

NORTH BASIN

LANDUSE BREAKDOWN

LANDUSE	AREA	IMPERVIOUS	PERVIOUS
DRY POND	14.10	0.00	14.10
IMPERVIOUS AREA **	55.85	55.85	0.00
OPEN SPACE	19.80	0.00	19.80
TOTAL	89.75	55.85	33.90

** INCLUDES UNIT 1, UNIT 2 AND ROADWAYS - DOES NOT INCLUDE RETENTION POND

% IMPERVIOUS AREA = 55.85 / 89.75 = 62.23 %

SOIL STORAGE FOR 25 YEAR - 3 DAY BACK TO BACK STORMS

NO SOIL STORAGE CREDIT TAKEN FOR DRY POND AREA. INFILTRATION THROUGH THE BOTTOM AND SIDES OF THE POND WILL BE ANALYZED USING MODRET

DEPTH TO WATER TABLE GREATER THAN 4'
 USE COASTAL SANDS SOILS, DWT = 4'

"S" =
 10.9 X 0.75 X 19.80 / 89.75 = 1.80 INCHES

CURVE NUMBER FOR 25 YEAR - 3 DAY BACK TO BACK STORMS

CN = (1000) / (10 + "S") = 84.7

SOIL STORAGE FOR 100 YEAR - 3 DAY STORM

DEPTH TO WATER TABLE GREATER THAN 4'
 USE COASTAL SANDS SOILS, DWT = 4'

"S" =
 10.9 X 0.75 X 33.90 / 89.75 = 3.09 INCHES

CURVE NUMBER FOR 100 YEAR - 3 DAY STORM

CN = (1000) / (10 + "S") = 76.4

SITE GRADING - ALL ELEVATIONS ARE NAVD

11.8	ACRES OF	DRY POND	STORE	VERTICAL FROM EL	15.0		
2.30	ACRES OF	DRY POND	STORE	LINEAR FROM EL	15.0	TO	23.0
19.80	ACRES OF	OPEN SPACE	STORE	LINEAR FROM EL	23.0	TO	24.5
33.90	TOTAL SITE AREA						

**SURFACE WATER MANAGEMENT CALCULATIONS
FOR
FPL WCEC UNIT 3 EXPANSION**

NORTH BASIN CONT.

POST DEVELOPMENT SITE STORAGE

	DRY POND	DRY POND BK	OPEN SPACE	TOTAL AREA	
AREA	11.80	2.30	19.80	33.90	ACRES
S. ELEV	15.0	15.0	23.0		
E. ELEV		23.0	24.5		
STAGE FEET NAVD	VERTICAL STORAGE AC-FT	LINEAR STORAGE AC-FT	LINEAR STORAGE AC-FT	TOTAL STORAGE AC-FT	
15.0	0.00	0.00	0.00	0.00	
16.0	11.80	0.14	0.00	11.94	
17.0	23.60	0.57	0.00	24.17	
18.0	35.40	1.29	0.00	36.69	
19.0	47.20	2.30	0.00	49.50	
20.0	59.00	3.59	0.00	62.59	
21.0	70.80	5.17	0.00	75.97	
22.0	82.60	7.04	0.00	89.64	
23.0	94.40	9.20	0.00	103.60	
24.0	106.20	11.50	6.60	124.30	

NOTE: NO SITE STORAGE CREDIT TAKEN FOR IMPERVIOUS AREAS

DISCHARGE

THE SITE WILL CONTAIN ALL RUNOFF UP TO AND INCLUDING THE 100 YR - 3DAY STORM EVENT

SITE MUST PROVIDE ENOUGH STORAGE TO HOLD TWO 25 YEAR - 3 DAY STORM EVENTS
BACK TO BACK WITH A 72 HOUR DURATION BETWEEN STORMS (TOTAL VOLUME LESS
PERCOLATION AND EVAPORATION)

RAINFALL

STORM EVENT	RAINFALL	
25 YEAR - 3 DAY	10.5	INCHES
100 YEAR - 3 DAY	13.0	INCHES

25 YEAR - 3 DAY RUNOFF VOLUME

$$\text{R.O. VOLUME} = \frac{[P - (.2 S)]^2}{[P + (.8 S)]}$$

$$\begin{aligned} S &= 1.80 \text{ INCHES} \\ P &= 10.50 \text{ INCHES} \end{aligned}$$

$$\text{R.O.} = 8.61 \text{ INCHES}$$

$$8.61 \text{ IN}/12 \text{ IN/FT} \times 89.75 \text{ ACRES} = 64.38 \text{ AC-FT}$$

$$\text{STAGE IN POND} = 20.13 \text{ FT NAVD}$$

**SURFACE WATER MANAGEMENT CALCULATIONS
FOR
FPL WCEC UNIT 3 EXPANSION**

NORTH BASIN CONT.

25 YEAR - 3 DAY INFILTRATION

UTILIZE MODRET TO ACCOUNT FOR THE INFILTRATION/PERCOLATION IN THE DRY POND FOR A 72 HOUR PERIOD AFTER THE FIRST 25 YEAR - 3 DAY STORM EVENT (ZERO DISCHARGE OFF-SITE). SINCE THERE IS NO DISCHARGE OFF-SITE, USE THE "POLLUTION" OPTION OF MODRET. THIS OPTION PUTS THE ENTIRE 25 YEAR - 3 DAY RUNOFF VOLUME INTO THE POND AS A "SLUG" VOLUME AND THEN CALCULATES THE INFILTRATION IN THE POND FOR A 72 HOUR DURATION. THE RESULTING STAGE WILL BE UTILIZED AS THE STARTING STAGE FOR THE NEXT 25 YEAR - 3 DAY STORM EVENT (ZERO DISCHARGE OFF-SITE).

INPUT PARAMETERS FOR MODRET

DESIGN HIGH WATER = 20.13 FT NAVD
(25 YEAR - 3 DAY ZERO DISCHARGE STORM STAGE)

AREA AT STARTING WATER LEVEL =
(BOTTOM AREA OF DRY POND)
11.80 AC X 43560.0 FT²/AC = 514008.00 FT²

VOLUME BETWEEN STARTING WATER LEVEL & ESTIMATED HIGH WATER LEVEL
(25 YEAR - 3 DAY ZERO DISCHARGE RUNOFF VOLUME)
64.38 AC-FT X 43560.00 FT²/AC = 2804467.54 FT³

POND LENGTH TO WIDTH RATIO (L/W) = 1.95
POND LENGTH (L) = 1300 FT
AVE POND WIDTH (W) = 665 FT

ELEVATION OF EFFECTIVE AQUIFER BASE = -201.50 FT NAVD
FROM SFWMD, THE BOTTOM OF THE SURFICAL AQUIFER
IN THIS AREA IS AT ELEVATION -201.5' NAVD

ELEVATION OF SEASONAL HIGH GROUNDWATER TABLE = 11.50 FT NAVD
AVERAGE EXISTING GROUND ELEVATION AND
NORMAL CONTROL ELEVATION OF THE WEST PALM BEACH CANAL

ELEVATION OF STARTING WATER LEVEL = 15.00 FT NAVD
(BOTTOM ELEVATION OF POND)

ELEVATION OF POND BOTTOM = 15.00 FT NAVD

AVERAGE EFFECTIVE STORAGE COEFFICIENT OF SOIL FOR UNSATURATED ANALYSIS
BOTTOM ELEVATION OF POND = 15.00 FT NAVD
WATER TABLE ELEVATION = 11.50 FT NAVD
DEPTH TO WATER TABLE = 3.50 FT

USING TABLE A-1 FOR COMPACTED SOIL, f = 0.155

UNSATURATED VERTICAL HYDRAULIC CONDUCTIVITY
SOILS ARE SAND TO SLIGHTLY SILTY SAND, USCS = SP, SP-SM
FROM TABLE A-2, K_h = 30.00 FT/DAY
K_v CAN BE ESTIMATED FROM K_h USING A FACTOR OF 1.5
K_v = 30.00 FT/DAY / 1.5 = 20.00 FT/DAY

**SURFACE WATER MANAGEMENT CALCULATIONS
FOR
FPL WCEC UNIT 3 EXPANSION**

NORTH BASIN CONT.

FACTOR OF SAFETY FOR K_v (STANDARD VALUE) =	2	
SATURATED HORIZONTAL HYDRAULIC CONDUCTIVITY		
SOILS ARE SAND TO SLIGHTLY SILTY SAND, USCS = SP, SP-SM	30.00 FT/DAY	
FROM TABLE A-2, K_h =	30.00 FT/DAY	
AVERAGE EFFECTIVE STORAGE COEFFICIENT OF SOIL FOR SATURATED ANALYSIS		
25 YEAR - 3 DAY STAGE =	20.13 FT	NAVD
BOTTOM ELEVATION OF POND =	15.00 FT	NAVD
AVERAGE WATER ELEVATION IN POND =		
$\left[\frac{20.13 + 15.00}{2} \right] =$	17.57 FT	NAVD
WATER TABLE ELEVATION =	11.50 FT	NAVD
AVERAGE WATER DEPTH =	6.07 FT	
USING TABLE A-1 FOR COMPACTED SOIL, f =	0.22	
AVERAGE EFFECTIVE STORAGE COEFFICIENT OF POND (STANDARD VALUE)	1.00	
IMPERVIOUS BARRIER		
THERE IS AN IMPERVIOUS BARRIER (SLURRY WALL) INSTALLED ALONG A SEGMENT OF THE PROPERTY LINE BETWEEN FPL & THE PALM BEACH AGGREGATES SITE IN THE VICINITY OF THE NORTH POND		
BOTTOM ELEVATION OF BARRIER	-50.00 FT	NAVD
FROM MODRET ANALYSIS THE PEAK STAGE IN THE POND IS =	19.49 FT	NAVD
(STAGE IS LESS THAN THE ZERO DISCHARGE STAGE AS THE MODRET STAGE ACCOUNTS FOR THE INITIAL INFILTRATION INTO THE BOTTOM OF THE POND)		
72 HOUR STAGE =	17.22 FT	NAVD
TOTAL VOLUME INFILTRATED =	1566105.0 FT ³ 35.95 AC-FT	
VOLUME REMAINING IN POND =	28.43 AC-FT	
25 YEAR - 3 DAY RUNOFF VOLUME =	64.38 AC-FT	
ADD 25 YEAR - 3 DAY VOLUME TO REMAINING VOLUME		
TOTAL RESULTING VOLUME =	92.81 AC-FT	
NEW STAGE IN POND IS =	22.22 FT	NAVD
TOP OF POND ELEVATION =	23.0 FT	NAVD
OFF-SITE OVERFLOW ELEVATION =	23.75 FT	NAVD

NORTH BASIN IS RETAINING 2 - 25 YEAR- 3 DAY BACK TO BACK STORMS

**SURFACE WATER MANAGEMENT CALCULATIONS
FOR**

FPL WCEC UNIT 3 EXPANSION

NORTH BASIN CONT.

100 YEAR - 3 DAY RUNOFF VOLUME

$$\text{R.O. VOLUME} = \frac{[P - (.2 S)]^2}{[P + (.8 S)]}$$

S = 3.09 INCHES

P = 13.00 INCHES

R.O. = 9.91 INCHES

9.91 IN/12 IN/FT X 89.75 ACRES = 74.13 AC-FT

STAGE IN POND = 20.86 FT NAVD

MODRET

SUMMARY OF UNSATURATED & SATURATED INPUT PARAMETERS

**PROJECT NAME : FPL WCEC UNIT 3 DRAINS SOUTH-NORTH BASIN
POLLUTION VOLUME RUNOFF DATA USED
UNSATURATED ANALYSIS INCLUDED**

Pond Bottom Area	514,008.00 ft ²
Pond Volume between Bottom & DHWL	2,804,467.50 ft ³
Pond Length to Width Ratio (L/W)	1.95
Elevation of Effective Aquifer Base	-201.50 ft
Elevation of Seasonal High Groundwater Table	11.50 ft
Elevation of Starting Water Level	15.00 ft
Elevation of Pond Bottom	15.00 ft
Design High Water Level Elevation	20.13 ft
Avg. Effective Storage Coefficient of Soil for Unsaturated Analysis	0.16
Unsaturated Vertical Hydraulic Conductivity	20.00 ft/d
Factor of Safety	2.00
Saturated Horizontal Hydraulic Conductivity	30.00 ft/d
Avg. Effective Storage Coefficient of Soil for Saturated Analysis	.022
Avg. Effective Storage Coefficient of Pond/Exfiltration Trench	1.00

Hydraulic Control Features:

Groundwater Control Features - Y/N

Distance to Edge of Pond
Elevation of Water Level

Top	Bottom	Left	Right
N	N	N	N
0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00

Impervious Barrier - Y/N

Elevation of Barrier Bottom

Top	Bottom	Left	Right
N	N	N	Y
0.00	0.00	0.00	-50.00

Analysis Date: 11/14/2007

MODRET

SUMMARY OF RESULTS

PROJECT NAME : FPL WCEC UNIT 3 DRAINS SOUTH-NORTH BASIN

CUMULATIVE TIME (hrs)	WATER ELEVATION (feet)	INSTANTANEOUS INFILTRATION RATE (cfs)	AVERAGE INFILTRATION RATE (cfs)	CUMULATIVE OVERFLOW (ft ³)
00.00 - 0.00	11.500	0.000 *		
			0.00000	
0.00	11.500	55.14967		
			39.78410	
2.30	19.486	24.41853		0.00
			12.48967	
4.09	19.339	11.82380		0.00
			11.15793	
5.88	19.208	10.61127		0.00
			10.06460	
7.66	19.089	9.60926		0.00
			9.15393	
9.45	18.981	8.77379		0.00
			8.39365	
11.24	18.883	8.07129		0.00
			7.74893	
13.02	18.791	7.47439		0.00
			7.19984	
14.81	18.707	6.96354		0.00
			6.72724	
16.60	18.627	6.52425		0.00
			6.32125	
18.39	18.553	6.14265		0.00
			5.96405	
20.17	18.483	5.80894		0.00
			5.65384	
21.96	18.416	5.51527		0.00
			5.37670	
23.75	18.353	5.25491		0.00

Analysis Date: 11/14/2007

MODRET

SUMMARY OF RESULTS

PROJECT NAME : FPL WCEC UNIT 3 DRAINS SOUTH-NORTH BASIN

CUMULATIVE TIME (hrs)	WATER ELEVATION (feet)	INSTANTANEOUS INFILTRATION RATE (cfs)	AVERAGE INFILTRATION RATE (cfs)	CUMULATIVE OVERFLOW (ft ³)
			5.13311	
25.53	18.293	5.02404		0.00
			4.91496	
27.32	18.235	4.81707		0.00
			4.71918	
29.11	18.179	4.62964		0.00
			4.54009	
30.90	18.126	4.45979		0.00
			4.37948	
32.68	18.074	4.30598		0.00
			4.23248	
34.47	18.024	4.16482		0.00
			4.09715	
36.26	17.976	4.03492		0.00
			3.97268	
38.04	17.930	3.91531		0.00
			3.85794	
39.83	17.884	3.80364		0.00
			3.74935	
41.62	17.840	3.69975		0.00
			3.65016	
43.41	17.797	3.60438		0.00
			3.55859	
45.19	17.755	3.51499		0.00
			3.47140	
46.98	17.714	3.42934		0.00
			3.38728	
48.77	17.674	3.35001		0.00

Analysis Date: 11/14/2007

MODRET

SUMMARY OF RESULTS

PROJECT NAME : FPL WCEC UNIT 3 DRAINS SOUTH-NORTH BASIN

CUMULATIVE TIME (hrs)	WATER ELEVATION (feet)	INSTANTANEOUS INFILTRATION RATE (cfs)	AVERAGE INFILTRATION RATE (cfs)	CUMULATIVE OVERFLOW (ft ³)
			3.31273	
50.55	17.635	3.27505		0.00
			3.23737	
52.34	17.597	3.20382		0.00
			3.17027	
54.13	17.560	3.13640		0.00
			3.10252	
55.92	17.524	3.07222		0.00
			3.04191	
57.70	17.488	3.01168		0.00
			2.98146	
59.49	17.453	2.95309		0.00
			2.92473	
61.28	17.418	2.89807		0.00
			2.87141	
63.06	17.384	2.84507		0.00
			2.81874	
64.85	17.351	2.79451		0.00
			2.77028	
66.64	17.319	2.74613		0.00
			2.72198	
68.43	17.287	2.69945		0.00
			2.67692	
70.21	17.255	2.65440		0.00
			2.63187	
72.00	17.224			0.00

Maximum Water Elevation: 19.486 feet @ 2.30 hours

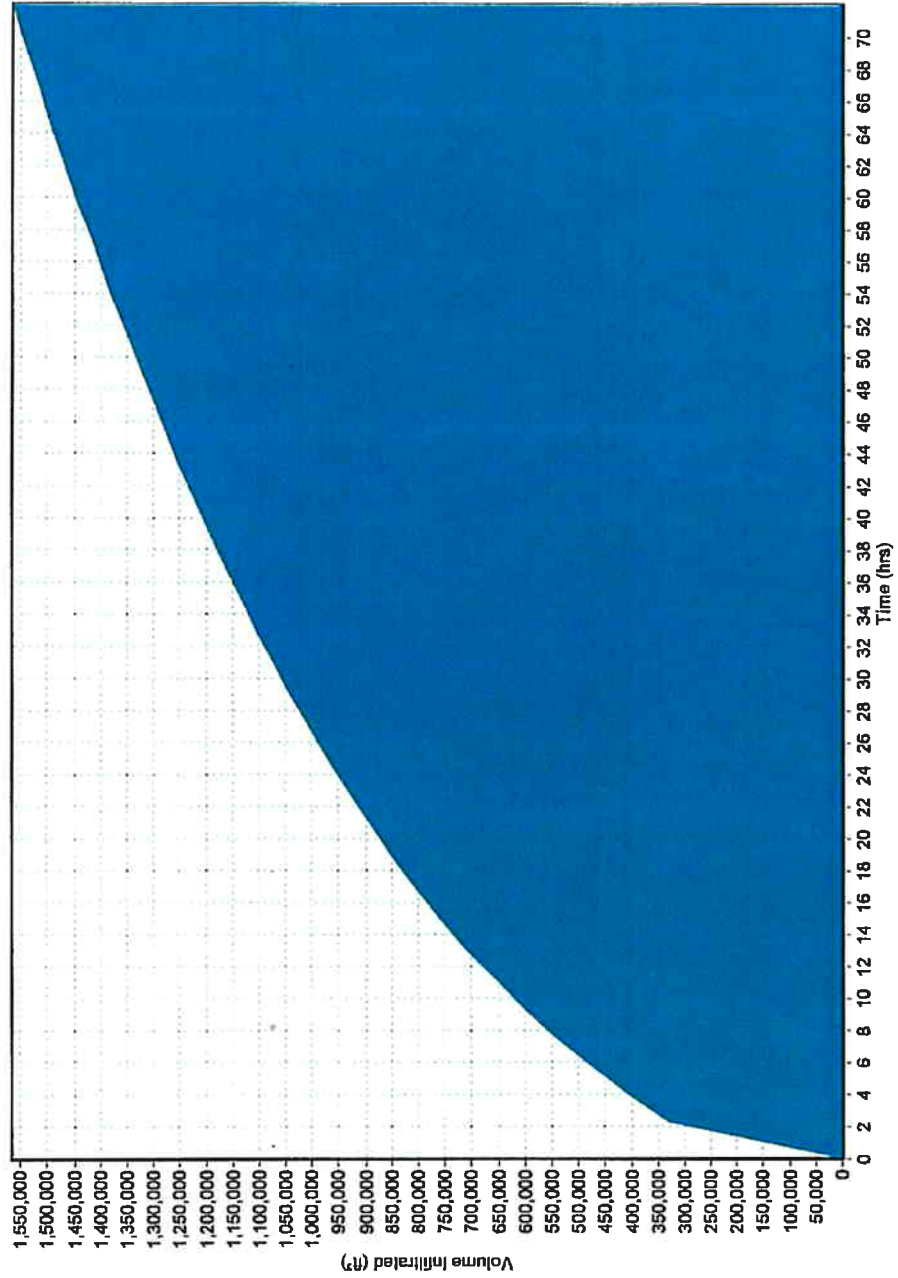
Recovery @ > 72.000 hours

* Time increment when there is no runoff

Maximum Infiltration Rate: 6.288 ft/day

Analysis Date: 11/14/2007

INFILTRATION : FPL WCEC UNIT 3 DRAINS SOUTH-NORTH BASIN



Total Volume Infiltrated = 1,566,105 ft³

**SURFACE WATER MANAGEMENT CALCULATIONS
FOR
FPL WCEC UNIT 3 EXPANSION**

SOUTH BASIN

LANDUSE BREAKDOWN

LANDUSE	AREA	IMPERVIOUS	PERVIOUS
DRY POND	15.30	0.00	15.30
IMPERVIOUS AREA *	59.46	59.46	0.00
OPEN SPACE	39.74	0.00	39.74
TOTAL	114.50	59.46	55.04

* INCLUDES UNIT 3 BOUNDARY (29.9 AC), 1200' X 925' AREA (26.54 AC) AND ROADWAYS (3.02 AC) - DOES NOT INCLUDE RETENTION POND

$$\% \text{ IMPERVIOUS AREA} = 59.46 / 114.50 = 51.93 \%$$

SOIL STORAGE FOR 25 YEAR - 3 DAY BACK TO BACK STORMS

NO SOIL STORAGE CREDIT TAKEN FOR DRY POND AREA. INFILTRATION THROUGH THE BOTTOM AND SIDES OF THE POND WILL BE ANALYZED USING MODRET

DEPTH TO WATER TABLE GREATER THAN 4'
USE COASTAL SANDS SOILS, DWT = 4'

$$"S" = 10.9 \times 0.75 \times 39.74 / 114.50 = 2.84 \text{ INCHES}$$

CURVE NUMBER FOR 25 YEAR - 3 DAY BACK TO BACK STORMS

$$CN = (1000) / (10 + "S") = 77.9$$

SOIL STORAGE FOR 100 YEAR - 3 DAY STORM

DEPTH TO WATER WATER GREATER THAN 4'
USE COASTAL SANDS SOILS, DWT = 4'

$$"S" = 10.9 \times 0.75 \times 55.04 / 114.50 = 3.93 \text{ INCHES}$$

CURVE NUMBER FOR 100 YEAR - 3 DAY STORM

$$CN = (1000) / (10 + "S") = 71.8$$

SITE GRADING - ALL ELEVATIONS AREA NAVD

13.00	ACRES OF	DRY POND	STORE	VERTICAL FROM EL	15.0		
2.30	ACRES OF	DRY POND	STORE	LINEAR FROM EL	15.0	TO	23.0
39.74	ACRES OF	OPEN SPACE	STORE	LINEAR FROM EL	23.0	TO	24.5
55.04	TOTAL SITE AREA						

**SURFACE WATER MANAGEMENT CALCULATIONS
FOR
FPL WCEC UNIT 3 EXPANSION - UNIT 3 DRAINS SOUTH**

SOUTH BASIN CONT.

POST DEVELOPMENT SITE STORAGE

	DRY POND	DRY POND BK	OPEN SPACE	TOTAL AREA	
AREA	13.00	2.30	39.74	55.04	ACRES
S. ELEV	15.0	15.0	23.0		
E. ELEV		23.0	24.5		
STAGE FEET NAVD	VERTICAL STORAGE AC-FT	LINEAR STORAGE AC-FT	LINEAR STORAGE AC-FT	TOTAL STORAGE AC-FT	
15.0	0.00	0.00	0.00	0.00	
16.0	13.00	0.14	0.00	13.14	
17.0	26.00	0.57	0.00	26.57	
18.0	39.00	1.29	0.00	40.29	
19.0	52.00	2.30	0.00	54.30	
20.0	65.00	3.59	0.00	68.59	
21.0	78.00	5.17	0.00	83.17	
22.0	91.00	7.04	0.00	98.04	
23.0	104.00	9.20	0.00	113.20	
24.0	117.00	11.50	13.25	141.75	

NOTE: NO SITE STORAGE CREDIT TAKEN FOR IMPERVIOUS AREAS

DISCHARGE

THE SITE WILL CONTAIN ALL RUNOFF UP TO AND INCLUDING THE 100 YR - 3DAY STORM EVENT

SITE MUST PROVIDE ENOUGH STORAGE TO HOLD TWO 25 YEAR - 3 DAY STORM EVENTS
BACK TO BACK WITH A 72 HOUR DURATION BETWEEN STORMS (TOTAL VOLUME LESS
PERCOLATION AND EVAPORATION)

RAINFALL

STORM EVENT	RAINFALL	
25 YEAR - 3 DAY	10.5	INCHES
100 YEAR - 3 DAY	13.0	INCHES

25 YEAR - 3 DAY RUNOFF VOLUME

$$R.O. \text{ VOLUME} = \frac{[P - (.2 S)]^2}{[P + (.8 S)]}$$

S = 2.84 INCHES
P = 10.50 INCHES

R.O. = 7.73 INCHES

7.73 IN/12 IN/FT X 114.50 ACRES = 73.72 AC-FT

STAGE IN POND = 20.35 FT NAVD

SURFACE WATER MANAGEMENT CALCULATIONS

FOR

FPL WCEC UNIT 3 EXPANSION

SOUTH BASIN CONT.

25 YEAR - 3 DAY INFILTRATION

UTILIZE MODRET TO ACCOUNT FOR THE INFILTRATION/PERCOLATION IN THE DRY POND FOR A 72 HOUR PERIOD AFTER THE FIRST 25 YEAR - 3 DAY STORM EVENT (ZERO DISCHARGE OFF-SITE). SINCE THERE IS NO DISCHARGE OFF-SITE, USE THE "POLLUTION" OPTION OF MODRET. THIS OPTION PUTS THE ENTIRE 25 YEAR - 3 DAY RUNOFF VOLUME INTO THE POND AS A "SLUG" VOLUME AND THEN CALCULATES THE INFILTRATION IN THE POND FOR A 72 HOUR DURATION. THE RESULTING STAGE WILL BE UTILIZED AS THE STARTING STAGE FOR THE NEXT 25 YEAR - 3 DAY STORM EVENT (ZERO DISCHARGE OFF-SITE).

INPUT PARAMETERS FOR MODRET

DESIGN HIGH WATER = 20.35 FT NAVD
(25 YEAR - 3 DAY ZERO DISCHARGE STORM STAGE)

AREA AT STARTING WATER LEVEL =
(BOTTOM AREA OF DRY POND)
13.00 AC X 43560.0 FT²/AC = 566280.00 FT²

VOLUME BETWEEN STARTING WATER LEVEL & ESTIMATED HIGH WATER LEVEL
(25 YEAR - 3 DAY ZERO DISCHARGE RUNOFF VOLUME)
73.72 AC-FT X 43560.00 FT²/AC = 3211041.19 FT³

POND LENGTH TO WIDTH RATIO (L/W) = 1.60
POND LENGTH (L) = 1245 FT
AVE POND WIDTH (W) = 780 FT

ELEVATION OF EFFECTIVE AQUIFER BASE = -201.50 FT NAVD
FROM SFWMD, THE BOTTOM OF THE SURFICAL AQUIFER
IN THIS AREA IS AT ELEVATION -201.5' NAVD

ELEVATION OF SEASONAL HIGH GROUNDWATER TABLE = 11.50 FT NAVD
AVERAGE EXISTING GROUND ELEVATION AND
NORMAL CONTROL ELEVATION OF THE WEST PALM BEACH CANAL

ELEVATION OF STARTING WATER LEVEL = 15.00 FT NAVD
(BOTTOM ELEVATION OF POND)

ELEVATION OF POND BOTTOM = 15.00 FT NAVD

AVERAGE EFFECTIVE STORAGE COEFFICIENT OF SOIL FOR UNSATURATED ANALYSIS
BOTTOM ELEVATION OF POND = 15.00 FT NAVD
WATER TABLE ELEVATION = 11.50 FT NAVD
DEPTH TO WATER TABLE = 3.50 FT

USING TABLE A-1 FOR COMPACTED SOIL, f = 0.155

UNSATURATED VERTICAL HYDRAULIC CONDUCTIVITY
SOILS ARE SAND TO SLIGHTLY SILTY SAND, USCS = SP, SP-SM
FROM TABLE A-2, K_h = 30.00 FT/DAY
K_v CAN BE ESTIMATED FROM K_h USING A FACTOR OF 1.5
K_v = 30.00 FT/DAY / 1.5 = 20.00 FT/DAY

**SURFACE WATER MANAGEMENT CALCULATIONS
FOR
FPL WCEC UNIT 3 EXPANSION**

SOUTH BASIN CONT.

FACTOR OF SAFETY FOR K_v (STANDARD VALUE) =	2	
SATURATED HORIZONTAL HYDRAULIC CONDUCTIVITY		
SOILS ARE SAND TO SLIGHTLY SILTY SAND, USCS = SP, SP-SM	30.00 FT/DAY	
FROM TABLE A-2, K_h =	30.00 FT/DAY	
AVERAGE EFFECTIVE STORAGE COEFFICIENT OF SOIL FOR SATURATED ANALYSIS		
25 YEAR - 3 DAY STAGE =	20.35 FT	NAVD
BOTTOM ELEVATION OF POND =	15.00 FT	NAVD
AVERAGE WATER ELEVATION IN POND =		
$\left[\frac{20.35 + 15.00}{2} \right] =$	17.68 FT	NAVD
WATER TABLE ELEVATION =	11.50 FT	NAVD
AVERAGE WATER DEPTH =	6.18 FT	
USING TABLE A-1 FOR COMPACTED SOIL, f =	0.22	
AVERAGE EFFECTIVE STORAGE COEFFICIENT OF POND (STANDARD VALUE)	1.00	
GROUND WATER CONTROL FEATURE		
THE WEST PALM BEACH CANAL IS LOCATED ALONG THE SOUTH PROPERTY BOUNDARY		
DISTANCE FROM TOP OF POND	300.00 FT	
WATER ELEVATION OF CANAL	11.50 FT	NAVD
FROM MODRET ANALYSIS THE PEAK STAGE IN THE POND IS = (STAGE IS LESS THAN THE ZERO DISCHARGE STAGE AS THE MODRET STAGE ACCOUNTS FOR THE INITIAL INFILTRATION INTO THE BOTTOM OF THE POND)	19.38 FT	NAVD
72 HOUR STAGE =	17.15 FT	NAVD
TOTAL VOLUME INFILTRATED =	1699528.0 FT ³ 39.02 AC-FT	
VOLUME REMAINING IN POND =	34.70 AC-FT	
25 YEAR -3 DAY RUNOFF VOLUME =	73.72 AC-FT	
ADD 25 YEAR - 3 DAY VOLUME TO REMAINING VOLUME		
TOTAL RESULTING VOLUME =	108.41 AC-FT	
NEW STAGE IN POND IS =	22.68 FT	NAVD
TOP OF POND ELEVATION =	23.0 FT	NAVD
OFF-SITE OVERFLOW ELEVATION =	23.75 FT	NAVD

SOUTH BASIN IS RETAINING 2 - 25 YEAR- 3 DAY BACK TO BACK STORMS

**SURFACE WATER MANAGEMENT CALCULATIONS
FOR
FPL WCEC UNIT 3 EXPANSION**

SOUTH BASIN CONT.

100 YEAR - 3 DAY RUNOFF VOLUME

$$\text{R.O. VOLUME} = \frac{[P - (.2 S)]^2}{[P + (.8 S)]}$$

S = 3.93 INCHES

P = 13.00 INCHES

R.O. = 9.24 INCHES

9.24 IN/12 IN/FT X 114.50 ACRES = 88.17 AC-FT

STAGE IN POND = 22.33 FT NAVD

MODRET

SUMMARY OF UNSATURATED & SATURATED INPUT PARAMETERS

PROJECT NAME : FPL WCEC UNIT 3 DRAINS SOUTH-SOUTH BASIN
POLLUTION VOLUME RUNOFF DATA USED
UNSATURATED ANALYSIS INCLUDED

Pond Bottom Area	566,280.00 ft ²
Pond Volume between Bottom & DHWL	3,211,041.25 ft ³
Pond Length to Width Ratio (L/W)	1.60
Elevation of Effective Aquifer Base	-201.50 ft
Elevation of Seasonal High Groundwater Table	11.50 ft
Elevation of Starting Water Level	15.00 ft
Elevation of Pond Bottom	15.00 ft
Design High Water Level Elevation	20.35 ft
Avg. Effective Storage Coefficient of Soil for Unsaturated Analysis	0.16
Unsaturated Vertical Hydraulic Conductivity	20.00 ft/d
Factor of Safety	2.00
Saturated Horizontal Hydraulic Conductivity	30.00 ft/d
Avg. Effective Storage Coefficient of Soil for Saturated Analysis	0.22
Avg. Effective Storage Coefficient of Pond/Exfiltration Trench	1.00

Hydraulic Control Features:

Groundwater Control Features - Y/N

Distance to Edge of Pond
 Elevation of Water Level

Top	Bottom	Left	Right
N	Y	N	N
0.00	300.00	0.00	0.00
0.00	11.50	0.00	0.00

Impervious Barrier - Y/N

Elevation of Barrier Bottom

Top	Bottom	Left	Right
N	N	N	N
0.00	0.00	0.00	0.00

Analysis Date: 11/14/2007

MODRET

SUMMARY OF RESULTS

PROJECT NAME : FPL WCEC UNIT 3 DRAINS SOUTH-SOUTH BASIN

CUMULATIVE TIME (hrs)	WATER ELEVATION (feet)	INSTANTANEOUS INFILTRATION RATE (cfs)	AVERAGE INFILTRATION RATE (cfs)	CUMULATIVE OVERFLOW (ft ³)
00.00 - 0.00	11.500	0.000 *		
			0.00000	
0.00	11.500	60.79459		
			43.79232	
2.30	19.379	26.79006		0.00
			13.59058	
4.09	19.233	12.83497		0.00
			12.07937	
5.88	19.104	11.46318		0.00
			10.84698	
7.66	18.987	10.34191		0.00
			9.83684	
9.45	18.882	9.41478		0.00
			8.99271	
11.24	18.785	8.63871		0.00
			8.28470	
13.02	18.697	7.98559		0.00
			7.68648	
14.81	18.614	7.42972		0.00
			7.17296	
16.60	18.537	6.95339		0.00
			6.73381	
18.39	18.465	6.54369		0.00
			6.35356	
20.17	18.397	6.18648		0.00
			6.01940	
21.96	18.333	5.87340		0.00
			5.72741	
23.75	18.271	5.59929		0.00

Analysis Date: 11/14/2007

MODRET

SUMMARY OF RESULTS

PROJECT NAME : FPL WCEC UNIT 3 DRAINS SOUTH-SOUTH BASIN

CUMULATIVE TIME (hrs)	WATER ELEVATION (feet)	INSTANTANEOUS INFILTRATION RATE (cfs)	AVERAGE INFILTRATION RATE (cfs)	CUMULATIVE OVERFLOW (ft ³)
			5.47118	
25.53	18.212	5.35757		0.00
			5.24395	
27.32	18.156	5.14093		0.00
			5.03790	
29.11	18.102	4.94564		0.00
			4.85338	
30.90	18.050	4.77100		0.00
			4.68862	
32.68	18.000	4.61353		0.00
			4.53844	
34.47	17.951	4.47011		0.00
			4.40178	
36.26	17.904	4.33808		0.00
			4.27438	
38.04	17.858	4.21744		0.00
			4.16050	
39.83	17.814	4.10792		0.00
			4.05534	
41.62	17.770	4.00392		0.00
			3.95249	
43.41	17.728	3.90757		0.00
			3.86264	
45.19	17.686	3.81949		0.00
			3.77634	
46.98	17.646	3.73675		0.00
			3.69716	
48.77	17.606	3.65881		0.00

Analysis Date: 11/14/2007

MODRET

SUMMARY OF RESULTS

PROJECT NAME : FPL WCEC UNIT 3 DRAINS SOUTH-SOUTH BASIN

CUMULATIVE TIME (hrs)	WATER ELEVATION (feet)	INSTANTANEOUS INFILTRATION RATE (cfs)	AVERAGE INFILTRATION RATE (cfs)	CUMULATIVE OVERFLOW (ft³)
			3.62047	
50.55	17.568	3.58426		0.00
			3.54805	
52.34	17.530	3.51486		0.00
			3.48168	
54.13	17.492	3.45036		0.00
			3.41904	
55.92	17.456	3.38799		0.00
			3.35694	
57.70	17.420	3.32856		0.00
			3.30018	
59.49	17.384	3.27242		0.00
			3.24466	
61.28	17.349	3.21753		0.00
			3.19039	
63.06	17.315	3.16708		0.00
			3.14377	
64.85	17.282	3.11904		0.00
			3.09431	
66.64	17.248	3.07171		0.00
			3.04911	
68.43	17.216	3.02616		0.00
			3.00321	
70.21	17.183	2.98274		0.00
			2.96228	
72.00	17.152			0.00

Maximum Water Elevation: 19.379 feet @ 2.30 hours

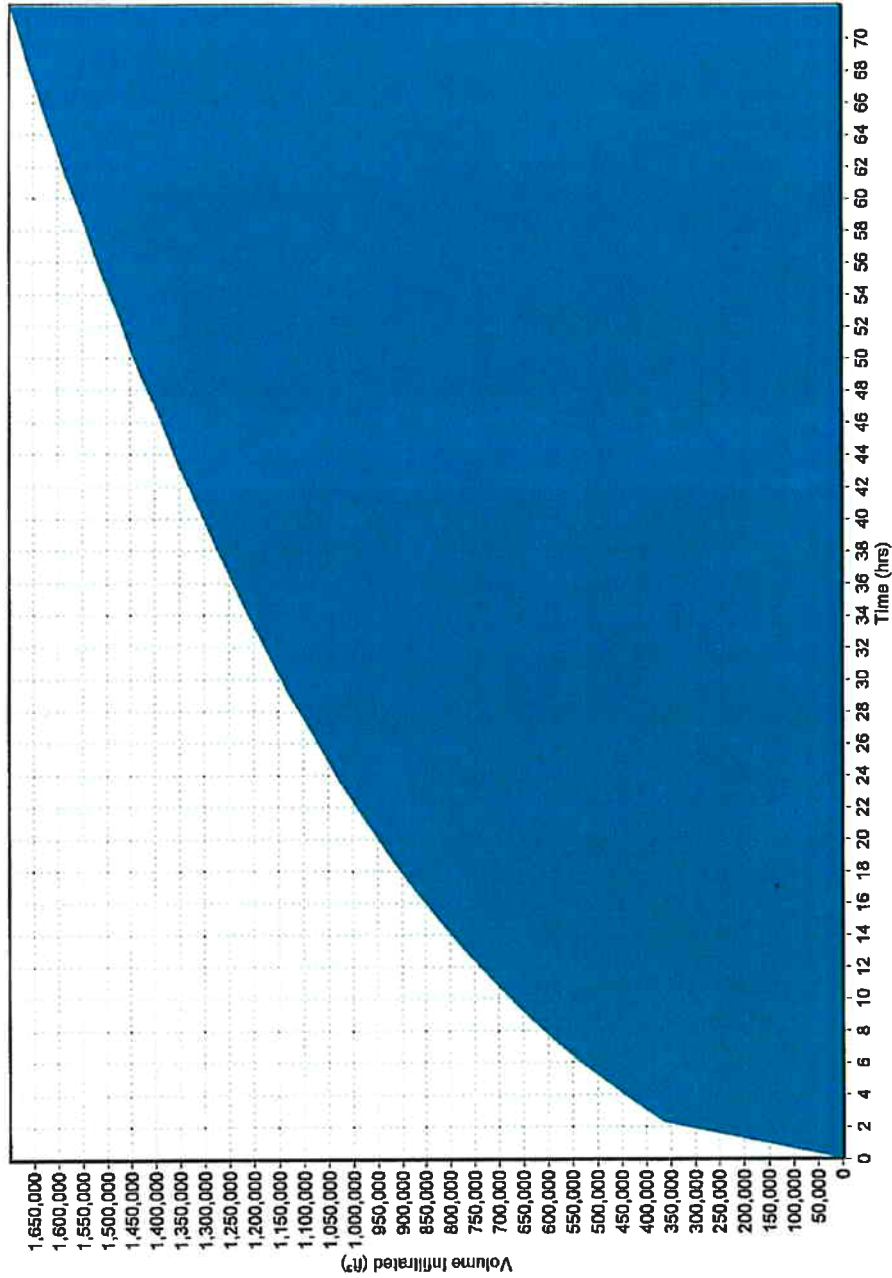
Recovery @ > 72.000 hours

* Time increment when there is no runoff

Maximum Infiltration Rate: 6.304 ft/day

Analysis Date: 11/14/2007

INFILTRATION : FPL WCEC UNIT 3 DRAINS SOUTH-SOUTH BASIN



Total Volume Infiltrated = 1,699,528 ft³

ATTACHMENT 10.7

WATER SUPPLY ALTERNATIVES ANALYSIS

APPENDIX 10.7

WATER SUPPLY ALTERNATIVES ANALYSIS

**FPL West County Energy Center Unit 3
Palm Beach County, Florida**

November 2007

1.0 INTRODUCTION

FPL is proposing to construct a third natural gas-fired combined cycle generating unit at the West County Energy Center (WCEC) Site. The site location is described in this Site Certification Application (SCA) in Chapter 2.0, the proposed facility including a water balance diagram is described in Chapter 3.0, and the construction and operational impacts are discussed in Chapters 4.0 and 5.0, respectively.

The Conditions of Certification for WCEC Units 1 and 2 authorize an annual average withdrawal of 5,550 million gallons per year (MGY) and a maximum monthly withdrawal of 605 million gallons per month (MGM) from the L10/L12 Canal and/or the Upper Floridan Aquifer (UFA) for cooling, service, and process water, subject to limitations specified in the Conditions of Certification. The WCEC Unit 3 annual average water demand will be 7.348 million gallons per day (MGD) (2,682 MGY) and the monthly maximum demand will be 10.111 MGD (313.44 MGM).

The conclusion reached in this analysis is that reclaimed water will be the primary water source for Unit 3, as long as the reclaimed water meets the quantity and quality requirements necessary to operate the plant within regulatory approvals. Reclaimed water will be used for cooling system makeup, and may be used for process, and service water (including fire protection) and for landscape irrigation. Reclaimed water used by the plant will meet all of the applicable requirements of Chapter 62-610, Florida Administrative Code (F.A.C.), including but not limited to, the requirements for cooling water applications found in Rule 62-610.668, F.A.C. Stormwater runoff that collects in onsite retention ponds may be recycled by pumping the water to the cooling towers, thus eliminating runoff to surface waters and minimizing water demands on other sources. When the South Florida Water Management District (SFWMD) determines that excess surface water is available from the L10/L12 Canal beyond the allocation for Units 1 and 2, WCEC Unit 3 may also use water from this canal as a secondary source for cooling, process, and service water. If reclaimed water cannot meet the quality or quantity requirements for plant operations, the UFA and potable water supplied by Palm Beach County will be backup water sources for Unit 3 cooling, process, and service water. Potable water for WCEC employees will be supplied by the WCEC potable water system. This system was authorized by the Site Certification for WCEC Units 1 and 2. Therefore, no additional groundwater allocation is required for WCEC Unit 3.

2.0 PROJECT WATER DEMAND AND CONSERVATION MEASURES

2.1 Water Demand

In general, the Project has three operating water demand requirements:

1. Makeup water to replace cooling tower evaporation and blowdown;
2. Process/service water, which is used primarily to make demineralized water for steam system makeup and for air emissions control, but also includes water used for fire protection and other minor uses; and
3. Potable water for use by employees.

A water-use diagram is presented in Section 3.5 of this SCA. The Project will also have water demands relating to construction. The following table summarizes the water demand requirements for the WCEC Unit 3 Project.

WCEC Unit 3	Annual Average (MGD)	Monthly Maximum (MG)	Maximum Daily (MG)
Cooling Water	7.045	298.78	9.638
Process Water	0.291	14.32	0.462
Potable Water ¹	0.012	0.36	0.012
Total Operational Demand	7.348	313.46	10.112
Construction Phase Demand	0.433	40.0	1.29

¹ Water source is WCEC potable water system. One third of the existing allocation is shown; no new allocation is required.

Stormwater runoff that collects in onsite retention ponds may be pumped to the cooling towers; thus eliminating runoff to surface waters and minimizing demands on other sources. Reclaimed water will be used for cooling system makeup, and may be used for process, and service water (including fire protection) and for landscape irrigation. Reclaimed water used by the plant will meet all of the applicable requirements of Chapter 62-610, F.A.C., including but not limited to, the requirements for cooling water applications found in Rule 62-610.668, F.A.C. Palm Beach County is providing 3.2 MGD of potable water to WCEC. This water source may be used as an alternative water source for the potable water system. It will also be used, along with water from the UFA, as a backup source for cooling, process, and service water, if the reclaimed water system can not meet the quantity and quality requirements of the Project. However, no additional allocation of groundwater will be required for Unit 3.

In addition, during wet to normal hydrologic conditions there is often significant excess surface water available in the nearby canals. WCEC is constructing inlet and intake structures and intake pumps to allow water withdrawals from the L10/L12 Canal. Surface water withdrawals from this source are currently authorized under the Conditions of Certification for Units 1 and 2, when the SFWMD Operations Department determines that water is available. The inlet structure and the intake pumps are designed with the capacity to provide water for Unit 3. Therefore, when the SFWMD determines that excess surface water is available from the L10/L12 Canal, beyond the allocation for Units 1 and 2, WCEC Unit 3 may also use water from this canal as a secondary source for cooling, process, and service water.

2.2 Water Conservation Measures

Combined cycle technology will be used at WCEC. With this technology the steam electric generation is only about 40 percent of the total generating capacity. The remaining 60 percent is produced by combustion turbines, which do not use water for condenser cooling. Consequently, this technology significantly reduces the requirement for cooling water. Because the combined cycle technology reduces the steam electric portion of the generating facility, it also reduces the amount of water required to make steam; thus, reducing the requirements for service water. It also provides the highest generation efficiency, with respect to conversion of fuel energy to electricity. This high efficiency minimizes fuel and water use and air emissions.

The most thermodynamically efficient cooling process for the steam cycle would be a once-through cooling system. This type of cooling system, however, has a very high water demand requirement. Closed-cycle cooling systems, such as the cooling tower proposed for the WCEC, will significantly reduce the amount of water that must be withdrawn from the environment and

maintain acceptable thermodynamic efficiency. Therefore, the most significant water use for the Project is the makeup water required to replace evaporation and blowdown from the closed-cycle recirculating condenser cooling system. Blowdown is the water that must be removed from the cooling system to maintain the circulating water quality, to control the buildup of dissolved solids left behind by the evaporation process.

The required water demand (i.e., cooling tower makeup flow and process water) depends on the source water quality and the cycles of concentration (makeup divided by blowdown) that can be achieved in the cooling tower. Based on available water quality information, FPL estimates that 6 cycles of concentration can be maintained in the cooling towers while using UFA water (worst-case scenario). Higher cycles of concentration may be achievable in the cooling towers with reclaimed water or surface water sources. If so, less makeup water will be required. Furthermore, the cooling towers will be designed and constructed to minimize unnecessary loss of water. This will include the use of high-efficiency mist eliminators and the performance of an in-service leak test of the system during commissioning.

The Project will utilize demineralized water for makeup to replace blowdown from the Heat Recovery Steam Generators (HRSGs), which is necessary to maintain low dissolved solids in the HRSGs. The required makeup water to the HRSGs will be minimized by using materials that minimize the required blowdown and by the recovery and reprocessing of water for reuse.

All systems that involve the use of water will be designed and commissioned to minimize water loss. This will include an in-service leak test, inspection, or hydro-test to ensure the system is leak tight. After commissioning, procedures will be in place to ensure that the systems are inspected on a regular basis and that a repair program is in place to repair any leaks quickly.

Other features in the plant design will include, when practical:

- Automatic shutoff valves,
- Flow restrictors,
- Low-volume sanitary facilities, and
- Low-maintenance landscaping design.

The Project will implement an awareness program for both construction and operations employees on water conservation for the facility. The awareness program will educate employees on water conservation methods, techniques, and requirements of in-place construction and operation procedures. Procedures for conservation will be developed before commencement of construction. Procedures for water conservation during plant operation will be developed prior to commissioning WCEC Unit 3. Procedures will be reviewed on an annual basis and updated as necessary.

3.0 POTENTIAL PROJECT WATER SUPPLY SOURCES

A description of potential water supply sources available in the area is presented in Section 2.3 of the SCA. Potential water supply sources for this Project include the following:

- Groundwater from the Floridan Aquifer and the Surficial Aquifer System,
- Surface water from the L10/L12 Canal,
- Surface water from the L8 Canal and the L8 reservoirs east of the Site,

- Surface water from the C-51 and the L13 Canals,
- Surface water from the nearby Palm Beach Aggregates (PBA) ponds (i.e., mine pits),
- Water from Palm Beach County,
- Reclaimed water from Palm Beach County, and
- Stormwater runoff from the Site.

The advantages and disadvantages of these water sources are discussed further below.

3.1 Groundwater Sources

Groundwater resources in the vicinity of the Site are described in Section 2.3 of the SCA. The aquifer that is most economically available is the Floridan Aquifer System, which is divided into Upper and Lower zones. The Upper Floridan Aquifer (UFA) in the area of the Site [approximate depth: 900 to 1,650 feet below ground surface (ft-bgs)] is brackish, or saline [i.e., by definition chloride concentrations are greater than 250 milligrams per liter (mg/L)]. In the UFA, total dissolved solids (TDS) range from 2,000 to 5,500 mg/L (chloride concentrations from 1,000 to 1,500 mg/L). Water from this zone can be used for cooling tower makeup with up to six cycles of concentration. Significant water treatment will be required for process water from this source. Hydrologic simulation modeling of the UFA conducted for WCEC Units 1 and 2 SCA (using the MODFLOW model) suggests that additional withdrawal for WCEC Unit 3 from the UFA will not likely cause harm to existing legal users, the environment, or the resource. Therefore, the UFA is considered, at this time, to be the best option for the Project, if reclaimed water is not available. Consequently, the UFA will be the backup source for reclaimed water.

The Lower Floridan Aquifer (LFA) is much more mineralized, with TDS concentrations from 5,000 to 24,000 mg/L and higher. Water from this zone would require significant treatment and the materials of construction in the cooling system would be very costly. Alternatively, using water from this zone would increase water demand and wastewater discharge in order to lower the cycles of concentration. Therefore, water from this zone is not considered suitable.

The surficial aquifer is much less productive than the Floridan aquifer. Consequently, this aquifer can not provide the required quantity of cooling tower makeup or process water. It can be used, however, as a supply for potable water. A hydrologic simulation model of the surficial aquifer was run for the Units 1 and 2 SCA using the MODFLOW model, and local/regional aquifer parameters obtained from literature and onsite monitoring well slug tests. The results showed that the surficial aquifer can provide the required potable water for all three Units (35,000 GPD), without causing harm to existing legal users, the environment, or the resource. The Conditions of Certification for Units 1 and 2 authorize an average annual withdrawal of 12.78 MGY (35,000 GPD) from the surficial aquifer for potable water.

3.2 Surface Water Sources

Potential surface water sources in the vicinity of the Site include:

- L10/L12, L8, C-51, and L13 Canals;
- L8 storage reservoirs; and
- PBA's ponds northwest of the Site.

These canals and storage reservoirs are located in the SFWMD Lake Okeechobee and Palm Beach County Service Areas and are part of the regional water supply and flood control water conveyance system managed by the SFWMD. The L10/L12 Canal is the nearest major surface water conveyance to the Site. It runs southeast from Lake Okeechobee and connects to Water Conservation Area 1 and the C-51 Canal near Pump Station S-5A, which is located southeast of the Site. The L-8 Canal also originates at Lake Okeechobee and runs southeast to a point northeast of the Site and from there it runs south (east of the Site) to the West Palm Beach Canal. Lake Okeechobee has a surface area of 740 square miles and receives flow from the entire Kissimmee River Basin in Central Florida. Historically, there have been many times when excess flow must be discharged from Lake Okeechobee. During wet to normal hydrologic periods, water is discharged through these canals to prevent flooding and to maintain storage capacity in Lake Okeechobee.

Since the L10/L12 and the L8 Canals are part of the SFWMD system, flows and water levels in these canals are controlled by the SFWMD Operations Department: 1) by releasing water from Lake Okeechobee, 2) by water control structures on the canals, and 3) by pumping at the S-5A pump station and other pump stations. Based on historical data from the United States Geological Survey (USGS) Station 02278450, the average flow in the L10/L12 Canal for the period from 1957 to 2003 was 409 cubic feet per second (cfs). Over a similar period, flow through the L8 Canal was 138 cfs; and flow over Structure S-5AE, from the Lake Okeechobee Basin into the C-51 Canal, was 166 cfs. In other words, historically, about 30 percent of the combined flows from the L10/L12 and L8 Canals have been discharged to the C-51 Canal. The average historical flow in the L10/L12 Canal (409 cfs) has been approximately 12 times the average withdrawal rate for the WCEC (34.88 cfs projected for all three Units), and the maximum historical flow (4,000 cfs) has been 87 times the maximum daily WCEC combined demand (45.80 cfs). Similarly, the average flows in the L8 and the C-51 Canals have been 4 to 5 times the average WCEC demand. Clearly, when water is available, the total WCEC water demand can be physically supplied by the L10/L12, L8, or C-51 Canals.

Flows in these canals, however, are highly variable and the operation schedules are subject to change. Maximum flows in the L10/L12 Canal have exceeded 4,000 cfs; but about 40 percent of the time, the historical flow in the L10/L12 Canal has been zero or negative (i.e., sometimes the flow is west toward Lake Okeechobee). While a significant portion of the flow in the L10/L12 and the L8 Canals is likely associated with water deliveries to existing permitted users and to Water Conservation Area 1, there also is little doubt that a significant portion of the flow, especially during wet periods, is excess stormwater that is routed through the L8 and the L10/L12 Canals to the C-51 Canal to prevent flooding in the basins and to manage water levels in Lake Okeechobee. WCEC can utilize this excess flow when it would otherwise be discharged to the Lake Worth Lagoon. Consequently, an inlet structure and intake are being constructed on the L10/L12 Canal, as part of WCEC Units 1 and 2 Project. This same intake system can be used to withdraw water for Unit 3.

Most of the water discharged to the C-51 Canal from the Lake Okeechobee basin and runoff from the local C-51 drainage basin eventually flows to Lake Worth Lagoon near the City of Lake Worth. Recent C-51 basin improvements, including Stormwater Treatment Area 1 East (STA-1E), Structure S-155A, and Pump Station S-319, have decreased flows to the east from the C-51 western basin. Data from September 20, 2004, through October 15, 2007, (post-improvements) show an average flow at S-155A of 310 cfs and an average flow through Pump Station S-319 of 67 cfs. In other words, even with recent improvements to the C-51 basin, 82 percent of the excess flow in the western C-51 Canal is still flowing to Lake Worth Lagoon. Consumptive water use from the C-51 Canal by WCEC would reduce excess flow and the

associated nutrient and pollutant loads to the Lake Worth Lagoon. However, during drought conditions, when water availability could be limited in the L10/L12 Canal, water supplies from this canal would also be limited. Furthermore, to obtain water from this source would require construction of an additional inlet, pump station, and pipeline; and the pipeline would have to cross existing highways and canals. Therefore, based on considerations of cost, reliability, and potential environmental impact, this surface water source was not considered further.

Another potential surface water source in the vicinity of the Site is the Cross Canal (L13) that connects the Hillsboro and the West Palm Beach Canals. Water quality in this canal is expected to be about the same as in the other canals. While water supplies may be available from this canal, the access point is further from the Site. During drought conditions, when water availability could be limited in the L10/L12 Canal, water supplies from this canal would also be limited. Furthermore, to obtain water from this source would require construction of an additional inlet, pump station, and pipeline; and the pipeline would have to cross existing highways and canals. Therefore, based on considerations of cost, reliability, and potential environmental impact, this surface water source was not considered further.

Adjacent to the WCEC Site are several surface water reservoirs (L8 Reservoirs) operated by the SFWMD (east of the Site) and proposed "Western L8 Reservoir" currently owned and operated by PBA as a mine (north and west of the Site). When operated as water storage reservoirs, these facilities may need to discharge water to the regional canal system or let excess water flow to tide during the wet season in order to maintain appropriate freeboard conditions. WCEC could use excess water from these sources as an alternative cooling water supply, when and if the water is made available. This would minimize the frequency and quantity of discharges from these facilities to surface waters and could minimize fresh water discharges to Lake Worth Lagoon during the wet season.

3.3 Reclaimed Water

Reclaimed water can be used for a wide variety of purposes including cooling, industrial processes, and irrigation. Detailed rules governing reuse that are fully protective of public health and environmental quality are found in Chapter 62-610, F.A.C.

The Project is located within the jurisdiction of the SFWMD. Therefore, applications for Consumptive Use Permits are subject to Chapter 40E-2, F.A.C. According to this Rule, the application is subject to review based on the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District" (September 13, 2007). According to a map published by Palm Beach County Water Utilities Department, the Project is not located within a "Mandatory Reclaimed Service Area". The Project, however, is located within the SFWMD "Critical Water Supply Problem Area." According to the Basis of Review, in this area reclaimed water must be used unless the applicant demonstrates that such use is not environmentally, technically, or economically feasible.

When WCEC Units 1 and 2 were permitted, the closest reclaimed pipeline was 22.5 miles from the Project, making the use of reclaimed water both technically and economically infeasible. During the development of WCEC Unit 3, FPL has been working with Palm Beach County to develop reclaimed water as a viable water alternative. Palm Beach County is currently developing plans to provide reclaimed water to the Site – thus FPL, under the SFWMD rules, will be required to use the water as long as it meets the quality and quantity required to operate the Project within applicable permit requirements.

Since an underground injection control (UIC) well system, which is permitted as a Class 1 well through the Florida Department of Environmental Protection (FDEP), will be used to discharge all wastewater from the Project, the discharge of reclaimed water should not be an issue. Currently, the treated wastewater from the Palm Beach County East Central Regional Plant, that will provide the reclaimed water for WCEC Unit 3, is being injected into a Class I UIC well system.

Palm Beach County has determined that 10.1 MGD of reclaimed water required for the Project will be available. A preliminary review of water quality data provided by Palm Beach County indicates that reclaimed water quality should be acceptable for use by the Project. Therefore, if reclaimed water is delivered to the Site, the use of reclaimed water should be both environmentally and technically feasible. Reclaimed water can be used for cooling system makeup, process, and service water (including fire protection) and for landscape irrigation. The reclaimed water used by the plant must meet all of the applicable requirements of Chapter 62-610 F.A.C., including but not limited to, the requirements for cooling water applications found in Rule 62-610.668, F.A.C. Therefore, to deliver reclaimed water to the WCEC Site, Palm Beach County must upgrade their East Central Regional Wastewater treatment facility and construct a 14-mile pipeline to the WCEC Site. Palm Beach County will construct, own, and operate these reclaimed water facilities. While final economic feasibility remains to be determined, it appears at this time that the option to use reclaimed water for Unit 3 is feasible.

3.4 Excess Stormwater Reuse

Stormwater from the Site will be collected in retention basins designed to hold runoff from the 100-year 72-hour storm event. The water that is collected may be pumped back to the plant for reuse as cooling tower make-up.

4.0 WATER SUPPLY ALTERNATIVES ANALYSIS

4.1 Cooling Water

Based on considerations of cost, system reliability, potential environmental impact, and public perception, reclaimed water is the best cooling water supply option for the WCEC Unit 3. If for any reason reclaimed water cannot meet the quality or quantity requirements for plant operations, the UFA and/or potable water supplied by Palm Beach County will be used as backup water sources for the Unit 3 cooling water system. Stormwater runoff that collects in onsite retention ponds may be recycled by pumping the water to the cooling towers, thus eliminating runoff to surface waters and minimizing water demands on other sources. When the SFWMD determines that excess surface water is available from the L10/L12 Canal beyond the allocation for Units 1 and 2, WCEC Unit 3 may also use water from this canal as a secondary source for cooling water.

4.2 Process Water

Process water used in the power plant requires significantly more treatment than cooling water, but the quantities of water required are much less. Therefore, while any of the water sources discussed above could be used; fresh water sources are preferred because the treatment costs and the quantity of waste generated are less. The primary source for process water will be reclaimed water. The primary source for service water will be water from Palm Beach County. If for any reason reclaimed water cannot meet the quality or quantity requirements for plant operations,

potable water supplied by Palm Beach County and/or UFA water will be used as backup water sources for the Unit 3 process water system.

4.3 Potable Water

The potable water for Unit 3 will be supplied by the WCEC potable water system. The source water for this system will be the surficial aquifer or Palm Beach County. No additional potable water allocation is required for Unit 3.

4.4 Landscape Irrigation Water

Landscape irrigation will be supplied from reclaimed water or from storm water.

5.0 Conclusions

The conclusions reached from this analysis are:

- Combined cycle technology will be used at WCEC. This technology reduces steam electric generation to 40 percent of the facility's total generating capacity. This significantly reduces the requirement for condenser cooling water and reduces the amount of water required to make steam (thus reducing the requirements for process/service water). This technology also provides the highest generation efficiency, with respect to conversion of fuel energy to electricity. The high efficiency minimizes fuel use and air emissions.
- Mechanical draft cooling towers are proposed for steam cycle cooling on all units at WCEC. Relative to once-through cooling systems, closed-cycle wet cooling towers significantly reduce the amount of water that must be withdrawn from the environment and maintain acceptable thermodynamic efficiency.
- The cooling towers will be designed and constructed to minimize unnecessary loss of water, including the use of high-efficiency mist eliminators.
- The primary water source for the WCEC Unit 3 power plant will be reclaimed water. Therefore, no additional allocation of groundwater from the UFA will be required for Unit 3.
- The reclaimed water used by the plant will meet all of the relevant requirements of Chapter 62-610, F.A.C., including but not limited to the requirements for cooling water applications found in Section 62-610.668.
- If for any reason reclaimed water cannot meet the quality or quantity requirements for plant operations, the UFA and the Palm Beach County potable water supply will be backup water sources for Unit 3 cooling, process, and service water.

- When the SFWMD determines that excess surface water is available from the L10/L12 Canal beyond the allocation for Units 1 and 2, WCEC Unit 3 may also use water from this canal as a secondary source for cooling, process, and service water.
- The WCEC potable water supply will be obtained from the surficial aquifer or from Palm Beach County. Previously authorized onsite surficial aquifer wells are capable of supplying the necessary water without adversely impacting existing legal users, the environment, or the water resources of the area.
- When available, stormwater runoff that collects in the onsite retention basins may be recycled as makeup water for the cooling tower.

APPENDIX 10.8

CLIMATE CHANGE AND FPL'S GREENHOUSE GAS STRATEGY

APPENDIX 10.8

CLIMATE CHANGE AND FPL'S GREENHOUSE GAS STRATEGY

Florida Power & Light Company (FPL) is the principal subsidiary of FPL Group, Inc., nationally known as a high quality, efficient, and customer-driven organization focused on energy-related products and services. FPL Energy, Inc., FPL Group's energy-generating subsidiary, is a leader in producing electricity from clean and renewable fuels.

FPL Group recognizes that climate change is the most significant environmental issue facing the nation and believes the threat of major, long-term environmental and economic damage from climate change is real. Because of this, FPL Group has taken a leadership role to address this important issue and the call for action for a national climate change policy. The decision to step into the forefront of this issue goes hand-in-hand with FPL Group's longtime commitment to managing operations with sensitivity to the environment.

Part I of this appendix highlights the specific actions that FPL is taking now in Florida to address climate change and how the West County Energy Center (WCEC) Unit 3 will be incorporated into FPL's solutions for global climate change. In fact, the addition of WCEC Unit 3 will contribute to an overall increase in efficiency of FPL's generation portfolio, thereby reducing the expected system-wide carbon dioxide (CO₂) emissions. Part II highlights the multiple alliances that FPL Group has joined to address climate change and FPL Energy's leading role in generating electricity from renewable fuels.

PART I. FPL'S COMMITMENT TO REDUCING GREENHOUSE GAS EMISSIONS IN FLORIDA

FPL is committed to addressing global climate change. Subject to timely receipt of all necessary permits and regulatory approvals (for which FPL has already filed some applications), FPL will:

- Develop, design, construct, and operate a wind project with a capacity of up to 21 megawatts (MW) at or near the FPL St. Lucie Power Plant site, or other approved sites in Florida, by December 31, 2009.
- Develop, design, construct, and operate a solar demonstration project with a capacity of up to 10 MW at the FPL Martin Power Plant site, or other approved site in Florida, by December 31, 2009.

- Upon successful completion of the solar demonstration project and obtaining corporate governance approval, FPL will develop, design, construct, and operate solar generating facilities with capacity of up to 300 MW in Florida by December 31, 2012.

INCORPORATING WEST COUNTY ENERGY CENTER INTO FPL'S COMMITMENT TO ADDRESS GLOBAL CLIMATE CHANGE

FPL has taken into account the CO₂ emissions from WCEC Unit 3 that would be emitted in order to meet customers' energy needs. Using natural gas as the primary fuel and the use of the most efficient combined cycle technology will result in one of the lowest CO₂ emission rates on a pound-per-megawatt-hour (lb/MW-hr) basis of any fossil fuel-fired power plant in the country.

As a result of the addition of WCEC Unit 3, FPL's estimated overall system efficiency is expected to improve by 1.5 percent. For the first 5 years of operation of WCEC Unit 3, this overall efficiency improvement is expected to result in an average system-wide reduction in CO₂ emissions of about 1,852,000 tons per year.

The addition of WCEC Unit 3 to the FPL generation fleet, along with the potential avoided CO₂ emissions from the wind and solar commitments, will result in expected system-wide CO₂ emission reductions of about 2,000,000 tons per year.

<u>Action</u>	<u>Estimated CO₂ emissions reductions</u>
Addition of WCEC Unit 3	1,852,000 tons per year
Up to 21 MW wind project	15,000 tons per year
Up to 10 MW solar thermal project	14,300 tons per year
Up to 300 MW solar throughout Florida	213,000 tons per year
<u>Overall CO₂ emissions reductions</u>	<u>2,094,300 tons per year</u>

Highly efficient generating facilities such as WCEC will assist Florida and FPL in achieving the CO₂ reduction goals stated by Governor Crist and maintaining electric generation reliability. As previously described, in addition to the WCEC Unit 3 generation facility, FPL has committed to

build new zero-emitting wind and solar facilities in Florida. These new facilities combined with base load electric generation from WCEC Unit 3 will provide low and zero emitting electric generation and help to achieve generation diversity in Florida.

The natural gas-fired combined cycle technology proposed for WCEC Unit 3 has been identified by the State of California as the benchmark for its fossil-fired electric generation technology. The passage of SB 1368 required the State of California Public Utilities Commission (CPUC) and the California Energy Commission to establish a “gateway” CO₂ emissions performance standard for new long term base load power purchase contracts. Electric generation units under these contracts can not “...exceed the rate of emissions of greenhouse gases for combined cycle natural gas...”. This emissions performance standard was set at 1,100 lb/MW-hr and went into affect February 1, 2007 for CPUC approved contracts. The CO₂ emission rate for WCEC will be approximately 750 lb/MW-hr, which is significantly less than the California proposed standard. In comparison, the average CO₂ emissions rate for electric generation in Florida in 2005 was 1,304 lb/MW-hr, 42 percent higher than the WCEC Unit 3 CO₂ emissions rate.

For the future, FPL is committed to helping meet CO₂ emissions reduction goals that may be established by the State of Florida. The company will continue to pursue agency and non-governmental organization partnerships to identify less carbon intensive forms of generation; and to identify technologies for capturing and sequestering carbon through deep well injection.

GOVERNOR’S 2007 EXECUTIVE ORDERS ON CLIMATE CHANGE

In July 2007, Governor Charlie Crist signed Executive Order 07-127 stating Florida greenhouse gas emission reduction targets as follows: by 2017, reduce greenhouse gas emissions to 2000 levels; by 2025, reduce greenhouse gas emissions to 1990 levels; by 2050, reduce greenhouse gas emissions by 80 percent of the 1990 levels. That Executive Order also directs the Secretary of the Florida Department of Environmental Protection (FDEP) to immediately develop rules to establish maximum allowable emissions levels for greenhouse gases from electric utilities in Florida that would require, at a minimum, three reduction milestones as follows: by 2017, emissions not greater than Year 2000 utility sector emissions; by 2025, emissions not greater than Year 1990 utility sector emissions; by 2050, emissions not greater than 20 percent of Year 1990 utility sector emissions. Governor Crist also signed Executive Order 07-128, establishing a Climate Action Team on Energy and Climate Change to review alternatives for reducing greenhouse gas emissions in Florida. This team issued its

Phase 1 report on November 1, 2007. The report recognizes that new, clean, low-carbon emitting natural gas-fired generation will remain an important part of Florida's near term electric generation.

FPL RENEWABLE ENERGY ACTIVITIES IN FLORIDA

In an effort to add new renewable energy resources, FPL is pursuing several initiatives in Florida. FPL's Renewable Energy Strategy Team is actively pursuing renewable energy technologies that may be suitable for the state. FPL believes that greater use of conservation and cost-effective renewable resources is good for the United States and that the ongoing evaluation and implementation of emerging clean energy technologies is a necessary pursuit. In addition to the aforementioned commitments, the following renewable energy activities are also underway in Florida:

- FPL is currently involved in activities to maintain and add renewable resources produced by generators that produce electricity from biomass and municipal waste. FPL anticipates that 143 MW of renewable purchase contracts currently set to expire in the 2009–2011 timeframe will be extended. Also, FPL plans to add up to 144 MW of new renewable purchase offerings submitted to FPL in response to FPL's 2007 Renewable Energy Request for Proposals.
- FPL is exploring technologies that produce electricity from ocean currents, a potentially significant resource for Florida. The technology is in its infancy and is likely to be at least a decade away from commercial viability. FPL will work with the Florida Center of Excellence in Ocean Technology and other technology developers to explore the Gulf Stream (the most energy-dense ocean current) as an abundant renewable energy source.

In another commitment to renewable fuels, FPL will replace select passenger vehicles with hybrid-powered vehicles. FPL also has been at the forefront of a national industry program to develop hybrid line trucks that are capable of running in pure electric or conventional mode, or a combination of both, and has committed to an all-hybrid service fleet as soon as they become commercially available. FPL deployed three prototype diesel-electric bucket trucks in 2006 and will deploy an additional five in 2007. These trucks have reduced fuel consumption, when compared to a standard gasoline-powered truck in FPL's fleet, by an average of 55 percent.

FPL has been using a B20 biodiesel mix in increasing amounts since 2001. During the last 12 months, FPL has used approximately 2 million gallons of biodiesel made from soybean oil. This has reduced CO₂ emissions by 20 percent per truck.

FPL CUSTOMER ENERGY CONSERVATION PROGRAMS

FPL is the nation's leader among electric utilities for its partnership with customers in conservation and No. 4 in energy management (based on 2005 U.S. Department of Energy data, the latest available). With FPL facing continued customer growth and growth in the usage among existing customers, energy conservation programs are integral to helping keep customer rates stable while providing reliable service.

Since 1981, customers have participated more than 5.2 million times in FPL's industry-leading conservation and energy management programs. For example, more than 2.2 million customers have had a Home Energy Survey, and many have participated in multiple programs. FPL's nationally recognized leadership in the implementation of demand side management (DSM) within its system has avoided the need to build the equivalent of 11 medium-sized power plants. The energy saved by FPL's DSM programs represented more than 3,800 GWh (3.8 billion KWh) in 2006 and ultimately allowed FPL to avoid the emissions of more than 2.2 million tons of CO₂. The results to date include:

Residential

- More than 2,254,000 energy surveys performed
- 732,000 building envelope program participants
- 1,094,000 high-efficiency air-conditioning program participants
- 404,000 duct tests and repairs
- 742,000 On Call® participants

Business

- 106,000 energy surveys performed
- 258 MW of efficient lighting
- 293 MW of high-efficiency air-conditioning/heating
- 49 MW of building envelope retrofits

From 1998 to 2007, FPL's investment in customer programs to reduce energy demand will exceed \$1.5 billion. In 2006 alone, FPL invested more than \$104 million in conservation and load management incentives. FPL offered revised and new demand management programs to both residential and business customers in 2006 and expects these programs will enable FPL to forego the building of at least another three medium-sized power plants through 2014.

FPL offers its customers programs that provide year-round, energy-saving services such as air conditioning duct tests and repairs, free home energy surveys and cash incentives to upgrade to more efficient insulation, central air-conditioning, and roofs. The company also offers business customers a free Business Energy Evaluation and incentives for installation of energy-efficient cooling/heating and lighting systems, roofs, insulation, and window treatments. In 2006, FPL added two business incentive programs for efficient water heating and refrigeration.

NEW CUSTOMER ENERGY CONSERVATION PROGRAMS IN 2007

In late summer 2007, FPL began giving one compact fluorescent lamp (CFL) to residential customers who took part in a Home Energy Survey and two CFLs to business customers who underwent a Business Energy Evaluation. FPL is also giving away four CFLs each to low-income customers identified by our partner agencies to help these families reduce their energy usage.

FPL is evaluating solar technologies in order to potentially begin offering incentives to residential customers for the installation of solar water heaters and solar photovoltaic panels. These programs will require regulatory approval from the Florida Public Service Commission prior to introduction.

FPL has received approval from the Florida Public Service Commission to implement a pilot of programmable thermostat options for the On Call program. The small-scale test program will evaluate the benefits of a new generation of programmable communicating thermostats to help put residential customers in charge of decisions that could lower their energy costs. In return for the free thermostat, participants will agree to allow FPL to cycle off their air conditioning equipment during system peaks.

In July 2007, FPL began offering a new Online Business Energy Evaluation as a quick, easy-to-use, and free way to help business customers control electricity usage and save money. The do-it-yourself interactive energy survey at www.FPL.com offers practical energy-saving recommendations customized to each customer's business and building type.

Through the Weatherization Assistance Program, FPL works with non-profit agencies and community groups to provide funding for the installation of weatherization measures such as weather-stripping, caulking, and air-conditioning maintenance for low-income customers.

In addition, FPL provides optional “load management” programs that help reduce power usage by predictable and specific levels during times when energy demands are highest. These On Call® programs allow participating residential and business customers to receive a credit on their electric bills for allowing FPL to occasionally “interrupt” major appliances.

Another program, FPL BuildSmart®, is available to homebuyers who are increasingly interested in green building. It’s FPL’s new construction program that certifies homes to be more energy efficient than the Florida Energy Code. BuildSmart homes are built to a higher standard of energy efficiency – offering savings up to 30 percent on energy bills, compared to homes that simply comply with code. Energy efficiency upgrade options include high-efficiency air-conditioning, sealed air-conditioning ducts, programmable thermostats, upgraded ceiling insulation, and radiant barriers. FPL’s energy experts partner with the builder to plan, inspect, and test the new home’s energy-using systems. Since that program launched in 1995, more than 16,000 BuildSmart homes have been constructed and certified.

In addition, FPL incorporates ENERGY STAR® standards into our BuildSmart® program. Homes that earn the ENERGY STAR must meet guidelines for energy efficiency set by the U.S. Environmental Protection Agency (EPA). ENERGY STAR-qualified homes are at least 15 percent more energy efficient than homes built to the 2004 International Residential Code (IRC). In 2004, the Department of Energy and the EPA selected FPL’s BuildSmart program to receive the ENERGY STAR Outstanding Achievement Award.

FPL is committed to helping our customers use energy more wisely. We anticipate meeting about 25 percent of the future electricity needs of our customers through continued and enhanced Demand Side Management efforts over the next decade.

THE ROLE OF UTILITIES AND HOW FPL COMPARES

FPL has invested significantly in making its existing Florida power plants more efficient and building new, highly efficient plants to meet the current needs of FPL customers and future growth in energy demand. FPL’s fuel mix is diversified, but more than half of the electricity that FPL supplies today is generated from cleaner natural gas and a fifth is from nuclear. This starkly contrasts to the total United States fuel mix used to generate electricity – with coal producing about half of the nation’s electricity.

Electric utilities did not single-handedly create the problem of climate change, nor will FPL be able to solve the problem alone. FPL recognizes that voluntary action, by itself, in the energy industry will not be enough. It is also necessary to ensure that system reliability is maintained and that prices remain stable for utility customers. FPL doesn't believe the solution is to outlaw certain fuels or to mandate a reduction in electricity usage. Rather, the answer is a combination of solutions, including conservation, generation from renewable fuels, nuclear and cleaner fossil generation, and carbon capture and storage technologies – all executed within a program that encourages innovation in technology and rewards clean and efficient generation.

FPL'S RECORD OF AIR EMISSIONS REDUCTIONS

Over the past decade, FPL has voluntarily made significant reductions in power plant emission rates. Today FPL Group's emission rates of CO₂ are among the lowest of all power generators in the United States (Figure 1). Since 1990, FPL Group has increased generation by an additional 94 million megawatt-hours (MW-hr) – a 300-percent increase – while reducing CO₂ emission rates by over 45 percent.

FPL is also the nation's leader in "Repowering" – that is, converting older oil-burning power plants to modern highly efficient natural gas operations, significantly increasing the efficiency of many of its plants while reducing emissions.

In addition, in agreements with the FDEP, FPL has installed pollution-prevention technology that substantially reduces particulate emissions at one plant and ozone-forming emissions at a second plant.

FPL'S EXISTING NUCLEAR GENERATION HAS AVOIDED GREENHOUSE GAS EMISSIONS

FPL's generating fleet includes considerable nuclear generating capacity and nuclear additions are planned for the future. The operation of FPL's existing nuclear units has resulted in a significant amount of air emissions being avoided as compared to the same amount of electric generation being produced using fossil fuels.

To place these avoided CO₂ emissions in perspective, it is important to consider the magnitude of such emissions in Florida. FDEP has estimated that in 2003 the CO₂ emissions from all sources including electrical generation and transportation were about 250 million tons. FPL's nuclear units in 2003 avoided about 6 to 10 percent of Florida's total CO₂ emissions. The avoided emissions from FPL's nuclear units are considerable by any measure.

FPL Groups overall emissions profile, when all generation facilities are considered, is one of the lowest in the country (Figure 2). Although FPL has one of the cleanest fossil fuel-fired fleets, FPL's nuclear units have further served to significantly decrease FPL's air emissions profile when all sources of generation are considered. FPL's nuclear units have, in effect, reduced emissions across FPL's system with an overall air emissions reduction of about 30 percent.

FPL'S PLANNED ADDITION OF NUCLEAR GENERATION WILL HELP MEET FLORIDA'S GREENHOUSE GAS GOALS

FPL future generation plans include nuclear uprates and two new nuclear units. FPL's nuclear uprate projects involve improvements at the existing Turkey Point Units 3 and 4 and St. Lucie Units 1 and 2 to add about 100 MW per unit or 400 MW total in 2011 and 2012. These nuclear uprates combined will result in avoided CO₂ emissions of approximately 1,208,900 tons/year.

The proposed new nuclear units, Turkey Point Units 6 and 7 would add at least 1,100 MW per unit beginning in the 2018-2020 timeframe. These nuclear units combined will result in avoided CO₂ emissions of approximately 7 to 17.6 million tons/year.

A 25-YEAR COMMITMENT TO RECYCLING

FPL is committed to recovering and reselling discarded materials cost effectively. FPL Group's Corporate Recycling & Services department manages the recycling, reuse, refurbishment, and reduction of 100 types of waste products at more than 65 facilities. Created in 1981, FPL has its own recycling center to process scrap wire and cable. As one of the first utilities in the United States to establish a recycling department, FPL continually consults with other utilities and salvage operations to offer environmentally conscious, proactive, and cost-effective alternatives to the ever-increasing landfill problem. FPL's recycling efforts from 2001-2005 avoided the emission of more than 350,000 tons of CO₂ that would have otherwise been generated from producing new material for use.

PART II. FPL GROUP'S COMMITMENT TO ADDRESS GLOBAL CLIMATE CHANGE

In June 2007, FPL Group Chairman and Chief Executive Officer Lew Hay testified before the Senate Committee on Environment and Public Works about how utilities can be part of the solution to the challenge of global warming. On Capitol Hill, he proposed that the simplest and most effective solution that protects the economy:

- Sets a market price for carbon that is reflected in the price of every good and service consumed throughout the economy.
- Applies the carbon fee to all industry sectors as well as import- and export-sensitive industries.
- Allows companies to avoid paying the carbon fee by not emitting carbon – exactly the behavior FPL wants to encourage.

FPL Group has analyzed the issues and has published a report on its conclusions: “U.S. Climate Policy: Pricing Carbon, Preserving the Environment, Protecting the Economy” (2007).

In 2003, FPL Group was the first electric company to join the EPA “Climate Leaders” program. As a participant, FPL Group committed to achieving an 18-percent reduction in its CO₂ emissions rate—the main greenhouse gas blamed by scientists for warming the Earth – by 2008, compared to a 2001 baseline. FPL Group has already achieved, and in fact, surpassed that goal.

FPL Group is also a Pioneer Partner in the World Wildlife Fund’s “PowerSwitch” program, which is designed to reduce greenhouse gas emissions through the use of cleaner fuels and more efficient electricity generation. FPL Group has committed to a 15-percent improvement in the efficiency of its power plants by 2020, from a 2000 baseline. This will avoid 19 million tons of CO₂ emissions annually.

What FPL Group is doing out of respect for the environment has not gone unnoticed. In September 2006, FPL Group was named “Best in Class” in the prestigious Climate Leadership Index and honored among Fortune 500 companies for its approach to climate change in a report issued by the Carbon Disclosure Project.

FPL GROUP'S PARTNERS IN ADDRESSING CLIMATE CHANGE

FPL Group has joined multiple alliances to strengthen the call for action on a comprehensive approach to climate change, including the following.

The Climate Group – FPL Group has joined the Climate Group, an independent, nonprofit organization dedicated to advancing business and government leadership on climate change. Proactive companies, states and cities around the world are demonstrating that cuts in greenhouse gases required to stop climate change can be achieved while growing the bottom line.

The Carbon Disclosure Project – The Carbon Disclosure Project (CDP) is an independent not-for-profit organization that seeks information on the business risks and opportunities presented by climate change and greenhouse gas emissions data from the world's largest companies. Each year, FPL Group voluntarily provides information to the CDP for disclosure on their website to facilitate the activities of policymakers, consultants, accountants and marketers. CDP has become the gold standard for carbon disclosure methodology and process and is the largest repository of corporate greenhouse gas emissions data in the world.

United States Climate Action Partnership (USCAP) – In January 2007, FPL Group joined a diverse group of United States-based businesses and leading environmental organizations calling upon the federal government to quickly enact mandatory economy-wide legislation to achieve significant reductions of greenhouse gas emissions. USCAP members believe any delay today in action to control emissions increases the risk of unavoidable consequences that could require even steeper reductions in the future.

In January 2007, USCAP issued a landmark set of principles and recommendations to highlight the urgent need for a policy framework on climate change. The solutions-based report, titled *A Call for Action*, lays out a blueprint for a mandatory economy-wide, market-driven approach to climate protection.

Global Roundtable on Climate Change – FPL Group has also endorsed the Joint Statement of the Global Roundtable on Climate Change (GROCC). GROCC brings together more than 150 critical stakeholders from all regions of the world – including senior executives from the private sector and leaders of international governmental and non-governmental organizations – to discuss and explore

areas of consensus regarding core scientific, technological, and economic issues critical to shaping sound public policies on climate change.

The statement lays out a proactive framework for global action to decrease climate change risks and impacts while also meeting the need for energy, economic growth, and sustainable development around the world. It outlines cost-effective technologies that exist today and others that could be developed and implemented to improve energy efficiency and to help reduce emissions of CO₂ and other greenhouse gases in major sectors of the global economy.

Those endorsing the Joint Statement represent the fields of energy, government, air transport, manufacturing, banking, insurance, technology, religious organizations, and many others.

FPL GROUP'S CALL TO ACTION

FPL Group produces more electricity from clean and renewable sources than any other utility company in the United States. Over the past decade, FPL Group has voluntarily made significant reductions in power plant emissions. This puts FPL Group in a unique position to advocate for meaningful policy to help slow, stop, and reverse greenhouse emissions such as CO₂.

FPL Group believes that voluntary programs will not be enough to realize meaningful and necessary reductions throughout the economy and world-wide. Unfortunately, getting the United States economy on a path of reduced carbon emissions will not be cost-free.

It's important for FPL and the United States that the right policies be put in place to address this long-term issue – policies that will be effective in reducing emissions without imposing unacceptable costs or needlessly shocking the global economy. Unfortunately, bad policy can be just as damaging as no policy at all.

FPL ENERGY OUT IN FRONT ON RENEWABLE ENERGY

Long before serious discussions about moving toward energy independence in America, FPL Energy has been leading the way in generating electricity from renewable fuels. Harnessing the power of the sun, wind, and water to produce electricity is environmentally friendly – and FPL Energy is a leading

electricity producer using all three technologies. FPL Energy is also on the forefront of developing new, clean, and affordable sources of power generation.

Solar – Today FPL Energy is the largest generator of solar power in the United States. FPL Energy co-owns and operates seven Solar Electric Generating Systems (SEGS) facilities in California's Mojave Desert, which are collectively known as the world's largest solar site with a generating capability of 310 megawatts (MW) (150 MW are FPL Energy-owned). The electricity generated at the SEGS sites could power more than 230,000 homes during peak demand periods, particularly hot summer afternoons. Peak demand periods are also when pollution is at its worst, so SEGS plants – which do not emit NO_x or CO₂ – help reduce smog and global warming.

Wind – World-wide, wind is the fastest growing renewable energy resource. FPL Group has invested nearly \$6 billion in wind technologies throughout the United States. FPL Energy was the project developer responsible for adding the most new wind capacity in 2006 and remains the largest owner and operator of United States wind-generating facilities. FPL Energy has 53 wind facilities in operation in 16 states producing more than 4,800 MW of electricity. 2006 pollution offsets that would have otherwise been released into the atmosphere from other sources of power generation include:

- Nearly 6.4 million tons of CO₂,
- More than 14,000 tons of SO₂, and
- More than 9,000 tons of NO_x.

Hydro – FPL Energy is a leading producer of hydroelectric power in Maine, with 83 units at 24 stations. These power plants convert the force of moving water into electricity to generate approximately 360 MW of power.

Ethanol – FPL Energy announced in July 2007 the signing of a letter of intent with Citrus Energy, LLC, of Boca Raton, Florida, to develop the first ever commercial-scale citrus-peel-to-ethanol plant. The cellulosic ethanol plant, to be located on the grounds of a local Florida citrus processor, is expected to produce 4 million gallons of ethanol per year. Ethanol from citrus peel could result in a new Florida industry producing more than 60 million gallons of fuel per year, which could replace about 1 percent of Florida's annual gasoline consumption.

CONCLUSION

FPL Group has taken a leadership role to address climate change and the call for action for a national climate change policy. The decision to step into the forefront of this issue goes hand-in-hand with FPL Group's longtime commitment to managing operations with sensitivity to the environment.

FPL is taking action now in Florida to address climate change. FPL is the nation's leader among electric utilities for its partnership with customers in conservation and No. 4 in energy management. FPL's nationally recognized leadership in the implementation of demand side management (DSM) within its system has avoided the need to build the equivalent of 11 medium-sized power plants. FPL is also the nation's leader in "Repowering", significantly increasing the efficiency of many of its existing power plants while reducing emissions. In addition, FPL's future generation plans include nuclear uprates and two new nuclear units. Additional nuclear energy will result in a significant amount of air emissions being avoided as compared to the same amount of electric generation being produced using fossil fuels.

WCEC Unit 3 will have one of the lowest CO₂ emission rates on a pound-per-megawatt-hour (lb/MW-hr) basis of any fossil fuel-fired power plant in the country. As a result of the addition of WCEC Unit 3, the estimated overall system efficiency will be improved, resulting in a system-wide reduction of CO₂ emissions. Highly efficient generating facilities such as WCEC will assist Florida and FPL in achieving the CO₂ reduction goals stated by Governor Crist and maintaining electric generation reliability. To offset additional CO₂ emissions from WCEC Unit 3, FPL is committed to building new zero-emitting wind and solar facilities in Florida. These new facilities, combined with baseload electric generation from WCEC Unit 3, will provide low and zero CO₂ emitting electric generation and help to achieve generation diversity in Florida.

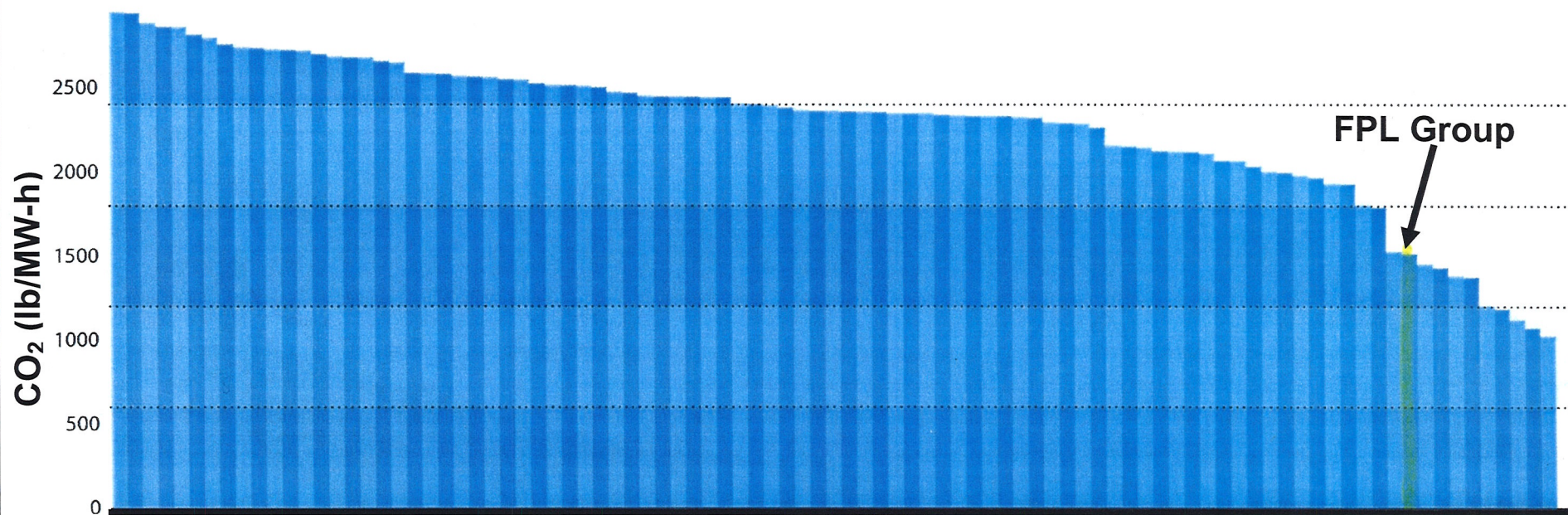


Figure 1
Fossil Fuel – CO₂ Emission Rates (lb/MW-h) from U.S. Electric Generators.

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Source: Ceres, NRDC, PSEG, April 2006; Golder, 2007.



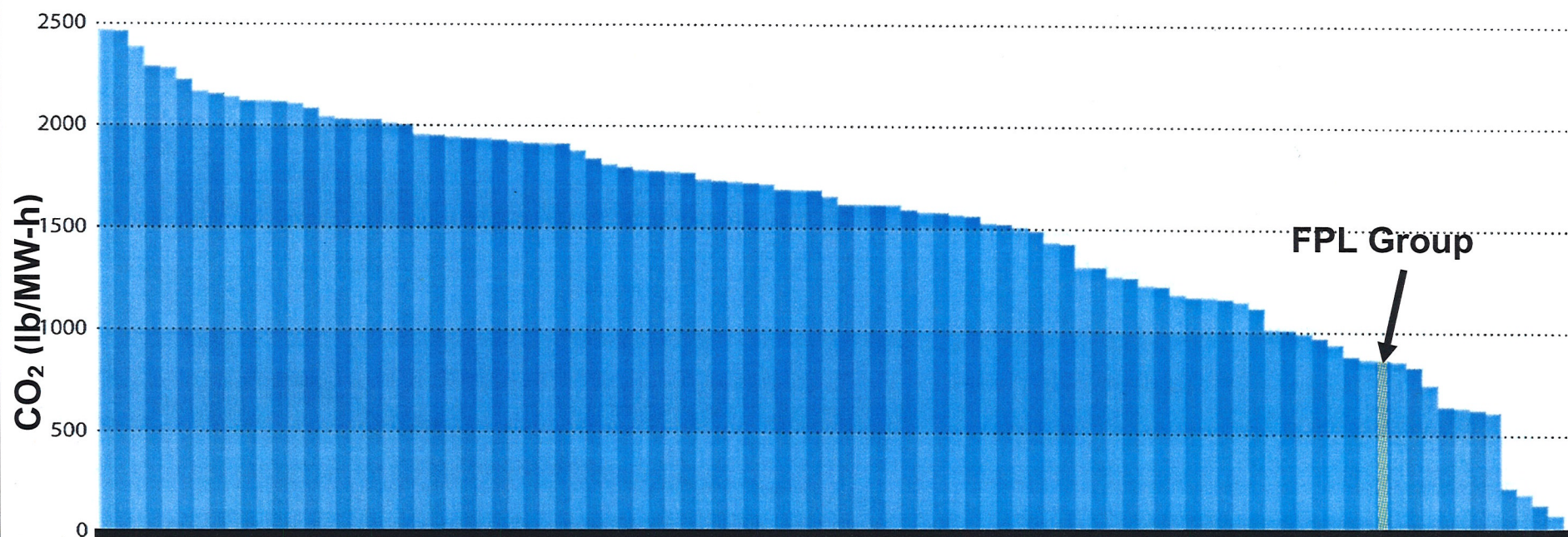


Figure 2
All Generation Sources – CO₂ Emission Rates (lb/MW-h) from U.S. Electric Generators.

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Source: Ceres/NRDC/PSEG, April 2006 ("Benchmarking Air Emissions"); Golder, 2007.

