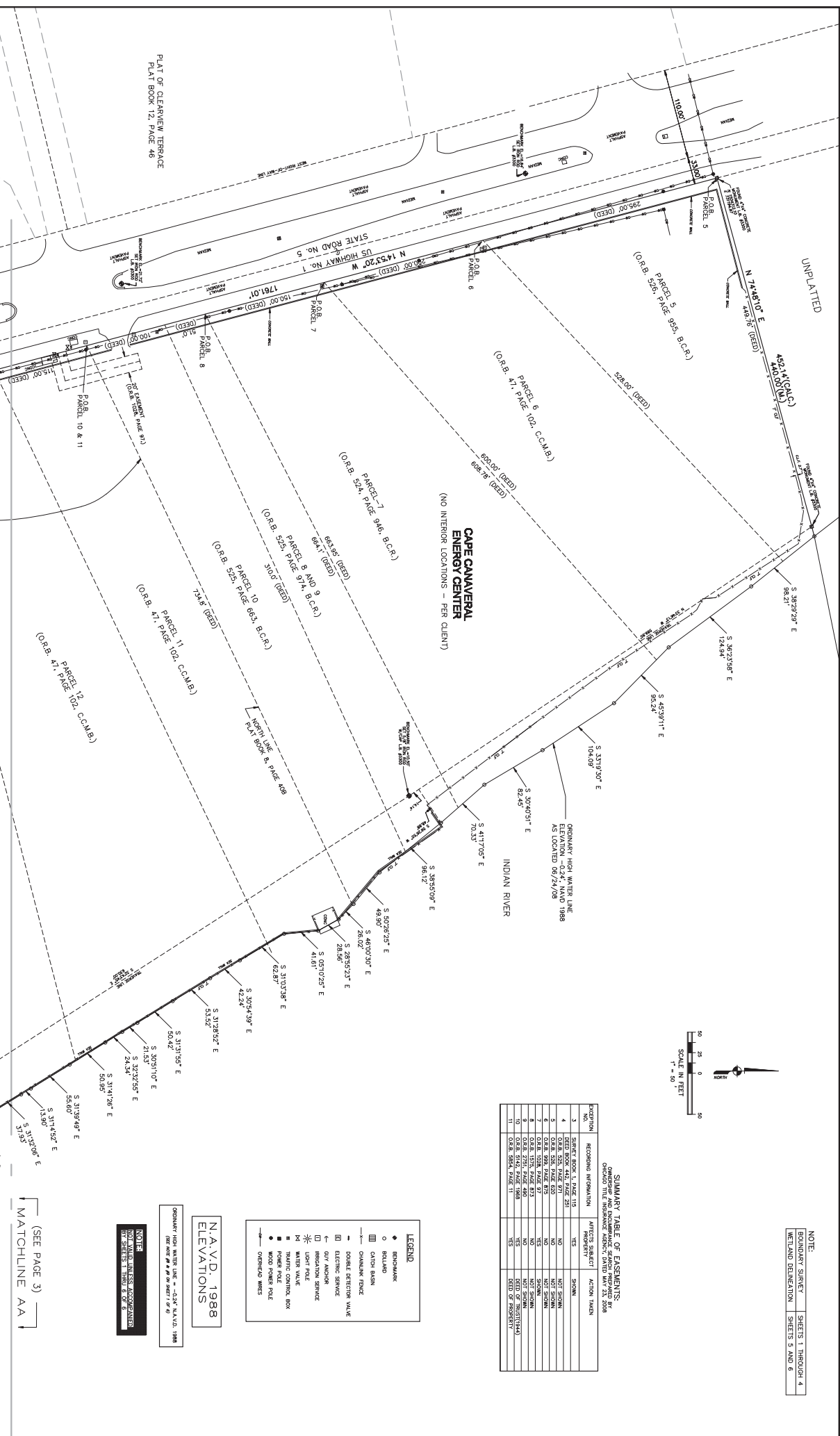
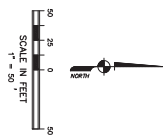


ATTACHMENT A: SURVEY MAP OF SITE

NOTE:

EXCPTION NO.	RECEIVING INFORMATION	AFFICTS SELECT PROPERTY	ACTION TAKEN
3	SHERIFF ROOM 1, PAGE 115	YES	SHOWN
4	0.6R 525, PAGE 97		NOT SHOWN
5	0.6R 525, PAGE 450		NOT SHOWN
6	0.6R 525, PAGE 97		NOT SHOWN
7	0.6R 525, PAGE 97	YES	SHOWN
8	0.6R 1575, PAGE 815	NO	NOT SHOWN
9	0.6R 7125, PAGE 400	NO	NOT SHOWN
10	0.6R 7125, PAGE 400	NO	NOT SHOWN
11	0.6R 554, PAGE 11	YES	DEED OF PROPERTY

SUMMARY TABLE OF EASEMENTS
OWNERSHIP AND ENCUMBRANCE SEARCH PREPARED BY
CHICAGO TITLE INSURANCE AGENCY, DATED MAY 23,



N.A.V.D. 1988
ELEVATIONS

ORDINARY HIGH WATER LINE = -0.24' N.A. V.D. 1985
(SEE NOTE #8 & #9 ON SHEET 1 OF 6)

NOTE:
NOT VALID UNLESS ACCOMPANIED
BY SHEETS 1 THRU 6 OF 6

(SEE PAGE 3) —
MATCHLINE AA

BOUNDARY

SUMMARY

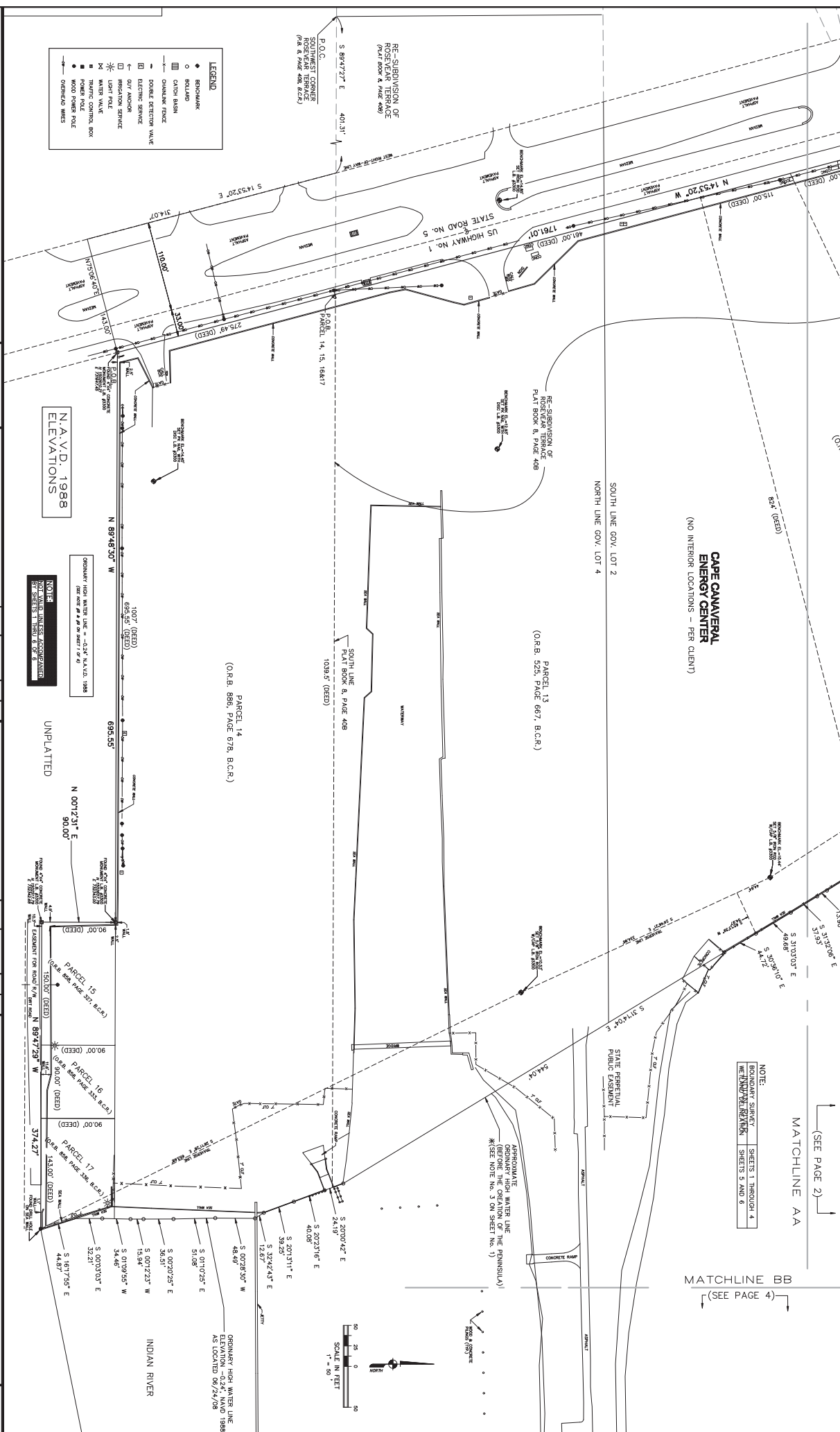
CAPE CANAVERAL
ENERGY CENTER
SECTION 18, TOWNSHIP 23 S., RANGE 36 E
BREVARD COUNTY
FLORIDA

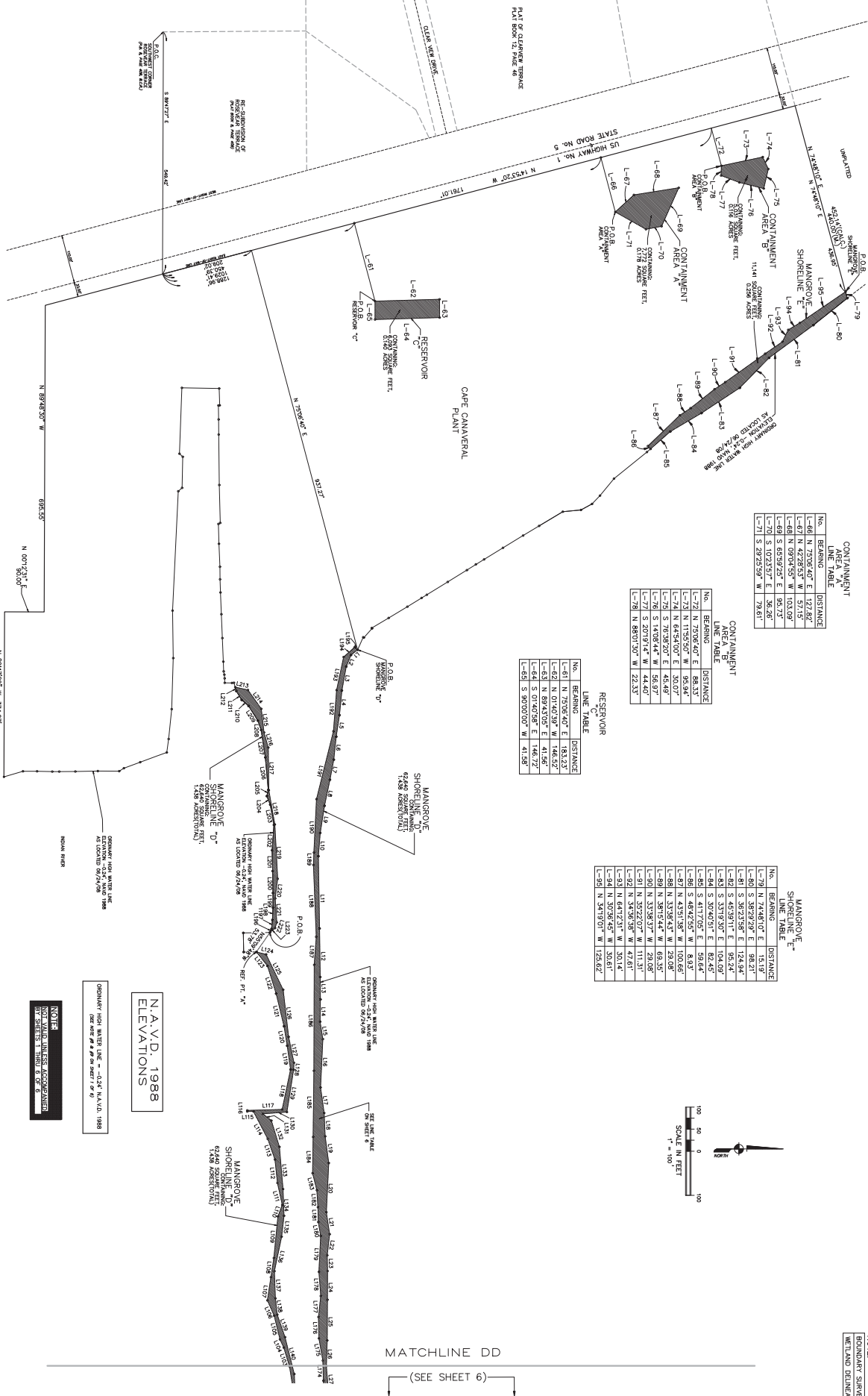
9 8 2

AVIROM & ASSOCIATES, INC.
SURVEYING & MAPPING
 60 S.W. 2ND AVENUE, SUITE 102
 BOCA RATON, FLORIDA 33432
 TEL. (861) 393-4294, FAX (861) 394-7125
 WWW.AVIROM.COM/AVI-RTV.HTM

A VIROM COMPANY • AVIROM, INC., has been awarded the contract to provide the design and construction of a new 100,000 sq. ft. terminal building for the Port of Miami. The new terminal will be located at the Port of Miami, Miami, FL. The new terminal will be located at the Port of Miami, Miami, FL. The new terminal will be located at the Port of Miami, Miami, FL.

PLAT OF CLEARVIEW TERRACE
PLAT BOOK 12, PAGE 46

[illegible]

N.A.V.D. 1988
ELEVATIONS

NOTE:
NOT VALID UNLESS ACCOMPANIED
BY SHEETS 1 THRU 6 OF 6

ORDINARY HIGH WATER LINE = -0.24' N.
(SEE NOTE #8 & #9 ON SHEET 1 OF 6)

AVIRON & ASSOCIATES, INC.
SURVEYING & MAPPING
80 S.W. 2ND AVENUE, SUITE 102
BOCA RATON, FLORIDA 33432
TEL. (561) 382-2584, FAX (561) 384-7125
WWW.AVIRON-SURVEY.COM

No.	BEARING	DISTANCE
L-66	N 75°06'40" E	127.82'
L-67	N 42°28'53" W	57.15'
L-68	N 09°04'55" W	103.09'
L-69	S 65°59'25" E	95.73'
L-70	S 10°23'57" E	36.26'
L-71	S 29°25'59" W	79.61'

No.	BEARING	DISTANCE
L-72	N 75°06'40" E	88.33'
L-73	N 115°50' W	95.94'
L-74	N 64°54'00" E	30.07'
L-75	S 76°38'20" E	45.49'
L-76	S 14°08'44" W	56.97'
L-77	S 20°19'14" W	44.40'
L-78	N 88°01'30" W	22.33'

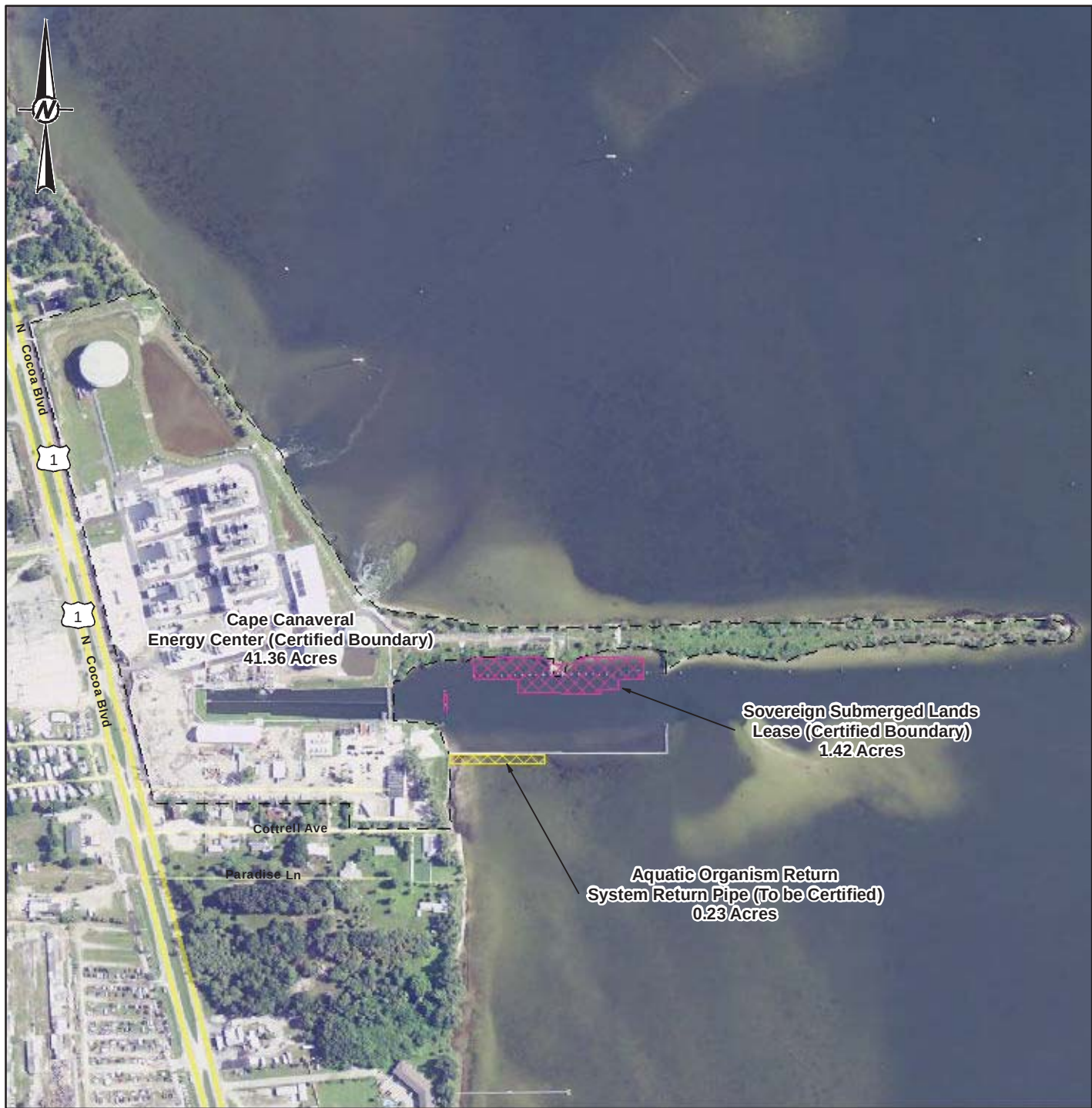
No.	BEARING	DISTANCE
L-61	N 75°06'40" E	183.23'
L-62	N 01°40'39" W	146.52'
L-63	N 89°43'05" E	41.56'
L-64	S 01°40'58" E	146.72'
L-65	S 90°00'00" W	41.58'

No.	BEARING	DISTANCE
L-79	N 74.48° E	15.19'
-80	S 38.93° W	98.21'
L-81	S 30.63° S	95.24'
L-82	S 45.39° N	124.94'
L-83	S 33.19° W	102.49'
L-84	S 30.40° S	82.05'
-85	S 41.70° E	59.64'
-86	S 48.52° W	8.63'
L-87	N 43.51° S	100.66'
L-88	N 33.88° W	29.08'
L-89	N 38.54° W	69.35'
-90	N 33.98° S	29.08'
L-91	N 35.92° W	111.31'
L-92	N 34.36° S	47.61'
L-93	N 64.12° S	30.61'
-94	N 30.36° S	30.61'
-95	N 34.19° W	125.62'

REFL	1° - 10°	REVIEWS				REVIEWS			
		DATE	P.E. / P.O.	BY	CR/3	DATE	P.E. / P.O.	BY	CR/3
DATE	0000115								
BY	A.M.R.								
CR/3	M.D.A.								
P.E. / P.O.	0								
4000 NO.	0400-30								

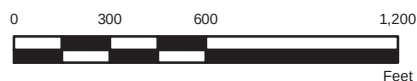
**WETLAND
DELINEATION
CAPE CANAVERAL
ENERGY CENTER
SECTION 19, TOWNSHIP 23 S., RANGE 36 E.
BREVARD COUNTY
FLORIDA**

ATTACHMENT B: SURVEY MAY OF CERTIFIED FACILITY



LEGEND

- Cape Canaveral Energy Center (Certified Boundary)
- Sovereign Submerged Lands Lease (Certified Boundary)
- Aquatic Organism Return System Return Pipe (To be Certified)



REFERENCE(S)

COORDINATE SYSTEM: WGS 1984 WEB MERCATOR AUXILIARY SPHERE
PROJECTION: MERCATOR AUXILIARY SPHERE
DATUM: WGS 1984

CLIENT
FPL

PROJECT
CERTIFIED SITE BOUNDARIES

TITLE
**CAPE CANAVERAL ENERGY CENTER
SITE CERTIFICATION BOUNDARY**

CONSULTANT



YYYY-MM-DD 2015-03-30

DESIGNED NRL

PREPARED NRL

REVIEWED KFK

APPROVED KFK

PROJECT NO.
1238765401

CONTROL
B003

REV.
0

FIGURE
1

ATTACHMENT C: MITIGATION PLAN

To be attached after certification pursuant to Section A. Condition XXXI.B.4.b.

ATTACHMENT D: SOVEREIGN SUBMERGED LEASE

CSL Cover Sheet

DM ID _____

Document Type: Current Submerged Land Leases

Instrument: ☒ Parent Lease ☐ Amendment to Lease ☐ Assignment of Lease

☐ Release ☐ Partial Release ☐ Easement ☐ Use Agreement ☐ Sublease

☐ Amendment to Sublease ☐ Assignment of Sublease ☐ Release of Sublease

☐ Partial Release of Sublease ☐ Other

Lease Number: 050024374

PA Number: _____

Document Date: 4/18/13

Submerged: X (Y) _____ (N)

Water Body: Indian River

Original County: Brevard

Section: 19

Township: 23 S

Range: 36 E

Total Area / Area Unit: 1.53 (A) Acreage (S) Square Feet

County Book / Page / Type: _____ / B _____ / P _____ / O _____

OR Instrument Number: _____

Comments:

Table 1 Summary of the study design and participant characteristics

Date Prepped 5/9/13

The information on this page was collected during the prep phase of scanning and is an aid for data entry. Please refer to the document for actual information.

This Instrument Prepared By:
Pattie J. Scott
Bureau of Public Land Administration
3900 Commonwealth Boulevard
Mail Station No. 125
Tallahassee, Florida 32399

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
OF THE STATE OF FLORIDA

SOVEREIGNTY SUBMERGED LANDS LEASE RENEWAL

BOT FILE NO.: 050024374
PA NO.: _____

THIS LEASE is hereby issued by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, hereinafter referred to as the Lessor.

WITNESSETH: That for and in consideration of payment of the annual lease fees hereinafter provided and the faithful and timely performance of and compliance with all terms and conditions stated herein, the Lessor does hereby lease to Florida Power & Light Company, a Florida corporation, hereinafter referred to as the Lessee, the sovereignty lands described as follows:

A parcel of sovereignty submerged land in Section 19, Township 23 South, Range 36 East, in the Indian River, Brevard County, containing 66,620 square feet, more or less, as is more particularly described and shown on Attachment A, dated September 10, 2009.

TO HAVE THE USE OF the hereinabove described premises from January 1, 2013, the effective date of this lease renewal, through January 1, 2018, the expiration date of this lease renewal. The terms and conditions on and for which this lease renewal is granted are as follows:

1. USE OF PROPERTY: The Lessee is hereby authorized to operate a 1-slip commercial docking facility with a lift, concrete boat ramp and unloading facility to be used exclusively for mooring of barges and tugs vessels in conjunction with an upland fuel oil tank farm/power plant, without fueling facilities, with a sewage pumpout facility if it meets the regulatory requirements of the State of Florida Department of Environmental Protection or State of Florida Department of Health, whichever agency has jurisdiction, and without liveaboards as defined in paragraph 26 as shown and conditioned in Attachment A, and the State of Florida Department of Environmental Protection Consolidated Environmental Resource Permit No. 05-290819-001, dated December 15, 2009, incorporated herein and made a part of this lease by reference. All of the foregoing subject to the remaining conditions of this lease.

2. LEASE FEES: The Lessee hereby agrees to pay to the Lessor an annual lease fee of \$10,672.12, plus sales tax pursuant to Section 212.031, Florida Statutes, if applicable, within 30 days of the date of receipt of the invoice. The annual fee for the remaining years of this lease shall be adjusted pursuant to provisions of Rule 18-21.011, Florida Administrative Code. The State of Florida Department of Environmental Protection, Division of State Lands (the "Division") will notify the Lessee in writing of the amount and the due date of each subsequent annual lease payment during the remaining term of this lease. All lease fees due hereunder shall be remitted to the Division as agent for the Lessor.

3. WET SLIP RENTAL CERTIFICATION/SUPPLEMENTAL PAYMENT: (A) The Lessee shall provide upon request by the Lessor any and all information in a certified form needed to calculate the lease fee specified in paragraph two (2) above, including the income, as defined in subsection 18-21.003(31), Florida Administrative Code, derived directly or indirectly from the use of sovereignty submerged lands on an annual basis. When six percent (6%) of said annual income exceeds the base fee or minimum annual fee established pursuant to Rule 18-21.011, Florida Administrative Code, for any lease year during the term of this lease, the Lessor shall send the Lessee a supplemental invoice for the difference in the amounts for that lease year. (B) The instrument or agreement used by the Lessee to transfer or assign the right to use a wet slip at the docking facility to a third party shall include a provision that clearly notifies the wet slip renter/user/holder that if the wet slip renter/user/holder subsequently transfers his right to use said wet slip to another party, the instrument or agreement used to transfer said wet slip shall contain a provision that requires six percent (6%) of the annual gross income derived from said instrument or agreement for the use of said wet slip be paid to the Lessee who, upon receipt, shall report and transmit said amount to the Lessor. The instrument or agreement used by the Lessee to transfer a wet slip shall also include a provision that clearly notifies the wet slip renter/user/holder that no interest in said wet slip may be further transferred unless a substantially similar provision to the one contained in the preceding sentence is placed in each succeeding instrument or agreement used to transfer said wet slip to each new wet slip renter/user/holder. (C) The Lessee shall submit to the Lessor each instrument or agreement used by the Lessee to transfer or assign the right to use a wet slip at the docking facility to a third party annually at the same time the Lessee submits the required Annual Wet Slip Revenue Report to the Lessor.

4. LATE FEE ASSESSMENTS: The Lessee shall pay a late payment assessment for lease fees or other charges due under this lease which are not paid within 30 days after the due date. This assessment shall be computed at the rate of twelve percent (12%) per annum, calculated on a daily basis for every day the payment is late.

5. EXAMINATION OF LESSEE'S RECORDS: For purposes of this lease renewal, the Lessor is hereby specifically authorized and empowered to examine, for the term of this lease renewal including any extensions thereto plus three (3) additional years, at all reasonable hours, the books, records, contracts, and other documents confirming and pertaining to the computation of annual lease payments as specified in paragraph two (2) above.

6. MAINTENANCE OF LESSEE'S RECORDS: The Lessee shall maintain separate accounting records for: (i) gross revenue derived directly from the use of the leased premises, (ii) the gross revenue derived indirectly from the use of the leased premises, and (iii) all other gross revenue derived from the Lessee's operations on the riparian upland property. The Lessee shall secure, maintain and keep all records for the entire term of this lease renewal plus three (3) additional years. This period shall be extended for an additional two (2) years upon request for examination of all records and accounts for lease verification purposes by the Lessor.

7. AGREEMENT TO EXTENT OF USE: This lease is given to the Lessee to use or occupy the leased premises only for those activities specified herein and as conditioned by the State of Florida Department of Environmental Protection Consolidated Environmental Resource Permit. The Lessee shall not (i) change or add to the approved use of the leased premises as defined herein (e.g., from commercial to multi-family residential, from temporary mooring to rental of wet slips, from rental of wet slips to contractual agreement with third party for docking of cruise ships, from rental of recreational pleasure craft to rental or temporary mooring of charter/tour boats, from loading/offloading commercial to rental of wet slips, etc.); (ii) change activities in any manner that may have an environmental impact that was not considered in the original authorization or regulatory permit; or (iii) change the type of use of the riparian uplands or as permitted by the Lessee's interest in the riparian upland property that is more particularly described in Attachment B without first obtaining a regulatory permit/modified permit, if applicable, the Lessor's written authorization in the form of a modified lease, the payment of additional fees, if applicable, and, if applicable, the removal of any structures which may no longer qualify for authorization under the modified lease.

8. PROPERTY RIGHTS: The Lessee shall make no claim of title or interest to said lands hereinbefore described by reason of the occupancy or use thereof, and all title and interest to said land hereinbefore described is vested in the Lessor. The Lessee is prohibited from including, or making any claim that purports to include, said lands described or the Lessee's leasehold interest in said lands into any form of private ownership, including but not limited to any form of condominium or cooperative ownership. The Lessee is further prohibited from making any claim, including any advertisement, that said land, or the use thereof, may be purchased, sold, or re-sold.

9. INTEREST IN RIPARIAN UPLAND PROPERTY: During the term of this lease renewal, the Lessee shall maintain satisfactory evidence of sufficient upland interest as required by paragraph 18-21.004(3)(b), Florida Administrative Code, in the riparian upland property that is more particularly described in Attachment B and by reference made a part hereof together with the riparian rights appurtenant thereto. If such interest is terminated or the Lessor determines that such interest did not exist on the effective date of this lease, this lease may be terminated at the option of the Lessor. If the Lessor terminates this lease, the Lessee agrees not to assert a claim or defense against the Lessor arising out of this lease. Prior to sale and/or termination of the Lessee's interest in the riparian upland property, the Lessee shall inform any potential buyer or transferee of the Lessee's interest in the riparian upland property and the existence of this lease and all its terms and conditions and shall complete and execute any documents required by the Lessor to effect an assignment of this lease, if consented to by the Lessor. Failure to do so will not relieve the Lessee from responsibility for full compliance with the terms and conditions of this lease which include, but are not limited to, payment of all fees and/or penalty assessments incurred prior to such act.

10. ASSIGNMENT OF LEASE RENEWAL: This lease renewal shall not be assigned or otherwise transferred without prior written consent of the Lessor or its duly authorized agent. Such assignment or other transfer shall be subject to the terms, conditions and provisions of this lease, current management standards and applicable laws, rules and regulations in effect at that time. Any assignment or other transfer without prior written consent of the Lessor shall be null and void and without legal effect.

11. INDEMNIFICATION/INVESTIGATION OF ALL CLAIMS: The Lessee shall investigate all claims of every nature arising out of this lease at its expense, and shall indemnify, defend and save and hold harmless the Lessor and the State of Florida from all claims, actions, lawsuits and demands arising out of this lease renewal.

12. NOTICES/COMPLIANCE/TERMINATION: The Lessee binds itself, its successors and assigns, to abide by the provisions and conditions herein set forth, and said provisions and conditions shall be deemed covenants of the Lessee, its successors and assigns. In the event the Lessee fails or refuses to comply with the provisions and conditions herein set forth, or in the event the Lessee violates any of the provisions and conditions herein set forth, and the Lessee fails or refuses to comply with any of said provisions or conditions within twenty (20) days of receipt of the Lessor's notice to correct, this lease may be terminated by the Lessor upon thirty (30) days written notice to the Lessee. If canceled, all of the above-described parcel of land shall revert to the Lessor. All notices required to be given to the Lessee by this lease or applicable law or administrative rules shall be sufficient if sent by U.S. Mail to the following address:

Florida Power & Light
6000 N. Cocoa Boulevard
Cocoa, Florida 32927

The Lessee shall notify the Lessor by certified mail of any change to this address at least ten (10) days before the change is effective.

13. TAXES AND ASSESSMENTS: The Lessee shall assume all responsibility for liabilities that accrue to the subject property or to the improvements thereon, including any and all drainage or special assessments or taxes of every kind and description which are now or may be hereafter lawfully assessed and levied against the subject property during the effective period of this lease renewal.

14. NUISANCES OR ILLEGAL OPERATIONS: The Lessee shall not permit the leased premises or any part thereof to be used or occupied for any purpose or business other than herein specified unless such proposed use and occupancy are consented to by the Lessor and the lease is modified accordingly, nor shall Lessee knowingly permit or suffer any nuisances or illegal operations of any kind on the leased premises.

15. MAINTENANCE OF FACILITY /RIGHT TO INSPECT: The Lessee shall maintain the leased premises in good condition, keeping the structures and equipment located thereon in a good state of repair in the interests of public health, safety and welfare. The leased premises shall be subject to inspection by the Lessor or its designated agent at any reasonable time.

16. NON-DISCRIMINATION: The Lessee shall not discriminate against any individual because of that individual's race, color, religion, sex, national origin, age, handicap, or marital status with respect to any activity occurring within the area subject to this lease renewal or upon lands adjacent to and used as an adjunct of the leased area. During the lease term, the Lessee shall post and maintain the placard furnished to the Lessee by the Lessor in a prominent and visible location on the leased premises or adjacent business office of the Lessee. It shall be the responsibility of the Lessee to post the placard in a manner which will provide protection from the elements, and, in the event that said placard becomes illegible at any time during the term of this lease renewal (including any extensions thereof), to notify the Lessor in writing, so that a replacement may be provided.

17. ENFORCEMENT OF PROVISIONS: No failure, or successive failures, on the part of the Lessor to enforce any provision, nor any waiver or successive waivers on its part of any provision herein, shall operate as a discharge thereof or render the same inoperative or impair the right of the Lessor to enforce the same upon any renewal thereof or in the event of subsequent breach or breaches.

18. PERMISSION GRANTED: Upon expiration or cancellation of this lease renewal all permission granted hereunder shall cease and terminate.

19. RENEWAL PROVISIONS: Renewal of this lease shall be at the sole option of the Lessor. Such renewal shall be subject to the terms, conditions and provisions of management standards and applicable laws, rules and regulations in effect at that time. In the event that the Lessee is in full compliance with the terms of this lease, the Lessor will begin the renewal process. The term of any renewal granted by the Lessor shall commence on the last day of the previous lease term. In the event the Lessor does not grant a renewal, the Lessee shall vacate the leased premises and remove all structures and equipment occupying and erected thereon at its expense. The obligation to remove all structures authorized herein upon termination of this lease renewal shall constitute an affirmative covenant upon the Lessee's interest in the riparian upland property more particularly described in Attachment B, which shall run with the title to the Lessee's interest in said riparian upland property and shall be binding upon the Lessee and the Lessee's successors in title or successors in interest.

20. REMOVAL OF STRUCTURES/ADMINISTRATIVE FINES: If the Lessee does not remove said structures and equipment occupying and erected upon the leased premises after expiration or cancellation of this lease renewal, such structures and equipment will be deemed forfeited to the Lessor; and the Lessor may authorize removal and may sell such forfeited structures and equipment after ten (10) days written notice by certified mail addressed to the Lessee at the address specified in Paragraph 12 or at such address on record as provided to the Lessor by the Lessee. However, such remedy shall be in addition to all other remedies available to the Lessor under applicable laws, rules and regulations including the right to compel removal of all structures and the right to impose administrative fines.

21. REMOVAL COSTS/LIEN ON RIPARIAN UPLAND PROPERTY: Subject to the noticing provisions of Paragraph 20 of this lease, any costs incurred by the Lessor in removal of any structures and equipment constructed or maintained on state lands shall be paid by Lessee and any unpaid costs and expenses shall constitute a lien upon the Lessee's interest in the riparian upland property that is more particularly described in Attachment B. This lien on the Lessee's interest in the riparian upland property shall be enforceable in summary proceedings as provided by law.

22. RIPARIAN RIGHTS/FINAL ADJUDICATION: In the event that any part of any structure authorized hereunder is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent riparian rights, Lessee agrees to either obtain written consent for the offending structure from the affected riparian owner or to remove the interference or encroachment within 60 days from the date of the adjudication. Failure to comply with this paragraph shall constitute a material breach of this lease renewal agreement and shall be grounds for immediate termination of this lease renewal agreement at the option of the Lessor.

23. AMENDMENTS/MODIFICATIONS: This lease renewal is the entire and only agreement between the parties. Its provisions are not severable. Any amendment or modification to this lease renewal must be in writing, must be accepted, acknowledged and executed by the Lessee and Lessor, and must comply with the rules and statutes in existence at the time of the execution of the modification or amendment. Notwithstanding the provisions of this paragraph, if mooring is authorized by this lease, the Lessee may install boatlifts within the leased premises without formal modification of the lease provided that (a) the Lessee obtains any state or local regulatory permit that may be required; and (b) the location or size of the lift does not increase the mooring capacity of the docking facility.

24. ADVERTISEMENT/SIGNS/NON-WATER DEPENDENT ACTIVITIES/ADDITIONAL ACTIVITIES/MINOR STRUCTURAL REPAIRS: No permanent or temporary signs directed to the boating public advertising the sale of alcoholic beverages shall be erected or placed within the leased premises. No restaurant or dining activities are to occur within the leased premises. The Lessee shall ensure that no permanent, temporary or floating structures, fences, docks, pilings or any structures whose use is not water-dependent shall be erected or conducted over sovereignty submerged lands without prior written consent from the Lessor. No additional structures and/or activities including dredging, relocation/realignment or major repairs or renovations to authorized structures, shall be erected or conducted on or over sovereignty, submerged lands without prior written consent from the Lessor. Unless specifically authorized in writing by the Lessor, such activities or structures shall be considered unauthorized and a violation of Chapter 253, Florida Statutes, and shall subject the Lessee to administrative fines under Chapter 18-14, Florida Administrative Code. This condition does not apply to minor structural repairs required to maintain the authorized structures in a good state of repair in the interests of public health, safety or welfare; provided, however, that such activities shall not exceed the activities authorized by this agreement.

25. COMPLIANCE WITH FLORIDA LAWS: On or in conjunction with the use of the leased premises, the Lessee shall at all times comply with all Florida Statutes and all administrative rules promulgated thereunder. Any unlawful activity which occurs on the leased premises or in conjunction with the use of the leased premises shall be grounds for the termination of this lease by the Lessor.

26. LIVEABOARDS: The term "liveaboard" is defined as a vessel docked at the facility and inhabited by a person or persons for any five (5) consecutive days or a total of ten (10) days within a thirty (30) day period. If liveaboards are authorized by paragraph one (1) of this lease, in no event shall such "liveaboard" status exceed six (6) months within any twelve (12) month period, nor shall any such vessel constitute a legal or primary residence.

27. GAMBLING VESSELS: During the term of this lease and any renewals, extensions, modifications or assignments thereof, Lessee shall prohibit the operation of or entry onto the leased premises of gambling cruise ships, or vessels that are used principally for the purpose of gambling, when these vessels are engaged in "cruises to nowhere," where the ships leave and return to the state of Florida without an intervening stop within another state or foreign country or waters within the jurisdiction of another state or foreign country, and any watercraft used to carry passengers to and from such gambling cruise ships.

28. FINANCIAL CAPABILITY: To assure the Lessor that the Lessee has the financial capability to undertake and operate the project authorized by this lease, the Lessee certifies to the Lessor as follows: (i) the Lessee is not the subject of a pending bankruptcy proceeding; (ii) the Lessee has no unsatisfied judgments entered against it; (iii) the Lessee has satisfied all state and local taxes for which it is responsible; and (iv) no other matters are pending or threatened against or affecting the Lessee or the Lessee's interest in the riparian upland property that would impair the Lessee's financial capability to undertake and operate the project authorized by this lease. Any breach of this lease condition shall constitute a default under this lease.

WITNESSES:

Maeyk. Thurmond
Original Signature

Maeyk. Thurmond
Print/Type Name of Witness

Kathy C Griffin
Original Signature

Kathy C Griffin
Print/Type Name of Witness

BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND OF THE STATE
OF FLORIDA

BY: Jeffery M. Gentry (SEAL)

Jeffery M. Gentry, Operations and Management Consultant
Manager, Bureau of Public Land Administration,
Division of State Lands, State of Florida Department of
Environmental Protection, as agent for and on behalf of the Board
of Trustees of the Internal Improvement Trust Fund of the State
of Florida

"LESSOR"

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 18th day of April, 2013, by
Jeffery M. Gentry Operations and Management Consultant Manager, Bureau of Public Land Administration, Division of State
Lands, State of Florida Department of Environmental Protection, as agent for and on behalf of the Board of Trustees of the
Internal Improvement Trust Fund of the State of Florida. He is personally known to me.

APPROVED SUBJECT TO PROPER EXECUTION:

Jeffery M. Gentry 3/21/13
DEP Attorney

Kathy C Griffin
Notary Public, State of Florida

Printed, Typed or Stamped Name

My Commission Expires 11/27/2015
Notary Public State of Florida
Kathy C Griffin
My Commission EE148787
Expires 11/27/2015
Commission/Serial No. EE148787

WITNESSES:

Michelle M. Kahmann
Original Signature

Michelle M. Kahmann

Typed/Printed Name of Witness

Marta Huff
Original Signature

Marta Huff

Typed/Printed Name of Witness

STATE OF FL

COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me this 1st day of April, 2013, by
Dean J. Girard as Director Corporate Real Estate of Florida Power & Light Company, a Florida corporation, for and on behalf of
the corporation. He is personally known to me or who has produced as identification.

My Commission Expires:

Notary Public State of Florida
Michelle M Kahmann
My Commission EE105168
Expires 09/18/2015

Commission/Serial No. EE105168

Florida Power & Light Company, a Florida corporation (SEAL)

BY: Dean J. Girard
Original Signature of Executing Authority

Dean J. Girard

Typed/Printed Name of Executing Authority

Director Corporate Real Estate

Title of Executing Authority

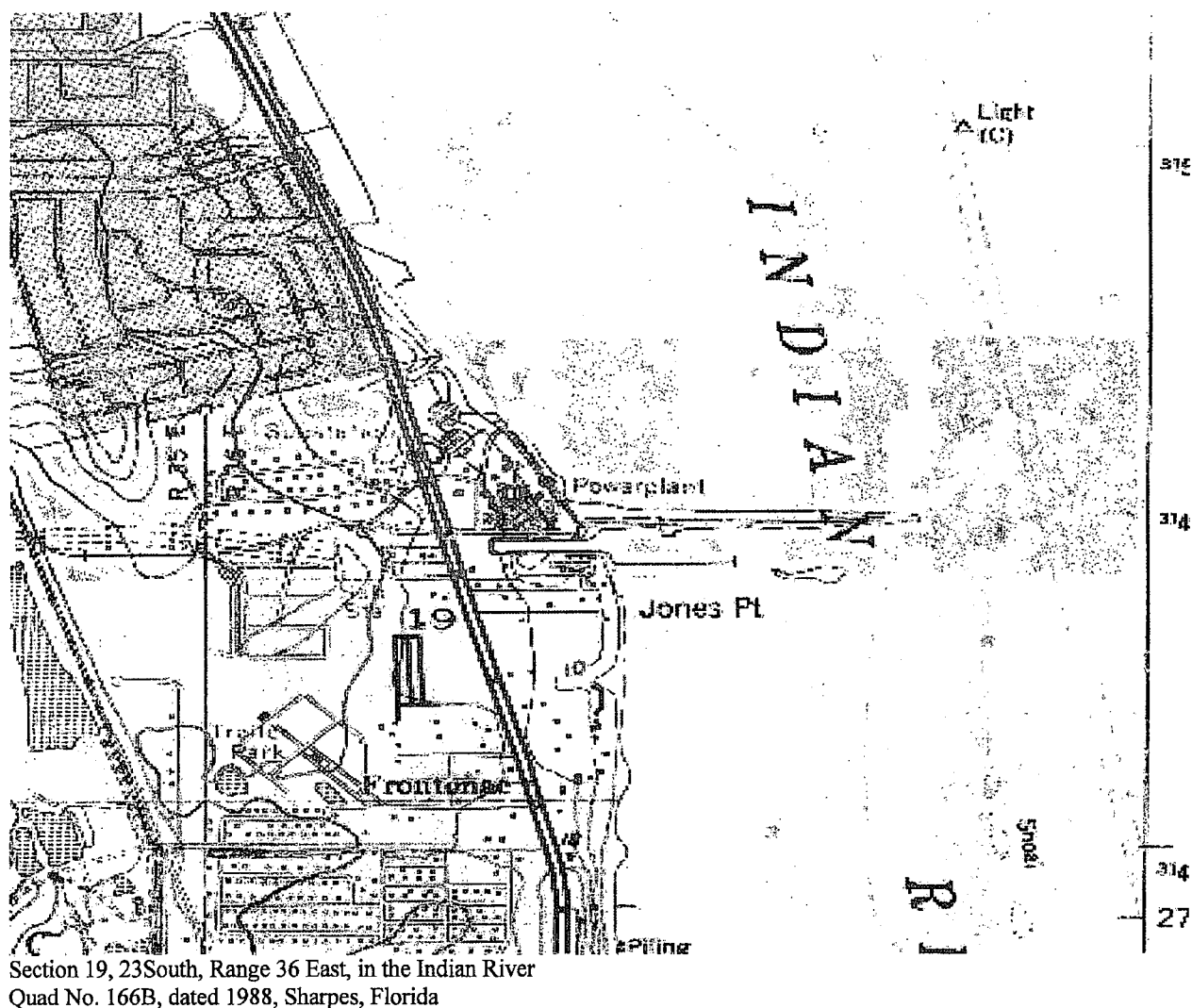
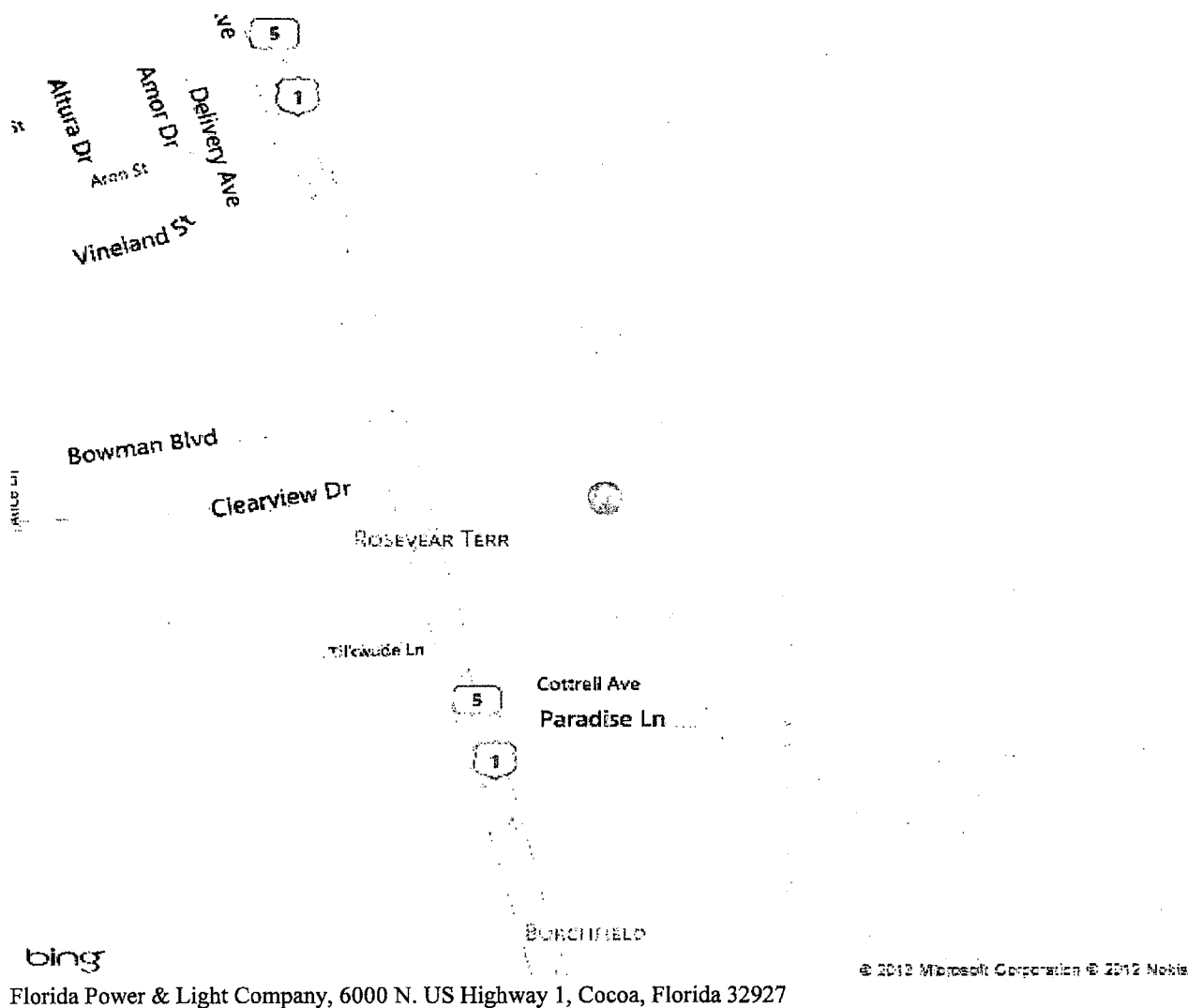
"LESSEE"

Michelle M. Kahmann
Signature of Notary Public

Notary Public, State of FL

Michelle M. Kahmann

Printed, Typed or Stamped Name



SUBMERGED LAND LEASE

SPECIFIC PURPOSE SURVEY

LEGAL DESCRIPTION

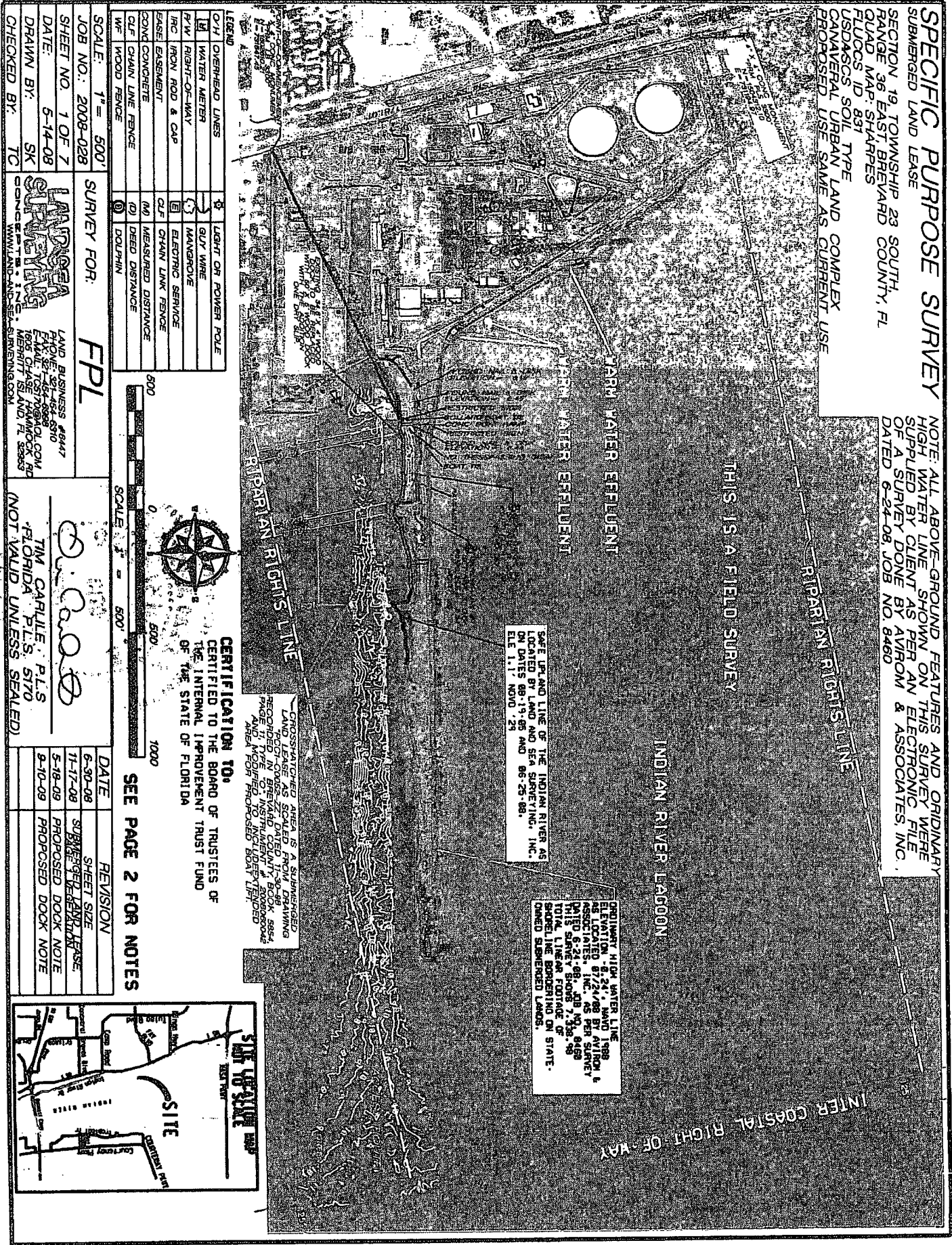
DATE	REVISION
6-30-08	SHEET SIZE
7-17-08	SUBMERGED LAND LEASE
SCALE: 1" = 80'	SURVEY FOR: FPL
JOB NO.: 2008-028	
SHEET NO. 7 OF 7	
DATE: 5-14-08	
DRAWN BY: SK	
CHECKED BY: TC	

LAND REGEA SURVEYING

LAND BUSINESS #8447
P.O. BOX 100
FAYETTEVILLE, AR 72704
PHONE: 479-484-8880
FAX: 479-484-8880
E-MAIL: TESS@LANDREGEA.COM
WWW.LANDREGEA.COM

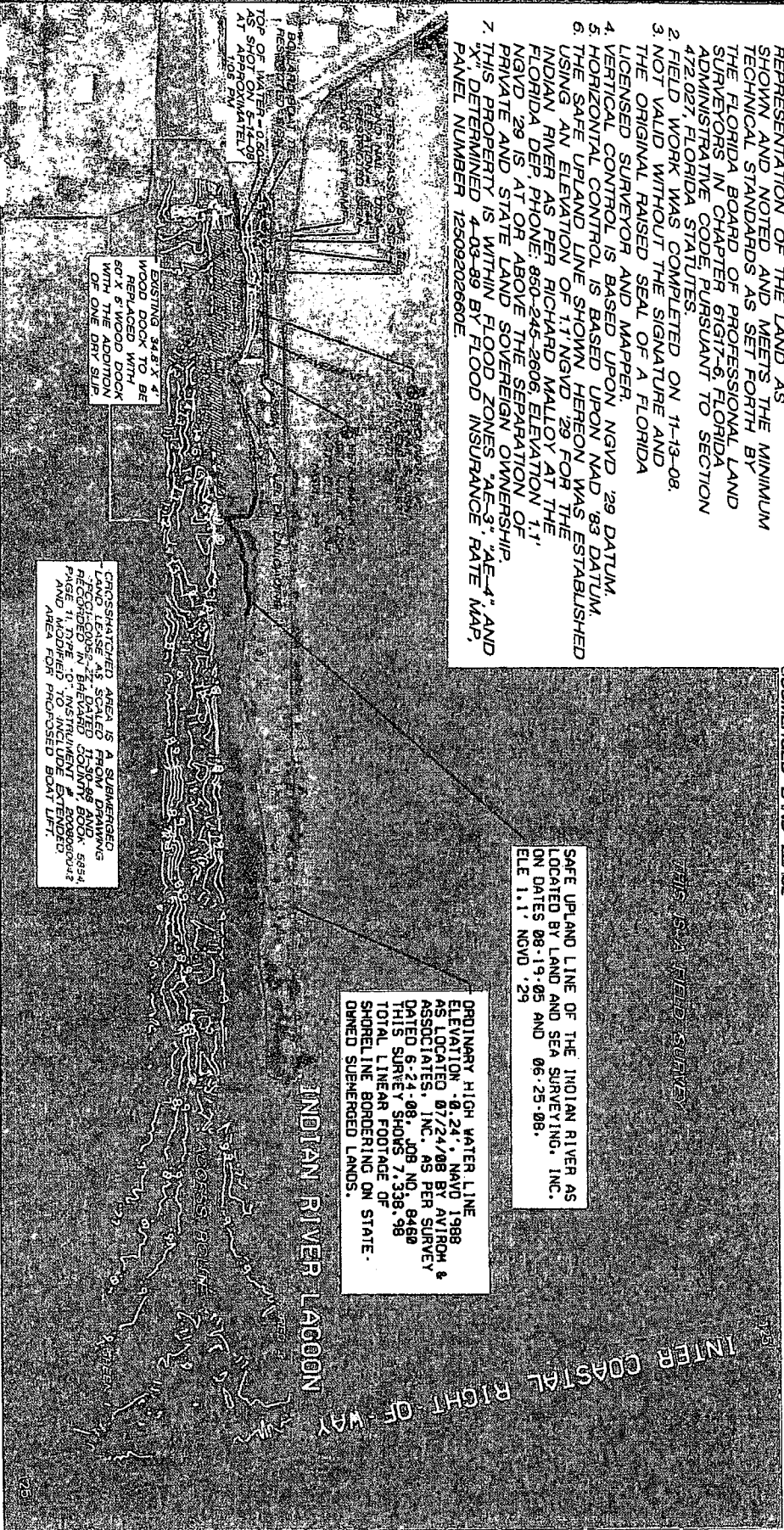
A PORTION OF SECTION 19, TOWNSHIP 23 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT A 4" X 4" CONCRETE MONUMENT STAMPED "PRM LB 3300" ON THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1, (STATE ROAD NO. 5), WHICH IS THE SOUTHWEST CORNER OF FLORIDA POWER AND LIGHT CAPE CANAVERAL PLANT BOUNDARY AS PER SURVEY BY AYIROM & ASSOCIATES, INC., JOB NO. 8460, DATED 06-24-08, HAVING COORDINATES OF NORTH 1502610.21, EAST 731647.45, BASED UPON NAD 83, FLORIDA STATE PLANE COORDINATES, EAST ZONE, SAID POINT LOCATED 1761.01 FEET, S14°53'19"E, (SOUTHEAST) OF A 4" X 4" CONCRETE MONUMENT STAMPED "PRM PLS 3300", REPRESENTING THE NORTHWEST CORNER OF SAID BOUNDARY, HAVING COORDINATES OF NORTH 1504312.10, EAST 731194.97, FROM THE POINT OF COMMENCEMENT RUN N64°58'30"E, A DISTANCE OF 1200.79 FEET TO A POINT ON THE SAFE UPLAND LINE OF THE INDIAN RIVER, ALSO BEING THE POINT-OF-BEGINNING HAVING AN ELEVATION OF 1.1 FOOT NGVD '29, AS LOCATED BY LAND AND SEA SURVEYING CONCEPTS, INC., THENCE FROM THE POINT-OF-BEGINNING, MEANDER ALONG THE SAFE UPLAND LINE THE FOLLOWING BEARINGS AND DISTANCES: S89°32'11"E, A DISTANCE OF 9.91 FEET, THENCE S56°00'24"E, A DISTANCE OF 2.43 FEET, THENCE N86°34'37"E, A DISTANCE OF 11.46 FEET, THENCE S38°30'33"E, A DISTANCE OF 3.65 FEET, THENCE N88°22'50"E, A DISTANCE OF 16.00 FEET, THENCE N63°28'59"E, A DISTANCE OF 28.53 FEET, THENCE N78°15'16"E, A DISTANCE OF 8.64 FEET, THENCE N86°02'19"E, A DISTANCE OF 17.32 FEET, THENCE S80°38'40"E, A DISTANCE OF 15.75 FEET, THENCE N85°38'09"E, A DISTANCE OF 22.69 FEET, THENCE S89°49'29"E, A DISTANCE OF 22.13 FEET, THENCE N75°43'05"E, A DISTANCE OF 8.44 FEET, THENCE S87°47'11"E, A DISTANCE OF 30.89 FEET, THENCE S80°47'27"E, A DISTANCE OF 17.92 FEET, THENCE N81°19'10"E, A DISTANCE OF 18.98 FEET, THENCE S81°31'46"E, A DISTANCE OF 8.54 FEET, THENCE N76°53'55"E, A DISTANCE OF 18.17 FEET, THENCE S57°43'15"E, A DISTANCE OF 6.40 FEET, THENCE S86°05'02"E, A DISTANCE OF 17.96 FEET, THENCE S74°54'39"E, A DISTANCE OF 5.14 FEET, THENCE S86°10'13"E, A DISTANCE OF 21.22 FEET, THENCE S63°58'52"E, A DISTANCE OF 21.84 FEET, THENCE S51°53'08"E, A DISTANCE OF 13.80 FEET, THENCE S00°02'14"E, A DISTANCE OF 7.97 FEET, THENCE N89°06'44"E, A DISTANCE OF 43.38 FEET, THENCE S00°54'53"E, A DISTANCE OF 8.04 FEET, THENCE S77°54'37"E, A DISTANCE OF 1.75 FEET, THENCE N61°32'44"E, A DISTANCE OF 4.31 FEET, THENCE N87°23'31"E, A DISTANCE OF 3.95 FEET, THENCE N45°47'41"E, A DISTANCE OF 14.65 FEET, THENCE S89°53'46"E, A DISTANCE OF 3.60 FEET, THENCE N52°32'38"E, A DISTANCE OF 26.77 FEET, THENCE N78°01'23"E, A DISTANCE OF 10.58 FEET, THENCE S68°29'07"E, A DISTANCE OF 8.13 FEET, THENCE N61°02'35"E, A DISTANCE OF 11.90 FEET, THENCE S81°49'49"E, A DISTANCE OF 10.42 FEET, THENCE N69°13'30"E, A DISTANCE OF 24.85 FEET, THENCE N86°31'18"E, A DISTANCE OF 19.15 FEET, THENCE N50°19'57"E, A DISTANCE OF 9.02 FEET, THENCE N80°40'02"E, A DISTANCE OF 19.35 FEET, THENCE N63°44'30"E, A DISTANCE OF 9.35 FEET, THENCE N79°18'00"E, A DISTANCE OF 20.40 FEET, THENCE S80°30'12"E, A DISTANCE OF 2.50 FEET, THENCE N81°54'00"E, A DISTANCE OF 12.91 FEET, THENCE S77°37'45"E, A DISTANCE OF 14.17 FEET, THENCE S89°29'00"E, A DISTANCE OF 4.86 FEET, THENCE N65°19'23"E, A DISTANCE OF 12.10 FEET, THENCE N88°30'13"E, A DISTANCE OF 39.06 FEET, THENCE N80°19'57"E, A DISTANCE OF 9.46 FEET, THENCE S89°34'15"E, A DISTANCE OF 3.27 FEET, THENCE S65°13'30"E, A DISTANCE OF 4.19 FEET, THENCE S86°40'08"E, A DISTANCE OF 4.51 FEET, THENCE N72°55'42"E, A DISTANCE OF 16.32 FEET, THENCE N81°54'06"E, A DISTANCE OF 2.80 FEET, THENCE LEAVING THE SAFE UPLAND LINE, S00°04'01"W, A DISTANCE OF 97.54 FEET, THENCE S89°00'29"W, A DISTANCE OF 110.22 FEET, THENCE S00°59'31"E, A DISTANCE OF 39.00 FEET, THENCE S89°00'29"W, A DISTANCE OF 72.74 FEET, THENCE S00°59'31"E, A DISTANCE OF 11.00 FEET, THENCE S89°00'29"W, A DISTANCE OF 281.33 FEET, THENCE N00°59'31"W, A DISTANCE OF 50.00 FEET, THENCE S89°00'29"W, A DISTANCE OF 217.52 FEET, THENCE N00°00'00"W, A DISTANCE OF 67.02 FEET TO THE POINT OF BEGINNING. CONTAINING 66,619.77 SQUARE FEET OR 1.53 ACRES, MORE OR LESS.



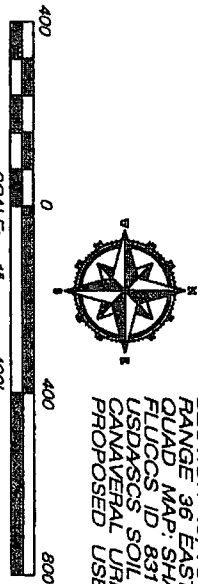
SPECIFIC PURPOSE SURVEY
SUBMERGED LAND LEASE

- NOTES
1. THIS SURVEY IS A TRUE AND CORRECT REPRESENTATION OF THE LAND AS SHOWN AND NOTED AND MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 817-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
 2. FIELD WORK WAS COMPLETED ON 11-13-08.
 3. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
 4. VERTICAL CONTROL IS BASED UPON NGVD '29 DATUM.
 5. HORIZONTAL CONTROL IS BASED UPON NAD 83 DATUM.
 6. THE SAFE UPLAND LINE SHOWN HEREON WAS ESTABLISHED USING AN ELEVATION OF 1.1' NGVD '29 FOR THE INDIAN RIVER AS PER RICHARD MALLOY AT THE FLORIDA DEP. PHONE: 850-245-2606. ELEVATION 1.1' NGVD '29 IS AT OR ABOVE THE SEPARATION OF PRIVATE AND STATE LAND SOVEREIGN OWNERSHIP.
 7. THIS PROPERTY IS WITHIN FLOOD ZONES "AE-3" AND "AE-4" AND "X" DETERMINED 4-03-89 BY FLOOD INSURANCE RATE MAP, PANEL NUMBER 12509202660E.



LEGEND

OVERHEAD LINES	LIGHT OR POWER POLE
WATER METER	GUY WIRE
RIGHT-OF-WAY	MAINGROVE
IRON ROD & CAP	ELECTRIC SERVICE
EASE EASEMENT	CHAIN LINK FENCE
CONCRETE	MEASURED DISTANCE
CHAIN LINE FENCE	DEED DISTANCE
WOOD FENCE	DOLPHIN



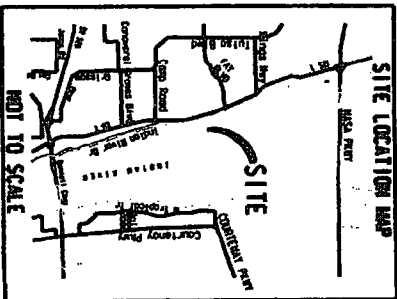
SECTION 19, TOWNSHIP 23 SOUTH,
RANGE 36 EAST, BREVARD COUNTY, FL
QUAD MAP: SHAPES
FLUCS ID 831
USDA/SCS SOIL TYPE
CANAVARAL URBAN LAND COMPLEX
PROPOSED USE SAME AS CURRENT USE

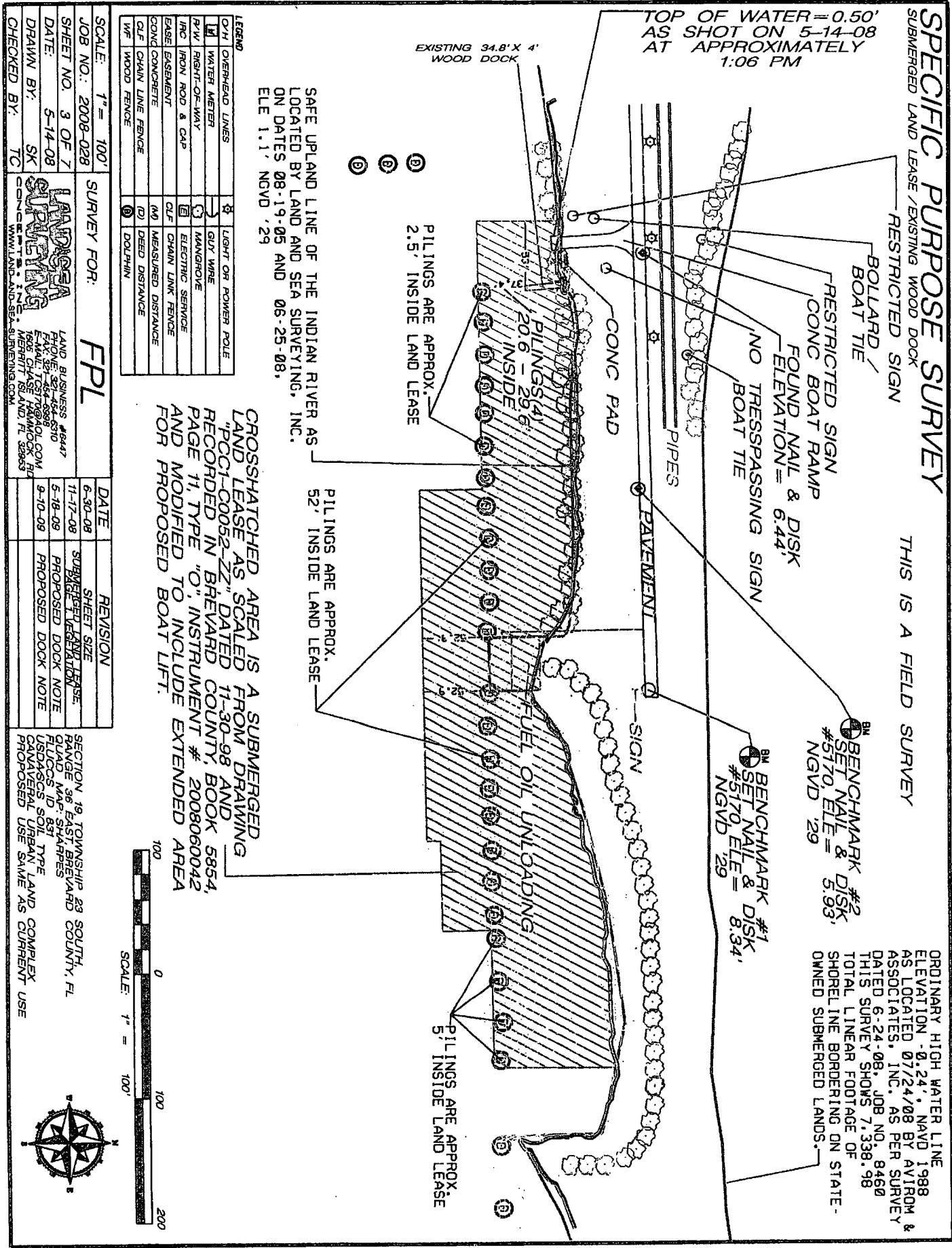
JOB NO.: 2008-028
SHEET NO. 2 OF 7
DATE: 5-14-08
DRAWN BY: SK
CHECKED BY: TC

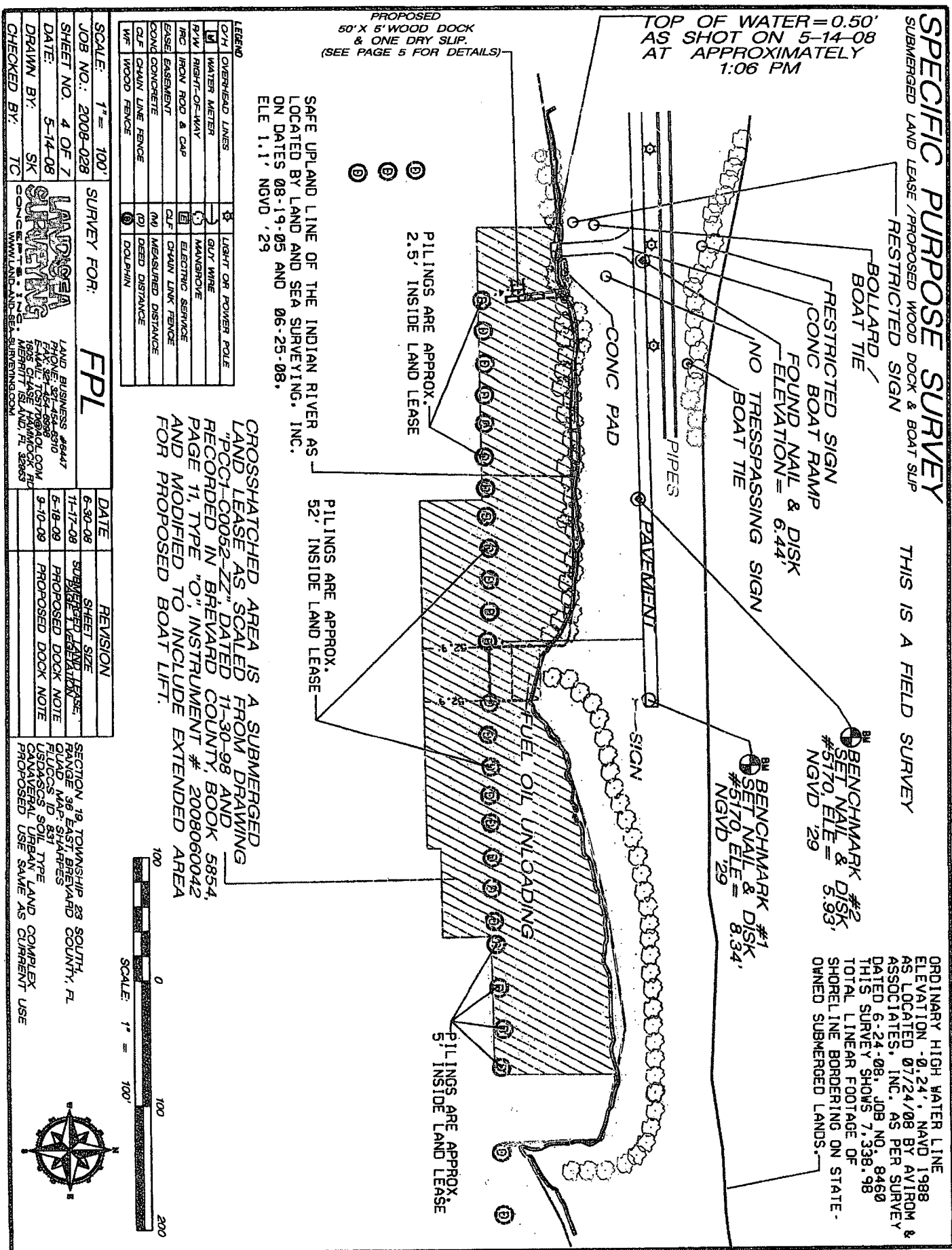
SURVEY FOR: **FPL**

LAND BUSINESS #6447
PHONE: 321-454-6310
FAX: 321-454-6308
5802 CLASSETT PARKWAY
MERITT ISLAND, FL 32953
WWW.LAND-AND-SEA-SURVEYING.COM

DATE	REVISION
6-30-08	SUBMERGED LAND LEASE
11-17-08	BASE 1 VEGETATION
5-18-08	PROPOSED DOCK NOTE
9-10-08	PROPOSED DOCK NOTE

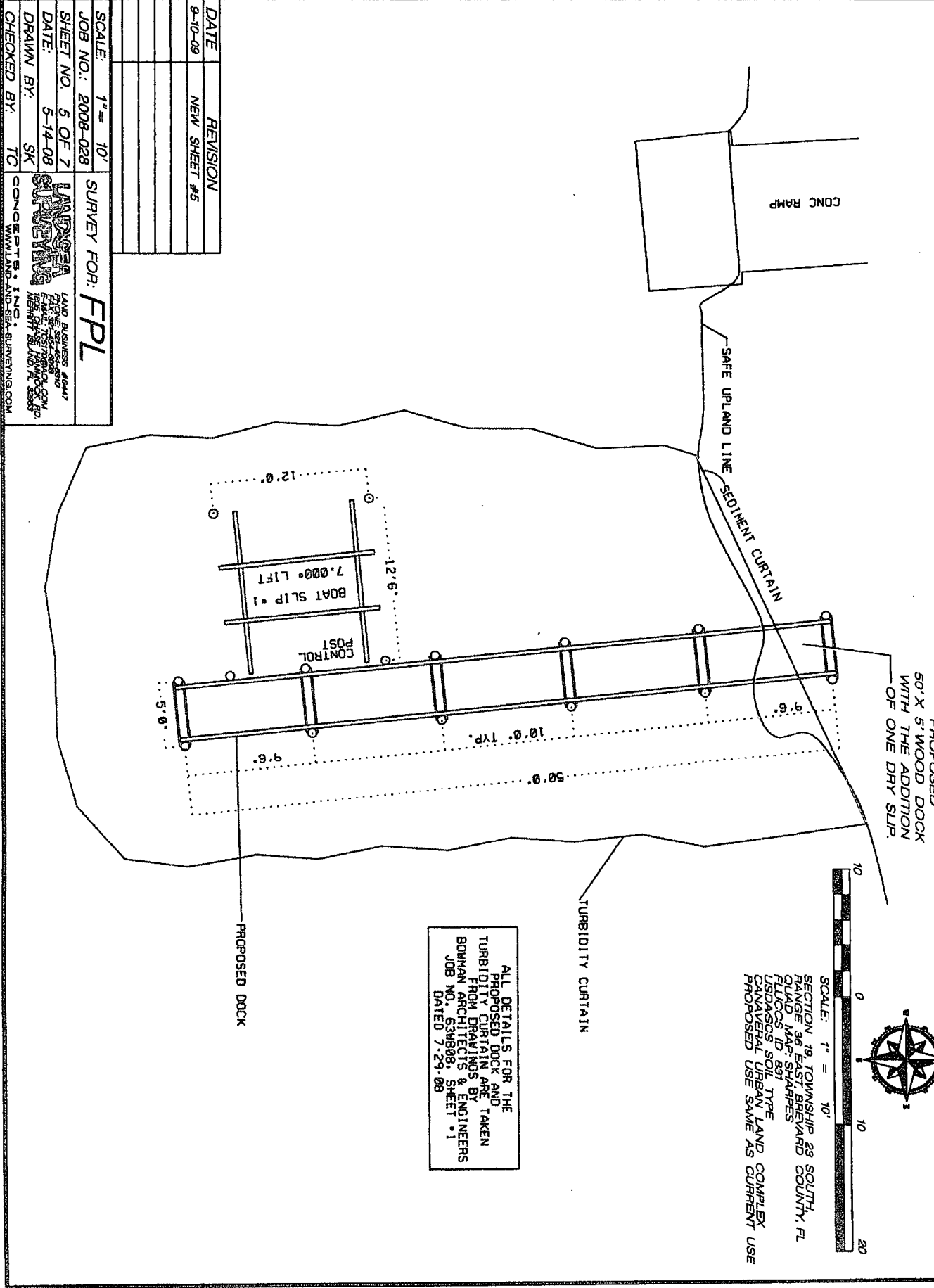






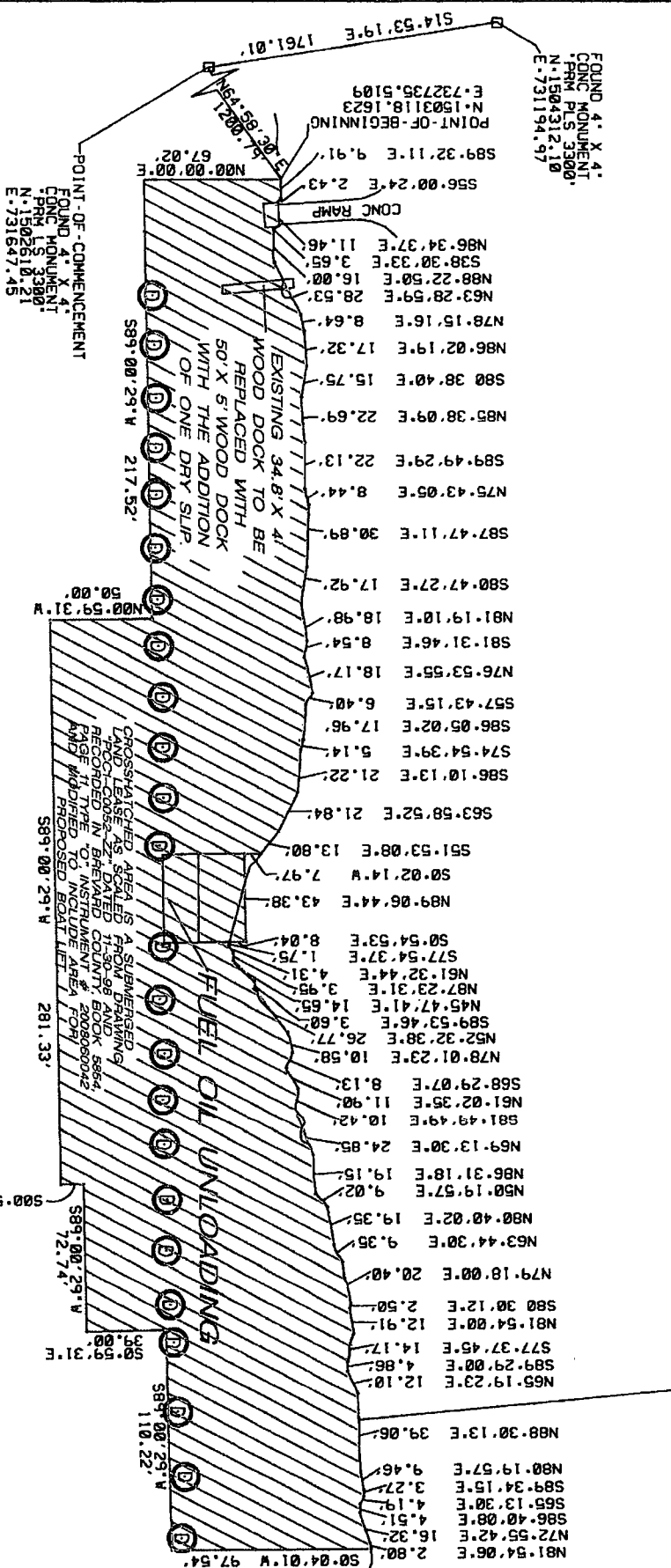
SPECIFIC PURPOSE SURVEY

PROPOSED DOCK DETAILS



SPECIFIC PURPOSE SURVEY
SUBMERGED LAND LEASE

SAFE UP AND LINE OF THE INDIAN RIVER AS
LOCATED BY LAND AND SEA SURVEYING, INC.
ON DATES 08-19-05 AND 06-25-08.
ELE 1.1' NGVD '29



Attachment A
Page 13 of 21 Pages
SSLL No. 050024374

CAPE CANAVERAL PLANT SUMMARY LEGAL DESCRIPTION

PARCEL NO. 1:

(Title vested by virtue of Deed recorded in ORB 526/2). ✓

Government Lot 3, Section 19, Township 23 South, Range 36 East, together with an easement over and across the North fifty (50) feet of the South two hundred eighty (280) feet of Rosevear Terrace Subdivision lying West of U. S. Highway #1, in Brevard County, Florida.

PARCEL NO. 2:

(Title vested by virtue of Deed recorded in ORB 870/266).

Begin at the concrete post at the west quarter section corner of Section 19, Township 23 South, Range 36 East, Brevard County, Florida, said post being the Northwest corner of U. S. Lot 3, said Section; thence run South 89 degrees, 52 minutes, 30 seconds East on the quarter section line or North side of U. S. Lot 3 a distance of 1320.5 feet to a concrete monument which replaced old coquina post at the Northeast corner of said U. S. Lot 3 for the point of beginning of land herein described; thence for a first course, run North 36 degrees, 30 minutes East along the northwesterly line of lands formerly owned by P. D. Shuping, a distance of 307.1 feet to a concrete monument; thence for a second course, run North 25 degrees, 11 minutes, 25 seconds West a distance of 16 feet to a concrete post; thence for a third course, run South 80 degrees, 13 minutes, 30 seconds West parallel to the North line of Norman Carhart deed as recorded in Deed Book 194, page 124, Public Records of said County a distance of 274.6 feet to an iron pipe; thence for a fourth course, run South and parallel to the West line of Section 19, a distance of 215 feet to an iron rod on the North line of U. S. Lot 3 or the quarter section line; thence for a fifth course, run South 89 degrees, 52 minutes, 50 seconds East along the North line of said U. S. Lot 3 a distance of 95.57 feet to a concrete monument at the Northeast corner of said U. S. Lot 3, which is the point of beginning; together with right of way 16 feet wide described as follows: From the aforesaid point of beginning, run North 36 degrees, 30 minutes East along the northwesterly line of land formerly owned by P. D. Shuping a distance of 307.1 feet to a concrete monument for the point of beginning of said right of way; thence for a first course, run North 65 degrees, 37 minutes, 13 seconds East 70.13 feet to a concrete monument on the West right of way line of new U. S. Highway No. 1; thence for a second course, run North 13 degrees, 52 minutes, 00 seconds West along said right of way line 16.32 feet to a point; thence for a third course, run South 65 degrees, 37 minutes, 13 seconds West 72.90 feet to a concrete monument; thence for a fourth course, run Southeasterly 16 feet more or less to the point of beginning.

PARCEL NO. 3:

(Title vested by virtue of Deed recorded in ORB 524/618).

All of Lot One (1) of the resubdivision of Rosevear Terrace Subdivision lying west of the west right of way line of new U. S. No. 1 Highway, except the south two hundred thirty (230) feet, said resubdivision being recorded in Plat Book 8, page 40, of the Public Records of Brevard County, Florida, subject to a fifty (50) foot easement running east and west on the south side of said property.

PARCEL NO. 4:

(Title vested by virtue of Deed recorded in ORB 526/620).

The North One hundred eighty (180) feet of the South two
Continued on next page

hundred thirty (230) feet of that part of Rosevear Terrace Subdivision lying west of the west right of way line of New U. S. No. 1 Highway, said plat of Rosevear Terrace Subdivision being recorded in Plat Book 8, page 40, Public Records of Brevard County, Florida.

PARCEL NO. 5:

(Title vested by virtue of Deed recorded in ORB 526/955).

A tract of land located in Section nineteen (19), Township twenty-three (23) South, Range thirty-six (36) East, Brevard County, Florida, described as follows:

From an iron pipe on the range line, which is 713.10 feet north of the quarter section corner on the west side of said Section nineteen (19), which is a point of reference, run north seventy-five (75) degrees, nine (9) minutes east and parallel to the south line of the Delaspine Grant, a distance of 1548.24 feet to an iron pipe on the east line of the right of way of U. S. Highway No. 1 also known as Dixie Highway, as presently located, which is the point of beginning of the land herein described, and from the said point of beginning, for a first course, run south fourteen (14) degrees, thirty-two (32) minutes, thirty (30) seconds east on the east right of way line of U. S. Highway No. 1 (which is also known as State Road No. 5), a distance of 295 feet to the northwest corner of the land conveyed to Carl W. and Alice C. Hopps by deed recorded in Book 264, page 475, Official Records of Brevard County, Florida; thence for a second course, run north forty-seven (47) degrees, sixteen (16) minutes, forty-two (42) seconds east on the north line of the land conveyed to Carl W. and Alice C. Hopps aforesaid, a distance of 528 feet, more or less, to and into the waters of the Indian River; thence return to the point of beginning, and for a third course, run north seventy-five (75) degrees, nine (9) minutes east, a distance of 449.76 feet to an iron pipe on the west bank of the Indian River, and continue the said course to and into the waters of the Indian River; and thence for a fourth course, run south thirty-six (36) degrees, fifty-eight (58) minutes east in the waters edge of the Indian River, a distance of 46.18 feet, more or less, to the eastern terminus of the second course, which is the northeast corner of the land conveyed to Carl W. and Alice C. Hopps as aforesaid.

Together with the riparian and littoral rights and the submerged lands in Indian River appertaining to said property.

PARCEL NO. 6:

(Title vested by virtue of Judgment recorded in CCMB 47/102).

Beginning at a point on the west line of fractional Section 19, Township 23 South, Range 36 East, which point is 713.10 feet north of the northwest corner of said northwest quarter (NW 1/4) of the southwest quarter (SW 1/4) of said fractional Section 19; thence run north seventy-five (75) degrees, nine (9) minutes east parallel with the south line of the Delaspine Grant, 1548.24 feet to a point on the east right of way of U. S. No. 1 (Dixie Highway) as presently located; thence south fourteen (14) degrees, thirty-two (32) minutes, thirty (30) seconds east along said east right of way line 295 feet to the point of beginning; from said point of beginning, for a first course, continue south fourteen (14) degrees, thirty-two (32) minutes, thirty (30) seconds east along said east right of way line, two hundred (200) feet; thence for a second course, run north forty-nine (49) degrees, twenty-four (24) minutes, forty

Continued on next page

(40) seconds east, six hundred (600) feet, more or less, to and into the waters of the Indian River; thence return to the point of beginning; thence for a third course, run north forty-seven (47) degrees, sixteen (16) minutes, forty-two (42) seconds east, five hundred twenty-eight (528) feet, more or less, to and into the waters of the Indian River; thence for a fourth course, run southeasterly along the waters of the Indian River, two hundred (200) feet, more or less, to the above described termination of said second course. All being and lying in fractional Section Nineteen (19), Township Twenty-three (23) South, Range Thirty-six (36) East, in Brevard County, Florida. Together with all riparian, littoral or shore rights in the Indian River to the said land appertaining.

PARCEL NO. 7:

(Title vested by virtue of Deed recorded in ORB 524/946).

Commencing at a concrete monument which is the southwest corner of Government Lot two (2), Section Nineteen (19), Township Twenty-three (23) South, Range Thirty-six (36) East, Brevard County, Florida; thence run north along the west section line of said Section Nineteen (19), a distance of three hundred forty-nine and sixty-three hundredths (349.63) feet to an iron pipe; thence north eighty (80) degrees, thirteen (13) minutes, thirty (30) seconds east, a distance of one thousand five hundred seventy-nine and fifty hundredths (1579.50) feet to a concrete monument on the west right of way line of U. S. Highway No. 1; thence continuing north eighty (80) degrees, thirteen (13) minutes, thirty (30) seconds east a distance of sixty-six and twenty-three hundredths (66.23) feet across U. S. Highway No. 1 to a concrete monument on the east right of way of said U. S. Highway No. 1 and the point of beginning of the lands herein described; thence north forty-nine (49) degrees, seven (7) minutes, twenty (20) seconds east six hundred eight and seventy-eight hundredths (608.78) feet to an iron pipe on the shore of the Indian River; thence southeasterly along the shore line of the Indian River two hundred ninety-nine and five hundredths (299.05) feet to an iron pipe; thence south sixty-three (63) degrees, twenty (20) minutes, twenty-five (25) seconds west, six hundred sixty-three and ninety-five hundredths (663.95) feet to a concrete monument on the east right of way line of U. S. Highway No. 1; thence north fourteen (14) degrees, twenty-four (24) minutes, forty (40) seconds west, one hundred fifty (150) feet to a concrete monument and the point of beginning. TOGETHER with all riparian rights thereunto appertaining.

PARCEL NO. 8:

(Title vested by virtue of Deed recorded in ORB 525/974).

Start at a concrete monument at the southwest corner of Government Lot 2, Section 19, Township 23 South, Range 36 East, Brevard County, Florida, go north along Section line 349.63 feet to an iron pipe; thence north eighty (80) degrees, thirteen (13) minutes, thirty (30) seconds east, 1645.5 feet to an iron pipe set on the east right of way line of U. S. Highway No. 1, as presently located; thence south fourteen (14) degrees, thirty-six (36) minutes east along said east right of way line, a distance of 150 feet to a concrete monument for a point of beginning of lands hereby conveyed; thence north sixty-three (63) degrees, thirty-one (31) minutes, east along south line of lands described in Deed Book 410, page 622, Public Records of Brevard County, Florida, a distance of 664.1 feet to a stone set on the shore of the Indian River; thence

Continued on next page

southeasterly along said shore line, a distance of 76 feet, thence westerly to a point on the east right of way line of U. S. Highway No. 1, said point being 51 feet south-easterly measured along said right of way line from the point of beginning; thence northwesterly along said right of way line, a distance of 51 feet to the point of beginning.

In addition thereto, all riparian and littoral rights thereunto appertaining.

PARCEL NO. 9:

(Title vested by virtue of Deed recorded in ORB 525/974).

Beginning on the west shore of the Indian River at the southeast corner of Parcel No. 8, thence run southeasterly along the shore line of the Indian River to the southeast corner of property described in Deed Book 369, page 525, Public Records of Brevard County, Florida; thence continue westerly along said south line of property described in Deed Book 369, page 525, Public Records of Brevard County, Florida, a distance of 340 feet; thence run northerly to an iron pipe located on the south line of the property described as Parcel No. 8 above, said point being located 330 feet, more or less, measured along said south line of Parcel No. 8 from the waters of the Indian River and easterly 310 feet measured along said south line from the east right of way line of U.S. Highway No. 1; thence easterly along the south line of property described as Parcel No. 8 to the point of beginning. In addition thereto, all riparian and littoral rights thereunto appertaining,

This conveyance is made subject to an easement ten (10) feet wide, extending from the land hereinabove described to the waters of the Indian River, which was reserved in the deed executed by Edward Lawton and Marie Lawton to Delmer H. Roberts, dated March 1, 1957, and recorded in Deed Book 442, page 251, Public Records of Brevard County, Florida.

PARCEL NO. 10:

(Title vested by virtue of Deed recorded in ORB 525/663).

From the Coquina monument at the northeast corner of U. S. Government Lot 3, being the northeast corner of the west-half (W 1/2) of the southwest quarter (SW 1/4) of fractional Section nineteen (19), Township twenty-three (23) South, Range thirty-six (36) East, Brevard County, Florida, run the northwesterly line of the Rosevear Terrace Subdivision (according to the plat of said subdivision recorded in Plat Book 4, page 70, and replatted according to plat recorded in Plat Book 8, page 40, Public Records of Brevard County, Florida), on a course of north thirty-six (36) degrees, thirty (30) minutes east, a distance of 307.1 feet to an iron pipe; thence run the northerly line of the said Rosevear Terrace Subdivision, being the northerly line of P. D. Shuping's land, on a course of north sixty-four (64) degrees, forty-eight (48) minutes, thirty-five (35) seconds east, a distance of 212.7 feet to a concrete post on the east side of the right of way of U. S. Highway No. 1, which point is the point of beginning of the land herein described; from the said point of beginning, run north fourteen (14) degrees, thirty-six (36) minutes west on the east side of the right of way of U. S. Highway No. 1, a distance of one hundred (100) feet, more or less, to the south line of the land conveyed by Edward and Marie Lawton to Delmer H. Roberts by deed recorded in Deed Book 437, page 232; thence run easterly on the south line of the land conveyed by Edward

Continued on next page

and Marie Lawton to Delmer H. Roberts, recorded in Deed Book 437, page 232 aforesaid, a distance of 310 feet, more or less, to an iron pipe in a ditch located at the northwest corner of the lands conveyed by Edward and Marie Lawton to Delmer H. Roberts by deed recorded in Deed Book 442, page 251; thence run southerly on the west line of the lands conveyed to Delmer H. Roberts in Deed Book 242, page 251, a distance of 100 feet, more or less, to the north line of the Rosevear Terrace Subdivision aforesaid; and thence run South sixty-four (64) degrees, forty-eight (48) minutes, thirty-five (35) seconds west on the north line of the Rosevear Terrace Subdivision aforesaid, a distance of 394.8 feet, more or less, to the point of beginning.

ALSO, all of the right, title and interest of the parties of the first part in and to the easement ten (10) feet wide, extending from the land hereinabove described to the waters of the Indian River, which was reserved in the deed executed by them to Delmer H. Roberts, dated March 1, 1957, and recorded in Deed Book 442, page 251, Public Records of Brevard County, Florida.

PARCEL NO. 11:

(Title vested by virtue of Judgment recorded in CCMB 47/102).

A tract of land situated in government lot two of Section nineteen (19), Township twenty-three (23) South, Range thirty-six (36) East, Brevard County, Florida, described as follows: From the Northeast corner of the west half of the southwest quarter (SW 1/4) of Section nineteen (19) aforesaid, which is a point of reference, run the boundary of the Rosevear Terrace Subdivision (the plat of which is recorded in Plat Book 4, page 70, Public Records of Brevard County, Florida) north thirty-six (36) degrees, thirty (30) minutes east, a distance of three hundred seven and one-tenth (307.1) feet, and thence north sixty-four (64) degrees, forty-eight (48) minutes, thirty-five (35) seconds east, a distance of two hundred twelve and seven tenths (212.7) feet to a point on the east side of the right of way of State Road No. 5, also known as U. S. Highway No. 1, which is the point of beginning of the land herein described, and from the said point of beginning, continue on the north line of the Rosevear Terrace Subdivision, north sixty-four (64) degrees, forty-eight (48) minutes, thirty-five (35) seconds east, a distance of seven hundred thirty-four and eight tenths (734.8) feet, more or less, to the west bank of the Indian River; thence run southerly in the waters edge of the Indian River, a distance of one hundred ninety two (192) feet to a stake at the northeast corner of the lands of Conrad W. and Ruth D. Cramer, described in Deed Book 345, page 314; thence run westerly on the north line of the lands of Conrad W. and Ruth D. Cramer to a point on the east line of State Road No. 5, also known as U. S. Highway No. 1, which is 115 feet from the point of beginning; thence run northerly on the east line of the right of way of State Road No. 5, a distance of one hundred fifteen (115) feet to the point of beginning. Together with all riparian, littoral or shore rights in the Indian River to the said land appertaining.

PARCEL NO. 12:

(Title vested by virtue of Judgment recorded in CCMB 47/102).

A tract of land situated in government lot two (2) of Section nineteen (19), Township twenty-three (23) South, Range thirty-six (36) East, Brevard County, Florida, described as follows: From the northeast corner of the west-half (W 1/2) of

Continued on next page

the southwest quarter (SW 1/4) of Section nineteen (19) aforesaid, which is a point of reference, run the boundary of the Rosevear Terrace Subdivision (the plat of which is recorded in Plat Book 4, page 70, Public Records of Brevard County, Florida) north thirty-six (36) degrees, thirty (30) minutes east, a distance of three hundred seven and one-tenth (307.1) feet, and thence north sixty-four (64) degrees, forty-eight (48) minutes, thirty-five (35) seconds east, a distance of two hundred twelve and seven tenths (212.7) feet to a point on the east side of the right of way of State Road No. 5, also known as U. S. Highway No. 1, thence run southerly on the east line of the right of way of State Road No. 5, also known as U.S. Highway No. 1, a distance of one hundred fifteen (115) feet to the southwest corner of the lands of William Cramer, Jr., and Catherine Cramer, which is the point of beginning of the land herein described; thence run easterly on the south line of the lands of William Cramer, Jr., and Catherine Cramer to a point on the west shore of the Indian River, which is one hundred ninety two (192) feet southerly, as measured along the shore of the Indian River from the northeast corner of the Rosevear Terrace Subdivision; thence run southerly in the waters edge of the Indian River, a distance of one hundred and ninety two (192) feet to the northeast corner of the lands of Worth A. Overseker and Maud I. Overseker; thence run westerly on the north line of the lands of Worth A. Overseker and Maud I. Overseker to a point on the east right of way line of State Road No. 5, which is two hundred thirty (230) feet, measured on said right of way line from the north line of Rosevear Terrace Subdivision; thence run northerly on the east line of said State Road right of way line, a distance of one hundred fifteen (115) feet to the point of beginning. Together with all riparian, littoral or shore rights in the Indian River to the said land appertaining.

PARCEL NO. 13:

(Title vested by virtue of Deed recorded in ORB 525/667).

Parcel A: Begin at an iron pipe on the East right of way line of U. S. Highway No. 1, which iron pipe is the corner of Shuping and Cramer lands, for POINT OF BEGINNING; thence Eastward along Shuping and Cramer line to an iron pipe set on the high water mark of the Indian River; thence Southeasterly along the high water mark of the Indian River, a distance of 384 feet to an iron pipe; thence Westerly to the East right of way line of U. S. Highway No. 1 to a point, which point is 230 feet from point of beginning, measured along the East right of way line of U. S. Highway No. 1; thence Northwesterly along said right of way line to a point of beginning, being part of Rosevear Terrace as per Plat recorded in Plat Book 4, page 70, of the Public Records of Brevard County, Florida, in Section 19, Township 23 South, Range 36 East, together with all riparian, littoral and shore rights thereunto belonging or in any wise appertaining.

Parcel B: Begin at an iron pipe at a point on the East right of way line of U. S. Highway No. 1, which point is 230 feet Southeasterly from Shuping-Cramer corner post, for POINT OF BEGINNING; thence Easterly along the Southerly line of Warren A. Shuping and Catherine J. Shuping, to an iron pipe set on the high water mark of the Indian River (which iron pipe is 384 feet Southeasterly from an iron pipe set on the Indian River, which iron pipe marks corner of Shuping-Cramer land); thence along the high water mark of the Indian River, a distance of 369.30 feet to an iron pipe which marks the corner of Shuping-Nash land; thence Westerly to a concrete post set on

Continued on next page

the East right of way line of U.S. Highway No. 1, which post is corner of Shuping-Nash land, which point is 231 feet measured along said right of way line from point of beginning; thence along the East right of way line of U. S. Highway No. 1 to point of beginning, being part of land in Rosevear Terrace as per Plat Book 4, page 70, of the Public Records of Brevard County, Florida, in Section 19, Township 23 South, Range 36 East, together with all and singular the rights, numbers, privileges, hereditaments, and appurtenances to the same belonging to or in any wise appertaining, and riparian, littoral and shore rights thereunto belonging or in any wise pertaining.

The land above described as PARCEL A and PARCEL B, being otherwise described as:

All that certain tract or parcel of land situate, lying and being in Government Lots 2 and 4, of Section 19, Township 23 south, Range 36 East, in Brevard County, Florida, and being more particularly described as follows:

Beginning at a concrete monument on the Easterly right of way line of U. S. Highway No. 1 (State Road No. 5), as presently located, 318.12 feet South of the North line of said Government Lot 4, (said concrete monument is South 40 degrees East 46.4 feet from the center of a concrete culvert under said U. S. Highway No. 1); thence, run South 89 degrees, 59 minutes, 40 seconds East, 1040 feet along the South line of Rosevear Terrace, according to plat of said subdivision recorded in Plat Book 4, page 70, of the Public Records of Brevard County, Florida, to a concrete monument set on the West bank of the Indian River, (an 8 inch palm bears South 58 degrees West 42 feet; a gum tree (7 inches) bears North 47 degrees West 53.5 feet), and thence continue on the same course to and into the waters of the Indian River; thence run Northwesterly, meandering the waters edge of the Indian River, a distance of 753 feet to an iron pipe set at the Southeast corner of the lands of Conrad W. Cramer and Ruth D. Cramer, husband and wife, as described in Deed Book 345, page 314, Public Records of Brevard County, Florida; thence run South 75 degrees, 14 minutes, 20 seconds West along the South line of said lands of Conrad W. Cramer and Ruth D. Cramer, as described in Deed Book 345, page 314, a distance of 824 feet to an iron pipe set on the Easterly right of way line of U.S. Highway No. 1 (State Road No. 5) as presently located; thence go South 15 degrees, 14 minutes, 40 seconds East along the Easterly right of way line of said U. S. Highway No. 1 (State Road No. 5) as presently located, a distance of 461 feet to the concrete monument set at the point of beginning, together with all riparian, littoral and shore rights thereunto belonging or in anywise pertaining.

PARCEL NO. 14:

(Title vested by virtue of Deed recorded in ORB 886/678).

That part of Government Lot 4, Section 19, Township 23 South, Range 36 East, Brevard County, Florida, more particularly described as follows, to-wit: Begin at the NW corner of the aforesaid Government Lot 4; thence run S on the W line of said Government Lot 4, 323.77 feet, to a coquina post; thence S 89 degrees, 35 minutes E 549.75 feet, or or less to a concrete post set on the E side of U. S. Highway No. 1, for the point of beginning. From said point of beginning run thence S 14 degrees, 45 minutes E along the E side of said Highway 275.49 feet, to a concrete post, which post is 266 feet, S of the point of beginning by right angle measurements; thence run S 89 degrees, 35 minutes E and parallel to the N line of said

Continued on next page

Government Lot 4 and 589.77 feet, S therefrom a distance of 1,007 feet, more or less, to a concrete post; thence continue E 30 feet, more or less, to and into the waters of the Indian River; thence Northwesterly meandering the waters of the Indian River to a point distant at right angle measurements S of the N line of said Government Lot 4, 323.77 feet, thence N 89 degrees, 35 minutes W and parallel to the N line of said Government Lot 4, 1,039.5 feet, more or less, to the point of beginning.

PARCEL NO. 15:

(Title vested by virtue of Deed recorded in ORB ____/____).

Begin at the Northwest corner of Government Lot 4, Section 19, Township 23 South, Range 36 East, Brevard County, Florida; thence South on the West line of said Lot 4 a distance of 323.77 feet to a coquina post; thence East parallel to the North line of said Lot 4 a distance of 549.75 feet to a concrete post on the East right of way line of U.S. Highway #1; thence Southeasterly along said East right of way line a distance of 266 feet South of the last course by perpendicular measure to a concrete post; thence East parallel to the North line of said Lot 4 a distance of 695.67 feet to a concrete post for a Point of Beginning; thence South a distance of 90 feet; thence East parallel to the North line of said Government Lot 4 a distance of 150 feet; thence North a distance of 90 feet; thence West along a line parallel to the North line of said Government Lot 4 a distance of 150 feet to the Point of Beginning; together with easement for road right of way 20 feet wide running East and West from the Indian River to said Highway and bordering said parcel on the South and together with all riparian, littoral and shore rights belonging or in anywise pertaining.

PARCEL NO. 16:

(Title vested by virtue of Deed recorded in ORB 858/333).

Begin at the Northwest corner of Government Lot 4, Section 19, Township 23 South, Range 36 East, Brevard County, Florida; thence South on the West line of said Lot 4 a distance of 323.77 feet to a coquina post; thence East parallel to the North line of said Lot 4 a distance of 549.75 feet to a concrete post on the East right-of-way line of U. S. Highway No. 1; thence Southeasterly along said East right-of-way line a distance of 266 feet (the 266 feet measured perpendicularly) to a concrete post; thence East parallel to North line of said Lot 4 a distance of 845 feet to a concrete post for point of beginning; thence South a distance of 90 feet; thence East parallel to the North line of said Lot 4 a distance of 90 feet; thence North a distance of 90 feet; thence West parallel to the North line of said Government Lot 4 a distance of 90 feet to the Point of Beginning and being in Government Lot 4, Section 19, Township 23 South, Range 36 East, together with easement for road right-of-way 20 feet wide running East and West from Indian River to said Highway and bordering said parcel on the South.

PARCEL NO. 17:

(Title vested by virtue of Deed recorded in ORB 858/336).

Begin at the Northwest corner of Government Lot 4, Section 19, Township 23 South, Range 36 East, Brevard County, Florida; thence South on the West line of said Lot 4 a distance of

Continued on next page

ATTACHMENT E: PUBLIC EASEMENT

To be attached after certification pursuant to Section B. Condition I.C.

This Instrument Prepared By:
Pattie J. Scott
Recurring Revenue Section
Bureau of Public Land Administration
3900 Commonwealth Boulevard
Mail Station No. 125
Tallahassee, Florida 32399

CFN 2010116582, OR BK 6188 PAGE 2699,
Recorded 06/18/2010 at 04:28 PM, Scott Ellis, Clerk of
Courts, Brevard County
Doc D: \$0.70 # Pgs:13

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
OF THE STATE OF FLORIDA

SOVEREIGNTY SUBMERGED LANDS EASEMENT

EASEMENT NO.: 41218
BOT FILE NO.: 050234533
DEP OGC CASE NO.: 08-2971

THIS EASEMENT is hereby granted by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, hereinafter referred to as the Grantor.

WITNESSETH: That for the faithful and timely performance of and compliance with the terms and conditions stated herein, the Grantor does hereby grant to Florida Power & Light Company, a Florida corporation, hereinafter referred to as the Grantee, a nonexclusive easement on, under and across the sovereignty lands, if any, contained in the following legal description:

A parcel of sovereignty submerged land in Section 19,
Township 23 South, Range 36 East, in the Indian River,
Brevard County, as is more particularly described
and shown on Attachment A, dated October 28, 2009.

TO HAVE THE USE OF the hereinabove described premises for a period of 50 years from October 12, 2009, the effective date of this easement. The terms and conditions on and for which this easement is granted are as follows:

1. USE OF PROPERTY: The above described parcel of land shall be used solely for an upland protrusion of land constructed on Sovereignty Submerged Land for use with the daily operations of the associated riparian upland power plant and Grantee shall not engage in any activity except as described in the Site Certification DEP OGC Case No. 08-2971, dated October 12, 2009, incorporated herein and made a part of this easement by reference. All of the foregoing subject to the remaining conditions of this easement.

2. EASEMENT CONSIDERATION: In the event the Grantor amends its rules related to fees and the amended rules provide the Grantee will be charged a fee or an increased fee for this activity, the Grantee agrees to pay all charges required by such amended rules within 90 days of the date the amended rules become effective or by a date provided by an invoice from the Department, whichever is later. All fees charged under this provision shall be prospective in nature; i.e. they shall begin to accrue on the date that the amended rules become effective.

3. WARRANTY OF TITLE/GUARANTEE OF SUITABILITY OF USE OF LAND: Grantor neither warrants title to the lands described herein nor guarantees the suitability of any of the lands for any particular use.

4. RIGHTS GRANTED: The rights hereby granted shall be subject to any and all prior rights of the United States and any and all prior grants by the Grantor in and to the submerged lands situated within the limits of this easement.

5. DAMAGE TO EASEMENT PROPERTY AND INTERFERENCE WITH PUBLIC AND PRIVATE RIGHTS: Grantee shall not damage the easement lands or unduly interfere with public or private rights therein.

6. GRANTOR'S RIGHT TO GRANT COMPATIBLE USES OF THE EASEMENT PROPERTY: This easement is nonexclusive, and the Grantor, or its duly authorized agent, shall retain the right to enter the property or to engage in management activities not inconsistent with the use herein provided for and shall retain the right to grant compatible uses of the property to third parties during the term of this easement.

7. RIGHT TO INSPECT: Grantor, or its duly authorized agent, shall have the right at any time to inspect the works and operations of the Grantee in any matter pertaining to this easement.

8. INDEMNIFICATION/INVESTIGATION OF ALL CLAIMS: The Grantee shall investigate all claims of every nature at its expense, and shall indemnify, defend and save and hold harmless the Grantor and the State of Florida from all claims, actions, lawsuits and demands arising out of this easement, which do not arise out of or result from the negligent acts of omissions of Grantor.

HC - Joseph O'Hagan

9. VENUE: Grantee waives venue as to any litigation arising from matters relating to this easement and any such litigation between Grantor and Grantee shall be initiated and maintained only in Leon County, Florida.

10. ASSIGNMENT OF EASEMENT: This easement shall not be assigned or otherwise transferred without prior written consent of the Grantor or its duly authorized agent and which consent shall not be unreasonably withheld. Any assignment or other transfer without prior written consent of the Grantor shall be null and void and without legal effect.

11. TERMINATION: The Grantee, by acceptance of this easement, binds itself, its successors and assigns, to abide by the provisions and conditions herein set forth, and said provisions and conditions shall be deemed covenants of the Grantee, its successors and assigns. In the event the Grantee fails or refuses to comply with the provisions and conditions herein set forth or in the event the Grantee violates any of the provisions and conditions herein, this easement may be terminated by the Grantor upon 30 days written notice to Grantee. If terminated, all of the above-described parcel of land shall revert to the Grantor. All costs, including attorneys' fees, incurred by the Grantor to enforce the provisions of this easement shall be paid by the Grantee. All notices required to be given to Grantee by this easement or applicable law or administrative rules shall be sufficient if sent by U.S. Mail to the following address:

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

The Grantee agrees to notify the Grantor by certified mail of any changes to this address at least ten (10) days before the change is effective.

12. TAXES AND ASSESSMENTS: The Grantee shall assume all responsibility for liabilities that accrue to the subject property or to the improvements thereon, including any and all drainage or special assessments or taxes of every kind and description which are now or may be hereafter lawfully assessed and levied against the subject property during the effective period of this easement which result from the grant of this easement or the activities of Grantee hereunder.

13. REMOVAL OF STRUCTURES/ADMINISTRATIVE FINES: If the Grantee does not remove said structures and equipment occupying and erected upon the premises after expiration or cancellation of this easement, such structures and equipment will be deemed forfeited to the Grantor, and the Grantor may authorize removal and may sell such forfeited structures and equipment after ten (10) days written notice by certified mail addressed to the Grantee at the address specified in Item 11 or at such address on record as provided to the Grantor by the Grantee. However, such remedy shall be in addition to all other remedies available to Grantor under applicable laws, rules and regulations including the right to compel removal of all structures and the right to impose administrative fines.

14. ENFORCEMENT OF PROVISIONS: No failure, or successive failures, on the part of the Grantor to enforce any provision, nor any waiver or successive waivers on its part of any provision herein, shall operate as a discharge thereof or render the same inoperative or impair the right of the Grantor to enforce the same upon any renewal thereof or in the event of subsequent breach or breaches.

15. RECORDATION OF EASEMENT: The Grantee, at its own expense, shall record this fully executed easement in its entirety in the public records of the county within which the easement site is located within fourteen (14) days after receipt, and shall provide to the Grantor within ten (10) days following the recordation a copy of the recorded easement in its entirety which contains the O.R. Book and pages at which the easement is recorded.

16. AMENDMENT/MODIFICATIONS: This easement is the entire and only agreement between the parties. Its provisions are not severable. Any amendment or modification to this easement must be in writing and must be accepted, acknowledged and executed by the Grantee and Grantor.

17. ACOE AUTHORIZATION: Prior to commencement of construction and/or activities authorized herein, the Grantee shall obtain the U.S. Army Corps of Engineers (COE) permit if it is required by the COE. Any modifications to the construction and/or activities authorized herein that may be required by the COE shall require consideration by and the prior written approval of the Grantor prior to the commencement of construction and/or any activities on sovereign, submerged lands.

18. ADDITIONAL STRUCTURES OR ACTIVITIES/EMERGENCY STRUCTURAL REPAIRS: No additional structures shall be erected and/or activities undertaken, including but not limited to, dredging, relocation/realignment or major repairs or renovations made to authorized structures, on, in or over sovereignty, submerged lands without the prior written consent from the Grantor, with the exception of emergency repairs. Unless specifically authorized in writing by the Grantor, such activities or structures shall be considered unauthorized and a violation of Chapter 253, Florida Statutes, and shall subject the Grantee to administrative fines under Chapter 18-14, Florida Administrative Code. If emergency repairs are required to be undertaken in the interests of public health, safety or welfare, the Grantee shall notify the Grantor of such repairs as quickly as is practicable; provided, however, that such emergency activities shall not exceed the activities authorized by this easement.

19. UPLAND RIPARIAN PROPERTY INTEREST: During the term of this easement, Grantee must have satisfactory evidence of sufficient upland interest as defined in subsection 18-21.003(60), Florida Administrative Code, to the extent required by paragraph 18-21.004(3)(b), Florida Administrative Code, in order to conduct the activity described in this easement. If at any time during the term of this easement, Grantee fails to comply with this requirement, use of sovereignty, submerged lands described in this easement shall immediately cease and this easement shall terminate and title to this easement shall revert to and vest in the Grantor immediately and automatically.

WITNESSES:

Theresa M. Brady
Original Signature

Theresa M. Brady
Print/Type Name of Witness

Kathy C. Griffin
Original Signature

Kathy C. Griffin
Print/Type Name of Witness

BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND OF THE STATE
OF FLORIDA

BY: Jeffery M. Gentry (SEAL)
Jeffery M. Gentry, Operations and Management Consultant
Manager, Bureau of Public Land Administration, Division
Division of State Lands, State of Florida Department of
Environmental Protection, as agent for and on behalf of the Board
of Trustees of the Internal Improvement Trust Fund of the State
of Florida

"GRANTOR"

STATE OF FLORIDA
COUNTY OF LEON

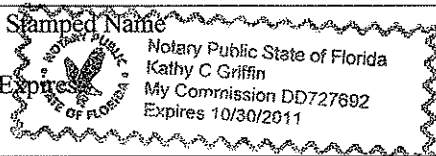
The foregoing instrument was acknowledged before me this 24th day of May, 2010, by
Jeffery M. Gentry, Operations and Management Consultant Manager, Bureau of Public Land Administration, Division of State
Lands, State of Florida Department of Environmental Protection, as agent for and on behalf of the Board of Trustees of the
Internal Improvement Trust Fund of the State of Florida. He is personally known to me.

APPROVED AS TO FORM AND LEGALITY:

DEP Attorney

Printed, Typed or Stamped Name

My Commission Expires



Commission/Serial No.

WITNESSES:

Michelle M. Kahmann
Original Signature

Michelle M. Kahmann

Typed/Printed Name of Witness

Deborah C. Patterson
Original Signature

Deborah C. Patterson

Typed/Printed Name of Witness

STATE OF FL

COUNTY OF Palm Beach

Florida Power & Light Company, a Florida corporation (SEAL)

BY: [Signature]
Original Signature of Executing Authority

Dina L. Guenther

Typed/Printed Name of Executing Authority

Director Corporate Real Estate

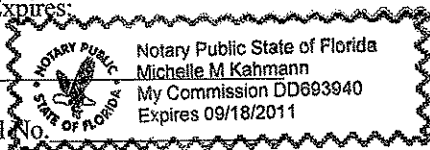
Title of Executing Authority

"GRANTEE"

The foregoing instrument was acknowledged before me this 10th day of May, 2010, by
Dina L. Guenther as Director Corporate Real Estate of Florida Power & Light Company, a Florida corporation, for and on behalf
of the corporation. He is personally known to me or who has produced _____, as identification.

My Commission Expires:

Commission/Serial No.



Notary Public, State of FL
Michelle M. Kahmann

Printed, Typed or Stamped Name

EXHIBIT "A"

SKETCH AND DESCRIPTION

CAPE CANAVERAL POWER PLANT

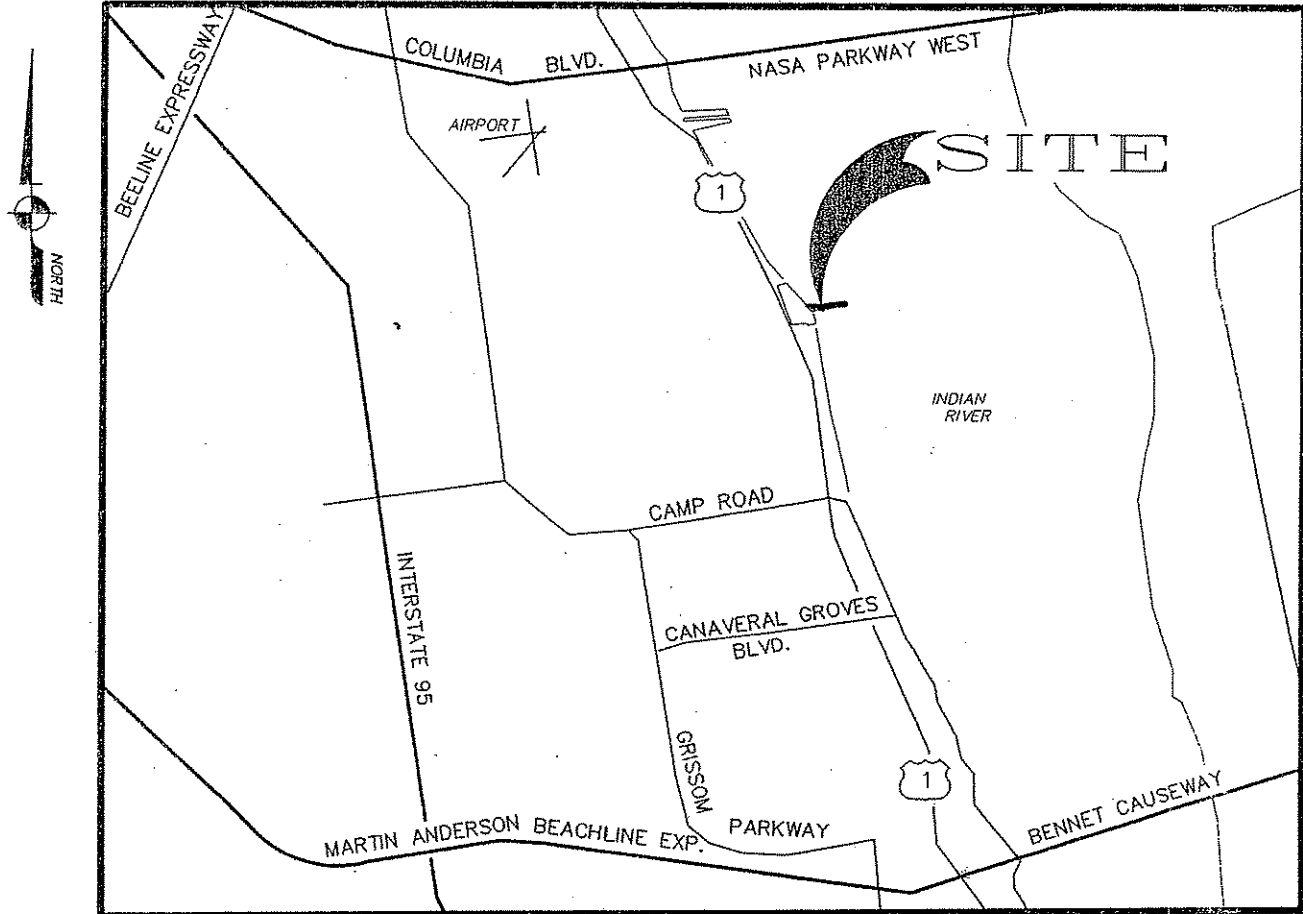
UPLAND FILLED AREA

RECEIVED

NOV 05 2009

DEP Central Dist.

SECTIONS 19, TOWNSHIP 23 S., RANGE 36 E. BREVARD COUNTY, FLORIDA



LOCATION SKETCH
(NOT TO SCALE)

PAGE 1 OF 10

REVISIONS	AVIROM & ASSOCIATES, INC. SURVEYING & MAPPING	SCALE -
REVISE LEGAL 06/03/09 A.M.R.	50 S.W. 2ND AVENUE, SUITE 102	DATE 05/20/09
REVISE PER DEP CHECKLIST 10/28/09 A.M.R.	BOCA RATON, FLORIDA 33432	BY A.M.R.
	TEL. (561) 392-2594, FAX (561) 394-7125	CK'D. M.D.A.
	www.AVIROM-SURVEY.com	F.B. - PG. -
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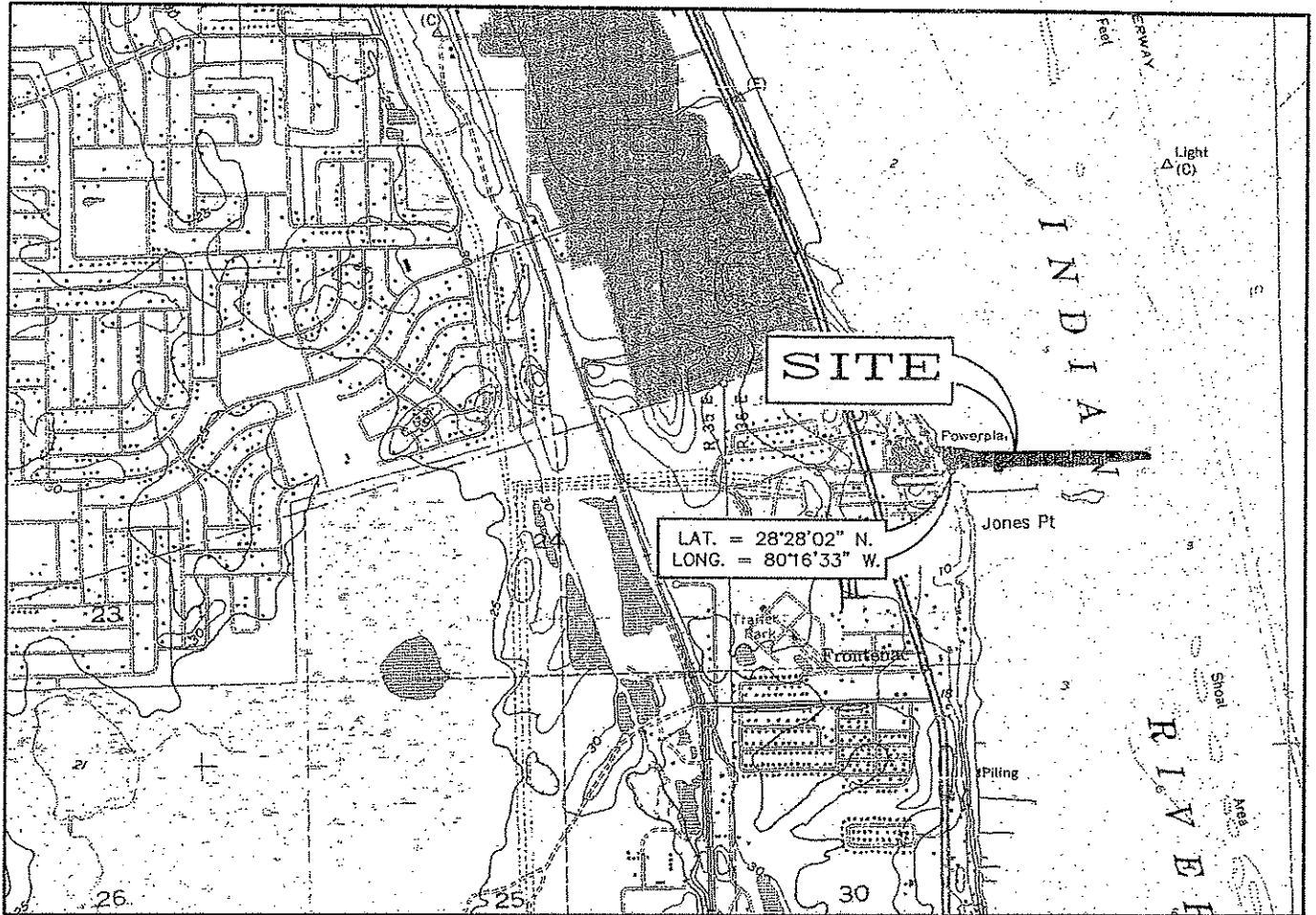
EXHIBIT "A"

SKETCH AND DESCRIPTION

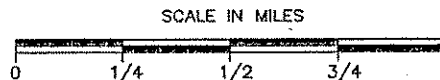
CAPE CANAVERAL POWER PLANT

UPLAND FILLED AREA

SECTIONS 19, TOWNSHIP 23 S., RANGE 36 E. BREVARD COUNTY, FLORIDA



SHARPES QUADRANGLE
FLORIDA – BREVARD CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)



NOTES:

LATITUDE AND LONGITUDE SHOWN ARE BASED ON THE 1990 ADJUSTMENT OF THE NORTH AMERICAN DATUM OF 1983 (NAD 83/90).

LAT. = LATITUDE
LONG.= LONGITUDE

PAGE 2 OF 10

REVISIONS	AVIROM & ASSOCIATES, INC. SURVEYING & MAPPING	SCALE
REVISE LEGAL 06/03/09 A.M.R.	50 S.W. 2ND AVENUE, SUITE 102	DATE 05/20/09
REVISE PER DEP CHECKLIST 10/28/09 A.M.R.	BOCA RATON, FLORIDA 33432	BY A.M.R.
	TEL. (561) 392-2594, FAX (561) 394-7125	CK'D. M.D.A.
	www.AVIROM-SURVEY.com	F.B. - PG. -
	© 2009 AVIROM & ASSOCIATES, INC. ALL RIGHTS RESERVED.	JOB NO. 8460-8

EXHIBIT "A"
SKETCH AND DESCRIPTION
CAPE CANAVERAL POWER PLANT
UPLAND FILLED AREA

LEGAL DESCRIPTION:

A portion of Section 19, Township 23 South, Range 36 East described as follows:

COMMENCING at the Southwest corner of the RE-SUBDIVISION OF ROSEVEAR TERRACE, Plat Book 8, Page 40b according to the Public Records of Brevard County, Florida; thence S 89°47'27" E, 549.42 feet to the easterly right-of-way line of U.S. Highway No. 1 (State Road No. 5); thence N14°53'20"W along said easterly right-of-way line 209.02 feet; thence N 72°20'22" E, 898.86 feet to the Ordinary High Water Line of the Indian River and the POINT OF BEGINNING (the next 110 courses proceeding along said Ordinary High Water Line); thence N 52°23'52" E, 1.20 feet; thence S 48°20'57" E, 27.90 feet; thence S 35°12'29" W, 1.80 feet; thence S 66°11'51" E, 31.20 feet; thence S 37°59'01" E, 19.34 feet; thence S 67°43'53" E, 28.31 feet; thence S 79°43'04" E, 55.27 feet; thence S 84°28'52" E, 56.13 feet; S 81°19'03" E, 49.44 feet; thence S 83°53'23" E, 52.45 feet; thence S 79°16'44" E, 46.12 feet; thence S 78°14'16" E, 60.38 feet; thence S 81°04'29" E, 62.40 feet; thence S 85°19'43" E, 52.85 feet; thence N 89°05'19" E, 163.90 feet; thence N 89°13'22" E, 110.21 feet; thence N 89°22'24" E, 50.85 feet; thence S 89°03'48" E, 50.48 feet; thence N 81°01'52" E, 40.04 feet; thence S 87°22'00" E, 109.67 feet; thence N 82°07'27" E, 58.69 feet; thence N 87°29'40" E, 53.08 feet; thence N 82°16'19" E, 61.08 feet; thence S 87°09'16" E, 111.65 feet; thence N 81°31'06" E, 50.32 feet; thence S 83°26'17" E, 48.14 feet; thence N 88°28'43" E, 35.82 feet; thence S 89°36'28" E, 64.95 feet; thence S 89°47'43" E, 92.54 feet; thence S 88°00'04" E, 58.02 feet; thence N 85°21'47" E, 53.49 feet; thence N 78°33'49" E, 54.42 feet; thence S 86°06'38"E, 46.03 feet; thence N 89°04'29" E, 57.86 feet; thence S 88°16'08" E, 41.48 feet; thence S 85°38'13"E, 59.82 feet; thence S 87°13'39" E, 39.85 feet; thence N 86°51'41" E, 43.70 feet; thence N 86°23'12"E, 70.09 feet; thence S 80°21'26" E, 40.42 feet; thence S 88°57'04" E, 61.04 feet; thence N 86°45'45" E, 57.70 feet; thence N 85°45'54" E, 51.10 feet; thence N 89°02'51" E, 55.96 feet; thence N 85°13'57" E, 54.54 feet; thence S 76°00'09" E, 19.78 feet; thence S 83°23'43" E, 20.31 feet; thence S 39°08'49" E, 22.43 feet; thence S 72°39'54" E, 18.72 feet; thence S 42°51'23" E, 18.97 feet; thence S 27°38'51" W, 25.55 feet; thence S 52°25'12" W, 17.91 feet; thence N 88°20'29" W, 76.15 feet; thence S 84°39'28" W, 38.95 feet; thence N 88°32'42" W, 49.33 feet; thence S 82°43'06" W, 59.64 feet; thence S 77°07'52" W, 54.91 feet; thence S 88°53'09" W, 54.40 feet; thence N 80°30'49" W, 55.78 feet; thence N 83°01'58" W, 51.39 feet; thence S 84°54'13" W, 48.47 feet; thence N 78°04'10" W, 31.52 feet; thence N 87°44'28" W, 18.00 feet; thence S 88°51'22" W, 55.71 feet; thence S 81°50'12" W, 40.69 feet; thence S 80°34'20" W, 54.93 feet; thence S 79°55'08" W, 52.41 feet; thence S 83°13'24" W, 17.16 feet; thence N 58°07'20" W, 24.76 feet; thence N 79°22'48" W, 13.72 feet; thence

(CONTINUE ON PAGE 4)

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REVISE PER DEP CHECKLIST	10/28/09 A.M.R.			BY	A.M.R.
				CK'D.	M.D.A.
				F.B.	PG.
				JOB NO.	8460-8

EXHIBIT "A"

SKETCH AND DESCRIPTION

CAPE CANAVERAL POWER PLANT

UPLAND FILLED AREA

(CONTINUED)

S 81°05'52" W, 55.20 feet; thence S 72°58'47" W, 44.20 feet; thence S 65°04'09" W, 20.76 feet; thence S 76°23'17" W, 55.28 feet; thence S 66°03'38" W, 38.07 feet; thence N 81°25'43" W, 53.18 feet; thence N 81°13'33" W, 43.92 feet; thence N 84°24'34" W, 94.90 feet; thence N 69°24'18" W, 27.86 feet; thence S 77°34'39" W, 51.08 feet; thence S 84°05'40" W, 53.40 feet; thence S 70°40'21" W, 49.69 feet; thence S 62°21'00" W, 70.31 feet; thence S 01°35'50" E, 13.75 feet; thence S 88°24'10" W, 2.50 feet; thence N 01°35'50" W, 79.14 feet; thence N 78°06'54" W, 92.60 feet; thence S 82°02'31" W, 54.39 feet; thence S 80°47'08" W, 44.95 feet; thence S 76°23'04" W, 75.97 feet; thence S 72°42'52" W, 65.89 feet; thence S 51°25'25" W, 40.54 feet; thence S 00°39'45" E, 28.92 feet; thence S 89°08'12" W, 43.51 feet; thence N 00°55'40" W, 60.30 feet; thence N 66°03'09" W, 8.86 feet; thence N 84°07'49" W, 20.40 feet; thence N 87°33'01" W, 27.93 feet; thence S 89°59'16" W, 33.38 feet; thence S 89°08'33" W, 49.70 feet; thence S 88°32'59" W, 47.17 feet; thence N 85°51'37" W, 57.56 feet; thence S 79°44'00" W, 46.86 feet; thence S 68°12'45" W, 20.89 feet; thence N 76°43'25" W, 14.47 feet; thence S 84°48'07" W, 74.09 feet; thence S 81°14'09" W, 62.61 feet; thence S 70°47'13" W, 22.81 feet; thence S 57°34'21" W, 39.16 feet; thence S 41°15'23" W, 6.63 feet to said Ordinary High Water Line; thence N 31°14'04" W, 332.57 feet to the POINT OF BEGINNING.

Said lands situate in Brevard County, Florida and containing 262,636 square feet, 6.029 acres, more or less.

CERTIFICATION:

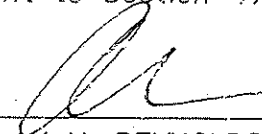
This Survey is Certified to the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida.

I HEREBY CERTIFY that the attached Sketch and Description of the hereon described property is true and correct to the best of my knowledge and belief as prepared under my direction. I FURTHER CERTIFY that this Sketch and Description meets the Minimum Technical Standards set forth in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Date: 10/28/09

Sordra

Loganwell


ALAN M. REYNOLDS, P.S.M.
Florida Registration No. 6346
AVIROM & ASSOCIATES, INC.
L.B. No. 3300

PAGE 4 OF 10

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			CK'D.	M.D.A.
			F.B.	PG.
			JOB NO.	8460-8

EXHIBIT "A"

SKETCH AND DESCRIPTION

CAPE CANAVERAL POWER PLANT

UPLAND FILLED AREA

SURVEYOR'S REPORT:

1. Not valid without the signature and original raised seal of a Florida licensed Surveyor and Mapper.
2. The Legal Description is in accord with the Ownership & Encumbrance Search provided by the client, prepared by Chicago Title Insurance Agency, Inc. and dated May 23, 2008. It is possible that there are Deeds, Easements, or other instruments (recorded or unrecorded) which may affect the subject property. No search of the Public Records has been made by the Surveyor.
3. The undersigned surveyor has no knowledge as to whether any of the hereon property is filled formerly submerged lands.
 *(See exception on sheet No. 2)
 The approximate Ordinary High Water Line (before the creation of the peninsula) is shown using historical aerial photographs created by the US Department of Agriculture, dated 1951. The aerial photographs were found on the University of Florida website below.
 (Http://web.uflib.ufl.edu/digital/collections/flap)
4. No underground improvements were located.
5. Bearings and Coordinates shown hereon are referenced to Grid North, based on the 1990 adjustment of the North American Datum of 1983 (NAD 83/90) of the Florida State Plane Coordinate System (Transverse Mercator Projection), East Zone, with the east right-of-way line of U.S. Highway No. 1, having a bearing of N 14°53'20" W.
6. Elevations shown hereon are based on the North American Vertical Datum of 1988.
7. Benchmark Description: National Geodetic Survey Bench Mark 872 1574 Tidal #1 (PID AK6957) Elevation = 13.36 feet (NAVD 88)
8. Ordinary High Water Line information was provided by the Florida Bureau of Survey and Mapping. Ordinary High Water Line = 1.10' (N.G.V.D. 29) and converted to -0.24' (N.A.V.D. 88).
9. The Safe Upland Line (elevation 1.10 NGVD 29) is at or above the approximate Ordinary High Water Line.
10. Elevations were converted from N.G.V.D. 1929 to N.A.V.D. 1988 using Corpscon version 5.11.08 as found on Land Boundary Information System internet web site (www.labins.org).
11. Abbreviation Legend: C= Centerline;
 F.P.L.= Florida Power & Light Company; L.B.= Licensed Business;
 N.G.V.D.=National Geodetic Vertical Datum; P.S.M.= Professional Surveyor and Mapper;
 N.A.V.D.= North American Vertical Datum.
12. This is a FIELD SURVEY.

PAGE 5 OF 10

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REVISE PER DEP CHECKLIST 10/28/09 A.M.R.		DATE 05/20/09
		BY A.M.R.
		CK'D. M.D.A.
		F.B. PG. -
		JOB NO. 8460-8

EXHIBIT "A"

SKETCH AND DESCRIPTION

CAPE CANAVERAL POWER PLANT

UPLAND FILLED AREA

LINE TABLE

No.	BEARING	DISTANCE
L1	N52°23'52"E	1.20'
L2	S48°20'57"E	27.90'
L3	S35°12'29"W	1.80'
L4	S66°11'51"E	31.20'
L5	S37°59'01"E	19.34'
L6	S67°43'53"E	28.31'
L7	S79°43'04"E	55.27'
L8	S84°28'52"E	56.13'
L9	S81°19'03"E	49.44'
L10	S83°53'23"E	52.45'
L11	S79°16'44"E	46.12'
L12	S78°14'16"E	60.38'
L13	S81°04'29"E	62.40'
L14	S85°19'43"E	52.85'
L15	N89°05'19"E	163.90'
L16	N89°13'22"E	110.21'
L17	N89°22'24"E	50.85'
L18	S89°03'48"E	50.48'
L19	N81°01'52"E	40.04'
L20	S87°22'00"E	109.67'
L21	N82°07'27"E	58.69'
L22	N87°29'40"E	53.08'
L23	N82°16'19"E	61.08'
L24	S87°09'16"E	111.65'
L25	N81°31'06"E	50.32'
L26	S83°26'17"E	48.14'
L27	N88°28'43"E	35.82'
L28	S89°36'28"E	64.95'
L29	S89°47'43"E	92.54'
L30	S88°00'04"E	58.02'
L31	N85°21'47"E	53.49'
L32	N78°33'49"E	54.42'
L33	S86°06'38"E	46.03'
L34	N89°04'29"E	57.86'
L35	S88°16'08"E	41.48'
L36	S85°38'13"E	59.82'
L37	S87°13'39"E	39.85'
L38	N86°51'41"E	43.70'
L39	N86°23'12"E	70.09'
L40	S80°21'26"E	40.42'

LINE TABLE

No.	BEARING	DISTANCE
L41	S88°57'04"E	61.04'
L42	N86°45'45"E	57.70'
L43	N85°45'54"E	51.10'
L44	N89°02'51"E	55.96'
L45	N85°13'57"E	54.54'
L46	S76°00'09"E	19.78'
L47	S83°23'43"E	20.31'
L48	S39°08'49"E	22.43'
L49	S72°39'54"E	18.72'
L50	S42°51'23"E	18.97'
L51	S27°38'51"W	25.55'
L52	S52°25'12"W	17.91'
L53	N88°20'29"W	76.15'
L54	S84°39'28"W	38.95'
L55	N88°32'42"W	49.33'
L56	S82°43'06"W	59.64'
L57	S77°07'52"W	54.91'
L58	S88°53'09"W	54.40'
L59	N80°30'49"W	55.78'
L60	N83°01'58"W	51.39'
L61	S84°54'13"W	48.47'
L62	N78°04'10"W	31.52'
L63	N87°44'28"W	18.00'
L64	S88°51'22"W	55.71'
L65	S81°50'12"W	40.69'
L66	S80°34'20"W	54.93'
L67	S79°55'08"W	52.41'
L68	S83°13'24"W	17.16'
L69	N58°07'20"W	24.76'
L70	N79°22'48"W	13.72'
L71	S81°05'52"W	55.20'
L72	S72°58'47"W	44.20'
L73	S65°04'09"W	20.76'
L74	S76°23'17"W	55.28'
L75	S66°03'38"W	38.07'
L76	N81°25'43"W	53.18'
L77	N81°13'33"W	43.92'
L78	N84°24'34"W	94.90'
L79	N69°24'18"W	27.86'
L80	S77°34'39"W	51.08'

LINE TABLE

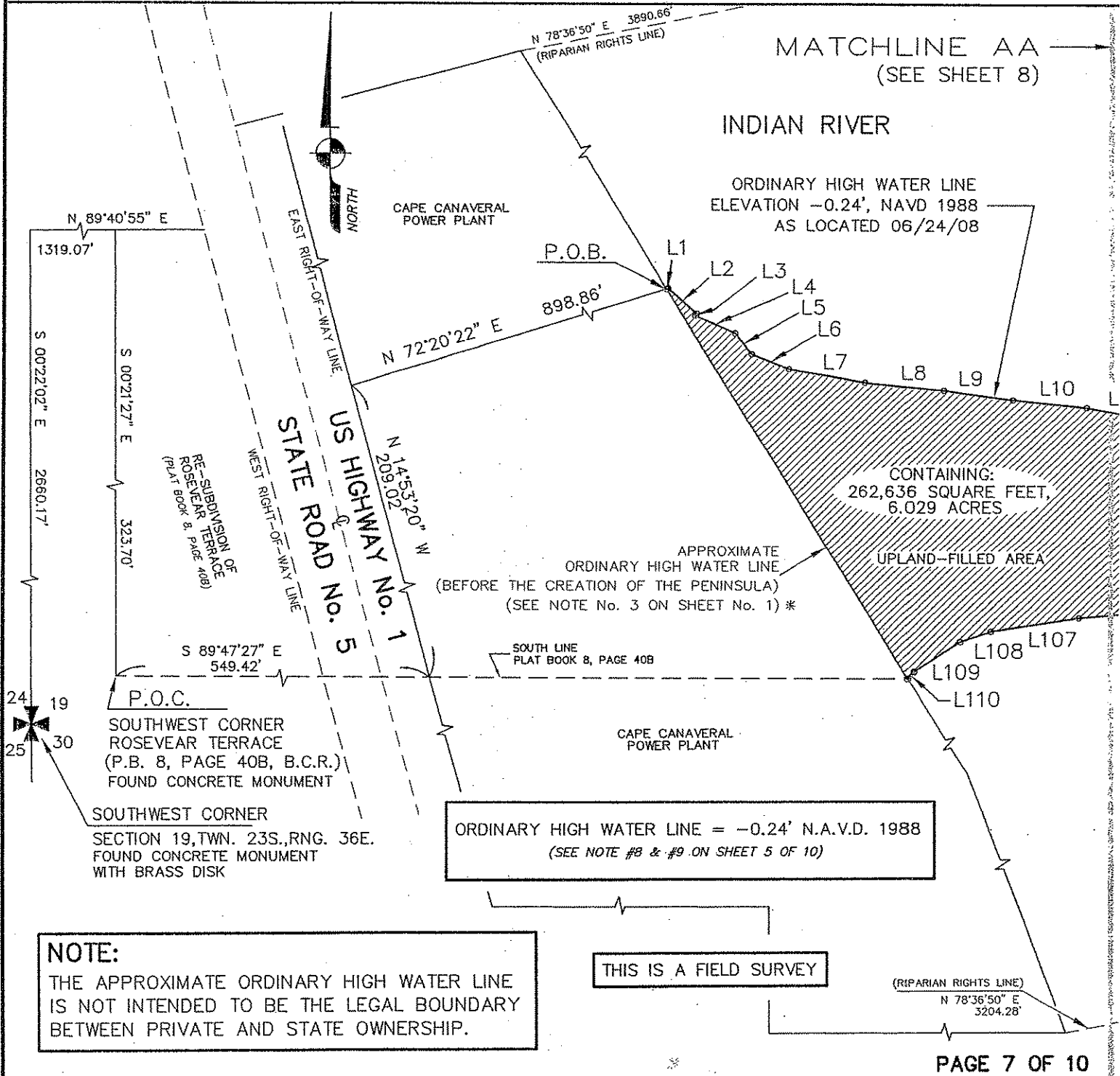
No.	BEARING	DISTANCE
L81	S84°05'40"W	53.40'
L82	S70°40'21"W	49.69'
L83	S62°21'00"W	70.31'
L84	S01°35'50"E	13.75'
L85	S88°24'10"W	2.50'
L86	N01°35'50"W	79.14'
L87	N78°06'54"W	92.60'
L88	S82°02'31"W	54.39'
L89	S80°47'08"W	44.95'
L90	S76°23'04"W	75.97'
L91	S72°42'52"W	65.89'
L92	S51°25'25"W	40.54'
L93	S00°39'45"E	28.92'
L94	S89°08'12"W	43.51'
L95	N00°55'40"W	60.30'
L96	N66°03'09"W	8.86'
L97	N84°07'49"W	20.40'
L98	N87°33'01"W	27.93'
L99	S89°59'16"W	33.38'
L100	S89°08'33"W	49.70'
L101	S88°32'59"W	47.17'
L102	N85°51'37"W	57.56'
L103	S79°44'00"W	46.86'
L104	S68°12'45"W	20.89'
L105	N76°43'25"W	14.47'
L106	S84°48'07"W	74.09'
L107	S81°14'09"W	62.61'
L108	S70°47'13"W	22.81'
L109	S57°34'21"W	39.16'
L110	S41°15'23"W	6.63'

PAGE 6 OF 10

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		CK'D.	M.D.A.
		F.B.	- PG. -
		JOB NO.	8460-8

EXHIBIT "A"
SKETCH AND DESCRIPTION
CAPE CANAVERAL POWER PLANT
UPLAND FILLED AREA

SECTIONS 19, TOWNSHIP 23 S., RANGE 36 E. BREVARD COUNTY, FLORIDA



REVISIONS
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REVISE PER DEP CHECKLIST 10/28/09 A.M.R.

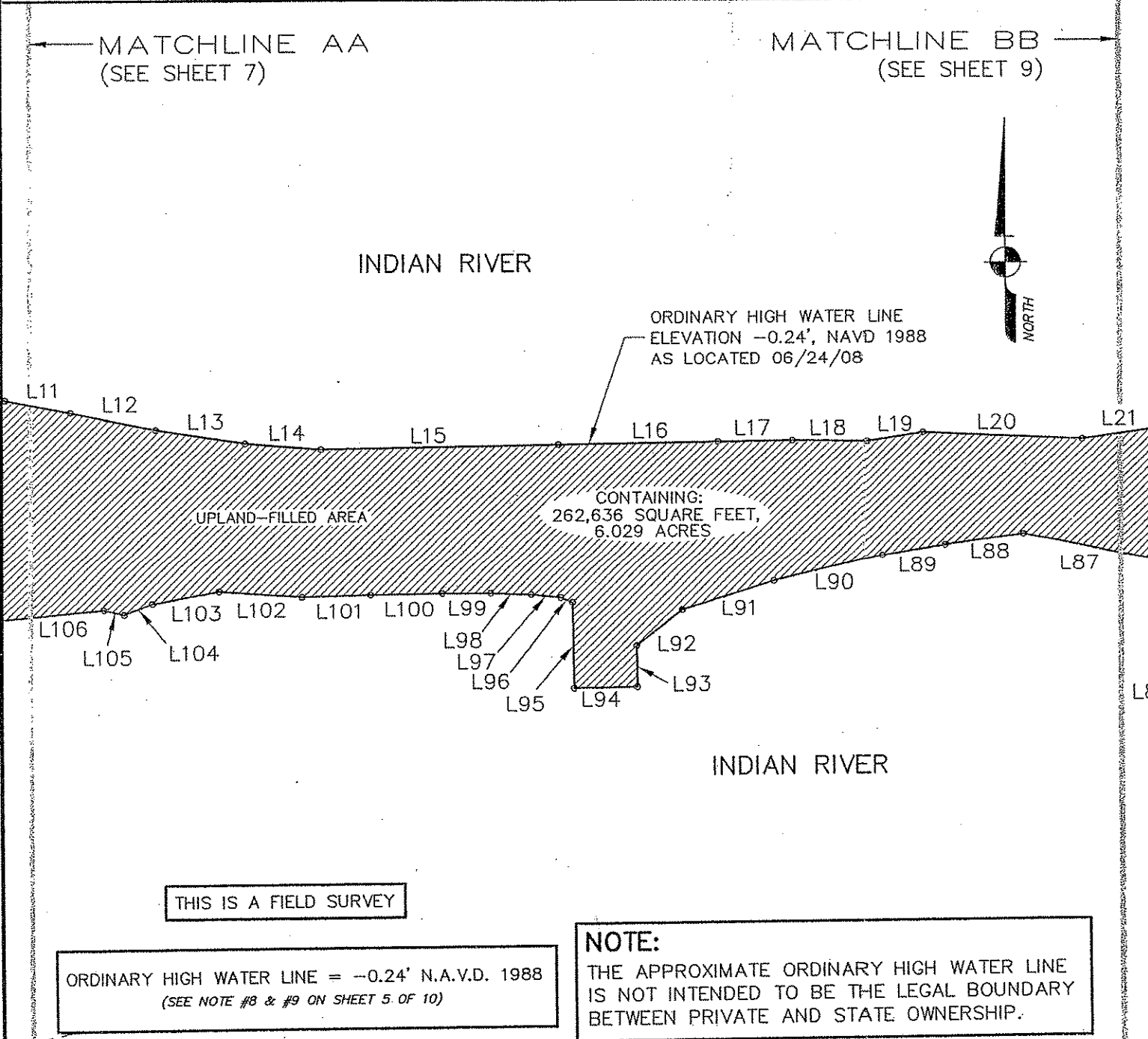


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SCALE	1" = 100'
DATE	05/20/09
BY	A.M.R.
CK'D.	M.D.A.
F.B.	PG.
JOB NO.	8460-8

EXHIBIT "A"
SKETCH AND DESCRIPTION
CAPE CANAVERAL POWER PLANT
UPLAND FILLED AREA

SECTIONS 19, TOWNSHIP 23 S., RANGE 36 E. BREVARD COUNTY, FLORIDA



PAGE 8 OF 10

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SKETCH AND DESCRIPTION

CAPE CANAVERAL POWER PLANT

UPLAND FILLED AREA

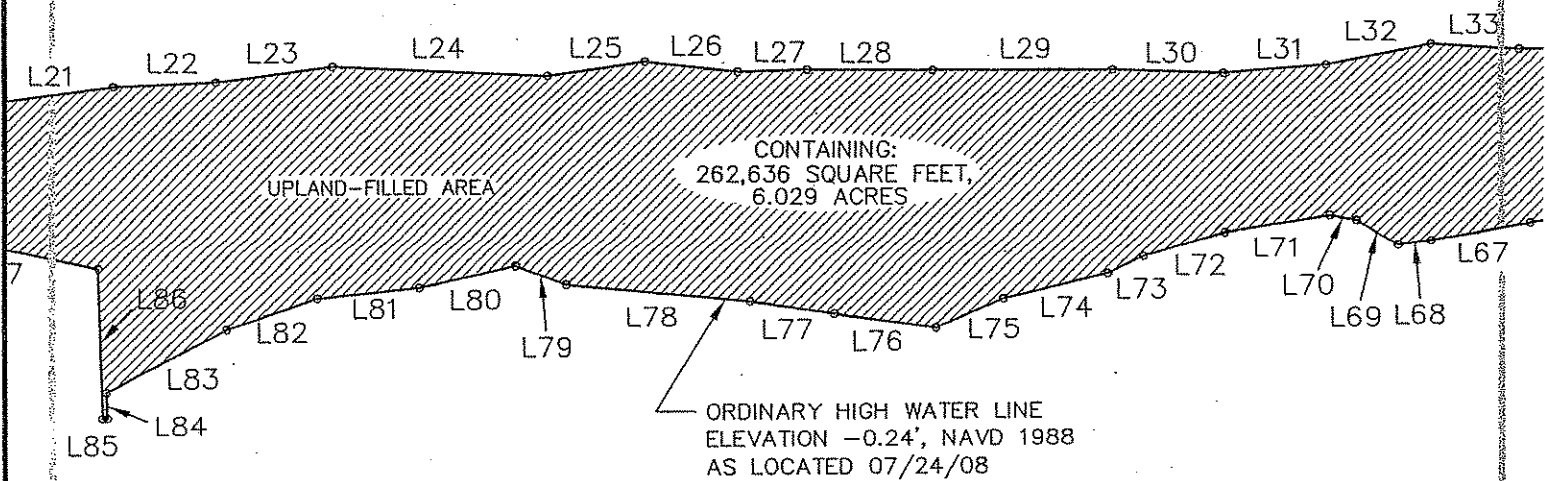
SECTIONS 19, TOWNSHIP 23 S., RANGE 36 E. BREVARD COUNTY, FLORIDA

MATCHLINE BB
(SEE SHEET 8)

MATCHLINE CC
(SEE SHEET 10)



INDIAN RIVER



INDIAN RIVER

THIS IS A FIELD SURVEY

ORDINARY HIGH WATER LINE = -0.24' N.A.V.D. 1988
(SEE NOTE #8 & #9 ON SHEET 5 OF 10)

NOTE:

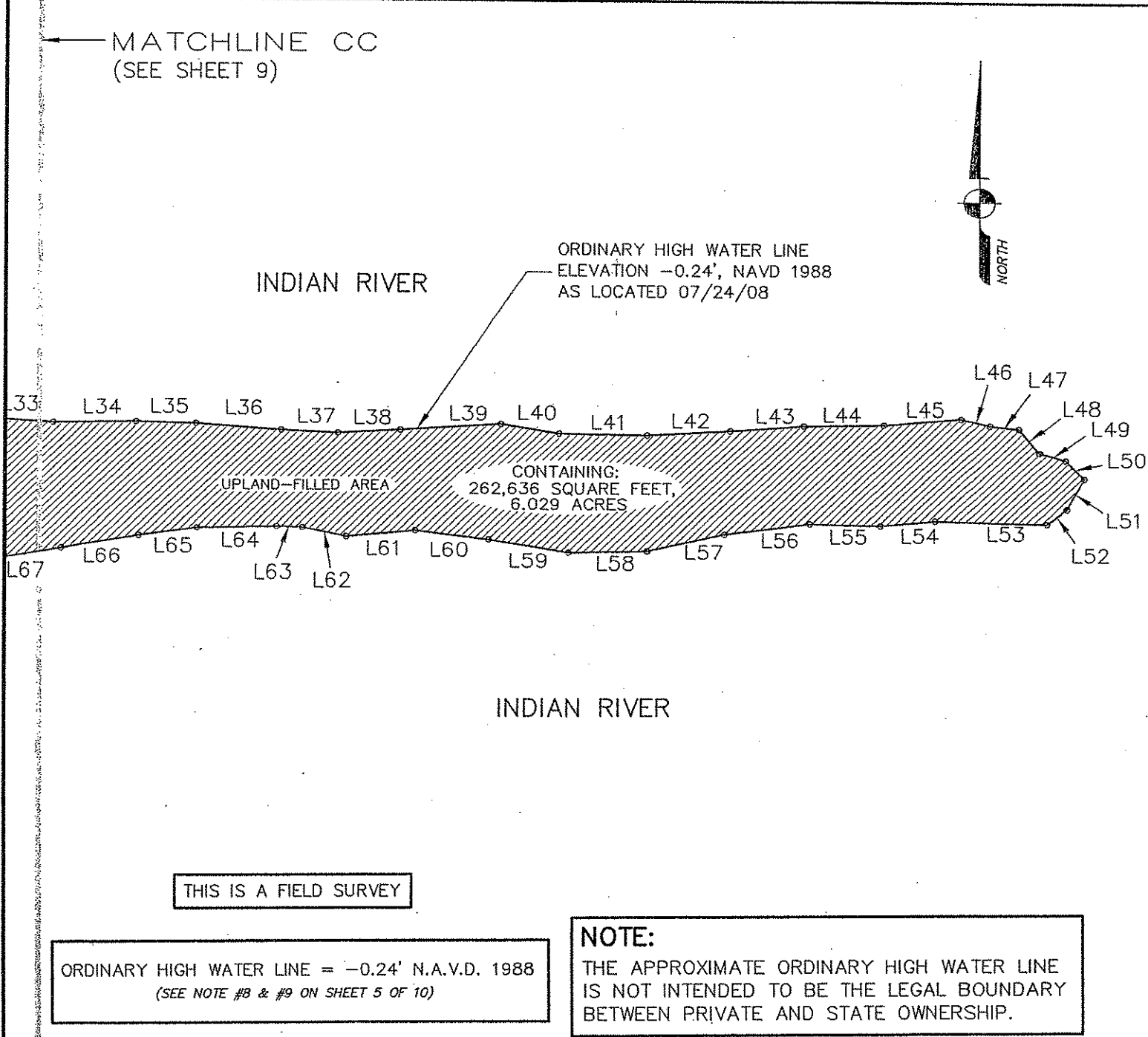
THE APPROXIMATE ORDINARY HIGH WATER LINE
IS NOT INTENDED TO BE THE LEGAL BOUNDARY
BETWEEN PRIVATE AND STATE OWNERSHIP.

PAGE 9 OF 10

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EXHIBIT "A"
SKETCH AND DESCRIPTION
CAPE CANAVERAL POWER PLANT
UPLAND FILLED AREA

SECTIONS 19, TOWNSHIP 23 S., RANGE 36 E. BREVARD COUNTY, FLORIDA



REVISIONS			AVIROM & ASSOCIATES, INC. SURVEYING & MAPPING		SCALE 1" = 100'	
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					CK'D.	M.D.A.
					F.B.	PG.
					JOB NO.	8460-8

ATTACHMENT F: MAP 1 – PLANT INTAKE CANAL

To be attached after certification pursuant to Section B. Condition V.A.1.a.(5)

ATTACHMENT G: MAP 2 – PLANT INTAKE CANAL

To be attached after certification pursuant to Section B. Condition V.A.1.a.(5)

APPENDIX A: PSD PERMIT



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

NOTICE OF ADMINISTRATIVELY CORRECTED PERMIT

In the Matter of Processing an Administrative Correction:

Mr. Randall R. LaBauve
Vice President
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408

Project No. 0090006-008-AC
Administrative Correction to Permit No. 0090006-007-AC
Cape Canaveral Energy Center
Brevard County

Enclosed is Administratively Corrected Emission Unit Description language contained in Air Construction Permit No. 0090006-007-AC, for the construction of the Cape Canaveral Energy Center located in Brevard County at 6000 North U.S. Highway 1 between Cocoa and Titusville, Florida. This correction is issued pursuant to Rule 62-210.360, Florida Administrative Code (F.A.C.), and Chapter 403, Florida Statutes (F.S.). This change is made with the permittee's concurrence dated December 5, 2011. This corrective action does not alter the effective dates of the existing permit.

The Department of Environmental Protection (Department) will consider the above-noted action final unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, F.S. Mediation under Section 120.573, F.S., will not be available for this proposed action.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) by the Agency Clerk in the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS #35, Tallahassee, Florida 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within 14 (fourteen) days of receipt of this notice. Petitions filed by any other person must be filed within 14 (fourteen) days of receipt of this proposed action. A petitioner 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, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Permitting Authority's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of when and how each petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact.

If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the agency to take with respect to the agency's proposed action.

NOTICE OF ADMINISTRATIVELY CORRECTED PERMIT

A petition that does not dispute the material facts upon which the Permitting Authority'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, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the permitting authority's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the permitting authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Any party to this order (permit) has the right to seek judicial review of it under Section 120.68, F.S., by the filing of 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, 3900 Commonwealth Boulevard, Mail Station #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 thirty days from the date this notice is filed with the Clerk of the permitting authority.

Executed in Tallahassee, Florida.
Electronically Signed

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Notice of Administratively Corrected Permit (including the corrected page) or a link to these documents available electronically on a publicly accessible server, was sent by electronic mail with received receipt requested to the persons listed below:

Mr. Randall R. LaBauve, FPL: randall.r.labauve@fpl.com
Ms. Mary Archer, FPL: mary.archer@fpl.com
Mr. Kennard F. Kosky, P.E., Golder Associates, Inc.: ken_kosky@golder.com
Ms. Caroline Shine, DEP Central District: caroline.shine@dep.state.fl.us
Ms. Cindy Mulkey, DEP Siting Office: cindy.mulkey@dep.state.fl.us
Ms. Heather Ceron, U.S. EPA Region 4: ceron.heather@epa.gov
Ms. Katy Forney, U.S. EPA Region 4: forney.kathleen@epa.gov
Ms. Ana Oquendo, EPA Region 4: oquendo.ana@epa.gov
Ms. Barbara Friday, DEP OPC: barbara.friday@dep.state.fl.us (for posting with U.S. EPA, Region 4)
Ms. Lynn Searce, DEP OPC: lynn.searce@dep.state.fl.us (for reading file)

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date,
pursuant to §120.52(7), Florida Statutes, with the designated
Department Clerk, receipt of which is hereby acknowledged.

NOTICE OF ADMINISTRATIVELY CORRECTED PERMIT

Pursuant to the permittee's concurrence, conditions /requirements contained in permit No. 0090006-007-AC have been corrected as indicated below. ~~Strikethrough~~ is used to denote the deletion of text. Double-underlines are used to denote the addition of text. All changes are emphasized with yellow highlight.

1. The Department recently issued air construction permit No. 0090006-007-AC that revised 0090006-005-AC. In doing the database update, it was discovered that there is a discrepancy between the emissions units (EU) identification numbers listed in the AC permits and our database EU numbers. To correct the problem, this administrative permit correction changes the permit EU numbers in the permit to correspond to the database numbers. Please see the table below.
2. The Emission Unit Description is hereby changed as follows:

Emission Unit Description

ID	Emission Unit Description
006-009	Unit 3A – one nominal 265 MW CTG with supplementary-fired HRSG
007010	Unit 3B – one nominal 265 MW CTG with supplementary-fired HRSG
008011	Unit 3C – one nominal 265 MW CTG with supplementary-fired HRSG
009012	One nominal 85,000 pounds per hour (lb/hr) auxiliary boiler (99.8 mmBtu/hr)
010013	Two nominal 9.9 mmBtu/hr natural gas-fired process heaters (one is a spare)
011014	Seven nominal 1,340 horsepower (hp) natural gas compressors
012015	Two nominal 2,250 kilowatts (kW) liquid fueled emergency generators
013016	One nominal 300-hp emergency diesel fire pump engine and 500 gallon fuel oil storage tank
014017	One temporary 110 mmBtu/hr natural gas-fueled boiler to be used only during construction



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

PERMITTEE

Florida Power and Light Company (FPL)
Cape Canaveral Energy Center

Authorized Representative:
Mr. Randall R. LaBauve, Vice President

Final Permit No. 0090006-007-AC
Air Construction Permit Revision -
Changes to Excess Emissions Provisions for the
Gas Turbines, Maximum Heat Input for the
Process Heaters and Hours of Operation for the
Emergency Generators

Cape Canaveral Energy Center
Brevard County, Florida

PROJECT

This is the final air construction permit revision which revises specific conditions of Permit No. 0090006-005-AC for the 1,250 megawatt (MW) combined cycle unit at the Cape Canaveral Energy Center. The revised permit conditions are related to excess emissions provisions for the gas turbines, the maximum heat input for the process heaters and the hours of operation for the emergency generators. The existing plant is a power plant categorized under Standard Industrial Classification No. 4911. The plant is located at 6000 North U.S. Highway 1 between Cocoa and Titusville in Brevard County. The Universal Transverse Mercator (UTM) coordinates are Zone 17, 523.1 kilometers (km) East and 3,149 km North. This final permit is organized into the following sections: Section 1 (General Information) and Section 2 (Permit Revisions). As noted in the Final Determination provided with this final permit, no changes were made to the draft permit.

STATEMENT OF BASIS

This air pollution construction permit revision is issued under the provisions of: Chapter 403 of the Florida Statutes (F.S.) and Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297 of the Florida Administrative Code (F.A.C.). This project is subject to the general preconstruction review requirements in Rule 62-212.300, F.A.C. and is not subject to the preconstruction review requirements for major stationary sources in Rule 62-212.400, F.A.C., for the Prevention of Significant Deterioration (PSD) of Air Quality. A copy of this permit revision shall be filed with the referenced permit and shall become part of the permit.

Upon issuance of this final permit revision, any party to this order has the right to seek judicial review of it under Section 120.68 of the Florida Statutes by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department of Environmental Protection 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 must be filed within 30 days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida

JFK/jkh/tbc

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Final Air Permit package (including the Final Determination and Final Permit Revision) was sent by electronic mail, or a link to these documents made available electronically on a publicly accessible server, with received receipt requested to the following persons before the close of business on the date indicated below.

Mr. Randall R. LaBauve, FPL: randall.r.labauve@fpl.com
Ms. Mary Archer, FPL: mary.archer@fpl.com
Mr. Kennard F. Kosky, P.E., Golder Associates, Inc.: ken_kosky@golder.com
Ms. Caroline Shine, DEP Central District: caroline.shine@dep.state.fl.us
Ms. Cindy Mulkey, DEP Siting Office: cindy.mulkey@dep.state.fl.us
Ms. Heather Ceron, U.S. EPA Region 4: ceron.heather@epa.gov
Ms. Katy R. Forney, U.S. EPA Region 4: forney.kathleen@epa.gov
Ms. Ana Oquendo-Vazquez, U.S. EPA Region 4: oquendo.ana@epa.gov
Ms. Barbara Friday, DEP OPC: barbara friday@dep.state.fl.us (for posting with U.S. EPA, Region 4)
Ms. Lynn Searce, DEP OPC: lynn.searce@dep.state.fl.us (for reading file)

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to Section 120.52(7), Florida Statutes, with the designated agency clerk, receipt of which is hereby acknowledged.

SECTION 1. GENERAL INFORMATION

FACILITY DESCRIPTION

The project authorized by Permit No. 0090006-005-AC was a plant conversion that included the construction of a nominal 1,250 MW natural gas-fueled combined cycle unit (Unit 3) and ancillary equipment and required the permanent shutdown and dismantling of Units 1 and 2 at the facility. Unit 3 consists of:

- Three nominal 265 MW combustion turbine-electrical generators (CTG) with evaporative inlet cooling systems;
- Three supplementary-fired heat recovery steam generators (HRSG) with selective catalytic reduction (SCR) reactors;
- Three maximum 460 million Btu per hour, lower heating value (mmBtu/hr, LHV), natural gas-fueled duct burners (DB) located in the three HRSG (one DB/HRSG);
- Three 149-foot exhaust stacks; and
- One common nominal 500 MW steam-electrical generator (STG).

Unit 3 uses ultralow sulfur distillate (ULSD) fuel oil as backup fuel. Unit 3 relies on some of the existing infrastructure including one of the fuel oil storage tanks.

Additional ancillary equipment installed includes: a permanent auxiliary boiler; a temporary boiler used during the construction phase; two emergency generators; two process (fuel) heaters; a diesel fire pump; and a gas compression station.

FACILITY REGULATORY CLASSIFICATION

- This facility is a major source of hazardous air pollutants (HAP).
- This facility operates units subject to the acid rain provisions of the Clean Air Act (CAA).
- The facility is a Title V major source of air pollution in accordance with Chapter 213, F.A.C.
- The facility is a major stationary source in accordance with Rule 62-212.400 (PSD), F.A.C.

PROPOSED PROJECT

For the current project, the applicant has requested an air construction permit revision to change several of the underlying construction permit conditions related to the gas turbine excess emissions provisions, the heat input for the process heaters and the hours of operation for the emergency generators.

SECTION 2. PERMIT REVISIONS

The following facility unit description table and permit specific conditions are revised as indicated. ~~Strikethrough~~ is used to denote the deletion of text. Double-underlines are used to denote the addition of text.

Air Construction Permit Being Revised: Permit No. 0090006-005-AC (expiration date December 31, 2014)

Emission Unit Description

ID	Emission Unit Description
006	Unit 3A – one nominal 265 MW CTG with supplementary-fired HRSG
007	Unit 3B – one nominal 265 MW CTG with supplementary-fired HRSG
008	Unit 3C – one nominal 265 MW CTG with supplementary-fired HRSG
009	One nominal 85,000 pounds per hour (lb/hr) auxiliary boiler (99.8 mmBtu/hr)
010	Two nominal 40 <u>9.9</u> mmBtu/hr natural gas-fired process heaters (one is a spare)
011	Seven nominal 1,340 horsepower (hp) natural gas compressors
012	Two nominal 2,250 kilowatts (kW) liquid fueled emergency generators
013	One nominal 300-hp emergency diesel fire pump engine and 500 gallon fuel oil storage tank
014	One temporary 110 mmBtu/hr natural gas-fueled boiler to be used only during construction

- 1. Affected Emissions Units:** Combined Cycle Combustion Turbines (CT) and Heat Recovery Steam Generators (HRSG) (E.U. ID Nos. 006 - 008)

Specific Conditions **A.12., 15., 17., 24.** and **31.** of Permit No. 0090006-005-AC are hereby changed as follows (the remainder of the permit remains unchanged as a result of this permitting action):

A.12. Alternate Visible Emissions Standard: Visible emissions due to startups, shutdowns, fuel switches 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. [Applicant Request and Rule 62-212.400(BACT), F.A.C.]

A.15. Excess Emissions Allowed: As specified in this condition, excess emissions resulting from startup, shutdown, fuel switching 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 CTG/HRSG system, excess emissions of NO_x and CO resulting from startup, shutdown, or documented malfunctions shall not exceed two hours in any 24-hour period except for the specific cases listed below. For each gas turbine/HRSG System, excess emissions of NO_x and CO resulting from startup, shutdown, or malfunction shall be excluded from CEMS data in any 24-hour period (“any 24-hour period” means a calendar day, midnight to midnight) for the following conditions (these conditions are considered separate events and each event may occur independently within any 24-hour period): 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.~~

- ~~STG/HRSG System Cold Startup:~~ Steam Turbine Cold Startup: For cold startup of the steam turbine system, excess NO_x and CO excluded emissions from any CTG turbine/HRSG system shall not exceed eight (8) 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 ~~STG~~ system steam turbine, each gas turbine/HRSG system is sequentially brought on line at low load to gradually increase the temperature of the ~~STG~~ 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.}*
- ~~CTG Gas Turbine/HRSG System Cold Startup:~~ For cold startup of a gas turbine/HRSG system, excluded emissions shall not exceed four hours in any 24-hour period. “Cold startup of a CTG gas turbine/HRSG system” is defined as a startup after the pressure in the high-pressure (HP) steam drum falls below 450

SECTION 2. PERMIT REVISIONS

pounds per square inch gauge (psig) for at least a one-hour period.

- c. Gas Turbine/HRSG System Warm Startup: For warm startup of a gas turbine/HRSG system, excluded emissions shall not exceed two hours in any 24-hour period. "Warm startup of a gas turbine/HRSG system" is defined as a startup after the pressure in the high-pressure (HP) steam drum is above 450 psig.
- d. Shutdown Steam Turbine System Combined Cycle Operation: For shutdown of ~~steam turbine system combined cycle operation~~, ~~excess NO_x and CO~~ excluded emissions from any CTG-gas turbine/HRSG system shall not exceed three (3) hours in any 24-hour period.
- e. Gas Turbine/HRSG System Shutdown: For shutdown of the gas turbine/HRSG operation, excluded emissions from any gas turbine/HRSG system shall not exceed two hours in any 24-hour period.
- f. Fuel Switching: For fuel switching, ~~excess NO_x and CO~~ excluded emissions shall not exceed 2 hours in any 24-hour period for each fuel switch and no more than four hours in any 24-hour period for any gas turbine/HRSG system.
- g. Documented Malfunction: For the gas turbine/HRSG system, excess emissions of NO_x and CO resulting from documented malfunctions shall not exceed two hours in any 24-hour period. 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.17. DLN Tuning / FSNL Testing: CEMS data collected during initial or other major DLN tuning sessions and during manufacturer required Full Speed No Load (FSNL) trip tests shall be excluded by the permittee 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 major repair or other similar circumstances. Prior to performing any major tuning session, where the intent is to exclude data from the CEMS compliance demonstration, the permittee shall provide the Compliance Authority with an advance notice of at least ~~7 days~~ one working (business) day 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.]

A.24. Continuous Emissions Monitoring System(s) (CEMS): ...

- a. CO Monitors. For each CTG, the CO monitors shall be certified pursuant to 40 CFR 60, Appendix B, Performance Specification 4 or 4A within 60 calendar days of achieving permitted capacity as defined in Rule 62-297.310(2), F.A.C., but no later than 180 calendar days after initial startup. If "H" technology CTG are utilized, the described certification shall be performed on the CEMS associated with the first, and only with the first, installed CTG within 180 calendar days of achieving permitted capacity, but no later than 300 calendar days after initial startup. Quality assurance procedures shall conform to the requirements of 40 CFR 60, Appendix F or 40 CFR Part 75, and the Data Assessment Report in 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.

A.31. 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 emissions standards, and the amounts of authorized data excluded following the ~~NSPS~~ format in ~~40 CFR 60.7(c), Subpart A~~ Figure XSE attached

SECTION 2. PERMIT REVISIONS

to this permit. Periods of startup, shutdown-and, malfunction, fuel switching and tuning shall be monitored, and recorded at all times 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 greater than 15 ppm at 15% O₂ on a 30-day rolling average while firing natural gas and greater than 42 ppm at 15% O₂ on a 30-day rolling average while firing ultra low sulfur distillate; 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]

2. **Affected Emissions Unit:** Two nominal 10 mmBtu/hr natural gas-fired process heaters (one is a spare) (E.U. ID No. 010)

Specific Condition Nos. **C.3. C.4., C.5. and C.6.** from Permit No. 0090006-005-AC are hereby changed as follows:

ID	Emission Unit Description
010	Two nominal 10 <u>9.9</u> mmBtu/hr natural gas-fired process heaters (one is a spare)

Equipment: The permittee is authorized to install, operate, and maintain two ~~10~~ 9.9 mmBtu/hr process heaters for the purpose of heating the natural gas supply to the CTG.

[Applicant Request and Rule 62-210.200(PTE), F.A.C.]

C.3. ~~NSPS Subpart Dc Applicability:~~ Each process heater 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. [~~40 CFR 60, NSPS Subpart Dc Standards of Performance for Small Industrial Commercial Institutional Steam Generating Units, attached as Appendix Dc~~]

C.4. ~~Emission Limits:~~ Each natural gas fired process heater shall comply with the following emission limits.

NO _x	CO	VOC, SO ₂ , PM/PM ₁₀
0.095 lb/mmBtu	0.08 lb/mmBtu	2 gr S/100 SCF natural gas spec and 10% Opacity

[Applicant request; Rule 62-4.070(3), F.A.C.]

{Permitting note: ~~There are no Subpart Dc emission standards for gas-fired process heaters fueled by natural gas.~~}

C.5. ~~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. As an alternative, a Manufacturer certification of emissions characteristics of the purchased model that are at least as stringent as the emission limits values can be used to fulfill this requirement.

[Rule 62-297.310(7)(a)1, F.A.C.]

~~Test Methods:~~ Any required tests shall be performed in accordance with the following reference methods.

SECTION 2. PERMIT REVISIONS

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

C.6. Notification, Recordkeeping and Reporting Requirements: The permittee shall maintain records of the amount of natural gas used in the process heaters and shall comply with the notification, recordkeeping and reporting requirements pursuant to 40 CFR 60.48c and 40 CFR 60.7. These records shall be submitted to the Compliance Authority on an annual basis or upon request.

[Rule 62-4.070(3), F.A.C.; 40 CFR 60, Subparts A and Dc]

3. Affected Emissions Unit: Two nominal 2,250 kilowatts (kW) liquid fueled emergency generators (E.U. ID No. 012)

Specific Condition No. **E.2.** from Permit No. 0090006-005-AC is hereby changed as follows:

E.2. Hours of Operation and Fuel Specifications: The hours of operation shall not exceed ~~160 hours per year per generator~~ 100 hours per year for each engine for the purpose of maintenance checks and readiness test with unlimited operation for emergency use. The generators shall burn ultralow sulfur diesel fuel oil (0.0015% sulfur).

[Applicant Request and Rule 62-210.200(PTE), F.A.C.]

APPENDIX B: TITLE V PERMIT

To be attached after final issuance of permit.

APPENDIX C: NPDES PERMIT

**STATE OF FLORIDA
INDUSTRIAL WASTEWATER FACILITY
PERMIT NO. FL0001473**



Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Colleen M. Castille
Secretary

STATE OF FLORIDA INDUSTRIAL WASTEWATER FACILITY PERMIT

PERMITTEE:

FP&L Cape Canaveral Plant
6000 North U.S. Highway 1
Cocoa, FL 32927

PERMIT NUMBER:

FL0001473 (Major)

PA FILE NUMBER:

FL0001473-008-IW1S

ISSUANCE DATE:

August 10, 2005

EXPIRATION DATE:

August 9, 2010

RESPONSIBLE AUTHORITY:

Mr. Lowell Trotter
Plant General Manager

FACILITY:

FP&L Cape Canaveral Plant
6000 North U.S. Highway 1
Cocoa, FL 32927
Brevard County

Latitude: 28° 28' 10" N Longitude: 80° 45' 54" W

This permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.) and applicable rules of the Florida Administrative Code (F.A.C.), and constitutes authorization to discharge to waters of the state under the National Pollutant Discharge Elimination System (NPDES). The above named permittee is hereby authorized to operate the facilities shown on the application and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

The plant consists of two steam electric generating units. Units 1 and 2 have a nominal generating capacity of 400 megawatts.

The plant uses a once-through condenser cooling water system. Condenser cooling water is drawn from the Indian River through an intake canal located on the southern end of the plant. The cooling water passes through the plant condensers and then discharged back to the Indian River via two 78-inch underground pipes that empty into their respective outfall structures. The discharge structures for the two units are located approximately 550 feet apart. Auxiliary equipment cooling water from both units is discharged to the Indian River through a single 18-inch outfall pipe located approximately midway between the once-through cooling outfall structures.

The main condenser Once-Through Cooling Water (OTCW) is chlorinated at the intake for both units. The facility dechlorinates the once-through cooling water using sodium bisulfite prior to discharge. Auxiliary Equipment Cooling Water (AECW) may also be chlorinated using continuous low level chlorination. Boiler blowdown is captured and reused. Wastewater from the on-site water treatment system is discharged via existing Outfall D-030 to the Indian River until 6 months beyond the issuance date of this permit. After such time, wastewater from the on-site

"More Protection, Less Process"

Printed on recycled paper.

PERMITTEE:

FP&L Cape Canaveral Plant
6000 North U.S. Highway 1
Cocoa, FL 32927

PERMIT NUMBER: FL0001473

Issuance date: August 10, 2005
Expiration date: August 9, 2010

water treatment system will be discharged internally to the AECW outfall or, alternatively, to the OTCW outfalls.

WASTEWATER TREATMENT:

Wastewater generated during metal cleaning operations is discharge to the two lined Solids Settling Basins (B-1A and B-1B). Reverse osmosis reject from boiler blowdown source water and boiler chemical cleaning rinses (in which EDTA, Citro-Solv or equivalent cleaner is used in the cleaning operation) may also be routed to the solids settling basins. The wastewater in the basins is treated by adding caustic that allows for the precipitation of metals followed by sedimentation. Treated effluent from the solids settling basins is routed to the Evaporation/Percolation Basin (EP-1) and acid is added for pH adjustment. Treated wastewater from the evaporation/percolation basin is used for spray irrigation on the berms of the fuel oil containment area. This area is designated as E/P Basin Spray Area (SP-1).

Stormwater runoff and drainage from equipment areas and fuel oil handling facilities as well as equipment rinse water in the power block areas are collected via floor drains. The collected runoff is then routed through oil removal devices prior to discharge to the equipment area runoff treatment and disposal system consisting of the Forwarding Sump (S-3), Equipment Area Runoff Basin (B-3), organo-clay polishing filters, and the Runoff Disposal Area (DA-1). Under light rainfall conditions, runoff from the forwarding sump is routed through the organo-clay filters directly to the Disposal Area DA-1. Under medium and chronic rainfall conditions (up to one inch of rainfall), the runoff from the forwarding sump is routed to the Runoff Basin B-3 and then pumped through the organo-clay filters to the runoff Disposal Area DA-1. On rare occasions and under chronic heavy rainfall conditions (in excess of one inch rainfall), the runoff that is not routed to the runoff basin or pumped through the organo-clay filters to the runoff disposal area, overflows at the forwarding sump and discharged to the Indian River via Outfall D-016.

EFFLUENT DISPOSAL:**Surface Water Discharge:**

An existing discharge of 332 MGD annual average flow and 396 MGD maximum daily flow to Indian River (Class III Marine waters), D-011. The once-through cooling water from Unit 1 is located approximately at latitude 28° 28' 11" N, longitude 80° 45' 46" W.

An existing discharge of 332 MGD annual average flow and 396 MGD maximum daily flow to Indian River (Class III Marine waters), D-012. The once-through cooling water outfall from Unit 2 is located approximately at latitude 28° 28' 14" N, longitude 80° 45' 50" W.

An existing discharge of 13.8 MGD annual average flow and 30.0 MGD maximum daily flow to the Indian River (Class III Marine waters), D-015. The auxiliary equipment cooling water outfall for Units 1 & 2 line is located approximately at latitude 28° 28' 12" N, longitude 80° 45' 48" W.

An existing discharge to Indian River (Class III Marine waters), D-016. The equipment area runoff basin overflow outfall is located approximately at latitude 28° 28' 18" N, longitude 80° 45' 51" W.

An existing discharge to Indian river (Class III Marine waters), D-028. The stormwater from fuel oil storage tank secondary containment area outfall is located approximately at latitude 28° 28' 18" N, longitude 80° 45' 51" W.

An existing discharge to Indian River (Class III Marine waters), D-029. The non-equipment area stormwater outfall is located approximately at latitude 28° 28' 12" N, longitude 80° 45' 48" W.

PERMITTEE:

PERMIT NUMBER: FL0001473

FP&L Cape Canaveral Plant
6000 North U.S. Highway 1
Cocoa, FL 32927

Issuance date: August 10, 2005
Expiration date: August 9, 2010

An existing discharge to Indian River (Class III Marine waters), D-030. The water treatment system wastewater outfall is located approximately at latitude 28° 28' 18" N, longitude 80° 45' 51" W.

Land Application:

An existing land application system (G-010) consisting of Evaporation/Percolation Basin (EP-1) and E/P Basin Spray Area (SP-1). The Evaporation/Percolation Basin (EP-1) is located approximately at latitude 28° 28' 14" N, longitude 80° 45' 51" W. The E/P Basin Spray Area (SP-1) is located approximately at latitude 28° 28' 16" N, longitude 80° 45' 53" W.

An existing land application system (G-020) consisting of Equipment Area Runoff Basin (B-3) and Runoff Disposal Area (DA-1). The Equipment Area Runoff Basin (B-3) is located approximately at latitude 28° 28' 10" N, longitude 80° 45' 54" W. The Runoff Disposal Area (DA-1) is located approximately at latitude 28° 28' 08" N, longitude 80° 45' 55" W.

Internal Outfalls:

This permit authorizes discharge of 0.05 MGD annual average flow from internal Outfall I-017 to the AECW Outfall (D-015) or, alternatively, to the OTCW Outfalls (D-011 and D-012).

IN ACCORDANCE WITH: The limitations, monitoring requirements and other conditions as set forth in Part I through Part VIII on pages 4 through 26 of this permit.

PERMITTEE:

PERMIT NUMBER: FL0001473

FP&L Cape Canaveral Plant
6000 North U.S. Highway 1
Cocoa, FL 32927

Issuance date: August 10, 2005
Expiration date: August 9, 2010

I. Effluent Limitations and Monitoring Requirements

A. Surface Water Discharges

- During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge **Once-Through Cooling Water (OTCW)** from Outfalls D-011 and D-012. Such discharge shall be limited and monitored by the permittee as specified below:

Parameters (units)	Discharge Limitations				Monitoring Requirements		
	Monthly Average	Instantaneous Maximum	Maximum Daily Average	Instantaneous Minimum	Monitoring Frequency	Sample Type	Sample Point
Flow (MGD)	Report	Report	--	--	Continuous	Calculated	FLW-1, FLW-2
Chlorination (HOURS/UNIT/DAY)	--	2.0	--	--	Daily	Calculated	OTH-1, OTH-2
Oxidants, Total Residual (MG/L)	--	--	0.01	--	Weekly	Grab ¹	EFF-1, EFF-2
Temperature (F), Water (DEG.F)	Report ²	Report ²	--	--	6/Day	Instantaneous	EFF-1, EFF-2
Dissolved Oxygen (MG/L)	--	--	--	Report	Monthly ³	Grab	INT-1 and EFF-1 or INT-2 and EFF-2

- Effluent samples shall be taken at the monitoring site locations listed above and as described below:

Sample Point	Description of Monitoring Location
FLW-1, FLW-2	Once-through cooling water intake for Units 1 and 2, respectively, flow monitoring location.
EFF-1, EFF-2	Once-through cooling water discharge structures for Units 1 and 2, respectively.
INT-1, INT-2	Once-through or auxiliary equipment cooling water for Units 1 and 2, respectively.
OTH-1, OTH-2	At the point of chlorine addition for Units 1 and 2, OTCW

¹ Grab samples shall consist of multiple samples collected at approximately the beginning, middle, and end of the chlorination period.

² Discharge from Outfall D-001 is subject to thermal limitations established by Rule 62-302.520(1), F.A.C.

³ Grab samples for both the intake and discharge shall be taken concurrently every 4 hours, for 24 hours, once month. Intake and discharge sampling during a monthly sampling event is only required from one power plant unit, i.e. Unit 1 or Unit 2. The permittee may request a reduction or discontinuance of these monitoring requirements after 12 months of monitoring.

PERMITTEE:

PERMIT NUMBER: FL0001473

FP&L Cape Canaveral Plant
6000 North U.S. Highway 1
Cocoa, FL 32927

Issuance date: August 10, 2005
Expiration date: August 9, 2010

3. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge **Auxiliary Equipment Cooling Water (AECW) from Units 1 and 2 used in lieu of OTCW** from Outfall D-013 (formerly D-0D1) and Outfall D-014 (formerly D-0D2). Such discharge shall be limited and monitored by the permittee as specified below:

Parameters (units)	Discharge Limitations			Monitoring Requirements		
	Monthly Average	Maximum Daily Average	Instantaneous Maximum	Monitoring Frequency	Sample Type	Sample Point
Flow (MGD)	Report	Report	--	Continuous	Calculated	FLW-3 FLW-4
Temp. Diff. between Intake and Discharge (DEG.F)	--	--	20.0	6/Day	Calculated	INT-1 INT-2 EFF-1 EFF-2
Oxidants, Total Residual (MG/L)	--	0.01		Weekly	Grab ⁴	EFF-1 EFF-2
Chlorination (HOURS/UNIT/DAY)	--	24	--	Daily	Calculated	OTH-3

4. Effluent samples shall be taken at the monitoring site locations listed above and as described below:

Sample Point	Description of Monitoring Location
FLW-3, FLW-4	Auxiliary equipment cooling water intake for Units 1 and 2, respectively, flow monitoring location.
INT-1, INT-2	Once-through or auxiliary equipment cooling water intake for Units 1 and 2, respectively.
EFF-1, EFF-2	Once-through cooling water discharge structures for Units 1 and 2, respectively.
OTH-3	At the point of chlorine addition for Units 1 and 2 AECW

⁴ Multiple grabs shall be collected during daylight hours every 4 hours during TRO discharge.

PERMITTEE:

PERMIT NUMBER: FL0001473

FP&L Cape Canaveral Plant
6000 North U.S. Highway 1
Cocoa, FL 32927

Issuance date: August 10, 2005
Expiration date: August 9, 2010

5. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge **Units 1 and 2 Auxiliary Equipment Cooling Water** from Outfall D-015 (formerly D-081). Such discharge shall be limited and monitored by the permittee as specified below:

Parameters (units)	Discharge Limitations			Monitoring Requirements		
	Monthly Average	Maximum Daily Average	Instantaneous Maximum	Monitoring Frequency	Sample Type	Sample Point
Flow (MGD)	Report	Report	--	Continuous	Calculated	FLW-3 FLW-4
Oxidants, Total Residual (MG/L)	--	0.01	--	Weekly	Grab ⁵	EFF-3
Chlorination (HOURS/UNIT/DAY)	--	24	--	Daily	Calculated	OTH-3

6. Effluent samples shall be taken at the monitoring site locations listed above and as described below:

Sample Point	Description of Monitoring Location
FLW-3, FLW-4	Flow monitoring location for auxiliary equipment cooling water for Units 1 and 2, respectively.
OTH-3	At the point of chlorine addition for Units 1 and 2 AECW
EFF-3	Combined auxiliary equipment water cooling discharge from Units 1 and 2 prior to actual discharge to the receiving waters or mixing with other waste streams

⁵ Multiple grabs shall be collected during daylight hours every 4 hours during TRO discharge.

PERMITTEE:

PERMIT NUMBER: FL0001473

FP&L Cape Canaveral Plant
6000 North U.S. Highway 1
Cocoa, FL 32927

Issuance date: August 10, 2005
Expiration date: August 9, 2010

7. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to **Equipment Area Runoff Basin Overflow** from Outfall D-016 (formerly D-0B0) . Such discharge shall be limited and monitored by the permittee as specified below:

Parameters (units)	Discharge Limitations			Monitoring Requirements		
	Monthly Average	Maximum Daily Average	Instantaneous (Min/Max)	Monitoring Frequency	Sample Type	Sample Point
Flow (MGD)	Report	Report	--	Per Discharge ⁶	Calculated	EFF-4
Oil & Grease (MG/L)	Report	5.0	--	Per Discharge ⁶	Grab	EFF-4
Solids, Total Suspended (MG/L)	30.0	100.0	--	Per Discharge ⁶	Grab	EFF-4
pH Range (SU)	--	--	6.0 to 9.0	Per Discharge ⁶	Grab	EFF-4

8. Effluent samples shall be taken at the monitoring site locations listed above and as described below:

Sample Point	Description of Monitoring Location
EFF-4	Discharge from the forwarding sump prior to actual discharge to receiving waters or mixing with other waste stream.

9. During the period beginning on the issuance date and lasting until 6 months beyond the issuance date, the permittee is authorized to discharge **Water Treatment Plant Wastewater** from existing Outfall D-030 to the Indian River. Such discharge shall be limited and monitored by the permittee as specified below:

Parameters (units)	Monthly Average	Maximum Daily Average	Instantaneous	Annual Average	Monitoring Frequency	Sample Type	Sample Point
Flow (MGD)	Report	Report	--	--	2/Month	Calculated	EFF-5
Solids, Total Suspended (MG/L)	30.0	100.0	--	--	2/Month	Composite ⁷	EFF-5
Oil and Grease (MG/L)	--	5.0	--	--	2/Month	Grab	EFF-5
pH Range (S.U.)	--	--	6.0 to 9.0	--	2/Month	Grab	EFF-5

⁶ Monitoring of discharge from the Oil separator/Forwarding Sump is not required provided the first one inch rainfall is retained by the Stormwater Basin and associated spray field. Subsequent overflow may be discharged without monitoring requirements, except that there shall be no discharge of a visible oil sheen. In the event that these conditions are not met, monitoring shall be 1/discharge.

⁷ Shall be defined as a composite of grab samples taken at the beginning, middle and end of the Backwash Basin discharge period.

PERMITTEE:

PERMIT NUMBER: FL0001473

FP&L Cape Canaveral Plant
6000 North U.S. Highway 1
Cocoa, FL 32927

Issuance date: August 10, 2005
Expiration date: August 9, 2010

10. Effluent samples shall be taken at the monitoring site locations listed above and as described below:

Sample Point	Description of Monitoring Location
EFF-5	At the point of discharge to the receiving waters.

11. During the period beginning at initiation of discharge and lasting through the expiration date of this permit, the permittee is authorized to discharge **Water Treatment Plant Wastewater** from Outfall I-017 to the AECW Outfall (D-015) or to the OTCW Outfalls (D-011 and D-012). Such discharge shall be limited and monitored by the permittee as specified below:

Parameters (units)	Monthly Average	Maximum Daily Average	Instantaneous	Annual Average	Monitoring Frequency	Sample Type	Sample Point
Flow (MGD)	Report	Report	--	--	2/Month	Calculated	OUI-1
Solids, Total Suspended (MG/L)	30.0	100.0	--	--	2/Month	Grab	OUI-1
Oil and Grease (MG/L)	15.0	20.0	--	--	2/Month	Grab	OUI-1
pH Range (S.U.)	--	--	6.0 to 9.0	--	2/Month	Grab	OUI-1
Nitrogen, Total as N (LBS/DAY)	--	--	--	7.0	Monthly	Grab	OUI-1
Phosphorus, Total as P, (LBS/DAY)	--	--	--	0.4	Monthly	Grab	OUI-1

12. Effluent samples shall be taken at the monitoring site locations listed above and as described below:

Sample Point	Description of Monitoring Location
OUI-1	At the point of discharge to the AECW or OTCW conduits.

13. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge from Outfall D-028 (formerly D-0B), stormwater from the fuel oil storage tank secondary containment area, provided such discharges are limited and monitored by the permittee as specified below:

- The facility shall have a valid Spill Prevention Control and Countermeasure (SPCC) Plan pursuant to 40 CFR Part 112.
- The facility shall endeavor to retain the stormwater in the containment area to the maximum extent practicable before discharging from Outfall D-028. The discharge from Outfall D-028 shall only occur due to tank and equipment integrity and safety concerns.
- In draining the diked area, a portable oil skimmer or similar device or absorbent material shall be used to remove oil and grease (as indicated by the presence of a sheen) immediately prior to draining.
- Monitoring records shall be maintained in the form of a log and shall contain the following information, as a minimum:

PERMITTEE:

PERMIT NUMBER: FL0001473

FP&L Cape Canaveral Plant
6000 North U.S. Highway 1
Cocoa, FL 32927

Issuance date: August 10, 2005
Expiration date: August 9, 2010

- Date and time of discharge;
- Estimated volume of discharge;
- Initials of person making visual inspection and authorizing discharge; and
- Observed conditions of storm water discharged.

- e. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of a visible oil sheen at any time.
14. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge Outfall D-029 (formerly D-0S0), non-equipment area stormwater. Discharge of non-equipment area stormwater is permitted without limitation or monitoring requirements.
15. OTCW and AECW limitations and monitoring requirements for TRO are not applicable for any week in which chlorine is not added to Units 1 or 2.
16. Intake Screen wash water may be discharged without limitation or monitoring requirements, except that there shall be no discharge of a visible sheen.
17. There shall be no discharge of floating solids or visible foam in other than trace amounts.
18. The discharge shall not cause a visible sheen on the receiving water.

B. Underground Injection Control Systems

1. This section is not applicable to this facility.

C. Land Application Systems

1. The discharge from land application systems G-010 and G-020 is authorized without limitations or monitoring requirements.

D. Other Methods of Disposal or Recycling

1. There shall be no discharge of industrial wastewater from this facility to ground or surface waters, except as authorized by this permit.

E. Other Limitations and Monitoring and Reporting Requirements

1. The sample collection, analytical test methods and method detection limits (MDLs) applicable to this permit shall be in accordance with Rule 62-4.246, Chapters 62-160 and 62-601, F.A.C., and 40 CFR 136, as appropriate. The list of Department established analytical methods, and corresponding MDLs (method detection limits) and PQLs (practical quantification limits), which is titled "Florida Department of Environmental Protection Table as Required By Rule 62-4.246(4) Testing Methods for Discharges to Surface Water" dated June 21, 1996, is available from the Department on request. The MDLs and PQLs as described in this list shall constitute the minimum acceptable MDL/PQL values and the Department shall not accept results for which the laboratory's MDLs or PQLs are greater than those described above unless alternate MDLs and/or PQLs have been specifically approved by the Department for this permit. Any method included in the list may be used for reporting as long as it meets the following requirements:
- a. The laboratory's reported MDL and PQL values for the particular method must be equal or less than the corresponding method values specified in the Department's approved MDL and PQL list;

PERMITTEE:

PERMIT NUMBER: FL0001473

FP&L Cape Canaveral Plant
6000 North U.S. Highway 1
Cocoa, FL 32927

Issuance date: August 10, 2005
Expiration date: August 9, 2010

- b. The laboratory reported PQL for the specific parameter is less than or equal to the permit limit or the applicable water quality criteria, if any, stated in Chapter 62-302, F.A.C. Parameters that are listed as "report only" in the permit shall use methods that provide a PQL, which is equal to or less than the applicable water quality criteria stated in 62-302 FAC; and
- c. If the PQLs for all methods available in the approved list are above the stated permit limit or applicable water quality criteria for that parameter, then the method with the lowest stated PQL shall be used.

Where the analytical results are below method detection or practical quantification limits, the permittee shall report the actual laboratory MDL and/or PQL values for the analyses that were performed following the instructions on the applicable discharge monitoring report. Approval of alternate laboratory MDLs or PQLs are not necessary if the laboratory reported MDLs and PQLs are less than or equal to the permit limit or the applicable water quality criteria, if any, stated in Chapter 62-302, F.A.C. However, where necessary, the permittee may request approval for alternative methods or for alternative MDLs and PQLs for any approved analytical method, in accordance with the criteria of Rules 62-160.520 and 62-160.530, F.A.C.

2. Parameters which must be monitored as a result of a surface water discharge shall be analyzed using a sufficiently sensitive method in accordance with 40 CFR Part 136.
3. Monitoring requirements under this permit are effective on the first day of the second month following permit issuance. Until such time, the permittee shall continue to monitor and report in accordance with previously effective permit requirements, if any. During the period of operation authorized by this permit, the permittee shall complete and submit to the Department, at the address listed below, the Discharge Monitoring Reports (DMRs) in accordance with the frequencies specified by the REPORT type (i.e., monthly, toxicity, quarterly, semiannual, annual, etc.) indicated on the DMR forms attached to this permit. Monitoring results for each monitoring period shall be submitted in accordance with the associated DMR due dates below.

REPORT Type on DMR	Monitoring Period	DMR Due Date
Monthly or Toxicity	first day of month – last day of month	28 th day of following month
Quarterly	January 1 - March 31 April 1 – June 30 July 1 – September 30 October 1 – December 31	April 28 July 28 October 28 January 28
Semiannual	January 1 – June 30 July 1 – December 31	July 28 January 28
Annual	January 1 – December 31	January 28

DMRs shall be submitted for each required monitoring period including months of no discharge.

The permittee shall make copies of the attached DMR form(s) and shall submit the completed DMR form(s) to the Department at the address specified below:

Florida Department of Environmental Protection
Wastewater Compliance Evaluation Section, Mail Station 3551
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

PERMITTEE:

FP&L Cape Canaveral Plant
6000 North U.S. Highway 1
Cocoa, FL 32927

PERMIT NUMBER: FL0001473

Issuance date: August 10, 2005
Expiration date: August 9, 2010

4. Unless specified otherwise in this permit, all reports and notifications required by this permit, including twenty-four hour notifications, shall be submitted to or reported to the Central District Office at the address specified below:

Central District Office
3319 Maguire Boulevard Suite 232
Orlando, Florida 32803-3767

Phone Number - (407) 894-7555
FAX Number - (407) 897-2966
All FAX copies shall be followed by original copies.

5. All reports and other information shall be signed in accordance with requirements of Rule 62-620.305, F.A.C.
6. The permittee shall provide safe access points for obtaining representative samples which are required by this permit.
7. If there is no discharge from the facility on a day scheduled for sampling, the sample shall be collected on the day of the next discharge.
8. Bypasses subject to General Conditions VIII.20. and VIII.22. shall be monitored or estimated daily, or as approved by the Department for flow and other parameters required for the specific outfall which is bypassed. Monitoring results shall be reported to the Department
9. The Permittee shall continue compliance with the facility's Manatee Protection Plan approved by the Department on December 21, 2000.
10. The Permittee shall develop a Plan of Study (POS), subject to Department review and approval, to monitor compliance with Rule 62-302.520(1), F.A.C. pursuant to the schedule in Item VI.4, including a proposed implementation schedule, designed to determine any effects on biological communities from the discharge to Indian River Lagoon. The plan shall address monitoring of aquatic species as necessary, and shall include reporting requirements. The POS shall incorporate relevant existing data developed by the Permittee and other sources as well as any necessary additional monitoring to be conducted by the Permittee.

II. Industrial Sludge Management Requirements

A. Basic Management Requirements

1. Disposal of sludge in a solid waste management facility permitted by the Department shall be in accordance with the requirements of Chapter 62-701, F.A.C. Storage, transportation, and disposal of sludge/solids characterized as hazardous waste shall be in compliance with requirements of Chapter 62-730, F.A.C.
2. The permittee shall keep records of the amount of sludge or residuals disposed, transported, or incinerated. If a person other than the permittee is responsible for sludge transporting, disposal, or incineration, the permittee shall also keep the following records:
- a. name, address and telephone number of any transporter, and any manifests or bill of lading used;
 - b. name and location of the site of disposal, treatment or incineration;
 - c. name, address, and telephone number of the entity responsible for the disposal, treatment, or incineration site.

PERMITTEE:

PERMIT NUMBER: FL0001473

FP&L Cape Canaveral Plant
6000 North U.S. Highway 1
Cocoa, FL 32927

Issuance date: August 10, 2005
Expiration date: August 9, 2010

III. Ground Water Monitoring Requirements

- During the period of operation authorized by this permit, the permittee shall continue to sample ground water at the existing monitoring wells identified in Permit Condition III. 2. below, in accordance with this permit and the approved ground water monitoring plan prepared in accordance with Rule 62-522.600, F.A.C. Within 90 days of placing the new or modified wastewater facility into operation, or installation of new monitoring wells, whichever occurs sooner, the permittee shall begin sampling ground water at the new monitoring wells identified in Permit Condition III. 2 below in accordance with this permit and the approved ground water monitoring plan.
- The following monitoring wells shall be sampled quarterly. Sampling must be reasonably spaced to be representative of potentially changing conditions:

Facility Well Name	Permit Builder Name	Monitoring Location Site Number	WAFR Number	Depth (Feet)	Aquifer Monitored	Well Type	New or Existing
All Sites							
CA-MW-1	MWB-2683	3005A15832	2683	21	Surficial	Background	Existing
Equipment Area Runoff Basin (B-3)							
CA-MW-2	MWC-2682	3005A15833	2682	21	Surficial	Compliance	Existing
E/P Basin Spray Area (SP-1)							
OB-2	MWC-2686	3005A11264	2686	25.6	Surficial	Compliance	Existing
Solids Settling Basins (B-1A and B-1B)							
OB-3	MWC-2685	3005A11265	2685	24.9	Surficial	Compliance	Existing
Evaporation/Percolation Basin (EP-1)							
OB-5	MWC-26897	--	26897	18	Surficial	Compliance	Existing

MWB = Background; MWC = Compliance

PERMITTEE:

PERMIT NUMBER: FL0001473

FP&L Cape Canaveral Plant
6000 North U.S. Highway 1
Cocoa, FL 32927

Issuance date: August 10, 2005
Expiration date: August 9, 2010

3. The following parameters shall be analyzed quarterly in each of the monitoring wells identified in Item III. 2. except Monitoring Well OB-5:

Parameter Name	Standard Compliance Well Limit	Units
Chloride	Report ⁸	mg/L
pH	Report ⁸	SU
Sodium	Report ⁹	mg/L
Specific Conductance	Report	Umhos
Sulfate	Report ⁸	mg/L
Total Dissolved Solids (TDS)	Report ⁸	mg/L
Total Recoverable Petroleum Hydrocarbons	5.0	mg/L
Turbidity	Report	NTU
Vinyl Chloride	1	ug/L
Water Level Relative to NGVD	Report	Feet, NGVD

⁸ This facility has been in operation since 1977 and is an existing installation as defined in F.A.C. Rule 62-522.200(1) and is exempt from compliance with secondary standards for ground water at the edge of the zone of discharge in accordance with F.A.C. Rules 62-520.520 and 62-522.300(6).

⁹ The permittee is exempted from compliance with the Class G-II ground water standard for sodium in accordance with the Final Order Of Agency Action (sodium exemption) signed by the Secretary on October 12, 2004. This sodium exemption is effective for the duration of this permit.

PERMITTEE:

PERMIT NUMBER: FL0001473

FP&L Cape Canaveral Plant
6000 North U.S. Highway 1
Cocoa, FL 32927

Issuance date: August 10, 2005
Expiration date: August 9, 2010

4. The following parameters shall be analyzed quarterly in Monitoring Well OB-5 identified in Item III. 2:

Parameter Name	Standard Compliance Well Limit	Units
Aluminum	Report ¹⁰	ug/L
Antimony (added 2/04)	6	ug/L
Beryllium (added 2/04)	4	ug/L
Cadmium	5	ug/L
Chloride	Report ¹⁰	mg/L
Chromium	100	ug/L
Copper	Report ¹⁰	ug/L
Cyanide	200	ug/L
Fluoride	4,000	ug/L
Iron	Report ¹⁰	ug/L
Manganese	Report ¹⁰	ug/L
Mercury	2.0	ug/L
Nickel	100	ug/L
pH	Report ¹⁰	SU
Silver	Report ¹⁰	ug/L
Sodium	Report ¹¹	mg/L
Specific Conductance	Report	mmhos
Sulfate	Report ¹⁰	mg/L
TDS	Report ¹⁰	mg/L
Tetrachloroethylene	3	ug/L
Total Phenols	Report	ug/L
Trichloroethylene	3	ug/L
Total Recoverable Petroleum Hydrocarbons	5.0	mg/L
Turbidity	Report	NTU
Vinyl chloride	1	ug/L
Zinc	Report ¹⁰	ug/L
Water Level (ft NGVD)	Report	Feet, NGVD

5. The zone of discharge extends to the facility property boundary, and vertically to the base of the shallow water table aquifer.
6. The permittee's discharge to ground water shall not cause a violation of water quality standards for ground waters at the boundary of the zone of discharge in accordance with Rules 62-520.400 and 62-520.420, F.A.C.
7. The permittee's discharge to ground water shall not cause a violation of the minimum criteria for ground water specified in Rule 62-520.400, F.A.C., within the zone of discharge.

¹⁰ This facility has been in operation since 1977 and is an existing installation as defined in F.A.C. Rule 62-522.200(1) and is exempt from compliance with secondary standards for ground water at the edge of the zone of discharge in accordance with F.A.C. Rules 62-520.520 and 62-522.300(6).

¹¹ The permittee is exempted from compliance with the Class G-II ground water standard for sodium in accordance with the Final Order Of Agency Action (sodium exemption) signed by the Secretary on October 12, 2004. This sodium exemption is effective for the duration of this permit.

PERMITTEE:

FP&L Cape Canaveral Plant
6000 North U.S. Highway 1
Cocoa, FL 32927

PERMIT NUMBER: FL0001473

Issuance date: August 10, 2005
Expiration date: August 9, 2010

8. If the concentration for any constituent listed in Permit Condition III.3 in the natural background quality of the ground water is greater than the stated maximum, or in the case of pH is also less than the minimum, the representative natural background quality shall be the prevailing standard.
9. Water levels shall be recorded prior to evacuating the well for sample collection. Elevation references shall include the top of the well casing and land surface at each well site (NGVD allowable) at a precision of plus or minus 0.1 feet.
10. Ground water monitoring wells shall be purged prior to sampling to obtain a representative sample.
11. Analyses shall be conducted on un-filtered samples, unless filtered samples have been approved by the Department as being more representative of ground water conditions.
12. If a monitoring well becomes damaged or cannot be sampled for some reason, the permittee shall notify the Department immediately and a written report shall follow within seven days detailing the circumstances and remedial measures taken or proposed. Repair or replacement of monitoring wells shall be approved in advance by the Department.
13. The permittee shall provide verbal notice to the Department as soon as practical after discovery of a sinkhole within an area for the management or application of wastewater or sludge. The permittee shall immediately implement measures appropriate to control the entry of contaminants, and shall detail these measures to the Department in a written report within 7 days of the sinkhole discovery.
14. Ground water monitoring test results shall be submitted on Part D of DEP Form 62-620.910(10) (attached) and shall be submitted to the Central District Ground Water Section. A completed Certification Page shall accompany each quarter of monitoring data. The quarterly ground water monitoring results shall be submitted with the DMR as shown in the following schedule:

SAMPLE PERIOD	REPORT DUE DATE
January - March	April 28
April - June	July 28
July - September	October 28
October - December	January 28

IV. Other Land Application Requirements

1. This section is not applicable to this facility.

V. Operation and Maintenance Requirements**A. Operation of Treatment and Disposal Facilities**

1. The permittee shall ensure that the operation of this facility is as described in the application and supporting documents.
2. The operation of the pollution control facilities described in this permit shall be under the supervision of a person who is qualified by formal training and/or practical experience in the field of water pollution control.

PERMITTEE:

FP&L Cape Canaveral Plant
6000 North U.S. Highway 1
Cocoa, FL 32927

PERMIT NUMBER: FL0001473

Issuance date: August 10, 2005
Expiration date: August 9, 2010

B. Record keeping Requirements:

1. The permittee shall maintain the following records on the site of the permitted facility and make them available for inspection:
 - a. Records of all compliance monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, including, if applicable, a copy of the laboratory certification showing the certification number of the laboratory, for at least three years from the date the sample or measurement was taken;
 - b. Copies of all reports, other than those required in items a. and f. of this section, required by the permit for at least three years from the date the report was prepared, unless otherwise specified by Department rule;
 - c. Records of all data, including reports and documents used to complete the application for the permit for at least three years from the date the application was filed, unless otherwise specified by Department rule;
 - d. A copy of the current permit;
 - e. A copy of any required record drawings;
 - f. Copies of the logs and schedules showing plant operations and equipment maintenance for three years from the date on the logs or schedule.

VI. Schedules

1. A Best Management Practices Pollution Prevention (BMP3) Plan shall be prepared and implemented in accordance with Part VII of this permit and the following schedule:

Action Item		Scheduled Completion Date
1	Continue Implementing Existing BMP3 Plan	Issuance Date of Permit

2. The permittee shall achieve compliance with the other conditions of this permit as follows:
 - a. Operational level attained Issuance Date of Permit
3. The following construction schedule shall be followed:
 - a. Relocate Outfall D-030 to I-016 6 months of Issuance Date of Permit
 - b. Submit Certificate of Completion of Construction (See VII.B.1) 30 days of Completion of Construction
 - c. Submit Record Drawings (See VII.B.2).....6 months after Completion of Construction
4. Biological Monitoring Program:
 - a. Within six months of issuance of this permit, the Permittee shall meet with the Department to discuss the content of a Plan of Study (POS) for biological monitoring in accordance with the requirements of Item

PERMITTEE:

FP&L Cape Canaveral Plant
6000 North U.S. Highway 1
Cocoa, FL 32927

PERMIT NUMBER: FL0001473

Issuance date: August 10, 2005
Expiration date: August 9, 2010

I.E.10, and shall submit the POS within twelve months of issuance of this permit. The Department will review the POS and provide written comments to the permittee as needed. The permittee shall implement the POS in accordance with the approved implementation schedule.

5. Additional Intake/Discharge Sampling and Reporting

- a. Within 60 days of permit issuance the permittee shall begin additional sampling to be conducted quarterly for a total of 4 sampling events. Concurrent 24-hour composite samples shall be taken of the intake and from Outfalls D-011, D-012, and D-015 (Sample Points EFF-1, EFF-2, and EFF-3) and analyzed for Copper, Nickel, and Beryllium.
 - b. Sampling results shall be submitted to the Department with the next scheduled quarterly report and include results from the sampling events since the last submittal except results submitted for the fourth quarterly report shall include summary results from all 4 sampling events.
 - c. Analytical test methods, method detection limits (MDLs), and practical quantification limits (PQLs) shall be in accordance with the requirements of Section I.E.1 of this permit.
 - d. If the sampling results indicate a reasonable potential for an exceedance of water quality standards and concentrations in the discharge exceed intake concentrations, taking into account sampling and analytical variations, then the Department may reopen the permit in accordance with Section VII.F.2 of this permit to include different limitations or monitoring requirements or take other action as appropriate.
6. The Permittee shall comply with the requirements of 40 CFR Part 125.95(a)(1) and (2) no later than upon submittal of a timely application for permit renewal, submitted pursuant to the requirements of Condition VII.C. of this permit.
7. No later than 14 calendar days following a date identified in the above schedule(s) of compliance, the permittee shall submit either a report of progress or, in the case of specific actions being required by an identified date, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

VII. Other Specific Conditions

A. Specific Conditions Applicable to All Permits

1. Drawings, plans, documents or specifications submitted by the permittee, not attached hereto, but retained on file at the Northwest District Office, are made a part hereof.
2. Where required by Chapter 471 (P.E.) or Chapter 492 (P.G.) Florida Statutes, applicable portions of reports to be submitted under this permit, shall be signed and sealed by the professional(s) who prepared them.
3. This permit satisfies Industrial Wastewater program permitting requirements only and does not authorize operation of this facility prior to obtaining any other permits required by local, state or federal agencies.

B. Specific Conditions Related to Construction

1. Within thirty days of completion of construction, the permittee shall submit to the Department a completed "Certificate of Completion of Construction" (DEP Form 62-620.910(12) signed and sealed by the engineer of record or other engineer registered in the State of Florida.
2. Record drawings shall be prepared and made available in accordance with Rule 62-620.410(6), F.A.C, and the Department of Environmental Protection Guide to wastewater Permitting within six months of placing the facility into operation.

PERMITTEE:

PERMIT NUMBER: FL0001473

FP&L Cape Canaveral Plant
6000 North U.S. Highway 1
Cocoa, FL 32927

Issuance date: August 10, 2005
Expiration date: August 9, 2010

C. Duty to Reapply

1. The permittee shall submit an application to renew this permit at least 180 days before the expiration date of this permit.
2. The permittee shall apply for renewal of this permit on the appropriate form listed in Rule 62-620.910, F.A.C., and in the manner established in Chapter 62-620, F.A.C., and the Department of Environmental Protection Guide to Wastewater Permitting including submittal of the appropriate processing fee set forth in Rule 62-4.050, F.A.C.
3. An application filed in accordance with subsections 1. and 2. of this part shall be considered timely and sufficient. When an application for renewal of a permit is timely and sufficient, the existing permit shall not expire until the Department has taken final action on the application for renewal or until the last day for seeking judicial review of the agency order or a later date fixed by order of the reviewing court.
4. The late submittal of a renewal application shall be considered timely and sufficient for the purpose of extending the effectiveness of the expiring permit only if it is submitted and made complete before the expiration date.

D. Specific Conditions Related to Best Management Practices/Pollution Prevention Conditions

1. General Conditions

In accordance with Section 304(e) and 402(a)(2) of the Clean Water Act (CWA) as amended, 33 U.S.C. §§ 1251 et seq., and the Pollution Prevention Act of 1990, 42 U.S.C. §§ 13101-13109, the permittee must develop and implement a plan for utilizing practices incorporating pollution prevention measures. References to be considered in developing the plan are "Criteria and Standards for Best Management Practices Authorized Under Section 304(e) of the Act," found at 40 CFR 122.44 Subpart K and the Waste Minimization Opportunity Assessment Manual, EPA/625/7-88/003.

a. Definitions

- (1) The term "pollutants" refers to conventional, non-conventional and toxic pollutants.
- (2) Conventional pollutants are: biochemical oxygen demand (BOD), suspended solids, pH, fecal coliform bacteria and oil & grease.
- (3) Non-conventional pollutants are those which are not defined as conventional or toxic.
- (4) Toxic pollutants include, but are not limited to: (a) any toxic substance listed in Section 307(a)(1) of the CWA, any hazardous substance listed in Section 311 of the CWA, or chemical listed in Section 313(c) of the Superfund Amendments and Reauthorization Act of 1986; and (b) any substance (that is not also a conventional or non-conventional pollutant except ammonia) for which EPA has published an acute or chronic toxicity criterion.
- (5) "Pollution prevention" and "waste minimization" refer to the first two categories of EPA's preferred hazardous waste management strategy: first, source reduction and then, recycling.
- (6) "Recycle/Reuse" is defined as the minimization of waste generation by recovering and reprocessing usable products that might otherwise become waste; or the reuse or reprocessing of usable waste products in place of the original stock, or for other purposes such as material recovery, material regeneration or energy production.

PERMITTEE:

PERMIT NUMBER: FL0001473

FP&L Cape Canaveral Plant
6000 North U.S. Highway 1
Cocoa, FL 32927

Issuance date: August 10, 2005
Expiration date: August 9, 2010

- (7) "Source reduction" means any practice which: (a) reduces the amount of any pollutant entering a waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment or disposal; and (b) reduces the hazards to public health and the environment associated with the release of such pollutant. The term includes equipment or technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, or inventory control. It does not include any practice which alters the physical, chemical, or biological characteristics or the volume of a pollutant through a process or activity which itself is not integral to, or previously considered necessary for, the production of a product or the providing of a service.
- (8) "BMP3" means a Best Management Plan incorporating the requirements of 40 CFR § 122.44, Subpart K, plus pollution prevention techniques associated with a Waste Minimization Assessment.
- (9) "Waste Minimization Assessment" means a systematic planned procedure with the objective of identifying ways to reduce or eliminate waste.

2. **Best Management Practices/Pollution Prevention Plan**

The permittee shall develop and implement a BMP3 plan for the facility which is the source of wastewater and storm water discharges covered by this permit. The plan shall be directed toward reducing those pollutants of concern which discharge to surface waters and shall be prepared in accordance with good engineering and good housekeeping practices. For the purposes of this permit, pollutants of concern shall be limited to toxic pollutants, as defined above, known to the discharger. The plan shall address all activities which could or do contribute these pollutants to the surface water discharge, including process, treatment, and ancillary activities. The BMP3 plan shall contain the following components:

a. **Signatory Authority & Management Responsibilities**

The BMP3 plan shall be signed by the permittee or their duly authorized representative in accordance with rule 62-620.305(2)(a) and (b). The BMP3 plan shall be reviewed by the plant environmental/engineering staff and plant manager. Where required by Chapter 471 (P.E.) or Chapter 492 (P.G.) Florida Statutes, applicable portions of the BMP3 plan shall be signed and sealed by the professional(s) who prepared them.

A copy of the plan shall be retained at the facility and shall be made available to the Department upon request.

The BMP3 plan shall contain a written statement from corporate or plant management indicating management's commitment to the goals of the BMP3 program. Such statements shall be publicized or made known to all facility employees. Management shall also provide training for the individuals responsible for implementing the BMP3 plan.

b. **BMP3 Plan Requirements**

- (1) Name & description of facility, a map illustrating the location of the facility & adjacent receiving waters, and other maps, plot plans or drawings, as necessary;
- (2) Overall objectives (both short-term and long-term) and scope of the plan, specific reduction goals for pollutants, anticipated dates of achievement of reduction, and a description of means for achieving each reduction goal;

PERMITTEE:

FP&L Cape Canaveral Plant
6000 North U.S. Highway 1
Cocoa, FL 32927

PERMIT NUMBER: FL0001473

Issuance date: August 10, 2005
Expiration date: August 9, 2010

- (3) A description of procedures relative to spill prevention, control & countermeasures and a description of measures employed to prevent storm water contamination;
- (4) A description of practices involving preventive maintenance, housekeeping, recordkeeping, inspections, and plant security; and

c. Waste Minimization Assessment

The permittee is encouraged but not required to conduct a waste minimization assessment (WMA) for this facility to determine actions that could be taken to reduce waste loadings and chemical losses to all wastewater and/or storm water streams as described in Part VII.D.3 of this permit.

If the Permittee elects to develop and implement a WMA, information on plan components can be obtained from the Department's Industrial Wastewater website, or from:

Florida Department of Environmental Protection
Industrial Wastewater Section, Mail Station 3545
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

(850) 245-8589
(850) 245-8669 -- Fax

d. Best Management Practices & Pollution Prevention Committee Recommended:

A Best Management Practices Committee (Committee) should be established to direct or assist in the implementation of the BMP3 plan. The Committee should be comprised of individuals within the plant organization who are responsible for developing the BMP3 plan and assisting the plant manager in its implementation, monitoring of success, and revision. The activities and responsibilities of the Committee should address all aspects of the facility's BMP3 plan. The scope of responsibilities of the Committee should be described in the plan.

e. Employee Training

Employee training programs shall inform personnel at all levels of responsibility of the components & goals of the BMP3 plan and shall describe employee responsibilities for implementing the plan. Training shall address topics such as good housekeeping, materials management, record keeping & reporting, spill prevention & response, as well as specific waste reduction practices to be employed. Training shall also disclose how individual employees may contribute suggestions concerning the BMP3 plan or suggestions regarding Pollution Prevention. The plan shall identify periodic dates for such training.

f. Plan Development & Implementation

The BMP3 plan shall be implemented upon the effective date of this permit, unless any later dates are specified in this permit. If a WMA is ongoing at the time of development or implementation it may be described in the plan. Any waste reduction practice which is recommended for implementation over a period of time may also be identified in the plan, including a schedule for its implementation.

PERMITTEE:

PERMIT NUMBER: FL0001473

FP&L Cape Canaveral Plant
6000 North U.S. Highway 1
Cocoa, FL 32927

Issuance date: August 10, 2005
Expiration date: August 9, 2010

g. Submission of Plan Summary & Progress/Update Reports

- (1) Plan Summary: Not later than 2 years after the effective date of the permit, a summary of the BMP3 plan shall be developed and maintained at the facility and made available to the Department upon request. The summary shall include the following: a brief description of the plan, its implementation process, schedules for implementing identified waste reduction practices, and a list of all waste reduction practices being employed at the facility. The results of WMA studies, as well as scheduled WMA activities may be discussed.
- (2) Progress/Update Reports: Annually thereafter for the duration of the permit progress/update reports documenting implementation of the plan shall be maintained at the facility and made available to the Department upon request. The reports shall discuss whether or not implementation schedules were met and revise any schedules, as necessary. The plan shall also be updated as necessary and the attainment or progress made toward specific pollutant reduction targets documented. Results of any ongoing WMA studies as well as any additional schedules for implementation of waste reduction practices may be included.
- (3) A recommended timetable for the various plan requirements follows:

Timetable for BMP3 Plan:

<u>ELEMENT</u>	<u>TIME FROM EFFECTIVE DATE OF THIS PERMIT</u>
Complete WMA (if appropriate)	6 months
Progress/Update Reports	3 years, and then annually thereafter

The permittee shall maintain the plan and subsequent reports at the facility and shall make the plan available to the Department upon request.

h. Plan Review & Modification

If following review by the Department, the BMP3 plan is determined insufficient, the permittee will be notified that the BMP3 plan does not meet one or more of the minimum requirements of this Part. Upon such notification from the Department, the permittee shall amend the plan and shall submit to the Department a written certification that the requested changes have been made. Unless otherwise provided by the Department, the permittee shall have 30 days after such notification to make the changes necessary.

The permittee shall modify the BMP3 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 waters of the State or if the plan proves to be ineffective in achieving the general objectives of reducing pollutants in wastewater or storm water discharges. Modifications to the plan may be reviewed by the Department in the same manner as described above.

PERMITTEE:

PERMIT NUMBER: FL0001473

FP&L Cape Canaveral Plant
6000 North U.S. Highway 1
Cocoa, FL 32927

Issuance date: August 10, 2005
Expiration date: August 9, 2010

E. Specific Conditions Related to Existing Manufacturing, Commercial, Mining, and Silviculture Wastewater Facilities or Activities

1. Existing manufacturing, commercial, mining, and silvicultural wastewater facilities or activities that discharge into surface waters shall notify the Department as soon as they know or have reason to believe:
 - a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following levels
 - (1) One hundred micrograms per liter,
 - (2) Two hundred micrograms per liter for acrolein and acrylonitrile; five hundred micrograms per liter for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter for antimony, or
 - (3) Five times the maximum concentration value reported for that pollutant in the permit application.
 - b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following levels
 - (1) Five hundred micrograms per liter,
 - (2) One milligram per liter for antimony, or
 - (3) Ten times the maximum concentration value reported for that pollutant in the permit application.

F. Reopener Clause

1. The permit shall be revised, or alternatively, revoked and reissued in accordance with the provisions contained in Rules 62-620.325 and 62-620.345 F.A.C., if applicable, or to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2) and 307(a)(2) of the Clean Water Act (the Act), as amended, if the effluent standards, limitations, or water quality standards so issued or approved:
 - a. Contains different conditions or is otherwise more stringent than any condition in the permit/or;
 - b. Controls any pollutant not addressed in the permit.

The permit as revised or reissued under this paragraph shall contain any other requirements then applicable.

2. The permit may be reopened to adjust effluent limitations or monitoring requirements should future Water Quality Based Effluent Limitation determinations, water quality studies, DEP approved changes in water quality standards, or other information show a need for a different limitation or monitoring requirement.
3. The Department may develop a Total Maximum Daily Load (TMDL) during the life of the permit. Once a TMDL has been established and adopted by rule, the Department shall revise this permit to incorporate the final findings of the TMDL.

VIII. General Conditions

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit are binding and enforceable pursuant to Chapter 403, F.S. Any permit noncompliance constitutes a violation of Chapter 403, F.S., and is grounds for enforcement action, permit termination, permit revocation and reissuance, or permit revision. [62-620.610(1), F.A.C.]

PERMITTEE:

PERMIT NUMBER: FL0001473

FP&L Cape Canaveral Plant
6000 North U.S. Highway 1
Cocoa, FL 32927

Issuance date: August 10, 2005
Expiration date: August 9, 2010

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 constitutes grounds for revocation and enforcement action by the Department. *[62-620.610(2), F.A.C.]*
3. As provided in Subsection 403.087(6), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor authorize any infringements of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit or authorization that may be required for other aspects of the total project which are not addressed in this permit. *[62-620.610(3), F.A.C.]*
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. *[62-620.610(4), F.A.C.]*
5. This permit does not relieve the permittee from liability and penalties 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; 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. The permittee shall take all reasonable steps to minimize or prevent any discharge, reuse of reclaimed water, or residuals use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. *[62-620.610(5), F.A.C.]*
6. If the permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee shall apply for and obtain a new permit. *[62-620.610(6), F.A.C.]*
7. The permittee shall at all times 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. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to maintain or achieve compliance with the conditions of the permit. *[62-620.610(7), F.A.C.]*
8. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. *[62-620.610(8), F.A.C.]*
9. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, including an authorized representative of the Department and authorized EPA personnel, when applicable, upon presentation of credentials or other documents as may be required by law, and at reasonable times, depending upon the nature of the concern being investigated, to
 - a. Enter upon the permittee's premises where a regulated facility, system, or activity is located or conducted, or where records shall be kept under the conditions of this permit;
 - b. Have access to and copy any records that shall be kept under the conditions of this permit;
 - c. Inspect the facilities, equipment, practices, or operations regulated or required under this permit; and
 - d. Sample or monitor any substances or parameters at any location necessary to assure compliance with this permit or Department rules.*[62-620.610(9), F.A.C.]*
10. 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

PERMITTEE:

FP&L Cape Canaveral Plant
6000 North U.S. Highway 1
Cocoa, FL 32927

PERMIT NUMBER: FL0001473

Issuance date: August 10, 2005
Expiration date: August 9, 2010

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 as such use is proscribed by Section 403.111, Florida Statutes, or Rule 62-620.302, F.A.C. Such evidence shall only be used to the extent that it is consistent with the Florida Rules of Civil Procedure and applicable evidentiary rules. *[62-620.610(10), F.A.C.]*

11. When requested by the Department, the permittee shall within a reasonable time provide any information required by law which is needed to determine whether there is cause for revising, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also provide to the Department upon request copies of records required by this permit to be kept. If the permittee becomes aware of relevant facts that were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be promptly submitted or corrections promptly reported to the Department. *[62-620.610(11), F.A.C.]*
12. Unless specifically stated otherwise in Department rules, the permittee, in accepting this permit, agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided however, the permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard. *[62-620.610(12), F.A.C.]*
13. The permittee, in accepting this permit, agrees to pay the applicable regulatory program and surveillance fee in accordance with Rule 62-4.052, F.A.C. *[62-620.610(13), F.A.C.]*
14. This permit is transferable only upon Department approval in accordance with Rule 62-620.340, F.A.C. The permittee shall be liable for any noncompliance of the permitted activity until the Department approves the transfer. *[62-620.610(14), F.A.C.]*
15. The permittee shall give the Department written notice at least 60 days before inactivation or abandonment of a wastewater facility and shall specify what steps will be taken to safeguard public health and safety during and following inactivation or abandonment. *[62-620.610(15), F.A.C.]*
16. The permittee shall apply for a revision to the Department permit in accordance with Rule 62-620.300, F.A.C., and the Department of Environmental Protection Guide to Wastewater Permitting at least 90 days before construction of any planned substantial modifications to the permitted facility is to commence or with Rule 62-620.325(2), F.A.C., for minor modifications to the permitted facility. A revised permit shall be obtained before construction begins except as provided in Rule 62-620.300, F.A.C. *[62-620.610(16), F.A.C.]*
17. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. The permittee shall be responsible for any and all damages which may result from the changes and may be subject to enforcement action by the Department for penalties or revocation of this permit. The notice shall include the following information:
 - a. A description of the anticipated noncompliance;
 - b. The period of the anticipated noncompliance, including dates and times; and
 - c. Steps being taken to prevent future occurrence of the noncompliance.*[62-620.610(17), F.A.C.]*
18. Sampling and monitoring data shall be collected and analyzed in accordance with Rule 62-4.246, Chapters 62-160 and 62-601, F.A.C., and 40 CFR 136, as appropriate.
 - a. Monitoring results shall be reported at the intervals specified elsewhere in this permit and shall be reported on a Discharge Monitoring Report (DMR), DEP Form 62-620.910(10).

PERMITTEE:

PERMIT NUMBER: FL0001473

FP&L Cape Canaveral Plant
6000 North U.S. Highway 1
Cocoa, FL 32927

Issuance date: August 10, 2005
Expiration date: August 9, 2010

- b. If the permittee monitors any contaminate more frequently than required by the permit, using Department approved test procedures, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
 - c. Calculations for all limitations which require averaging of measurements shall use an arithmetic mean unless otherwise specified in this permit.
 - d. Any laboratory test required by this permit shall be performed by a laboratory that has been certified by the Department of Health (DOH) under Chapter 64E-1, F.A.C., where such certification is required by Rule 62-160.300(4), F.A.C. The laboratory must be certified for any specific method and analyte combination that is used to comply with this permit. For domestic wastewater facilities, the on-site test procedures specified in Rule 62-160.300(4), F.A.C., shall be performed by a laboratory certified test for those parameters or under the direction of an operator certified under Chapter 62-602, F.A.C.
 - e. Fields activities including on-site tests and sample collection, whether performed by a laboratory or a certified operator, must follow the applicable procedures described in DEP-SOP-001/01 (January 2002). Alternate field procedures and laboratory methods may be used where they have been approved according to the requirements of Rules 62-160.220, 62-160.330, and 62-160.600, F.A.C.
[62-620.610(18), F.A.C.]
19. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule detailed elsewhere in this permit shall be submitted no later than 14 days following each schedule date. *[62-620.610(19), F.A.C.]*
20. The permittee shall report to the Department's Central District Office any noncompliance which may endanger health or the environment. 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 five 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 time, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- a. The following shall be included as information which must be reported within 24 hours under this condition:
 - (1) Any unanticipated bypass which causes any reclaimed water or effluent to exceed any permit limitation or results in an unpermitted discharge,
 - (2) Any upset which causes any reclaimed water or the effluent to exceed any limitation in the permit,
 - (3) Violation of a maximum daily discharge limitation for any of the pollutants specifically listed in the permit for such notice, and
 - (4) Any unauthorized discharge to surface or ground waters.
 - b. Oral reports as required by this subsection shall be provided as follows:
 - (1) For unauthorized releases or spills of untreated or treated wastewater reported pursuant to subparagraph a.4 that are in excess of 1,000 gallons per incident, or where information indicates that public health or the environment will be endangered, oral reports shall be provided to the Department by calling the STATE WARNING POINT TOLL FREE NUMBER (800) 320-0519, as soon as practical, but no later than 24 hours from the time the permittee becomes aware of the discharge. The permittee, to the extent known, shall provide the following information to the State Warning Point:
 - (a) Name, address, and telephone number of person reporting;
 - (b) Name, address, and telephone number of permittee or responsible person for the discharge;
 - (c) Date and time of the discharge and status of discharge (ongoing or ceased);
 - (d) Characteristics of the wastewater spilled or released (untreated or treated, industrial or domestic wastewater);
 - (e) Estimated amount of the discharge;
 - (f) Location or address of the discharge;
 - (g) Source and cause of the discharge;
 - (h) Whether the discharge was contained on-site, and cleanup actions taken to date;

PERMITTEE:

FP&L Cape Canaveral Plant
6000 North U.S. Highway 1
Cocoa, FL 32927

PERMIT NUMBER: FL0001473

Issuance date: August 10, 2005
Expiration date: August 9, 2010

- (i) Description of area affected by the discharge, including name of water body affected, if any; and
 - (j) Other persons or agencies contacted.
 - (2) Oral reports, not otherwise required to be provided pursuant to subparagraph b(1) above, shall be provided to Department's Central District Office within 24 hours from the time the permittee becomes aware of the circumstances.
 - c. If the oral report has been received within 24 hours, the noncompliance has been corrected, and the noncompliance did not endanger health or the environment, the Department's Central District Office shall waive the written report.
[62-620.610(20), F.A.C.]
21. The permittee shall report all instances of noncompliance not reported under Conditions VIII. 18 and 19 of this permit at the time monitoring reports are submitted. This report shall contain the same information required by Condition VIII. 20. of this permit. *[62-620.610(21), F.A.C.]*
22. Bypass Provisions.
- a. Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless the permittee affirmatively demonstrates that:
 - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - (3) The permittee submitted notices as required under Condition VIII.22.b. of this permit.
 - b. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Department, if possible at least 10 days before the date of the bypass. The permittee shall submit notice of an unanticipated bypass within 24 hours of learning about the bypass as required in Condition VIII.20. of this permit. A notice shall include a description of the bypass and its cause; the period of the bypass, including exact dates and times; if the bypass has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.
 - c. The Department shall approve an anticipated bypass, after considering its adverse effect, if the permittee demonstrates that it will meet the three conditions listed in Condition VIII.22 a. (1) through (3) of this permit.
 - d. A permittee may allow any bypass to occur which does not cause reclaimed water or effluent limitations to be exceeded if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of Condition VIII.22.a. through c. of this permit.
[62-620.610(22), F.A.C.]
23. Upset Provisions
- a. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (2) The permitted facility was at the time being properly operated;
 - (3) The permittee submitted notice of the upset as required in Condition VIII.20. of this permit; and
 - (4) The permittee complied with any remedial measures required under Condition VIII.5. of this permit.
 - b. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.
 - c. Before an enforcement proceeding is instituted, no representation made during the Department review of a claim that noncompliance was caused by an upset is final agency action subject to judicial review.
[62-620.610(23), F.A.C.]

PERMITTEE:

FP&L Cape Canaveral Plant
6000 North U.S. Highway 1
Cocoa, FL 32927

PERMIT NUMBER: FL0001473

Issuance date: August 10, 2005
Expiration date: August 9, 2010

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION



Mimi A. Drew
Director, Division of Water Resource Management

2600 Blair Stone Road
Tallahassee, FL 32399-2400
(850) 245-8336

**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION
PERMIT NO. FL0001473**

MANATEE PROTECTION PLAN



Jeb Bush
Governor

PCC

NPDES/1WW expires
2/23/04

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

David B. Struhs
Secretary

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

In the matter of:

Approval of FPL Cape Canaveral Power Plant
Manatee Protection Plan

DEP Permit No. FL0001473
Brevard County

Mr. Ron Hix
FPL-5ES/JB
Florida Power & Light Company (FPL)
P. O. Box 14000
Juno Beach, FL 33408

NOTICE OF AGENCY ACTION

The Department of Environmental Protection hereby gives notice of its approval of the enclosed Manatee Protection Plan for the FPL Cape Canaveral Plant, dated August 8, 2000. The Manatee Protection Plan was completed pursuant to Specific Condition 13 of the above referenced permit.

A person whose substantial interests are affected by the Department action may petition for an administrative 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 of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000. Petitions filed by the applicant or any of the parties listed below must be filed within twenty-one days of receipt of this notice of intent. Petitions filed by any other person must be filed within twenty-one days of publication of the public notice or within twenty-one days of receipt of this notice of intent, whichever occurs first. A petitioner 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 be only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-5.207 of the Florida Administrative Code.

A petition must contain the following information:

(a) The name, address, and telephone number of each petitioner; the Department case identification number and the county in which the subject matter or activity is located;

"More Protection, Less Process"

Printed on recycled paper.

- (b) A statement of how and when each petitioner received notice of the Department action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department action;
- (d) A statement of the material facts disputed by the petitioner, if any;
- (e) A statement of facts that the petitioner contends warrant reversal or modification of the Department action;
- (f) A statement of which rules or statutes the petitioner contends require reversal or modification of the Department action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take.

Because the administrative hearing process is designed to formulate final 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.

This action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this order will not be effective until further order of the Department.

Any party to the order has the right to seek judicial review of the order under section 120.68 of the Florida Statutes, by the filing of a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department of Environmental Protection, 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 30 days from the date when the final order is filed with the Clerk of the Department.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Mimi Drew
Director
Division of Water Resource Management

2600 Blair Stone Road
Tallahassee, FL 32399-2400
(850) 487-1855

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF AGENCY ACTION and all copies were mailed before the close of business on 12-21-00 to the listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, under section 120.52(7), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

S. Shields 12-21-00
(Clerk) (Date)

Copies furnished to:

Kipp Frohlich, FWC Tallahassee
Chairman, Board of Brevard County Commissioners
Jim Valade, U.S. Fish and Wildlife Service
Save the Manatee Club
Christianne Ferraro, DEP Orlando
Betsy Hewitt, DEP Office of General Counsel

Florida Power & Light - Cape Canaveral Plant
Manatee Protection Plan
(August 8, 2000)

Purpose:

The purpose of the Cape Canaveral Plant Manatee Protection Plan is to set forth Florida Power & Light Company's (FPL) procedures to comply with Specific Condition 13 of the facility's State Industrial Wastewater Permit Number FL0001473 that was issued on February 24, 1999. This Specific Condition reads, in part:

13. The permittee, in so far as required to comply with Tasks 25 and 251 of the U.S. Fish and Wildlife Service (USFWS) "Florida Manatee Recovery Plan," shall develop a plan and procedures addressing potential manatee impacts, ...All plans, if required, shall include an implementation schedule and address, at a minimum:
- (a) Plans to minimize disruption to warm-water outflows during the winter and response procedures in case of disruptions.
 - (b) Strategy to maintain discharge temperatures that will sustain manatees during cold events.
 - (c) Plan to monitor ambient and discharge temperatures.
 - (d) Precautions to minimize hazards to manatees at intake and outfall areas.
 - (e) Timely communication to manatee recovery program personnel of any long term changes in the availability of warm water.

Compliance with Specific Condition 13:

1. This Manatee Protection Plan will be in effect during the term of the permit. In order for the plant's warm water discharge to provide a safe, warm water refuge for the manatees and to comply with Specific Condition 13, FPL will take the following actions:
 - a) In the case of an unplanned shutdown or a plant failure occurring that will affect the warm water refuge from November 15 through March 31, when the ambient water temperature is below 61°F., the Florida Fish and Wildlife Conservation Commission (FWCC) and USFWS will be notified no later than four (4) hours after the event has occurred. If an unplanned shutdown occurs that is expected to result in no thermal discharge for 24 hours or longer, regardless of ambient water temperature, the Florida Marine Research Institute should be notified.

The following agency representatives shall be notified in the above referenced event or if any distressed manatees are observed at any time:

2904 FWCC - Florida Marine Research Institute - Marine Mammal Pathobiology Lab: (727)-893-
USFWS - Jacksonville Field Office: (904) 232-2580

The FWCC, Bureau of Protected Species Management (BPSM) shall be provided a schedule of any anticipated in-water work within the discharge area or work that will affect the warm water refuge during the period of November 15 through March 31 each year. No routine in-water maintenance work shall occur in the discharge area from November 15 through March 31, unless it is considered essential by FPL and approved by BPSM prior to the start of work. If emergency in-water work is needed, the BPSM will be notified and consulted no later than two weeks following the commencement of the activity. All vessels used in the operation or associated with the activity shall be operated pursuant to the attached standard manatee construction conditions.

- b) From November 15 through March 31 each year, to coincide with the time of greatest manatee abundance, if the ambient water temperature falls below 61°F., as measured at the plant intake, the FPL Cape Canaveral plant shall endeavor to operate in a manner that maintains the water temperature in an adequate portion of the discharge area, for at least one unit, at or above 68°F., until such time as the intake water temperature reaches 61°F., unless otherwise authorized by BPSM and the USFWS, or unless safety or reliability of the plant would be compromised.
- c) The FPL Cape Canaveral power plant will provide personnel from the BPSM, USFWS, Florida Marine Research Institute, USGS-Sirenia Project, or a designee of these agencies, access to the FPL Cape Canaveral power plant property to conduct manatee research or monitoring activities which may include, placing, maintaining and downloading data from temperature data loggers. (These temperature data loggers will be used to collect air and water temperature data in an ongoing research effort to better understand manatee behavior patterns in response to artificial warm water refugia and environmental variables. The temperature data loggers will be placed in the discharge area and at ambient water and air locations). Access would be limited to normal business hours (8:00am - 5:00pm) unless arrangements are made in advance with the FPL Cape Canaveral power plant.

d) Intake Area: No special surveys will be required for the intake area.

Discharge Area: No special surveys will be required for the discharge area.

- e) Should FPL decide to retire these units, notice will be provided to FWCC and USFWS as soon as practical after a definite decision is made or, if possible, at least five years prior to the date of retirement.
- f) To assist in documenting long-term use patterns of this facility, FPL should conduct periodic aerial surveys of manatees at the Cape Canaveral facility. The continuation of the ongoing statewide aerial survey that FPL has funded in the past years meets these criteria.

- g) The FPL Cape Canaveral Power Plant will provide phone numbers for weekday and weekend notification of appropriate plant personnel for the purpose of allowing FWCC or USFWS to coordinate manatee rescue operations as necessary.

2.) FPL actions, pursuant to this plan, that are conducted on a one-time basis unless there are significant physical or operational changes to the FPL Cape Canaveral power plant.

- a) Provide a site map of the facility as a part of the plan that includes the following information;

1. The location of the intake pipes and discharge pipes.
2. Proximate streams, rivers, bays, etc.
3. The location of the condenser inlet and outlet temperature monitoring devices.
4. The location of any fuel barge docking facilities in relation to the discharge area.
5. The delineation of the no-entry boundary at the discharge area.

- b) In order to evaluate and determine what portions of the thermal discharge will provide a sufficient warm water refuge for manatees under potential cold stress water conditions; the FPL Cape Canaveral power plant will, within two (2) years of the effective date of this plan, provide a profile of the thermal gradient (either actual or calculated) of the discharge area waters, as well as its gross bathymetry, at the mean rate of discharge when the ambient water temperature reaches a seasonal low.

Note: The "Thermal Analysis" conducted by FPL in January, 1996 and submitted to the FWCC meets the first requirement above ("... provide a profile of the thermal gradient (either actual or calculated) of the discharge area waters...").

**FLORIDA POWER & LIGHT – CAPE CANAVERAL POWER PLANT
MANATEE PROTECTION PLAN**

**1a) STANDARD MANATEE CONSTRUCTION CONDITIONS FOR ARTIFICIAL
WARM WATER REFUGIA DURING THE PERIOD OF NOVEMBER 15
THROUGH MARCH 31.**

The permittee shall comply with the following manatee protection conditions:

- a. The permittee shall instruct all personnel associated with in-water work within the discharge canal and/or the warm water refuge of the potential presence of manatees and the need to avoid collisions with manatees. All vessels used in the operation or in association with the in-water work shall have an observer on board responsible for identifying the presence and location of manatee(s).
- b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act of 1972, The Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act.
- c. All vessels associated with in-water work associated with the discharge canal and/or warm water refuge shall operate at "no wake/idle" speeds at all times while in the manatee warm water refuge area. All vessels will follow routes of deep water whenever possible.
- d. If manatee(s) are seen within the discharge canal and/or warm water refuge area all appropriate precautions shall be implemented to ensure protection of the manatee(s). These precautions shall include the immediate shutdown of equipment if necessary. Activities will not resume until the manatee(s) has departed to a safe distance on its own volition.
- e. Any collision with and/or injury to a manatee shall be reported immediately to the Florida Wildlife Conservation Commission at 1-888-404-FWCC (1-888-404-3922). Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580).

**FLORIDA POWER & LIGHT – CAPE CANAVERAL POWER PLANT
MANATEE PROTECTION PLAN**

**1a) STANDARD MANATEE CONSTRUCTION CONDITIONS FOR ARTIFICIAL
WARM WATER REFUGIA DURING THE PERIOD OF NOVEMBER 15
THROUGH MARCH 31.**

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- b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act of 1972, The Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act.
- c. All vessels associated with in-water work associated with the discharge canal and/or warm water refuge shall operate at "no wake/idle" speeds at all times while in the manatee warm water refuge area. All vessels will follow routes of deep water whenever possible.
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- e. Any collision with and/or injury to a manatee shall be reported immediately to the Florida Wildlife Conservation Commission at 1-888-404-FWCC (1-888-404-3922). Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580).



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T.
Vinyard, Jr.
Secretary

STATE OF FLORIDA INDUSTRIAL WASTEWATER FACILITY PERMIT

PERMITTEE:

Florida Power & Light Company (FP&L)

RESPONSIBLE OFFICIAL:

David Williams
Plant Manager
700 Universe Blvd
Juno Beach, Florida 33408

PERMIT NUMBER: FL0001473-012 (Major)

FILE NUMBER: FL0001473-012-IW1S

ISSUANCE DATE: February 11, 2011

EXPIRATION DATE: February 10, 2016

FACILITY:

Cape Canaveral Energy Center (CCEC).
6000 N US Highway 1
Cocoa, FL 32927-6081
Brevard County
Latitude: 28°28' 6.1" N Longitude: 80°45' 54.72" W

This permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and applicable rules of the Florida Administrative Code (F.A.C.) and constitutes authorization to discharge to waters of the state under the National Pollutant Discharge Elimination System. This permit does not constitute authorization to discharge wastewater other than as expressly stated in this permit. The above named permittee is hereby authorized to operate the facilities in accordance with the documents attached hereto and specifically described as follows:

FACILITY DESCRIPTION:

The converted plant is named the Cape Canaveral Energy Center (CCEC). The CCEC consists of a nominal 1,250 MW natural gas-fueled combined cycle unit (Unit 3). CCEC Unit 3 consist of three nominal 250 MW combustion turbine-electrical generators, three supplementary-fired heat recovery steam generators (HRSG) with selective catalytic reduction (SCR), and one common nominal 500 MW steam-electrical generator. CCEC Unit 3 will use ultralow sulfur distillate fuel oil as backup fuel.

WASTEWATER TREATMENT:

Once-through condenser cooling water and auxiliary equipment cooling water are chlorinated followed by dechlorination prior to discharge. Metal cleaning wastewater and reverse osmosis membrane cleaning wastewater will be disposed of off-site. Regeneration of mixed bed ion exchange units will be performed offsite. Plant/Equipment drains that receive washdown water from cleaning and maintenance activities are routed through an oil/water separator prior to an internal discharge to the Once-Through Cooling Water (OTCW) conduits and hence to Outfalls D-011 and D-012. When possible, Heat Recovery Steam Generator (HRSG) blowdown will be reused as make-up water to the on-site water treatment system. Alternatively, HRSG blowdown will be discharged via internal discharge to the once-through cooling water conduits and hence to Outfalls D-011 and D-012. Water treatment plant wastewater (RO reject and multimedia filter backwash) will be discharged from internal Outfall I-017 to the OTCW conduits and hence to Outfalls D-011 and D-012.

Equipment area stormwater from the power block and transformer containment areas is routed through an oil/water separator and then to a series of connected on-site retention ponds prior to discharge. The on-site retention ponds also receive some non-equipment stormwater. The stormwater management system is designed to discharge via Outfalls D-028 and D-029.

PERMITTEE: Florida Power & Light Company
FACILITY: Cape Canaveral Energy Center

PERMIT NUMBER: FL0001473-012 (Major)
ISSUANCE DATE: February 11, 2011
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Outfall D-028 is a shared discharge structure that regularly releases stormwater from the on-site retention ponds as well as infrequent releases of stormwater from the fuel oil storage containment area.

REUSE OR DISPOSAL:

Surface Water Discharge:

A combined plant discharge of 617 MGD annual average flow and 822 MGD maximum daily flow to the Indian River (Class II Marine waters, WBID 2963D) through two outfall structures, D-011, located approximately at latitude 28° 28' 11" N, longitude 80° 45' 46" W, and D-012, located approximately at latitude 28° 28' 14" N, longitude 80° 45' 50" W.

A stormwater discharge from the on-site retention pond system and the fuel oil storage tank secondary containment area to the Indian River (Class II Marine waters, WBID 2963D), D-028, located approximately at latitude 28° 28' 18" N, longitude 80° 45' 51" W.

A stormwater discharge from the on-site retention pond system to the Indian River (Class II Marine waters, WBID 2963D), D-029, located approximately at latitude 28° 28' 9" N, longitude 80° 45' 46" W.

A discharge of non-equipment area stormwater to the plant's intake canal (Class II Marine waters, WBID 2963D), D-024, D-025, D-026, and D-027.

Land Application:

There is no land application of wastewater at the CCEC.

INTERNAL OUTFALLS:

A discharge of plant/equipment drain wastewater from internal Outfall I-018 to the OTCW conduits and hence to Outfalls D-011 and D-012.

A discharge of water treatment plant wastewater (RO reject and multimedia filter backwash) from internal Outfall I-017 to the OTCW conduits and hence to Outfalls D-011 and D-012.

A discharge of Heat Recovery Steam Generator (HRSG) blowdown from internal Outfall I-019 to the OTCW conduits and hence to Outfalls D-011 and D-012.

A auxiliary equipment cooling water discharge of 23 MGD annual average flow and 30.0 MGD maximum daily flow from internal Outfall I-015 to the OTCW conduits and hence to Outfalls D-011 and D-012.

IN ACCORDANCE WITH: The limitations, monitoring requirements and other conditions set forth in this Cover Sheet and Part I through Part IX on pages 1 through 26 of this permit.

PERMITTEE: Florida Power & Light Company
 FACILITY: Cape Canaveral Energy Center

PERMIT NUMBER: FL0001473-012 (Major)
 ISSUANCE DATE: February 11, 2011
 EXPIRATION DATE: February 10, 2016

I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

A. Surface Water Discharges

- During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge the combined plant discharge (consisting of once-through and auxiliary equipment cooling water, plant/equipment drain wastewater, water treatment plant wastewater, and heat recovery steam generator blowdown) from Outfalls D-011 and D-012 to Indian River Lagoon. Such discharge shall be limited and monitored by the permittee as specified below and reported in accordance with Permit Condition I.C.3:

			Effluent Limitations		Monitoring Requirements			
Parameter	Units	Max/ Min	Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number	Notes
Flow	MGD	Max Max	Report Report	Instant. Maximum Monthly Average	Continuous	Calculated	FLW-1	
Chlorination Duration	min/day	Max	120	Instant. Maximum	Daily; 24 hours	Calculated	OTH-1	
Oxidants, Total Residual	mg/L	Max	0.01	Maximum Daily Average	Weekly	Grab	EFF-1 EFF-2	See I.A.3
Temp. Difference between Intake and Discharge	Deg F	Max Max Max Max	Report 14.2 Report Report	Daily Average Monthly Average Daily Average Monthly Average	6 times per day	Meter	EFF-1 EFF-2	May – Sept May – Sept Oct – Apr Oct - Apr
Temperature (F), Water	Deg F	Max Max	Report Report	Daily Average Monthly Average	6 times per day	Meter	EFF-1 EFF-2	
Oxygen, Dissolved (DO)	mg/L	Min	4.0	Single Sample	Monthly	Meter	EFF-1 or EFF-2	See I.A.5
Oxygen, Dissolved (DO)	mg/L	Max	Report	Single Sample	Monthly	Meter	INT-1	See I.A.5
Chronic Whole Effluent Toxicity, 7-Day IC25 (Mysidopsis bahia)	percent	Min	100	Single Sample	Quarterly	24-hr Composite	EFF-1 EFF-2	See I.A.4 and I.A.6
Chronic Whole Effluent Toxicity, 7-Day IC25 (Menidia beryllina)	percent	Min	100	Single Sample	Quarterly	24-hr Composite	EFF-1 EFF-2	See I.A.4 and I.A.6

- Effluent samples shall be taken at the monitoring site locations listed in Permit Condition I.A.1. and as described below:

Monitoring Site Number	Description of Monitoring Site
FLW-1	Flow monitoring location for the combined discharge from Outfall D-011 and D-012.
OTH-1	At the point of chlorine addition for Unit 3 OTCW
EFF-1	End of pipe once-through cooling water discharge from Outfall D-011
EFF-2	End of pipe once-through cooling water discharge from Outfall D-012
INT-1	Once-through cooling water intake for Unit 3

PERMITTEE: Florida Power & Light Company
FACILITY: Cape Canaveral Energy Center

PERMIT NUMBER: FL0001473-012 (Major)
ISSUANCE DATE: February 11, 2011
EXPIRATION DATE: February 10, 2016

3. Grab samples shall consist of multiple samples collected at approximately the beginning, middle, and end a chlorination period. The total daily chlorination duration of 120 minutes per day may consist of multiple chlorination periods of less than 120 minutes.
4. Toxicity sampling shall consist of individual composite samples from each outfall combined in equal proportions to create a single sample for analysis.
5. Insitu dissolved oxygen monitoring for both the intake and discharge shall be performed concurrently every 4 hours, for 24 hours, once month. Monitoring during a monthly event is only required from one outfall (D-011 or D-012) but shall be alternated (between the two outfalls) every other month.
6. The permittee shall comply with the following requirements to evaluate chronic whole effluent toxicity of the discharge from outfall D-011 and D-012.
 - a. Effluent Limitation
 - (1) In any routine or additional follow-up test for chronic whole effluent toxicity, the 25 percent inhibition concentration (IC25) shall not be less than 100% effluent. [Rules 62-302.530(61) and 62-4.241(1)(b), F.A.C.]
 - (2) For acute whole effluent toxicity, the 96-hour LC50 shall not be less than 100% effluent in any test. [Rules 62-302.500(1)(a)4. and 62-4.241(1)(a), F.A.C.]
 - b. Monitoring Frequency
 - (1) Routine toxicity tests shall be conducted once every three months, the first starting within 60 days of the issuance date of this permit and lasting for the duration of this permit.
 - (2) Upon completion of four consecutive, valid routine tests that demonstrate compliance with the effluent limitation in 6.a.(1) above, the permittee may submit a written request to the Department for a reduction in monitoring frequency to once every six months. The request shall include a summary of the data and the complete bioassay laboratory reports for each test used to demonstrate compliance. The Department shall act on the request within 45 days of receipt. Reductions in monitoring shall only become effective upon the Department's written confirmation that the facility has completed four consecutive valid routine tests that demonstrate compliance with the effluent limitation in 6.a.(1) above.
 - (3) If a test within the sequence of the four is deemed invalid based on the acceptance criteria in EPA-821-R-02-014, but is replaced by a repeat valid test initiated within 21 days after the last day of the invalid test, the invalid test will not be counted against the requirement for four consecutive valid tests for the purpose of evaluating the reduction of monitoring frequency.
 - c. Sampling Requirements
 - (1) For each routine test or additional follow-up test conducted, a total of three 24-hour composite samples of final effluent shall be collected and used in accordance with the sampling protocol discussed in EPA-821-R-02-014, Section 8.
 - (2) The first sample shall be used to initiate the test. The remaining two samples shall be collected according to the protocol and used as renewal solutions on Day 3 (48 hours) and Day 5 (96 hours) of the test.
 - (3) Samples for routine and additional follow-up tests shall not be collected on the same day.
 - d. Test Requirements
 - (1) Routine Tests: All routine tests shall be conducted using a control (0% effluent) and a minimum of five test dilutions: 100%, 50%, 25%, 12.5%, and 6.25% final effluent.
 - (2) The permittee shall conduct 7-day survival and growth chronic toxicity tests with a mysid shrimp, *Americamysis (Mysidopsis) bahia*, Method 1007.0, and an inland silverside, *Menidia beryllina*, Method 1006.0, concurrently.
 - (3) All test species, procedures and quality assurance criteria used shall be in accordance with Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms, 3rd Edition, EPA-821-R-02-014. Any deviation of the bioassay procedures outlined herein shall be submitted in writing to the Department for review and approval prior to use. In

PERMITTEE: Florida Power & Light Company
FACILITY: Cape Canaveral Energy Center

PERMIT NUMBER: FL0001473-012 (Major)
ISSUANCE DATE: February 11, 2011
EXPIRATION DATE: February 10, 2016

the event the above method is revised, the permittee shall conduct chronic toxicity testing in accordance with the revised method.

- (4) The control water and dilution water used shall be artificial sea salts as described in EPA-821-R-02-014, Section 7.2. The test salinity shall be determined as follows:
 - (a) For the *Americamysis bahia* bioassays, the effluent shall be adjusted to a salinity of 20 parts per thousand (ppt) with artificial sea salts. The salinity of the control/dilution water (0% effluent) shall be 20 ppt. If the salinity of the effluent is greater than 20 ppt, no salinity adjustment shall be made to the effluent and the test shall be run at the effluent salinity. The salinity of the control/dilution water shall match the salinity of the effluent.
 - (b) For the *Menidia beryllina* bioassays, if the effluent salinity is less than 5ppt, the salinity shall be adjusted to 5 ppt with artificial sea salts. The salinity of the control/dilution water (0% effluent) shall be 5 ppt. If the salinity of the effluent is greater than 5 ppt, no salinity adjustment shall be made to the effluent and the test shall be run at the effluent salinity. The salinity of the control/dilution water shall match the salinity of the effluent.
 - (c) If the salinity of the effluent requires adjustment, a salinity adjustment control should be prepared and included with each bioassay. The salinity adjustment control is intended to identify toxicity resulting from adjusting the effluent salinity with artificial sea salts. To prepare the salinity adjustment control, dilute the control/dilution water to the salinity of the effluent and adjust the salinity of the salinity adjustment control at the same time and to the same salinity that the salinity of the effluent is adjusted using the same artificial sea salts.
- e. Quality Assurance Requirements
 - (1) A standard reference toxicant (SRT) quality assurance (QA) chronic toxicity test shall be conducted with each species used in the required toxicity tests either concurrently or initiated no more than 30 days before the date of each routine or additional follow-up test conducted. Additionally, the SRT test must be conducted concurrently if the test organisms are obtained from outside the test laboratory unless the test organism supplier provides control chart data from at least the last five monthly chronic toxicity tests using the same reference toxicant and test conditions. If the organism supplier provides the required SRT data, the organism supplier's SRT data and the test laboratory's monthly SRT-QA data shall be included in the reports for each companion routine or additional follow-up test required.
 - (2) If the mortality in the control (0% effluent) exceeds 20% for either species in any test or any test does not meet "test acceptability criteria", the test for that species (including the control) shall be invalidated and the test repeated. Test acceptability criteria for each species are defined in EPA-821-R-02-014, Section 14.12 (*Americamysis bahia*) and Section 13.12 (*Menidia beryllina*). The repeat test shall begin within 21 days after the last day of the invalid test.
 - (3) If 100% mortality occurs in all effluent concentrations for either species prior to the end of any test and the control mortality is less than 20% at that time, the test (including the control) for that species shall be terminated with the conclusion that the test fails and constitutes non-compliance.
 - (4) Routine and additional follow-up tests shall be evaluated for acceptability based on the observed dose-response relationship as required by EPA-821-R-02-014, Section 10.2.6., and the evaluation shall be included with the bioassay laboratory reports.
- f. Reporting Requirements
 - (1) Results from all required tests shall be reported on the Discharge Monitoring Report (DMR) as follows:
 - (a) Routine and Additional Follow-up Test Results: The calculated IC25 for each test species shall be entered on the DMR.
 - (2) A bioassay laboratory report for each routine test shall be prepared according to EPA-821-R-02-014, Section 10, Report Preparation and Test Review, and mailed to the Department at the address below within 30 days after the last day of the test.
 - (3) For additional follow-up tests, a single bioassay laboratory report shall be prepared according to EPA-821-R-02-014, Section 10, and mailed within 30 days after the last day of the second valid additional follow-up test.
 - (4) Data for invalid tests shall be included in the bioassay laboratory report for the repeat test.
 - (5) The same bioassay data shall not be reported as the results of more than one test.
 - (6) All bioassay laboratory reports shall be sent to:

PERMITTEE: Florida Power & Light Company
FACILITY: Cape Canaveral Energy Center

PERMIT NUMBER: FL0001473-012 (Major)
ISSUANCE DATE: February 11, 2011
EXPIRATION DATE: February 10, 2016

Florida Department of Environmental Protection
Tallahassee Office
2600 Blair Stone Road, M.S. 3545
Tallahassee, Florida 32399-2400

g. Test Failures

- (1) A test fails when the test results do not meet the limits in 6.a.(1).
- (2) Additional Follow-up Tests:
 - (a) If a routine test does not meet the chronic toxicity limitation in 6.a.(1) above, the permittee shall notify the Department at the address above within 21 days after the last day of the failed routine test and conduct two additional follow-up tests on each species that failed the test in accordance with 6.d.
 - (b) The first test shall be initiated within 28 days after the last day of the failed routine test. The remaining additional follow-up tests shall be conducted weekly thereafter until a total of two valid additional follow-up tests are completed.
 - (c) The first additional follow-up test shall be conducted using a control (0% effluent) and a minimum of five dilutions: 100%, 50%, 25%, 12.5%, and 6.25% effluent. The permittee may modify the dilution series in the second additional follow-up test to more accurately bracket the toxicity such that at least two dilutions above and two dilutions below the target concentration and a control (0% effluent) are run. All test results shall be analyzed according to the procedures in EPA-821-R-02-014.
- (3) In the event of three valid test failures (whether routine or additional follow-up tests) within a 12-month period, the permittee shall notify the Department within 21 days after the last day of the third test failure.
 - (a) The permittee shall submit a plan for correction of the effluent toxicity within 60 days after the last day of the third test failure.
 - (b) The Department shall review and approve the plan before initiation.
 - (c) The plan shall be initiated within 30 days following the Department's written approval of the plan.
 - (d) Progress reports shall be submitted quarterly to the Department at the address above.
 - (e) During the implementation of the plan, the permittee shall conduct quarterly routine whole effluent toxicity tests in accordance with 6.d. Additional follow-up tests are not required while the plan is in progress. Following completion or termination of the plan, the frequency of monitoring for routine and additional follow-up tests shall return to the schedule established in 6.b.(1). If a routine test is invalid according to the acceptance criteria in EPA-821-R-02-014, a repeat test shall be initiated within 21 days after the last day of the invalid routine test.
 - (f) Upon completion of four consecutive quarterly valid routine tests that demonstrate compliance with the effluent limitation in 6.a.(1) above, the permittee may submit a written request to the Department to terminate the plan. The plan shall be terminated upon written verification by the Department that the facility has passed at least four consecutive quarterly valid routine whole effluent toxicity tests. If a test within the sequence of the four is deemed invalid, but is replaced by a repeat valid test initiated within 21 days after the last day of the invalid test, the invalid test will not be counted against the requirement for four consecutive quarterly valid routine tests for the purpose of terminating the plan.
- (4) If chronic toxicity test results indicate greater than 50% mortality within 96 hours in an effluent concentration equal to or less than the effluent concentration specified as the acute toxicity limit in 6.(a)(2), the Department may revise this permit to require acute definitive whole effluent toxicity testing.
- (5) The additional follow-up testing and the plan do not preclude the Department taking enforcement action for acute or chronic whole effluent toxicity failures.

[62-4.241, 62-620.620(3)]

PERMITTEE: Florida Power & Light Company
FACILITY: Cape Canaveral Energy Center

PERMIT NUMBER: FL0001473-012 (Major)
ISSUANCE DATE: February 11, 2011
EXPIRATION DATE: February 10, 2016

7. The discharge shall not contain components that settle to form putrescent deposits or float as debris, scum, oil, or other matter. [62-302.500(1)(a)]
8. Discharges from Outfalls D-011 and D-012 are subject to thermal limitations established by Rule 62-302.520(1), F.A.C.
9. OTCW and AECW limitations and monitoring requirements for TRO are not applicable for any week in which chlorine is not added to Unit 3.

B. Internal Outfalls

1. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge **Water Treatment Plant Wastewater** from I-017 to the OTCW conduits and hence to Outfalls D-011 and D-012. Such discharge shall be limited and monitored by the permittee as specified below and reported in accordance with Permit Condition I.C.3.:

			Effluent Limitations		Monitoring Requirements			
Parameter	Units	Max/ Min	Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number	Notes
Flow	MGD	Max Max	Report Report	Daily Average Monthly Average	2/month	Calculated	OUI-1	
Solids, Total Suspended	mg/L	Max Max	30.0 100.0	Monthly Average Daily Average	2/month	Composite	OUI-1	See I.B.3
Oil and Grease	mg/L	Max Max	15.0 20.0	Monthly Average Daily Average	2/month	Grab	OUI-1	
pH	s.u.	Min Max	6.0 9.0	Instant. Minimum Instant. Maximum	2/month	Grab	OUI-1	
Nitrogen, Total	mg/l	-	Report	Single Sample	Monthly	8-hr Composite	OUI-1	
Nitrogen, Total, Monthly Loading	lbs/month	-	Report	Total Monthly	Monthly	Calculated	OUI-1	
Nitrogen, Total, Annual Loading	lbs/year	Max	2555	Total Annual (Calendar year)	Annual (Calendar year)	Calculated	OUI-1	See I.B.4
Phosphorous, Total	mg/l	-	Report	Single Sample	Monthly	8-hr Composite	OUI-1	
Phosphorous, Total, Monthly Loading	lbs/month	-	Report	Total Monthly	Monthly	Calculated	OUI-1	
Phosphorous, Total, Annual Loading	lbs/year	Max	146	Total Annual (Calendar year)	Annual (Calendar year)	Calculated	OUI-1	See I.B.5

2. Effluent samples shall be taken at the monitoring site locations listed in Permit Condition I.B.1. and as described below:

Monitoring Site Number	Description of Monitoring Site
OUI-1	At the point of discharge to the OTCW conduits and prior to mixing with any other wastewater stream.

3. The composite sample shall be consists of grab samples taken at the beginning, middle and end of the Backwash Basin discharge period.

PERMITTEE: Florida Power & Light Company
FACILITY: Cape Canaveral Energy Center

PERMIT NUMBER: FL0001473-012 (Major)
ISSUANCE DATE: February 11, 2011
EXPIRATION DATE: February 10, 2016

4. The calendar year total nitrogen loading shall be the summation of each of the twelve monthly nitrogen loadings during the calendar year.
5. The calendar year total phosphorous loading shall be the summation of each of the twelve monthly phosphorous loadings during the calendar year
6. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge **Plant/Equipment Drain Wastewater** from I-018 to OTCW conduits and hence to Outfalls D-011 and D-012. Such discharge shall be limited and monitored by the permittee as specified below and reported in accordance with Permit Condition I.C.3.:

Effluent Limitations					Monitoring Requirements			
Parameter	Units	Max/Min	Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number	Notes
Flow	MGD	Max Max	Report Report	Daily Average Monthly Average	Monthly	Calculated	OUI-2	
Oil and Grease	mg/L	Max Max	15.0 20.0	Monthly Average Daily Average	Monthly	Grab	OUI-2	
Solids, Total Suspended	mg/L	Max Max	30.0 100.0	Monthly Average Daily Average	Monthly	Grab	OUI-2	
pH	s.u.	Min Max	6.0 9.0	Instant. Minimum Instant. Maximum	Monthly	Grab	OUI-2	

7. Effluent samples shall be taken at the monitoring site locations listed in Permit Condition I.B.6 and as described below:

Monitoring Site Number	Description of Monitoring Site
OUI-2	At the point of discharge to the OTCW conduits

8. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge **Heat Recovery Steam Generator (HRSG) Blowdown** from I-019 to the OTCW conduits and hence to Outfalls D-011 and D-012. Such discharge shall be limited and monitored by the permittee as specified below and reported in accordance with Permit Condition I.C.3.:

Effluent Limitations					Monitoring Requirements			
Parameter	Units	Max/Min	Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number	Notes
Flow	MGD	Max Max	Report Report	Daily Average Monthly Average	Monthly	Calculated	OUI-3	
Oil and Grease	mg/L	Max Max	15.0 20.0	Monthly Average Daily Average	Monthly	Grab	OUI-3	
Solids, Total Suspended	mg/L	Max Max	30.0 100.0	Monthly Average Daily Average	Monthly	Grab	OUI-3	

9. Effluent samples shall be taken at the monitoring site locations listed in Permit Condition I.B.8. and as described below:

PERMITTEE: Florida Power & Light Company
 FACILITY: Cape Canaveral Energy Center

PERMIT NUMBER: FL0001473-012 (Major)
 ISSUANCE DATE: February 11, 2011
 EXPIRATION DATE: February 10, 2016

Monitoring Site Number	Description of Monitoring Site
OUI-3	At the point of discharge to the OTCW conduits

10. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge **Auxiliary Equipment Cooling Water** from Outfall I-015 to the OTCW conduits and hence to Outfalls D-011 and D-012. Such discharge shall be limited and monitored by the permittee as specified below and reported in accordance with Permit Condition I.C.3.:

			Effluent Limitations		Monitoring Requirements			
Parameter	Units	Max/Min	Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number	Notes
Flow	MGD	Max Max	Report Report	Daily Average Monthly Average	Continuous	Calculated	FLW-2	
Chlorination Duration	min/day	Max	1440	Instant. Maximum	Daily; 24 hours	Calculated	OTH-2	

11. Effluent samples shall be taken at the monitoring site locations listed in Permit Condition I.A.7. and as described below:

Monitoring Site Number	Description of Monitoring Site
FLW-2	Flow monitoring location for auxiliary equipment cooling water for Unit 3
OTH-2	At the point of chlorine addition for Unit 3 AECW

12. During the period beginning at initiation of discharge and lasting through the expiration date of this permit, the permittee is authorized to discharge from Outfall D-028, stormwater from the fuel oil storage tank secondary containment area, provided such discharges are limited and monitored by the permittee as specified below:

- The facility shall have a valid Spill Prevention Control and Countermeasure (SPCC) Plan pursuant to 40 CFR Part 112.
- The facility shall endeavor to retain the stormwater in the containment area to the maximum extent practicable before discharging from Outfall D-028. The discharge from Outfall D-028 shall only occur due to tank and equipment integrity and safety concerns.
- In draining the diked area, a portable oil skimmer or similar device or absorbent material shall be used to remove oil and grease (as indicated by the presence of a sheen) immediately prior to draining.
- Monitoring records shall be maintained in the form of a log and shall contain the following information, as a minimum:
 - Date and time of discharge;
 - Estimated volume of discharge;
 - Initials of person making visual inspection and authorizing discharge; and
 - Observed conditions of storm water discharged.

PERMITTEE: Florida Power & Light Company
FACILITY: Cape Canaveral Energy Center

PERMIT NUMBER: FL0001473-012 (Major)
ISSUANCE DATE: February 11, 2011
EXPIRATION DATE: February 10, 2016

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

C. Other Limitations and Monitoring and Reporting Requirements

1. The sample collection, analytical test methods, and method detection limits (MDLs) applicable to this permit shall be conducted using a sufficiently sensitive method to ensure compliance with applicable water quality standards and effluent limitations and shall be in accordance with Rule 62-4.246, Chapters 62-160 and 62-601, F.A.C., and 40 CFR 136, as appropriate. The list of Department established analytical methods, and corresponding MDLs (method detection limits) and PQLs (practical quantitation limits), which is titled "FAC 62-4 MDL/PQL Table (April 26, 2006)" is available at <http://www.dep.state.fl.us/labs/library/index.htm>. The MDLs and PQLs as described in this list shall constitute the minimum acceptable MDL/PQL values and the Department shall not accept results for which the laboratory's MDLs or PQLs are greater than those described above unless alternate MDLs and/or PQLs have been specifically approved by the Department for this permit. Any method included in the list may be used for reporting as long as it meets the following requirements:
 - a. The laboratory's reported MDL and PQL values for the particular method must be equal or less than the corresponding method values specified in the Department's approved MDL and PQL list;
 - b. The laboratory reported MDL for the specific parameter is less than or equal to the permit limit or the applicable water quality criteria, if any, stated in Chapter 62-302, F.A.C. Parameters that are listed as "report only" in the permit shall use methods that provide an MDL, which is equal to or less than the applicable water quality criteria stated in 62-302, F.A.C.; and
 - c. If the MDLs for all methods available in the approved list are above the stated permit limit or applicable water quality criteria for that parameter, then the method with the lowest stated MDL shall be used.

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

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

2. The permittee shall provide safe access points for obtaining representative influent and effluent samples which are required by this permit. [62-620.320(6)]
3. Monitoring requirements under this permit are effective on the first day of the second month following permit issuance. Until such time, the permittee shall continue to monitor and report in accordance with previously effective permit requirements, if any. During the period of operation authorized by this permit, the permittee shall complete and submit to the Department Discharge Monitoring Reports (DMRs) in accordance with the frequencies specified by the REPORT type (i.e. monthly, toxicity, quarterly, semiannual, annual, etc.) indicated on the DMR forms attached to this permit. Monitoring results for each monitoring period shall be submitted in accordance with the associated DMR due dates below.

REPORT Type on DMR	Monitoring Period	Due Date
Monthly or Toxicity	first day of month - last day of month	28 th day of following month
Quarterly	January 1 - March 31	April 28
	April 1 - June 30	July 28
	July 1 - September 30	October 28
	October 1 - December 31	January 28
Semiannual	January 1 - June 30	July 28

PERMITTEE: Florida Power & Light Company
FACILITY: Cape Canaveral Energy Center

PERMIT NUMBER: FL0001473-012 (Major)
ISSUANCE DATE: February 11, 2011
EXPIRATION DATE: February 10, 2016

	July 1 - December 30	January 28
Annual	January 1 - December 31	January 28

DMRs shall be submitted for each required monitoring period including months of no discharge. The permittee may submit either paper or electronic DMR form(s). If submitting paper DMR form(s), the permittee shall make copies of the attached DMR form(s). If submitting electronic DMR form(s), the permittee shall use a Department-approved electronic DMR system.

The electronic submission of DMR forms shall be accepted only if approved in writing by the Department. For purposes of determining compliance with this permit, data submitted in electronic format is legally equivalent to data submitted on signed and certified paper DMR forms.

The permittee shall submit the completed DMR form(s) to the Department by the twenty-eighth (28th) of the month following the month of operation at the addresses specified below:

Florida Department of Environmental Protection
Wastewater Compliance Evaluation Section, Mail Station 3551
Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

And

Florida Department of Environmental Protection
Central District Office
3319 Maguire Boulevard Suite 232
Orlando, Florida 32803-3767
Phone Number - (407) 894-7555

[62-620.610(18)]

4. The permittee shall not submit DMR forms that alter the original format or content of the attached DMR forms without written approval from the Department's Central District Office at the address specified below:

Florida Department of Environmental Protection
Central District Office
3319 Maguire Boulevard Suite 232
Orlando, Florida 32803-3767
Phone Number - (407) 894-7555

5. Unless specified otherwise in this permit, all reports and other information required by this permit, including 24-hour notifications, shall be submitted to or reported to, as appropriate, the Department's Central District Office at the address specified above. All reports and other information shall be signed in accordance with the requirements of Rule 62-620.305, F.A.C. [62-620.305]
6. If there is no discharge from the facility on a day when the facility would normally sample, the sample shall be collected on the day of the next discharge. [62-620.320(6)]
7. The Permittee shall develop a Plan of Study (POS), subject to Department review and approval, to monitor compliance with Rule 62-302.520(1), F.A.C. pursuant to the schedule in Item VI.4, including a proposed implementation schedule, designed to determine any effects on biological communities from the discharge to Indian River Lagoon. The plan shall include biological sampling prior to start-up of the CCEC Unit 3 in order to establish baseline biological conditions within the receiving waters. The plan shall address monitoring of aquatic species as necessary, including frequency of sampling. The POS shall incorporate relevant existing data

PERMITTEE: Florida Power & Light Company
FACILITY: Cape Canaveral Energy Center

PERMIT NUMBER: FL0001473-012 (Major)
ISSUANCE DATE: February 11, 2011
EXPIRATION DATE: February 10, 2016

developed by the Permittee and other sources as well as any necessary additional monitoring to be conducted by the Permittee.

8. The permittee shall develop a plan in accordance with the schedule in Condition VI.3 to return live fish, shellfish, and other aquatic organisms collected or trapped on the plant intake screens to their natural habitat. Other material shall be removed from the intake screens and disposed of in accordance with all existing Federal, State and /or local laws and regulations that apply to waste disposal. Such material shall not be returned to the receiving waters.
9. The permittee shall maintain plant intake traveling screen practices so as to assure that the screens are cycled at least twice during each 24 hours of continuous operation unless precluded by repair or maintenance requirements.
10. The plant intake through-screen velocity shall be maintained at or below levels that existed prior to plant conversion.
11. During the period beginning at initiation of discharge and lasting through the expiration date of this permit, the permittee is authorized to discharge non-equipment area stormwater from Outfalls D-024, D-025, D-026, D-027 and D-029 without limitation or monitoring requirements.
12. Intake Screen wash water may be discharged without limitation or monitoring requirements, except that there shall be no discharge of a visible sheen.
13. The Permittee shall continue compliance with the facility's Manatee Protection Plan approved by the Department on December 21, 2000.
14. Discharge of any product registered under the Federal Insecticide, Fungicide, and Rodenticide Act to any waste stream which ultimately may be released to waters of the State is prohibited unless specifically authorized elsewhere in this permit. This requirement is not applicable to products used for lawn and agricultural purposes or to the use of herbicides if used in accordance with labeled instructions and any applicable State permit.

The company shall notify the Department in writing no later than six (6) months prior to instituting use of any biocide or chemical (except chlorine as authorized elsewhere in this permit) used in the cooling systems or any other portion of the treatment system which may be toxic to aquatic life. Such notification shall include:

- a. Name and general composition of biocide or chemical
- b. Frequencies of use
- c. Quantities to be used
- d. Proposed effluent concentrations
- e. Acute and/or chronic toxicity data (laboratory reports shall be prepared according to Section 12 of EPA document no. EPA/600/4-90/027 entitled, Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters for Freshwater and Marine Organisms, or most current addition.)
- f. Product data sheet
- g. Product label

The Department shall review the above information to determine if a major or minor permit revision is necessary. Discharge associated with the use of such biocide or chemical is not authorized without a permit revision by the Department. Permit revisions shall be processed in accordance with the requirements of Chapter 62-620, F.A.C.

PERMITTEE: Florida Power & Light Company
FACILITY: Cape Canaveral Energy Center

PERMIT NUMBER: FL0001473-012 (Major)
ISSUANCE DATE: February 11, 2011
EXPIRATION DATE: February 10, 2016

II. SLUDGE MANAGEMENT REQUIREMENTS

1. The permittee shall be responsible for proper treatment, management, use, and disposal of its sludges. [62-620.320(6)]
2. Storage, transportation, and disposal of sludge/solids characterized as hazardous waste shall be in accordance with requirements of Chapter 62-730, F.A.C. [62-730]
3. Vegetation and materials removed from intake screens and vegetation, sediments and sludge excavated from the settling basins and percolation basins must be properly stored onsite until they are disposed in accordance with requirements in Chapter 62-701, F.A.C., and other applicable State and Federal requirements. Storage, transportation, and disposal of sludge/solids characterized as hazardous waste shall be in accordance with requirements of Chapter 62-730, F.A.C. [62-730]

III. GROUND WATER REQUIREMENTS

1. There are no ground water monitoring requirements included in this permit. Ground water monitoring requirements for this facility are included in the Condition of Certification PA 08-53.

IV. ADDITIONAL LAND APPLICATION REQUIREMENTS

1. There are no land application discharges at this facility.

V. CONSTRUCTION, OPERATION AND MAINTENANCE REQUIREMENTS

A. General Operation and Maintenance Requirements

1. During the period of operation authorized by this permit, the wastewater facilities shall be operated under the supervision of a person who is qualified by formal training and/or practical experience in the field of water pollution control. [62-620.320(6)]
2. The permittee shall maintain the following records and make them available for inspection on the site of the permitted facility.
 - a. Records of all compliance monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, including, if applicable, a copy of the laboratory certification showing the certification number of the laboratory, for at least three years from the date the sample or measurement was taken;
 - b. Copies of all reports required by the permit for at least three years from the date the report was prepared;
 - c. Records of all data, including reports and documents, used to complete the application for the permit for at least three years from the date the application was filed;
 - d. Records of all disposal of vegetation and materials removed from intake screens and vegetation, sediments and sludge removed from wastewater and stormwater basins
 - e. A copy of the current permit;
 - f. A copy of any required record drawings; and
 - g. Copies of the logs and schedules showing plant operations and equipment maintenance for three years from the date of the logs or schedules.

[62-620.350]

PERMITTEE: Florida Power & Light Company
FACILITY: Cape Canaveral Energy Center

PERMIT NUMBER: FL0001473-012 (Major)
ISSUANCE DATE: February 11, 2011
EXPIRATION DATE: February 10, 2016

B. Storm Water Requirements

1. The permittee shall amend the SWPPP whenever there is a change at the facility or change in the operation of the facility that materially increases the potential for the ancillary activities to result in a discharge of additional, significant amounts of pollutants. The permittee shall have 30 days after facility or operational changes to update the SWPPP as necessary.

VI. SCHEDULES

1. The following improvement actions shall be completed according to the following schedule. The Storm Water Pollution Prevention Plan (SWPPP) shall be prepared and implemented in accordance with Part VII of this permit.

Improvement Action	Completion Date
1. Develop and implement SWPPP	18 months from commercial operation
2. Complete Plan Summary	2 years from commercial operation
3. Progress/Update Report	3 years, and then annual thereafter

2. If the permittee wishes to continue operation of this wastewater facility after the expiration date of this permit, the permittee shall submit an application for renewal no later than one-hundred and eighty days (180) prior to the expiration date of this permit. Application shall be made using the appropriate forms listed in Rule 62-620.910, F.A.C., including submittal of the appropriate processing fee set forth in Rule 62-4.050, F.A.C. [62-620.335(1) and (2)]
3. Within 3 months from the issuance date of this permit, the permittee shall schedule a meeting with the Department to discuss the contents of the aquatic organism return plan in accordance with Condition I.C.8 and shall submit the plan to the Department within 6 months thereafter. The plan shall be implemented upon start-up of the CCEC Unit 3.
4. Within 3 months of issuance of this permit, the Permittee shall meet with the Department to discuss the content of a Plan of Study (POS) for biological monitoring in accordance with the requirements of Item I.C.7, and shall submit the POS within 6 months of issuance of this permit. The Department will review the POS and provide written comments to the permittee as needed. The permittee shall implement the POS in accordance with the approved implementation schedule.
5. The permittee shall submit a copy of the Manatee Protection Plan, including any amendments, with the permit renewal application to each of the following agencies no later than one-hundred and eighty days (180) prior to the expiration date of this permit:

Florida Department of Environmental Protection
Industrial Wastewater Section, Mail Station 3545
Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Florida Fish and Wildlife Conservation Commission
Bureau of Protected Species Management
620 South Meridian Street
OES-BPS
Tallahassee, Florida 32399-1600

And

PERMITTEE: Florida Power & Light Company
FACILITY: Cape Canaveral Energy Center

PERMIT NUMBER: FL0001473-012 (Major)
ISSUANCE DATE: February 11, 2011
EXPIRATION DATE: February 10, 2016

US Fish and Wildlife Service
Jacksonville Field Office
7915 Baymeadows Way, Suite 200
Jacksonville, Florida 32256-7517

VII. STORMWATER POLLUTION PREVENTION PLANS

1. General Requirements

In accordance with Section 304(e) and 402(a)(2) of the Clean Water Act (CWA) as amended, 33 U.S.C. §§ 1251 et seq., and the Pollution Prevention Act of 1990, 42 U.S.C. §§ 13101-13109, the permittee must develop and implement a plan for utilizing practices incorporating pollution prevention measures. References to be considered in developing the plan are "Criteria and Standards for Best Management Practices Authorized Under Section 304(e) of the Act," found at 40 CFR 122.44 Subpart K and the Storm Water Management Industrial Activities Guidance Manual, EPA/833-R92-002 and other EPA documents relating to Best Management Practice guidance.

a. Definitions

- (1) The term "pollutants" refers to conventional, non-conventional and toxic pollutants.
- (2) Conventional pollutants are: biochemical oxygen demand (BOD), suspended solids, pH, fecal coliform bacteria and oil & grease.
- (3) Non-conventional pollutants are those which are not defined as conventional or toxic.
- (4) Toxic pollutants include, but are not limited to: (a) any toxic substance listed in Section 307(a)(1) of the CWA, any hazardous substance listed in Section 311 of the CWA, or chemical listed in Section 313(c) of the Superfund Amendments and Reauthorization Act of 1986; and (b) any substance (that is not also a conventional or non-conventional pollutant except ammonia) for which EPA has published an acute or chronic toxicity criterion.
- (5) "Significant Materials" is defined as raw materials; fuels; materials such as solvents and detergents; hazardous substances designated under Section 101(14) of CERCLA; and any chemical the facility is required to report pursuant to EPCRA, Section 313; fertilizers; pesticides; and waste products such as ashes, slag and sludge.
- (6) "Pollution prevention" and "waste minimization" refer to the first two categories of EPA's preferred hazardous waste management strategy: first, source reduction and then, recycling.
- (7) "Recycle/Reuse" is defined as the minimization of waste generation by recovering and reprocessing usable products that might otherwise become waste; or the reuse or reprocessing of usable waste products in place of the original stock, or for other purposes such as material recovery, material regeneration or energy production.
- (8) "Source reduction" means any practice which: (a) reduces the amount of any pollutant entering a waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment or disposal; and (b) reduces the hazards to public health and the environment associated with the release of such pollutant. The term includes equipment or technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, or inventory control. It does not include any practice which alters the physical, chemical, or biological characteristics or the volume of a pollutant through a process or activity which itself is not integral to, or previously considered necessary for, the production of a product or the providing of a service.
- (9) "SWPPP" means a Storm Water Pollution Prevention Plan incorporating the requirements of 40 CFR § 125, Subpart K, plus pollution prevention techniques, except where other existing programs are deemed equivalent by the permittee. The permittee shall certify the equivalency of the other referenced programs.
- (10) The term "material" refers to chemicals or chemical products used in any plant operation (i.e., caustic soda, hydrazine, degreasing agents, paint solvents, etc.). It does not include lumber, boxes, packing materials, etc.

2. Storm Water Pollution Prevention Plan

PERMITTEE: Florida Power & Light Company
FACILITY: Cape Canaveral Energy Center

PERMIT NUMBER: FL0001473-012 (Major)
ISSUANCE DATE: February 11, 2011
EXPIRATION DATE: February 10, 2016

The permittee shall develop and implement a SWPPP for the facility, which is the source of wastewater and storm water discharges, covered by this permit. The plan shall be directed toward reducing those pollutants of concern which discharge to surface waters and shall be prepared in accordance with good engineering and good housekeeping practices. For the purposes of this permit, pollutants of concern shall be limited to toxic pollutants, as defined above, known to the discharger. The plan shall address all activities which could or do contribute these pollutants to the surface water discharge, including process, treatment, and ancillary activities.

a. Signatory Authority & Management Responsibilities

The SWPPP shall be signed by permittee or their duly authorized representative in accordance with rule 62-620.305(2)(a) and (b). The SWPPP shall be reviewed by plant environmental/engineering staff and plant manager. Where required by Chapter 471-(P.E.) or Chapter 492 (P.G.) Florida Statutes, applicable portions of the SWPPP shall be signed and sealed by the professional(s) who prepared them.

A copy of the plan shall be retained at the facility and shall be made available to the permit issuing authority upon request.

The SWPPP shall contain a written statement from corporate or plant management indicating management's commitment to the goals of the SWPPP. Such statements shall be publicized or made known to all facility employees. Management shall also provide training for the individuals responsible for implementing the SWPPP.

b. SWPPP Requirements

(1) A topographic map extending one-quarter mile beyond the property boundaries of the facility, showing: the facility, surface water bodies, wells (including injection wells), seepage pits, infiltration ponds, and the discharge points where the facility's storm water discharges to a municipal storm drain system or other water body. The requirements of this paragraph may be included on the site map if appropriate.

(2) A site map showing:

- (a) The storm water conveyance and discharge structures;
- (b) An outline of the storm water drainage areas for each storm water discharge point;
- (c) Paved areas and buildings;
- (d) Areas used for outdoor manufacturing, storage, or disposal of significant materials, including activities that generate significant quantities of dust or particulates;
- (e) Location of existing or future storm water structural control measures/practices (dikes, coverings, detention facilities, etc.);
- (f) Surface water locations and/or municipal storm drain locations;
- (g) Areas of existing and potential soil erosion;
- (h) Vehicle service areas;
- (i) Material loading, unloading, and access areas;

(3) A narrative description of the following:

- (a) The nature of the industrial activities conducted at the site, including a description of significant materials that are treated, stored or disposed of in a manner to allow exposure to storm water;
- (b) Materials, equipment, and vehicle management practices employed to minimize contact of significant materials with storm water discharges;
- (c) Existing or future structural and non-structural control measures/practices to reduce pollutants in storm water discharges;

PERMITTEE: Florida Power & Light Company
FACILITY: Cape Canaveral Energy Center

PERMIT NUMBER: FL0001473-012 (Major)
ISSUANCE DATE: February 11, 2011
EXPIRATION DATE: February 10, 2016

- (d) Industrial storm water discharge treatment facilities;
 - (e) Methods of onsite storage and disposal of significant materials;
 - (f) Overall objectives (both short-term and long-term) and scope of the plan, specific reduction goals for pollutants, anticipated dates of achievement of reduction, and a description of means for achieving each reduction goal;
 - (g) A description of procedures relative to spill prevention, control & countermeasures and a description of measures employed to prevent storm water contamination;
 - (h) A description of practices involving preventive maintenance, housekeeping, recordkeeping, inspections, and plant security; and
2. The description of a waste minimization assessment performed in accordance with the conditions outlined in condition c below, results of the assessment, and a schedule for implementation of specific waste reduction practices.
- (4) A list of the types of pollutants that have a reasonable potential to be present in storm water discharges in significant quantities.
 - (5) An estimate of the size of the facility in acres or square feet, and the percent of the facility that has impervious areas such as pavement or buildings.
 - (6) A summary of existing sampling data describing pollutants in storm water discharges.

c. Waste Minimization Assessment

The permittee is encouraged but not required to conduct a waste minimization assessment (WMA) for this facility to determine actions that could be taken to reduce waste loading and chemical losses to all wastewater and/or storm water streams as described in Part VII.D.2 of this permit.

If the permittee elects to develop and implement a WMA, information on plan components can be obtained from the Department's Industrial Wastewater website, or from:

Florida Department of Environmental Protection
Industrial Wastewater Section, Mail Station 3545
2600 Blair Stone Road
Tallahassee, Florida 32399-2400
(850) 245-8589
(850) 245-8669 – Fax

d. Pollution Prevention Committee:

A pollution prevention committee within the plant organization shall be appointed. These members shall be responsible for developing the SWPPP and assisting the plant manager in its implementation, maintenance, and revision.

e. Employee Training

- (1) The permittee shall describe the storm water employee training program for the facility. The description shall include the topics to be covered, such as spill response, good housekeeping and material management practices, and shall identify periodic dates (e.g., every 6 months during the months of July and January) for such training. The permittee shall provide employee training for all employees and contractors that work in areas where industrial materials or activities are exposed to storm water, and for employees that are responsible for implementing activities identified in the SWPPP (e.g., inspectors, maintenance people). The employee training shall inform facility personnel and contractors of the components and goals of the facility SWPPP.

PERMITTEE: Florida Power & Light Company
FACILITY: Cape Canaveral Energy Center

PERMIT NUMBER: FL0001473-012 (Major)
ISSUANCE DATE: February 11, 2011
EXPIRATION DATE: February 10, 2016

- (2) Each employee and contractor that works in an areas where industrial materials or activities are exposed to storm water, and each employee that is responsible for implementing activities identified in the SWPPP shall undergo training at least once a year. Training records shall include trainee's name, signature, date of training and topics covered. Records shall be retained on-site for a minimum of three years.

f. Plan Development & Implementation

- (1) The SWPPP shall be developed and implemented 18 months after the effective date of this permit, unless any later dates are specified in this permit. Any portion of the SWPPP which is ongoing at the time of development or implementation shall be described in the plan. Any waste reduction practice which is recommended for implementation over a period of time shall be identified in the plan, including a schedule for its implementation.
- (2) The personnel named in the SWPPP shall perform and document a quarterly visual observation of a storm water discharge associated with industrial activity from each outfall. The visual observation shall be made during daylight hours. If no storm event resulted in runoff during daylight hours from the facility during a monitoring quarter, the permittee is excused from the visual observation requirement for that quarter, provided the permittee documents in their records that no runoff occurred. The permittee shall sign and certify the documentation.
- (3) The personnel named in the SWPPP shall conduct visual observations on samples collected as soon as practical, but not to exceed 1 hour of when the runoff begins discharging from the facility. All samples must be collected from a storm event discharge that is greater than 0.1 inch in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The observation shall document: color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution.
- (4) The permittee shall maintain visual observation reports onsite with the SWPPP for a minimum of three years. The report must include the observation date and time, inspection personnel, nature of the discharge (i.e., runoff), visual quality of the storm water discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution), and probable sources of any observed storm water contamination.
- (5) At least once a year the personnel named in the SWPPP shall verify that the description of potential pollutant sources required under this permit is accurate; the site map as required in the SWPPP has been updated or otherwise modified to reflect current conditions; and the controls to reduce pollutants in storm water discharges associated with industrial activity identified in the SWPPP are being implemented and are adequate.

g. Submission of Plan Summary & Progress/Update Reports

- (1) Plan Summary: Not later than 2 years after the effective date of the permit, a summary of the SWPPP shall be developed and maintained at the facility and made available to the permit issuing authority upon request. The summary should include the following: a brief description of the plan, its implementation process, schedules for implementing identified waste reduction practices, and a list of all waste reduction practices being employed at the facility. The results of waste minimization assessment studies already completed as well as any scheduled or ongoing WMA studies shall be discussed.
- (2) Progress/Update Reports: Annually thereafter for the duration of the permit progress/update reports documenting implementation of the plan shall be maintained at the facility and made available to the permit issuing authority upon request. The reports shall discuss whether or not implementation schedules were met and revise any schedules, as necessary. The plan shall also be updated as necessary and the attainment or progress made toward specific pollutant reduction targets documented. Results of

PERMITTEE: Florida Power & Light Company
FACILITY: Cape Canaveral Energy Center

PERMIT NUMBER: FL0001473-012 (Major)
ISSUANCE DATE: February 11, 2011
EXPIRATION DATE: February 10, 2016

any ongoing WMA studies as well as any additional schedules for implementation of waste reduction practices shall be included.

(3) A timetable for the various plan requirements follows:

Timetable for SWPPP Requirements:

<u>REQUIREMENT</u>	<u>TIME FROM EFFECTIVE DATE OF THIS PERMIT</u>
Complete SWPPP	18 months
Complete Plan Summary	2 years
Progress/Update Reports	3 years, and then annually thereafter

The permittee shall maintain the plan and subsequent reports at the facility and shall make the plan available to the Department upon request.

h. Plan Review & Modification

If following review by the Department, the SWPPP is determined insufficient, the permittee will be notified that the SWPPP does not meet one or more of the minimum requirements of this Part. Upon such notification from the Department, the permittee shall amend the plan and shall submit to the Department a written certification that the requested changes have been made. Unless otherwise provided by the Department, the permittee shall have 30 days after such notification to make the changes necessary.

The permittee shall modify the SWPPP 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 waters of the State or if the plan proves to be ineffective in achieving the general objectives of reducing pollutants in wastewater or storm water discharges. Modifications to the plan may be reviewed by the Department in the same manner as described above.

The permittee may incorporate applicable portions of plans prepared for other purposes. Plans or portions of plans incorporated into a SWPPP become enforceable requirements of this permit.

VIII. OTHER SPECIFIC CONDITIONS

A. Specific Conditions Applicable to All Permits

1. Where required by Chapter 471 or Chapter 492, F.S., applicable portions of reports that must be submitted under this permit shall be signed and sealed by a professional engineer or a professional geologist, as appropriate. [62-620.310(4)]
2. The permittee shall provide verbal notice to the Department's Central District Office as soon as practical after discovery of a sinkhole or other karst feature within an area for the management or application of wastewater, or wastewater sludges. The permittee shall immediately implement measures appropriate to control the entry of contaminants, and shall detail these measures to the Department's Central District Office in a written report within 7 days of the sinkhole discovery. [62-620.320(6)]

B. Duty to Reapply

1. The permittee is not authorized to discharge to waters of the State after the expiration date of this permit, unless:
 - a. the permittee has applied for renewal of this permit at least 180 days before the permit expiration date using the appropriate forms listed in Rule 62-620.910, F.A.C., and in the manner established in the Department of

PERMITTEE: Florida Power & Light Company
FACILITY: Cape Canaveral Energy Center

PERMIT NUMBER: FL0001473-012 (Major)
ISSUANCE DATE: February 11, 2011
EXPIRATION DATE: February 10, 2016

Environmental Protection Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C., including submittal of the appropriate processing fee set forth in Rule 62-4.050, F.A.C.; or

b. the permittee has made complete the application for renewal of this permit before the permit expiration date.

[62-620.335(1)-(4), F.A.C.]

2. When publishing Notice of Draft and Notice of Intent in accordance with Rules 62-110.106 and 62-620.550, F.A.C., the permittee shall publish the notice at its expense in a newspaper of general circulation in the county or counties in which the activity is to take place either

a. Within thirty days after the permittee has received a notice; or

b. Within thirty days after final agency action.

Failure to publish a notice is a violation of this permit.

C. Specific Conditions Related to Existing Manufacturing, Commercial, Mining, and Silviculture Wastewater Facilities or Activities

1. Existing manufacturing, commercial, mining, and silvicultural wastewater facilities or activities that discharge into surface waters shall notify the Department as soon as they know or have reason to believe:

a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following levels;

(1) One hundred micrograms per liter,

(2) Two hundred micrograms per liter for acrolein and acrylonitrile; five hundred micrograms per liter for 2, 4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter for antimony, or

(3) Five times the maximum concentration value reported for that pollutant in the permit application; or

b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following levels;

(1) Five hundred micrograms per liter,

(2) One milligram per liter for antimony, or

(3) Ten times the maximum concentration value reported for that pollutant in the permit application.

[62-620.625(1)]

D. Reopener Clauses

1. The permit shall be revised, or alternatively, revoked and reissued in accordance with the provisions contained in Rules 62-620.325 and 62-620.345 F.A.C., if applicable, or to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2) and 307(a)(2) of the Clean Water Act (the Act), as amended, if the effluent standards, limitations, or water quality standards so issued or approved:

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

b. Controls any pollutant not addressed in the permit.

The permit as revised or reissued under this paragraph shall contain any other requirements then applicable.

PERMITTEE: Florida Power & Light Company
FACILITY: Cape Canaveral Energy Center

PERMIT NUMBER: FL0001473-012 (Major)
ISSUANCE DATE: February 11, 2011
EXPIRATION DATE: February 10, 2016

2. The permit may be reopened to adjust effluent limitations or monitoring requirements should future Water Quality Based Effluent Limitation determinations, water quality studies, DEP approved changes in water quality standards, EPA established Total Maximum Daily Loads (TMDLs), or other information show a need for a different limitation or monitoring requirement.
3. The Department or EPA may develop a TMDL during the life of the permit. Once a TMDL has been established and adopted by rule, the Department shall revise this permit to incorporate the final findings of the TMDL.
4. The permit may be reopened for revision as appropriate to address new information that was not available at the time of this permit issuance or to comply with requirements of new regulations, standards, or judicial decisions relating to CWA 316(b).

IX. GENERAL CONDITIONS

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit are binding and enforceable pursuant to Chapter 403, Florida Statutes. Any permit noncompliance constitutes a violation of Chapter 403, Florida Statutes, and is grounds for enforcement action, permit termination, permit revocation and reissuance, or permit revision. [62-620.610(1)]
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviations from the approved drawings, exhibits, specifications or conditions of this permit constitutes grounds for revocation and enforcement action by the Department. [62-620.610(2)]
3. As provided in subsection 403.087(7), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor authorize any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit or authorization that may be required for other aspects of the total project which are not addressed in this permit. [62-620.610(3)]
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. [62-620.610(4)]
5. This permit does not relieve the permittee from liability and penalties 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; 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. The permittee shall take all reasonable steps to minimize or prevent any discharge, reuse of reclaimed water, or residuals use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [62-620.610(5)]
6. If the permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee shall apply for and obtain a new permit. [62-620.610(6)]
7. The permittee shall at all times 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. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to maintain or achieve compliance with the conditions of the permit. [62-620.610(7)]

PERMITTEE: Florida Power & Light Company
FACILITY: Cape Canaveral Energy Center

PERMIT NUMBER: FL0001473-012 (Major)
ISSUANCE DATE: February 11, 2011
EXPIRATION DATE: February 10, 2016

8. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. [62-620.610(8)]
9. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, including an authorized representative of the Department and authorized EPA personnel, when applicable, upon presentation of credentials or other documents as may be required by law, and at reasonable times, depending upon the nature of the concern being investigated, to:
 - a. Enter upon the permittee's premises where a regulated facility, system, or activity is located or conducted, or where records shall be kept under the conditions of this permit;
 - b. Have access to and copy any records that shall be kept under the conditions of this permit;
 - c. Inspect the facilities, equipment, practices, or operations regulated or required under this permit; and
 - d. Sample or monitor any substances or parameters at any location necessary to assure compliance with this permit or Department rules.[62-620.610(9)]
10. 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 as such use is proscribed by Section 403.111, F.S., or Rule 62-620.302, F.A.C. Such evidence shall only be used to the extent that it is consistent with the Florida Rules of Civil Procedure and applicable evidentiary rules. [62-620.610(10)]
11. When requested by the Department, the permittee shall within a reasonable time provide any information required by law which is needed to determine whether there is cause for revising, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also provide to the Department upon request copies of records required by this permit to be kept. If the permittee becomes aware of relevant facts that were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be promptly submitted or corrections promptly reported to the Department. [62-620.610(11)]
12. Unless specifically stated otherwise in Department rules, the permittee, in accepting this permit, agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard. [62-620.610(12)]
13. The permittee, in accepting this permit, agrees to pay the applicable regulatory program and surveillance fee in accordance with Rule 62-4.052, F.A.C. [62-620.610(13)]
14. This permit is transferable only upon Department approval in accordance with Rule 62-620.340, F.A.C. The permittee shall be liable for any noncompliance of the permitted activity until the transfer is approved by the Department. [62-620.610(14)]
15. The permittee shall give the Department written notice at least 60 days before inactivation or abandonment of a wastewater facility or activity and shall specify what steps will be taken to safeguard public health and safety during and following inactivation or abandonment. [62-620.610(15)]
16. The permittee shall apply for a revision to the Department permit in accordance with Rules 62-620.300, F.A.C., and the Department of Environmental Protection Guide to Permitting Wastewater Facilities or Activities Under

PERMITTEE: Florida Power & Light Company
FACILITY: Cape Canaveral Energy Center

PERMIT NUMBER: FL0001473-012 (Major)
ISSUANCE DATE: February 11, 2011
EXPIRATION DATE: February 10, 2016

Chapter 62-620, F.A.C., at least 90 days before construction of any planned substantial modifications to the permitted facility is to commence or with Rule 62-620.325(2), F.A.C., for minor modifications to the permitted facility. A revised permit shall be obtained before construction begins except as provided in Rule 62-620.300, F.A.C. [62-620.610(16)]

17. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. The permittee shall be responsible for any and all damages which may result from the changes and may be subject to enforcement action by the Department for penalties or revocation of this permit. The notice shall include the following information:
 - a. A description of the anticipated noncompliance;
 - b. The period of the anticipated noncompliance, including dates and times; and
 - c. Steps being taken to prevent future occurrence of the noncompliance.[62-620.610(17)]
18. Sampling and monitoring data shall be collected and analyzed in accordance with Rule 62-4.246 and Chapters 62-160, 62-601, and 62-610, F.A.C., and 40 CFR 136, as appropriate.
 - a. Monitoring results shall be reported at the intervals specified elsewhere in this permit and shall be reported on a Discharge Monitoring Report (DMR), DEP Form 62-620.910(10), or as specified elsewhere in the permit.
 - b. If the permittee monitors any contaminant more frequently than required by the permit, using Department approved test procedures, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
 - c. Calculations for all limitations which require averaging of measurements shall use an arithmetic mean unless otherwise specified in this permit.
 - d. Except as specifically provided in Rule 62-160.300, F.A.C., any laboratory test required by this permit shall be performed by a laboratory that has been certified by the Department of Health Environmental Laboratory Certification Program (DOH ELCP). Such certification shall be for the matrix, test method and analyte(s) being measured to comply with this permit. For domestic wastewater facilities, testing for parameters listed in Rule 62-160.300(4), F.A.C., shall be conducted under the direction of a certified operator.
 - e. Field activities including on-site tests and sample collection shall follow the applicable standard operating procedures described in DEP-SOP-001/01 adopted by reference in Chapter 62-160, F.A.C.
 - f. Alternate field procedures and laboratory methods may be used where they have been approved in accordance with Rules 62-160.220, and 62-160.330, F.A.C.[62-620.610(18)]
19. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule detailed elsewhere in this permit shall be submitted no later than 14 days following each schedule date. [62-620.610(19)]
20. The permittee shall report to the Department's Tallahassee any noncompliance which may endanger health or the environment. 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 five 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 time, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
 - a. The following shall be included as information which must be reported within 24 hours under this condition:

PERMITTEE: Florida Power & Light Company
FACILITY: Cape Canaveral Energy Center

PERMIT NUMBER: FL0001473-012 (Major)
ISSUANCE DATE: February 11, 2011
EXPIRATION DATE: February 10, 2016

- (1) Any unanticipated bypass which causes any reclaimed water or effluent to exceed any permit limitation or results in an unpermitted discharge,
 - (2) Any upset which causes any reclaimed water or the effluent to exceed any limitation in the permit,
 - (3) Violation of a maximum daily discharge limitation for any of the pollutants specifically listed in the permit for such notice, and
 - (4) Any unauthorized discharge to surface or ground waters.
- b. Oral reports as required by this subsection shall be provided as follows:
- (1) For unauthorized releases or spills of treated or untreated wastewater reported pursuant to subparagraph (a)4. that are in excess of 1,000 gallons per incident, or where information indicates that public health or the environment will be endangered, oral reports shall be provided to the STATE WARNING POINT TOLL FREE NUMBER (800) 320-0519, as soon as practical, but no later than 24 hours from the time the permittee becomes aware of the discharge. The permittee, to the extent known, shall provide the following information to the State Warning Point:
 - (a) Name, address, and telephone number of person reporting;
 - (b) Name, address, and telephone number of permittee or responsible person for the discharge;
 - (c) Date and time of the discharge and status of discharge (ongoing or ceased);
 - (d) Characteristics of the wastewater spilled or released (untreated or treated, industrial or domestic wastewater);
 - (e) Estimated amount of the discharge;
 - (f) Location or address of the discharge;
 - (g) Source and cause of the discharge;
 - (h) Whether the discharge was contained on-site, and cleanup actions taken to date;
 - (i) Description of area affected by the discharge, including name of water body affected, if any; and
 - (j) Other persons or agencies contacted.
 - (2) Oral reports, not otherwise required to be provided pursuant to subparagraph b.1 above, shall be provided to the Department's Tallahassee within 24 hours from the time the permittee becomes aware of the circumstances.
- c. If the oral report has been received within 24 hours, the noncompliance has been corrected, and the noncompliance did not endanger health or the environment, the Department's Tallahassee office shall waive the written report.
- [62-620.610(20)]
21. The permittee shall report all instances of noncompliance not reported under Permit Conditions IX. 17, 18 or 19 of this permit at the time monitoring reports are submitted. This report shall contain the same information required by Permit Condition IX.20 of this permit. [62-620.610(21)]
22. Bypass Provisions.
- a. "Bypass" means the intentional diversion of waste streams from any portion of a treatment works.
 - b. Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless the permittee affirmatively demonstrates that:
 - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (3) The permittee submitted notices as required under Permit Condition IX. 22. b. of this permit.
 - c. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Department, if possible at least 10 days before the date of the bypass. The permittee shall submit notice of an unanticipated bypass within 24 hours of learning about the bypass as required in Permit Condition IX. 20. of this permit. A notice shall include a description of the bypass and its cause; the period of the bypass,

PERMITTEE: Florida Power & Light Company
FACILITY: Cape Canaveral Energy Center

PERMIT NUMBER: FL0001473-012 (Major)
ISSUANCE DATE: February 11, 2011
EXPIRATION DATE: February 10, 2016

including exact dates and times; if the bypass has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.

- d. The Department shall approve an anticipated bypass, after considering its adverse effect, if the permittee demonstrates that it will meet the three conditions listed in Permit Condition IX. 22. a. 1 through 3 of this permit.
- e. A permittee may allow any bypass to occur which does not cause reclaimed water or effluent limitations to be exceeded if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Permit Condition IX. 22. a. through c. of this permit.

[62-620.610(22)]

23. Upset Provisions.

- a. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based effluent limitations because of factors beyond the reasonable control of the permittee.
 - (1) An upset does not include noncompliance caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, careless or improper operation.
 - (2) An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of upset provisions of Rule 62-620.610, F.A.C., are met.
- b. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (2) The permitted facility was at the time being properly operated;
 - (3) The permittee submitted notice of the upset as required in Permit Condition IX.5. of this permit; and
 - (4) The permittee complied with any remedial measures required under Permit Condition IX. 5. of this permit.
- c. In any enforcement proceeding, the burden of proof for establishing the occurrence of an upset rests with the permittee.
- d. Before an enforcement proceeding is instituted, no representation made during the Department review of a claim that noncompliance was caused by an upset is final agency action subject to judicial review.

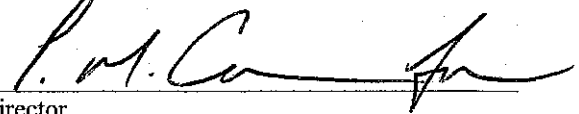
[62-620.610(23)]

PERMITTEE: Florida Power & Light Company
FACILITY: Cape Canaveral Energy Center

PERMIT NUMBER: FL0001473-012 (Major)
ISSUANCE DATE: February 11, 2011
EXPIRATION DATE: February 10, 2016

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION



Director
Division of Water Resource Management
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

(850) 245-8336

Attachment(s):
Discharge Monitoring Report