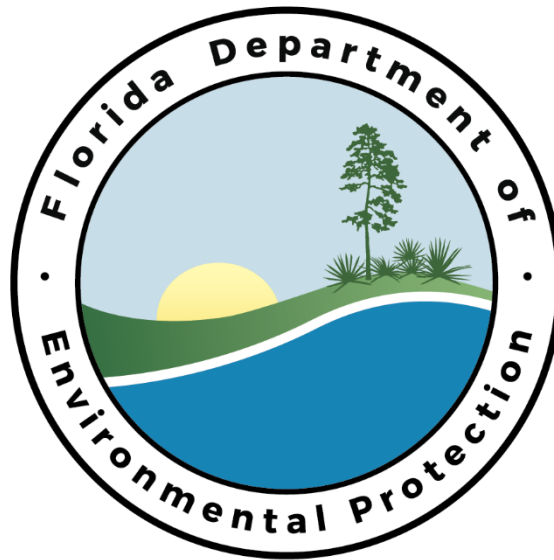


**STATE OF FLORIDA
DEPARTMENT
OF
ENVIRONMENTAL PROTECTION**



Conditions of Certification

**Florida Power & Light Company
Cape Canaveral Energy Center**

PA 08-53C

Modified XX/XX/2024

Table of Contents

SECTION A. GENERAL CONDITIONS	1
I. SCOPE Moved from Section A. Condition I. Scope.....	1
II. APPLICABLE RULES Moved from Section A. Condition II.	
Applicable Rules	2
III. REVISIONS TO DEPARTMENT STATUTES AND RULES No	
change	4
IV. DEFINITIONS Moved from Section A. Condition IV. Definitions	4
V. FEDERALLY DELEGATED OR APPROVED PERMIT	
PROGRAMS Replaced Section A. Condition V. Department Permits under Federal	
Programs	5
VI. DESIGN AND PERFORMANCE CRITERIA No change	6
VII. NOTIFICATION Moved from Section A. Condition VII. Notification .	
.....	6
VIII. EMERGENCY CONDITION NOTIFICATION AND	
RESTORATION No change	7
IX. CONSTRUCTION PRACTICES Moved from Section A. Condition	
IX. Construction Practices	7
<i>A. Local Building Codes</i>	<i>7</i>
<i>B. Open Burning</i>	<i>7</i>
<i>C. Vegetation.....</i>	<i>7</i>
<i>D. Existing Underground Utilities</i>	<i>7</i>
<i>E. Electric and Magnetic Fields (EMF)</i>	<i>8</i>
<i>F. Existing Wells</i>	<i>8</i>
<i>G. Abandonment of Existing Septic Tanks</i>	<i>8</i>
<i>H. Sanitary Wastes</i>	<i>8</i>
X. RIGHT OF ENTRY No change.....	8
XI. DISPUTE RESOLUTION No change.....	9
<i>A. General.....</i>	<i>9</i>
<i>B. Modifications.....</i>	<i>9</i>
<i>C. Post-Certification Submittals</i>	<i>9</i>
XII. SEVERABILITY No change	9
XIII. ENFORCEMENT Moved from Section A. Condition XIII.	
Enforcement	9
XIV. REVOCATION OR SUSPENSION No change.....	10

XV.	REGULATORY COMPLIANCE No change	10
XVI.	CIVIL AND CRIMINAL LIABILITY No change	10
XVII.	USE OF STATE LANDS Moved from Section A. Condition XVII Use	
of State Lands		11
XVIII.	PROCEDURAL RIGHTS No change.....	11
XIX.	AGENCY ADDRESSES FOR POST-CERTIFICATION	
SUBMITTALS AND NOTICES Moved from Section A. Condition XIX. Agency	Addresses for post-certification submittals and notices	12
XX.	PROFESSIONAL CERTIFICATION New	13
XXI.	PROCEDURES FOR POST-CERTIFICATION SUBMITTALS	
Moved from Section A. Condition XX, Procedures for Post-Certification Submittals...		13
	<i>A. Purpose of Submittals.....</i>	<i>13</i>
	<i>B. Filings.....</i>	<i>13</i>
	<i>C. Completeness.....</i>	<i>13</i>
	<i>D. Interagency Meetings</i>	<i>14</i>
	<i>E. Determination of Compliance</i>	<i>14</i>
	<i>F. Commencement of Construction</i>	<i>14</i>
	<i>G. Revisions to Design Previously Reviewed for Compliance....</i>	<i>14</i>
XXII.	POST CERTIFICATION SUBMITTAL REQUIREMENTS	
SUMMARY No change		14
XXIII.	POST CERTIFICATION AMENDMENTS No change	15
XXIV.	MODIFICATION OF CERTIFICATION Moved from Section A.	
Condition XXIII. Modification of Certification		15
XXV.	COASTAL ZONE CONSISTENCY No change	16
XXVI.	WATER QUALITY CERTIFICATION No change	16
XXVII.	TRANSFER OF CERTIFICATION No change.....	16
XXVIII.	LABORATORIES AND QUALITY ASSURANCE No change.....	17
XXIX.	ENVIRONMENTAL RESOURCES Moved from Section A.	
Condition XXVIII. Environmental Resources		17
	<i>A. General.....</i>	<i>17</i>
	<i>B. Surface Water Management Systems</i>	<i>18</i>
	<i>C. Wetland and Other Surface Water Impacts.....</i>	<i>20</i>
XXX.	THIRD PARTY IMPACTS No change.....	20
XXXI.	FACILITY OPERATION New	21
XXXII.	DECOMMISSIONING New.....	21

XXXIII. RECORDS MAINTAINED AT THE FACILITY No change.....	21
XXXIV. WATER DISCHARGES Moved from Section A. Condition XXXI. Water Discharges	22
XXXV. SOLID AND HAZARDOUS WASTE Moved from Section A. Condition XXXII Solid and Hazardous Waste	22
A. Solid Waste	22
B. Hazardous Waste, Used Oil, Petroleum Contact Water and Spent Mercury	23
C. Hazardous Substance Release Notification.....	23
D. Contaminated Site Cleanup.....	23
XXXVI. STORAGE TANK SYSTEMS Moved from Section A. Condition XXXIII. Storage Tank Systems	24
A. Incident Notification Requirements.....	24
B. Discharge Reporting Requirements	24
C. Discharge Cleanup.....	24
D. Out of Service and Closure Requirements	24
SECTION B. SPECIFIC CONDITIONS	25
I. DEPARTMENT OF ENVIRONMENTAL PROTECTION	25
A. Groundwater Monitoring of Ash Residue Moved from Section B. Condition I.	25
B. Public Easement.....	25
II. FLORIDA BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND Moved from Section B. Condition II.	25
III. DEPARTMENT OF TRANSPORTATION (FDOT) Moved from Section B. Condition III.....	25
A. Post Certification Review Items	25
B. Best Management Practices	27
IV. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION Moved from Section B. Condition IV.....	27
A. West Indian Manatee.....	27
B. General Listed Species Survey	37
C. Specific Listed Species Surveys	37
D. Listed Species Locations	38
E. Gopher Tortoise	38
F. Scientific Collecting/Institutional Authorizations	39

V.	DEPARTMENT OF STATE – DIVISION OF HISTORICAL RESOURCES Moved from Section B. Condition V.....	39
VI.	ST. JOHNS RIVER WATER MANAGEMENT DISTRICT (SJRWMD) Moved with revisions from Section B. Condition VI.....	40
VII.	EAST CENTRAL FLORIDA REGIONAL PLANNING COUNCIL Moved from Section B. Condition VII.	44
VIII.	BREVARD COUNTY	44
	HISTORY	46

ATTACHMENTS

<i>Attachment A.</i>	<i>Maps</i>
<i>A-1</i>	<i>Survey map of site</i>
<i>A-2</i>	<i>Aerial of certified site</i>
<i>Attachment B</i>	<i>Stormwater Management Plan(s)</i>
<i>Attachment C.</i>	<i>Mitigation Plan</i>
<i>Attachment D.</i>	<i>Groundwater Monitoring Plan</i>
<i>Attachment E</i>	<i>Public Easement</i>
<i>Attachment F.</i>	<i>Sovereign Submerged Lease</i>
<i>Attachment G</i>	<i>Map 1 of plant intake canal</i>
<i>Attachment H</i>	<i>Map 2 of plant intake canal</i>

SECTION A. GENERAL CONDITIONS

I. SCOPE **Moved from Section A. Condition I. Scope**

A. Pursuant to the Florida Electrical Power Plant Siting Act (PPSA) Sections 403.501-518, Florida Statutes (F.S.) and Chapter 62-17, Florida Administrative Code (F.A.C.), this certification is issued to Florida Power & Light (FPL) as owner/operator of the Cape Canaveral Energy Center and Licensee. Subject to the requirements contained in these Conditions of Certification (Conditions) FPL will operate an approximate 1,370 Megawatt (MW) facility consisting of a 3-1 combined cycle combustion turbines and Associated facilities as described in the Site Certification Application (SCA). The electrical generating units are located on a 43-acre site which is located in Brevard County, Florida. UTM coordinates are; Zone 17, 523.1 kilometers (km) East and 3,149 km North.

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

1. One 3-on-1 combined cycle units (Units 1 3), each unit comprised of three nominal 250 MW combustion turbines with associated heat recovery steam generators, and a nominal 500 MW steam turbine-electric generator.
2. The peninsula which serves as a barrier between the Plant intake and discharge structures and includes a fuel oil barge unloading facility.
3. A barge slip comprised of about 1.5 acres of submerged land leased from the State of Florida.
4. An offsite construction laydown and parking area that will be located on FPL property west of U.S. Highway 1.
5. Transmission upgrades to connect CCEC to FPL's transmission line system
6. Service buildings, an administration building, fuel oil tanks, water treatment facilities, once-through cooling water intake and outfall structures, stormwater basins and an onsite gas pipeline and gas yard leased by Florida Gas Transmission (FGT).

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

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

E. Within 120 days following approval of a change to Site boundaries, the Licensee shall submit to the Department an updated land survey (or legal description) and aerial photograph delineating the new boundaries of the Site. The survey and aerial photograph shall be identified as "Site Delineation" and attached hereto as part of Attachment A. Absent the above

description/delineation of the Site, the Department will consider the perimeter fence line of the property on which the Certified Facilities are located to be the boundaries of the Site.

F. If both certified and un-certified Facilities lie within the boundaries of the site, the Licensee shall also comply with the requirements of this paragraph. Within 60 days after completion of construction of the plant and on-site associated facilities, but excluding off-site linear and non-linear associated facilities, the Licensee shall provide to the Department in pdf format: an acceptable documentation delineating the boundaries of the certified areas within the site such as an aerial photograph delineating these areas. The boundaries of the certified areas within the site shall include both the certified electrical power plant's generating facilities as defined in Section 403.503(28), F.S., and its on-site certified associated facilities (including on-site linear facilities) as defined by Section 403.503(7), F.S. The document shall be known as the Delineation of the Certified Area of the Site and attached hereto as part of Attachment A (Maps).

G. Within 120 days after completion of construction of any off-site associated non-linear facilities, the Licensee shall provide to the Department in .pdf format; a survey map signed by a professional land surveyor, or acceptable equivalent documentation such as an official legal description, delineating the boundaries of the certified areas for each off-site non-linear Certified Facility; and an aerial photograph delineating the boundaries of the certified area for each off-site non-linear certified Facility. The survey map(s) and aerial photograph(s) shall be known as Delineation of the Certified Areas of the Offsite Non-linear Facilities and attached hereto as part of Attachment A (Maps).

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

I. Within 90 days of any post-certification approvals that require a change to the boundaries of the certified area(s) depicted in the Delineation of Certified Off-Site Linear Facilities in Attachment A (Maps), the Licensee shall submit an updated aerial photograph/map, survey map or legal description.

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

II. APPLICABLE RULES Moved from Section A. Condition II. Applicable Rules

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

Florida Administrative Code:

18-2 (Management of Uplands Vested in the Board of Trustees)

18-14 (Administrative Fines for Damaging State Lands)

18-20 (Aquatic Preserves)
18-21 (Sovereign Submerged Lands Management)
62-4 (Permits)
62-6 (Standards for Onsite Sewage Treatment and Disposal Systems)
62-17 (Electrical Power Plant Siting)
62-40 (Water Resource Implementation Rule)
62-150 (Hazardous Substance Release Notification)
62-160 (Quality Assurance)
62-204 (Air Pollution Control-General Provisions)
62-210 (Stationary Sources-General Requirements)
62-212 (Stationary Sources-Preconstruction Review)
62-213 (Operation Permits for Major Sources of Air Pollution)
62-256 (Open Burning)
62-296 (Stationary Sources-Emission Standards)
62-297 (Stationary Sources-Emission Monitoring)
62-302 (Surface Water Quality Standards)
62-303 (Identification of Impaired Surface Waters)
62-304 (Total Maximum Daily Loads)
62-330 (Environmental Resource Permitting)
62-340 (Delineation of the Landward Extent of Wetlands and Surface Waters)
62-342 (Mitigation Banks)
62-345 (Uniform Mitigation Assessment Method)
62-520 (Groundwater Classes, Standards and Exemptions)
62-528 (Underground Injection Control)
62-531 (Water Well Contractor Licensing Requirements)
62-532 (Water Well Permitting and Construction Requirements)
62-550 (Drinking Water Standards, Monitoring and Reporting)
62-555 (Permitting, Construction, Operation, and Maintenance of Public Water Systems)
62-560 (Requirements for Public Water Systems That Are Out of Compliance)
62-600 (Domestic Wastewater Facilities)
62-604 (Collection Systems and Transmission Facilities)
62-610 (Reuse of Reclaimed Water and Land Application)
62-620 (Wastewater Facility and Activities Permitting)
62-621 (Generic Permits)
62-650 (Water Quality Based Effluent Limitations)
62-660 (Industrial Wastewater Facilities)
62-699 (Treatment Plant Classification and Staffing)
62-701 (Solid Waste Management Facilities)
62-709 (Criteria for Organics Processing and Recycling Facilities)
62-710 (Used Oil Management)
62-730 (Hazardous Waste)
62-737 (Management of Spent Mercury-Containing Lamps and Devices Destined For Recycling)
62-740 (Petroleum Contact Water)
62-761 (Underground Storage Tank Systems)

62-762 (Aboveground Storage Tank Systems)
62-777 (Contaminant Cleanup Target Levels)
62-780 (Contaminated Site Clean-Up Criteria)
62-814 (Electric and Magnetic Fields)

III. REVISIONS TO DEPARTMENT STATUTES AND RULES **No change**

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

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

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

IV. DEFINITIONS **Moved from Section A. Condition IV. Definitions**

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

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

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

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

E. “DEM” shall mean the Florida Division of Emergency Management.

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

G. “DOC” means the Florida Department of Commerce

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

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

J. “Emergency conditions” or “Emergency reporting” means urgent circumstances involving potential adverse consequences to human life or property as a result of weather conditions or other calamity.

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

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

M. “Licensee” means an applicant that has obtained a certification order for the subject project.

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

O. “ROW” means the right-of-way to be selected by the Licensee within the certified corridor in accordance with the Conditions of Certification and as defined in Section 403.503(27), F.S.

P. “SCO” means the Department’s Siting Coordination Office.

Q. “Site” as defined in Section 403.503(28).

R. “State Water Quality Standards” shall mean the numerical and narrative criteria applied to specific water uses or classifications set forth in Chapters 62-302, and 62-520, F.A.C.

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

T. “NED, NWD, CD, SED, SWD, SD” shall mean the applicable DEP district office.

U. “NWF, SR, SJR, SWF, or SFWMD” means the Northwest Florida, Suwannee River, St. Johns River, Southwest Florida, or South Florida Water Management District, respectively.

V. “Wetlands” shall mean those areas meeting the definition set forth in Section 373.019(27), F.S., as delineated pursuant to Chapter 62-340, F.A.C.

**V. FEDERALLY DELEGATED OR APPROVED PERMIT PROGRAMS Replaced
Section A. Condition V. Department Permits under Federal Programs**

Subject to the Conditions set forth herein, this certification shall constitute the sole license of the state and any agency as to the approval of the location of the site and any Associated facility and the construction and operation of the electrical power plant, except for the issuance of Department Licenses required under any federally delegated or approved permit program. This certification is not a waiver of any other Department approval that may be required under federally delegated or approved programs. In the event of a conflict between the certification process and federally required procedures, the applicable federal requirements shall control.

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

VI. DESIGN AND PERFORMANCE CRITERIA No change

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

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

VII. NOTIFICATION Moved from Section A. Condition VII. Notification

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

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

All notifications which are made in writing shall additionally be immediately provided to the Siting Coordination Office (SCO) via email to SCO@dep.state.fl.us.

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

B. The licensee shall immediately notify the SCO in writing (email acceptable) in writing of any previously submitted information that is later discovered to be inaccurate.

[Rule 62-160(15), F.A.C.]

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

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

[Section 403.077, F.S.]

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

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

[Section 403.5112, F.S.]

VIII. EMERGENCY CONDITION NOTIFICATION AND RESTORATION ~~No change~~

If the Licensee is temporarily unable to comply with any of the conditions of the License due to breakdown of equipment or destruction by hazard of fire, wind or following an emergency as defined by Sections 252.34(3), (6), (7) or (9), F.S., the Licensee shall immediately notify the Department. Notification shall include pertinent information as to the cause of the problem, and what steps are being taken to correct the problem and to prevent its recurrence, and where applicable, the owner's intent toward reconstruction of destroyed facilities. Such notification does not release the Licensee from any liability for failure to comply with Department rules. Any exceedances and/or violations recorded during emergency conditions shall be reported as such, but the Department acknowledges that it intends to use its enforcement discretion during this timeframe. This acknowledgement by the Department does not constitute a waiver or variance from any requirements of any federal permit. Relief from any federal agency must be separately sought.

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

IX. CONSTRUCTION PRACTICES ~~Moved from Section A. Condition IX. Construction Practices~~

A. Local Building Codes

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

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

B. Open Burning

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

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

C. Vegetation

For areas located in any Florida Department of Transportation (DOT) ROW, Chapter 4.6 of the [Florida DOT Utility Accommodation Manual](#) shall serve as guidelines for best management practices.

D. Existing Underground Utilities

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

of Florida upon request. Tickets shall be available for request until the underground work is completed for the affected area.

[Chapter 556, F.S.]

E. Electric and Magnetic Fields (EMF)

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

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

F. Existing Wells

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

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

G. Abandonment of Existing Septic Tanks

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

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

H. Sanitary Wastes

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

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

X. RIGHT OF ENTRY No change

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

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

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

B. When requested by the Department, on its own behalf or on behalf of another agency with regulatory jurisdiction, the Licensee shall within 10 working days, or such longer period as may be mutually agreed upon by the Department and the Licensee, furnish any information required by law, which is needed to determine compliance with the certification.

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

XI. DISPUTE RESOLUTION No change

A. General

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

B. Modifications

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

C. Post-Certification Submittals

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

[Sections 120.57, F.S. and Rule 62-17.211, F.A.C.]

XII. SEVERABILITY No change

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

XIII. ENFORCEMENT Moved from Section A. Condition XIII. Enforcement

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

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

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

XIV. REVOCATION OR SUSPENSION No change

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

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

XV. REGULATORY COMPLIANCE No change

As provided in Sections 403.087(7) and 403.722(5), F.S., except as specifically provided in the final order of certification, a subsequent modification or amendment, or these conditions, the issuance of this license does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This license is not a waiver of or approval of any other Department license/permit that may be required for other aspects of the Certified Facility which are not addressed in this license. This license does not relieve the Licensee from liability for harm or injury to human health or welfare, animal, or plant life, or public or private property caused by the construction or operation of the Certified Facility, or from penalties therefore.

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

XVI. CIVIL AND CRIMINAL LIABILITY No change

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

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

XVII. USE OF STATE LANDS **Moved from Section A. Condition XVII Use of State Lands**

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

B. If any portion of the Certified Facility is located on sovereign submerged lands, state-owned uplands, or within an aquatic preserve, then the Licensee must comply with the applicable portions of Chapters 18-2, 18-20, and 18-21, F.A.C., and Chapters 253 and 258, F.S., except as specifically provided in the final order of certification or these conditions. If any portion of the Certified Facility is located on sovereign submerged lands, the Licensee must submit section F of the Joint Application for Environmental Resource Permits to the Department prior to construction. If any portion of the Certified Facility is located on state-owned uplands, the Licensee must submit an Upland Easement Application to the Department prior to construction.

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

D. The Licensee is hereby advised that Florida law states: “A person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the board of trustees of the Internal Improvement Trust Fund under this chapter, until the person has received the required lease, license, easement, or other form of consent authorizing the proposed use.” Pursuant to Chapter 18-14, F.A.C., if such work is done without consent, or if a person otherwise damages state land or products of state land, the Board of Trustees may levy administrative fines of up to \$10,000 per offense.

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

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

XVIII. PROCEDURAL RIGHTS **No change**

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

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

XIX. AGENCY ADDRESSES FOR POST-CERTIFICATION SUBMITTALS AND NOTICES **Moved from Section A. Condition XIX. Agency Addresses for post-certification submittals and notices**

Florida Department of Environmental Protection
Siting Coordination Office, MS 5500
2600 Blair Stone Rd.
Tallahassee, FL 32399-3900
SCO@floridadep.gov

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

Florida Department of Commerce
Office of the Secretary
107 East Madison St.
Tallahassee, FL 32399-2100

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

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

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

St. Johns River Water Management District
Office of General Counsel
St. Johns River Water Management District
4049 Reid Street
Palatka, Florida 32177
compliancesupport@sjrwmd.com

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

Brevard County
Office of the County Attorney
Board of County Commissioners
2725 Judge Fran Jamieson Way
Viera, FL 32940

[Section 403.511, 403.531 and 403.9416, F.S.]

XX. PROFESSIONAL CERTIFICATION New

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

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

XXI. PROCEDURES FOR POST-CERTIFICATION SUBMITTALS Moved from Section A. Condition XX, Procedures for Post-Certification Submittals

A. Purpose of Submittals

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

B. Filings

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

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

C. Completeness

DEP shall review each post-certification submittal for completeness. This review may include consultation with the other agency/ies receiving the post-certification submittal with

regulatory jurisdiction over the matter addressed in the submittal. DEP's finding of completeness shall specify the area of the Certified Facility affected and shall not delay further processing of the post-certification submittal for non-affected areas.

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

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

D. Interagency Meetings

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

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

E. Determination of Compliance

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

F. Commencement of Construction

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

G. Revisions to Design Previously Reviewed for Compliance

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

[Sections 120.569, 373.413, 373.416, 403.511, 403.531, and 403.9416, F.S.; Rules 62-17.191 and 62-17.205, F.A.C.]

XXII. POST CERTIFICATION SUBMITTAL REQUIREMENTS SUMMARY No change

Within 90 days after certification, and within 90 days after any subsequent modification or certification, the Licensee shall provide the SCO a complete summary of those post-certification submittals that are identified in these Conditions when due-dates for the information required of the Licensee have been identified. A summary shall be provided as a separate document for each transmission line, if any. Such submittals shall include, but are not limited to, monitoring reports, management plans, wildlife surveys, etc. The summary shall be

provided to the SCO, in a sortable spreadsheet, electronically, in the format shown below or equivalent. For subsequent modifications and certifications, a Post-Certification Submittal Requirements Summary shall be required for only those resulting in new or altered post-certification requirements.

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

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

XXIII. POST CERTIFICATION AMENDMENTS **No change**

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

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

2. If the department concludes that the change would require a modification to the conditions of certification, the department shall provide written notification to the Licensee that the proposed change to the application requires a request for modification pursuant to 403.516, and 403.5317, F.S.

[Chapters 373, 403.4211 and 403.5113, 403.516, 403.5317, F.S.; Rules 62-340 and 62-343, F.A.C.]

XXIV. MODIFICATION OF CERTIFICATION **Moved from Section A. Condition XXIII. Modification of Certification**

A. Pursuant to Sections 403.516(1)(a) F.S., and Rule 62-17.211, F.A.C., the Siting Board hereby delegates the authority to the Department to modify any Condition which would not otherwise require approval by the Siting Board, after notice and receipt of no objection by a party to the certification within 45 days after notice by mail to the party's last address of record, and if no other person whose substantial interests will be affected by the modification objects in writing within 30 days of public notice.

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

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

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

E. Alteration of Site boundaries may require modification of the Conditions of Certification.

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

XXV. COASTAL ZONE CONSISTENCY No change

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

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

XXVI. WATER QUALITY CERTIFICATION No change

Pursuant to the Operating Agreement between the Department, Water Management Districts and U.S. Army Corps of Engineers, a written final order granting 'certification' constitutes certification by the Department that the project activities comply with applicable state water quality standards.

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

XXVII. TRANSFER OF CERTIFICATION No change

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

modification to the Conditions to reflect the change in ownership in accordance with Rule 62-17.211, F.A.C.

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

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

XXVIII. LABORATORIES AND QUALITY ASSURANCE **No change**

Chemical, physical, biological, microbiological and toxicological data collected as a requirement of these Conditions must be reliable and collected and analyzed by scientifically sound procedures. Unless otherwise specified in these Conditions, the Licensee shall adhere to the minimum field and laboratory quality assurance, methodological and reporting requirements of the Department as set forth in Chapter 62-160, F.A.C. Standard Operating Procedures can be downloaded from the following website: [Standard Operating Procedures](#).

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

XXIX. ENVIRONMENTAL RESOURCES **Moved from Section A. Condition XXVIII. Environmental Resources**

A. General

1. Submittals for Construction Activities

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

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

c. Those forms submitted as part of a SCA, an amendment, or modification, shall be processed concurrently with, and under the respective SCA, amendment, or modification in compliance with the applicable PPSA procedures. Those forms submitted as a post-certification submittal (after certification, modification, or amendment and prior to

construction) shall be processed in accordance with Section A, General Conditions, Condition XXI, Procedures for Post-Certification Submittals. Post-certification submittal information may be submitted for discrete portions of the certified facilities for a determination of compliance with these Conditions.

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

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

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

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

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

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

[Sections 373.421, 403.504, F.S.]

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

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

B. Surface Water Management Systems

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

2. All construction, operation, and maintenance of the SWMS(s) for the Certified Facilities shall be as set forth in the plans, specifications and performance criteria contained in the SCA and other materials presented during the certification proceeding, post-certification

submittals, and as otherwise approved. If specific requirements are necessary for construction, operation, and/or maintenance of an approved SWMS, those requirements shall be incorporated into a SWMS Plan for that system and included in Attachment B (Surface Water Management System Plans). Any alteration or modification to the SWMS Plan or the SWMS as certified requires prior approval from the Department.

3. To allow for stabilization of all disturbed areas, immediately prior to construction, during construction of the SWMS, and for the period of time after construction of the SWMS, the Licensee shall implement and maintain erosion and sediment control best management practices, such as silt fences, erosion control blankets, mulch, sediment traps, polyacrylamide (PAM), temporary grass seed, permanent sod, and floating turbidity screens to retain sediment on-site and to prevent violations of state water quality standards. These devices shall be installed, used, and maintained at all locations where the possibility exists of transferring suspended solids into the receiving waterbody due to the licensed work, and shall remain in place at all locations until construction in that location is completed and soils are permanently stabilized. All best management practices shall be in accordance with the guidelines and specifications described in the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual* (Florida Department of Transportation and Florida Department of Environmental Protection, by HydroDynamics Incorporated in cooperation with Stormwater Management Academy, June 2013) unless a project-specific erosion and sediment control plan is approved as part of this License. If project-specific Conditions require additional measures during any phase of construction or operation to prevent erosion or control sediments beyond those specified in the approved erosion and sediment control plan, the Licensee shall implement additional best management practices as necessary, in accordance with the guidelines and specifications in the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual*. The Licensee shall correct any erosion or shoaling that causes adverse impacts to the water resources as soon as feasible. Once project construction is complete in an area, including the re-stabilization of all side slopes, embankments and other disturbed areas, and before conversion to the operation and maintenance phase, all silt screens and fences, temporary baffles, and other materials that are no longer required for erosion and sediment control shall be removed.

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

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

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

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

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

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

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

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

C. Wetland and Other Surface Water Impacts

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

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

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

XXX.THIRD PARTY IMPACTS No change

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

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

XXXI. FACILITY OPERATION New

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

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

XXXII. DECOMMISSIONING New

Prior to decommissioning, the Licensee shall submit a plan for decommissioning the Certified Facilities to the Department within 90 days of ceasing operations. The decommissioning plan shall, at a minimum, address the following:

1. The anticipated timeline of decommissioning and demolition activities.
2. A description of demolition activities and potential authorizations necessary to complete demolition.
3. Management and disposal of any known and/or discovered contamination.
4. Management and disposal of known and/or discovered hazardous materials including lead-based paint and asbestos-containing materials.
5. A schedule for when the Site Assessment will be performed and when the Site Assessment Report will be submitted pursuant to the requirements of Rule 62-780.600, F.A.C.
6. Closure of any Surface Water Management System(s)

[Chapters 62-257, 62-701, and 62-780, F.A.C.]

XXXIII. RECORDS MAINTAINED AT THE FACILITY No change

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

4. the person responsible for performing the analyses;
5. the analytical techniques or methods used; and,
6. the results of such analyses.

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

XXXIV. WATER DISCHARGES **Moved from Section A. Condition XXXI. Water Discharges**

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

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

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

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

XXXV. SOLID AND HAZARDOUS WASTE **Moved from Section A. Condition XXXII Solid and Hazardous Waste**

A. Solid Waste

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

2. Any ash residue generated by the Licensee at the certified facility shall be disposed of, and/or managed, at a permitted solid waste facility in accordance with Chapter 62-701, F.A.C.

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

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

1. The Licensee shall comply with all applicable non-procedural provisions of DEP Chapter 62-730, F.A.C., for any hazardous waste generated within the Certified Facility. An EPA identification number must be obtained before beginning hazardous waste activities unless the facility is a Very Small Quantity Generator (VSQG). VSQGs generate no more than 100 kg (220 lbs) of hazardous waste in any month and have less than 1,000 kg (2,200 lbs) of accumulated hazardous waste at any one time.

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

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

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

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

C. Hazardous Substance Release Notification

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

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

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

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

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

D. Contaminated Site Cleanup

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

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

XXXVI. STORAGE TANK SYSTEMS **Moved from Section A. Condition XXXIII.**
Storage Tank Systems

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

A. Incident Notification Requirements.

Notification of any condition or situation indicating that a release or discharge may have occurred from a storage tank system or system component shall be made to the County in writing or electronic format on Form 62-761.900(6), Incident Notification Form (INF), within 72 hours of discovery or before the close of the County's next business day.

B. Discharge Reporting Requirements

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

C. Discharge Cleanup

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

D. Out of Service and Closure Requirements

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

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

SECTION B. SPECIFIC CONDITIONS

I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

A. *Groundwater Monitoring of Ash Residue* **Moved from Section B. Condition I.**

In March 2011, ash residue was observed in a construction excavation on the north central portion of the CCEC facility (ERIC_12428). Preliminary subsurface assessment activities were then initiated to evaluate the extent of potential impact. In May 2011, Terra Consulting submitted a Site Assessment Report on behalf of FPL pursuant to Chapter 62-780, F.A.C. On February 20, 2013, the Department's Central District approved FPL's proposed Groundwater Monitoring Plan hereto attached as Attachment D, to continue monitoring activities for contamination assessment. Since then, modifications to the Groundwater Monitoring Plan have been implemented based on monitoring report reviews and consultations with FDEP. The current scope of sampling activities was approved following the Department's Central District review of the 2017 Annual Groundwater Monitoring Report (AGWMR). The Central District's review of the 2017 AGWMR correspondence, dated July 7, 2017, is included in Attachment D along with the 2024 AGWMR

1. Contamination assessment activities continue to be submitted to the Department's Central District office for review and approval for delineation of groundwater plume. All activities related to the contamination assessment and remediation of groundwater shall be closely coordinated with the Department until a closure order is issued by the Department certifying that vanadium contamination is successfully addressed.

2. No monitor wells will be abandoned without the Department's prior approval. If any of the existing monitor wells are to be abandoned due to the proposed construction activities, a written proposal shall be submitted to the Groundwater Section of Central District for approval for abandoning the wells as well as replacement with new monitor wells at suitable location(s).

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

B. *Public Easement*

The Licensee obtained a public easement for the existing spit of land extending east into the Indian River (See Attachment E).

II. FLORIDA BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND **Moved from Section B. Condition II.**

The terms, conditions, and provisions of the required state lands authorizations (Attachment F) shall be met. Construction of any activity shall not commence on sovereignty submerged lands, title to which is held by the Board of Trustees of the Internal Improvement Trust Fund, until all required lease/easement documents have been executed to the satisfaction of the Department.

III. DEPARTMENT OF TRANSPORTATION (FDOT) **Moved from Section B. Condition III.**

A. *Post Certification Review Items*

1. Access Management to the State Highway System: Any access to the State Highway System will be subject to the requirements of Chapters 14-96, State Highway System

Connection Permits, and 14-97, State Highway System Access Control Classification System and Access Management Standards, F.A.C.:

2. Overweight or Overdimensional Loads: Operation of overweight or overdimensional loads by the applicant on State transportation facilities during construction and operation of the utility facility will be subject to safety and permitting requirements of Section 316.550, F.S., and Rule Chapter 14-26, F.A.C., Safety Regulations and Permit Fees for Overweight and Overdimensional Vehicles.

3. Use of State of Florida Right of Way or Transportation Facilities: All usage and crossing of State of Florida right of way or transportation facilities will be subject to Rule Chapter 14-46, Utilities Installation or Adjustment, F.A.C.; FDOT's 2017 Utility Accommodation Manual Standard Plans for Road and Bridge Construction; Standard Specifications for Road and Bridge Construction; and pertinent sections of the FDOT's Project Development and Environmental (PD&E) Manual.

4. U.S. 1 has been identified as a facility on Florida's Strategic Intermodal System (SIS). The placement of the transmission line and pipeline should take into consideration the planned widening of these facilities. The cost of relocating or reconstructing the transmission line and pipeline will be borne by the applicant to the extent required by Section 337.403, F.S., and Chapter 14-46, F.A.C., Utilities Installation and Adjustment.

5. Standards: The Manual on Uniform Traffic Control Devices; FDOT's Standard Plans for Road and Bridge Construction; FDOT's Standard Specifications for Road and Bridge Construction; FDOT's 2017 Utility Accommodation Manual; and pertinent sections of FDOT's PD&E Manual will be adhered to in all circumstances involving the State Highway System and other transportation facilities.

6. Drainage: Any drainage onto state of Florida right of way and transportation facilities will be subject to the requirements of Chapter 14-86, F.A.C., Drainage Connections, including but not limited to the requirement to obtain all applicable permits.

7. Airport Licensing, Registration, and Airspace Protection

Any proposed construction or alteration in the application that exceeds the criteria detailed in 14 C.F.R. Section 77, Subpart B, will be subject to an aeronautical study by the Federal Aviation Administration (FAA). The FAA has provided a Notice Criteria Tool at <https://oeaaa.faa.gov/oeaaa/external/gisTools/gisAction.jsp?action=showNoNoticeRequiredToolForm>, to simplify compliance with the federal regulation in determining when an aeronautical study is required. An airspace determination is required for all structures that are determined to exceed by the Notice Criteria Tool. Applications for an aeronautical study are made utilizing the electronic FAA Form 7460-1 available at the following FAA website: <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>.

If the FAA aeronautical study determines that the construction or alteration "Exceeds But Is Okay" (EBO) or is "Determined Not To Be A Hazard" (DNH), the construction or alteration is subject to the requirements of Chapter 333, F.S., and Chapter 14-60, F.A.C.. If political subdivisions have adopted airport protection zoning regulations, the construction or alteration requires a permit from the political subdivision pursuant to Chapter 333, F.S. Absent political subdivision airport protection zoning regulations, if the construction or alteration is within a 10-nautical mile radius of the airport reference point of a public-use or military airport, the

construction or alteration requires a permit from FDOT pursuant to Chapter 333, F.S. A permit from FDOT may be obtained using FDOT Form 725-040-11, and following the instructions in Chapter 14-60, F.A.C.; FDOT Form 725-040-11 is available at the following FDOT website: <https://www.florida-aviation-database.com/dotsite/pdfs/725-040-11.pdf>.

Applicants seeking Certification or Post-Certification Amendment(s) under the Florida Power Plant Siting Act (PPSA), must comply with the provisions of Chapter 330, F.S., Chapter 333, F.S., and Chapter 14-60, F.A.C., to operate an airport within the State of Florida.

B. Best Management Practices

1. Traffic control during facility construction and maintenance will be subject to the standards contained in the Manual on Uniform Traffic Control Devices; FDOT's Standard Plans for Road and Bridge Construction; FDOT's Standard Specifications for Road and Bridge Construction; and FDOT's 2017 Utility Accommodation Manual, whichever is more stringent.

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

- Placing a bulletin board on site for car pooling advertisements.
- Requiring that heavy construction vehicles remain onsite for the duration of construction to the extent practicable.
- A temporary traffic control plan for handling construction related traffic is needed subject to the requirements and standards. The plan will need to be approved by Florida Department of Transportation prior to construction.

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

IV. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION **Moved from Section B. Condition IV.**

A. West Indian Manatee

1. Interim Warm-Water Refuge Heating System

The current trigger temperature identified in the Manatee Protection Plan under the Cape Canaveral power plant's National Pollutant Discharge Elimination System permit is 61°F. In order to prevent an increased risk of manatee cold stress death during the CCEC conversion construction period, adaptive management protocols for the interim warm-water refuge heating system shall include the following:

a. Testing, monitoring, and evaluation of the interim heating system shall take place pursuant to the permit conditions found in the Environmental Monitoring and Biological sections.

b. The trigger temperature shall be set at 65°F, during the period that the interim heating system is required. The interim heating system shall be designed such that

when ambient water temperatures are below 65°F, as indicated from a selected ambient water temperature station (as agreed to in the environmental monitoring plan), the interim heating system will provide a water temperature at or above 68°F, within the identified warm-water refuge until such time as the ambient water temperature reaches 65°F. The interim heating system shall be maintained and operated to achieve this result, in accordance with best management practices (BMP) established by Licensee, unless otherwise authorized by FWC and USFWS, or unless the safety or reliability of the electric power system would be compromised. The Licensee shall develop a BMP manual for the interim heating system that shall include the following components:

- (1) operation and maintenance procedures for the interim heating system;
- (2) requirement for a log demonstrating that the recommended operating and maintenance procedures and checks are performed;
- (3) a spare parts list including the location of the spares;
- (4) a list of qualified operators and repair persons and their contact information;
- (5) a trouble shooting flowchart and repair personnel call out plan;
- (6) an incident log to track the status of troubleshooting and repair activities until the system is operable;
- (7) notification requirements to agencies.

c. Licensee shall submit its BMP manual to FWC for review and comment by August 15 of the year when the CCEC conversion commences which is expected to be 2010. Licensee will review, consider, and incorporate if practicable, comments from FWC that are received by September 15 of that year. A copy of the Licensee's BMP manual for the interim heating system shall be maintained at all times at the CCEC site and shall be made available upon request to authorized representatives of FWC and DEP.

d. If through the biological monitoring or daily visual assessments of manatee health, or scientific data it is indicated, that the 65°F interim heating system trigger temperature should be; raised or lowered to maintain a sufficient warm-water refuge, then FWC will consult with DEP, USFWS, and FPL to assess the information and develop a new strategy that can be agreed upon by all four parties. Such a new agreed upon strategy would be proposed by FWC in a DEP initiated modification to certification.

e. The interim warm-water refuge is described as the area located within the current Cape Canaveral plant intake canal beginning at the western most extent of the canal and including all waters within the canal between the peninsula and the southern shoreline up to the southern shoreline's eastern most point (See Attachments F and G).

f. The Licensee may request modification of the following applicable FWC conditions upon issuance by the Department of Environmental Protection, in consultation with the FWC, of Final NPDES permit modification FL0001473 if such requested modifications to the conditions herein have been adopted into the Final NPDES permit.

g. Licensee shall provide written notification of the commencement of conversion to DEP and the FWC as soon as possible but no later than June 15 of the year when the CCEC conversion commences which is expected to be 2010.

h. The operation of the maintenance gate within the manatee heating area will be performed under the following constraints:

(1) Gate shall not be operated from November 15 – March 31.
(2) Manual hand crank operation only.
(3) At least one person shall be designated as a manatee observer when gate is being operated.

(4) Gate shall not be operated at night or when manatees cannot be seen within 50 feet of the gate due to inclement weather conditions.

[Sections 379.1025, 379.2291, 379.2431(2), 20.331, 253.75 F.S., and Rule 68A-27 F.A.C.]

2. Environmental Monitoring

The following monitoring requirements are applicable to the interim warm-water refuge period and two years post commercial operation of CCEC:

a. By June 15 of the year when the CCEC conversion commences which is expected to be 2010, the Licensee (Florida Power & Light Company) shall submit to the FWC, Florida Department of Environmental Protection (DEP) Siting Office, and the USFWS an Environmental Monitoring Plan. The Environmental Monitoring Plan shall include, at a minimum, the following components:

(1) An evaluation of the interim heating system to determine its ability to provide a sufficient manatee warm-water refuge (as described in Interim Heating System and Environmental monitoring Conditions V.A.1. and 2, and the Licensee's Thermal Modeling Study) during the winter months shall take place prior to discontinuation of the current warm-water discharge. Evaluation of the system shall include its performance during cold fronts and varying tidal and wind conditions, if present, for a duration to be established in the Environmental Monitoring Plan (unless testing takes place as outlines in VA 2.a.(1) ii).

(2) If an interim heating system is installed at Riviera Beach Energy Center (RBEC) in 2009 an initial evaluation of the interim heating system, during winter conditions, shall be conducted there.

(3) The interim heating system at the CCEC site shall be installed and operational by September 15, of the year when the CCEC conversion commences which is expected to be 2010 or as soon as practicable after certification, whichever is later. However, the conversion from the existing system to the interim system cannot be implemented during the winter months (November through March). The warm-water refuge created by this system shall be monitored during initial testing at the CCEC site between September 15 and October 15, of the year when the CCEC conversion commences which is expected to be 2010, or the duration described in Condition V.A.2.a.(1) i. and the empirical temperature data will be collected and compared to the thermal modeling results to evaluate the performance of the interim heating system and the accuracy of the thermal model.

(4) Monitoring of the CCEC's interim warm-water refuge during the conversion shall consist of winter (October 15 through March 31) ambient air and water temperatures measured at multiple locations within the interim warm-water refuge. The number and configuration of temperature monitoring stations must be sufficient to provide a three-dimensional view, over time, of the thermal plume.

(5) Monitoring of the CCEC's post-conversion warm-water refuge shall consist of winter ambient air and water temperatures measured at multiple locations within the warm-water refuge. Monitoring for the first post conversion winter shall take place from October 15 through March 31 and from November 15 through March 31 during the second winter post construction. The number and configuration of temperature monitoring stations must be sufficient to provide a three-dimensional view, over time, of the thermal plume.

(6) Temperature monitoring stations will be deployed during the conversion phase in the interim refuge and post-conversion warm-water refuge. As part of this Environmental Monitoring Plan as described in this Section 5., the Licensee shall include a plan to convey the data from the temperature monitoring stations to the appropriate agencies on a daily basis when the trigger is on and the heaters are running and on a weekly basis when the ambient temperature is greater than 65 degrees.

(7) Specific locations for the temperature monitoring station(s), sampling frequencies, station depths data collection methods, and reporting frequencies must be identified and may be subject to further revision depending on receipt of any required permits, licenses and approvals.

(8) The Environmental Monitoring Plan, including the proposed monitoring locations, shall be approved prior to implementation. FWC, in consultation with the DEP and USFWS, shall indicate its approval or disapproval of the submitted plan within 90 days of the originally submitted information. In the event that additional information from the licensee is necessary to complete and approve the Plan, FWC, in consultation with the DEP and USFWS, shall make a written request to the licensee for additional information no later than 30 days after receipt of the submitted information. A final plan shall be in place by September 1, of the year when the CCEC conversion commences which is expected to be 2010.

b. The Licensee will prepare an environmental monitoring report that includes all data (made available in electronic form) and statistical analyses collected as a result of the environmental monitoring requirements. This report will be submitted yearly, by August 1 of each year, while the interim warm-water system is in operation during the construction period and two years post-conversion of the CCEC. Within 180 days of the submittal of the final yearly environmental monitoring report, a summary report of all environmental monitoring shall be completed and submitted to the FWC and DEP Siting Office for review.

c. If, in the review of the annual environmental monitoring reports, FWC, in consultation with the DEP and USFWS, determines the need to modify the Environmental Monitoring Plan, FWC will notify the Licensee to discuss the findings. At that time, FWC, in consultation with the DEP and USFWS and the Licensee, will determine what, if any, modifications need to be made to the Environmental Monitoring Plan and FWC will request that DEP initiate modifications to certification if necessary.

d. If by June 1, 2010, the initial monitoring tests of the interim warm-water heating system have taken place at the Riviera Beach power plant, the Licensee will contact DEP and FWC to provide and discuss the results. At that time, FWC, in consultation with the DEP and USFWS, and the Licensee, will determine what, if any, modifications need to be made to the operation of the interim heating systems and FWC will request that DEP initiate a modification to certification if necessary.

e. By November 1, of the year when the CCEC conversion commences which is expected to be 2010, or two weeks after completion of the initial monitoring test of the interim warm-water heating system at the CCEC, the Licensee will contact DEP, FWC and USFWS to provide and discuss the results. At that time, FWC, in consultation with the DEP, USFWS, and the Licensee, will determine what, if any, modifications need to be made to the operation of the interim heating system and FWC will request that DEP initiate a modification to certification if necessary.

f. If the Licensee determines the Environmental Monitoring Plan is in need of modifications during the operation of the interim heating system, the Licensee will contact the agencies to discuss the proposed modifications. At that time, FWC, in consultation with the DEP and USFWS and the Licensee, will determine what if any modifications need to be made to the Environmental Monitoring Plan and the FWC will request that DEP initiate a modification to certification if necessary.

[Sections 379.1025, 379.2291, 379.2431(2), 20.331, 253.75, F.S.; Rule 68A-27 F.A.C.]

3. Biological Monitoring

The following monitoring requirements for manatee distribution and abundance are applicable to the interim warm-water refuge and two-year post-commercial operation of CCEC:

a. By June 15 of the year when the CCEC conversion commences which is expected to be 2010 the Licensee shall submit to the DEP Siting Office and FWC, a Biological Monitoring Plan. The Biological Monitoring Plan shall include at a minimum the following components:

(1) Monitor the winter (October 15 through March 31) distribution and abundance of manatees during the time frame that includes the operation of the interim warm-water heating system. Monitor the winter (November 15 through March 31) distribution and abundance of manatees during the two years' post-conversion at the CCEC warm-water refuge.

(2) Biological monitoring shall at a minimum be conducted through aerial surveys and telemetry tagged manatees.

(3) Specific aerial survey paths, sampling frequencies, and methodologies for aerial surveys. Until the converted CCEC is in operation, aerial survey flights encompassing Brevard County shall be conducted on a weekly basis during the interim period during the winter months (October 15 through March 31) unless weather or mechanical difficulties require the cancellation of a flight; however, in no case shall less than 3 surveys be conducted per month. Once the converted CCEC is in operation the aerial surveys shall be conducted on a twice a month basis for two years post commercial operation during the winter

months. After the first year of post conversion surveys FWC will discuss the results with the Licensee and determine if the second year's surveys can be reduced to one survey per month.

(4) Aerial surveys shall be designed so the data collected will provide an evaluation of manatee abundance and distributional changes in Brevard County in a statistically valid manner that is consistent with past aerial survey data.

(5) Telemetry monitoring shall be accomplished by the Licensee through the use of FWC or another entity with experience in manatee telemetry tracking, and data analysis in Florida by providing them \$50,000 per winter season to be used for the purchase of up to three tags annually, if needed, and the accompanying annual activities and research, tracking and monitoring activities, data collection, ARGOS usage, software purchase and update, and one final report to the Licensee. This condition will coincide with the use of the interim heating system and 2 years post-commercial operation of CCEC. After the first year of post conversion telemetry monitoring FWC will discuss the results with the Licensee and the parties will determine if the second year's monitoring can be eliminated. The tags will be attached to manatees captured at, or near the CCEC site to document their movements to secondary warm-water sites, nighttime habitat use, behavioral response to changes in the operation of the interim refuge (e.g., availability of warm-water discharge in relation to the trigger temperature), and thermal regime experienced by manatees during the conversion of CCEC. The details of the telemetry effort will be provided in the biological monitoring plan and, if requested by the licensee, FWC and USFWS can provide assistance.

(6) The Biological Monitoring Plan shall be reviewed and approved prior to implementation. FWC, in consultation with the DEP and USFWS, shall recommend its approval or disapproval of the submitted plan to DEP within 90 days of the originally submitted information. In the event that additional information from the licensee is necessary to complete and approve the Plan, FWC, in consultation with the DEP and USFWS, shall make a written request to the Licensee for additional information no later than 30 days after receipt of the submitted information. A final plan shall be in place by September 1, of the year when the CCEC conversion commences which is expected to be 2010.

b. The Licensee shall provide a manatee observer(s) who has sufficient experience in detecting indicators of cold stress in manatees. The monitoring protocols and individuals acting as manatee observer(s) will require approval from the FWC.

c. The manatee observer will be required to conduct a visual assessment of the condition and general distribution of manatees using the interim warm-water refuge during the winter months. Visual assessments will be done once per week from October 15 through October 31 and daily from November 1 through March 31 during the interim period. The visual assessments shall be conducted for a sufficient length of time to assess most of the manatees present at the plant and accessible to the observer on that day. If an approved observer is not available, licensee shall notify FWC as soon as possible, but no later than 48 hours, to coordinate actions necessary to resume the observation program.

d. The Licensee shall provide two moveable land-based observation platforms located along the interim warm-water refuge. These will be used by the manatee observer(s) for conducting assessments of cold stress symptoms and by FWC or USFWS staff monitoring manatee use of the interim refuge through photo identification.

e. The Licensee will prepare a biological monitoring report that includes all data (made available in electronic form) and statistical analyses completed as a result of the requirements set forth in the biological monitoring plan. This report will be submitted yearly, by August 1 of each year, when the interim warm-water system is in operation during the construction period and two years post-commercial operation date. Within 180 days of submittal of the final yearly biological monitoring report a summary of all biological monitoring reports shall be completed and submitted to the FWC and DEP Siting Office for review.

f. If, in the review of the biological monitoring reports, FWC, in consultation with DEP and USFWS, determines the need to modify the Biological Monitoring Plan, FWC will notify the Licensee to discuss the findings. At that time, FWC, in consultation with the DEP and USFWS, and the Licensee will determine what if any modifications need to be made to the Biological Monitoring Plan and the FWC will request that DEP initiate a modification to certification if necessary.

g. If the Licensee determines the Biological Monitoring Plan is in need of modifications during the operation of the interim heating system, the Licensee will contact the agencies to discuss the proposed modifications. At that time, FWC, in consultation with the DEP and USFWS, and the Licensee will determine what, if any, modifications need to be made to the Biological Monitoring Plan and the FWC will request that DEP initiate a modification to certification if necessary.

h. The Licensee will provide personnel from the FWC, USFWS, USGS Sirenia Project, or a designee of these agencies, access to the CCEC property to conduct manatee monitoring activities. Reasonable notice shall be given to the Licensee by the agencies. Access would be limited to normal weekday business hours (8:00 a.m. - 5:00 p.m.) unless arrangements are made in advance with the Licensee.

[Sections 379.1025, 379.2291, 379.2431(2), 20.331, 253.75F.S.; Rule 68A-27 F.A.C.]

4. Contingency Plan

FWC and USFWS' LOA (Letter of Authorization) network responders will be responsible for all efforts related to manatee rescues, rehabilitation activities, and carcass recovery during the CCEC conversion. In order to effectively implement contingency plans during the plant conversion and to address manatee health-related issues due to a malfunction or inability of the interim warm-water heating system to effectively provide a warm-water refuge during the winter months (October 15 through March 31), the following conditions are required:

a. If the observer (pursuant to Biological Monitoring Conditions V.A.3.b-d;) identifies manatees with apparent signs of cold stress disease, digital photographs should be taken of the animal(s) and the FWC shall be called as soon as possible on the day of the observations through the following methods. An FWC biologist can be reached via pager at 800-714-0620 (enter the callers contact number followed by the code "02". A page will be returned within 30 minutes; if not, resend the page. For immediate emergency situations FWC's Wildlife Alert number can also be called at 888-404-FWCC.

b. The Licensee will notify FWC and USFWS immediately if there is a mechanical failure of the interim heating system, or if, for any other reason the interim heating system is not operating in a manner that will provide warm-water sufficient to keep the warm-water refuge at a temperature of 68° F or greater.

c. The Licensee shall provide in-kind services and financial assistance, not to exceed \$100,000 in total value, to FWC for manatee rescue or recovery in the event that there is a failure of the interim heating system resulting from Licensee's failure to comply with Condition V.A. 1.a.(2) & (3) that causes death or identifiable cold stress to manatees in Brevard County. This condition would apply during the winter months (October 15 through March 31). The in-kind assistance and funds would only be used to address manatee-related cold stress issues in the area that the interim system affects.

d. The Licensee will provide personnel from the FWC, USFWS, USGS-Sirenia Project, or a designee of these agencies, access to the CCEC property to conduct manatee monitoring activities. Reasonable notice shall be given to the licensee by the agencies. Access would be limited to normal weekday business hours (8:00 a.m. - 5:00 p.m.) unless arrangements are made in advance with the Licensee.

e. The Licensee will include as part of its safety orientation manatee awareness training for full-time permanent construction personnel at the CCEC site. This training will be designed to educate the construction work force about the legal requirements to avoid manatees and to provide them with contact information if they should spot an injured manatee.

f. All visitors to CCEC will be required to comply with FPL's safety and security requirements. Personnel will receive an orientation from FPL or its contractor prior to commencing observations or other activities.

[Sections 379.1025, 379.2291, 379.2431(2), 20.331 F.S.; Rule 68A-27 F.A.C.]

5. Development of a Long-Term Manatee Strategy

It is expected that at some point in the future the warm-water habitat created by the CCEC will diminish or be terminated in that event the FWC and USFWS believes it is in the best interest of the Licensee, FWC, USFWS, DEP, and the Florida manatee population to begin strategic long-term planning to reduce the adverse effects to the Florida manatee population before this occurs.

a. Within two years of the formal approval by FWC and USFWS of a Warm-Water Action Plan (Plan), inclusive of a future-oriented Management Policy for Warm-Water Manatee Habitat, the Licensee shall host and chair a workshop designed to: (a) articulate a strategy for achieving the goals of that Plan, (b) develop a timetable for implementing the strategy, (c) review progress to date in achieving the strategy, and (d) identify impediments and solutions.

b. Within one year of the workshop held pursuant to Condition V.A.5.1, the Licensee shall provide the FWC and USFWS with a formal report of the workshop, including findings, conclusions, and recommendations.

c. Over the course of the operating life span of the CCEC the Licensee shall develop an exit strategy for the CCEC that prevents significant losses to the manatee population when the Licensee determines reduce or eliminate the CCEC's thermal discharge to the extent that a dependable warm-water refuge is no longer present. The Licensee's strategy shall consider FWC and USFWS's statewide Warm-Water Action Plan approved by FWC and USFWS.

d. The Licensee shall work closely with the FWC and USFWS to evaluate progress toward achieving the vision and goals of the Warm-Water Action Plan and to develop adaptive changes to the Plan as needed to promote manatee recovery through participation in periodic workshops and/or conferences designed to accomplish such evaluation and adaptive changes.

6. Manatee Construction Conditions for In-Water Work

a. The Standard Manatee Conditions for In-Water Work (revision 2009) are required for all in-water work in or adjacent to waters accessible to manatees. Blasting or pile hammering activities to break rock shall be prohibited in waters accessible to manatees. If no other alternative exists, a modification of these conservation measures can be requested. An adequate Blast and Protected Species Watch Plan must be submitted to and approved by the Imperiled Species Management Section of the FWC prior to these methodologies being used.

b. To reduce the possibility of injuring or killing a manatee during construction, in-water work shall not be performed between November 15 and March 31

c. At least one dedicated observer that has been approved by the Florida Fish and Wildlife Conservation Commission (FWC) shall be present when in water work is being performed and shall perform no other duties that may interfere with their ability to observe for protected marine species. FWC approval must be specifically for this project and approval must occur prior to work commencement as per FWC guidelines outlined at the following website: <http://www.myfwc.com/wildlifehabitats/managed/manatee/watch-program/>. Observer(s) must have prior on-the-job experience observing protected marine species (such as manatees and marine turtles) during previous dredging and marine construction work where the activities were similar in nature to this project. Movement of a work barge or other associated vessels shall be minimized to the greatest extent possible at night. A final report including names of observers, contact information, protected marine species sightings and actions taken shall be sent to the Florida Fish and Wildlife Conservation Commission at ImperiledSpecies@myfwc.com, no later than 30 days after the final project completion.

d. To reduce the risk of entrapment and drowning of manatees, grating shall be installed over any existing or proposed pipes or culverts greater than 8 inches, but smaller than 8 feet in diameter that are submerged or partially submerged and reasonably accessible to manatees. Bars or grates no more than 8 inches apart shall be placed on the accessible end(s) during all phases of the construction process and as a final design element to restrict manatee access.

e. No nighttime mechanical dredging, such as clamshell shall occur.

7. Force Majeure

If there is an act of God, terrorism, or war that prevents Licensee from providing the requisite warm water conditions, Licensee will notify FWC expeditiously and coordinate efforts to resume compliance with the certification conditions.

8. Access to Manatee Protection Zones

For all activities necessary to perform essential operations, including in-water maintenance and inspection of equipment, emergency operations, and environmental monitoring within a No Entry or Motorboats Prohibited Manatee Protection Zone as defined by

68C-22, F.A.C., the following requirements are applicable. These requirements supplant the need for Licensee to obtain a permit to access these zones pursuant to 68C-22.003, F.A.C.

a. Vessels used to access the zone should be of the smallest size and horsepower needed to accomplish the required tasks, and all vessels should be clearly marked as belonging to the Licensee or authorized contractor performing the work on behalf of the Licensee. Whenever practicable, vessels should be equipped with a propeller guard. Vessel operation within the zone must be at no greater than Idle Speed.

b. At least one person on each vessel must be designated as a manatee observer. Said observer must have experience in manatee observation and be equipped with polarized sunglasses to aid in observation. The observer must be on the vessel at all times, maintain a vigilant watch, and advise all personnel as to the presence and location of nearby manatees.

c. Except in emergency situations, no in-water activity may be performed within 50 feet of a manatee. Manatees may not be approached, pursued, fed, watered, touched, or otherwise interacted with in any manner that causes disruption of their normal behavior. If one or more manatees are observed within 50 feet, all in-water activities must be stopped and may only be resumed after all manatees have moved away of their own volition.

d. Except in emergency situations, no in-water work may be performed before sunrise or after sunset (when the ability to see manatees is minimal).

e. All personnel entering the zone must be informed of the possible presence of manatees, the characteristics used to identify the presence of manatees, and the conditions and requirements set forth herein. All personnel must be advised 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.

f. Any collision with and/or injury to a manatee must be reported immediately to the FWC Division of Law Enforcement (888-404-3922) and the FWC Imperiled Species Management Section (850-922-4330; fax: 850-922-4338).

g. The Licensee shall maintain records onsite detailing the nature and scope of all activities conducted within the restricted area during the previous year, including dates of activity and the number of vessels involved as well as the type and configuration of the vessels, by date. These records should be made available to FWC upon request.

9. Environmental Monitoring for the Horseshoe Crab Deterrent Wall

FPL shall consult with the FWC to develop a Horseshoe Crab Deterrent Structure (Structure) Maintenance and Monitoring Plan (Plan). The Plan will identify Structure maintenance activities to minimally include inspection, repairs, debris removal and biofouling organism removal on a scheduled basis, and reporting of such activities on a scheduled basis. The Plan will also identify Structure monitoring activities to minimally include data collection, data analysis and, reporting at a sufficient level and schedule necessary to evaluate efficacy of the structure. This Plan must be agreed upon by both FWC and FDEP within 60 days of receipt, and can be subsequently amended at any time provided such amendments are also agreed upon by both FWC and FDEP.

[Sections 379.1025, 379.2291., 379.2431(2)., 20.331 F.S., and Rule 68A-27 F.A.C.]

B. General Listed Species Survey

1. For new construction the Licensee shall coordinate with the Florida Fish and Wildlife Conservation Commission (FWC) to obtain and follow the current survey protocols for all listed species that may occur within the CCEC rights-of-way, construction staging areas, and accessible appropriate buffers within the rights-of-way as defined by the listed species survey protocols, prior to conducting detailed surveys. Guidance related to species-specific survey protocols can be found in the appropriate species conservation measures and permitting guidelines at <https://myfwc.com/wildlifehabitats/wildlife/species-guidelines/>, or in the Florida Wildlife Conservation Guide at <https://myfwc.com/conservation/value/fwcg/>.

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

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

C. Specific Listed Species Surveys

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

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

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

4. These surveys shall include an estimate of the acreage and percent cover of each existing vegetation community that is contained within the Licensed facility including construction staging areas, and accessible appropriate buffers prior to land clearing and construction activities using a geographic information system (GIS). Examples of such wildlife-

based habitat classification schemes include Florida's State Wildlife Action Plan¹ (FWC 2019) or the Natural Communities Guide² (Florida Natural Areas Inventory 2010).

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

1. Florida Fish and Wildlife Conservation Commission (FWC). 2019. Florida's Wildlife Legacy Initiative: Florida's State Wildlife Action Plan. Tallahassee, Florida.
2. Florida Natural Areas Inventory. 2010. Guide to the Natural Communities of Florida: 2010 edition. Florida Natural Areas Inventory, Tallahassee, Florida.

D. Listed Species Locations

1. Where any suitable habitat and evidence is found of the presence of listed species including but not limited to those specified in E, F, and G below, within the CCEC rights-of-way, construction staging areas, and accessible appropriate buffers, the Licensee shall report those locations to, and confer with, the FWC whether possible additional pre-clearing surveys are warranted, and to identify potential mitigation, or avoidance recommendations. If additional pre-clearing surveys are required by FWC as appropriate and as specified in these Conditions of Certification, they shall occur in the reproductive season prior to the anticipated date for the start of construction with the CCEC area to be impacted. The Licensee will not construct in areas where evidence of listed species was identified during the initial survey until the particular listed species issues have been resolved.

2. If listed wildlife species are found, their presence shall be reported to the DEP Siting Coordination Office, the FWC, and the USFWS.

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

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

E. Gopher Tortoise

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

2. The Licensee is not required to provide a monitoring compliance assessment for activities that occur more than 25 feet from a gopher tortoise burrow entrance, provided that such activities do not harm gopher tortoises or violate rules protecting gopher

tortoises. Examples of such violations noted in the past by the FWC include, but are not limited to, killing or injuring a tortoise more than 25 feet away from its burrow, harassing a tortoise by blocking access to its burrow, and altering gopher tortoise habitat to such an extent that resident tortoises are taken.

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

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

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

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

F. Scientific Collecting/Institutional Authorizations

FPL shall maintain and comply with a current Scientific Collection/Institutional permit, as applicable for salvaging of non-listed wildlife species at the CCEC, issued by the State of Florida Fish and Wildlife Conservation Commission. A copy of the required permit/authorization shall be made available at the CCEC site.

[Rules 68A-9.002, 68A-25.002, 68A-27.003-.005, F.A.C.]

V. DEPARTMENT OF STATE – DIVISION OF HISTORICAL RESOURCES **Moved from Section B. Condition V.**

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

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

[Sections 267.061 and 403.531, and Chapter 372, F.S.]

VI. ST. JOHNS RIVER WATER MANAGEMENT DISTRICT (SJRWMD) Moved with revisions from Section B. Condition VI.

A. With advance notice to the Licensee, District staff with proper identification shall have permission to enter, inspect, observe, collect samples, and take measurements of certified facilities to determine compliance with the conditions and plans and specifications. The licensee shall either accompany District staff onto the property or make provision for access onto the property.

[Section 5.1(a), Applicant's Handbook, Aug 2018]

B. Nothing in this certification shall be construed to limit the authority of the SJRWMD to declare a water shortage and issue orders pursuant to Chapter 373, F.S. In the event of a declared water shortage, the Licensee must adhere to reductions in water shortage restrictions as specified by the SJRWMD. The licensee is advised that during a water shortage, reports shall be submitted as required by District rule or order.

[Section 5.1(b), Applicant's Handbook, Aug 2018]

C. Prior to the construction, modification or abandonment of a well, the licensee must obtain approval from the St. Johns River Water Management District pursuant to Chapter 40C-3, F.A.C. All information that would normally be supplied for a water well permit must be submitted to the SJRWMD. Approval of construction, modification, or abandonment of a well will potentially require a modification, amendment, or post-certification compliance notification to the Certification when such construction, modification, or abandonment is other than that specified and described in the site certification application.

[Section 5.1(c), Applicant's Handbook, Aug 2018]

D. Leaking or inoperative well casings, valves, or controls must be repaired or replaced as required to eliminate the leak or make the system fully operational.

[Section 5.1(c), Applicant's Handbook, Aug 2018]

E. The Licensee's consumptive use of water as authorized by this certification shall not interfere with legal uses of water existing at the time of site certification application. If interference occurs, the District will request that FDEP revoke the certification, in whole or in part, to curtail or abate the interference, unless the interference associated with the licensee's consumptive use of water is mitigated by the licensee pursuant to a District-approved plan.

[Section 5.1(e), Applicant's Handbook, Aug 2018]

F. The Licensee's consumptive use of water as authorized by this certification shall not have significant adverse hydrological impacts to off-site land uses existing at the time of the certification application. If significant adverse hydrological impacts occur, the District will request that FDEP revoke the certification, in whole or in part, to curtail or abate the adverse impacts, unless the impacts associated with the licensee's consumptive use of water are mitigated by the licensee pursuant to a District-approved plan.

[Section 5.1(f), Applicant's Handbook, Aug 2018]

G. A SJRWMD-issued identification tag shall be prominently displayed at each withdrawal site by permanently affixing such tag to the pump, headgate, valve, or other withdrawal facility as provided by Section 40C-2.401, F.A.C. The Licensee shall notify the SJRWMD in the event that a replacement tag is needed.

[Section 5.1(f), Applicant's Handbook, Aug 2018]

H. The Licensee's consumptive use of water as authorized by this certification shall not adversely impact wetlands, lakes, rivers, or springs. If adverse impacts occur, the District will request that FDEP revoke the certification, in whole or in part, to curtail or abate the adverse impacts, unless the impacts associated with the licensee's consumptive use of water are mitigated by the licensee pursuant to a District-approved plan.

[Section 5.1(i), Applicant's Handbook, Aug 2018]

I. The Licensee's consumptive use of water as authorized by this certification shall not reduce a flow or level below any minimum flow or level established by the District or the DEP pursuant to Sections 373.042 and 373.0421, F.S. If the licensee's use of water causes or contributes to such a reduction, then the District will request that FDEP revoke the certification, in whole or in part, unless the licensee implements all provisions applicable to the licensee's use in a District-approved recovery or prevention strategy.

[Section 5.1(j), Applicant's Handbook, Aug 2018]

J. The Licensee's consumptive use of water as authorized by the certification shall not cause or contribute to significant saline water intrusion. If significant saline water intrusion occurs, District will request that FDEP revoke the certification, in whole or in part, to curtail or abate the saline water intrusion, unless the saline water intrusion associated with the licensee's consumptive use of water is mitigated by the licensee pursuant to a District-approved plan.

[Section 5.1(k), Applicant's Handbook, Aug 2018]

K. The Licensee's consumptive use of water as authorized by the certification shall not cause or contribute to flood damage. If the licensee's consumptive use causes or contributes to flood damage, the District will request that FDEP revoke the certification, in whole or in part, to curtail or abate the flood damage, unless the flood damage associated with the licensee's consumptive use of water is mitigated by the licensee pursuant to a District-approved plan.

[Section 5.1(l), Applicant's Handbook, Aug 2018]

L. All consumptive uses authorized by this certification shall be implemented as conditioned by this certification, including any documents incorporated by reference in a condition. District will request that FDEP revoke the certification in whole or in part, or take enforcement action, pursuant to Section 373.136 or 373.243, F.S., unless a modification or an amendment has been obtained to address the noncompliance. The licensee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.

[Section 5.1(m), Applicant's Handbook, Aug 2018]

M. All irrigation shall be in conformity with the requirements set forth in section 40C-2.042(2), F.A.C.

[Section 5.3, Applicant's Handbook, Aug 2018]

N. All submittals made to demonstrate compliance with the consumptive use conditions of this certification must have the certification number plainly labeled on the submittal. Submittals should be made to the SCO at SCO@floridadep.gov and to SJRWMD at <https://permitting.sjrwmd.com> whenever possible.

[Section 4.05.3, Applicant's Handbook, Aug 2018]

O. Maximum annual use of water from the Upper Floridan aquifer for pump cooling water must not exceed 46.3 million gallons (0.13 mgd annual average)

[Section 2.3 & 5.2, Applicant's Handbook, Aug 2018]

P. Total withdrawals from the groundwater well, as listed on the application, must be recorded continuously, totaled monthly, and reported to the District at least every six months for the duration of this using District Form No. EN-50. The reporting dates each year will be as follows:

Reporting Period	Report Due Date
January – June	July 31
July – December	January 31

[Section 4.2, Applicant's Handbook, Aug 2018]

Q. All withdrawal points must be equipped with totalizing flow meters or an alternative method for measuring flow must be implemented. The method must measure within +/- 10% of actual flow and be verifiable. If totalizing flow meters are used, they must measure within +/- 5% of actual flow, be verifiable, and be installed according to manufacturer specifications.

[Section 4.2, Applicant's Handbook, Aug 2018]

R. The Licensee must maintain all flow meters and alternative methods for measuring flow. In case of failure or breakdown of any meter, the District must be notified in writing within 5 days of its discovery. A defective meter must be repaired or replaced within 30 days of its discovery.

[Section 4.2, Applicant's Handbook, Aug 2018]

S. In order to ensure that the volume of water withdrawn and recorded by the Licensee is accurate, the meter accuracy or flow rate from each withdrawal point must be validated once every 10 years, specifically before 12/31/30, and recorded on either the Flow Meter Accuracy Report Form (EN-51) or Alternative Method Flow Verification Report Form. The validation documents must be submitted to the District within 10 days of the inspection/calibration.

[Section 4.2, Applicant's Handbook, Aug 2018]

T. The SJRWMD authorizes the use of groundwater for short-term construction dewatering activity subject to limiting conditions under Rule 40C-2.042(9). Prior to commencement of dewatering activities, the Licensee shall submit a detailed plan for any such activities to the SJRWMD for a determination of compliance, in effect at the time of submittal. The following information, referenced to NGVD where appropriate, shall be submitted:

1. A detailed site plan which shows the location(s) for each proposed dewatering area;
2. The method(s) used for each dewatering operation;
3. The maximum depth for each dewatering operation;

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

[Appendix I, Applicant's Handbook, Aug 2018]

U. The Licensee shall continue to implement the Water Conservation Plan submitted to the District in December 2008, in accordance with the schedule contained therein.

[Section 2.2.3.2, Applicant's Handbook, Aug 2018]

V. The Licensee shall use the lowest quality water source, such as reclaimed water, surface/storm water, or alternative water supply, to supply the needs of the project when deemed feasible pursuant to District rules and applicable state law.

[Section 2.3(e), Applicant's Handbook, Aug 2018]

W. The Licensee shall submit to the District, with a copy to DEP's SCO, a compliance report pursuant to subsection 373.236(4), F.S. The licensee shall submit the report by August 11, 2031, and every 10 years thereafter. The report shall contain sufficient information to demonstrate that the licensee's use of water will continue to meet the conditions set forth in the District rules that existed at the time the certification was issued. At a minimum, the compliance report must include a continuing need for the allocations from all sources in the certification and that the use of water will continue, for the duration of the authorization to use water, to meet the conditions for issuance set forth in Chapter 40C-2, F.A.C.

1. In determining whether the Licensee has established that its use of water complies with section 1.3.7.1, A.H. and Chapter 40C-2, F.A.C., SJRWMD shall evaluate, through the post-certification submittal review process, whether the Licensee's use of water interferes with a legal use of water that existed at the time the certification was issued by the Siting Board.

2. If the SJRWMD determines, based on its review of a compliance report, that the Licensee has failed to establish that the Licensee's use of water will continue to meet the relevant criteria as set forth above, SJRWMD may request that FDEP modify the authorization to use water in the certification to ensure that the consumptive use of water meets the conditions for issuance in Chapter 40C-2, F.A.C.

[Section 1.5.4, Applicant's Handbook, Aug 2018]

VII. EAST CENTRAL FLORIDA REGIONAL PLANNING COUNCIL Moved from Section B. Condition VII.

The project site is located in Category 3 and 5 Storm Surge Areas. The ECFRPC recommends that FPL work with Brevard County Emergency Management to ensure the safe evacuation of workers if needed during the project development, as well as a plan for the debris and construction equipment.

[Original Certification, 10/9/2009]

VIII. BREVARD COUNTY

A. At a minimum of 60-days prior to the start of any construction on any portion of the Cape Canaveral Florida Power Plant, including the lay down area, the Applicant shall submit to Brevard County for its review:

1. A detailed site plan inclusive of;
 - a. all development within the proposed development areas providing sufficient geometry and details for grading and construction of all improvements, roadways, underground and above ground utilities (station offset or coordinates for drainage and sanitary structures, all radius for median and islands, typical sections of roadways, retention, parking, building ties from property line, parking dimensions). A survey control sheet using state plane coordinates may supplement the plans, which provides coordinates at all property corners, building corners, sanitary sewer structures, drainage structures, centerline of parking driveway, etc.
 - b. the number of buildings and structures on the site which are to remain and new buildings being constructed such as an administrative building, storage buildings, storage tanks, and other accessory structures. Also indicate buildings or structures being removed (demolished) such as fuel storage tank or storage. Please refer to Section 62-3204(g)(1).
 - c. dimensions for all property lines on the site plan sheet 4 per Sec 62-3204(g)(4)a.
 - d. the required buffer wall on site construction plan sheet 4 as well as the landscape plans
 - e. the sidewalk together with required construction details per Sec 62-3204(g)(4)c and note the recording information of the sidewalk assessment agreement.
 - f. the paved parking areas, and the number of parking spaces provided clearly identified on the site construction plan.
 - g. fire flow calculations. Also, indicate proposed and existing fire hydrants within the required travel distance to the most remote accessible point of the structure.
 - h. FEMA flood zone delineations
2. A signed and sealed photometric lighting plan complete with a photometric display, luminaire schedule, manufacturer's cut-sheet and the following note: "Site lighting must conform to Brevard County Performance Standard 62-2257 and the Engineer of Record shall certify that it complies prior to Brevard County approval of the As Built drawings."

(Chapter 62, Article VIII. Site Plans, Sections 62-3200 through 62-3206, and Chapter 62; Division 6, Article VI, Subdivision 111, Performance Standards)

B. At a minimum of 30 days prior to any vertical construction, on the site or associated facilities, the Applicant shall submit to Brevard County for its review completed County building permit forms for any structures on the site for associated facilities that do not consist of facilities of electric utilities as defined in Florida Statutes Section 366.02, which do not directly involve the generation, transmission, or distribution of electricity or that are not otherwise exempt from the requirements of the Florida Building Code. For every structure that the Applicant intends to construct on the site for associated facilities that the Applicant contends is exempt from the Florida Building Code, the Applicant shall provide a list of the exempt structures or facilities, and the regulatory basis for the exemption.

(Chapter 62, Article VI, Division 1, Section 62-4033, Chapter 22, Article 11)

C. Final development approval shall be contingent upon the Applicant obtaining all development approvals and permits from all applicable state and federal agencies that are necessary for the particular development activity to be approved by the County.

1. Include the state wetland permit and mitigation details, any revisions to the state approved Manatee Protection Plan, state gopher tortoise permit (requested but not required), and federal scrub jay permit (requested but not required).

2. Regardless of state mitigation requirements, mitigation for any and all state-claimed jurisdictional wetlands shall be provided to meet the no net loss of functional wetlands requirement established by ordinance and the Brevard County Comprehensive Plan.

(Comprehensive Plan, Conservation Element Policy 5.2; Chapter 62, Article X, Division 4, Sections 62-3693(1) & 62-3696).

3. Please provide compliance documents that demonstrate that groundwater recharge volume is maintained in aquifer recharge soils.

(Comprehensive Plan, Conservation Element Policy 10.2.A)

4. While there is currently no development proposed within the surface water protection buffer, please be advised that any future site design modifications that include such development will require additional stormwater management consisting of the capture of the first 1-inch of runoff that drains to the buffer.

(Chapter 62, Article X, Division 3, Section 62-3668)

5. While there is currently no development proposed in the FEMA special flood hazard area, please be advised that any future site design modifications that include such development (including access to the structure) shall be elevated to or above the 100-year base flood elevation.

(Chapter 62, Article X, Division 5, Section 62-3724(d))

D. Upon completion of the construction of the project, the Applicant shall submit as-built drawings for all site improvements. The as-built drawings shall contain all items shown on the Brevard County Planning and Development as-built checklist.

(Chapter 62, Article VII, Division 2, Section 62-2842)

E. Concurrent with the submittal of the documentation required in paragraph B above, or concurrent with requests for inspections, the Applicant shall pay all of the county's fees for staff review of required documents, permits, inspections, and any other fees related to building permits for structures that are not exempt from the provisions of the Florida Building Code, as provided in Florida Statutes.

(Section 403.511(4) F.S.; Chapter 553, Part IV, F.S.; Section 102.2, Florida Building Code; Chapter 62, Article 11, Division I, Section 62-101, Chapter 22, Article 11, Fee Resolution 2007- 170, Fee Resolution 2008-025)

F. The Licensee shall adhere to all Brevard County Land Development Regulations in Chapter 62 of the Brevard County Code of Ordinances, including dust control, fill material stockpile height limits, noise control, dewatering operations monitoring, weekend working hours, and other related construction issues pertaining to code compliance.

(Chapter 62, Article VI, Division 6, Subdivision I, Section 62-2255)

HISTORY

Certified 10/09/2009
Modified (A) 12/28/11; signed by Siting Program Administrator Mulkey
Modified (B) 05/12/17; signed by Siting Program Administrator Mulkey
Modified (C) XX/XX/2024; signed by Deputy Director Mulkey

ATTACHMENT A: MAPS

Attachment A-1 SURVEY MAP OF SITE

Attachment A-2 Aerial of Certified Site

ATTACHMENT B: STORMWATER MANAGEMENT PLAN

ATTACHMENT C: MITIGATION PLAN

ATTACHMENT D: GROUNDWATER MONITORING PLAN

ATTACHMENT E: PUBLIC EASEMENT

ATTACHMENT F: SOVEREIGN SUBMERGED LEASE

ATTACHMENT G: MAP 1 - PLANT INTAKE CANAL

pursuant to Section B. Condition IV.A.1.a.(5)

ATTACHMENT H: MAP 2 – PLANT INTAKE CANAL

pursuant to Section B. Condition IV.A.1.a.(5)