

**STATE OF FLORIDA
DEPARTMENT
OF
ENVIRONMENTAL PROTECTION**



Conditions of Certification

**Gulf Power Company
Lansing Smith Combined Cycle Unit 3**

PA-99-40~~BC~~

Modified February 5, 2015XXXX XX, 2019

Table of Contents

SECTION A: GENERAL CONDITIONS	1
I. SCOPE	1
II. APPLICABLE DEPARTMENT RULES	3
III. REVISIONS TO DEPARTMENT STATUTES AND RULES	4
IV. DEFINITIONS	4
V. FEDERALLY DELEGATED OR APPROVED PERMIT PROGRAMS	8
VI. DESIGN AND PERFORMANCE CRITERIA	8
VII. NOTIFICATION	8
VIII. EMERGENCY CONDITION NOTIFICATION AND RESTORATION	9
IX. CONSTRUCTION PRACTICES	9
A. Local Building Codes	9
B. Open Burning	9
C. Vegetation	10
D. Existing Underground Utilities	10
E. Electric and Magnetic Fields	10
F. Existing Wells	10
G. Abandonment of Existing Septic Tanks	10
X. RIGHT OF ENTRY	10
XI. DISPUTE RESOLUTION	11
A. General	11
B. Modifications	11
C. Post-Certification Submittals	11
XII. SEVERABILITY	12
XIII. ENFORCEMENT	12
XIV. REVOCATION OR SUSPENSION	12
XV. REGULATORY COMPLIANCE	13
XVI. CIVIL AND CRIMINAL LIABILITY	13
XVII. USE OF STATE LANDS	13
XVIII. PROCEDURAL RIGHTS	14
XIX. AGENCY ADDRESSES FOR POST-CERTIFICATION SUBMITTALS AND NOTICES	14
XX. PROFESSIONAL CERTIFICATION	1

XXI.	PROCEDURES FOR POST-CERTIFICATION SUBMITTALS	1
A.	Purpose of Submittals	1
B.	Filings	1
C.	Completeness	2
D.	Interagency Meetings.....	2
E.	Determination of Compliance.....	2
F.	Commencement of Construction	3
G.	Revisions to Design Previously Reviewed for Compliance	3
H.	Variation to Submittal Requirements.....	3
XXII.	POST-CERTIFICATION SUBMITTAL REQUIREMENTS SUMMARY	3
XXIII.	POST-CERTIFICATION AMENDMENTS.....	4
XXIV.	MODIFICATION OF CERTIFICATION	4
XXV.	COASTAL ZONE CONSISTENCY	5
XXVI.	WATER QUALITY CERTIFICATION	5
XXVII.	TRANSFER OF CERTIFICATION.....	5
XXVIII.	LABORATORIES AND QUALITY ASSURANCE.....	6
XXIX.	ENVIRONMENTAL RESOURCES.....	6
A.	General.....	6
B.	Surface Water Management Systems	7
C.	Wetland and Other Surface Water Impacts	9
XXX.	THIRD PARTY IMPACTS	10
XXXI.	FACILITY OPERATION.....	10
XXXII.	RECORDS MAINTAINED AT THE FACILITY.....	10
XXXIII.	WATER DISCHARGES.....	11
XXXIV.	SOLID AND HAZARDOUS WASTE	13
A.	Solid Waste	13
B.	Hazardous Waste, Used Oil, Petroleum Contact Water, and Spent Mercury.....	13
C.	Hazardous Substance Release Notification	13
XXXV.	STORAGE TANK SYSTEMS.....	14
A.	Incident Notification Requirements	14
B.	Discharge Reporting Requirements	14

C.	Discharge Cleanup	15
D.	Out of Service and Closure Requirements	15
SECTION B: SPECIFIC CONDITIONS		16
I.	DEPARTMENT OF ENVIRONMENTAL PROTECTION	16
A.	Abandonment of a Wastewater Facility.....	16
B.	By-Product & Solid Waste Site Specific Standards	16
C.	Adverse Impact	16
D.	Environmental Control Program.....	16
E.	Wetland Mitigation – Reclaimed Water Project	22
F.	Domestic Wastewater	23
G.	Drinking Water Facilities.....	23
H.	Dust and Odors	25
I.	Transmission Lines	25
II.	DEPARTMENT OF TRANSPORTATION.....	26
A.	Access Management to the State Highway System.....	26
B.	Overweight or Overdimensional Loads	26
C.	Use of State of Florida Right of Way or Transportation Facilities.....	26
D.	Traffic Control	26
III.	DEPARTMENT OF ECONOMIC OPPORTUNITY	26
A.	Wind Loading	26
B.	Hurricane Preparation, Evacuation, and Recovery Plan	27
C.	Noise Condition	28
IV.	NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT	28
V.	DEPARTMENT OF STATE – DIVISION OF HISTORICAL RESOURCES	30
VI.	DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES	30
VII.	BAY COUNTY	30
	HISTORY	30
	OPERATION	3
SECTION A: GENERAL CONDITIONS		1
I.	SCOPE	1
H.	APPLICABLE DEPARTMENT RULES	2
III.	REVISIONS TO DEPARTMENT STATUTES AND RULES	4

IV.	DEFINITIONS	4
VI.	DEPARTMENT PERMITS UNDER FEDERAL PROGRAMS	6
	A. Air	
	-6	
	B. Water	
	-6	
VII.	DESIGN AND PERFORMANCE CRITERIA	7
VIII.	NOTIFICATION	7
X.	CONSTRUCTION PRACTICES	8
	A. Local Building Codes	8
	B. Open Burning	8
	C. Solid Wastes	8
	D. Underground Utilities	8
	E. Electric and Magnetic Fields	8
	F. Existing Wells	8
	G. Abandonment of Existing Septic Tanks	9
XI.	RIGHT OF ENTRY	9
XII.	DISPUTE RESOLUTION	9
	A. General	
	-9	
	B. Modifications	9
	C. Post-Certification Submittals	10
XIII.	SEVERABILITY	10
XIV.	ENFORCEMENT	10
XV.	REVOCATION OR SUSPENSION	10
XVI.	REGULATORY COMPLIANCE	11
XVIII.	CIVIL AND CRIMINAL LIABILITY	11
XIX.	USE OF STATE LANDS	11
XX.	PROCEDURAL RIGHTS	12
XXI.	AGENCY ADDRESSES FOR POST-CERTIFICATION SUBMITTALS AND NOTICES	12
XXII.	PROCEDURES FOR POST-CERTIFICATION SUBMITTALS	14
	A. Purpose of Submittals	14

B. Filings	14
C. Completeness	14
D. Interagency Meetings	14
E. Determination of Compliance	15
F. Commencement of Construction	15
G. Revisions to Design Previously Reviewed for Compliance	15
H. Variation to Submittal Requirements	15
XXIII. POST-CERTIFICATION SUBMITTAL REQUIREMENTS SUMMARY	15
XXIV. POST-CERTIFICATION AMENDMENTS	16
XXV. MODIFICATION OF CERTIFICATION	16
XXVI. COASTAL ZONE CONSISTENCY	17
XXVII. TRANSFER OF CERTIFICATION	17
XXVIII. LABORATORIES AND QUALITY ASSURANCE	18
XXIX. ENVIRONMENTAL RESOURCES	18
A. General	18
B. Surface Water Management	19
C. Wetland and Other Surface Water Impacts	21
XXXI. THIRD PARTY IMPACTS	21
XXXII. FACILITY OPERATION	21
XXXIII. RECORDS MAINTAINED AT THE FACILITY	22
XXXIV. WATER DISCHARGES	22
A. Discharges	22
B. Wastewater Incident Reporting	23
XXXV. SOLID AND HAZARDOUS WASTE	24
A. Solid Waste	24
B. Hazardous Waste	24
C. Hazardous Substance Release Notification	24
XXXVI. STORAGE TANK SYSTEMS	25
A. Incident Notification Requirements	25
B. Discharge Reporting Requirements	25

C.	Discharge Cleanup.....	26
D.	Out of Service and Closure Requirements.....	26
SECTION B: SPECIFIC CONDITIONS.....		27
I.	DEPARTMENT OF ENVIRONMENTAL PROTECTION.....	27
A.	Abandonment of a Wastewater Facility.....	27
B.	By-Product & Solid Waste Site Specific Standards	27
C.	Adverse Impact.....	27
D.	Environmental Control Program.....	27
E.	Wetlands Mitigation.....	27
F.	Domestic Wastewater	33
G.	Drinking Water Facilities.....	34
H.	Dust and Odors	36
I.	Transmission Lines	36
II.	DEPARTMENT OF TRANSPORTATION.....	36
A.	Access Management to the State Highway System:.....	36
B.	Overweight or Overdimensional Loads:.....	37
C.	Use of State of Florida Right of Way or Transportation Facilities:.....	37
D.	Traffic Control:	37
III.	DEPARTMENT OF ECONOMIC OPPORTUNITY	37
A.	Wind Loading	37
B.	Hurricane Preparation, Evacuation and Recovery Plan.....	37
C.	Noise Condition	39
IV.	NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT	39
V.	DEPARTMENT OF STATE – DIVISION OF HISTORICAL RESOURCES	40
VI.	DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES	41
VII.	BAY COUNTY.....	41
History		41

List of Attachments

~~Attachment A Maps~~

~~Map 1 Site Delineation~~

~~Map 2 Delineation of the Certified Area~~

~~Map 3 Delineation of Offsite Linear Facilities~~

~~Attachment B Mitigation Plan~~

ATTACHMENTS

Attachment A Map(s)

Attachment B Surface Water Management System Plan(s)

Attachment C Mitigation Plan(s)

List of Appendices

~~Appendix I Current NPDES Permit FL0002267~~

~~Appendix II Conservation Easement~~

SECTION A: GENERAL CONDITIONS

SECTION A: GENERAL CONDITIONS

I. SCOPE

A. Pursuant to the Florida Electrical Power Plant Siting Act (PPSA), ~~Sections §§403.501- 403.518, Florida Statutes (F.S.), and Chapter 62-17, Florida Administrative Code (F.A.C.),~~ this ~~certification~~ Certification is issued to Gulf Power Company (GPC, Gulf Power, or Gulf) as owner/operator and Licensee of Lansing Smith Combined Cycle Unit 3 (Lansing Smith, Smith Unit 3, or Unit 3). Subject to the requirements contained in these Conditions of Certification (Conditions) GPC will operate Unit 3 which consists of two gas-fired stationary combustion turbines, two heat recovery steam generators, one steam turbine, and Associated facilities operating as a combined cycle plant that produces a nominal 574610-megawatt (MW) when operating at full load, with a maximum generating capacity of 682 MW during power augmentation and/or opflex peak mode. facility consisting of two nominal 170 MW gas-fired stationary combustion turbine-electrical generators with duct-fired heat recovery steam generators (HRSGs) and associated facilities. This Unit 3 is located on a 50-acre parcel within the Lansing Smith Electric Generating Plant ~~site~~ Site, which is located in at 4300 Highway 2300 in Southport, Bay County, Florida. UTM-Universal Transverse Mercator coordinates are: Zone 16; 625.03 ~~kilometers~~ km East; 3349.08 ~~kilometers~~ km North; and the latitude/longitude coordinates are: 85°42'05 North/30°16'15" West. ~~The Department does not intend, solely by the incorporation of these General Conditions, to require the retrofitting of existing certified facilities.~~

B. The Certified Facility includes but is not limited to the following major ~~associated facilities~~ Associated Facilities:

~~2 nominal 170 MW gas-fired stationary combustion turbines with HRSGs~~
Two 2 121-foot 121-foot stacks;
Gas gas pipeline and heater;
10 Ten-cell mechanical draft salt water cooling tower;
Water treatment and storage facilities;
Filtration system; and
Injection well pump station.

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 ~~COG Conditions~~, the ~~COG Conditions~~ shall prevail unless amended or modified. In any conflict between any of these ~~COG Conditions~~, the more specific ~~condition~~ Condition governs.

D. ~~No later than~~ Within 60 days after ~~issuance of the Final Order 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).

SECTION A: GENERAL CONDITIONS

The Licensee shall notify the Department of any change to the ~~site~~-Site boundary depicted in the Site Delineation in Attachment A (~~Maps~~). The notification shall be accompanied by an updated land survey (or legal description) and aerial photograph delineating the new boundaries of the Site for review by the Department. Absent the above description/delineation of the Site, the Department will consider the perimeter ~~fence line of the property boundary~~, on which the electrical power plant's generating facility and on-site support facilities are located to be the boundaries of the Site.

E. If both ~~certified and uncertified~~non-Certified and Certified facilitiesFacilities 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, issuance of the Final Order~~ 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 within the site; and an aerial photograph delineating the boundaries of the certified areas within the Site, of the plant and on-site associated facilities~~, but excluding off-site linear and non-linear ~~Associated facilities~~Facilities, the Licensee shall provide to the Department in, .pdf format, ~~acceptable documentation identifying the non-Certified and Certified Facilities within the Site, such as an aerial photograph~~. ~~The boundaries of the~~ Certified ~~Areas~~Facilities identified within of the Site shall include both the certified "electrical power plant generating facilities" as ~~defined~~identified in ~~Section §~~403.503(28), F.S., and its on-site ~~certified~~ "associated facilities"Associated Facilities" (including on-site linear facilities) as defined by ~~Section §~~403.503(7), F.S. The ~~documents~~survey and the aerial photograph shall be known as ~~Delineation of the Certified Area~~Facilities Identificationof the Site and attached hereto as part of Attachment A (~~Maps~~).

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

G. Within 180 days after completion of construction of ~~any new off-site linear associated off-site linear facilities~~Associated 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(s)~~ Site 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~~).

Following any post-certification approvals that require a change to the boundaries of the ~~certified area(s)~~Certified Facility(ies) depicted in 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 A: GENERAL CONDITIONS

~~[Sections §§403.511 and 403.5113, F.S.; subsections Rules 62-4.160(8)(1), (2), and 62-17.205(2), F.A.C.]~~

II. APPLICABLE DEPARTMENT RULES

The construction, operation, and maintenance of the Certified Facility shall be in accordance with all applicable non-procedural provisions of Florida Statutes ~~(F.S.)~~ and Florida Administrative Code ~~(F.A.C.)~~, 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~~ a final order of certification ~~or in~~, a subsequent modification to the Conditions, a federal permit, or as otherwise provided under Chapter 403:

Florida Administrative Codes:

18-2 (Management of Uplands Vested in the Board of Trustees)
18-14 (Administrative Fines for Damaging State Lands or Products Thereof)
18-20 (Florida Aquatic Preserves)
18-21 (Sovereignty Submerged Lands Management)
62-4 (Permits)
62-17 (Electrical Power Plant Siting)
62-25 (Regulation of Stormwater Discharge)
62-40 (Water Resource Implementation Rule)
62-150 (Hazardous Substance Release Notification)
62-160 (Quality Assurance)
62-204 (Air Pollution Control-General Provisions)
62-210 (Stationary Sources-General Requirements)
62-212 (Stationary Sources-Preconstruction Review)
62-213 (Operation Permits for Major Sources of Air Pollution)
~~62-214 (Requirements for Sources Subject to the Federal Acid Rain Program)~~
62-256 (Open Burning)
62-296 (Stationary Sources-Emission Standards)
62-297 (Stationary Sources-Emission Monitoring)
62-302 (Surface Water Quality Standards)
62-303 (Identification of Impaired Surface Waters)
62-304 (Total Maximum Daily Loads)
~~62-312 (Dredge and Fill Activities)~~
62-330 (Environmental Resource Permitting)
62-340 (Delineation of the Landward Extent of Wetlands and Surface Waters)
~~62-341 (Noticed General Environmental Resource Permits)~~
62-342 (Mitigation Banks)
62-345 (Uniform Mitigation Assessment Method)
~~62-346 (Environmental Resource Permitting in Northwest Florida~~
62-520 (Groundwater-Ground Water Classes ~~and~~ 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)

SECTION A: GENERAL CONDITIONS

62-560 (Requirements for Public Water Systems That Are Out of Compliance)

62-600 (Domestic Wastewater Facilities)

~~62-601 (Domestic Wastewater Treatment Plant Monitoring)~~

62-604 (Collection Systems and Transmission Facilities)

62-610 (Reuse of Reclaimed Water and Land Application)

62-620 (Wastewater Facilities~~iesy~~ 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)

62-710 (Used Oil Management)

62-730 (Hazardous Waste)

62-737 (The 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)

62-769 (Florida Petroleum Liability and Restoration Insurance Program)

62-777 (Contaminant Cleanup Target Levels)

62-780 (Contaminated Site Clean-Up Criteria)

62-814 (Electric and Magnetic Fields)

~~64E-6 (Standards for Onsite Sewage Treatment and Disposal Systems)~~

III. REVISIONS TO DEPARTMENT STATUTES AND RULES

A. The Licensee shall comply with rules adopted by the Department subsequent to the issuance of the ~~certification~~ Certification under the PPSA which prescribe new or stricter criteria, to the extent that the rules are applicable to electrical power plants. Except when express variances, exceptions, exemptions, or other reliefs have been granted, subsequently adopted Department rules which prescribe new or stricter criteria shall operate as automatic modifications to ~~this Certification~~ 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~~ Conditions in ~~the certification~~ this Certification which are not ~~site~~ Site-specific.

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

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~~ 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:

SECTION A: GENERAL CONDITIONS

A. “Application” ~~or “SCA” (Site Certification Application)~~ as defined in ~~Section §403.503(65), F.S., both “Application” and “SCA” are used interchangeably herein.~~ For purposes of this ~~License-License-, “Applicationapplication”~~ 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” ~~is as~~ defined by ~~Section §403.503(7), F.S.~~

~~C. “Certified Area” means the area within the site in which the certified facilities are located. For off-Site non-linear associated facilities, this shall mean the areas within which the certified off-Site associated facilities are located. For associated linear facilities this term shall mean the area encompassed by the boundaries of the certified corridors, until such time as all property interests required for ROWs have been acquired, after which time the term will include only the area within the final ROWs in accordance with Section 403.503(11), F.S..~~

~~CD. “Certified Facility” or “Certified Facilities” means the certified electrical power generation facilities and all certified 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. linear and non-linear facilities including but not limited to: steam generating units, transformers, substations, fuel and water storage tanks, air and water pollution control equipment, storm water control ponds and facilities, cooling towers, and related structures. This term shall also mean certified linear and associated facilities, including but not limited to: transmission lines, natural gas pipelines, and compressor stations.~~

~~E. “Complete,” as that term is used in relation to post-certification filings, shall mean the post-certification filing provides the data required by the relevant Conditions.~~

~~DF. “DEO” means the Florida Department of Economic Opportunity.~~

~~EG. “DEP” or “Department” means the Florida Department of Environmental Protection and are used interchangeably herein.~~

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

~~GI. “DOT” means the Florida Department of Transportation.~~

~~HJ. “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.~~

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

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

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

~~L. “NWD” shall mean the Department’s Northwest District Office.~~

~~N. “NPDES permit” means a federal National Pollutant Discharge Elimination System permit issued by DEP in accordance with the federal Clean Water Act.~~

~~MO. “NFWMD” means the Northwest Florida Water Management District.~~

SECTION A: GENERAL CONDITIONS

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

~~Q.~~ “PSD permit” means a federal Prevention of Significant Deterioration air emissions permit issued by DEP in accordance with the federal Clean Air Act.

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

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

~~QS.~~ “Site” as defined in section §403.508(28), F.S. ~~means any proposed location within which will be located an electrical power plant's generating facility and onsite support facilities, or an alteration or addition of electrical generating facilities and onsite support facilities resulting in an increase in generating capacity, including offshore sites within state jurisdiction.~~

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

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

~~V.~~ “Title V permit” means a federal permit issued by DEP in accordance with Title V provisions of the federal Clean Air Act.

~~W.~~ “WFRPC” shall mean the West Florida Regional Planning Council.

~~TX.~~ “Wetlands” shall mean those areas meeting the definition set forth in Section §373.019(25), F.S., as delineated pursuant to Chapter 62-340, F.A.C.

VI. DEPARTMENT PERMITS UNDER FEDERAL PROGRAMS

~~The following permits have been issued pursuant to federal programs and they are applicable to the Certified Facility. The Department may consider a violation of any of these federal permits as a violation of this license.~~

~~A. Air~~

~~All Air Construction Permits and Title V Air Operation Permits in force for the certified parts of facility ID 0050014 are incorporated by reference herein as part of these Conditions. The Air Construction Permits and Title V Air Operation Permits can be found at this web link using the facility ID number listed above:
<http://appprod.dep.state.fl.us/air/emission/apds/default.asp>.~~

~~[Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-214, 62-296, and 62-297, F.A.C.]~~

~~B. Water~~

~~1. NPDES Industrial Wastewater Discharge~~

SECTION A: GENERAL CONDITIONS

~~Licensee shall comply with all applicable provisions of NPDES permit No. FL0002267 (attached as Appendix I) as well as any subsequent modifications, amendments and/or renewals.~~

~~{Chapter 62-621, F.A.C.}~~

~~2.—NPDES Generic Permit for Stormwater Discharge from Large and Small Construction Activities (CGP)~~

~~Any storm water discharges associated with construction activities on the site shall be in accordance with all applicable provisions of Chapter 62-621, F.A.C. Prior to commencing construction activities on the site that:~~

- ~~• contribute to stormwater discharges to surface waters of the State or into a municipal separate storm sewer system (MS4); and~~
- ~~• disturb one or more acres of land (less than one acre if the activity is part of a larger common plan of development);~~

~~a Generic Permit for Stormwater Discharge from Large and Small Construction Activities (CGP) must be obtained as applicable.~~

~~{Section 403.0885, F.S.; Rule 62-621.300, F.A.C.}~~

~~3.—NPDES Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity~~

~~Any storm water discharges associated with industrial activity shall be in accordance with all applicable provisions of Chapter 62-621, F.A.C. For industrial activities at the site that result in a discharge of stormwater to surface waters of the State or into a municipal separate storm sewer system (MS4), and fall under any one of the 11 categories of industrial activities identified in 40 CFR 122.26(b)(14), a Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity (MSGP) shall be obtained as applicable.~~

~~{Section 403.0885, F.S.; Rule 62-621.300, F.A.C.}~~

~~4.—NPDES Generic Permit for Discharge of Produced Ground Water from any Non-Contaminated Site Activity and from Petroleum Contaminated Sites.~~

~~Prior to discharge of produced ground water from any non-contaminated Certified Area activity which discharges by a point source to surface waters of the State, as defined in Chapter 62-620, F.A.C., the Licensee must first obtain coverage under the Generic Permit for Discharge of Produced Ground Water From any Non-Contaminated Site Activity. Similarly, if the activity involves a point source discharge of ground water from a petroleum contaminated site, the Licensee must obtain coverage under the Generic Permit for discharge from petroleum contaminated sites. Before discharge of ground water can occur from such sites, analytical tests on samples of the proposed untreated discharge water shall be performed as required by Rule 62-621.300, F.A.C to determine if the activity can be covered by either permit.~~

~~If the activity cannot be covered by either generic permit, the Licensee shall apply for an individual wastewater permit at least ninety (90) days prior to the date discharge to surface waters of the State is expected. No discharge to surface water is permissible without an effective permit.~~

SECTION A: GENERAL CONDITIONS

~~[Section 403.0885, F.S.; Rule 62-621.300, F.A.C.]~~

V. FEDERALLY DELEGATED OR APPROVED PERMIT 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 proposed electrical power plant, except for the issuance of Department licenses required under any federally delegated or approved permit program. This Certification is not a waiver of any other Department approval 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.

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

VII. DESIGN AND PERFORMANCE CRITERIA

This Certification, including these Conditions of Certification, is predicated upon preliminary designs, concepts, and performance criteria described in the Application SCA or testimony or exhibits in support of this Certification certification. Final engineering design will be consistent and in substantial compliance with the preliminary information described in the Application SCA and 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) and 403.516, F.S.; Rules 62-4.160(2) and 62-17.211, F.A.C.]

VIII. NOTIFICATION

A. If, for any reason, the Licensee does not comply with, or will be unable to comply with any ~~condition~~ Condition or limitation specified in this ~~certification~~ License, the Licensee shall ~~immediately~~ provide the ~~Department NWD~~ 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.

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

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

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

SECTION A: GENERAL CONDITIONS

C. Within 60 days after Certification of a linear Associated Facility, the Licensee shall file a notice of the certified route with the Department 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 a ROW within the corridor.

[§403.5112, F.S.]

VIII. EMERGENCY CONDITION NOTIFICATION AND RESTORATION

If the Licensee is temporarily unable to comply with any of the Conditions of this Certification due to breakdown of equipment or destruction by hazard of fire, wind, or following an emergency as defined by §252.34(4), (7), (8), or (10), F.S., the Licensee shall notify the NWD and the SCO. 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 Licensee's intent toward reconstruction of destroyed facility(ies). 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

A. Local Building Codes

~~This certification shall not affect in any way the right of any local government to charge appropriate fees or require that construction be in compliance with applicable building construction codes.~~ Subject to the ~~conditions~~ Conditions set forth therein, ~~this any certification~~ Certification ~~shall constitute~~ the sole license of the ~~State~~ state and any agency as to the approval of the location of the ~~site~~ Site and any ~~associated~~ Associated ~~facility~~ Facility and the construction and operation of ~~the proposed electrical power plant~~ 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 (e.g., 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.

SECTION A: GENERAL CONDITIONS

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

~~C.~~—Solid Wastes

~~Solid wastes resulting from construction shall be disposed of in accordance with the applicable non-procedural requirements of Chapter 62-701, F.A.C.~~

~~[Chapter 62-701, F.A.C.]~~

C. Vegetation

For areas located in any DOT ROW, Chapter 3.18 of the 2017 Florida DOT Utility Accommodation Manual (<https://www.fdot.gov/programmanagement/utilities/default.shtm>) shall provide 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 ~~Siting Office~~SCO with copies of valid tickets obtained from Sunshine State One Call of Florida upon request.

[Chapter 556, F.S.]

E. Electric and Magnetic Fields

Any transmission lines and/or electrical substations that are ~~associated facilities~~ Associated Facilities 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 in the path of construction of ~~Certified Facilities~~non-linear facilities that will no longer be used shall be abandoned by a licensed well contractor. All abandoned wells shall be filled and sealed in accordance with ~~subsection Rule~~ 62-532.500(5), F.A.C., ~~or~~ with the rules of the authorizing agency, or consistent with these Conditions.

[~~Rules~~ 62-532.440 and ~~subsection~~ 62-532.500(54), F.A.C.]

G. Abandonment of Existing Septic Tanks

Any existing septic tanks to be impacted in the path of by the construction of ~~non-linear~~ facilities and that will no longer be used shall be abandoned in accordance with Rule 64E-6.011, F.A.C., unless these Conditions provide otherwise.

[Chapter 64E-6, F.A.C.]

XI. RIGHT OF ENTRY

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

SECTION A: GENERAL CONDITIONS

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~~Certification; or

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

B. When requested by ~~DEP~~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 ~~FDEP~~the Department and the Licensee, furnish any information required by law, which is needed to determine compliance with ~~the certification~~this Certification. ~~If the Licensee becomes aware that relevant facts were not submitted or were incorrect in the Application or in any report to DEP or other agencies, such facts or information shall be promptly corrected and submitted.~~

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

XII. DISPUTE RESOLUTION

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, ~~the~~ Licensee may request a second informal meeting in which both ~~the~~ 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~~Department shall issue a ~~Final Order~~final order approving the portion of the modification to which no objections were filed, unless that portion of the requested modification is substantially related to or necessary to implement the portion to which written objections are filed.

C. Post-Certification Submittals

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

SECTION A: GENERAL CONDITIONS

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

XIII. SEVERABILITY

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

XIIIIV. ENFORCEMENT

A. The terms, conditions, requirements, limitations, and restrictions set forth in these Conditions ~~of Certification~~ are binding and enforceable pursuant to ~~Sections §§~~ 403.141, 403.161, 403.514, 403.727, and 403.859 through 403.861, F.S., as applicable. Any noncompliance by the Licensee with ~~these~~ Conditions of Certification 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~~ Certification periodically and may initiate enforcement action for any violation of these Conditions. ~~Desertion of the Certified Facility may be considered grounds for enforcement action.~~

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.; ~~subsections~~ Chapters 62-4.160(1) and ~~62-4.160~~(9), F.A.C.]

XIV. REVOCATION OR SUSPENSION

~~The certification~~ This Certification shall be final unless revised, revoked, or suspended pursuant to law. This ~~certification~~ Certification may be suspended or revoked pursuant to ~~Section §~~ 403.512, F.S., ~~or for violations of any of these Conditions.~~ This ~~certification~~ Certification is valid only for the specific processes and operations identified in the SCA and approved in ~~the a~~ final order of certification, ~~or~~ as indicated in the testimony and exhibits in support of certification, or approved in a subsequent amendment or modification of ~~the~~ certification this 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.; ~~subsection~~ Chapter 62-4.160(2), F.A.C.]

SECTION A: GENERAL CONDITIONS

XVI. REGULATORY COMPLIANCE

As provided in ~~Sections §§~~403.087(7) and 403.722(5), F.S., except as specifically provided in a final order of certification, a subsequent modification or amendment, or these Conditions, the issuance of this ~~certification-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 ~~Certification-License~~ is not a waiver of or approval of any other Department ~~license/permit-License~~ that may be required for other aspects of the Certified Facility which are not addressed in this License. This ~~Certification-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 this Certified Facility, or from penalties therefore.

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

XVII. CIVIL AND CRIMINAL LIABILITY

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

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

XVIII. USE OF STATE LANDS

A. Except as specifically provided in ~~the-a~~ final order of certification, ~~or these Conditionseconditions, or in a subsequent modification of these Conditions~~, the issuance of this ~~certification-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 ~~herein provided and~~ the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.

B. If any portion of the Certified Facility is located on sovereign submerged lands, state-owned uplands, or within an aquatic preserve, then the ~~Certified Facility~~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 except~~ as specifically provided in ~~the-a~~ final order of certification, ~~or these Conditionseconditions, or in a subsequent modification of these Conditions~~. ~~If~~ if any portion of the Certified Facility is located on sovereign submerged lands, the Licensee must submit ~~section-Section G-F of Form 62-330.060(1), F.A.C., the Joint (Application for Individual and Conceptual Approval Environmental Resource Permits and Authorization to Use State-Owned Submerged Lands)~~ to the Department prior to construction. If any portion of the Certified Facility is located on state-owned uplands, the Licensee must submit an Upland Easement Application to the Department prior to construction.

C. If a portion of the Certified Facility is located on sovereign submerged lands or state-owned uplands owned by the Board of Trustees of the Internal Improvement Trust Fund,

SECTION A: GENERAL CONDITIONS

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. ~~Except as specifically 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., except as specifically provided in a final order of certification, these Conditions, or in a subsequent modification to these Conditions.

D. The Licensee is hereby advised that Florida law states: “~~A~~No person may not~~shall~~ commence any excavation, construction, or other activity involving the use of sovereign or other ~~state~~ lands of the state, the title to which is vested in the ~~b~~Board of ~~t~~Trustees of the Internal Improvement Trust Fund under this chapter, or the Department of Environmental Protection under (Chapter 253, F.S.), until such person has received ~~from the Board of Trustees of the Internal Improvement Trust Fund~~ 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 ~~2~~commence on sovereign submerged lands or ~~state~~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, ~~to the satisfaction of the Department.~~

[Chapters 253 and 258, ~~F.S. and Sections 403.511, F.S.; Chapter 3.1.1. of the B.O.R.~~; Chapters 18-2, 18-14, 18-21, and 62-340, F.A.C.; and ~~Rules~~subsections 62-346.900(1)62-330.060(1) and 62-4.160(4), F.A.C.; ~~Upland Easement Application and Section G of the Environmental Resource Permit Application Form.~~]

~~XVIII~~X. PROCEDURAL RIGHTS

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

~~[Chapter 120, and Sections §403.511(5)(c), F.S.]~~

~~XIX~~XI. AGENCY ADDRESSES FOR POST-CERTIFICATION SUBMITTALS AND NOTICES

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

SECTION A: GENERAL CONDITIONS

Florida Department of Environmental Protection
Siting Coordination Office, ~~M.S. 485500~~
~~3900 Commonwealth Blvd.~~
2600 Blair Stone Road
Tallahassee, ~~FL~~Florida -32399-3900
SCO@dep.state.fl.us

Florida Department of Environmental Protection
Northwest District Office
160 ~~West~~ Governmental Center, Suite 308
Pensacola, Florida 32502-5794

Florida Department of Economic Opportunity
~~Office of the Secretary~~
Bureau of Community Planning and Growth
~~2555 Shumard Oak Blvd.~~
107 East Madison Street
Tallahassee, ~~FL~~Florida -32399-2100

Florida Fish & Wildlife Conservation Commission
Conservation Planning Services
~~Office of Policy and Stakeholder Coordination~~
620 South Meridian Street, M.S. 5B5
Tallahassee, ~~FL~~Florida -32399-1600
FWCConservationPlanningServices@myfwc.com

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

Florida Department of Agriculture and Consumer Services
Office of General Counsel
~~Division of Forestry~~
407 South Calhoun Street
~~3125 Conner Boulevard~~
Tallahassee, Florida 32399-~~1650~~0800

~~West Florida Regional Planning Council~~
~~Office of the Executive Director~~
~~3435 North 12th Avenue~~
~~Pensacola, Florida 32503~~

SECTION A: GENERAL CONDITIONS

Northwest Florida Water Management District
Office of General Counsel
81 Water Management Drive
Havana, ~~FL~~ Florida 32333-4712

Florida Department of State
Division of Historical Resources
500 ~~South~~ Bronough Street
Tallahassee, ~~FL~~ Florida 32399-0250

Bay County
County Attorney
840 West 11th Street
Panama City, ~~FL~~ Florida 32401

[~~Section §~~403.511, F.S.]

XX. PROFESSIONAL CERTIFICATION

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.]

XXII. PROCEDURES FOR POST-CERTIFICATION SUBMITTALS

A. Purpose of Submittals

Conditions ~~of Certification~~ which provide for the post-certification submittal of information to DEP or other agencies by the Licensee are for the purpose of facilitating the agencies' monitoring of the effects arising from the location of the Certified Facility and the construction, operation, 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 ~~of Certification~~, without further agency action. Any submittal of information or determination of compliance pursuant to a post-certification submittal 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 ~~DEP Siting Coordination Office, the~~ DEP Northwest NWD Office, 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

SECTION A: GENERAL CONDITIONS

to SCO@dep.state.fl.us. Each ~~post-certification~~ 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.

~~[§403.5113, F.S.; Rule 62-17.191(1)(a) and (3), F.A.C.]~~

C. Completeness

DEP shall promptly 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~~(ies)~~ 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.

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

D. Interagency Meetings

DEP may conduct an interagency meeting with other agencies that received a post-certification submittal. The purpose of such an interagency meeting shall be for the agency~~(ies)~~ with regulatory jurisdiction over the matters addressed in the post-certification submittal to discuss whether compliance with the Conditions ~~of Certification~~ has been provided. Failure of DEP to conduct an interagency meeting or failure of any agency to attend an interagency meeting shall not be grounds for DEP to withhold a determination of compliance with these Conditions nor to delay the timeframes for review established by these Conditions. At DEP's request, ~~Licensee shall conduct~~ a field inspection shall be conducted with the Licensee ~~with~~and the agency representative~~(s)~~ in conjunction with the interagency meeting.

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 whether there is demonstration of compliance with these ~~conditions of certification~~ Conditions. If it is determined that compliance with these ~~conditions~~ Conditions has not been provided, 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.

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

SECTION A: GENERAL CONDITIONS

F. Commencement of Construction

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

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

G. Revisions to Design Previously Reviewed for Compliance

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

H. Variation to Submittal Requirements

DEP, in consultation with the appropriate agencies that have regulatory authority over a matter to be addressed in a post-certification submittal, and Licensee may jointly agree to vary any of the post-certification submittal requirements, provided the information submitted is sufficient to provide reasonable assurances of compliance with these Conditions of Certification and is consistent with agency regulations.

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

XXIII. POST-CERTIFICATION SUBMITTAL REQUIREMENTS SUMMARY

Within 90 days after certification, and within 90 days after any subsequent modification or certification, the Licensee shall provide the ~~Department-SCO~~ a complete summary of those post-certification submittals that are identified in the Conditions ~~of Certification where when~~ due-dates for the information required of the Licensee ~~have been~~ are 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 ~~DEP Siting Coordination Office-SCO and any affected agency or agency subunit to which the submittal is required to be provided,~~ in a sortable spreadsheet, ~~electronically via CD and hard copy,~~ in the format shown identified 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. ~~This requirement is not applicable for the original Smith Unit 3 certification, or any future modification, that does not require any post-certification submittals.~~

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

SECTION A: GENERAL CONDITIONS

[~~§403.5113, F.S.; Rules~~subsection 62-17.191(3), F.A.C.]

XXII~~V~~IV. POST-CERTIFICATION AMENDMENTS

If, subsequent to certification, ~~at~~the Licensee proposes any material change to the ~~application-SCA~~ and revisions or amendments thereto, as certified, the Licensee shall submit a written request for ~~an~~ amendment and a description of the proposed change to the ~~application-SCA~~ 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-SCA~~ requires a modification to the ~~Conditions-of-Certification~~.

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

B. If the Department concludes that the change would require a modification to the ~~conditions-Conditionsof-certification~~, the Department shall provide written notification to the Licensee that the proposed change to the ~~application-SCA~~ requires a ~~request-petition~~ for modification pursuant to ~~Sections-§~~403.516, F.S.

[~~Section-§~~403.5113, F.S.]

XXI~~V~~IV. 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-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. The Department may modify any ~~condition-Condition~~ of this ~~Certification~~certification after notice and opportunity for hearing except those pertaining to fuel change pursuant to Final Order of Certification signed by the Siting Board in July ~~28~~, 2000.

SECTION A: GENERAL CONDITIONS

E. 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.

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

~~G.—The Licensee may file a petition for modification with the Department, or the Department may initiate the modification upon its own initiative.~~

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

XXVI. COASTAL ZONE CONSISTENCY

Pursuant to ~~Sections §§~~373.428 and 403.511, F.S., ~~certification~~ this Certification of the Certified Facility constitutes the ~~state's~~ 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

Pursuant to the Operating Agreement between the Department, Water Management Districts, and U.S. Army Corps of Engineers, a written final order granting certification pursuant to the PPSA constitutes granting of water quality 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

A. This ~~certification~~ Certification is transferable in whole or in part, upon Department approval, to an entity determined to be able to comply with these Conditions. A transfer of certification of all or part of the Certified Facility may be initiated by the Licensee's filing of a "Notice of Intent to Transfer Certification" with the Department's SCO. The ~~notice of intent~~ Notice of Intent shall: identify the intended new certification holder or Licensee; ~~identity~~ identify current Licensee 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, and applicable laws and regulations. Upon receiving a complete ~~notice of intent~~ 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 an~~ administrative hearing pursuant to ~~Section~~

SECTION A: GENERAL CONDITIONS

§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~~ 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

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.

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

XXIX. ENVIRONMENTAL RESOURCES

A. General

1. Submittals for Construction Activities

a. Prior to the commencement of construction of new facilities and/or ~~associated facilities~~ Associated Facilities, the Licensee shall provide to ~~the appropriate~~ DEP's NWD Office ~~District's Environmental Resource Permitting Section(s)~~ for review, all information necessary for a complete ~~Joint Application for Individual and Conceptual Environmental Resource Permit (ERP) and Authorization to Use State-Owned Submerged Lands~~, DEP Forms ~~62-330.060(1), F.A.C. 62-346.900(1) or 62-312.900(1), and 17-1.215(2) for activities in Northwest Florida. A copy of the submittal shall also be provided to the SCO.~~

This form may: a) be submitted concurrently with a SCA; b) be submitted as part of an amendment request or a petition for modification; or c) be submitted as a post-certification submittal following approval of a project through certification, modification, or amendment. Such Environmental Resource Permit (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 ~~62-312, 62-330, 62-341, and 62-346~~, F.A.C., as applicable, unless otherwise stated in these Conditions. While the information is provided for review via submittal of the ERP form, pursuant to §403.511, F.S., issuance of a separate ERP is not required for Certified Facilities.

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

SECTION A: GENERAL CONDITIONS

accordance with Section A. General Conditions, Condition XXII. Procedures for Post-Certification Submittals. Post-certification submittal information may be submitted by discrete portions of the Certified Facilities for a determination of compliance with these Conditions of Certification.

No construction shall commence on a ~~project~~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 XXII. Procedures for Post-Certification Submittals.

b. Concurrent with submittal of the DEP form required in ~~Subparagraph-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~~Site or a portion thereof may be used and reproduced for this delineation submittal and verification.

~~{Chapter 62-340, F.A.C.}~~

~~[Section-§373.416, F.S.; subsections-Chapters 62-31262-330 and 62-34062-346.070(2), and 62-346.900(1), 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~~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-subparagraph~~ A.1.a., above, including plans or other supporting documentation, shall not be considered binding on the Department unless a specific ~~condition~~Condition of this Certification or a formal wetlands jurisdictional determination under ~~Section-§373.421(2), F.S.~~, provides otherwise.

~~[Sections-§§373.421 and 403.504, F.S.]~~

B. Surface Water Management Systems

1. The existing Unit 3 surface water management systems constructed as part of the original Site construction (East and West Ponds) shall be operated and maintained in accordance with Chapter 62-25, F.A.C., as well as the design requirements presented in the SCASite Certification Application. The existing northwest access drive (IW-4 access drive) and Underground Injection Control (UIC) site SWMS(s) surface-water management systems will be operated and maintained in accordance with Chapter 62-330, F.A.C., as well as the design requirements included with the associated application submittals. New or modified SWMS(s) will be reviewedevaluated for consistency with applicable non-procedural requirements under Part IV of Chapter 373, F.S., following submittal of Form 62-346.900(1) or 17-1.215(2)62-330.060(1), F.A.C., to the ~~appropriate office of the~~ Department's NWD Office.

2. All construction, operation, and maintenance of the SWMS(s) for the ~~certified facilities~~Certified Facilities shall be as set forth in the plans, specifications, and

SECTION A: GENERAL CONDITIONS

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, Effective date: June 2007; Updated July 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~~ SCA 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~~ Certification, the Licensee shall submit to the Department a written notification of commencement using an "Environmental Resource Permit Construction Commencement Notice" (DEP Form ~~62-346.900(3)62-330.350(1)~~, F.A.C., ~~as applicable~~), indicating the actual start date and the expected completion date. ~~When the duration of construction will exceed one year, the Licensee shall submit construction status reports to the Department on an annual basis utilizing an "Annual Status Report Form" (DEP Form No. 62-346.900(3), F.A.C.). Status Report Forms shall be submitted the following June of each year.~~

SECTION A: GENERAL CONDITIONS

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~~ Department's NWD Office District's ERP Section, 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 Operational Phase by a Registered Professional" (DEP Form 62-330.310(1)62-346.900(4), F.A.C., ~~as applicable~~). 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. A copy of the same documents must be provided to the SCO.

8. Any substantial deviation from the approved drawings, exhibits, specifications, or Conditions, may constitute grounds for revocation or enforcement action by the Department. ~~Examples of substantial deviations may include excavation of ponds, ditches or sump areas deeper than shown on the approved plans.~~

9. ~~Prior to converting a construction phase SWMS to an operation phase SWMS, the Licensee shall submit to the Department a "Request for Transfer of Environmental Resource Permit Construction Phase to Operation Phase" (DEP Form 62-346.900(8), F.A.C.).~~ 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~~ 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~~ Department's NWD Office District ERP Section must be notified in advance of any proposed construction dewatering. If the dewatering activity is likely to result in off-site discharge or sediment transport into wetlands or surface waters, a written dewatering plan must be submitted to and approved by the Department prior to the dewatering event. ~~Additional authorizations may be required for certain dewatering activities.~~

~~[Section §373.414, F.S.; Chapters 62-25, 62-302, and 62-330, F.A.C. 62-343, 62-346, and; Rule 62-4.242, F.A.C.]~~

C. Wetland and Other Surface Water Impacts

1. All ~~certified facilities~~ 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, ~~future~~ modification, or ~~future~~ certification, and cannot be practicably eliminated or reduced, the Licensee may propose, and the Department or Siting Board shall consider mitigation to offset otherwise unpermissible activities under the ~~Environmental Resource Permit~~ ERP review process pursuant to subparagraph A.1., above.

2. Proposed mitigation plans submitted with the DEP ERP Application forms required in ~~Condition~~ 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

SECTION A: GENERAL CONDITIONS

applicable construction conditions, success criteria and monitoring plans, and shall be incorporated into these Conditions as Attachment C (Mitigation Plans).

[Sections ~~§§~~ 373.413, 373.414, 373.4145, 403.511 and 403.814(6), F.S.; Chapters 62-330, 62-340, ~~62-341~~ 62-342, and 62-343, 62-345, ~~and 62-346~~, F.A.C.]

XXXI. THIRD PARTY IMPACTS

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

[Sections ~~§~~ 403.506(1), F.S.]

XXXII. FACILITY OPERATION

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 a~~ 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 a~~ final order of certification, these Conditions, or a post-certification amendment or modification. Further, the Licensee shall take all reasonable steps to minimize any adverse impact resulting from noncompliance with any limitation specified in this ~~certification~~ Certification, including such accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying event.

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

XXXIII. RECORDS MAINTAINED AT THE FACILITY

- A. These Conditions ~~of Certification~~ 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 Application-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.

SECTION A: GENERAL CONDITIONS

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

XXXIIIIV. WATER DISCHARGES

A.—Discharges

A1. The Licensee shall not discharge to surface or ground waters of the State, wastes ~~which are acutely toxic, or present in concentrations which are carcinogenic, mutagenic, or teratogenic to human beings or to significant locally occurring wildlife or aquatic species.~~ ~~The Licensee shall not discharge to ground waters wastes~~ in concentrations which, alone or in combination with other substances, or components of discharges (whether thermal or non-thermal) are carcinogenic, mutagenic, teratogenic, or toxic to human beings (unless specific criteria are established for such components in Rule 62-520.420400, 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, 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.

2B. 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, ~~and 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 Rules 62-4.242(1)(a) and (1)(b), and 62-302.300, F.A.C., subsections 62-4.242(2) and (3), 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 subsections Rules 62-4.242(2) and (3), F.A.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.;

C3. All dewatering discharges must be in compliance with Rule 62-621.3002, F.A.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.

~~[Chapters 62-4, 62-302, 62-520, and 62-550, 62-620, and 62-621, F.A.C., and Rule 62-621.302, F.A.C.]~~

B.—Wastewater Incident Reporting

~~1.—The Licensee shall report to the FDEP Northwest District any noncompliance with industrial wastewater requirements which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the Licensee becomes aware of the circumstances.~~

~~The Licensee shall provide the following information, to the extent known, to the applicable DEP District Office in the 24-hr oral report:~~

~~a.—Any unanticipated bypass which causes any reclaimed water or effluent to exceed any permit limitation or results in an unpermitted discharge,~~

~~b.—Any upset which causes any reclaimed water or the effluent to exceed any limitation in the permit;~~

SECTION A: GENERAL CONDITIONS

~~c. — Violation of a maximum daily discharge limitation for any of the pollutants specifically listed in the permit for such notice, and~~

~~d. — Any unauthorized discharge to surface or ground waters.~~

~~A written submission shall also be provided within five days of the time the Licensee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance including exact dates and time, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.~~

~~2. — For unauthorized releases or spills of treated or untreated wastewater reported that are in excess of 1,000 gallons per incident, or where information indicates that public health or the environment will be endangered, oral reports shall be provided to the Department by calling the STATE WARNING POINT TOLL FREE NUMBER (800) 320-0519, as soon as practical, but no later than 24 hours from the time the Licensee becomes aware of the discharge. The Licensee, to the extent known, shall provide the following information to the State Warning Point:~~

~~a. — Name, address, and telephone number of person reporting;~~

~~b. — Name, address, and telephone number of permittee or responsible person for the discharge;~~

~~c. — Date and time of the discharge and status of discharge (ongoing or ceased);~~

~~d. — Characteristics of the wastewater spilled or released (untreated or treated, industrial or domestic wastewater);~~

~~e. — Estimated amount of the discharge;~~

~~f. — Location or address of the discharge;~~

~~g. — Source and cause of the discharge;~~

~~h. — Whether the discharge was contained on-site, and cleanup actions taken to date;~~

~~i. — Description of area affected by the discharge, including name of water body affected, if any; and~~

~~j. — Other persons or agencies contacted.~~

~~3. — If the oral report has been received within 24 hours, the noncompliance has been corrected, and the noncompliance did not endanger health or the environment, the Department shall waive the written report.~~

~~[Chapter 376, F.S.; subsection 62-620.610(20), F.A.C.]~~

SECTION A: GENERAL CONDITIONS

XXXIV. SOLID AND HAZARDOUS WASTE

A. Solid Waste

The Licensee shall comply with all applicable non-procedural provisions of Chapters 62-701, F.A.C., for any solid waste generated within the Certified Facility(ies) during construction, ~~and/or~~ operation, maintenance, and closure of the Certified Facility.

[Chapters 62-701 ~~and 62-702~~, F.A.C.]

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

The Licensee shall comply with all applicable non-procedural provisions of ~~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 ~~except for Conditionally Exempt~~ Very Small Quantity Generators (CESQGSQGs). ~~who are exempt from this regulation under Title 40 Code of Federal Regulations (CFR), §261.5. CESQGs generate no more than 100 kg (220 lbs) of hazardous waste in any month.~~

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

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

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

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

C. Hazardous Substance Release Notification

1. Any owner or operator of ~~the Certified Facility~~ facility who has knowledge of any release of a hazardous substance from ~~at the Certified Facility~~ 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~~ STATE WATCH OFFICE, (850) 488-1320(800) 320-0519, as soon as possible, but not later than ~~within one~~ 1 working day of discovery of the release.

2. 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.

3. 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, ~~300~~, F.A.C.]

D. Used Oil, Petroleum Contact Water and Spent Mercury

SECTION A: GENERAL CONDITIONS

~~The Licensee shall comply with all applicable provisions of Chapter 62-710, F.A.C., for any used oil including oil filters, Chapter 62-740, F.A.C., for any petroleum contact water, and Chapter 62-737, F.A.C., for any spent mercury containing lamps and devices generated within Certified Facility during construction and operation.~~

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

DE. Contaminated Site Cleanup

The Licensee shall comply with all applicable non-procedural provisions of ~~DEP~~ 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~~ Site rehabilitation pursuant to those chapters. This responsibility for ~~site~~ 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

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

A. Incident Notification Requirements-

~~Notification of any condition or situation indicating that a release or discharge may have occurred from a DEP registered storage tank system or system component shall be made to the County on Incident Notification Form 62-761.900(6) or 62-762.901(6), F.A.C., within 24 hours of 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 62-780, F.A.C. the discovery of the loss of a regulated substance from a regulated storage tank system exceeding 100 gallons on impervious surfaces, other than secondary containment, such as driveways, airport runways, or other similar asphalt or concrete surfaces, provided that the loss does not come in contact with pervious surfaces; or of the discovery of any other incident listed in subsections 62-761.450(2) or 62-762.451(2), F.A.C., shall be made to the County on Incident Notification Form 62-761.900(6) within 24 hours 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), F.A.C., Discharge Report Form within 24 hours of the discovery or before the close of the County's next business day, except as provided in Rule 62-761.440(5), F.A.C. Upon discovery of an unreported discharge of a regulated substance, the owner or operator shall report to the County on Discharge Report Form 62-761.900(1) within 24 hours or before the close of the County's next business~~

SECTION A: GENERAL CONDITIONS

~~day those items listed in paragraph 62-761.450(3)(a), F.A.C., including a spill or overfill event of a regulated substance to soil or another pervious surface, equal to or exceeding 25 gallons, unless the regulated substance has a more stringent reporting requirement specified in C.F.R. Title 40, Part 302.~~

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~~Owners and operators are~~ 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 ~~C~~chapter.

D. Out of Service and Closure Requirements

~~F~~DEP regulated 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 ~~62-770~~62-780, F.A.C.]

SECTION B: SPECIFIC CONDITIONS

SECTION B: SPECIFIC CONDITIONS

I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

A. *Abandonment of a Wastewater Facility*

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

[Chapter 62-620, F.A.C.]

B. *By-Product & Solid Waste Site Specific Standards*

~~1.—Any future by-product storage areas shall be designed, constructed, operated, maintained, closed, and monitored in accordance with acceptable waste disposal practices providing environmental protection equivalent to those described in F.A.C. Chapter 62-701, or Chapter 62-673, F.A.C., as appropriate, and these conditions-Conditions of Certification. The prohibitions of F.A.C. Chapter 62-701, F.A.C., shall not be violated.~~

~~2.—All engineering plans, reports, and related information shall be provided by the engineer of record with professional certification and shall be approved by the NWSSWD of the DEP prior to construction. A construction certification report signed and sealed by a professional engineer, and record drawings showing all modifications to construction plans, shall be submitted to the NWSSWD of the DEP prior to operation of each by-product or solid waste storage and disposal area.~~

[Chapter ~~62-673~~ 62-673 and 62-701, F.A.C.]

C. *Adverse Impact*

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

D. *Environmental Control Program*

An environmental control program shall be established under the supervision of a Florida registered professional engineer (P.E.), or other qualified person to assure that all construction activities conform to applicable environmental regulations and the applicable ~~conditions-Conditions~~ of ~~Certification~~certification. If a violation of standards, harmful effects, or irreversible environmental damage not anticipated by the application or the evidence presented at the certification hearing is detected during construction, the Licensee shall notify the ~~Northwest District~~NWD Office as required by Section A. Condition VII., Notifications.

~~E.—Wetlands Mitigation~~

~~1.—Expansion Area Wetlands Protection. Prior to the commencement of construction of any facilities located adjacent to the wetlands identified for preservation Gulf shall stake and rope off the protected wetland areas to prevent encroachment during construction. Staking shall remain in place until all adjacent construction activities are completed. Verification by DEP staff shall be required prior to commencement and upon completion of any construction activities.~~

SECTION B: SPECIFIC CONDITIONS

~~2.—The Licensee shall provide mitigation / compensation (M/C) for any of the 15.2 acres of wetland or open water habitat within the jurisdiction of the DEP which is degraded or destroyed as a result of the construction of any portion of the power plant facilities. M/C may include the creation of new wetland or open water habitat, the restoration of degraded habitat, the enhancement of functions and values provided by existing wetland or open water habitats, removal of exotics, or other activities found by the relevant agencies and appropriate local government to be in compliance with their applicable regulations. Any elimination or degradation of any such wetland or open water habitat shall be in accordance with an approved mitigation plan to be attached to and incorporated into this document as Attachment B. The Mitigation Plan and any subsequent amendments to the plan shall be submitted for approval to the DEP's Northwest District Office. Gulf Power shall submit the final Mitigation Plan within 90 days of certification. Submission of such plans shall be for the purpose of determining compliance with the Conditions of Certification. The mitigation plan or subsequent amendments shall, at a minimum, include the following:~~

~~a.—Specific acreage figures and locations of all wetlands which would be impacted by the construction activities and other aspects of the project.~~

~~b.—Modifications to the project which would reduce or eliminate the adverse environmental impacts of the project, including an explanation of why such alternatives were not undertaken or are not feasible.~~

~~c.—Documentation that none of the proposed construction activities will adversely affect offsite wetlands.~~

~~d.—The specific acreages and locations of waters of the state to be created, enhanced, preserved, or protected as a result of the mitigation activity. The mitigation plan shall include the type and nature of these waters, species present or to be planted, plant density, anticipated source of plants, soils, proposed hydrologic regime, proposed elevations of the site, methods of construction or enhancement of the mitigation site, and a set of plan and cross sectional view drawings of the proposed mitigation site and activities.~~

~~e.—A timetable of accomplishing the proposed mitigation activities.~~

~~f.—A proposed conservation easement for the mitigation wetlands, if applicable.~~

~~g.—A detailed maintenance and monitoring program designed to ensure the success of the mitigation plan proposed by the Licensee. Maintenance of the mitigation site shall include replanting of wetland vegetation; removal of exotic, invasive, or nuisance vegetation; additional construction to achieve the necessary hydrology; or any other activity necessary to secure success of the mitigation plan. Monitoring of the mitigation site shall be for the purpose of making a measured assessment of the mitigation plan's progress toward achieving a functioning wetland with a stable hydrologic regime; development or improvement of hydric soils; and natural, beneficial changes in vegetation composition, health, diversity, growth rates, and canopy characteristics. For any restored or enhanced wetland, the measure of success shall be survival of at least 80% of the appropriate wetland vegetation or coverage of at least 80% of the mitigation area by such vegetation. Monitoring of the mitigation site shall be conducted for not less than 5 years, with reports submitted annually to the DEP Northwest District Office. All monitoring stations shall be identified on a plan view of the mitigation site. This monitoring~~

SECTION B: SPECIFIC CONDITIONS

~~may be continued past the 5-year deadline on a year-to-year basis, depending on the extent to which the program has successfully achieved its objectives. However, DEP may at any time determine that such monitoring may be discontinued upon success of the program being demonstrated by the Licensee.~~

~~3.—Prior to clearing activities within any of the on-site wetlands, an ecological survey shall be conducted to identify the presence of threatened or endangered species (plants and animals) as defined in the Application, likely to occur on the site based on range and habitat. This survey shall also identify the location of any wading bird colonies. Results of this survey shall be submitted to DEP and the Florida Fish and Wildlife Conservation Commission (FFWCC) and the United States Fish and Wildlife Service (USFWS). If it is determined that any of those species will be affected by the construction of any of the linear facilities, the Licensee shall consult with DEP and FFWCC to determine the appropriate steps to be taken to avoid, minimize, mitigate or otherwise appropriately deal with, any adverse impacts to resources within each agency's respective jurisdiction.~~

~~4.—M/C plans must be found to fully compensate for the functions and values provided by wetlands that will be degraded or eliminated. DEP will work with the Licensee in the development of acceptable mitigation plans. The mitigation plans proposed by the Licensee shall be submitted for review and compliance monitoring to DEP and such review shall be subject to the time constraints set forth in Section B. Condition I.D. 19. or 23 below, as appropriate.~~

~~5.—DEP shall promptly review the submittal for completeness and sufficiency and process the information in accordance with Section A. Condition XXII.~~

~~6.—If DEP does not object within the time period specified, Licensee may begin construction pursuant to the terms of the conditions of certification and the subsequently submitted construction details and DEP shall provide to the Corps of Engineers a letter indicating that the full requirements of this condition have been met and the water quality certification for the purposes of 33 USC Section 1341 is thereby conveyed.~~

~~7.—Licensee, at its option, may submit information for different wetlands modification activities at different time intervals. Each submittal shall be processed by DEP separately.~~

~~8.—At least 48 hours prior to commencement of work in wetlands approved by this certification authorization, Gulf Power Company shall notify the Department of Environmental Protection, Submerged Lands & Environmental Resources Program, Compliance and Enforcement Section, Suite 202, Northwest District Office, 160 Governmental Center, Pensacola, Florida 32501-5794, in writing. The Department telephone number for reporting problems, malfunctions or exceedances under this authorization is (850) 595-8300 during normal working hours.~~

~~9.—If the approved authorization drawings conflict with the specific conditions, then the specific conditions shall prevail.~~

~~10.—Grass seed or mulch or sod shall be installed and maintained on all exposed slopes and disturbed soil areas within 48 hours of completing final grade, and at any other time as necessary to prevent erosion, sedimentation or turbid discharges into waters of the state and/or adjacent wetlands. A vegetative cover that stabilizes and prevents erosion of the fill material~~

SECTION B: SPECIFIC CONDITIONS

~~shall be established within 60 days of sodding or seeding. Upon establishment of a substantial vegetative cover, all turbidity barriers/erosion control devices shall be removed.~~

~~11.— Best management practices for erosion control shall be implemented and maintained all times during construction to prevent siltation and turbid discharges in excess of state water quality standards pursuant to Rule 62-302, F.A.C. Methods shall include, but are not limited to use of staked hay bales, staked filter cloth, sodding, seeding, and mulching; staged construction; and the installation of turbidity screens around the immediate project site.~~

~~12.— The Licensee shall be responsible for ensuring that erosion control devices/procedures are inspected and maintained daily during all phases of construction authorized by this certification until all areas that were disturbed during construction are sufficiently stabilized to prevent erosion, siltation, and turbid discharges.~~

~~13.— The following measures shall be taken immediately by the Licensee whenever turbidity levels within waters of the state surrounding the project site exceed 29 NTUs above background:~~

- ~~a.— Immediately cease all work contributing to the water quality violation.~~
- ~~b.— Stabilize all exposed soils contributing to the violation. Modify the work procedures that were responsible for the violation and install more turbidity containment devices and repair any non-functioning turbidity containment devices.~~
- ~~c.— Notify the District Office within 24 hours of the time the violation is first detected.~~

~~14.— There shall be no stockpiling or storage of tools, materials (i.e., lumber, pilings, debris) within wetlands areas not authorized by this authorization. All cleared vegetation, excess lumber, scrap wood, trash, garbage and any other type of debris shall be removed from wetlands/waters of the state within 7 days of completion of the work authorized for impacts.~~

~~15.— Prior to construction, the limits of the proposed fill areas shall be clearly flagged and staked by the agent and/or contractor. All construction personnel shall be shown the location(s) of all wetland areas outside of the construction area to prevent encroachment from heavy equipment into these areas.~~

~~16.— Mitigation shall commence within the first growing season (spring/summer) after initiation of project construction in wetlands.~~

~~17.— Trees planted as part of the mitigation shall be staggered, rather than planted in a straight row, to result in a more natural spatial distribution. The specific location for planting should be determined in the field by a qualified mitigation planting professional, based on an assessment of the variation in topography and hydrology.~~

~~18.— Planted mitigation shall be successful when all of the following criteria have been continuously met for a period of at least one growing season, without intervention in the form of irrigation, dewatering, removal of undesirable vegetation, or replanting of desirable vegetation.~~

- ~~a.— All of the mitigation area is determined by the Department to be jurisdictional pursuant to Section 373.421, F.S.;~~

SECTION B: SPECIFIC CONDITIONS

~~b.—The desirable vegetation species cover exceeds 80% of the mitigation area, and the plants are reproducing naturally;~~

~~c.—Nuisance species shall not exceed 5% of the total cover;~~

~~d.—Planted trees have achieved a minimum 80% long term survival rate, as compared to the initial number planted, by the end of the first two years after planting;~~

~~e.—The hydrology of the site is sufficient to maintain the site as proposed in the mitigation plan.~~

~~19.—The mitigation shall be determined to be successful when the requirements of Specific Condition #10 have been met. The procedures for requesting a success determination and guidelines for the Department's response are provided herein.~~

~~a.—The Licensee may notify the Department whenever the Licensee believes the mitigation is successful, but in no event earlier than two years after the mitigation is implemented. This notice shall be sent by certified mail addressed to the District Office.~~

~~b.—The notice shall include a copy of the most recent Progress Report and a narrative describing how the reported data support the contention that each of the mitigation criteria have been met. The Licensee shall afford Department personnel the opportunity to schedule and conduct enough on-site inspections of the mitigation site to determine whether the criteria are met.~~

~~c.—Within one hundred twenty (120) days of receipt of this notice, the Department shall notify the Licensee by certified mail that the Department determined one of the following:~~

~~(1)—That the mitigation has been successfully completed; or~~

~~(2)—That the mitigation is not successful, identifying specifically those elements of the mitigation that do not meet the success criteria; or~~

~~(3)—That the mitigation cannot be determined to be successful at this time, identifying specifically those elements of the mitigation that prevent it from determining whether the mitigation is successful.~~

~~d.—When the Department notifies the Licensee that the mitigation is successful, or if the Department fails to notify the Licensee within the time period prescribed by this condition, then the Licensee's mitigation obligation under the terms of the authorization shall be deemed satisfied for that particular authorization area.~~

~~20.—In the event that the Licensee becomes aware that the mitigation is not meeting the success criteria and probably will not meet them (based on site observation or review of monitoring reports), then the Licensee, no later than six months before the end of the fifth year of monitoring shall:~~

~~a.—Submit an alternative mitigation plan to the Department for review and approval;~~

~~(1)—Contents of the alternative mitigation plan—The plan shall analyze why a particular mitigation site is not clearly trending towards success and propose actions~~

SECTION B: SPECIFIC CONDITIONS

~~which will ensure success. The Licensee is on notice that the failure to meet a single criterion will prevent the mitigation site from meeting the success criteria of this authorization.~~

~~(2) — Implementation schedule — As part of the alternative mitigation plan, the Licensee shall propose a schedule for implementation and completion of all of the provisions of the alternative mitigation plan. Upon approval, the Licensee shall implement the contingency plan pursuant to the approved schedule.~~

~~b. — Submit a long term obligation agreement; and~~

~~c. — Submit a \$500 mitigation fee, pursuant to FAC Rule 62-312.320(3).~~

~~d. — The Licensee shall implement the approved plan within 60 days of Department approval of the alternative mitigation plan, unless otherwise specified in the approved plan. The approved plan shall be made a part of this certification.~~

~~21. — As part of an ongoing mitigation management plan, the Licensee shall do the following:~~

~~a. — Remove nuisance species from the mitigation site at least quarterly for the first year and semi-annually thereafter.~~

~~b. — Replant wetland vegetation if the percent coverage does not meet success criteria or if plants are not biologically viable.~~

~~22. — Narrative progress reports shall be submitted every 6 months to the Bureau of Submerged Lands, Compliance and Enforcement Section, 160 Governmental Center, Pensacola, Florida 32501, indicating the status of the project. The cover page shall indicate the authorization number, project name, and the Licensee name. The first report shall be submitted six months from the date of authorization issuance, and reports shall continue to be submitted until all work authorized by the authorization, including mitigation, has been completed. The report shall include the following information:~~

~~a. — Date authorized activity was begun; if work has not begun on-site, please so indicate.~~

~~b. — Brief description of extent of work (i.e., dredging, filling, monitoring, mitigation, management, maintenance) completed since the previous report or since the authorization was issued. Show on copies of the authorization drawings those areas where work has been completed.~~

~~c. — A map of the mitigation site depicting the proposed sampling stations, fixed photographic stations and the locations of the plants planted.~~

~~d. — The progress of authorized mitigation, including photographs taken from permanent stations, a description of problems encountered and solutions undertaken, and anticipated work for the next six months.~~

~~e. — The report shall include on the first page, just below the title, the certification of the following statement by the individual who supervised preparation of the report: "This report represents a true and accurate description of the activities conducted during the sixmonth period covered by this report."~~

SECTION B: SPECIFIC CONDITIONS

~~f. — Wildlife observations, especially for fauna that depend on the target community type.~~

~~23. — Prior to the start of construction, the mitigation area shall be preserved through a perpetual conservation easement to the Department. No later than 120 days prior to start of construction a proposed conservation easement shall be submitted to the Department for approval. The approved conservation easement shall be attached to these conditions and included herein as Appendix C. The language in the conservation easement shall not be changed. Within 30 days of issuance of the final order of certification, the conservation easement shall be signed by the appropriate party, notarized and returned to the District Office, along with a legal description and sketch of the preservation area, which have been certified by a registered land surveyor. The Department will then review the document to ensure it complies with the authorization requirements. Within 30 days of receiving DEP approval of the conservation easement and legal description and sketch, the Licensee shall have the easement, legal description and sketch recorded with Bay County and a clerk of court certified copy of the recorded document shall be submitted to the District Office.~~

~~24. — The conservation easement submitted to the Department for review and approval prior to recording shall include the following information:~~

~~a. — Title Information~~

- ~~(1) — Proof of ownership as a deed or updated title certificate.~~
- ~~(2) — Affidavit of lien status.~~
- ~~(3) — If liens on the property exist, subordination/release/joinder agreement.~~

~~b. — Boundary Information~~

- ~~(1) — Legal description of the proposed conservation easement.~~
 - ~~(2) — A survey sketch of the proposed conservation easement.~~
- ~~(NOTE: Both documents need to be certified by a registered land surveyor and should reference each other if on separate pages).~~

~~25. — The boundaries of the conservation easement with existing access shall be posted on 150 foot intervals with signs identifying it as a conservation area for the Department of Environmental Protection, and referencing the Department's authorization number.~~

E. Wetland Mitigation – Reclaimed Water Project

Prior to any construction or impacts authorized under Modification C. (Reclaimed Water Project), the Licensee shall comply with the Reclaimed Water Project Mitigation Plan included in Attachment C (Mitigation Plans).

These Conditions of Certification do not authorize the construction of any additional structures, dredging, or filling of wetlands not illustrated on the submitted drawings for Modification C.

~~[Section §373.421, F.S.; and Chapters 62-302 and 62-312, F.A.C.]~~

SECTION B: SPECIFIC CONDITIONS

F. Domestic Wastewater

Gulf is authorized to dispose of domestic wastewater from Unit 3 in the existing Lansing Smith sewage treatment system. Any future request for expansion in on-site treatment capacity may require approval to construct and operate any such new facility and would be subject to the non-procedural provisions of Chapter 403, F.S., Chapter ~~s~~ 62-4, and 62-600, F.A.C.

~~[Chapter 403, F.S.; Chapters 62-4, and 62-600, F.A.C.]~~

G. Drinking Water Facilities

1. Use of Existing Facilities

The approval to operate and expand the distribution system for the existing potable water distribution system is subject to the non-procedural provisions of Chapter 403, F.S., and pertinent ~~C~~ chapters within Chapters 62-555 and 62-699, F.A.C. Gulf is approved to continue to operate the existing, permitted potable water system as shown on any previously-submitted and approved drawings, plans, and other documents attached thereto or on file with the DEP or Department of Health and made a part thereof. Gulf will submit a copy of any revisions to current plans to the DEP NW ~~D~~ District Office.

Pursuant to Rule 62-555.540, F.A.C., any proposed extension of the potable water system to serve the expanded plant facilities may be undertaken following the filing with the DEP a completed copy of DEP Form 62-555.910(1), F.A.C. Such form shall be submitted no later than 90 days prior to beginning work on the extension of the distribution system to serve the new connections.

2. Prior Approval for New Facilities

a. No portion of a new potable water supply system or any portion of a water system that will be or is intended to be converted to potable water use at a later date may be constructed without prior written approval from the Department. Construction of any portion of a new potable water supply system without the prior written approval of the Department will be considered a violation of the ~~conditions of certification~~ Conditions of Certification.

b. In order to obtain approval to construct a new on-site water supply system where the potable water is to be supplied by an off-site water supply system, the following information must be submitted to the Department no earlier than ~~eighteen (18)~~ months prior to nor later than ~~six (6)~~ months prior to the date that the water supply system is proposed for construction:

(1) A completed and fully executed application form which complies with the nonprocedural requirements of the rules and regulations of the Department in effect as of the date that the request for approval to construct the system is made to the Department; however, the Department will not accept "An Intent to Use a General Permit" for such a project. ~~Reference: F.A.C. Rules 62-4.050, 62-555.500, .520, and .530.~~

(2) Complete specifications for the material and workmanship covering the entire new potable water supply system for which the request for approval to construct is being made. The specification must be signed and sealed by an engineer registered in the ~~state~~ State of Florida and must provide documentation that the material and workmanship will comply with all applicable nonprocedural rules of the Department in effect as of the date

SECTION B: SPECIFIC CONDITIONS

that the request for approval to construct is made to the Department. ~~Reference: F.A.C. Rules 62-4.050, Rules 62-2.555.520, 62-555.530, and 21H-23.~~

(3) Complete engineering drawings of the entire proposed potable water supply system for which approval to construct is being made. The drawings must demonstrate full compliance with all applicable nonprocedural rules and regulations of the Department in effect as of date that the request for approval to construct is made to the Department. The drawing must be signed and sealed by an engineer registered in the State of Florida. ~~Reference: F.A.C. Rules 62-4.050, 62-555.520, 62-555.530, and 21H-23.~~

(4) Signed and sealed comprehensive engineering report on the new potable water supply system which fully describes that project and basis of design. The report must include design data and such pertinent data to give an accurate understanding of the work to be undertaken and must provide supporting documentation that the new potable water system as proposed will comply with all applicable nonprocedural rules and regulations of the Department in effect as of the date that the request for approval to construct the water supply system is made to the Department. ~~Reference: F.A.C. Rules 62-4.050, 62-555.520, 62-555.530, and 21H-23.~~

(5) Documentation that the public water supply system supplying the water has the capacity in its water treatment system to serve the project and that the existing water transmission line from that system's water treatment plant to the point of connection with water supply system Gulf is proposing to construct has been designed and sized to provide sufficient water to meet the demand of Gulf project. ~~Reference: F.A.C. Rules 62-4.050, 62-555.350, 62-555.520, and 62-555.530.~~

c. Should Gulf request approval to construct a potable water treatment system which produces a waste stream (e.g., softening, electrodialysis, reverse osmosis, etc.) other than as described in the original SCA, Gulf must submit as part of its request for approval to construct that water supply system documentation that the disposal of that waste stream has been approved by the appropriate agency or section of the Department.

~~[Rules 21H-23, 62-4.050, 62-555.350, 62-555.500, 62-555.520, and 62-555.530, F.A.C.]~~

3. Construction

a. Gulf must retain the services of a project engineer registered in the state of Florida to observe that the construction of any changes in the water supply system is in accordance with the plans and specifications approved by the Department. The project engineer will be responsible for certifying to the Department that he/she observed the construction and that the construction conformed to the plans and specifications approved by the Department.

b. The approval to construct a new or modify the existing potable water supply system will be in effect for ~~two (2)~~ years from the date of issuance. All construction of the potable water supply system must be completed within this ~~two (2)~~ year period unless a written request for an extension of this date is made to the Department at least ~~sixty (60)~~ days prior to the expiration of the construction approval, and written approval for an extension of the expiration date is issued by the Department. The expiration date of the construction approval may be extended on a year-by-year basis. The maximum length of time that the approval or each subsequent approval for the construction of the potable water system

SECTION B: SPECIFIC CONDITIONS

may be in effect is ~~five (5)~~ years from the date of the original approval or for subsequent approvals from the date of issuance of each approval. Should the construction of the water supply system not be completed within that ~~five (5)~~ year period, should Gulf have failed to request a timely extension of the approval expiration date, or should any water quality analysis submitted with the request for an extension of the expiration date demonstrate the presence of a contaminant for which the water treatment plant was not originally designed to handle, or as additional wells are installed on-site and proposed for connection to the potable water system, Gulf will have to make a new request to the Department for approval to construct the potable water system. That request must meet the submittal and approval requirements of the rules of the Department in effect as of the date that the request for approval is submitted and will be subject to the same review schedule as the original request.

c. No future, modified portion of the potable water supply system may be placed into service without the prior written approval of the Department except as authorized herein for extension of the potable water distribution system. Placing any portion of a modified potable water supply system into service prior to receipt of this written approval will be considered as a violation of the Conditions of Certification~~conditions of certification~~.

d. The Department will not issue approval to place the modified or new potable water supply system or any portion of that system into service unless the construction of the system or portion thereof had been approved for construction by the Department prior to the commencement of that construction.

e. In order to obtain approval to place a new portion of the potable water supply system into service, Gulf must make a written request for clearance to the Department. The request must be in the form and/or manner stipulated in the letter authorizing construction of the potable water supply system and must include all information stipulated in that letter as being required to be submitted with the request for clearance, as well as any information required for clearance of a potable water supply system contained in applicable rules and regulations of the Department in effect as of the date that the request for clearance is made.

f. The Department will issue a letter of clearance to place the new or modified potable water supply system into service within ~~thirty (30)~~ days of receipt of a written request for clearance, provided that the request is accompanied by all necessary supporting documentation and meets the criteria for clearance contained in the applicable rules and regulations of the Department in effect as of the date that the request for clearance was made.

[Chapters 62-4, 62-555, and 62-699, F.A.C.]

H. Dust and Odors

The Licensee shall employ proper odor and dust control techniques to minimize odor and fugitive dust emissions. The Licensee shall employ control techniques sufficient to prevent nuisance conditions on adjoining property.

I. Transmission Lines

The directly associated transmission lines from the Smith Station electric switchyard to the existing Gulf Power ~~Company~~ transmission lines shall be maintained in accordance with the application and the appropriate state and federal regulations concerning use of herbicides. Gulf shall notify the Department of the type of herbicides to be used at least 60 days prior to its first use.

SECTION B: SPECIFIC CONDITIONS

II. DEPARTMENT OF TRANSPORTATION

A. Access Management to the State Highway System:

No new access to the State Highway System is proposed in the ~~site certification application~~SCA. If new access or modification of current access to the State Highway System is proposed at a later date, such as related to the borrow pit sites when they are identified, access will be subject to the requirements of ~~Rule~~ Chapters 14-96, State Highway System Connection Permits, Administrative Process, and 14-97, State Highway System Access Management Classification System and Standards, ~~Florida Administrative Code~~F.A.C., will be required.

B. Overweight or Overdimensional Loads:

Operation of overweight or overdimensional vehicles by the Licensee on the State transportation facilities will be subject to the safety and permitting requirements of Chapter 316, ~~Florida Statutes~~F.S., and Rule Chapter 14-26, Safety Regulations and Permit Fees for Overweight and Overdimensional Vehicles, ~~Florida Administrative Code~~F.A.C.

C. Use of State of Florida Right of Way or Transportation Facilities:

If any use of State of Florida right-of-way or transportation facilities is later proposed, such usage will be subject to the requirements of the Department of Transportation's Utility Accommodation Manual and ~~Rule~~ Chapter 14-46, Railroads/Utilities Installation or Adjustment, ~~Florida Administrative Code~~F.A.C. Depending upon the corridor or route used, any new or additional interconnections between the power plant and off-site facilities may require the Licensee to meet the requirements of the Utility Accommodation Manual if the construction or installation of these interconnections fall within State of Florida right of way or a State transportation facility.

D. Traffic Control:

Traffic control will be maintained on the State Highway System during plant construction and maintenance, particularly as related to the borrow pits when they are identified, in compliance with the standards contained in the Manual of Uniform Traffic Control Devices; Statewide Minimum Level of Service Standards, ~~Rule~~ Chapter 14-94, ~~Florida Administrative Code~~F.A.C.; Florida Department of Transportation's Roadway and Traffic Design Standards and the Florida Department of Transportation's Standard Specifications for Road and Bridge Construction, whichever is more stringent.

[Chapter 316, ~~F.S.~~F.S. Chapters 14-26, 14-46, 14-94, and 14-97, ~~F.A.C.~~F.A.C.]

III. DEPARTMENT OF ECONOMIC OPPORTUNITY

A. Wind Loading

Prior to the commencement of construction of Smith Unit 3, Gulf Power ~~Company (Gulf)~~ shall provide the Department of Economic Opportunity certification by a licensed engineer that the Smith Unit 3 structures and any associated liquid storage tanks will comply with the wind loading provisions of ASCE 7-95, "Minimum Design Loads for Buildings and other Structures."

SECTION B: SPECIFIC CONDITIONS

B. Hurricane Preparation, Evacuation, and Recovery Plan

Gulf Power shall develop a comprehensive hurricane preparation, evacuation and recovery plan (the "Plan") for the Lansing-Smith Generating Station Unit 3 ("Smith Unit 3"). The Plan shall include the following elements:

1. Annual pre-season hurricane preparation activities.
2. Process for hurricane preparation to be undertaken prior to expected arrival at Smith Unit 3 of tropical storm-force winds (sustained winds greater than 39 mph), including (as appropriate to the expected force of storm):
 - a. Securing and/or removing any hazardous materials at Smith Unit 3.
 - b. Minimum levels necessary for stability of any liquid storage tanks.
 - c. Processes and criteria for staffing, securing and evacuation of Smith Unit 3 including:
 - (1) Determination of essential staffing.
 - (2) Criteria for release of non-essential staff.
 - (3) Process for preparing Smith Unit 3 for essential staff to remain on site.
 - (4) Criteria for determining whether evacuation of essential staff is required.
 - (5) Process for preparing Smith Unit 3 and conducting an evacuation of all staff, including provisions for securing fuel supplies.
3. Communications plan for:
 - a. Notification of storm-specific decisions by and between Gulf and the Bay County Emergency Management Office.
 - b. Coordination of post-storm Smith Unit 3 recovery efforts with Gulf and the Bay County Emergency Management Office.
 - c. Coordination of changes in the Plan with the Bay County Emergency Management Office.
4. General recovery estimates:
 - a. Types of damage which could be sustained at Smith Unit 3 from flooding at the following elevations:
 - (1) 14.2 feet above National Geodetic Vertical Datum at mean high tide.
 - (2) 14.2 feet to 17.7 feet above National Geodetic Vertical Datum at mean high tide.
 - b. For each elevation category identified above:
 - (1) Procedures for re-entry to Smith Unit 3 for recovery purposes.

SECTION B: SPECIFIC CONDITIONS

- (2) Processes for achieving recovery.
- (3) Ranges of estimated time periods required for recovery.

5. Gulf shall submit the Plan to the ~~Department of Economic Opportunity DEO~~ (two copies), ~~Florida Department of Environmental Protection DEP~~, and the Bay County Emergency Management Office no later than the commencement of construction of Smith Unit 3. All receiving agencies shall provide their comments on the Plan to the ~~DEO Department of Economic Opportunity~~ and Gulf within 30 days of receipt. The ~~DEO Department of Economic Opportunity~~ and Gulf shall confer about the comments within the next 30 days. Within 30 days after such conferral, the ~~Department of Economic Opportunity DEO~~ shall consolidate and provide to Gulf such comments as it deems appropriate. Gulf shall finalize the Plan within 60 days thereafter and provide copies to the ~~Department of Environmental Protection DEP~~, the ~~Department of Community Affairs DEO~~, and Bay County Emergency Management Office. The Plan shall be formally updated, using the same process, no less frequently than every 5 years following commercial operation of Smith Unit 3.

If the ~~Department of Economic Opportunity DEO~~ deems the Plan or any of its periodic updates not to be in compliance with the requirements of this Condition, it may petition for enforcement of this condition pursuant to ~~the Florida Electrical Power Plant Siting Act PPSA, (ss. §§403-501-403.518, Florida Statutes F.S.)~~

C. Noise Condition

Gulf shall notify area residents in advance of the onset of the steam cleaning noise phase of construction.

IV. NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT

A. The Licensee, by January 31, April 30, July 31, and October 31, of each year, shall report the following information as specified below:

1. Water quality results from tests conducted on each production well of the system during the first two weeks of the months January, April, July, and October as appropriate to the reporting period. The water quality analysis shall test for the following chemical concentrations: chloride, sodium, sulfate, bicarbonate, carbonate, calcium, magnesium, potassium, and total dissolved solids. Prior to sampling, the Licensee shall purge approximately three to five well volumes from each well, and shall report with each set of test results, the duration of purging, purge volume, and purge rates used.

2. Static water level data for each production well as recorded during the first two weeks of January, April, July, and October as appropriate to the reporting period. The Licensee shall contact the NFWWMD for assistance in designing the method and specifics of data collection. The water level data shall be referenced to mean sea level.

B. The NFWWMD retains the discretion to decide whether to require monthly water quality in the future based on resource concerns.

C. The use of the permitted water withdrawal is restricted to the use described in the ~~Site Certification~~ Application. Any change in the use of said water shall require a modification of the ~~Site~~ Certification.

SECTION B: SPECIFIC CONDITIONS

D. The ~~District's~~ NWFWMD's staff, upon proper identification, will have permission to enter, inspect and observe permitted and related facilities in order to determine compliance with the approved plans, specifications, and ~~conditions~~ the Conditions of this ~~permit~~ License.

E. The ~~District's~~ NWFWMD's staff, upon providing prior notice and proper identification, may request permission to collect water samples for analysis, measure static and/or pumping water levels and collect any other information deemed necessary to protect the water resources of the area.

F. Gulf Power shall mitigate any significant adverse impact caused by withdrawals permitted herein on the resource and legal water withdrawals and uses, and on adjacent land use, which existed at the time of filing of the SCA. The ~~District~~ NWFWMD reserves the right to curtail permitted withdrawal rates if withdrawals cause significant adverse impacts on the resource and legal water withdrawals and uses, and on adjacent land use, which existed at the time of this Site Certification.

G. Gulf Power shall not cause significant saline water intrusion or increased chloride levels. The ~~District~~ NWFWMD reserves the right to curtail permitted withdrawal rates if withdrawals cause significant saline water intrusion or increased chloride levels.

H. The ~~District~~ NWFWMD, pursuant to ~~Section §~~ 373.042, F.S., at a future date, may establish minimum and/or management water levels in the aquifer, aquifers, or surface water hydrologically associated with the permitted withdrawals; these water levels may require the Gulf Power to limit withdrawal from these water sources to comply with the established levels.

I. Nothing in this Site Certification shall be construed to limit the authority of the ~~Northwest Florida Water Management District~~ NWFWMD to declare water shortages and issue orders pursuant to ~~Section §~~ 373.175, F.S., or to formulate and implement a plan during periods of water shortage pursuant to ~~Section §~~ 373.246, F.S., or to declare Water Resource Caution Areas pursuant to ~~Chapters Rules~~ 40A-2.801, and 62-40.41 F.A.C.

1. In the event of a declared water shortage, water withdrawal reductions shall be made as ordered by the NWFWMD ~~District~~.

2. In the event of a declared water shortage or an area as a Water Resource Caution Area, the NWFWMD ~~District~~ may alter, modify, or inactivate all or parts of this section of the Conditions of Certification.

J. Gulf Power shall, by January 31 of each year, submit for ground water withdrawals, a completed Water Use Summary Reporting Form (NWFWMD ~~Form 172A2-I~~) for each month of the previous year. Water use amounts for each well may be calculated using flow meter readings at the plant divided by the pump rate of each well. The calculations must be provided with each submittal. The first report is due by January 31, 2003, and a final report shall be submitted when the wells are removed from service.

K. The NWFWMD ~~District~~ reserves the right, at a future date, to require the Gulf Power to submit actual pumpage records for withdrawals not otherwise required by this Certification.

SECTION B: SPECIFIC CONDITIONS

L. Gulf Power shall reference the power plant's wells by their Florida Unique Identification Number when corresponding with the ~~NWFWMD District~~ (pumping reports, etc.).

M. Gulf Power shall properly plug and abandon any well determined unsuitable for its intended use, not properly operated and maintained, or removed from service. The well(s) shall be plugged and abandoned to ~~NWFWMD District~~ Standards in accordance with ~~Section Rule~~ 40A-3.531, F.A.C. Gulf shall also notify the ~~NWFWMD District~~ within 30 days of removing any well associated with the facility from service.

N. Gulf Power shall provide for the efficient and non-wasteful use of water, and shall implement water conservation measures designed to enhance water use efficiency and reduce water demand and losses.

~~[Sections §§373.042, 373.175, and 373.246, F.S.; Chapters 40A and 62-40, F.A.C.]~~

V. DEPARTMENT OF STATE – DIVISION OF HISTORICAL RESOURCES

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)Department's NWD Office~~ and DHR, R. A. Gray Building, 500 ~~South~~ Bronough Street, Room 423, Tallahassee, Florida 32399-0250, telephone number (850) 245-6333, and the Licensee shall consult with DHR to determine appropriate action.

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

VI. DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

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

~~[Chapter 487, F.S.]~~

VII. BAY COUNTY

Construction noise shall not exceed noise requirements of the Bay County Land Development Code where applicable.

HISTORY

Certification issued 07/25/00; signed by Governor Bush
Modification approved 06/17/05; signed by Program Administrator Oven
Modification approved 02/05/15; signed by Deputy Director Green
Modified (C) XX/XX/19, signed by Siting Administrator Mulkey

ATTACHMENT A: MAPS

ATTACHMENT A – MAPS

Table of Contents

SITE DELINEATION **A-1**

CERTIFIED FACILITIES IDENTIFICATION **A-2**

~~————— Map 1 ——— To be inserted upon submittal~~

ATTACHMENT A: MAPS

ATTACHMENT A: MAPS

~~Map 2~~—SITE DELINEATION: TO BE INSERTED BY UPON SUBMITTAL

ATTACHMENT A: MAPS

ATTACHMENT A: MAPS

~~Map 3~~ CERTIFIED FACILITIES DELINEATION: TO BE INSERTED
UPON SUBMITTAL

ATTACHMENT A: MAPS

ATTACHMENT B: SURFACE WATER MANAGEMENT SYSTEM PLANS

**ATTACHMENT B – SURFACE WATER MANAGEMENT SYSTEM PLAN(S)
(SWMS)Mitigation Plan**

Table of Contents

<u>SWMS: INITIAL CONSTRUCTION OF LANSING SMITH UNIT 3</u>	<u>B-1</u>
<u>SWMS: DEEP WELL INJECTION (UIC) PONDS</u>	<u>B-2</u>
<u>SWMS: IW-4 GRAVEL ACCESS ROAD</u>	<u>B-3</u>

ATTACHMENT B: SURFACE WATER MANAGEMENT SYSTEM PLANS

GULF POWER PLANT SMITH
STORMWATER MAINTENANCE PLAN
INITIAL CONSTRUCTION OF LANSING SMITH UNIT 3

1. Chapter 62-25, F.A.C. (Regulation of Stormwater Discharge) — applies to stormwater treatment systems that qualify for grandfathering under §§373.414(11), (12), (13), (14), (15), (16), or 373.4145(6), F.S. Systems constructed under Chapter 62-25, F.A.C., are authorized to be operated in perpetuity, and maintenance may be conducted under such systems without a permit under Chapter 62-330, F.A.C., in perpetuity, provided the terms and conditions of the permit, exemption, or other authorization under Chapter 62-25, F.A.C., continue to be met, and provided the work is conducted in a manner that does not cause violations of water quality standards. However, if the system is altered, modified, expanded, abandoned, or removed, it is subject to being regulated by Chapter 62-330, F.A.C.

2. These facilities shall be maintained per all applicable DEP rules and regulations.

3. These ponds and all other portions of the stormwater system shall be regularly inspected and maintained in good working order at all times and according to the following DEP minimum Operation and Maintenance Standards:

(a) These surface water management systems permitted by the DEP shall be operated and maintained in accordance with the designs, plans, calculations, and other specifications that are submitted with an application, approved by the Department, and incorporated by reference or as a Condition in the Conditions of Certification or into any federal permit issued.

(b) The operation and maintenance entity shall provide for the inspection of the stormwater management system in accordance with all applicable rules.

ATTACHMENT B: SURFACE WATER MANAGEMENT SYSTEM PLANS

STORMWATER MAINTENANCE SYSTEM PLAN
DEEP WELL INJECTION (UIC) PONDS

The stormwater runoff from the permanent pump station and treatment system for cooling tower blowdown will be managed using two wet detention ponds. One of the ponds is existing and will be reshaped and one will be constructed. A littoral zone is not required since a permanent pool volume is greater than 50 percent.

All proposed facilities shall be constructed, maintained, and operated per all applicable Florida Department of Environmental Protection (DEP) rules and regulations. Best management practices shall be implemented as needed during and upon completion of construction. These may include but are not limited to, drainage swales, silt fencing, check dams, and sedimentation ponds.

The Licensee shall follow all applicable portions of the DEP and Northwest Florida Water Management District's Environmental Resource Permit Applicant's Handbook Volume II: Design and Performance Standard Including Basin Design and Criteria.

The ponds and all other portions of the stormwater management system (SWMS) shall be inspected and maintained in good working order at all times and according to DEP's minimum Operation and Maintenance Standards and the Deep Well Injection Site's SWMS plan.

A. DEP OPERATION AND MAINTENANCE STANDARDS

1. All SWMSs associated with this License shall be operated and maintained in accordance with the designs, plans, calculations, and other specifications that were submitted with the Site Certification Application and any post certification amendments or modifications, which were approved by DEP, and incorporated by reference or as a Condition of this License.

2. The Licensee shall follow all inspection and reporting criteria of the SWMS in accordance with Rule 62-330.311(1), F.A.C.

3. The SWMS, as approved, should be inspected within 1 year after being transferred to the operational phase and once every 5 years thereafter. The inspections shall be conducted by a Registered Professional.

B. DEEP WELL INJECTION PONDS OPERATION AND MAINTENANCE

The Licensee shall provide routine maintenance of all components of the SWMS to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require authorization under Chapter 62-330, F.A.C., or cause violations of state water quality standards. The Surface Water Operation and Maintenance Plan, as approved by DEP, shall be implemented.

ATTACHMENT B: SURFACE WATER MANAGEMENT SYSTEM PLANS

In order to enable the wet detention ponds to function correctly and to maintain the pond's design capacity, sediment must be removed occasionally, and adequate resources must be committed to properly maintain peripheral aquatic vegetation, control vector production, and to maintain required permanent pool volume. Wet detention ponds can become a nuisance due to mosquito breeding, unless carefully maintained. A proactive and routine preventative maintenance plan is crucial to minimizing vector habitat.

Within 30 days of any failure of a SWMS or deviation from the submitted drawings and/or calculations, the Licensee shall submit a report to the Department on Form 62-330.311(2), F.A.C., "Operation and Maintenance Inspection Certification", describing the remedial actions taken to resolve the failure and/or deviation of SWMS. This report shall be signed and sealed by a registered professional in the State of Florida.

1. Inspection Activities

a. Inspect for invasive vegetation, trash and debris, clogging of inlet/outlet structures, conditions of weir and spillway, orifice and skimmer, excessive erosion, sediment buildup in basin or outlet, bank stability, and density of the turf grass on bank side slopes. Monitor drains and check for algal growth, signs of pollution such as oil sheens, discolored water, unpleasant odors, and signs of flooding. (Annual Inspection)

b. Inspect mechanical component condition of inlet and out let structures, pipes, orifice, skimmers, weir, and upstream/downstream channel conditions. (Annual Inspection)

c. During inspections, note changes to the wet pond or the contributing watershed, as these may affect basin performance.

2. Maintenance Activities

a. If mosquito breeding becomes a problem, introduce mosquito fish to enhance natural mosquito control and regularly maintain emergent and shoreline vegetation.

b. Remove sediment from outlet structure(s). Dispose of properly.

c. Remove accumulated trash and debris in the basin(s), inlet/outlet structures, side slopes, and collection system as required.

d. Repair undercut areas, rills, and erosion to banks and basin(s).

e. Mow side slopes and maintain vegetation in and around basin(s) to prevent any erosion or aesthetic problems. Minimize use of fertilizers and pesticides.

f. Remove sediment when the permanent pool volume has become reduced significantly (sediment accumulation exceeds 25 percent of design depth), re-suspension is observed, or the pond becomes eutrophic.

g. Remove vegetation growth from atop the sand filters to prevent blinding.

STORMWATER MAINTENANCE SYSTEM PLAN

IW-4 SITE: GRAVEL ACCESS ROAD

OPERATION AND MAINTENANCE ACTIVITIES

1. On the 1st anniversary of the date of conversion to Operation and Maintenance Phase and every 5th year thereafter, an inspection of the Wet Detention area shall be made by the registered professional.
2. The littoral zone shall be constructed in accordance with criteria of this Plan.
3. The Stormwater Operation/Maintenance Plan, as approved shall be implemented.
4. All authorized structures shall remain in operable condition and shall not be allowed to deteriorate or otherwise contribute to a water quality violation for the life of the facility. All authorized stormwater structures shall be maintained in proper working order for the life of the facility.

ATTACHMENT B: SURFACE WATER MANAGEMENT SYSTEM PLANS

ATTACHMENT C: MITIGATION PLANS

ATTACHMENT C – MITIGATION PLAN(S)

Table of Contents

<u>MITIGATION PLAN STATUS</u>	<u>C-1</u>
<u>MITIGATION FOR LANSING SMITH UNIT 3: MODIFICATION C</u>	<u>C-2</u>

ATTACHMENT C: MITIGATION PLANS

ATTACHMENT C: MITIGATION PLANS

Mitigation Plan Status

Gulf Power Company (Gulf) received certification (PA99-40) for Lansing Smith Combined Cycle Unit 3 (Lansing Smith) and associated facilities through the Florida Electric Power Plant Siting Act. The Certification was approved by the Governor and Cabinet on July 25, 2000.

History of wetland impacts and mitigation:

<u>Project</u>	<u>Impacts</u>	<u>Mitigation</u>	<u>Status</u>	<u>Project Completed</u>
<u>Initial Construction of Lansing Smith Unit 3</u>	<u>Filling of approximately 15.3 acres of Florida Department of Environmental Protection (DEP) and U.S. Army Corps of Engineers (USACE) wetlands</u>	<u>Compensations for the loss of DEP/USACE wetlands: enhancement of 130 acres of wet pine plantation within a 232-acre parcel along the southeastern corner of Jackson's Titi Swamp.</u> <u>Mitigation Plan submitted to DEP SCO for review on 3/20/2000</u>	- <u>Oct 2003: Submitted Annual Report for the 2nd Year of Monitoring</u> - <u>Received by DEP's Panama City Branch Office on October 14, 2003.</u> - <u>6/9/2004: Gulf Power submitted Wetland Mitigation Project – Semiannual Progress Report</u> - <u>Received by DEP's Panama City Branch Office on June 11, 2004.</u> - <u>12/19/2005: Submitted Annual Report for the 4th Annual Year of Monitoring</u> - <u>Report was received by DEP's Northwest District on December 21, 2005.</u> - <u>Panama City Branch Office on December 29, 2005.</u> - <u>11/13/2006: Submitted Annual Report for the 5th Year of Monitoring</u> - <u>Report was received by DEP's Northwest District on November 14, 2006.</u>	<u>Yes</u>

ATTACHMENT C: MITIGATION PLANS

<u>Deep Well Injection (UIC) Site for Lansing-Smith</u>	<u>0.3-acre impact of Silviculture/Wet Pine Flatwood wetlands</u>	<u>To offset the 0.3-acre impact, Gulf shall purchase 0.2 acres Wet Prairie/Flatwoods credits from the Breakfast Point Mitigation Bank</u>	<u>- 11/12/2013: ERP issued (Permit number 03-0320483-001-EI)</u> <u>- 3/8/2019: Petition for Modification received by the SCO to incorporate Permit Number 03-0320-483-01-EI into the Conditions of Certification.</u>	<u>Yes</u>
<u>IW-4 gravel access road</u>	<u>1.14 acres of Wet Prairie/Flatwood wetlands</u>	<u>Gulf shall purchase 0.4 credits of Wet Prairie/Flatwood Wetland from Breakfast Point Mitigation Bank</u>	<u>—12/19/2017: ERP issued (Permit number 0320483-004-EI/03).</u> <u>- 0.4 credits of wet prairie/flatwoods wetlands purchased from Breakfast Point mitigation bank</u> <u>- 3/8/2019: Petition for Modification received by the SCO to incorporate Permit Number 0320483-004-EI/03 into the Conditions of Certification</u>	<u>Yes</u>
<u>Modification C: Expansion of Site boundaries for well pump station and filtration/treatment system</u>	<u>Permanent impact of 2.47 acres of hydric pine flatwoods</u>	<u>To offset the unavoidable impacts Gulf will purchase 1.81 wet prairie/flatwoods mitigation credits from the Breakfast Point Mitigation Bank</u>	<u>-3/8/2019: Petition for Modification received by SCO</u> <u>-Activities approved by Modification C once proof of credits purchased has been provided to the Department.</u>	

Gulf secured a Conservation Easement Deed from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida in accordance with §704.06, F.S., for 130.015 acres required for mitigation as dictated in Lansing Smith's Conditions of Certification; recorded April 4, 2006.

The Final Progress Report received and reviewed by DEP. Mitigation activities were deemed complete and successful on June 8, 2006.

ATTACHMENT C: MITIGATION PLANS

MITIGATION FOR LANSING SMITH UNIT 3 BAY COUNTY, FLORIDA

MODIFICATION C: RECLAIMED WATER PROJECT

The Licensee is authorized to permanently impact 2.47-acres of hydric pine flatwoods to construct a permanent industrial inspection well pump station and treatment system and the associated stormwater management facility as described in the petitioned post-certification modification (Modification C) submitted to the Department. Those activities include the construction of 2 wet detention stormwater ponds. Authorized activities are depicted in the submitted exhibits.

To offset unavoidable impacts that will occur from these authorized activities, the Licensee will purchase and provide proof 1.81 Wet Prairie/Flatwoods mitigation credits from Breakfast Point Mitigation Bank have been purchased. The Licensee shall submit to the NWD Office documentation of mitigation bank purchase prior to commencement of construction.