STATE OF FLORIDA

DEPARTMENT

OF

ENVIRONMENTAL PROTECTION

Conditions of Certification

Gulf Power Company

Lansing Smith Combined Cycle Unit #3

PA 99-40B

February 5, 2015

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SECTION A: GENERAL CONDITIONS

I. SCOPE

A. Pursuant to the Florida Electrical Power Plant Siting Act (PPSA), Sections 403.501-518, Florida Statutes (F.S.) this certification is issued to Gulf Power Company (GPC) as owner/operator and Licensee of Lansing Smith Unit 3. Subject to the requirements contained in these Conditions of Certification (Conditions) GPC will operate a nominal 574 megawatt (MW) 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 is located on a 50 acre parcel within the Lansing Smith Electric generating Plant site which is located in Bay County, Florida. UTM coordinates are: Zone 16; 625.03 km East; 3349.08 km North. The Department does not intend, solely by the incorporation of these General Conditions, to require the retrofitting of existing certified facilities.

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

- 2 nominal 170 MW gas-fired stationary combustion turbines with HRSGs
- 2 121 foot stacks
- gas pipeline and heater
- 10 cell mechanical draft salt water cooling tower
- Water treatment and storage facilities

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 COC, the COC shall prevail unless amended or modified. In any conflict between any of these COC, the more specific condition governs.

D. No later than 60 days after 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 Site as defined by Section 403.503(28), F.S., and an aerial photograph delineating the boundaries of the Site. The survey and aerial photograph shall be identified as Site Delineation and attached hereto as part of Attachment A (Maps).

The Licensee shall notify the Department of any change to the site boundary depicted in the Site Delineation in Attachment A. 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 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 facilities lie within the boundaries of the Site, the Licensee shall also comply with the requirements of this paragraph. Within 60 days after 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 facilities. The boundaries of the Certified Areas of the Site shall include both the certified “electrical power plant generating facilities” as identified in Section 403.503(28), F.S. and its on-site “associated facilities” (including on-site linear facilities) as defined by Section 403.503(7), F.S. The survey and the aerial photograph shall be known as Delineation of the Certified Area of the Site and attached hereto as part of Attachment A.

F. Within 120 days after 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 for each off-site non-linear Certified 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 Delineation of the Certified Areas of the Off-Site Non-linear Facilities and attached hereto as part of Attachment A (Maps).

G. Within 180 days after completion of construction of associated off-site linear facilities, as defined by Section 403.503(7), F.S., the Licensee shall provide: an aerial photograph(s)/map(s) at a scale of at least 1:400, or acceptable equivalent documentation such as an official legal description or survey map(s) signed by a professional land surveyor, delineating the boundaries of the certified area(s), 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 Delineation of Off-Site Linear Facilities and attached as part of Attachment A.

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

[Sections 403.511, F.S.; subsections 62-4.160(8) 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 final order of certification or in a subsequent modification to the Conditions 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)
18-21 (Sovereign 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)
62-345 (Uniform Mitigation Assessment Method)
62-346 (Environmental Resource Permitting in Northwest Florida
62-520 (Groundwater Classes and Standards)
62-528 (Underground Injection Control)
62-531 (Water Well Contractor Licensing Requirements)
62-532 (Water Well Permitting and Construction Requirements)
62-550 (Drinking Water Standards, Monitoring and Reporting)
62-555 (Permitting, Construction, Operation, and Maintenance of Public Water Systems)
62-560 (Requirements for Public Water Systems That Are Out of Compliance)
62-600 (Domestic Wastewater Facilities)
62-601 (Domestic Wastewater Treatment Plant Monitoring)
62-604 (Collection Systems and Transmission Facilities)
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62-650 (Water Quality Based Effluent Limitations)
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62-701 (Solid Waste Management Facilities)
62-710 (Used Oil Management)
62-730 (Hazardous Waste)
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 under the PPSA which prescribe new or stricter criteria, to the extent that the rules are applicable to electrical power plants. Except when express variances, exceptions, exemptions, or other relief have been granted, subsequently adopted Department rules which prescribe new or stricter criteria shall operate as automatic modifications to certifications.

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

[Section 403.511(5)(a), F.S; subsection 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 373 and 403, F.S., and any regulation adopted pursuant thereto. In the event of any dispute over the meaning of a term used in these conditions which is not defined in such statutes or regulations, such dispute shall be resolved by reference to the most relevant definitions contained in any other state or federal statute or regulation. As used herein, the following shall apply:

A. “Application” as defined in Section 403.503(5), F.S. For purposes of this license application shall also include materials submitted for petitions for modification to the Conditions, as well as supplemental applications.

B. “Associated Facilities” is 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..

D. “Certified Facility” or “Certified Facilities” means the certified electrical power generation facilities and all on- or off-site associated 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.

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

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

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

I. "DOT" means the Florida Department of Transportation.

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

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

L. "FWC" means the Florida Fish and Wildlife Conservation Commission.

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

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

O. "NWFWMD" means the Northwest Florida Water Management District.

P. "Post-certification submittal" shall mean a submittal made by the Licensee pursuant to a Condition

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

R. "ROW" means right-of-way.

S. "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.

T. "State water quality standards" shall mean the numerical and narrative criteria applied to specific water uses or classifications set forth in Chapter 62-302, F.A.C.

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

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.

X. "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

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

VII. DESIGN AND PERFORMANCE CRITERIA

Certification, including these Conditions of Certification, is predicated upon preliminary designs, concepts, and performance criteria described in the Application or testimony or exhibits in support of certification. Final engineering design will be consistent and in substantial compliance with the preliminary information described in the Application and 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 403.516, F.S.; Rule 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 or limitation specified in this certification, the Licensee shall immediately provide the Department 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 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 62-4.160(15), F.A.C.]

X. 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 set forth therein, any 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.

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

B. Open Burning

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

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

C. 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.]

D. 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 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 that are 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 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 62-532.500(5), F.A.C., or with the rules of the authorizing agency, or consistent with these Conditions.

[Rule 62-532.440 and subsection 62-532.500(4), F.A.C.]

G. Abandonment of Existing Septic Tanks

Any existing septic tanks in the path of construction of non-linear facilities 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 DEP or other agencies with jurisdiction over a portion of the Certified Facility:

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

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

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

B. Modifications

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

C. Post-Certification Submittals

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

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

XIII. SEVERABILITY

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

XIV. 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 a Condition 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 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 62-4.160(1) and 62-4.160(9), F.A.C.]

XV. REVOCATION OR SUSPENSION

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

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

XVI. REGULATORY COMPLIANCE

As provided in Sections 403.087(7) and 403.722(5), F.S., the issuance of this certification 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 is not a waiver of or approval of any other Department License that may be required for other aspects of the Certified Facility which are not addressed in this License. This Certification 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 62-4.160(3) and 62-4.160(5), F.A.C.]

XVIII. CIVIL AND CRIMINAL LIABILITY

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

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

XIX. USE OF STATE LANDS

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

C. If a portion of the Certified Facility is located on sovereign submerged lands or state-owned uplands owned by the Board of Trustees of the Internal Improvement Trust Fund, pursuant to Article X, Section 11 of the Florida Constitution, then the proposed activity on such lands requires a proprietary authorization. Under such circumstances, the proposed activity is not exempt from the need to obtain a proprietary authorization. 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.

D. The Licensee is hereby advised that Florida law states: "No person shall commence any excavation, construction, or other activity involving the use of sovereign or other state lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund 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 2commence on sovereign submerged lands or state owned uplands, title to which is held by the Board of Trustees of the Internal Improvement Trust Fund, until all required lease or easement documents have been executed to the satisfaction of the Department.

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

XX. 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.]

XXI. AGENCY ADDRESSES FOR POST-CERTIFICATION SUBMITTALS AND NOTICES

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

Florida Department of Environmental Protection
Siting Coordination Office, MS 48
3900 Commonwealth Blvd.
Tallahassee, FL 32399-3900

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

Florida Department of Economic Opportunity
Office of the Secretary
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100

Florida Fish & Wildlife Conservation Commission
Office of Policy and Stakeholder Coordination
620 South Meridian Street
Tallahassee, FL 32399-1600

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

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

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

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

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

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

[Section 403.511, F.S.]

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 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 the 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 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 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.

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 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, 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 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 agencies 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 with the agency representative 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 the conditions of certification. If it is determined that compliance with these 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.

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

F. Commencement of Construction

If DEP does not object within the time period specified in paragraph E. above, Licensee may begin construction pursuant to the terms of the 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 designs 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.

[Sections 403.511, F.S., Rules 62-17.191, 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 a complete summary of those post-certification submittals that are identified in the Conditions of Certification where due-dates for the information required of the Licensee 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 and any affected agency or agency subunit to which the submittal is required to be provided, in a sortable spreadsheet, via CD and hard copy, in the format identified below or equivalent. 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

[subsection 62-17.191(3), F.A.C.]

XXIV. POST CERTIFICATION AMENDMENTS

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

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

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

[Section 403.5113, F.S]

XXV. MODIFICATION OF CERTIFICATION

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

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

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

D. The Department may modify any condition of this 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 2000.

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 photo showing the proposed new boundaries of the site and/or certified area. Within 120 days after completion of construction of the approved facility change, the Licensee shall provide the information required by Section A. General Conditions, Condition I. Scope, paragraphs D, E, F, 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 of the facility constitutes the state's concurrence that the licensed activity or use is consistent with the federally approved program under the Florida Coastal Management Act.

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

XXVII. TRANSFER OF CERTIFICATION

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

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

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 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 the Licensee shall provide to the appropriate DEP District's Environmental Resource Permitting Section(s) for review, all information necessary for a complete *Joint Application for Environmental Resource Permit* (ERP), DEP Forms 62-346.900(1) or 62-312.900(1), and 17-1.215(2) for activities in Northwest Florida.

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 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.

Those forms submitted as part of a SCA, an amendment, or 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 accordance with Section A. Condition XXII. Procedures for Post-Certification Submittals.

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

b. Concurrent with submittal of the DEP form required in Subparagraph A.1.a. above, the Licensee shall submit, as applicable, a survey of wetland and surface water areas as delineated in accordance with Chapter 62-340, F.A.C., and verified by appropriate agency staff for Department compliance review. Available DEP-approved wetland

and surface water delineations within the boundaries of a certified site or a portion thereof may be used and reproduced for this delineation submittal and verification.

[Chapter 62-340, F.A.C.]

[Section 373.416, F.S.; subsections 62-312 and 62-346.070(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) shall satisfy any applicable non-procedural requirements in the Department rules.

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

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

[Sections 373.421 and 403.504, F.S.]

B. Surface Water Management

1. The existing Unit 3 surface water management systems shall be operated and maintained in accordance with Chapter 62-25, F.A.C. as well as the design requirements presented in the Site Certification Application. New surface water management systems will be evaluated under Part IV of Chapter 373, F.S., following submittal of Form 62-346.900(1) or 17-1.215(2), to the appropriate office of the Department.

2. All construction, operation, and maintenance of the SWMS(s) for the certified facilities shall be as set forth in the plans, specifications and performance criteria contained in the SCA and other materials presented during the certification proceeding, post-certification submittals, and as otherwise approved. If specific requirements are necessary for construction, operation and/or maintenance of an approved SWMS, those requirements shall be incorporated into a SWMS Plan for that system and included in Attachment B (Surface Water 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, and for the period of time after construction of the SWMS, the Licensee shall implement and maintain erosion and sediment control best management practices, such as silt fences, erosion control blankets, mulch, sediment traps, polyacrylamide (PAM), temporary grass seed, permanent sod, and floating turbidity screens to retain sediment on-site and to prevent violations of state water quality standards. These devices shall be installed, used, and maintained at all locations where the possibility exists of transferring suspended solids into the receiving waterbody due to the licensed work, and shall remain in place at all locations until construction in that location is completed and soils are permanently stabilized. All best management practices shall be in accordance with the guidelines and specifications described in *the State of Florida Erosion and Sediment Control Designer and Reviewer Manual* (Florida Department of Transportation and Florida Department of Environmental Protection, by

HydroDynamics Incorporated in cooperation with Stormwater Management Academy, June 2007) unless a project-specific erosion and sediment control plan is approved as part of this License. If project-specific Conditions require additional measures during any phase of construction or operation to prevent erosion or control sediments beyond those specified in the approved erosion and sediment control plan, the Licensee shall implement additional best management practices as necessary, in accordance with the guidelines and specifications in *the State of Florida Erosion and Sediment Control Designer and Reviewer Manual*. The Licensee shall correct any erosion or shoaling that causes adverse impacts to the water resources as soon as feasible. Once project construction is complete in an area, including the re-stabilization of all side slopes, embankments and other disturbed areas, and before conversion to the operation and maintenance phase, all silt screens and fences, temporary baffles, and other materials that are no longer required for erosion and sediment control shall be removed.

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

5. At least 48 hours prior to the commencement of construction of any new SWMS authorized by this 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), 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.

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 after completion of construction of any new portions of the SWMS, the Licensee shall submit to the appropriate DEP 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 by a Registered Professional” (DEP Form 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.

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 herein, the Department

determines the system to be in compliance with the approved plans, and the entity approved by the Department accepts responsibility for operation and maintenance of the system.

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

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

C. Wetland and Other Surface Water Impacts

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

2. Proposed mitigation plans submitted with the DEP ERP Application forms required in 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 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, 62-341 62-342, 62-343, 62-345, and 62-346, F.A.C.]

XXXI. THIRD PARTY IMPACTS

The Licensee is responsible for maintaining compliance with these conditions of certification even when third party activities authorized by the Licensee occur in or on the certified area. Such third party activities authorized by the Licensee may include but are not limited to mining, hunting, and timbering.

[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 final order of certification, these Conditions, or a post-certification amendment or modification. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the final order of certification, these Conditions, or a post-certification amendment or modification. Further, the Licensee shall take all reasonable steps to minimize any adverse impact resulting from noncompliance with any limitation specified in this certification, including such accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying event.

In the event of a prolonged [thirty (30) days or more] equipment malfunction or shutdown of air pollution control equipment, operation may be allowed to resume and continue to take place under an appropriate Department order, provided that the Licensee demonstrated that such operation will be in compliance with all applicable ambient air quality standards and PSD increments, solid waste rules, domestic wastewater and industrial wastewater rules. During such malfunction or shutdown, the operation of the Smith Station shall comply with other requirements of this certification and all applicable state and federal and effluent standards not affected by the malfunction or shutdown which is the subject of the Department's order.

[subsection 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 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.

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

XXXIV. WATER DISCHARGES

A. Discharges

1. The Licensee shall not discharge to surface waters wastes which are acutely toxic, or present in concentrations which are carcinogenic, mutagenic, or teratogenic to human beings or to significant locally occurring wildlife or aquatic species. The Licensee shall not discharge to ground waters wastes in concentrations which, alone or in combination with other substances, or components of discharges (whether thermal or non-thermal) are carcinogenic, mutagenic, teratogenic, or toxic to human beings (unless specific criteria are established for such components in Rule 62-520.420, 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.

2. 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, F.A.C., including the provisions of Rules 62-4.243, 62-4.244, and 62-4.246, F.A.C., the antidegradation provisions of paragraphs 62-4.242(1)(a) and (b), F.A.C., 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 62-4.242(2) and (3), F.A.C.;

3. All dewatering discharges must be in compliance with Rule 62-621.302, F.A.C.

[Chapters 62-4, 62-302, 62-520, and 62-550, 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,

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.]

XXXV. SOLID AND HAZARDOUS WASTE

A. Solid Waste

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

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

B. Hazardous Waste

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, except for Conditionally Exempt Small Quantity Generators (CESQGs) 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.

[Chapter 62-730, F.A.C.]

C. Hazardous Substance Release Notification

1. Any owner or operator of a facility who has knowledge of any release of a hazardous substance from a 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, (850) 488-1320, within one 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

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.]

E. 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 rehabilitation pursuant to those chapters. This responsibility for site rehabilitation does not affect any activity or discharge permitted or exempted pursuant to Chapter 376 or 403, F.S., or rules promulgated pursuant to Chapter 376 or 403, F.S.

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

XXXVI. STORAGE TANK SYSTEMS

Registration, construction, installation, operation, maintenance, repair, closure, and disposal of storage tank systems within the Certified Facility 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 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

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 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. Owners and operators are advised that other federal, state, or local requirements may apply to these activities. If the contamination present is subject to the provisions of Chapter 62-780, F.A.C., corrective action, including free product recovery, shall be performed in accordance with that Chapter.

D. Out of Service and Closure Requirements

FDEP 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, F.A.C.]

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, as appropriate, and these conditions of Certification. The prohibitions of F.A.C. Chapter 62-701 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 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, 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 or other qualified person to assure that all construction activities conform to applicable environmental regulations and the applicable conditions of certification. If a violation of standards, harmful effects or irreversible environmental damage not anticipated by the application or the evidence presented at the certification hearing is detected during construction, the Licensee shall notify the Northwest District Office as required by Section A. Condition VII.

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.

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 off site 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 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 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.;

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 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 six month period covered by this report."

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.

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

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 onsite 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 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 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 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.

b. In order to obtain approval to construct a new onsite 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 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 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 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.

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 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.

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.

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. 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, 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, and Rule Chapter 14-26, Safety Regulations and Permit Fees for Overweight and Overdimensional Vehicles, Florida Administrative Code.

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. 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; 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, Chapters 14-26, 14-46, 14-94, and 14-97, 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.”

B. Hurricane Preparation, Evacuation and Recovery Plan

Gulf 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

(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 (two copies), Florida Department of Environmental Protection, 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 Department of Economic Opportunity and Gulf within 30 days of receipt. The 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 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, the Department of Community Affairs, 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 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 (ss. 403-501-403.518, Florida Statutes)

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 NWFWMD for assistance in designing the method and specifics of data collection. The water level data shall be referenced to mean sea level.

B The NWFWMD 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.

D. The District'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 of this permit.

E. The District'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 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 Site Certification.

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

H. The District, 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 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 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 District.

2. In the event of a declared water shortage or an area as a Water Resource Caution Area, the 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 A2-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 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.

L. Gulf Power shall reference the power plant's wells by their Florida Unique Identification Number when corresponding with the 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 District Standards in accordance with Section 40A-3.531, F.A.C. Gulf shall also notify the 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) and DHR, R. A. Gray Building,500 S. Bronough Street, Rm 423, Tallahassee, Florida 32399-0250, telephone number (850) 245-6333, and the Licensee shall consult with DHR to determine appropriate action.

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

VI. 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 certified facilities. Herbicide applications will be in accordance with label directions and will be carried out by a licensed applicator, in compliance with all federal, state and local regulations. Herbicide applications shall be selectively applied to targeted vegetation. Broadcast application of herbicide shall not be used unless effects on non-targeted vegetation are minimized.

[Chapter 487, F.S.]

VII. 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

Attachment A – Maps

Map 1 – To be inserted upon submittal

Map 2 – To be inserted by upon submittal

Map 3 – To be inserted upon submittal

Attachment B – Mitigation Plan

LANSING SMITH UNIT 3
BAY COUNTY, FLORIDA

INTRODUCTION

The construction of Smith Unit 3 in Bay County, Florida will result in the unavoidable loss of 15.2 acres of Florida Department of Environmental Protection (FDEP) wetlands and 15.3 acres of U.S. Army Corps of Engineers (USACE) wetlands (i.e., 6.4 acres of cypress-titi swamp, 0.2 acre of ditch, and 8.7 acres of wet pine plantation). To provide compensation for the loss of the 15.3 acres of FDEP/USACE wetlands, Gulf Power will enhance 130 acres of wet pine plantation within a 232-acre parcel of land located along the southeastern comer of Jackson's Titi Swamp about 1-mile north of Smith Unit 3 by removing the existing pines and planting native hardwood and cypress trees (Figure 1). The 130 acres of mitigation is based upon a 12:1 ratio of wetland enhancement to wetland loss for impacts to cypress-titi swamp (i.e., 6.4 acres x 12 = 77 acres) and a 6:1 ratio of wetland enhancement to wetland loss for impacts to wet pine plantation and the ditch (i.e., 8.9 acres x 6 = 53 acres). The 232-acre parcel of land borders existing cypress-titi swamp on the north and west; an existing transmission line to the east and County Road 2300 on the south (Figure 2). The existing transmission line corridor along the eastern boundary of the parcel of land provides access to the mitigation site. After success, the 130-acre parcel of land will be preserved in perpetuity either through a conservation easement or, if preferred, transferred in fee title to FDEP, another resource agency or a third party. More specific details concerning the property transfer will be provided after further discussion with USACE and FDEP.

TREE SPECIES AND DENSITY

Bottomland hardwood and cypress tree plantings will result in an average density of surviving trees of at least 400 trees per acre after each growing season for five years following initial planting, as determined by annual monitoring. The overall tree species composition of bottomland hardwood and cypress seedlings will be:

- Twenty percent bald cypress (*Taxodium distichium*);
- Twenty percent red maple (*Acer rubrum*);
- Twenty percent dahoon holly (*Ilex cassine*);
- Twenty percent elm (*Ulmus americana*); and
- Twenty percent laurel oak (*Quercus laurifolia*).

The above species occur naturally in hardwood/cypress swamps in the immediate vicinity.

Substitutions of species based on commercial availability will be at the approval of the project biologist. Species substitutions will only include those species that occur naturally in swampland in the region. Examples of possible species substitutions could include, but not be limited to, sweet bay (*Magnolia virginiana*), myrtle holly (*Ilex cassine var. myrtifolia*), swamp red bay (*Persea palustris*), popash (*Fraxinus caroliniana*), and swamp tupelo (*Nyssa sylvatica* *subsp. biflora*). The placement and species composition within each grouping of tree seedlings at the parcel of land will be finalized by the onsite project biologist prior to planting. A cross section view of the planting scheme is provided in Figure 3.

TREE MATERIAL

The tree material will be first-class grade, true to name and consist of 3-gallon or larger container size seedlings. All plants will be nursery grown and originate within a 200-mile distance from the parcel of land. Trees having any of the following defects will be rejected:

1. Undue abrasions of the bark;
2. Dried root systems;
3. Dried top wood of deciduous plants or dried foliage of evergreens;
4. Prematurely opened buds or with buds stripped off,
5. Diseased or insect-infected trees; and
6. Trees in containers that are overgrown or rootbound.

TREE DELIVERY

No shipment of plant material will be accepted or planted by the contractor until such material has been inspected and accepted by the project biologist onsite. Plants will not be delivered to the project until ordered in writing by the owner and when so ordered, the owner/engineer and project biologist shall be notified of a proposed delivery of plant material at least 24 hours prior to its arrival at the project. Each shipment will be accompanied by an invoice showing the number, size, and name of each of the several kinds of plant material included, with each kind of plant adequately identified by tags.

The entire plant will be properly protected from sun and air damage from the time of purchase from the supplier until planting on the project. Plants will be kept moist until planted.

Upon arrival, the project biologist will make an immediate inspection and will accept for planting all plants complying with these specifications and any plants rejected under the same will be immediately removed from the project.

The contractor should provide a warranty on work for a resultant average survival density of 400 trees per acre following each growing season for five years, as determined by the annual monitoring program. The warranty should continence on the date of final completion. If the average survival rates are not achieved after each growing season, additional trees will be installed according to these specifications to meet the minimum survival rate on a yearly basis.

Warranty should include coverage of plants from death or unhealthy conditions.

SITE PREPARATION

Prior to planting, all of the existing pines within a 130-acre area of the referenced parcel will be removed by a timber contractor by cutting. After the removal of pines and before planting, fallow or weedy/grassy areas of the planting areas may be mowed and/or disked to reduce competition for the tree seedlings.

TREE PLANTING

Planting holes may be dug by hand or by mechanical means. Trimming of the sides or bottoms of the hole to uniform shape will not be required. Planting holes will have a minimum horizontal dimension of two times the specified diameter of the root ball.

Bottomland hardwoods and cypress will be planted in the 130-acre treeless area of the mitigation parcel. Trees will be planted on approximate 10-ft centers at a maximum. An approximate even mix of target species will be accomplished over the planting area, but species selection for any given zone will be based on hydrology (i.e., obligate species in wetter areas). Specific boundaries of the planting area and the location of tree species will be identified by the project biologist prior to the planting activity.

When planting commences within the identified planting areas, plants initially will be placed for review and orientation under the supervision of the onsite project biologist.

At the time of planting, all non-biodegradable root containers will be removed. Container plants will be installed in a vertical position. Backfill soil will be placed in 6-inch layers. Plant materials will be maintained in a vertical position during backfilling. If needed, the soil will be saturated with water when the pit or bed is half full of topsoil and again when full.

PLANTING SCHEDULE

The planting of the parcel of land will be initiated during the first winter/early spring season following the start of power plant construction based upon the availability of planting stock. Replanting will occur as necessary during the first five years to achieve the required stocking rate.

FERTILIZER

A slow-release granular fertilizer with a 12-6-6 NPK ratio will be applied to each planting hole according to label directions at initial planting.

INITIAL PLANT WATERING

All plants will be watered with 5-gallons per tree if soils are not wet enough at the time of planting.

MAINTENANCE PROGRAM

No exotic/invasive plant species were observed during prior inspections of the parcel of land. However prior to the planting effort, a survey will be conducted across the entire parcel of land for exotic/invasive plant species. Any exotic/invasive plant species found during the survey will be removed from the site. Surveys will be conducted for exotic/invasive plant species on an annual basis to repeat the maintenance effort as necessary.

If weedy herbs, shrubs, and/or vines threaten the growth and/or vigor of planted hardwood seedlings, these plants will be removed within a suitable radius from affected seedlings by hand or more effective methods such as mowing, weed whacking, machete, etc. If deemed necessary, watering of tree seedlings will also be conducted after the initial planting effort should drought conditions prevail.

PLANTING DOCUMENTATION

The planting process will be documented and records will be retained at the Smith Unit 3 facility. A written report of the planting effort, including onsite photographs and as-built drawings of the planting areas will be provided to Gulf Power by the project biologist within 30 days of completion of the plantings. Gulf Power will forward copies of the report to the FDEP and USACE within 30 days of receipt of the report from the project biologist.

FOLLOW-UP MONITORING PROGRAM

Annual monitoring will be conducted at the parcel of land over a five-year period. Annual monitoring will include quantitative sampling across the planted area to determine numbers of healthy, dead, and reduced-vigor trees and the percent cover of herbaceous and shrubby (non-canopy woody species) vegetation. Planted trees will -be sampled using the quadrat sampling technique (Oosting, 1956; Mueller-Dombois and Ellenberg, 1974) along permanently marked transacts. Trees will be sampled within quadrats spaced at 25-ft intervals along the transacts. The beginning and end points and two equidistant points of each transect will be permanently marked with 10-ft lengths of aluminum pipe. In addition, a 10-ft length of one-half inch polyvinyl chloride (PVC) pipe will be located at the corner of each quadrat along the transacts. Both the aluminum and PVC pipes will be partially painted at the top with a biodegradable fluorescent orange or red paint for easy identification in the field. The starting and end points of each transect will be so identified on the pipes together with transect number/codes.

The tree quadrats will consist of 5-meter by 10-meter rectangle plots oriented with the 10-meter dimension perpendicular to the transect. The sides of the tree plots will be measured and then flagged with surveyor's flagging to mark the boundaries in the field for easy identification during the sampling effort. Proceeding from the starting point to the end, the tree plots will be situated on the left side of each transect.

All planted, live trees located within the quadrats will be identified to species and measured for height and crown covers. Each tree will be identified in the field with aluminum tags labeled with a distinct code. The code-uses the first two letters of the genus and species followed by a consecutive number. The numbers identify the individual trees measured consecutively from the beginning to the end of each transect (e.g. AR-1, TD-2, TD-3, and AR-4 indicate that *Acer rubrum, Taxodium distichum*, *Taxodium distichum,* and *Acer rubrum* were the first four trees sampled in the transect). The percent cover of recruited and/or existing shrub species (i.e., non-canopy woody species) will also be recorded within the 5 x 10 square meter (m^2) tree quadrats along all of the vegetation transacts.

The herbaceous plant cover within the ground layer will also be visually estimated for all of the vegetation transacts. Herbaceous cover will be estimated within $1m^2$ quadrats situated at approximately 25-ft intervals along each transect (i.e., each $1\text{-}m^2$ quadrat will be nested at the comer of each tree/shrub plot). Aerial cover of each species will be recorded as a percent of the quadrat area. In addition, the percent cover of unvegetated surface area will also be recorded for each quadrat (e.g. open water, bare ground, litter, detritus, etc.).

Hydrological data will be collected from staff gauges located near each, transect. Relative water level depths will also be recorded at each 25-ft interval along the transacts during the collection of vegetation data. The number of quadrats/transects will be adequate to achieve a statistically valid sample of tree survival and vegetation cover.

In addition to the quantitative sampling, the parcel of land will be qualitatively inspected during the annual monitoring efforts to develop a complete listing of all plant species. Also, qualitative monitoring utilizing random pedestrian transacts will be conducted across the parcel of land to compare the analysis of data obtained during the quantitative sampling and to evaluate overall planting and 'maintenance success. Qualitative information will include the following:

1. Visual estimates of percent coverages by wetland planted/recruited trees as well as desirable herbaceous and shrubby species, nuisance/exotic species, upland species, and bare ground/open water;
2. Visual determination of overall hydrological conditions;
3. Assessment of jurisdictional status pursuant to FDEP and USACE criteria; and
4. Incidental wildlife sightings or indications of wildlife usage.

Color panoramic photographs will be taken at permanent photo documentation stations located at the ends of each transect. The transect, photo station, and staff gauge locations will be depicted on the as-built drawings of the planting areas.

DATA ANALYSIS

Aerial coverage values will be summed for all transacts and quadrats for each species. Individual tress crown covers will be calculated for the parcel of land using the following formula:

$[\ (D_1 + D_2) / 4\ ]^2 \times \text{pi} = \textit{Area of Crown Cover}$

where D_1 = Diameter of crown on the longest axis.

and D_2 = Diameter of crown on the shortest axis.

The percent cover/dominance for each planted tree species will be calculated by dividing the sum of the crown covers over the area sampled. The sum of the covers for each species of shrub and herb will be divided by the total number of quadrats of each respective layer to obtain the percent cover/dominance for a species. The relative dominance will be estimated by summing the dominance for a species and dividing by the total dominance for all species.

Frequency will be calculated by dividing the numbers of quadrats in which a species occurs by the total number of quadrats sampled. The relative frequency will be estimated by summing the frequency for a species and dividing by the total frequency for all species.

The number of trees per acre will also be calculated for all tree species measured. The average tree heights will be calculated for the planted species of trees. Tree density Will be calculated by determining the number of individuals of a species over the area sampled. The relative density will be calculated as the density for a species divided by the total density for all species.

Importance values will be calculated as either the sum of the relative frequency, relative density, and relative dominance (trees) or the sum of the relative frequency and relative dominance (shrub and herb layers). Combining these relative values into a single importance value reflects the different measures of the importance of each species in a community.

The formulas for the values identified above are provided as follows:

Percent Cover/Dominance	Crown covers or cover values of each species / Total area sampled or total number of plots sampled
Density	Individuals of a species / Area sampled
Frequency	Number of plots in which a species occurs / Total number of plots sampled
Relative Dominance	Dominance for a species x 100 / Total dominance for all species
Relative Density	Density for a species x 100 / Total density for all species
Relative Frequency	Frequency for a species x 100 / Total frequency for all species
Importance Value	Relative dominance + relative density + relative frequency

The jurisdictional status of the parcel of land will be determined by a separate estimate of the percent cover of wetland species. Wetland species are those plants listed in Chapter 62-340.450, Florida Administrative Code (F.A.C.)., as aquatic (AQUA), facultative (FAC), facultative wet (FACW), or obligate (OBL) (Florida Wetlands Delineation Manual, 1995). Any plants not listed in the referenced vegetative index are considered to be upland plants (UP). Plants listed as vines (VINE) in the vegetative index will also not be considered to be wetlands vegetation. Finally, in estimates of desirable/jurisdictional wetland vegetation cover, the covers for exotic or undesirable (nuisance) species will be calculated separately. The identification of exotic and nuisance species will be made using the 1999 List of Florida's Most Invasive Species (Florida Exotic Pest Plant Council, 2000) found at http://www.fleppc.org/99list.htm but also include climbing hemp vine (*Mikania scandens*), cattail (*Typha sp.*), and primrose willow (*Ludwigia peruviana*). Finally, hydrological data will be tabulated and shown in graphical form in order to depict overall hydrological conditions.

MONITORING INTERVAL

Upon completion of the initial planting phase of the project, the parcel of land will be, monitored for a period of five years to determine if replanting is required. Vegetation monitoring will be conducted during the summer season (June to August) by a qualified biologist (i.e., the project biologist).

REPORTING

Written compliance update reports with photographs will be submitted to Gulf Power by the project biologist following each annual monitoring session. The written reports will outline compliance with the FDEP and USACE wetland permits and this mitigation plan. Copies of the reports will be forwarded to FDEP/USACE no later than 60 days after completion of each annual monitoring session.

PROJECT BIOLOGIST

Gulf Power will contract the services of a qualified project biologist to conduct all of the above-referenced tasks associated with the mitigation effort.

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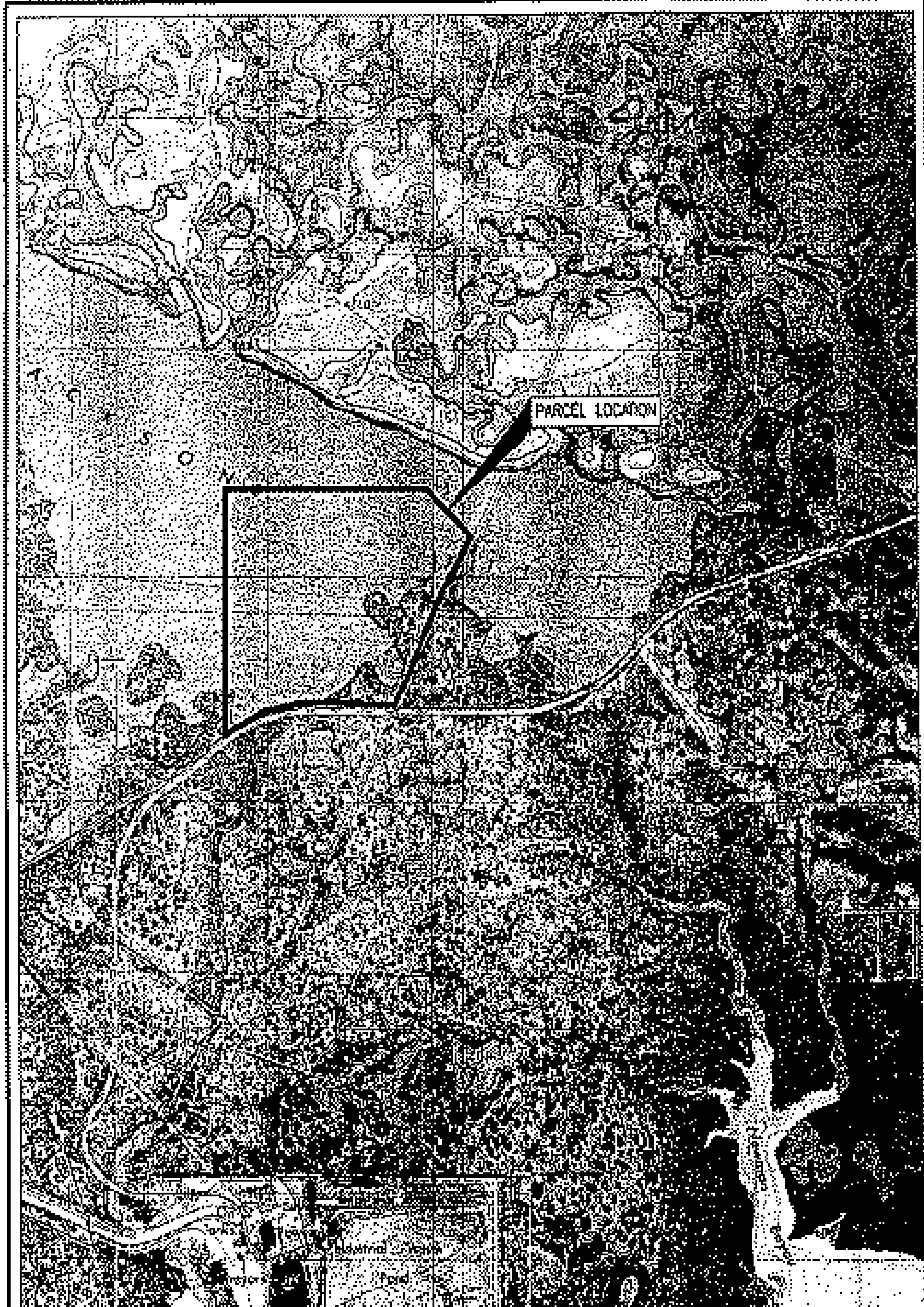

FIGURE 1.
TOPOGRAPHIC MAP OF PARCEL CONTAINING THE
PROPOSED MITIGATION SITE
GULF POWER
SMITH UNIT 3
Sources: USGS Quad Map of Southport, FL; ECT, 2000. 2

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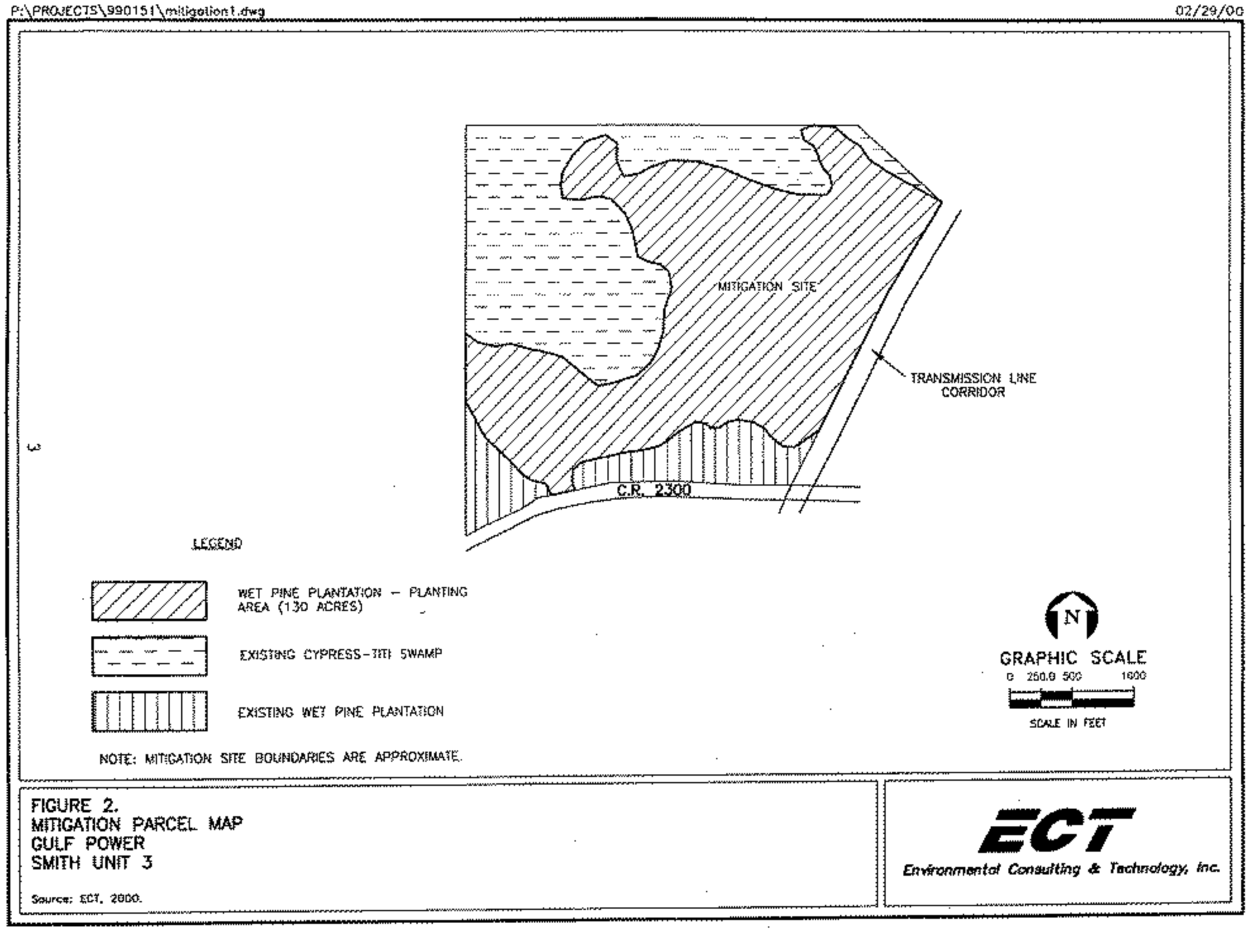

FIGURE 2.
MITIGATION PARCEL MAP
GULF POWER
SMITH UNIT 3

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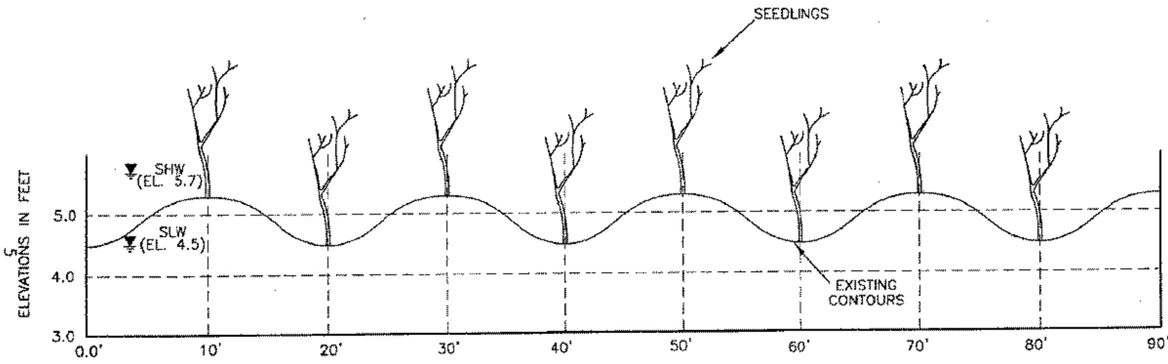

NOTES:

SEEDLINGS WILL BE PLANTED AT ROUGHLY 10-FOOT INTERVALS ALONG THE TOP AND BOTTOM OF THE EXISTING FURROWS.

SEEDLINGS WILL BE PLANTED ALONG STAGGERED ROWS.

THE DISTANCES BETWEEN THE TOPS AND BOTTOMS OF FURROWS VARIES. THE 10-FOOT SPACING INDICATED ON THIS DRAWING IS FOR ILLUSTRATIVE PURPOSES ONLY.

FIGURE 3.
TYPICAL CROSS-SECTION OF MITIGATION
GULF POWER
SMITH UNIT 3

Source: ECT, 2000.

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