

**STATE OF FLORIDA
DEPARTMENT
OF
ENVIRONMENTAL PROTECTION**



Conditions of Certification

**Wheelabrator North Broward, Inc.
Wheelabrator North Broward Resource Recovery Facility**

PA86-22K

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SECTION A: GENERAL CONDITIONS

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 Wheelabrator North Broward Inc. (Wheelabrator) as owner/operator of North Broward Resource Recovery Facility and Licensee. Subject to the requirements contained in these Conditions of Certification (Conditions) Wheelabrator will operate a 67 MW facility consisting of a 2,250 tons per day (nominal rating) mass burn resource recovery facility. This facility is located on a 25-acre site which is located in Broward County, Florida. UTM coordinates are: Zone 17; 583.541 km East; and 2907.498 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;

- Ash disposal area
- Metal Recovery Facility
- Cooling system
- Electrical substation
- Stormwater retention areas
- Internal roadway system
- Visitor/employee parking area
- Gatehouse/weigh station
- Receiving and handling building

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

D. Within 60 days after completion of construction of the electrical power plant as defined by 403.503(14), F.S. including on-site associated facilities, but excluding off-site linear facilities such as transmission lines, 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.

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 fence line of the property on which the plant is located to be the boundaries of the Site.

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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 completion of construction of the plant and on-Site associated facilities, but excluding off-Site linear and non-linear associated facilities, the Licensee shall provide to the Department in .pdf format: 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. The boundaries of the Certified Areas within the Site shall include both the certified electrical power plant's generating facilities as defined in Section 403.503(28), F.S. and its on-Site certified associated facilities (including on-Site linear facilities) as defined by Section 403.503(7), F.S. The survey map and the aerial photograph shall be known as the Delineation of the Certified Area of the Site and attached hereto as part of Attachment A.

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

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

~~EH. Upon finalization of Rights-of-Way and/or easements (including all linear facilities), the Licensee shall submit aerial photographs depicting the final Rights-of-Way/Easements (Attachment A).~~ At the Department's request, a copy of any legal instrument used to acquire such property rights shall be provided to the Department, subject to any exemptions granted by the Department under Section 119.071, F.S.

[Sections 403.511, 403.531, F.S.; subsections 62-4.160(8) and 62-17.205(2), F.A.C.]

II. APPLICABLE DEPARTMENT RULES ~~AND STATUTES~~

The construction, ~~and~~ 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 non-procedural applicable 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 the Act:

Florida Statutes:

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~~Chapter 120 (Administrative Procedure Act)~~
~~Chapter 163 (Intergovernmental Programs)~~
~~Chapter 252 (Emergency Management)~~
~~Chapter 253 (State Lands)~~
~~Chapter 258 (State Parks & Preserves)~~
~~Chapter 267 (Historical Resources)~~
~~Chapter 373 (Water Resources)~~
~~Chapter 376 (Pollutant Discharge Prevention and Removal)~~
~~Chapter 379 (Fish and Wildlife Conservation)~~
~~Chapter 380 (Land & Water Management)~~
~~Chapter 403 (Environmental Control)~~
~~Chapter 487 (Pesticide Regulation and Safety)~~
~~Chapter 556 (Underground Facility Damage Prevention and Safety)~~

Florida Administrative Codes:

5I-2 (Open Burning)
18-2 (Management of Uplands Vested in the Board of Trustees)
18-14 (Administrative Fines for Damaging State Lands)
18-20 (Aquatic Preserves)
18-21 (Sovereign Submerged Lands Management)
62-4 (Permits)
62-17 (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)
62-301 (Surface Waters of the State)
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)
62-343 (Environmental Resource Permit Procedures)
62-345 (Uniform Mitigation Assessment Method)
62-520 (Groundwater Classes and Standards)
62-528 (Underground Injection Control)
62-531 (Water Well Contractor Licensing Requirements)

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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)
62-610 (Reuse of Reclaimed Water and Land Application)
62-620 (Wastewater Facility and Activities Permitting)
62-621 (Generic Permits)
62-650 (Water Quality Based Effluent Limitations)
62-660 (Industrial Wastewater Facilities)
62-699 (Classification and Staffing of Water or Domestic Wastewater Treatment Plants and Water Distribution Systems)(~~Treatment Plant Classification and Staffing~~)
62-701 (Solid Waste Management Facilities)
~~62-702 (Solid Waste Combustor Ash Management)~~
62-710 (Used Oil Management)
62-730 (Hazardous Waste)
62-737 (Management of Spent Mercury-Containing Lamps and Devices Destined For Recycling)
62-740 (Petroleum Contact Water)
62-761 (Underground Storage Tank Systems)
62-762 (Aboveground Storage Tank Systems)
62-769 (Florida Petroleum Liability and Restoration Insurance Program)
62-770 (Petroleum Contamination Site Clean-Up Criteria)
62-780 (Contaminated Site Clean-Up Criteria)
62-814 (Electric and Magnetic Fields)
64E-6 (Standards for Onsite Sewage Treatment and Disposal Systems)

40E-4 (Surface Water Management)
40E-40 (General Surface Water Management Permits)
40E-41 (Surface water Management Basin and Related Criteria)
Basis of Review for ERP Applications

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, any holder of a certification issued pursuant to the PPSA may choose to operate the certified electrical power plant in compliance

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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

Unless otherwise indicated herein, 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 or, in the alternative by the use of the commonly accepted meaning as determined by the Department. As used herein, the following shall apply:

A. “Application” means the documents required by the Department to be filed to initiate a certification review and evaluation, including the initial document filing, amendments, and responses to requests from the Department for additional data and information. For purposes of this license application shall also include materials submitted for petitions for modification to the Conditions of Certification, 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 linear facilities this term shall mean the area encompassed by the boundaries of the certified easements and/or ROWs.

D. “Certified Facility” or “Certified Facilities” means the certified electrical power generation facilities and all on- or off-site associated structures 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 linear and associated facilities, including but not limited to: transmission lines, natural gas pipelines, and compressor stations.

E. “~~DCADEO~~” means the Florida Department of ~~Community Affairs~~Economic Opportunity.

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

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

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

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

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

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

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

M. “NPDES permit” means a federal National Pollutant Discharge Permit System permit issued in accordance with the federal Clean Water Act.

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

O. “ARPC”, “CFRPC”, “ECFRPC”, “NCFRPC”, “NEFRPC”, “SFRPC”, “SWFRPC”, “TBRPC”, “TCRPC”, “WFRPC”, or “WRPC” means the Apalachee, Central Florida, East Central Florida, North Central Florida, Northeast Florida, South Florida, Southwest Florida, Tampa Bay, Treasure Coast, West Florida or Withlacoochee Regional Planning Council, respectively.

P. “ROW” means right-of-way.

Q. “Site” 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.

R. “Surface Water Management System” means a stormwater management system, dam, impoundment, reservoir, appurtenant work, or works, or any combination thereof. The term “surface water management system” includes areas of dredging or filling, as those terms are defined in Sections 373.403(13) and (14), F.S. However, until the effective date of the rules authorized by Section 373.4145(1)(b), F.S., the term “surface water management system” is limited to stormwater management systems.

S. “NWF, SR, SJR, SWF, or SF WMD” means the Northwest Florida, Suwannee River, St. Johns River, Southwest Florida, or South Florida Water Management District, respectively/

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

V. TRANSFERABILITY OF DEFINITIONS

Definitions in other Chapters of the Department's rules may be used to clarify the meaning of terms used in these Conditions unless transfer of such definition would defeat the purpose or alter the intended effect of the provisions of these Conditions.

[Rule 62-4.021, F.A.C.]

VI. DEPARTMENT PERMITS UNDER FEDERAL PROGRAMS~~FEDERAL PERMITS~~

This certification is not a waiver of any other Department approval that may be required under federally delegated or approved programs. The provisions of the following federal permits shall be conditions of this certification to the extent the provisions of those permits apply to the Certified Facility(ies). The Licensee shall comply with the applicable provisions and limitations set forth in the permits listed below, and as those provisions may be modified, amended, or renewed in the future by the Department. The following permits have

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~~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 portions of facility ID 0112120 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.]

~~The provisions of the following permits shall be conditions of this certification to the extent the substantive provision of those permits apply to the certified facilities. The Licensee shall comply with the applicable substantive provisions and limitations set forth in both Air Construction Permit No. PSD-FL-112 and Title V Air Operation Permit Number 0112120-009-AV as part of these Conditions of Certification, and as those provisions may be modified, amended, or renewed in the future by the Department. Such provisions shall be fully enforceable as conditions of this certification. Any violation of such provisions shall be a violation of these Conditions of Certification.~~

~~1. Air Construction Permit~~

~~Air Construction Permit PSD-FL-112 is incorporated by reference herein as part of this Certification and attached as Appendix I.~~

~~[Chapter 62-212, F.A.C.]~~

~~2. Title V Permit~~

~~Title V Air Operation Permit 0112120-009-AV is incorporated by reference herein as part of this Certification and attached as Appendix II.~~

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

B. Water

1. 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.]

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2. NPDES Multi-Sector Generic Permits 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.]

3. 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 site 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 in testimony and exhibits in support of certification. Final engineering design will be consistent and in substantial compliance with the preliminary information described in the Application or as explained at the certification hearing. Conformance to those criteria, unless specifically modified in accordance with Sections 403.516, 403.5315, 403.9418, 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. In any instance where a conflict occurs between the Application's design criteria and the Conditions of Certification, the Conditions shall prevail.

[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 license, the Licensee shall immediately provide the Department with the following information:

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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.

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

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

B. The Licensee shall immediately notify the Department in writing of any previously submitted information concerning the Certified Facility that is later discovered to be inaccurate.

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

IX. CONSTRUCTION PRACTICES

A. Local Building Codes

For licenses issued under the PPSA any local government has the right to charge appropriate fees or require that construction be in compliance with applicable building construction codes.

[Section 403.531(4), F.S.]

~~B. Particulate Matter~~

~~The Licensee shall take reasonable precautions to control emissions of unconfined particulate matter in accordance with subparagraph 62-296.320(4)(c)1., F.A.C. The Licensee shall take appropriate measures to stabilize those portions of the certified area that are disturbed by construction or operation of the certified facility that may cause release of particulate matter.~~

~~*[Rule 62-296.320, F.A.C.]*~~

~~C. Open Burning~~

Any open burning in connection with initial land clearing shall be in accordance with the non-procedural requirements of Chapters 62-256 and 5I-2, F.A.C. Prior to any burning of construction-generated material, after initial land clearing that is allowed to be burned in accordance with Chapter 62-256, F.A.C., Licensee shall seek approval from the applicable DEP District Office, whose approval may be granted in conjunction with the approval of the Division of Forestry. Burning shall not occur if not approved by the Department or if the Division of Forestry or Broward County Fire and Rescue Department has issued a ban on burning due to fire safety conditions or due to air pollution conditions. A copy of any submittal by Licensee relating to open burning shall be submitted to the affected county in which open burning will take place as requested or required by that county.

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

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~~D. 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.]~~

~~EC. Flood Control Protection~~

The certified facilities shall be constructed in a manner that complies with any applicable non-procedural County flood protection requirements.

~~ED. Vegetation~~

For areas located in Florida Department of Transportation (DOT) ROW's Chapter 7 of the Florida DOT *Utility Accommodation Manual* located at this web address <http://www2.dot.state.fl.us/proceduraldocuments/procedures/bin/710020001/Chapter-7.pdf> shall serve as guidelines for best management practices.

~~GE. Existing Underground Utilities~~

Licensee must follow all applicable portions of the Underground Facility Damage Prevention and Safety Act, Chapter 556, F.S. 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. Tickets shall be available for request until construction has been completed.

~~[Chapter 556, F.S.]~~

~~F. Electric and Magnetic Fields (EMF)~~

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

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

~~HG. Sanitary Wastes~~

Disposal of sanitary wastes from construction toilet facilities shall be in accordance with applicable regulations of the appropriate local health agency.

X. 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

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be mutually agreed upon by DEP 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.

~~[Section 403.511(5)(c), F.S., and Rules 62-4.160(7)(a) and 62-4.160(15), F.A.C.]~~

XI. DISPUTE RESOLUTION

~~If a situation arises in which mutual agreement cannot be reached between the Licensee, DEP and another agency receiving a post-certification submittal or between DEP and the Licensee regarding compliance with the Conditions of Certification, then the matter shall be immediately referred to the Division of Administrative Hearings (DOAH) for disposition in accordance with the provisions of Chapter 120, F.S. The Licensee or DEP may request DOAH to establish an expedited schedule for the processing of such a dispute.~~

~~[Sections 403.511 and 120.57, F.S.]~~

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.]~~

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XII. 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.

XIII. 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. Abandonment 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.

~~Consistent with the Florida Rules of Evidence and of Civil Procedure, 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.~~

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

XIV. 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 Sections 403.512, 403.532, and 403.9425, F.S., or for violations of any of these Conditions of Certification. This License is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this 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.]

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XV. SAFETY-REGULATORY COMPLIANCE

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

The Federal Occupational Safety and Health Standards will be complied with during construction and operation. The safety standards specified under Section 440.56, Florida Statutes, by the Industrial Safety Section of the Florida Department of Commerce will be complied with during operation.

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

XVI. CIVIL AND CRIMINAL LIABILITY

~~A.— This certification does not relieve the Licensee from civil or criminal penalties for noncompliance with any conditions of this certification, applicable rules or regulations of the Department, or any other state statutes or regulations which may apply.~~

~~B.— This License is not a waiver of any other Department approval that may be required for other aspects of the certified facility under federally delegated or approved programs.~~

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 COC, applicable rules or regulations of the Department, or any other state statutes or regulations which may apply.

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

XVII. PROPERTY RIGHTSUSE OF STATE LANDS

A. 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. 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.

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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. 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 commence on sovereign submerged lands or state owned uplands, title to which is held by the Board of Trustees of the Internal Improvement Trust Fund, until all required lease or easement documents have been executed 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 62-343.900(1) and 62-4.160(4), F.A.C.; Upland Easement Application and Section G of the Environmental Resource Permit Application Form.]

XVIII. 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), ~~403.531(5), and 403.9416(4), F.S.]~~

XIX. 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
Southeast District Office

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400 North Congress Ave, Suite 200
West Palm Beach, FL 33401

Florida Department of Community Affairs
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, FL 32399-0450

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

Treasure Coast Regional Planning Council
Office of the Executive Director
421 SW Camden Avenue
Stuart, FL 34994

South Florida Water Management District
Office of General Counsel
3301 Gun Club Road
West Palm Beach, FL 32177

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

Broward County
County Attorney
114 S. Andrews Ave.
Ft. Lauderdale, FL 33301

[Section 403.511, F.S.]

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XX. 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.

B. Filings

All post-certification submittals of information by Licensee are to be filed with the DEP Siting Coordination Office, the DEP District Office(s), and any other agency that is entitled to receive a submittal pursuant to any Condition of Certification. All filings with the Siting Coordination Office shall be submitted in .pdf format only, unless otherwise requested. Each submittal shall clearly identify the certified facility name, PA#, and the Condition number/s (i.e. Section X, Condition XX.y.(z)) requiring the submittal. As required by Section 403.5113(2), F.S., each post-certification submittal will be reviewed by each agency with regulatory authority over the matters addressed in the submittal on an expedited and priority basis.

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

~~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 non-federal 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, in a sortable spreadsheet, via email to SCO@dep.state.fl.us in the format identified below or equivalent.~~

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

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

C. Completeness

DEP shall review each post-certification submittal for completeness. This review may include consultation with the other agency (ies) receiving the post-certification submittal with regulatory jurisdiction over the matter addressed in the submittal. DEP's finding of completeness shall specify the area of the certified facility affected, and shall not delay further processing of the post-certification submittal for non-affected areas. If any portion of a post-certification submittal is found to be incomplete, 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.

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.

G. Revisions to Design Previously Reviewed for Compliance

~~The Licensee shall submit to DEP, and/or applicable agencies, proposed revisions to post-certification submittals for review. Such submittals shall include the same type of information required for the original submittal and shall be submitted prior to construction/implementation. If revisions to site-specific designs occur after submittal, the Licensee shall submit revised plans prior to construction for review in accordance with the post-certification process specified in this Condition.~~

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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.

I.—Disputes

~~Any agency which received a post-certification submittal pursuant to these Conditions may dispute a determination that a submittal provides reasonable assurances of compliance with the Conditions of Certification made by DEP on matters within that agency's jurisdiction by following the procedures set forth in Chapter 120, F.S. The agency's statement disputing DEP's determination shall state with particularity the location to which the agency's dispute relates. Work in areas other than the location to which the agency's dispute relates will not be affected by the agency's dispute.~~

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

XXI. 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 non-federal 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, in a sortable spreadsheet, via email to SCO@dep.state.fl.us in the format identified below or equivalent.

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

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

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XXII. 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.

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 ~~and 403.5317~~, F.S.

[Section 403.5113, F.S.]

XXIII. MODIFICATION OF CERTIFICATION

A. Pursuant to Sections 403.516(1)(a), 403.5315(1), 403.9418(1)(a), 120.569(2)(n), F.S., and Rule 62-17.211, F.A.C., the Siting Board hereby delegates the authority to the Department of Environmental Protection to modify, after notice and receipt of no objection by a party or other substantially affected person, any conditions 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. ~~– In addition, the Department is delegated the authority to modify conditions as follows:~~

~~The certification shall be modified to conform to subsequent DEP-issued amendments, modifications, or renewals of any separately issued Prevention of Significant Deterioration (PSD) permit, Title V Air Operation permit, Underground Injection Control (UIC) permit, or National Pollutant Discharge Elimination System (NPDES) permit for the certified facility. In the event of a conflict, the more stringent of the conditions of such permits or of these Conditions of Certification shall be controlling.~~

B. The 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.

BD. Any anticipated facility expansions, production increases, or process modifications which may result in new, different or increased discharge or emission of

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pollutants, change in fuel, or expansion in generating capacity must be reported by submission of an appropriate request for an amendment, modification, or certification.

~~C.E.~~ Any anticipated facility change that results in a change to the Site Delineation must be accompanied by a map or aerial photo showing the proposed new boundaries of the certified area. The Department may consider any such change to be a modification of the Conditions of Certification. Within 60 days after completion of construction of the new project the Licensee shall provide: the information required by Section A. General Conditions, Condition I. Scope, paragraph D as appropriate.

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

~~[Sections 120.569(2)(n), 403.511(5)(a), 403.516, 403.5315, and 403.9418, F.S.; Rule 62-17.211 and Chapter 62-343, F.A.C.]~~

XXIII. INCORPORATION OF EXISTING STATE AND LOCAL PERMITS/LICENSES

The operation of the certified facility shall be in accordance with all applicable provisions of any state or local government regulation incorporated into these COCs. All state and locally issued permits are intended to be incorporated herein, such that the licensee shall comply with the substantive provisions and limitations set forth in those permits. The inadvertent omission of any state or locally issued permit from these COCs can be remedied by a modification of the COCs to include provisions from the state or locally issued permit.

At any time following certification, should the licensee become aware of any state or locally issued permit not included herein, the licensee shall promptly notify the SCO for incorporation into these COCs. Likewise, when the Department is made aware of any separately issued permits that were inadvertently not included in the COCs, the COCs will be modified to incorporate the substantive provisions and limitations of any such permit.

XXIV. 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.]~~

XXV. FINANCIAL RESPONSIBILITY

The Department may require the Licensee to submit proof of financial responsibility and may require the Licensee to post an appropriate bond in those instances where the Department is authorized to require proof of financial responsibility or a bond pursuant to a law or Department rule that is applicable to the Certified Facility.

~~[Rule 62-4.110, F.A.C.]~~

XXVI. 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. ~~competent to construct, operate and maintain the certified facility in accordance with these Conditions of Certification.~~

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~~The Department will consider whether the entity is a proper applicant as defined by the PPSA, TLSA and/or NGPSA, in making its approval.~~ 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 and the identity of the entity responsible for compliance with the certification. Upon the filing with the Department of a written agreement from the intended Licensee/Transferee to abide by all Conditions of Certification and applicable laws and regulations, the transfer shall be approved unless the Department objects to the transfer on the grounds of the inability of the new Licensee to comply with the Conditions of Certification, specifies in writing its reasons therefore, and gives notice and opportunity to petition for a Section 120.57, F.S., administrative hearing. A copy of the necessary form may be obtained by contacting the Siting Coordination Office. Upon approval, the Department will initiate a modification to the Conditions of Certification to reflect the change in ownership in accordance with Rule 62-17.211, F.A.C.

B. In the event of the dissolution of a certified 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, ~~TLSA and/or NGPSA~~. Upon determination that such a successor entity complies with the above, the Department will initiate a modification to the Conditions of Certification to reflect the change in ownership in accordance with Rule 62-17.211, F.A.C.

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

XXVII. 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. Standard Operating Procedures can be downloaded from the following website: http://www.dep.state.fl.us/labs/library/lab_sops.htm

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

XXVIII. ENVIRONMENTAL RESOURCES

A. General

1. Submittals for Construction Activities

a. Prior to the commencement of construction of any portion of the Certified Facility that does not qualify for an exemption from environmental resource permitting under 62-343, 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 Form 62-343.900(1).

These forms may be submitted; a) concurrently with a site certification application, an amendment request, or a petition for modification; or b) as a post-certification submittal following approval of a project through certification, an amendment, or a modification.

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Such ERP applications, once received, shall be reviewed in accordance with the standards and criteria for issuance of an ERP, including all the provisions related to reduction and elimination of impacts, conditions for issuance, additional conditions for issuance, and mitigation contained in Chapters 62-330, 62-341, 62-343, and 62-346, F.A.C., as applicable unless otherwise stated in these Conditions.

Those forms submitted as part of a site certification, 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 project approval 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 COC. For post-certification submittal reviews, the Department's determination is governed by Section A., Condition XXII. Procedures for Post-Certification Submittals.

~~No construction shall commence until the appropriate notification from the Department has been received.~~

b. Concurrent with submittal of the DEP form required in Subparagraph A.1.a., above, the Licensee shall submit, as applicable, The Licensee shall submit 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 approval. 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, 62-343.070(2) and 62-346.070(2), paragraph 62-343.090(2)(b), and Forms 62-343.900(1) 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, F.S.; paragraph 62-17.665(7)(d), F.A.C.]

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

[Sections 373.421, and 403.504, ~~403.523, and 403.9404~~, F.S.]

B. Surface Water Management

1. Surface water management systems will be evaluated under Part IV of Chapter 373, F.A.C. following submittal of Form 62-343.900(1) or 62-346.900(1), as applicable, to the appropriate office of the Department.

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2. All construction, operation, and maintenance shall be as set forth in the plans, specifications and performance criteria contained in the Department's files and approved by this license. 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. Any alteration or modification to the surface water management system as licensed requires prior approval from the Department.

3. Immediately prior to, during construction, and for the period of time after construction to allow for stabilization of all disturbed areas, 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 of transferring suspended solids into the receiving waterbody exists due to the licensed work, and shall remain in place at all locations until construction 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, 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* (Florida Department of Transportation and Florida Department of Environmental Protection by HydroDynamics Incorporated in cooperation with Stormwater Management Academy, June 2007). The Licensee shall correct any erosion or shoaling that causes adverse impacts to the water resources as soon as practicable. Once project construction has been deemed complete, including the re-stabilization of all side slopes, embankments and other disturbed areas, and before conversion from 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 surface water management system described in the DEP ERP Application Form, as part of a postcertification submittal, amendment, or modification, including water quality treatment features, and discharge control facilities prior to use of the portion of the certified facility being served by the surface water management system.

5. At least 48 hours prior to the commencement of construction of any new surface water management system authorized by this license, the Licensee shall submit to the Department a written notification of commencement using an "Environmental Resource Permit Construction Commencement Notice" DEP Form 62-343.900(3) or 62-346.900(3), 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" (Form No. 62-343.900(4), F.A.C.). Status Report Forms shall be submitted the following June of each year.

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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 site infrastructure located within the area served by that portion or phase of the system.

7. Within 30 days after completion of construction of any new portions of the surface water management system, the Licensee shall submit a written statement of completion and certification by a registered professional engineer (P.E.), or other appropriate registered professional, as authorized by law, utilizing an “As-Built Certification by a Registered Professional” DEP Form 62-343.900(5) or 62-346.900(4), as applicable. Additionally, if deviations from the approved drawings are discovered during the certification process, the certification must be accompanied by a copy of the approved license 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 the operation of any new surface water management system, the Licensee shall submit to the Department a “Request for Transfer of Environmental Resource Permit Construction Phase to Operation Phase” (DEP Form 62-343.900(7), F.A.C.). The operation phase of any new surface water management system 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.

[Chapters 62-25, 62-302, 62-330, 62-343, and 62-346, F.A.C., 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 avoid or minimize adverse impacts to on-site and/or adjacent wetlands or other surface waters to the extent feasible. When unavoidable impacts to wetlands will occur, as a result of a future amendment, modification, or certification, and cannot be practicably eliminated or reduced, the Licensee may propose and the Department or Board shall consider mitigation to offset otherwise unpermissible activities under the Environmental Resource Permit review process pursuant to subparagraph.A.1, “Submittal for Construction Activities,” above.

~~an applicant may propose and the Department shall consider mitigation to offset otherwise unpermissible activities under the Environmental Resource Permit review process pursuant to A.1.a above.~~

2. Proposed mitigation plans submitted with the DEP ERP Application forms required in Condition A.1.a. above, or submitted and approved as part of a post-certification

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submittal, 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 the Conditions of Certification and attached as Attachment ~~BC~~.

[Sections 373.413, 373.414, 373.4145, 403.511, ~~403.531~~, and 403.814(6), and ~~403.9416~~, F.S.; Chapters 62-330, 62-341 62-342, 62-343, 62-345, and 62-346, F.A.C.]

XXIX. 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), ~~403.524(1)~~, and ~~403.9405(1)~~, F.S.]

XXX. 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 of Certification, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with these Conditions and when required by Department rules. 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 noncomplying event.

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

XXXI. RECORDS MAINTAINED AT THE FACILITY

A. These Conditions of Certification or a copy thereof shall be kept at the ~~work site of the Certified Facility Site~~.

~~B.— Upon request, the Licensee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.~~

CB. The Licensee shall hold at the certified facility, 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.

DC. 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;

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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.]

XXXII. 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, and 62-620, F.A.C., and Rule 62-621.302, F.A.C.]

B. Wastewater Incident Reporting

~~1. The Licensee shall report to the Department any unauthorized discharge to surface or ground waters. Any information shall be provided orally within 24 hours from the time the Licensee becomes aware of the circumstances. 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. The Licensee shall report to the appropriate district office 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,

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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.]

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XXXIII. SOLID AND HAZARDOUS WASTE

A. Solid Waste

The Licensee shall comply with all applicable provisions of Chapters 62-701 ~~and 62-702~~, 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.

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

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

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

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E. Contaminated Site Cleanup

1. The Licensee shall comply with all applicable 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.]

DE. Water Quality Reporting Requirements for the Solid Waste Program

All solid and/or hazardous waste water quality monitoring reports and all solid and/or hazardous waste ground water, surface water and leachate analytical results shall be submitted electronically. Water quality monitoring reports shall be submitted in a pdf format. The water quality data Electronic Data Deliverable (EDD) shall be provided to the Department in an electronic format consistent with requirements for importing the data into the Department's databases. Water quality monitoring reports shall be signed and sealed by a Florida registered professional geologist or professional engineer with experience in hydrogeological investigations and shall include the following:

1. Cover letter;
2. Summary of exceedances and recommendations;
3. Ground water contour maps;
4. Chain of custody forms;
5. Water levels, water elevation table;
6. Ground Water Monitoring Report Certification, using the appropriate Department form;
7. Appropriate sampling information on Form FD 9000-24 (DEP-SOP-001/01); and,
8. Laboratory and Field EDDs and error logs, as applicable.

All submittals in response to this specific condition shall be sent both to:

Florida Department of Environmental Protection
[District name] District Office
[address]
[city], Florida [zip code]

And to:

Florida Department of Environmental Protection
Solid Waste Section
2600 Blair Stone Road, MS 4565
Tallahassee, Florida, 32399-2400

And to:

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

[Rules 62-160.110, 62-160.240, 62-160.340, and 62-730.225, F.A.C.]

XXXIV. STORAGE TANK SYSTEMS

Registration, construction, installation, operation, maintenance, repair, closure, and disposal of storage tank systems 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 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, 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 facility, actions shall be taken immediately to contain, remove, and abate the discharge under all applicable Department rules (for example, Chapter 62-770, F.A.C., Petroleum Contamination Site Cleanup Criteria). 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 62-770, F.A.C., corrective action, including free product recovery, shall be performed in accordance with that Chapter.

D. Out of Service and Closure Requirements

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

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

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XXXV. NOISE

The Licensee shall comply with applicable local noise ordinance specifications, or noise standards imposed by zoning.

XXXVI. SCREENING

The Licensee shall comply with applicable local government requirements concerning the screening of the certified facility.

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SECTION B: SPECIFIC CONDITIONS

I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

A. *Transmission Lines*

The directly associate transmission lines from the Resource Recovery Facility electric generators to the existing Florida Power and Light Company transmission system shall be cleared, maintained and prepared without the use of herbicides.

B. *Surface Water Monitoring During Construction*

The following surface water monitoring program shall be implemented during construction for:

Parameter: Dissolved oxygen, temperature (C^o), pH, total and fecal coliform bacteria, salmonella, iron, lead, copper, mercury, cadmium, zinc, silver and turbidity.

Frequency: Quarterly throughout the year except that the samples shall be collected monthly for April, June, August and September. Sampling shall begin at least 30 days prior to initial construction for background levels. All samples shall be taken for a 24 hour period, at four (4) hour intervals beginning one hour before sunrise.

Sampling Locations: At the discharges to the existing canal or ditch systems.

Analyses: Water quality analyses should be performed at detection levels commensurate with water quality criteria for Class III waters (Rule 62-302, F.A.C.). Samples shall be collected in accordance with Standard Method for Examination of Water and Wastewater and analyzed by a Florida Department of health certified laboratory.

If a violation occurs for any sampled parameter, the Permittee shall, after notifying the Department, institute corrective action to abate the violation if it is the result of activities of the Permittee. Corrective action may include further monitoring to determine the extent and degree of violation. Any modifications shall be coordinated with the Southeast District Office. Department approval shall be obtained prior to any action constituting a modification of these Conditions of Certification.

All monitoring report shall be submitted to DEP's Industrial Wastewater Section, Southeast District Office and to the SFWMD under a cover letter containing the following information: (1) certification number; (2) handling, storage and methods of analysis of the samples; (3) a map indicating the sampling locations; and (4) a statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection and accuracy of the data. Monitoring reports shall also include the following information for each sample that is taken:

- (1) time of day samples taken;
- (2) depth of water body;
- (3) depth of sample;
- (4) antecedent weather conditions;
- (5) wind direction and velocity.

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(6) status of flow from site stormwater discharge structure (flowing or not flowing).

Monitoring reports shall be submitted to the Southeast District and SFWMD within two (2) weeks of completion of analyses for each sampling period.

C. Environmental Control Program

An environmental control program shall be established under the supervision of a qualified individual to assure that all construction activities conform to applicable environmental regulations and the applicable conditions of certification.

If harmful effects or irreversible environmental damage not anticipated by the application or the evidence presented at the certification hearing is detected during construction, the Permittee shall notify the Southeast District Office as required by Section A, Condition VIII.

D. Water Discharges

1. Surface Water

a. Any discharges from the site stormwater system via the emergency overflow structure which result from an event LESS than a ten-year, 24-hour storm (defined by the U.S. Weather Bureau Technical Paper No.40, or the DOT drainage manual, or similar documents) shall meet applicable State Water Quality Standards, Chapter 62-301, F.A.C., the Standards of Chapter 62-330, F.A.C., and Chapter 40E-2 and 40E-4, FAC.

2. Monitoring Surface Water

a. Sampling of water quality in the surface water management system shall be sampled at the point of discharge (POD) to the concrete-lined ditch.

<u>Monitoring Type and Schedule</u>	<u>Parameters</u>
1. General (Quarterly)	Total Organic Carbon, Dissolved Oxygen, pH, Turbidity, Specific Conductance, Chemical Oxygen Demand, Alkalinity, Total Suspended Solids, Ammonium N, Nitrate-N, Total Kjeldahl Nitrogen, Oil and Grease, Detergents, Total Coliform, Fecal Coliform, Fecal Streptococcus, Salmonella, Biochemical Oxygen Demand, Total Phosphorus, and Chlorides
2. Metals (Semi-annual)	Aluminum, Antimony, Beryllium, Cadmium, Copper, Cyanide, Iron, Lead, Mercury, Nickel, Selenium, Silver, Zinc, Arsenic, and Chromium

b. Water quality reports shall be submitted within thirty (30) days of receipt of analysis results to the Southeast District Office and SFWMD for distribution to the appropriate review personnel.

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c. The monitoring program may be reviewed annually by the Department, and a determination made as to the necessity and extent of continuation of the program. Aspects of the program related to sampling, monitoring, reporting, and related time schedules may be modified in accordance with the provisions of Condition XII.

3. Groundwater Monitoring Program Groundwater Monitoring Program

a. In lieu of a groundwater monitoring program, the Licensee may demonstrate compliance with ground water quality standards of DEP Rule Chapter 62-520, F.A.C., and the monitoring requirements of Chapter 62-522, F.A.C., by developing and submitting for approval a liner testing protocol capable of meeting the requirements of §§ 62-701.400(7)(b), F.A.C., and by submitting the reports equivalent to those required by §§ 62-701.400(7)(b) & (d), F.A.C. Upon satisfactory submission of the liner testing protocol, and compliance with specific condition 3.b. below the Licensee may discontinue the groundwater monitoring program described in specific conditions XIV.E.3.c-g. below.

b. Beginning in March 2005, the liner for the stormwater pond at the plant shall be tested every five (5) years during the month of March for a leakage using the method approved in the liner testing protocol submitted pursuant to specific condition 3.a. above. The results of the leakage test shall be submitted with a summary report to the Southeast District Office of the Department within thirty (30) days of receipt by the facility. The report shall contain the date, time, test method, results, recommendations for repairs, timetable for repairs and a site plan of the liner system identifying any liner leaks or defects. If the results of two consecutive testing events indicate leaks, the Department may require the Licensee to resume the following ground water monitoring program in specific conditions 3.c-g. below until liner integrity can be demonstrated.

c. Sampling of the shallow aquifer groundwater quality shall be conducted in at least three shallow wells in the immediate vicinity of the stormwater control pond to verify the integrity of the impermeable liner. The wells shall monitor the zone from elevation 0 to elevation 10. All wells shall be surveyed by a state certified land surveyor and the locations of each well depicted on a topographical aerial map with the appropriate elevations noted for well.

d. Operational background monitoring shall commence at least one year prior to operation of the resource recovery facility. Construction of monitoring wells and the collection of samples shall be in accordance with EPA recommended methods as contained in the "Procedures Manual for Ground Water Monitoring at Solid Waste Disposal Facilities" (EPA/530/SW-611). The wells shall be deep enough to ensure that groundwater samples can be obtained with the groundwater table elevation at its estimated lowest point and shall be protected from damage and destruction. Samples shall be analyzed in accordance with the methods described in Chapter 62-4, F.A.C. Analyses shall be performed by laboratories which are approved by the Department of Health to conduct analyses pursuant to Section 403.863, F.S., the State Public Water Supply Laboratory Certification Program.

e. Sampling of groundwater quality of monitoring wells shall be performed quarterly for all parameters as stated below unless the value for any parameter should increase by more than 25% above the average background value:

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Monitoring Type and Schedule	Parameters
1. General (Quarterly)	pH, Specific Conductance, Chloride, Nitrate, Total Iron, Total Dissolved Solids, and Oil and Grease
2.	In the event that the value or any parameter should increase by more than 25% above the average background value, then the sampling frequency shall be increased to monthly and consideration be given to using a tracer dye in the stormwater control pond to assist in verifying whether the liner is leaking or the increase is due to other causes. If the pond is found to be leaking, appropriate measures to locate and repair the leak shall be made. If the pond is found not to be leaking, then quarterly sampling shall recommence.

f. Water quality monitoring reports shall be submitted within thirty (30) days of receipt of analysis results to the Southeast District Office and SFWMD for distribution to the appropriate review personnel.

g. The monitoring program may be reviewed annually by the Department, and a determination made as to the necessity and extent of continuation of the program. Aspects of the program related to sampling, monitoring, reporting, and related time schedules may be modified in accordance with the provisions of Condition XII.

E. Solid/Hazardous Waste

1. General

a. The final plans for this Facility shall include provisions for the isolated temporary handling of suspected hazardous, toxic, or pathologic wastes.

b. No suspected or known hazardous, toxic, or infectious wastes as defined by federal or state statutes, rules, or regulations or local ordinances shall be burned or stored at the site without prior approval of the department. The Permittee shall prepare and submit for approval to the South Florida District Office a written training program on the detection and handling of hazardous, toxic, or infectious wastes.

c. Rodent and insect control shall be provided as necessary to protect the health and safety of site employees and the public. Pesticides used to control rodents, flies, and other vectors shall be as specified by the Florida Department of Agriculture and Consumer Services.

d. Storage of putrescible waste for processing shall not exceed storage capacity of the refuse bunker or tipping floor as designed on the approved plan, or be stored on the tipping floor for more than forty-eight (48) hours.

e. Ash prior to transport to the landfill shall be stored in an enclosed building on an impervious surface or by another method approved by the Southeast District Office. Final disposal of the ash shall be into the lined landfill or by another method approved by the Southeast District Office. Any leachate generated within the building shall be collected and disposed of by a method approved by the Southeast District Office. The Southeast District

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Office shall notify the SFWMD of the plans and specifications regarding the above referenced method.

f. A monthly report shall be prepared detailing the amount and type (putrescible, special wastes, boiler residue, etc.) of materials processed at the site (see Condition XIV.E.2 above). These reports shall be furnished to the Southeast District Office quarterly, commencing 120 days after the Resource Recovery Facility becomes operational and is producing residues.

g. If a temporary hazardous waste storage and transfer facility is developed at the Facility for the isolated temporary handling of suspected hazardous wastes, the storage and transfer facility shall be designed, constructed and operated in conformance with Rule 62-730, F.A.C. The design of the temporary storage and transfer facility's operational procedures, personal training program, contingency plans and closure plans shall be submitted to the department and SFWMD for review and approval.

h. An EP toxicity analysis of the ash residue being landfilled for the chemicals listed using the prescribed method as set forth in 40 CFR Part 261, Appendix II, shall be conducted within 30 days after commencement of commercial operation. In addition, said ash residue shall be tested for zinc and dioxin (2, 3, 7, 8 - TODD) content.

i. Results from said residue analysis shall be sent to the Southeast District Office within thirty (30) days of receipt. Results will be used to determine whether or not these materials constitute a "Hazardous Waste" as defined by applicable federal or state regulations. Results of these analyses may also be used for correlation with groundwater monitoring information and in any subsequent modification of conditions.

j. If residue materials are determined to be a "Hazardous Waste" then measures shall be taken to treat or dispose of the residues pursuant to rules promulgated by Federal, State or Local authorities, as may be applicable.

k. If the nature of the materials received at the facility becomes altered, either due to modification of conditions, i.e., the facility is allowed to incinerate already known hazardous wastes such as pesticides, or if groundwater monitoring reveals abnormal groundwater conditions which may be attributable to the landfilling of this residue, then a subsequent analysis may be required at that time.

l. There shall be no discharge to waters of the State of polychlorinated biphenyl compounds.

~~2.—Ash Residue Management Plan~~

~~An Ash Residue Management Plan shall be submitted to the DEP Southeast District Office Solid Waste Section in accordance with 62-702.400, F.A.C. The plan shall be updated as necessary to reflect changed conditions, but shall be reviewed and updated at least every five years.~~

~~{62-702.400, F.A.C.}~~

F. Potable Water System

The potable water system (wells, pipes, pumps and treatment facilities) shall be designed, constructed and operated in conformance with the applicable provisions of Chapters

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62-532 and 62-550, F.A.C. Plans and specifications for these facilities shall be provided to the Southeast District Office and the Broward County Department of Planning and Environmental Protection for review and approval ninety (90) days prior to construction.

G. Cooling Tower

1. The North Broward Resource Recovery Facility may utilize treated sewage or stormwater runoff as a source of cooling water. If the Licensee wishes to use another source of cooling water other than treated sewage or stormwater runoff, the Licensee must submit a modification request pursuant to 403.516(2), Florida Statutes, to the Department and to the South Florida Water Management District and obtain approval of the Siting Board.

2. Prior to use in the cooling tower, treated sewage effluent shall be disinfected by use of chlorine or other suitable biocide to achieve a 1.0 mg/1 concentration of total chlorine residual after a 15 minute contact time.

II. SOUTH FLORIDA WATER MANAGEMENT DISTRICT

A. General Conditions

1. Professional Engineer Certificate

The operational phases of the surface water management system authorized under this Certification shall not become effective until a Florida registered professional engineer certifies upon completion of each phase that these facilities have been constructed in accordance with the design approved by the South Florida Water Management District (SFWMD). Within thirty (30) days after completion of construction of each phase, the Permittee shall submit the engineer's certification and notify the SFWMD that the facilities are ready for inspection and approval.

2. Minimum Standards

This Certification is base on the applicant's submitted information to the SFWMD which reasonably demonstrates that adverse off-site water resource related impacts will not be caused by the authorized activities. The plans, drawings, and design specifications submitted by the applicant shall be considered the minimum standards for compliance.

3. Liability

The North Broward County Resource Recovery Project, Inc., or its successor(s) shall hold and save the SFWMD harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, operation, maintenance or use of any facility authorized by this Certification the extent permitted under Florida law.

4. Enforcement

Authorized representatives of the SFWMD shall be allowed to enter the premises to inspect and observe the operation of the surface water management system in order to determine compliance with the conditions of this Certification.

5. Water Quality Monitoring

Water quality data require by this Certification for the surface water management system shall be submitted to the SFWMD and to the Department of Environmental Protection's Southeast District Office. Parameters to be monitored include but are not limited to

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those listed in Chapters 62-4 and 62-302, F.A.C. If water quality data are required by any of the conditions thereof, the Permittee shall provide such data to the SFWMD and DEP as volumes of water discharged, including total volume during the days of sampling and total discharges from the property or into surface waters of the state.

F. Water Shortage

In the event of a declared shortage, water use reductions may be ordered by the SFWMD in accordance with the Water Shortage Plan, Chapter 40E-21, F.A.C.

B. SFWMD - Construction Conditions

1. The Permittee shall prosecute the work authorized under the Certification in a manner so as to minimize any adverse impact of the works on fish, wildlife, natural environmental values, and water quality. The Permittee shall institute necessary measures during the construction period, including full compaction of any fill material placed around newly installed structures, to reduce erosion, turbidity, nutrient loading and sedimentation in the receiving waters.

2. All roads shall be set at or above the elevation acceptable to Broward County, per Ordinance 8-16, as it may be amended.

3. All building floors shall be set at or above elevations required by Broward County, per Ordinance 81-16, as it may be amended.

4. Off-site discharges during construction and development shall be made only through the discharge structures authorized by this Certification.

5. Agreements Required Prior to Construction

a. No construction authorized herein shall commence until the North Broward Resource Recovery Project, Inc., or its successor has agreed in writing, to the reasonable satisfaction of the SFWMD, that it will be responsible for the construction, operation, and maintenance of the entire surface water management system.

b. No construction authorized herein shall commence until the North Broward County Resource Recovery Project, Inc., or its successor(s) has agreed, in writing, by letter or resolution, or provides the District with evidence of indemnification and the indemnitor agrees in writing, that it will be responsible for the construction, operation, and perpetual maintenance of the entire surface water management system both during operation of the facility and following the closure of the whole or any part of the facility.

6. It is also the responsibility of the Permittee to ensure that adverse off-site water resource related impacts do not occur during construction.

7. This project may be constructed in compliance with and meet all requirements set forth in Chapter 373, Florida Statutes, and Chapters 40E-2, 40E-3, and 40E-4, F.A.C.

C. SFWMD - Site Specific Standards

1. Design Conditions

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Discharge structures shall include a baffle, skimmer, or other mechanism suitable for preventing oil, grease, or other floatable materials from discharging to and/or from retention/detention areas.

2. Monitoring Conditions

Water quality samples shall be taken at the surface water discharge structure locations of the water management system during periods of discharge according to the schedule below. Flow shall be measured at the time of sample collection and the surface elevation of the water shall be provided. A laboratory certified by the State of Florida shall be responsible for all water quality sampling and analyses. Report shall be submitted to this District on a semi-annual basis. Monitoring requirements will be evaluated by the SFWMD following two years of data collection.

Monitoring	
<u>Type Schedule</u>	<u>Parameters</u>
1. General (Quarterly)	Total Organic Carbon, Dissolved Oxygen, pH, Turbidity, Specific Conductance, Chemical Oxygen Demand, Alkalinity, Total Suspended Solids
2. Organics (Semi-annual)	Trichloroethylene, Tetrachloro-Ethylene, Carbon Tetrachloride, Vinyl Chloride, 1,1,1 Trichloroethane, 1,2-Dichloroethane, Benzene, Ethylene Dibromide
3. Metals (Semi-annual)	Aluminum, Antimony, Beryllium, Cadmium, Copper, Cyanide, Iron, Lead, Mercury, Nickel, Selenium, Silver, and Zinc

3. Water Use

a. Final water use rates and sources of water for process and irrigation shall be submitted to the SFWMD when the final plant design is determined.

b. No dewatering operation shall be allowed, unless the Permittee can demonstrate to the District's written satisfaction that no adverse water resource impacts will occur as a result of the operation. Such approval may be obtained by submitting an application to the SFWMD at least ninety (90) days prior to start of dewatering operations.

D. SFWMD - Informational Requests

1. Resource Recovery Facility

a. At least sixty(60) days prior to the commencement of construction, the SFWMD staff must have received and reviewed any pertinent additional information required to be submitted under the SFWMD's site specific standards and the conditions of certification, and must issue a written approval for the desired construction.

b. Prior to construction of the Resource Recovery Facility, the Permittee shall agree in writing to the Department of Environmental Protection and to the District that no incinerator ash from this Resource Recovery Facility will be disposed of in any

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landfill cell not previously approved by the Department of Environmental Protection and the South Florida Water Management District for said ash disposal

c. Prior to construction of the Resource Recovery Facility, a complete set of paving, grading, and drainage plans with supporting calculations for each phase (if applicable) must be submitted to the SFWMD for a determination of compliance with Chapter 40E-2 and 40E-4, FAC. Said plans shall include the following:

- i. Paving, grading and drainage plans with special attention perimeter site grading; and
- ii. Drainage calculations including:
 - (a) Design storms used including depth, duration and distribution;
 - (b) Off-site inflows;
 - (c) Stage-storage computations for the project and stage-discharge computations for the outfall structure(s);
 - (d) Acreage percentage of property proposed as:
 - (1) impervious surfaces (excluding water bodies)
 - (2) pervious surfaces (green areas)
 - (3) lakes, canals, retention areas, etc.
 - (4) total acreage of the project
 - (e) Runoff routing calculations showing discharges, evasions, and volumes detained during applicable storm events;
 - (f) Calculations used to determine minimum building floor and road elevations; and
 - (g) Description of liner specifications and installation procedures for the elastomer liner under the dry detention area.

2. Hazardous Waste Storage Facility

Any on-site hazardous materials temporary storage and transfer facility constructed this site pursuant to the Water Quality Assurance Act should be considered separate from the Certification process and may subject to regulatory permits if required by applicable statutes rules, and regulations. The design of the building and related infrastructure should be submitted to this District for review and verification that the proposed facility has been designed to prevent any stored or transferred hazardous materials from coming in contact with the surface water management system.

3. Transmission Line Corridor

Sixty days prior to the commencement of construction of the transmission line, the Permittee shall provide the District with the location of areas in which fill and associated facilities will be placed. Written confirmation that the fill and associated facilities

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will not cause adverse off-site impacts shall be received from the District prior to commencement of construction.

4. Wet Scrubbing System

If the installation of scrubbing system for air pollution control is required, the Permittee shall submit the following to the SFWMD for review and approval:

a. Design and supporting documentation for the wet scrubber system, including chemical and physical properties of any possible waste products generated by the system and the method of disposal of such waste.

b. Calculations and supporting documentation of the effect, if any, that the disposal of the wet scrubber waste product will have on the surface water management system or storm wet runoff quality.

c. Calculations and supporting documentation for any additional water use as a result of construction and operation of the wet scrubber system.

d. Proposed source of water for the wet scrubber system. If the propose source of water is on-site withdrawal of groundwater, the applicant shall meet the requirements of Chapter 373, Part II, F.S.

e. If the proposed source of wet scrubber water is a public water supply stem, the Permittee shall receive approval by the SFWMD prior to construction of the wet scrubber system.

5. Subsequent modifications to the drawings and supporting calculations submitted to the SFWMD which alter the quantity or quality of the discharge of water off-site shall be pursuant to Section 403.516, F.S., and Rule 62-17.211, F.A.C., and shall be submitted to the SFWMD for a determination that the modifications are in compliance with Chapters 40E-2, 40E-3 and 40E-4, F.A.C.

E. SFWMD - Additional Permitting Requirements

Off-site supporting facilities (landfill, part of previously permitted ditch, etc.) which are referenced in the North Broward Resource Recovery power plant application are considered by the SFWMD for permitting purposes as separate from this Certification and subject to permits requirements of Chapter 373, Florida Statutes.

HISTORY

Certification Issued 03/09/87; signed by Governor Martinez

Modified 04/12/88; signed by Governor Martinez

Modified 02/01/89; signed by Secretary Twachtman

Modified 11/30/92; signed by Secretary Browner

Modified 08/01/00 (E); signed by Deputy Secretary Green

Modified 08/06/01 (F); signed by Deputy Secretary Bedwell

Modified 06/13/02 (G); signed by Deputy Secretary Bedwell

Modified 02/24/03 (H); signed by Siting Administrator Oven

Modified 02/08/05 (I); signed by Siting Administrator Oven

Modified 04/15/11 (J); signed by Siting Administrator Halpin

Modified XX/XX/XX (K); signed by Siting Administrator Mulkey