STATE OF FLORIDA

DEPARTMENT

OF

ENVIRONMENTAL PROTECTION

PROPOSED

Conditions of Certification

Orlando Utilities Commission

Curtis H. Stanton Energy Center

PA 81-14M

XX/XX/XX

Table of Contents

SECTION A: GENERAL CONDITIONS 1

I. SCOPE Replaced Condition I. Certification Control 1

II. APPLICABLE DEPARTMENT RULES Replaced Condition II. Applicable Rules 3

III. REVISIONS TO DEPARTMENT STATUTES AND RULES Partially replaces Condition IV. General Conditions, paragraph M. 5

IV. DEFINITIONS Replaced Condition III. Definitions 5

V. DEPARTMENT PERMITS UNDER FEDERAL PROGRAMS New Condition 6

A. Air Replaced Conditions V. Construction, B.6. and VI. Air 7

B. Water 7

VI. DESIGN AND PERFORMANCE CRITERIA Replaced Condition V. Standards and Review of Plans 8

VII. NOTIFICATION Replaced Condition IV. General Conditions, D. Noncompliance Notification 8

VIII. REPLACEMENT FOR RESTORATION OF SYSTEM INTEGRITY AND EMERGENCY CONDITIONS Replaced Conditions IV. General Conditions, A. Facility Operation, 2 and XVIII. Transmission Lines, Access Road, Natural Gas Pipeline and Rail Spur, F. Emergency Reporting 9

IX. CONSTRUCTION PRACTICES 10

A. Local Building Codes New Condition 10

B. Open Burning Replaced Condition V. Construction, B. Open Burning, 2 10

C. Vegetation New Condition 10

D. Existing Underground Utilities New Condition 10

E. Electric and Magnetic Fields (EMF) Replaced Condition VIII. Electric and Magnetic Fields with revised language 10

F. Existing Wells New Condition 10

G. Abandonment of Existing Septic Tanks New Condition 11

X. RIGHT OF ENTRY Replaced Condition IV. F. Right of Entry 11

XI. DISPUTE RESOLUTION Replaced Condition IV.W. Dispute Resolution 11

A. General 11

PROPOSED

B. Modifications 11
C. Post-Certification Submittals 12
XII. SEVERABILITY Replaced Condition IV. K. Severability 12
XIII. ENFORCEMENT Replaced Condition IV. G. Enforcement 12
XIV. REVOCATION OR SUSPENSION Replaced Condition IV. H. Revocation or Suspension 12
XV. REGULATORY COMPLIANCE Replaced Condition IV. I. Civil and Criminal Liability, J. Property Rights, and P. Safety 13
XVI. CIVIL AND CRIMINAL LIABILITY Replaced Condition IV. I. Civil and Criminal Liability 13
XVII. USE OF STATE LANDS Replaced Condition XV. Construction in the Waters of the State and Condition IV.J. Property Rights 13
XVIII. PROCEDURAL RIGHTS Replaced Condition IV. M. Procedural Rights 14
XIX. AGENCY ADDRESSES FOR POST-CERTIFICATION SUBMITTALS AND NOTICES New Condition 14
XX. PROCEDURES FOR POST-CERTIFICATION SUBMITTALS Replaced Conditions IV.Y. Procedures for Post-Certification Submittals and V.A. Standards and Review of Plans 16
A. Purpose of Submittals 16
B. Filings 16
C. Completeness 16
D. Inter-Agency Meetings 17
E. Determination of Compliance 17
F. Commencement of Construction 17
G. Revisions to Design Previously Reviewed for Compliance 17
XXI. POST-CERTIFICATION SUBMITTAL REQUIREMENTS SUMMARY New Condition 17
XXII. POST CERTIFICATION AMENDMENTS New Condition 18
XXIII. MODIFICATION OF CERTIFICATION Replaced Condition IV.N. Modification of Conditions 18
XXIV. COASTAL ZONE CONSISTENCY New Condition 19
XXV. TRANSFER OF CERTIFICATION Replaced Condition IV. O. Transfer of Certification 19
XXVI. LABORATORIES AND QUALITY ASSURANCE Replaced Condition IV.X. Laboratories and Quality Assurance 19

PROPOSED

XXVII. ENVIRONMENTAL RESOURCES Replaced Conditions V.B. Control Measures, G. Stormwater Review, and VII.I. State Water Quality Standards, ... 20

A. General 20

B. Surface Water Management Systems 21

C. Wetland and Other Surface Water Impacts 23

XXVIII. THIRD PARTY IMPACTS New Condition 23

XXIX. FACILITY OPERATION Replaced Conditions IV.A. Facility Operation and IV. E. Adverse Impact no changes 23

XXX. RECORDS MAINTAINED AT THE FACILITY Replaced Conditions IV.B. Records Maintained at the Facility and X. Laboratories and Quality Assurance 23

XXXI. WATER DISCHARGES 24

A. Discharges Replaced Condition IV. R. Toxic, Deleterious or Hazardous Materials 24

B. Wastewater Incident Reporting 25

XXXII. SOLID AND HAZARDOUS WASTES 26

A. Solid Waste Replaced a portion of Condition V.B. Solid Waste 26

B. Hazardous Waste and Used Oil New Condition 26

C. Hazardous Substance Release Notification Replaced Condition IV. R. Toxic, Deleterious or Hazardous Materials 26

D. Used Oil, Petroleum Contact Water and Spent Mercury New Condition 27

E. Contaminated Site Cleanup New Condition 27

XXXIII. STORAGE TANK SYSTEMS New Condition 27

A. Incident Notification Requirements. 27

B. Discharge Reporting Requirements 27

C. Discharge Cleanup 27

D. Out of Service and Closure Requirements 28

SECTION B. SPECIFIC CONDITIONS 29

I. DEPARTMENT OF ENVIRONMENTAL PROTECTION 29

A. Groundwater Monitoring Replaced Conditions V.B Control Measures, X. Water Discharges and XI. Groundwater 29

B. Domestic Wastewater 30

C. Cooling Tower Replaced Condition IX. Cooling Tower 31

PROPOSED

D. Potable Water Supply System no changes 31

E. Combustion Waste Landfill Replaced Condition XVII. Solid Waste Landfill with revised language 31

F. Solid Wastes Replaced Condition XII. 34

G. Transformer and Electric Switching Gear Replaced Condition XIV. Transformer and Switching Gear 34

H. Transmission Lines, Access Road, Natural Gas Pipeline and Rail Spur Replaced Condition XVIII.B.1-5. Transmission Lines, Access Road, Natural Gas Pipeline and Rail Spur 35

I. Coal Pile Replaced Condition XXIV. Coal Pile 35

J. Pond Perimeter Berms Replaced Condition V.E. Pond Perimeter Berms 35

K. Wetland Vegetation Replaced Condition V.F. Wetland Vegetation .. 35

L. Screening Replaced Condition IV. Q. Screening and Condition V.B.8. 36

II. DEPARTMENT OF TRANSPORTATION Replaced Condition XXX. Department of Transportation 36

A. Best Management Practices 36

B. Access Management to the State Highway System 36

C. Drainage 36

D. Overweight/Overdimensional Vehicles 36

E. Use of Air Space 36

F. Use of State of Florida Right of Way or Transportation Facilities 37

III. ST. JOHNS RIVER WATER MANAGEMENT DISTRICT Replaced Condition XXIX St. Johns River Water Management District 37

A. Water Shortages Moved from Condition XXIX. St. Johns River Water Management District, A. 37

B. Well Construction, Modification, Or Abandonment Revised Language 37

C. Well Maintenance Moved from Condition XXIX. St. Johns River Water Management District, C. 38

D. Mitigation of Withdrawal Impacts On Existing Legal Users Moved from Condition XXIX. St. Johns River Water Management District, D. 38

E. Mitigation of Impacts On Adjacent Land Uses Moved from Condition XXIX. St. Johns River Water Management District, E. 38

F. Identification Tags Moved from Condition XXIX. St. Johns River Water Management District, F. 39

PROPOSED

G. Maximum Annual Withdrawals Moved from Condition XXIX. St. Johns River Water Management District, H. 39

H. Maximum Daily Withdrawals Moved from Condition XXIX. St. Johns River Water Management District, I. 39

I. Dewatering Revised language 39

J. Well Water Quality Sampling Revised language 40

K. Water Flow Monitoring Revised language 40

L. Conservation Plans Revised language 40

M. Maintenance and Calibration of Flow Meters Revised language 41

N. Use of Lowest Quality Water Moved from Condition XXIX. St. Johns River Water Management District, R. 41

IV. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION Replaced Condition IV.V. Endangered and Threatened Species, Condition XXIII. Fish and Wildlife Management, and Condition XXV. Fish and Wildlife Conversation Commission 41

A. Listed-species Conditions 41

B. General Listed Species Survey 42

C. Specific Listed Species Surveys 42

D. Listed Species Locations 43

E. Gopher Tortoise 44

F. Red-cockaded Woodpecker Replaced Condition XXI. Red Cockaded Woodpecker 44

V. DEPARTMENT OF STATE – DIVISION OF HISTORICAL RESOURCES 46

VI. DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES Replaced Condition V.B.7. and Condition XVIII.C.2. Maintenance 46

VII. ORANGE COUNTY 46

A. Building and Construction Requirements Moved from Condition XXXI. Orange County, A. with revised language 46

B. Noise Replaced Condition IV.S. Noise and V.B.5. 47

C. Flood Protection Control Replaced Condition XIX. Flood Control Protection 47

D. Conservation Area 47

E. Public Works Impacts 47

F. Cooling Water 47

G. Open Burning 47

PROPOSED

H. Air 48

VIII. EMERGENCY MANAGEMENT Replaced Condition XXXII. Department of Community Affairs 48

History 48

ATTACHMENTS

Attachment A ..... Certified Site/Areas/Facilities Delineation Map(s)

Attachment B ..... Surface Water Management System Operation and Maintenance Requirements

Attachment C ..... Mitigation Plan(s)

Attachment D ..... Red Cockaded Woodpecker Management Plan

Attachment E ..... 2017 Florida List of Invasive Species

Attachment F..... Water Quality Monitoring Plan Implementation Schedule

Attachment G..... Summary of Specific Domestic Wastewater Facility Information and Associated Requirements

Attachment H..... Landfill Operation and Maintenance Plan

PROPOSED

SECTION A: GENERAL CONDITIONS

I. SCOPE Replaced Condition I. Certification Control

A. Pursuant to the Florida Electrical Power Plant Siting Act (PPSA), Sections 403.501-518, Florida Statutes (F.S.), and Chapter 62-17, Florida Administrative Code (F.A.C).; this certification is issued to Orlando Utilities Commission, Florida Municipal Power Agency, Kissimmee Utility Authority and Southern-Florida, LLC (referred to hereinafter collectively as OUC) as joint owners, operators and licensees of the Curtis H. Stanton Energy Center (CHSEC). Subject to the requirements contained in these Conditions of Certification (Conditions), OUC, as the Licensee of this certification, will operate a 945 MW (nominal) facility consisting of two coal-fired units known as Units No. 1 and No. 2, and ancillary equipment; a 633 MW gas-fired combined cycle unit known as Combined Cycle Unit A, a 300-MW dual-fueled (natural gas/No.2 fuel oil) unit known as Combined Cycle Unit B., and associated facilities as described in the site certification application (SCA), the final order of certification, the conditions in this certification, post-certification submittals, post-certification amendments, or modifications. The CHSEC is located on a 3,286-acre property within Sections 12, 13, 14, 23, and 24 of Township 23 South, Range 31 East, and Sections 7, 18, and 19 of Township 23 South, Range 32 East in Orange County, Florida. The UTM coordinates are: Zone 17, 483.61 km East; 3151.1 km North. The latitude and longitude are: 28°29’11” North and 81°10’03” West, respectively. The Department does not intend, solely by the incorporation of the General Conditions, to require retrofitting of the existing certified facilities.

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

Onsite Facilities

Coal Storage and Handling Facility
Fly Ash Storage and Handling Facility
Limestone Storage and Handling Facility
Bottom Ash Storage and Handling Facility
Cooling Water Makeup Pond
Combustion Waste Landfill or Storage Area
Combustion Waste Processing Facility
Lined Ponds System
Brine Concentrator Plant
Onsite Transmission Lines and Substations
Stormwater Management Ponds
Innovation Way (2.3-mile road link within CHSEC)

50.4 Acre OUC Stanton Solar Energy Project (2011)

Offsite Facilities

Transmission Lines

- CHSEC to Mud Lake (within Railroad ROW)
- CHSEC to Pershing
- CHSEC to Duke Energy Curry Ford Substation

Railroad Corridor
Natural Gas Pipeline (within Railroad ROW)

PROPOSED

Cooling Water Makeup Pipeline
Alternate Plant Access Road
Magnolia Ranch North Substation
Landfill Gas Pipeline Blower/Flare Station
Landfill Gas Pipeline

C. These Conditions, unless specifically amended or modified, are binding upon the Licensee and shall apply to the construction, operation and maintenance of the certified facilities. Should a conflict occur between the design criteria of the certified facilities and the Conditions, the conditions shall prevail unless amended or modified. Should a conflict occur between any of these Conditions, the more specific condition shall govern.

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

The Licensee shall notify the Department of any change to the site boundary depicted in the Site Delineation in Attachment A (Maps). The notification shall be accompanied by an updated land survey map (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 electrical power plant's generating facility and on-site support facilities are located to be the boundaries of the site. **New Condition**

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 any off-site linear and non-linear associated facilities, the Licensee shall provide to the Department an acceptable documentation (e.g., an aerial photograph) in pdf format 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 document is known as the Delineation of the Certified Area of the Site and attached hereto as part of Attachment A (Maps). **New Condition**

F. Within 120 days after completion of construction of any off-site associated non-linear facilities, the Licensee shall provide the following documents in pdf format to the Department: (i) a survey map signed and sealed by a professional land surveyor, or an acceptable equivalent documentation such as an official legal description, delineating the boundaries of the certified areas for each off-site non-linear certified facility; and (ii) an aerial photograph delineating the boundaries of the certified area for each off-site non-linear certified facility. The survey maps and aerial photographs are known as Delineation of the Certified Areas of the Offsite Non-linear Facilities and are attached hereto as part of Attachment A (Maps). **New Condition**

PROPOSED

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

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

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

II. APPLICABLE DEPARTMENT RULES Replaced Condition II. Applicable Rules

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

Florida Administrative Codes:
18-2 (Management of Uplands Vested in the Board of Trustees)
18-14 (Administrative Fines for Damaging State Lands or Products Thereof)
18-20 (Florida Aquatic Preserves)
18-21 (Sovereign Submerged Lands Management)
62-4 (Permits)
62-17 (Electrical Power Plant Siting)
62-25 (Regulation of Stormwater Discharge)
62-40 (Water Resource Implementation Rule)
62-150 (Hazardous Substance Release Notification)
62-160 (Quality Assurance)
62-204 (Air Pollution Control-General Provisions)
62-210 (Stationary Sources-General Requirements)
62-212 (Stationary Sources-Preconstruction Review)
62-213 (Operation Permits for Major Sources of Air Pollution)
62-214 (Requirements for Sources Subject to the Federal Acid Rain Program)
62-256 (Open Burning)
62-296 (Stationary Sources-Emission Standards)
62-297 (Stationary Sources-Emission Monitoring)
62-302 (Surface Water Quality Standards)
62-304 (Total Maximum Daily Loads)
62-312 (Dredge and Fill Activities)
62-330 (Environmental Resource Permitting)

PROPOSED

62-340 (Delineation of the Landward Extent of Wetlands and Surface Waters)
62-341 (Noticed General Environmental Resource Permits)
62-343 (Environmental Resource Permit Procedures)
62-345 (Uniform Mitigation Assessment Method)
62-520 (Groundwater Classes, Standards and Exemptions)
62-522 (Ground Water Permitting and Monitoring Requirements
62-528 (Underground Injection Control)
62-531 (Water Well Contractor Licensing Requirements)
62-532 (Water Well Permitting and Construction Requirements)
62-550 (Drinking Water Standards, Monitoring and Reporting)
62-555 (Permitting, Construction, Operation, and Maintenance of Public Water Systems)
62-560 (Requirements for Public Water Systems That Are Out of Compliance)
62-600 (Domestic Wastewater Facilities)
62-601 (Domestic Wastewater Treatment Plant Monitoring)
62-604 (Collection Systems and Transmission Facilities)
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)
62-672 (Minimum Requirements for Earthen Dams Used in Phosphate Mining and Beneficiation Operations and for Dikes Used in Phosphogypsum Stack System Impoundments)
62-699 (Treatment Plant Classification and Staffing)
62-701 (Solid Waste Management Facilities)
62-710 (Used Oil Management)
62-730 (Hazardous Waste)
62-737 (The Management of Spent Mercury-Containing Lamps and Devices Destined For Recycling)
62-740 (Petroleum Contact Water)
62-761 (Underground Storage Tank Systems)
62-762 (Aboveground Storage Tank Systems)
62-769 (Florida Petroleum Liability and Restoration Insurance Program)
62-777 (Contaminant Cleanup Target Levels)
62-780 (Contaminated Site Cleanup Criteria)
62-807 (Natural Gas Transmission Pipeline Siting)
62-814 (Electric and Magnetic Fields)
64E-6 (Standards for Onsite Sewage Treatment and Disposal Systems)

40C-2 (Consumptive Uses of Water)
SJRWMD "Applicant's Handbook, Consumptive Uses of Water, April 10, 2002" (hereinafter "A.H.")
40C-3 (Water Wells)

PROPOSED

III. REVISIONS TO DEPARTMENT STATUTES AND RULES Partially replaces Condition IV. General Conditions, paragraph M

A. The Licensee shall comply with rules adopted by the Department subsequent to the issuance of this 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 the certification.

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

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

IV. DEFINITIONS Replaced Condition III. Definitions

The meaning of terms used herein shall be governed by the applicable definitions contained in Chapters 253, 373, 379, and 403, F.S., and any regulations 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 statutes or regulations or, in the alternative by the use of the commonly accepted meaning. As used herein, the following definitions shall apply:

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

B. "Associated Facilities" is defined by Section 403.503(7), F.S.

C. "Certified Area" refers to the area within the site in which the certified facilities are located. For off-Site nonlinear associated facilities, this term refers to the area within which the certified off-Site associated facility is located. For off-Site liner facilities, this term refers to the area encompassed by the boundaries of the certified corridors, until such time as all property interests required for ROWs have been acquired, after which time the term shall include only the area within the final ROWs, in accordance with Section 403.503(11), F.S.

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

E. "County" means Orange County.

F. "DEO" means the Florida Department of Economic Opportunity.

G. "DEM" shall mean the Florida Division of Emergency Management.

H. "DEP" or "Department" means the Florida Department of Environmental Protection.

PROPOSED

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

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

K. "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 calamities.

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

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

N. "Licensee" means Orlando Utilities Commission (OUC), Florida Municipal Power Agency, and Southern-Florida, LLC, to which this certification is issued.

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

P. "Post-Certification Submittal" means a submittal made by the Licensee pursuant to this certification.

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

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

S. "Site" as defined in Section 403.503(28).

T. "SCO" means the Siting Coordination Office.

U. "Surface Water Management System" or "SWMS" means a stormwater management system as defined in Section 373.403(10), F.S. It includes, but not limited to, areas of dredging or filling, as those terms are defined in Sections 373.403(13) and (14), F.S.

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

W. "SJRWMD" and "SFWMD" means St. Johns River Water Management District and South Florida Water Management District, respectively.

X. "Title V permit" means a permit issued by DEP in accordance with Title V provisions of the federal Clean Air Act.

Y. "Wetlands" means those areas meeting the definition set forth in Section 373.019(27), F.S., as delineated pursuant to Chapter 62-340, F.A.C.

V. DEPARTMENT PERMITS UNDER FEDERAL PROGRAMS New Condition

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 facilities. The Licensee shall comply with the applicable provisions and limitations set forth in the permits listed below, and as those provisions may be

PROPOSED

modified, amended, or renewed in the future by the Department. The Department may consider a violation of any of these permits as a violation of this license.

A. Air **Replaced Conditions V. Construction, B.6. and VI. Air**

All Air Construction Permits and Title V Air Operation Permits in force for the certified facilities 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 0950137: http://webapps.dep.state.fl.us/DepNexus/public/search-portal.

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

B. Water

1. NPDES Industrial Wastewater Discharge **New Condition**

All NPDES Permits in force for the certified facilities are incorporated by reference herein as part of these Conditions. The NPDES Permits can be found at this web link using the facility ID number 0681661: http://webapps.dep.state.fl.us/DepNexus/public/search-portal.

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

2. Underground Injection Control **New Condition**

The Licensee currently has no active UIC permits. Any future construction or operation of injection wells shall be in accordance with all applicable provisions of the UIC program as well as any subsequent modifications, amendments and/or renewals. UIC permits can be found at http://webapps.dep.state.fl.us/DepNexus/public/search-portal.

[Chapter 62-528, F.A.C.]

3. NPDES Generic Permit for Stormwater Discharge from Large and Small Construction Activities (CGP) **New Condition**

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, a Generic Permit for Stormwater Discharge from Large and Small Construction Activities shall be obtained as applicable.

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

4. NPDES Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity. **New Condition**

Any storm water discharges associated with industrial activity on the site shall be in accordance with all applicable provisions of Chapter 62-621, F.A.C.

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

5. NPDES Generic Permits for Discharge of Ground Water from Dewatering Operations **New Condition**

Prior to discharge of produced groundwater from any non-contaminated site activity which discharges by a point source to surface waters of the State, as defined in

PROPOSED

Chapter 62-620, F.A.C., the Licensee must first obtain coverage under the Generic Permit for Discharge of Produced Ground Water From Dewatering Operations.

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 Discharges from Petroleum Contaminated Sites. Before discharge of ground water can occur from petroleum contaminated 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 permitted without a valid permit.

6. NPDES Generic Permit for Discharges from Concrete Batch Plants **New Condition**

Prior to discharges from concrete batch plants which meet the criteria specified in DEP Document 62-621.300(3)(a), (excluding Part III when using any new batch plants and excluding Part II when using any existing batch plants) the Licensee must first obtain coverage under the Generic Permit for Discharges from Concrete Batch Plants. This generic permit also constitutes authorization to construct and operate closed loop recycling vehicle/equipment washing facilities at concrete batch plants. New and existing concrete batch plants that do not qualify for coverage or do not choose to be covered under this generic permit shall apply for an individual wastewater permit on the appropriate form listed in Rule 62-620.910, F.A.C. and in the manner established in Chapter 62-620, F.A.C. DEP Document number 62-621.300(3)(a) contains specific design and operating requirements for discharges from wastewater and stormwater management systems at concrete batch plants.

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

VI. DESIGN AND PERFORMANCE CRITERIA **Replaced Condition V. Standards and Review of Plans**

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

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

VII. NOTIFICATION **Replaced Condition IV. General Conditions, D. Noncompliance 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:

1. A description of and cause of non-compliance; and

PROPOSED

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

All notifications that are made in writing shall also be immediately provided to the SCO via email at SCO@dep.state.fl.us.

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

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

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

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

The notice shall consist of maps or aerial photographs in the scale of 1:24,000 which clearly show the location of the certified route and shall state that the certification of the corridor will result in the acquisition of rights-of-way within the corridor. The Licensee shall certify to the Department and the Clerk(s) of the Circuit Court(s) that all lands required for the transmission line rights-of-way within the corridor have been acquired within such county.

[Section 403.5112, F.S.]

VIII. REPLACEMENT FOR RESTORATION OF SYSTEM INTEGRITY AND EMERGENCY CONDITIONS **Replaced Conditions IV. General Conditions, A. Facility Operation, 2 and XVIII. Transmission Lines, Access Road, Natural Gas Pipeline and Rail Spur, F. Emergency Reporting**

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

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

PROPOSED

IX. CONSTRUCTION PRACTICES

A. Local Building Codes New Condition

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

[Section 403.511(1) and (4), F.S.]

B. Open Burning Replaced Condition V. Construction, B. Open Burning, 2

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

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

C. Vegetation New Condition

For areas located in any Florida Department of Transportation (DOT) ROW, Chapter 7 of the Florida DOT *Utility Accommodation Manual* available on the DOT website (http://www2.dot.state.fl.us/proceduraldocuments/procedures/bin/710020001/Chapter-7.pdf) shall serve as guidelines for best management practices.

D. Existing Underground Utilities New Condition

The Licensee shall follow all applicable provisions of the Underground Facility Damage Prevention and Safety Act, Chapter 556, F.S. The Licensee shall provide the affected local government and the SCO with copies of valid tickets obtained from Sunshine State One Call of Florida upon request. Tickets shall be available upon request until the underground work is completed in the affected areas.

[Chapter 556, F.S.]

E. Electric and Magnetic Fields (EMF) Replaced Condition VIII. Electric and Magnetic Fields with revised language

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

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

F. Existing Wells New Condition

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

PROPOSED

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

G. Abandonment of Existing Septic Tanks **New Condition**

Any existing septic tanks to be impacted by construction and that will no longer be used shall be abandoned in accordance with Rule 64E-6.011, F.A.C.

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

X. RIGHT OF ENTRY **Replaced Condition IV. F. Right of Entry**

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

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

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

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

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

XI. DISPUTE RESOLUTION **Replaced Condition IV.W. Dispute Resolution**

A. General

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

PROPOSED

of the requested modification is substantially related to or necessary to implement the portion to which written objections are filed.

C. Post-Certification Submittals

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

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

XII. SEVERABILITY Replaced Condition IV. K. 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 remain in effect.

XIII. ENFORCEMENT Replaced Condition IV. G. Enforcement

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

B. All records, notes, monitoring data, and other information relating to the construction or operation of the certified facilities that are submitted to the Department may be used by the Department as evidence in any enforcement case involving the certified facilities 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 shall be extended automatically unless otherwise stipulated by the Department. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

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

XIV. REVOCATION OR SUSPENSION Replaced Condition IV. H. 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, F.S. This certification is valid only for the specific processes and operations identified in the SCA and approved in the final order of certification and indicated in the testimony and exhibits in support of certification, or approved in subsequent amendments or modifications of the certification. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this approval may constitute grounds for revocation and enforcement action by the Department. Any enforcement action, including suspension and revocation, shall only affect the

PROPOSED

portions of the certified facilities that are the cause of such action, and other portions of the certified facilities shall remain in effect.

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

XV. REGULATORY COMPLIANCE Replaced Condition IV. I. Civil and Criminal Liability, J. Property Rights, and P. Safety

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

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

XVI. CIVIL AND CRIMINAL LIABILITY Replaced Condition IV. I. Civil and Criminal Liability

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

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

XVII. USE OF STATE LANDS Replaced Condition XV. Construction in the Waters of the State and Condition IV.J. Property Rights

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

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

PROPOSED

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

D. The Licensee is hereby advised that Florida law states: "No person shall commence any excavation, construction, or other activity involving the use of sovereign or other state lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund or the Department of Environmental Protection under Chapter 253, F.S., until such person has received from the Board of Trustees of the Internal Improvement Trust Fund the required lease, license, easement, or other form of consent authorizing the proposed use." Pursuant to Chapter 18-14, F.A.C., if such work is done without consent, or if a person otherwise damages state land or products of state land, the Board of Trustees may levy administrative fines of up to $10,000 per offense.

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

[Chapters 253 and 258, 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 Replaced Condition IV. M. 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.

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

XIX. AGENCY ADDRESSES FOR POST-CERTIFICATION SUBMITTALS AND NOTICES New Condition

If 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 specify otherwise or unless the Licensee and the Department 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 5500
2600 Blair Stone Rd.
Tallahassee, Florida 32399-3900
SCO@dep.state.fl.us

PROPOSED

Florida Department of Environmental Protection
Central District Office
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767
DEP_CD@dep.state.fl.us

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

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

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

Florida Department of Agriculture and Consumer Services
Florida Forest Service
3125 Conner Boulevard
Tallahassee, Florida 32399-1650

East Central Florida Regional Planning Council
Office of the Executive Director
309 Cranes Roost Blvd. Suite 2000
Altamonte Springs, Florida 32701

St. Johns River Water Management District
Office of General Counsel
P.O. Box 1429
Palatka, Florida 32178-1429
ApplicationSupport@sjrwmd.com

South Florida Water Management District
Office of General Counsel
3301 Gun Club Road
West Palm Beach, Florida 33406

Florida Department of State
Permitting and Compliance

PROPOSED

Bureau of Historical Preservation
Division of Historical Resources
500 S. Bronough Street
Tallahassee, Florida 32399-0250

Orange County
Orange County Attorney's Office
P.O. Box 1393
Orlando, Florida 32802-1393

[Section 403.511, F.S.]

XX. PROCEDURES FOR POST-CERTIFICATION SUBMITTALS Replaced Conditions IV.Y. Procedures for Post-Certification Submittals and V.A. Standards and Review of Plans

A. Purpose of Submittals

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

B. Filings

All post-certification submittals of information by the Licensee are to be filed with the DEP Central District Office and any other agencies that are entitled to receive a submittal pursuant to these Conditions. The SCO shall be copied on all post-certification submittals in pdf format only, unless otherwise requested, via email to SCO@dep.state.fl.us. Each submittal shall clearly identify the Licensee, the certified facilities, and this certification. As required by Section 403.5113(2), F.S., each post-certification submittal shall 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.]

C. Completeness

DEP shall review each post-certification submittal for completeness. This review may include consultation with the other agencies receiving the post-certification submittal with regulatory jurisdiction over the matter addressed in the submittal. DEP's finding of completeness shall specify the area of the certified facility affected, and shall not delay further processing of the post-certification submittal for non-affected areas.

If any portion of a post-certification submittal is found to be incomplete, the Licensee shall be so notified. Failure to issue such a notice within 30 days after filing of the

PROPOSED

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. Inter-Agency Meetings

DEP may conduct an inter-agency meeting with other agencies that received a post-certification submittal. The purpose of such an inter-agency meeting shall be for the agencies with regulatory jurisdiction over the matters addressed in the post-certification submittal to discuss whether compliance with these Conditions has been provided. Failure of DEP to conduct an inter-agency meeting or failure of any agency to attend an inter-agency 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, a field inspection may be conducted with the Licensee and the agency representatives in conjunction with the inter-agency meeting.

E. Determination of Compliance

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

F. Commencement of Construction

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

G. Revisions to Design Previously Reviewed for Compliance

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

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

XXI. POST-CERTIFICATION SUBMITTAL REQUIREMENTS SUMMARY New Condition

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

PROPOSED

Requirements Summary shall be required for only those resulting in new or altered post-certification requirements.

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

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

XXII. POST CERTIFICATION AMENDMENTS New Condition

If, subsequent to certification, the Licensee proposes any material change to the SCA 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 SCA to the Department. Within 30 days after the receipt of a complete request for an amendment, the Department shall determine whether the proposed change to the SCA requires a modification to the Conditions.

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

B. If the Department concludes that the change would require a modification to the Conditions, the Department shall provide written notification to the Licensee that the proposed change to the SCA requires a request for modification pursuant to Section 403.516, F.S.

[Section 403.5113, F.S]

XXIII. MODIFICATION OF CERTIFICATION Replaced Condition IV.N. Modification of Conditions

The conditions of this certification may be modified in the following manner:

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

B. The licensee may choose to operate in compliance with any rule subsequently adopted by the Department which prescribes criteria more lenient than the criteria required by the terms and conditions in the certification which are not site specific.

PROPOSED

C. The Siting Board hereby delegates to the Secretary of the Department of Environmental Protection the authority to modify, after notice and opportunity for hearing, any conditions pertaining to monitoring or sampling and conditions of Certification pertaining to consumptive use of water, monitoring, sampling, specification of control equipment, related time schedules, effluent or emission standards or limitations, groundwater, mixing zones, zones of discharge, leachate, control programs, railroad spur, transmission lines, access roads or pipeline construction, source of treated effluent cooling water, mitigation, transfer or assignment of the Certification or related federally delegated permits, or any special studies conducted, as necessary to attain the objectives of Chapter 403, F.S.

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

XXIV. COASTAL ZONE CONSISTENCY New Condition

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. TRANSFER OF CERTIFICATION Replaced Condition IV. O. Transfer of Certification

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

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

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

XXVI. LABORATORIES AND QUALITY ASSURANCE Replaced Condition IV.X. Laboratories and Quality Assurance

Chemical, physical, biological, microbiological and toxicological data collected as a requirement of these Conditions shall be reliable, and collected and analyzed by scientifically

PROPOSED

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.]

XXVII. ENVIRONMENTAL RESOURCES Replaced Conditions V.B. Control Measures, G. Stormwater Review, and VII.I. State Water Quality Standards,

A. General

1. Submittals for Construction Activities

a. Prior to the commencement of construction of new facilities and/or associated facilities, the Licensee shall provide to the DEP Central District, as well as a copy to the SCO, for review, all information necessary for a complete *Joint Application for Environmental Resource Permit* (ERP), DEP Forms 62-330.060, F.A.C. Information may be submitted by discrete portions of the certified facilities for a determination of compliance with these COC.

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

Those forms submitted as part of a SCA, an amendment, or modification, shall be processed concurrently with, and under the respective certification, amendment, or modification procedures. Those forms submitted as a post-certification submittal (after certification, modification, or amendment and prior to construction) shall be processed in accordance with Section A, General Conditions, Condition XX, Procedures for Post-Certification Submittals.

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

b. Concurrent with submittal of the DEP form required in Subparagraph A.1.a. above, and pursuant to 62-330.201, F.A.C., the Licensee shall submit, as applicable, a survey of wetland and surface water areas as delineated in accordance with Chapter 62-340, F.A.C., and verified by appropriate agency staff for Department compliance review. Available DEP-approved wetland and surface water delineations within the boundaries of a certified site or a portion thereof may be used and reproduced for this delineation submittal and verification.

PROPOSED

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

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

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

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

[Sections 373.421, 403.504, F.S.]

B. Surface Water Management Systems

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

2. All construction, operation, and maintenance of the SWMS(s) for the certified facilities shall be as set forth in the plans, specifications and performance criteria contained in the SCA and other materials presented during the certification proceeding, post-certification submittals, and as otherwise approved. If specific requirements are necessary for construction, operation, and/or maintenance of an approved SWMS, those requirements shall be incorporated into a SWMS Plan for that system and included in Attachment B (Surface Water Management System Plans). Any alteration or modification to the SWMS Plan or the SWMS as certified requires prior approval from the Department.

3. To allow for stabilization of all disturbed areas, immediately prior to construction, during construction, and for the period of time after construction of the SWMS, the Licensee shall implement and maintain erosion and sediment control best management practices, such as silt fences, erosion control blankets, mulch, sediment traps, polyacrylamide (PAM), temporary grass seed, permanent sod, and floating turbidity screens to retain sediment on-site and to prevent violations of state water quality standards. These devices shall be installed, used, and maintained at all locations where the possibility exists of transferring suspended solids into the receiving water body due to the licensed work, and shall remain in place at all locations until construction in that location is completed and soils are permanently stabilized. All best management practices shall be in accordance with the guidelines and specifications described in *the State of Florida Erosion and Sediment Control Designer and Reviewer Manual* (Florida Department of Transportation and Florida Department of Environmental Protection, by HydroDynamics Incorporated in cooperation with Stormwater Management Academy, June 2007) unless a project-specific erosion and sediment control plan is approved as part of this License. If project-specific Conditions require additional measures during any phase of construction or operation to prevent erosion or control sediments beyond those specified in the approved erosion and sediment control plan, the Licensee shall implement additional best management practices as necessary, in accordance with the guidelines and specifications in *the*

PROPOSED

State of Florida Erosion and Sediment Control Designer and Reviewer Manual. The Licensee shall correct any erosion or shoaling that causes adverse impacts to the water resources as soon as feasible. Once project construction is complete in an area, including the re-stabilization of all side slopes, embankments and other disturbed areas, and before conversion to the operation and maintenance phase, all silt screens and fences, temporary baffles, and other materials that are no longer required for erosion and sediment control shall be removed.

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

5. At least 48 hours prior to the commencement of construction of any new SWMS for any part of the certified facility authorized by this certification, the Licensee shall submit to the Department a written notification of commencement using an "Environmental Resource Permit Construction Commencement Notice" (DEP Form 62-330.350(1), F.A.C.), indicating the actual start date and the expected completion date.

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

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

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

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

10. The DEP Central District must be notified in advance of any proposed construction dewatering. If the dewatering activity is likely to result in offsite discharge or sediment transport into wetlands or surface waters, a written dewatering plan must be submitted to and approved by the Department prior to such dewatering activity. Additional authorizations may be required for certain dewatering activities, such as, an NPDES dewatering generic permit per 62-621.300, F.A.C. (See Condition V. DEPARTMENT PERMITS UNDER FEDERAL PROGRAMS, B.5)

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

PROPOSED

C. Wetland and Other Surface Water Impacts

1. All certified facilities shall be constructed in a manner which will eliminate or reduce adverse impacts to on-site and/or adjacent wetlands or other surface waters to the extent practicable or otherwise comply with substantive criteria for elimination or reduction. When impacts to wetlands will occur as a result of a future amendment, modification, or certification, and cannot be practicably eliminated or reduced, the Licensee may propose and the Department or Board shall consider mitigation to offset otherwise unpermittable activities under the Environmental Resource Permit review process pursuant to Condition A.1. 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 an amendment, modification, or certification, and that are deemed acceptable by DEP, shall include applicable construction conditions, success criteria and monitoring plans, and shall be incorporated into these Conditions as Attachment C (Mitigation Plans).

[Sections 373.413, 373.414, 373.4145, 403.511, and 403.814(6), F.S.; Chapters 62-312, 62-330, 62-340, 62-342, and 62-345, F.A.C.]

XXVIII. THIRD PARTY IMPACTS New Condition

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

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

XXIX. FACILITY OPERATION Replaced Conditions IV.A. Facility Operation and IV. E. Adverse Impact no changes

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

XXX. RECORDS MAINTAINED AT THE FACILITY Replaced Conditions IV.B. Records Maintained at the Facility and X. Laboratories and Quality Assurance

A. These Conditions or a copy thereof shall be kept at the Site.

B. The Licensee shall hold at the site, or other locations 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

PROPOSED

used to complete the SCA for this approval. These materials may be maintained in electronic formats and shall be retained at least three (3) years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.

C. Records of monitoring information shall include:

1. the date, exact place, and time of sampling or measurements;
2. the person responsible for performing the sampling or measurements;
3. the dates analyses were performed;
4. the person responsible for performing the analyses;
5. the analytical techniques or methods used; and,
6. the results of such analyses.

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

XXXI. WATER DISCHARGES

A. Discharges **Replaced Condition IV. R. Toxic, Deleterious or Hazardous Materials**

1. Except as otherwise authorized by a permit issued by the Department under a federally delegated or approved program or to the extent a variance, exception, exemption, or other relief is granted or authorized by this certification, the Licensee shall not discharge to surface or ground waters of the State 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 or to significant locally occurring wildlife or aquatic species (unless specific criteria are established for such components in Rule 62-520.400, F.A.C.) or are acutely toxic to indigenous species of significance to the aquatic community within surface waters affected by the groundwater at the point of contact with surface waters.

2. Except as otherwise authorized by a permit issued by the Department under a federally delegated or approved program or to the extent a variance, exception, exemption or other relief is granted or authorized by this certification, 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, 62-620, F.A.C., including the provisions of Rules 62-4.243, 62-4.244, and 62-4.246, F.A.C., the anti-degradation 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. Except as otherwise authorized by a permit issued by the Department under a federally delegated or approved program or to the extent a variance, exception, or exemption, or other relief is granted or authorized by this certification, all dewatering discharges must be in compliance with Rule 62-621.300, F.A.C.

[Chapters 62-4, 62-302, 62-520, 62-550, and 62-620, F.A.C., and Rule 62-621.300, F.A.C.]

PROPOSED

B. Wastewater Incident Reporting

1. The Licensee shall report to the DEP Central District Office any non-compliance with industrial wastewater requirements which may endanger health or the environment. Any information shall be provided verbally 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 DEP Central District Office in the 24-hour verbal report:

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

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

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

d. Any unauthorized discharge to surface or ground waters.

A written submission shall also be provided to the DEP Central District Office within five days of the time the Licensee becomes aware of the circumstances. The written submission shall contain a description of the non-compliance and its cause; the period of non-compliance including exact dates and time, and if the non-compliance 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 non-compliance.

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, verbal reports shall be provided to the Department by calling the STATE WARNING POINT 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 Licensee 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;

PROPOSED

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 verbal report has been received within 24 hours, the non-compliance has been corrected, and the non-compliance did not endanger health or the environment, the Department shall waive the written report.

[Chapter 403, F.S.; subsection 62-620.610(20), F.A.C.]

XXXII. SOLID AND HAZARDOUS WASTES

A. Solid Waste **Replaced a portion of Condition V.B. Solid Waste**

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

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

B. Hazardous Waste and Used Oil **New Condition**

The Licensee shall comply with all applicable non-procedural provisions of DEP Chapter 62-730, F.A.C., for any hazardous waste generated within the certified facility. An EPA identification number must be obtained before beginning hazardous waste activities unless the facility is a Conditionally Exempt Small Quantity Generators (CESQGs). CESQGs generate no more than 100 kg (220 lbs) of hazardous waste in any month.

The Licensee shall comply with all applicable non-procedural provisions of 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 non-procedural 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 **Replaced Condition IV. R. Toxic, Deleterious or Hazardous Materials**

1. Any owner or operator of a facility who has knowledge of any release of a hazardous substance from a certified facility in a quantity equal to or exceeding the reportable quantity in any 24-hour period shall notify the Department by calling the STATE WATCH OFFICE, (800) 320-0519, as soon as possible, but not later than 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).

PROPOSED

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

D. Used Oil, Petroleum Contact Water and Spent Mercury **New Condition**

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 the certified facility during construction and operation.

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

E. Contaminated Site Cleanup **New Condition**

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

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

XXXIII. STORAGE TANK SYSTEMS New Condition

Registration, construction, installation, operation, maintenance, repair, closure, and disposal of storage tank systems within the certified areas 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 of a regulated substance, the Licensee shall report to the County on Discharge Report Form 62-761.900(1) within 24 hours or before the close of the County's next business day those items listed in paragraph 62-761.450(3)(a), F.A.C., including a spill or overfill event of a regulated substance to soil or another pervious surface, equal to or exceeding 25 gallons, unless the regulated substance has a more stringent reporting requirement specified in C.F.R. Title 40, Part 302.

C. Discharge Cleanup

If a discharge of a regulated substance occurs at a certified facility, actions shall be taken immediately to contain, remove, and abate the discharge under all applicable Department rules. The Licensees is advised that other federal, state, or local requirements may

PROPOSED

apply to these activities. If the contamination present is subject to the provisions of Chapter 62-780, F.A.C., corrective action, including free product recovery, shall be performed in accordance with that Chapter.

D. Out of Service and Closure Requirements

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

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

PROPOSED

SECTION B. SPECIFIC CONDITIONS

I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

A. Groundwater Monitoring Replaced Conditions V.B Control Measures, X. Water Discharges and XI. Groundwater

Groundwater shall be monitored and reports submitted to the Department as specified in the Monitoring Plan Implementation Schedule (MPIS) incorporated herein as Attachment F. A violation of the MPIS shall be a violation of the Conditions.

1. The Site's Solid Waste and Industrial Wastewater groundwater monitoring requirements will be contained in the MPIS.

a. Groundwater monitoring is required for all solid waste disposal sites described in the SCA and the MPIS. The Licensee shall install and maintain a groundwater monitoring well network around each solid waste disposal site to monitor the quality of the groundwater in accordance with applicable provisions of Chapters 62-701, and 62-520, F.A.C.

b. Groundwater monitoring is required around all industrial wastewater sites described in the SCA and the MPIS. The Licensee shall install and maintain a groundwater monitoring well network around each industrial wastewater site to monitor the quality of the groundwater in accordance with Chapter 62-520, F.A.C.

c. During the period of operation authorized by this Site Certification, the Licensee shall conduct groundwater monitoring at the specified monitor wells for the parameters and frequency identified in the MPIS, in accordance with the applicable non-procedural provisions of Rules 62-520 and 62-701, F.A.C., and the MPIS.

d. For any approved new or revised solid waste disposal area, a revised MPIS shall be submitted to the SWPP@dep.state.fl.us and to SCO@DEP.state.fl.us for review at least 90 days prior to operation of a new or revised site or such other date as the Licensee and DEP agree.

e. For any approved new or revised industrial wastewater site, the Licensee shall submit a revised MPIS to the DEP CD office at DEP_CD@dep.state.fl.us and to SCO@DEP.state.fl.us for review at least 90 days prior to operation of a new or revised solid waste disposal area or such other date as the Licensee and DEP agree. The revised MPIS shall be developed in accordance with the applicable requirements of Rule 62-520.600, F.A.C.

f. Revisions to the MPIS shall be submitted in accordance with Section A, Condition XX. Procedures for Post-Certification Submittals unless otherwise determined by the Department.

g. Revisions Requiring Modification to the Conditions of Certification

At a minimum, projects which involve any one of the following shall be reviewed for a determination on the requirement of a modification to these Conditions and if a modification is required, it shall be processed in accordance with Section 403.516(1)(c), F.S., and Rule 62-17.211, F.A.C., as applicable:

(1) new major sources of wastewater;

PROPOSED

(2) new wastewater treatment facilities or improvements made to existing wastewater treatment facilities, including those which provide for a new or expanded land application system;

(3) pollutants not addressed in the MPIS or these Conditions resulting from a change in the solid waste disposal facility or the industrial wastewater facility; and

(4) other projects that cause or may cause changes to the quantity and/or quality of discharges to groundwater as a result of solid waste disposal or industrial wastewater treatment.

2. Leachate

a. Zone of Discharge

Leachate from the lined pond system; combustion waste run-off ponds; coal storage runoff ponds; wastewater pond; collection pond (Recycle Basin) and future pond expansions; combustion waste landfill; and decant cell shall not contaminate waters of the State in excess of the limitations of Chapters 62-302 and 62-520, F.A.C., beyond the boundary of the zone of discharge shown on the location map of ground water monitoring sites included in the MPIS.

b. Corrective Action

When the detection wells of the groundwater monitoring system indicate an exceedance of the applicable groundwater quality standards of Chapter 62-520, F.A.C., actions outlined in the MPIS and applicable provisions of 62-780, F.A.C. will be taken to assure the Department that no violation of the groundwater standards will occur beyond the boundary of the zone of discharge.

When the compliance wells of the groundwater monitoring system indicate an exceedance of the applicable groundwater quality standards of Chapter 62-520, F.A.C., corrective action will be taken to resolve the violation in accordance with the applicable provisions of Chapters 62-701.510(6)(c) and 62-780, F.A.C.).

In addition, contaminated leachates shall be addressed in accordance with applicable Department rules and the MPIS.

[Chapters 62-302, 62-520, 62-701, and 62-780 F.A.C.]

B. Domestic Wastewater

The domestic wastewater treatment and disposal facilities shall be designed and operated in accordance with all applicable provisions of Chapters 62-600, 62-602, 62-604, 62-610, 62-620, 62-640, and 62-699, F.A.C., and the approved Summary of Specific Domestic Wastewater Facility Information and Associated Requirements (SSDWFIAR) incorporated herein as Attachment G. A violation to the SSDWFIAR shall be a violation of the Conditions.

Projects which involve any one of the following shall be reviewed for a determination on the requirement of a modification to these Conditions and if a modification is required, it shall be processed in accordance with Section 403.516(1)(c), F.S., and Rule 62-17.211, F.A.C., as applicable:

1. changes to capacity

PROPOSED

2. changes to effluent limits

[Chapters 62-600, 62-602, 62-604, 62-610, 62-620, 62-640, and 62-699, F.A.C.]

C. Cooling Tower **Replaced Condition IX. Cooling Tower**

1. Makeup Water Constituency

The CHSEC shall utilize treated sewage effluent, treated wastewater, onsite re-use water, dewatering effluent, lined pond underdrain flow, stormwater runoff, direct precipitation to the makeup water supply storage pond, and water from Orange County Utilities as cooling tower makeup water. Prior to use in the tower, the sewage effluent shall have received sufficient treatment such as, a sewage treatment plant, but as a minimum, secondary treatment. Use of waters other than those listed above will require a modification of this certification pursuant to Condition XXIII in Section A.

2. Chlorination **no changes**

Chlorine Residual in the reclaimed water, supplied pursuant to the agreement between Orange County and Orlando Utilities Commission, shall be maintained in accordance with FDEP rules in Chapter 62-610, F.A.C., for reclaimed water use for non-public access application in industrial facilities. Applicable USEPA and Department sampling, analytical, and reporting procedures shall be followed.

3. Special Studies **no changes**

Upon satisfactory demonstration to the Department that the number of viruses entering the towers in the effluent makeup can be reduced to an undetectable level with the use of a lesser amount of chlorination or alternative treatment, the above requirement may be altered. This demonstration may occur through performance of special studies approved by the Department. Alteration of the chlorination requirements must still insure adequate treatment for the control of bacteria or viruses in the cooling water.

D. Potable Water Supply System **no changes**

The potable water supply system shall be designed and operated in conformance with Chapter 62-555, F.A.C. Information as required in 62-4 and 62-555, F.A.C., shall be submitted to the Department prior to construction and operation. The operator of the potable water supply system shall be certified in accordance with Chapters 62-555.350, 62-602.400, and 62-699, F.A.C.

[Chapters 62-5, 62-555, 62-602, and 62-699, F.A.C.]

E. Combustion Waste Landfill **Replaced Condition XVII. Solid Waste Landfill with revised language**

1. Operations and Maintenance

The licensee shall operate the combustion waste landfill and associated leachate collection ponds in accordance with the approved Landfill Operations and Maintenance Plan herein after incorporated as Attachment H. Any violation to Attachment H shall be a violation to these Conditions. Any revisions or updates to this plan shall be submitted to SWPP@dep.state.fl.us and to SCO@dep.state.fl.us as appropriate for review and notification of

PROPOSED

compliance as a post-certification submittal, in accordance with Section A, Condition XX. Procedures for Post-Certification Submittals.

2. Revisions to Landfill Facilities

Prior to the commencement of construction of expanded landfill areas and/or associated leachate collection ponds, the Licensee shall provide to the DEP Division of Waste Management, as well as a copy to the SCO, for review, all applicable information necessary for a complete *Landfill Permit*, DEP Forms 62-701.900, F.A.C.

This form may: a) be submitted concurrently with a SCA; b) be submitted as part of an amendment request or a petition for modification; or c) be submitted as a post-certification submittal following approval of a project through certification, modification, or amendment. Such Landfill submittals, once received, shall be reviewed in accordance with the non-procedural standards and criteria for issuance of Landfill Permit, including all the provisions contained in Chapter 62-701, F.A.C., as applicable unless otherwise stated in these Conditions. While the information is provided for review via submittal of the Landfill Permit form, pursuant to section 403.511, Florida Statutes, issuance of a separate Landfill Permit is not required for certified facilities.

Those forms submitted as part of a SCA, an amendment, or modification, shall be processed concurrently with, and under the respective certification, amendment, or modification procedures. Those forms submitted as a post-certification submittal (after certification, modification, or amendment and prior to construction) shall be processed in accordance with Section A, General Conditions, Condition XX, Procedures for Post-Certification Submittals.

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

a. Landfill Additions or Revisions

(1) Prior to construction of the approved combustion waste landfill or any expansion thereof commences, Karst features interfering with the hydrogeological integrity of the site in the vicinity of the combustion waste landfill shall be adequately stabilized both physically and hydraulically against, respectively, collapse and unusual downward transport of groundwater.

(2) Prior to the commencement of operation of the approved combustion waste landfill or expansion thereof, the following shall be submitted to the Solid Waste Section of the DEP Division of Waste Management for review and approval consistent with other conditions of this certification:

i. Plot Plan - must be drawn on a scale not greater than 200 feet to the inch showing the following:

- Dimensions and legal description of the site
- Locations of soil borings
- Proposed trenching plan
- Cover stockpiles

PROPOSED

- Fencing or other measures to restrict access
- Cross sections showing both original and proposed fill elevation
- Locations, depths, and construction details of monitoring wells or ditch monitoring points

ii. Design Drawings and Maps - may be combined with plot plan and must be drawn on a scale no greater than 200 feet to the inch showing the following:

- Topographic map with five-foot contour intervals
- Proposed fill areas
- Borrow area
- Access roads
- Grades required for proper drainage
- Typical cross sections of disposal site including lifts, borrow areas and drainage controls
- Special drainage devices

iii. Soil map, Interpretive Guide Sheets and a report giving the suitability of the site for such an operation.

iv. Operation plans to direct and control the use of the site.

v. An indication by discussion or drawings or both of how the site is designed to meet water quality standards of Chapter 62-302 and 62-520, F.A.C, at the waste site boundary or the boundary of the zone of discharge. Adequate indications above would include discussion of each mitigative water quality control measure that will be employed, including but not limited to: liners, chemical fixation process, compaction, under drains and chemical treatment facilities, impermeable clay caps, as well as soil and grass communities.

vi. Based on the Department's review of the above, revisions of the overall monitoring program may be required for monitoring of runoff, groundwaters, and surface waters which may be affected by the various land filling operations.

vii. The Department shall indicate its approval or disapproval of the submitted plans, drawings, maps, analyses and contingency plans in accordance with the associated modification, amendment, or post-certification submittal.

b. Lined Pond Additions or Revisions

(1) Prior to the commencement of operation of new approved lined ponds in the Lined Pond System or expansion thereof that have not been previously approved, the following shall be submitted to the Solid Waste Section of the DEP Division of Waste Management for review and approval consistent with other conditions of this certification:

i. Plot Plan - must be drawn on a scale not greater than 200 ft. to the inch showing the following:

- Dimensions and legal description of the site
- Locations and depths of soil borings

PROPOSED

- Fencing or other measures to restrict access
- Cross sections showing both original and proposed final elevations
  - Locations, depths, and construction details of monitoring wells or ditch monitoring points

ii. Design Drawings and Maps - may be combined with plot plan and must be drawn on a scale no greater than 200 feet to the inch showing the following:

- Topographic map with five-foot contour intervals
- Proposed expansion areas
- Detailed Design drawings and specifications
- Access roads
- Grades required for proper drainage
- Special drainage devices

iii. Soil map, Interpretive Guide Sheets and a report giving the suitability of the site for such an operation.

iv. Operation plans to direct and control the use of the site.

v. An indication by discussion or drawings or both of how the site is designed to meet water quality standards of Chapter 62-302 and 62-520, F.A.C., at the pond site boundary or the boundary of the zone of discharge. Adequate indications above would include discussion of each mitigating water quality control measure that will be employed, including but not limited to: liners, chemical fixation process, compaction, underdrains and chemical treatment facilities, and impermeable clay layers.

vi. Based on the Department's review of the above, revisions to the overall monitoring program may be required for monitoring of groundwaters, and surface waters which may be affected by the various industrial wastewater storage operations.

vii. The Department shall indicate its approval or disapproval of the submitted plans, drawings, maps, analyses and contingency plans in accordance with the associated modification, amendment, or post-certification submittal.

[Chapter 62-302, 62-520, and 62-701, F.A.C.]

F. Solid Wastes **Replaced Condition XII.**

The Licensee shall manage the solid wastes in accordance with the approved Landfill Operations and Maintenance Plan (Attachment H) and applicable regulations of Chapter 62-701, F.A.C.

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

G. Transformer and Electric Switching Gear **Replaced Condition XIV. Transformer and Switching Gear**

The foundations for transformers, capacitors, and switching gear necessary to connect any CHSEC Unit to existing transmission and distribution system shall be constructed in

PROPOSED

such a manner as to allow complete collection and recovery of any spills or leakage of oily, toxic, or hazardous substances.

H. Transmission Lines, Access Road, Natural Gas Pipeline and Rail Spur **Replaced Condition XVIII.B.1-5. Transmission Lines, Access Road, Natural Gas Pipeline and Rail Spur**

1. Construction Activities

a. Maintenance roads under control of the licensee shall be planted with native species to prevent erosion and subsequent water quality degradation

b. Good environmental practices such as those described in Environmental Criteria for Electric Transmission Systems as published by the U.S. Department of Interior and the U.S. Department of Agriculture shall be followed to the extent practicable.

c. Compliance with the most recent version of the National Electric Safety Code adopted by the Public Service Commission is required.

d. Fences running parallel to the transmission line which may become conductive shall be grounded at appropriate intervals; fences running perpendicular to the line shall be grounded at the edge of the right-of-way.

e. Field reconnaissance for rare and endangered species shall be performed in order to minimize impacts on these species.

2. Maintenance

Vegetative clearing and associated vegetation burning operations for maintenance purposes may be carried out within the ROW corridor. Selective clearing of vegetation is preferred over clearing and grubbing or clear cutting.

I. Coal Pile **Replaced Condition XXIV. Coal Pile**

The coal pile and future expansions shall be lined with a geomembrane or an earthen material with a permeability not greater than 1x10 -7cm/sec or the leachate shall be controlled to prevent violation of water quality criteria beyond the zone of discharge. The liner shall be protected at all times and shall be repaired as soon as possible in the event of any damage.

J. Pond Perimeter Berms **Replaced Condition V.E. Pond Perimeter Berms**

Construction of the water storage pond perimeter berms shall be in conformance with the provisions of Chapter 62-672, F.A.C., regarding earthen dams, and should be inspected regularly by a licensed engineer.

[Chapter 62-672, F.A.C.]

K. Wetland Vegetation **Replaced Condition V.F. Wetland Vegetation**

A non-disturbed area shall be maintained around the oak hardwood swamp area of Hart Branch for a distance of 300 feet during the construction and operating phase of the CHSEC Plant.

[Original Certification, 12/15/82]

PROPOSED

L. Screening **Replaced Condition IV. Q. Screening and Condition V.B.8.**

The Licensee shall provide screening of the site to the extent feasible through the use of aesthetically acceptable structures, vegetated earthen berms, and/or existing or planted vegetation.

[Original Certification, 12/15/82]

II. DEPARTMENT OF TRANSPORTATION Replaced Condition XXX. Department of Transportation

A. Best Management Practices

Traffic control will be maintained during construction and maintenance activities in compliance with the standards contained in the Manual of Uniform Traffic Control Devices; Chapter 14-94, Statewide Minimum Level of Service Standards, F.A.C; Florida Department of Transportation's Roadway and Traffic Design Standards; Florida Department of Transportation's Standard Specifications for Road and Bridge Construction; and, the Department's Utility Accommodation Manual, whichever is more stringent.

[Chapter 14-94, F.A.C.]

B. Access Management to the State Highway System

If new access is proposed, access permitting as defined in Chapters 14-96, State Highway System Connection Permits, Administrative Process, and 14-97, Access Management Classification System and Standards, F.A.C., will be required. The Manual on Uniform Traffic Control Devices, Florida Department of Transportation's Roadway and Traffic Design Standards, the Florida Department of Transportation's Standard Specifications for Road and Bridge Construction, and pertinent sections of the Florida Department of Transportation's Project Development and Environment Manual will be adhered to in all circumstances involving the State Highway System and other transportation facilities.

[Chapters 14-96 and 14-97, F.A.C.]

C. Drainage

Any drainage onto State of Florida right of way and transportation facilities will be subject to the requirements of Chapter 14-86, Drainage Connections, F.A.C.

[Chapter 14-86, F.A.C.]

D. Overweight/Overdimensional Vehicles

Operation of overweight/overdimensional vehicles by the applicant on State transportation facilities during construction and operation of the utility facility will be subject to the requirements of Chapter 316, F.S., and Chapter 14-26, Safety Regulations and Permitting Fees for Overweight and Overdimensional Vehicles, F.A.C.

[Chapter 14-26, F.A.C.; Chapter 316, F.S.]

E. Use of Air Space

Any newly proposed structure or alteration of an existing structure will be subject to the requirements of Chapter 333, F.S., and Rule 14-60.009, Airspace Protection, F.A.C. Additionally, notification to the Federal Aviation Administration (FAA) is required prior

PROPOSED

to beginning construction, if the structure exceeds notification requirements of 14 CFR Part 77, Objects Affecting Navigable Airspace, Subpart B, Notice of Construction or Alteration. Notification will be provided to FAA Southern Region Headquarters using FAA Form 7460-1, Notice of Proposed Construction or Alteration in accordance with instructions therein. A subsequent Determination by the FAA stating that the structure exceeds any federal obstruction standard of 14 CFR Part 77, Subpart C for any structure that is located within a 10-nautical-mile radius of the geographical center of a public-use airport or military airfield in Florida will be required to submit information for an Airspace Obstruction Permit from the Florida Department of Transportation or variance from local government depending on the entity with jurisdictional authority over the site of the proposed structure. The FAA Determination regarding the structure serves only as a review of its impact on federal airspace and is not an authorization to proceed with any construction. However, FAA recommendations for marking and/or lighting of the proposed structure are made mandatory by Florida law. For a site under Florida Department of Transportation jurisdiction, application will be made by submitting Florida Department Transportation Form 725-040-11, Airspace Obstruction Permit Application, in accordance with the instructions therein.

[Section 14-60.009, F.A.C.; Chapter 333, F.S.]

F. Use of State of Florida Right of Way or Transportation Facilities

Any use of State of Florida right of way and certain activities on State transportation facilities will be subject to the requirements of the Department of Transportation's Utility Accommodation Manual (Document 710-020-001), Chapter 14-46, Utilities Installation or Adjustment, F.A.C., and Section 337.403, F.S.

[Chapter 14-46, F.A.C.; Section 337.403, F.S.]

III. ST. JOHNS RIVER WATER MANAGEMENT DISTRICT Replaced Condition XXIX St. Johns River Water Management District

A. Water Shortages **Moved from Condition XXIX. St. Johns River Water Management District, A.**

Nothing in this certification shall be construed to limit the authority of the SJRWMD to declare a water shortage and issue orders pursuant to Section 373.175, F.S., or to formulate a plan for implementation during periods of water shortage, pursuant to Section 373.246, Florida Statutes. In the event of a water shortage, as declared by the SJRWMD Governing Board, the Licensees must adhere to reductions in water withdrawals as specified by the SJRWMD. Pursuant to Section 403.516, F.S., in the event of a water shortage as declared by the SJRWMD governing board, DEP may seek a modification of the terms and conditions of this certification to implement the water shortage declaration and the licensees must adhere to reductions in water withdrawals as specified by SJRWMD.

B. Well Construction, Modification, Or Abandonment **Revised Language**

Prior to the construction, modification, or abandonment of an on-site well, the Licensees shall submit a completed application form for a Water Well Construction Permit to DEP and SJRWMD. All construction, modification, or abandonment of water wells must be conducted under the supervision of a licensed water well contractor and must be performed in accordance with Chapter 40C-3, F.A.C. Construction of a well may require modification or amendment of the certification when such construction is other than that specified and described

PROPOSED

in the Site Certification Application. Prior to modification or abandonment of a well, the Licensees must file an amendment to the site certification application with DEP and SJRWMD. Upon completion of the construction, modification or abandonment of each well, the Licensee must submit to SJRWMD and DEP a completion report for the well.

[Paragraphs 16.0(c); 10.3(b)(d)(h)(j), SJRWMD "Applicant's Handbook, Consumptive Uses of Water, April 10, 2002" (hereafter "A.H.")]

C. Well Maintenance **Moved from Condition XXIX. St. Johns River Water Management District, C.**

Leaking or inoperative well casings, valves, or controls must be repaired or replaced as required to put the system back in an operative condition acceptable to the SJRWMD. Failure to make such repairs will be cause for deeming the well abandoned in accordance with Part II of chapter 373, F.S., and chapter 40C-3, F.A.C., and the rules promulgated thereunder.

[Paragraphs 16.0(d); 10,3(b)(d)(h)(i), A.H.]

D. Mitigation of Withdrawal Impacts On Existing Legal Users **Moved from Condition XXIX. St. Johns River Water Management District, D.**

Licensees must mitigate any adverse impact caused by withdrawals permitted herein on legal uses of water existing at the time of the initial application for the Stanton Energy Center. DEP has the right to curtail permitted withdrawal rates or water allocations if the withdrawals of water cause an adverse impact on legal uses of water which existed at the time of application. Adverse impacts are exemplified by but not limited to:

1. Reduction of water levels in an adjacent surface water body resulting in a significant impairment of the use of water in that water body;

2. Saline water intrusion or introduction of pollutants into the water supply of an adjacent water use resulting in a significant reduction of water quality; and,

3. Change in water quality resulting in either impairment or loss of use of a well or water body.

[Paragraphs 9.2; 10.3(b)(d)(h)(j), A.H.]

E. Mitigation of Impacts On Adjacent Land Uses **Moved from Condition XXIX. St. Johns River Water Management District, E.**

Licensee must mitigate any adverse impact caused by withdrawals permitted herein on an adjacent land use which existed at the time of Supplemental Site Certification Application for Stanton 2 and any subsequent unit. DEP has the right to curtail permitted withdrawal rates or water allocations unless the impacts can be mitigated by the Licensee. Adverse impacts are exemplified by, but not limited to:

1. Significant reduction in water levels in an adjacent surface water body;

2. Significant potential for land collapse or subsidence off-site caused by a reduction in water levels; or

3. Damage to crops, wetlands and other types of off-site vegetation.

[Paragraphs 9.4.3; 10.3(b)(d)(g)(h)(i), A.H.]

PROPOSED

F. Identification Tags **Moved from Condition XXIX. St. Johns River Water Management District, F.**

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

[Paragraphs 16.0(h); 10.3(b)(d)(g)(h)(i), A.H.]

G. Maximum Annual Withdrawals **Moved from Condition XXIX. St. Johns River Water Management District, H.**

Maximum annual groundwater withdrawals from the Floridan Aquifer for demineralizer/steam cycle makeup, general service water, heat recovery steam generation, wash-down, injection and power augmentation, and domestic uses combined must not exceed 321.2 million gallons per year.

[Paragraphs 10.3(a)(b)(c)(e)(f)(g), A.H.]

H. Maximum Daily Withdrawals **Moved from Condition XXIX. St. Johns River Water Management District, I.**

Maximum daily groundwater withdrawals from the Floridan Aquifer for demineralizer/steam cycle makeup, general service water, heat recovery steam generation, wash-down, injection and power augmentation, and domestic uses combined must not exceed 2.00 million gallons per day.

[Paragraphs 10.3(a)(b)(c)(e)(f)(g), A.H.]

I. Dewatering **Revised language**

All withdrawals from the surficial aquifer for dewatering associated with construction activities, e.g., the lined pond expansion or replacement projects, and groundwater from facility pond liner drainage systems associated with groundwater suppression may be used as cooling tower makeup water. The Licensee must mitigate any adverse impact caused by dewatering associated with construction activities, e.g., the lined pond expansion or replacement projects, or as a result of groundwater depression associated with facility pond liner drainage systems on adjacent land uses or legal uses of water existing at the time of petition for modification of site certification.

Adverse impacts include but are not limited to:

1. Reductions of well water levels resulting in a reduction of 10% in the ability of an adjacent well to produce water;
2. Reductions of water levels in an adjacent surface water body resulting in a significant impairment of the use of water in that water body;
3. Saline water intrusion;
4. Change in water quality resulting in either impairment or loss of use of a well or water body;
5. Land collapse or subsidence caused by a reduction in water levels;
6. Damage to crops and other types of vegetation; and

PROPOSED

7. Harmful hydrologic alterations to natural systems, including wetlands and other surface waters, that cause an unmitigated adverse impact to such systems.

[Paragraphs 7.3.3, 10.3, A.H.]

J. Well Water Quality Sampling **Revised language**

Water quality samples must be taken in April and October of each year from each production well. The samples must be analyzed for the following parameters:

- Field: pH, temperature, specific conductivity;
- Laboratory: Calcium, Chloride, Magnesium, Sodium, Potassium, Bi-carbonate Alkalinity, Carbonate Alkalinity and Total Dissolved Solids.

Wells must be purged in accordance with the appropriate Florida Department of Environmental Protection Standard Operating Procedures as necessary to evaluate water from the well column and induce groundwater representative of the hydrogeologic formation into the well prior to sampling. All major ion analyses must be checked for anion-cation balance (equivalent concentration) and must not exceed 5% difference. The sample analyses must be submitted to the SJRWMD by May 15 and November 15 of each year.

[Paragraphs 9.4.2, 10.3 (d)(h)(j), A.H.]

K. Water Flow Monitoring **Revised language**

1. The Licensee shall maintain the continuous recorder of water levels in the Floridan Aquifer observation well. Copies of the previous year (12 months) recorder charts must be forwarded to the SJRWMD on a yearly basis. The charts must be submitted by January 31 of each year. Well Nos. 1 and 2 and all reclaimed water and stormwater delivery points must have in-line totalizing flow meters installed prior to use (not including well development). The totalizing flow meters must maintain 95% accuracy, be verifiable, and be installed according to manufacturer specifications. Documentation of proper installation of flow meters (e.g., photograph) shall be submitted to the SJRWMD within 30 days of meter placement. A site visit by SJRWMD staff can also fulfill this documentation requirement.

2. Total withdrawal from well nos. 1 and 2 and all reclaimed water and stormwater delivery points, as listed on the application, must be recorded continuously, totaled monthly, and reported to DEP and SJRWMD at least every six months using SJRWMD Form No. EN-50. The reporting dates each year will be as follows:

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

[Paragraphs 6.7.1.1; 6.7.1.2; 6.7.1.8.1, 10.3(a)(b), A.H.]

L. Conservation Plans **Revised language**

The Licensee shall implement the conservation plan submitted to the SJRWMD in accordance with the schedule contained therein.

[Paragraphs 4.6(d), 12.3.2.1, A.H]

PROPOSED

M. Maintenance and Calibration of Flow Meters **Revised language**

1. The Licensee shall maintain the flow meters. In case of failure or breakdown of any meter, DEP and SJRWMD must be notified in writing within 5 days of its discovery. A defective meter must be repaired or replaced within 30 days of its discovery.

[Paragraphs 6.7.1; 10.3(a)(b), A.H.]

2. The Licensee shall have all flow meters calibrated once every 3 years within 30 days of the anniversary date of certification issuance, and re-calibrated if the difference between the actual flow and the meter reading is greater than 5%. SJRWMD form EN-51 must be submitted to DEP and SJRWMD within 10 days of the inspection and calibration.

[Paragraphs 6.7.1; 6.7.1.8.1; 10.3(a)(b), A.H.]

N. Use of Lowest Quality Water **Moved from Condition XXIX. St. Johns River Water Management District, R.**

The lowest quality water source, such as reclaimed water and surface/storm water, must be used when deemed feasible pursuant to District rules and applicable state law.

[Paragraphs 10.3(f)(g), A.H.]

IV. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

Replaced Condition IV.V. Endangered and Threatened Species, Condition XXIII. Fish and Wildlife Management, and Condition XXV. Fish and Wildlife Conversation Commission

A. Listed-species Conditions

The following table contains state and federally listed species that occur in the State of Florida and are likely to occur within the certified facility. The table contains species that are potentially impacted by the activities proposed within the certified facility. This certification applies to the species listed in the table that are found within the certified areas.

Listed Species Occurring or Potentially Occurring in the Certified Area as of May 2017[1]

Common Name	*Scientific Name*	Status
American alligator	*Alligator mississippiensis*	FT (S/A)
Bald eagle	*Haliaeetus leucocephalus*	*
Florida burrowing owl	*Athene cunicularia floridana*	ST
Audubon's crested caracara	*Polyborus plancus audubonii*	FT
Eastern indigo snake	*Drymarchon corais couperi*	FT
Florida black bear	*Ursus americanus floridanus*	**
Florida pine snake	*Pituophis melanoleucus mugitus*	ST
Florida sandhill crane	*Antigone canadensis pratensis*	ST

PROPOSED

Florida scrub-jay	*Aphelocoma coerulescens*	FT
Gopher tortoise	*Gopherus polyphemus*	ST
Little blue heron	*Egretta caerulea*	ST
Red-cockaded woodpecker	*Picoides borealis*	FE
Sand skink	*Neoseps reynoldsi*	FT
Sherman's fox squirrel	*Sciurus niger shermani*	SSC
Short-tailed snake	*Stilosoma extenuatum*	ST
Southeastern American kestrel	*Falco sparverius paulus*	ST
Tricolored heron	*Egretta tricolor*	ST
Wood stork	*Mycteria americana*	FE

[1]Species' legal statuses are subject to change. The Licensee shall refer to the law in effect at the time it begins an activity subject to being affected by listed species regulations.

SSC = State Species of Special Concern
ST = State Threatened
FE = Federally Endangered
FT = Federally Threatened
FT (S/A) = Federally Threatened due to Similarity of Appearance

*The bald eagle has been removed from the state's Endangered and Threatened Species Rule and the federal Endangered Species Act; however, the species is still governed by the state Bald Eagle Management Plan and the federal Bald and Golden Eagle Protection Act.

**The Florida black bear has been removed from the state's Endangered and Threatened Species Rule; however, the species is still governed by the Florida Black Bear Management Plan and protected by the Florida Black Bear Conservation rule, Chapter 68A-4.009, F.A.C.

B. General Listed Species Survey

1. The Licensee shall coordinate with the Florida Fish and Wildlife Conservation Commission (FWC) to obtain and follow the current survey protocols for all listed species that may occur within the certified facility and accessible appropriate buffers as defined by the listed species survey protocols, prior to conducting detailed surveys.

2. Surveys shall be conducted prior to clearing and construction in accordance with the survey protocols. The results of those detailed surveys shall be provided to FWC in a report, and coordination shall occur with the FWC on appropriate impact mitigation methodologies.

[Article IV, Sec. 9, Fla. Constitution; Section 379.2291, F.S., Sections 403.507 and 403.5113(2), F.S., and Chapter 68A-27, F.A.C.]

C. Specific Listed Species Surveys

Before land clearing and construction activities within a certified facility occur, the Licensee shall conduct an assessment for listed species which shall note all habitat, occurrence or evidence of listed species. Listed species to be included in this survey shall include the bald eagle and those species listed as endangered, threatened, or of special concern by the FWC or those listed as endangered or threatened by U.S. Fish and Wildlife Service

PROPOSED

(USFWS). Wildlife surveys shall be conducted in the reproductive or "active" season for each species that falls before the projected clearing activity schedule unless otherwise approved by the FWC or USFWS. For species that are difficult to detect, the Licensee may make the assumption that the species is present and plan appropriate avoidance/mitigation measures after consultation with FWC. The Licensee will submit avoidance/mitigation measures for FWC post certification review.

1. This survey shall be conducted in accordance with USFWS/FWC guidelines and methodologies by a person or firm that is knowledgeable and experienced in conducting flora and fauna surveys for each potentially occurring listed species.

2. This survey shall identify any wading bird colonies within the project that may be affected.

3. This survey shall identify locations of breeding sites, nests, and burrows for listed wildlife species. Nests and burrows may be recorded with GPS coordinates, identified on an aerial photograph, and submitted with the final listed species report. Although nests and burrows may be recorded individually with GPS, the FWC prefers that any applicable protection radii surrounding groups of nest sites and burrows be included, rather than around individual nests and burrows, and be physically marked so that clearing and construction shall avoid impacting them.

4. This survey shall include an estimate of the acreage and percent cover of each existing vegetation community (Florida Land Use, Cover and Forms Classification System, or FLUCFCS, at the third degree of detail) including a wildlife-based habitat classification scheme such as Florida's State Wildlife Action Plan (FWC 2012), Descriptions of Vegetation and Land Cover Types (FWC 2004), or Natural Communities Guide (FNAI 2010) of each community that is contained within the certified corridor prior to land clearing and construction activities using GIS.

[Article IV, Sec. 9, Fla. Constitution; Sections 379.2291, 403.526 and 403.5317, F.S.; and Chapters 68A-27, 68A-4, 68A-16, F.A.C.]

D. Listed Species Locations

1. Where any suitable habitat or evidence is found of the presence of listed species within the certified facility, the Licensee shall report those locations to, and confer with, the appropriate regulatory agencies for possible additional pre-clearing surveys, including those specified in E-F below, and to identify potential mitigation, or avoidance recommendations. If pre-clearing surveys are required, they shall be timed to be reasonably compatible with the construction schedule, considering the anticipated date for the start of construction within a certified facility. The Licensee shall not construct in areas where evidence of listed species was identified during the initial survey until the particular listed species issues have been resolved as follows: If listed wildlife species are found, their presence shall be reported to the DEP Siting Coordination Office, the FWC, the appropriate WMD, the appropriate local government(s), the USFWS, and the National Park Service as applicable.

2. If avoidance of state-listed wildlife species is not feasible, the Licensee shall consult with the FWC to determine the steps appropriate for the species involved to avoid, minimize, mitigate, or otherwise appropriately address potential impacts. For wildlife species, these steps shall be documented in a Wildlife Management Plan and submitted to the FWC.

PROPOSED

[Article IV, Sec. 9, Fla. Constitution; Sections 379.2291, 403.526 and 403.5113(2), F.S.; and Chapter 68A-27, F.A.C.]

E. Gopher Tortoise

1. The Licensee shall conduct surveys for gopher tortoises (Gopherus polyphemus), in accordance with the FWC-approved Gopher Tortoise Management Plan (as revised) and the FWC-approved Gopher Tortoise Permitting Guidelines, or subsequent FWC-approved versions of the Plan or Guidelines. A burrow survey covering a minimum of 15% of the potential gopher tortoise habitat to be impacted by development is required in order to apply for a relocation permit. Immediately prior to capturing tortoises for relocation, a 100% survey is required to effectively locate and mark all potentially occupied tortoise burrows and to subsequently remove the tortoises. Burrow survey methods are outlined in Appendix 4 of the Gopher Tortoise Permitting Guidelines, "Methods for Burrow Surveys on Development (Donor) and Recipient Sites". Surveys must be conducted within 90 days prior to a post-certification submittal of the online gopher tortoise relocation permit application to the FWC, as described in E.3 below. Surveys shall not be conducted within 28 days of any ground disturbance or clearing activities on the donor site. All surveys completed by the Licensee or its authorized agents are subject to field verification by the FWC.

2. FWC is not required to provide a monitoring compliance assessment for activities that occur more than 25 feet from a gopher tortoise burrow entrance, provided that such activities do not harm gopher tortoises or violate rules protecting gopher tortoises. Examples of such violations noted in the past by the FWC include, but are not limited to, killing or injuring a tortoise more than 25 feet away from its burrow; harassing a tortoise by blocking access to its burrow, and altering gopher tortoise habitat to such an extent that resident tortoises are taken.

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

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

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

[Article IV, Sec. 9. Fla. Const.; Section 403.526. F.S. and Rule 62-17.660. F.A.C.; Section 379.2291. F.S.; Chapter 68A-27. F.A.C.]

F. Red-cockaded Woodpecker Replaced Condition XXI. Red Cockaded Woodpecker

1. All lands depicted as detailed in Figure 7 of the Red-cockaded Woodpecker Management Plan titled “The Curtis H. Stanton Energy Center, Red-cockaded Woodpeckers Habitat Management Plan,” dated July 8, 2005, except for the area specifically identified as "construction impact of proposed generating Units 1, 2, 3, and 4" constitute the red-

PROPOSED

cockaded woodpecker management area subject to the Management Plan. An updated map of the red-cockaded woodpeckers impact area with more detail is included in Attachment D.

2. With regard to the red-cockaded woodpecker management area, in addition to Section B.in Condition IV.D.2.

a. The Licensee may conduct activities within the red-cockaded woodpecker management area which are provided for in the Siting Board's certification orders for Units 1 and 2, including without limitation the execution of habitat restoration, enhancement, and creation that are required as mitigation.

b. The Licensee may conduct management, including maintenance in their existing configuration and condition, of existing unpaved private roads utilized by the Licensee, maintenance of existing water and sewer lines, of existing transmission lines and substation, and other maintenance and management activities which are consistent with its purposes, within the red-cockaded woodpecker management area.

c. The Licensee shall take appropriate actions to manage the red-cockaded woodpecker management area to achieve the purposes required by Section B, Condition IV.D.2., above, with regard to the red-cockaded woodpecker, and in general to preserve the natural conditions of the area, including other protected species of native wildlife, vegetation, wetlands, and particularly the tributaries and headwaters of the Econlockhatchee River. The Licensee may act to implement the Red-cockaded Woodpecker Management Plan, to monitor its effectiveness, and to react to fire, flood, or other unforeseeable natural or manmade disturbances. Any reports generated by the Licensee concerning activities within or management of the red-cockaded woodpecker management area shall be provided to the Florida Fish and Wildlife Conservation Commission.

d. The Licensee shall allow only those activities of others within the red-cockaded woodpecker management area that are consistent with its management in a natural state. Such activities shall be limited to environmental restoration, scientific research, habitat management (such as, controlled burning), grazing, and nature study.

e. Unless specifically authorized by an order of the Siting Board, dredging, filling, construction of buildings, roadways, dumping of debris, excavation, and clearing of native vegetation shall be prohibited in the area defined by Section B, Condition V.D.2 above. Notwithstanding the provisions of Sections 403.516(1)(a) and (b), F.S., the Licensee agrees that any activity prohibited in this paragraph within the area described in the red-cockaded woodpecker management area shall be authorized only by affirmative vote of the Siting Board.

f. The Licensee hereby stipulates as a factual matter, which shall be binding on it and all of its officers, agents, attorneys, and employees, that the "alternate access road" authorized by this supplemental certification completes the necessary roadway access for Units 1 and 2, to allow the full development thereof. Any additional access for electric power generation and any additional facilities necessary for the construction of Units 3 and 4 will be the subject of a comprehensive Supplemental Certification Application or applications for Units 3 and 4.

g. If the Licensee determines to pursue a modification of its certification with regard to the easement recorded December 30, 1987, at ORB 3946, Page 3187,

PROPOSED

Orange County, Florida, it shall do so as a ministerial act only and shall not actively utilize its resources, funds, or personnel to support such an application.

4. The Red-cockaded Woodpecker Management Plan is incorporated into this certification as Attachment D (attached). A 2017 list of Florida invasive species for exotic vegetation control, as required by the Red-Cockaded Woodpecker Management Plan and other mitigation plans, is included in Attachment E.

V. DEPARTMENT OF STATE – DIVISION OF HISTORICAL RESOURCES

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

B. If historical or archaeological artifacts or features are discovered at any time within the certified facility, the Licensee shall notify the DEP Central District Office, the SCO, and the DHR, R.A. Gray Building, 500 S. Bronough Street, Rm 423, Tallahassee, Florida 32399-0250, telephone number (850) 245-6333, and shall consult with DHR to determine appropriate actions. **Replaced Condition IV.U. Historical or Archaeological Finds**

[Sections 267.061, 403.531, and 872.02, F.S.]

VI. DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES **Replaced Condition V.B.7. and Condition XVIII.C.2. Maintenance**

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

[Chapter 487, F.S.]

VII. ORANGE COUNTY

A. Building and Construction Requirements **Moved from Condition XXXI. Orange County, A. with revised language**

The Licensee shall comply with the building and construction requirements of Chapter 9, Orange County Code. The licensee shall pay all appropriate fees for required building and construction permits, including inspection fees.

[Sections 9-6, 16-21, 37-3, 37-4, 37-5, and 37-6, Orange County Code]

PROPOSED

B. Noise **Replaced Condition IV.S. Noise and V.B.5.**

Construction noise shall not exceed the noise criteria or any applicable requirements of Orange County. The licensee shall notify area residents in advance of the onset and anticipated duration of the steam blowout of the facility's heat recovery steam generator and steam lines. Such steam blowout shall be conducted between 7:00 A.M. and sunset.

[Sections 15-177, 15-183, and 15-184, Orange County Code]

C. Flood Protection Control **Replaced Condition XIX. Flood Control Protection**

The certified facilities shall be constructed in such a manner as to comply with the Orange County flood protection requirements.

[Sections 19-6, 19-8, 19-41, 19-42, 19-66, 19-69, 19-91 through 19- 94, and Sections 34-226 through 34-228, Orange County Code]

D. Conservation Area **Replaced Condition XXXI. Orange County B. with revised language**

Prior to initiating any impacts to wetlands or other surface waters, the Licensee shall have a conservation area determination approved by Orange County. Any activities within or immediately adjacent to any wetland that would materially affect in an adverse way any wetland which has been determined to be a conservation area must comply with the applicable provisions of Article X of Chapter 15 of the Orange County Code.

[Sections 15-376 and 15-382, Orange County Code]

E. Public Works Impacts **Moved Condition XXXI. Orange County D. with revised language**

1. Prior to performing any works that may affect traffic, the Licensee agrees to submit to the Orange County Public Works Department a certified maintenance of traffic plan prepared by a Florida-licensed Professional Engineer in a form that complies with the rules, regulations, standards and criteria of the County.

2. The Licensee and its contractors must adhere to applicable Florida Department of Transportation and Orange County regulations when transporting materials and equipment to the site.

[Section 21-236, Orange County Code]

F. Cooling Water **Replaced Condition XXXI. Orange County E.**

Licensee will accept Cooling Water from Orange County in accordance with that agreement entitled "Second Amendment to and Restatement of the Substitute Agreement Between Orange County, Florida and Orlando Utilities Commission Relating To Cooling Water Supply" signed by Licensee on October 31, 2008, and signed by Orange County on December 17, 2008 as it may be amended by mutual agreement of the Parties to that Agreement.

[Applicant Agreement]

G. Open Burning **Replaced Condition XII. Solid Wastes**

PROPOSED

Prior to open burning in connection with land clearing, the Licensee shall seek authorization from the Florida Forest Service in accordance with the requirements of Chapters 62-256 and 5I-2, F.A.C. No additional permits shall be required, but the Orange County Environmental Protection Division shall be notified prior to burning. Open burning shall not occur if the Florida Forest Service has issued a ban on burning due to fire hazard conditions.

[Sections 15-95 through 15-104, Orange County Code]

H. Air **Moved Condition XXXI. Orange County F. with revised language**

Licensee and Orange County agree to identify community-based projects that will provide environmentally beneficial NOx, greenhouse gas and/or toxic emission reductions within Orange County. Licensee agrees to co-sponsor with the County these mutually agreed upon community-based projects and fund these projects in the amount of $1,000,000.00 contributed in an amount no less than $100,000.00 annually until such time Licensee has contributed a total of One Million Dollars toward the community-based projects. The ten-year period will begin on January 1, 2008, or the start of construction of Unit B, whichever occurs first.

Licensee agrees to co-sponsor with Orange County mutually agreed upon qualified Renewable Energy projects within Orange County. These projects will be mutually agreed upon and Licensee agrees to fund $1,000,000 over a ten-year period for this purpose. The ten-year period will begin January 2007 or upon receipt of regulatory approval for the project, whichever occurs first.

[Applicant Agreement]

VIII. EMERGENCY MANAGEMENT **Replaced Condition XXXII. Department of Community Affairs**

The Licensee shall review and, if necessary, update the comprehensive hurricane preparation and recovery plan every 5 years or whenever an additional electrical generating unit is brought into commercial service at the CHSEC, and shall submit these updated plans to the Orange County Office of Emergency Management.

If the Orange County Office of Emergency Management deems the plan or any of its periodic updates not to be in compliance with the requirements of this condition, it may petition the Department for enforcement of this condition pursuant to the Florida Electrical Power Plant Siting Act.

History

Certification for Unit 1 issued 12/15/82; signed by Governor Graham
Certification for Unit 2 issued 12/17/91; signed by Governor Chiles
Modified (A) 04/05/93; signed by Secretary Wetherell
Modified (B) for Alafaya Trail Extension 07/24/95; signed by Governor Chiles
Modified (C) to merge certification for Unit 1 & 2 12/24/97; signed by Secretary Wetherell
Modified (D) 08/07/98; signed by Secretary Wetherell
Supplemental Certification for Unit A 09/21/01; signed by Governor Bush
Modified (E) 02/24/03; signed by Siting Administrator Oven
Modified (F) 07/20/06; signed by Siting Administrator Oven
Supplemental Certification for Unit B 08/17/06; Signed by Secretary Castille

PROPOSED

Modified (G) 01/17/07; signed by Siting Administrator Oven
Modified (H) 10/03/07; signed by Siting Administrator Halpin
Modified (I) 02/06/08; signed by Siting Administrator Halpin
Modified (J) 02/20/08; signed by Siting Administrator Halpin
Modified (K) 7/24/08; signed by Siting Administrator Halpin
Modified (L) 03/08/16; signed by Siting Administrator Mulkey
Modified (M) xx/xx/xx; signed by Siting Administrator Mulkey

PROPOSED

Attachment A – Certified Site/Areas/Facilities Delineation Map(s)

(to be incorporated per requirements of Section A. Condition I. Scope)

PROPOSED

Attachment B - Surface Water Management System Plan(s)

PROPOSED

Attachment C – Mitigation Plan(s)

PROPOSED

Attachment D – Red Cockaded Woodpecker Management Plan

PROPOSED

Attachment E - 2015 Florida List of Invasive Species

PROPOSED

Attachment F - Monitoring Plan Implementation Schedule

PROPOSED

Attachment G – Summary of Specific Domestic Wastewater Facility Information and Operation Requirements

PROPOSED

Attachment H – Operation Plan for Combustion Waste Management Areas

PROPOSED