STATE OF FLORIDA
DEPARTMENT OF
ENVIRONMENTAL PROTECTION

ORLANDO UTILITIES COMMISSION
CURTIS H. STANTON ENERGY CENTER UNITS 1 & 2,
COMBINED CYCLE UNITS A AND UNIT B
PA 81-~~14L~~14M
SUPPLEMENTAL CONDITIONS OF CERTIFICATION

Modified ~~03/08//2016~~XX/XX/2017

Table of Contents

I. CERTIFICATION CONTROL....1
II. APPLICABLE RULES....2
III. DEFINITIONS....2
IV. GENERAL CONDITIONS....3
A. Facility Operation....3
B. Records Maintained at the Facility....4
C. Change in Discharge....4
D. Noncompliance Notification....4
E. Adverse Impact....5
F. Right of Entry....5
G. Enforcement....5
H. Revocation or Suspension....6
I. Civil and Criminal Liability....6
J. Property Rights....6
K. Severability....6
L. Review of Site Certification....7
M. Procedural Rights....7
N. Modification of Conditions....7
O. Transfer of Certification....7
P. Safety....8
Q. Screening....8
R. Toxic, Deleterious or Hazardous Materials....8
S. Noise....8
T. Flood Control Protection....9
U. Historical or Archaeological Finds....9
V. Endangered and Threatened Species....9
W. Dispute Resolution....9
X. Laboratories And Quality Assurance....9
Y. Procedures For Post-Certification Submittals....10
V. CONSTRUCTION....11
A. Standards and Review of Plans....11
B. Control Measures....12
C. Environmental Control Program....13
D. Reporting....13
E. Pond Perimeter Berms....13
F. Wetland Vegetation....13
G. ENVIRONMENTAL RESOURCES....14
1. General....14
2. Surface Water Management Systems....15
3. Wetland and Other Surface Water Impacts....17
VI. AIR....17
VII. WETLANDS RESOURCE MANAGEMENT....18

H. Combined Cycle Unit A Transmission Line 19
I. State Water Quality Standards 20
J. Dredging and Filling 21
K. Surface Water Access 21
L. Surface Water Management 21
M. Offsite Discharge 21
N. Combined Cycle Unit B 22
O. Magnolia Ranch Substation Mitigation 22
P. North Substation and Transmission Line 24
VIII. ELECTRIC AND MAGNETIC FIELDS 26
IX. COOLING TOWER 26
A. Makeup Water Constituency 26
B. Chlorination 27
C. Special Studies 27
X. WATER DISCHARGES 27
A. Surface Waters 27
B. Compliance 27
C. Plant Effluents and Receiving Body of Water 27
1. Receiving Body of Water (RBW) 27
2. Point of Discharge (P.O.D.) 28
3. Chemical Wastes 28
5. pH 28
6. Polychlorinated Biphenyl Compounds 28
7. Storm Water Runoff 28
D. Water Monitoring Program 29
1. Chemical Monitoring 29
2. Groundwater Monitoring 29
3. Surface Water Monitoring 30
XI. GROUNDWATER 31
A. General 31
B. Pump Test Program and Well Field Construction 31
C. Water Use Restriction 31
D. Monitoring and Reporting 31
E. Shallow Aquifer Monitoring Wells 32
F. Leachate 33
1. Zone of Discharge 33
2. Corrective Action 33
G. Construction Dewatering Effluent 34
XII. SOLID WASTES 34
XIII. POTABLE WATER SUPPLY SYSTEM 34
XIV. TRANSFORMER AND ELECTRIC SWITCHING GEAR 34
XV. CONSTRUCTION IN WATERS OF THE STATE 34
XVI. ALAFAYA TRAIL EXTENSION 35
A. Construction 35

B. Stormwater Management And Erosion Control For The Alafaya Trail Extension 36
C. Mitigation Criteria For The Alafaya Trail Extension 36
XVII. SOLID WASTE LANDFILL 39
XVIII. TRANSMISSION LINES, ACCESS ROAD, NATURAL GAS PIPELINE AND RAIL SPUR 41
A. General 41
B. Other Construction Activities 42
C. Maintenance....42
D. Archaeological Sites....42
E. Road Crossing 43
F. Emergency Reporting 43
G. Final Right-Of-Way Location 43
H. Compliance 43
I. Construction Plans 43
XIX. FLOOD CONTROL PROTECTION 44
XX. RAILROAD SPUR LINE....44
XXI. RED COCKADED WOODPECKER 44
A. Implementation Of Red Cockaded Woodpecker Management Plan 44
B. Red-Cockaded Woodpecker Management Area Identification....44
C. Use And Limitations Of The Red-Cockaded Woodpecker Management Area ...45
XXII. NITRATE 46
XXIII. FISH AND WILDLIFE MANAGEMENT 46
XXIV. COAL PILE 46
XXV. FISH AND WILDLIFE CONSERVATION COMMISSION 46
A. Wildlife Survey 46
B. Nesting Sandhill Cranes....47
C. Management Plan 47
D. Natural Gas Pipeline 47
XXVI. SOUTH FLORIDA WATER MANAGEMENT DISTRICT – LEGAL & ADMINISTRATIVE CONDITIONS 47
A. General 47
1. Compliance Requirements 47
2. Off-Site Impacts....47
3. Post Certification Information Submittals....47
B. Processing Of Information Requests....48
1. Right-of-way Modifications 48
2. Completeness and Review....48
3. Compliance Review and Confirmation....48
4. Revisions to Site Specific Design Authorizations 48
5. Dispute Resolution 49
6. Objections 49
7. Changes to Information Requirements....49
XXVII. SFWMD SURFACE WATER MANAGEMENT CONDITIONS 49

A. General Conditions *49*
1. Professional Engineer Certificate 49
2. Impacts of Fish, Wildlife, Natural Environment Values and Water Quality 49
3. Correction of Water Quality Problems 49
4. Off-Site Conveyances 49
5. Additional Water Quality Requirements 50
6. Access Roads 50
7. Correction of Drainage Problems 50
8. Modifications 50
B. Site Specific Design Authorizations *50*
1. Access/Maintenance Road and Structure Pads 50
2. Authorized Receiving Water (Transmission Line Access Maintenance Roads only) 50
3. Adjacent Wetlands 50
C. Additional Information Requirements *51*
1. Access/Maintenance Road and Structure Pad Construction Plans 51
XXVIII. SFWMD ENVIRONMENTAL CONDITIONS 52
A. General *52*
1. Wetland Avoidance 52
2. Fill Materials 52
3. Additional Wetlands Mitigation 52
4. Additional Environmental Review 52
5. Mitigation Areas 52
B. Site Specific Design Authorizations *53*
1. Authorized Wetland Impacts 53
2. Sandhill Crane Nest Protection 53
C. Additional Information Requirements *53*
1. Wetlands Protection 53
2. Mitigation Plan 53
XXIX. ST. JOHNS RIVER WATER MANAGEMENT DISTRICT 54
A. Water Shortages *54*
B. Well Construction, Modification, Or Abandonment *54*
C. Well Maintenance *55*
D. Mitigation Of Withdrawal Impacts On Existing Legal Users *55*
E. Mitigation Of Impacts On Adjacent Land Uses *55*
F. Identification Tags *55*
G. Submittals *56*
H. Maximum Annual Withdrawals *56*
I. Maximum Daily Withdrawals *56*
J. Limitation On Uses Of Water *56*
K. Dewatering *57*
L. Well Water Quality Sampling *57*
M. Water Treatment Plant Reports *57*

N. Well Water Flow Monitoring 57
O. Conservation Plans 58
P. Maintenance And Calibration Of Flow Meters 58
Q. Off-Site Discharges 58
R. Use of Lowest Quality Water 59
S. Enhancement 59
1. Delineation Of Limits Of Construction 59
2. Background Assessment Plan 59
3. Completion Of Background Assessment 59
4. Initiation And Completion Of Enhancement Mitigation Plan 59
5. Criteria For Success Of Enhancement And Mitigation 59
6. Monitoring Plan For Enhancement And Mitigation 60
7. Survey Of Enhancement Areas 60
8. Monitoring Reports For The Enhancement And Mitigation Areas 60
9. Revisions To Enhancement And Mitigation 60
T. Erosion And Sediment Control During Construction 60
U. Erosion And Sediment Control During Operation 61
V. Incorporation Of Mitigation Plan 61
W. Completion Of Surface Water Management System 61
X. Retention/Detention Storage Areas 61
Y. Access Road And Transmission Line Construction Plans 61
Z. Access Road Fill 62
AA. Contractor Review And Posting Of Conditions Of Certification 62
BB. Landfill Gas And Condensate Pipeline Construction 62
CC. Right to Enter 62
DD. Post Certification Information Submittals 62
XXX. FLORIDA DEPARTMENT OF TRANSPORTATION 63
A. Construction Impact Mitigation Program 63
B. Unit A - Post Certification Review Of Specific Problems 63
1. Pipeline Crossing of State Highway System 63
2. Traffic Control 64
3. Access Roads 64
4. Crossing Federal Facilities 64
5. Standards 64
6. Monitoring 65
7. Placement 65
8. Oversight 65
9. Natural Gas Pipeline Location 65
10. Borings 65
11. Transportation Projects 66
12. Access Management to the State Highway System: 66
13. Drainage: 66
14. Overweight/Overdimensional Vehicles: 66
C. Unit B - Post Certification Review of Specific Problems 66

1. Access Management to the State Highway System: 66
2. Overweight or Overdimensional Loads:....66
3. Use of State of Florida Right of Way or Transportation Facilities: 66
4. Drainage:....67
5. Use of Air Space:....67
D. Best Management Practices 67
XXXI. ORANGE COUNTY....68
A. Building And Construction Requirements....68
B. Conservation Area 68
C. Mitigation....68
D. Public Works Impacts....70
E. Cooling Water 70
F. Air....70
XXXII. DEPARTMENT OF COMMUNITY AFFAIRS 70
History 71
ATTACHMENT - FIGURE 4-2....72
APPENDIX 1 – Red Cockaded Woodpecker Management Plan....79
APPENDIX 2 – 2005 Florida List of Invasive Species 80

~~List of Attachments~~ Replaced by Attachments ~~& Appendices~~

~~**Attachment 1 - RED COCKADED WOODPECKER IMPACT AREA**~~

~~List of Appendices~~

~~**Appendix 1: Title V Permit 0950137-006-AV**~~
~~**Appendix 2: Air Construction Permit 0950137-008-AC**~~
~~**Appendix 3: Air Construction Permit 0950137-009-AC**~~
~~**Appendix 4: Air Construction Permit 0950137-011-AC**~~
~~**Appendix 5: Air Construction Permit 0950137-010-AC**~~
~~**Appendix 61: Red Cockaded Woodpecker Management Plan**~~ **Attachment D**
~~**Appendix 72: 2005 Florida List of Invasive Species**~~ **Attachment E**
~~**Appendix 8: Air Construction Permit PSD FL-084**~~
~~**Appendix 9: Air Construction Permit PSD FL-313**~~
~~**Appendix 10: Air Construction Permit 0950137-012-AC**~~
~~**Appendix 11: Air Construction Permit 0950137-014-AC**~~
~~**Appendix 12: Air Construction Permit 0950137-015-AC**~~
~~**Appendix 3: Monitoring Plan Implementation Schedule**~~ **Attachment F**

I. CERTIFICATION CONTROL Replaced by Section A. Condition I. Scope

~~A. Pursuant to s. 403.501-518, F.S., the Florida Electrical Power Plant Siting Act, this certification is issued to Orlando Utilities Commission, Florida Municipal Power Agency, Kissimmee Utility Authority and Southern-Florida, LLC as joint owner/operators of Curtis H. Stanton Energy Center. Under the control of these Conditions of Certification the OUC will operate a 930 MW (nominal) facility consisting of two coal-fired Units No. 1 and No. 2, and ancillary equipment. Southern-Florida LLC will construct and operate a 633 MW gas-fired combined cycle facility known as Combined Cycle Unit A. OUC will construct and operate a 300 MW duel fueled (natural/gas/No.2 fuel oil) Combined Cycle unit known as Unit B. These units are located on a 3280-acre site which is located at Township 23S, Ranges 31E and 32E, Orange County, Florida. UTM coordinates are: Zone 17; 483.61 km East; 3151.1 km North.~~

~~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)~~

~~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)

Cooling Water Makeup Pipeline

Alternate Plant Access Road

Magnolia Ranch North Substation

Landfill Gas Compressor and Pipeline

B. The general and specific conditions contained in these Conditions of Certification, unless specifically amended or modified, are binding upon the licensees and shall apply to the construction and operation of the certified facility. If a conflict should occur between the design criteria of this project and the Conditions of Certification, the Conditions shall prevail unless amended or modified.

II. APPLICABLE RULES Replaced by Section A. Condition II. Applicable Department Rules

The construction and operation of the certified facility shall be in accordance with all applicable provisions of Florida Statutes and Department and Water Management District rules, including the following regulations: [St. Johns River WMD: 40 C-2, 40C-3, 40C-8, 40-C21] [South Florida WMD: 40E-1, 40E-4, 40E-40, 40E-41,] 62-4, 62-17, 62-256, 62-296, 62-297, 62-301, 62-302, 62-531, 62-532, 62-550, 62-555, 62-560, 62-600, 62-601, 62-604, 62-610, 62-620, 62-621, 62-650, 62-699, 62-660, 62-701, 62-762, 62-767, 62-769, and 62-770, Florida Administrative Code (F.A.C.), or their successors as they are renumbered.

III. DEFINITIONS Replaced by Section A. IV. Definitions

The meaning of terms used herein shall be governed by the definitions contained in Chapter 403, Florida Statutes, and any regulation adopted pursuant thereto. In the event of any dispute over the meaning of a term used in these general or special conditions which is not defined in such statutes or regulations, such dispute shall be resolved by reference to the most relevant definitions contained in any other state or federal statute or regulation or, in the alternative by the use of the commonly accepted meaning as determined by the Department. As used herein:

A. "Application" shall mean the Site Certification Application (SCA) for the certified facility, as supplemented.

B. "DEP" or Department shall mean the Florida Department of Environmental Protection.

C. "DHR" shall mean the Florida Department of State, Division of Historical Resources.

D. "Emergency conditions" shall mean urgent circumstances involving potential adverse consequences to human life or property as a result of weather conditions or other calamity, and necessitating new or replacement gas pipeline, transmission lines, or access facilities.

E. "Facility" shall mean the certified electrical power generation facility and all associated structures, including but not limited to: combustion turbine generators, heat recovery steam generators, duct burners, fossil steam boilers, steam turbine generators, selective catalytic reduction units, transformers, associated transmission lines, substations, fuel and water storage tanks, natural gas delivery metering station, air and water pollution control equipment, storm water control ponds and facilities, cooling towers, and related structures.

F. "Feasible" or "practicable" shall mean reasonably achievable considering a balance of land use impacts, environmental impacts, engineering constraints, and costs.

G. "FFWCC" shall mean the Florida Fish and Wildlife Conservation Commission.

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

I. "NPDES permit" shall mean the federal National Pollutant Discharge Permit System permit issued in accordance with the federal Clean Water Act.

J. "Power plant" shall mean the electric power generating plant and associated structures to be modified or constructed on the certified site, as generally depicted in the Application.

K. "Project" shall mean the electrical power generating facility and all associated facilities.

L. "PSD permit" shall mean the federal Prevention of Significant Deterioration air emissions permit issued in accordance with the federal Clean Air Act.

M. "NWF, SR, SJR, SWF, or SF WMD" shall mean the Northwest Florida, Suwannee River, St. Johns River, Southwest Florida, or South Florida Water Management District.

N. "Title V permit" shall mean the federal permit issued in accordance with Title V of the federal Clean Air Act.

IV. GENERAL CONDITIONS

A. Facility Operation Replaced by Section A. XXIX. Facility Operation and V. Department Permits under Federal Programs

1. The Licensee shall at all times properly operate and maintain the facility and related appurtenances, and systems of treatment and control that are installed and used to achieve compliance with the conditions of this certification, and are required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the approval and when required by Department rules.

2. In the event of a prolonged [thirty (30) days or more] equipment malfunction or shutdown of pollution control equipment, facility operation may be allowed to

~~resume and continue to take place under an appropriate Department order, provided that the licensee demonstrates that such operation will be in compliance with all applicable ambient air quality standards and PSD increments, water quality standards and rules, solid waste rules, domestic wastewater rules and industrial wastewater rules. During such malfunction or shutdown, the operation of the facility shall comply with all other requirements of this certification and all applicable state and federal emission and effluent standards not affected by the malfunction or shutdown.~~

~~B. Records Maintained at the Facility~~ Replaced by Section A. XXX. Records Maintained at the Facility

~~1. These Conditions of Certification or a copy thereof shall be kept at the work site of the approved activity.~~

~~2. The licensee shall hold at the facility, or other location designated by this approval, records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation required by this approval, copies of all reports required by this approval, and records of all data used to complete the application for this approval. These materials shall be retained at least three (3) years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule. The licensee shall provide copies of these records to the Department upon request. If the licensee becomes aware of relevant facts that were not submitted or were incorrect in any report to the Department, such facts or information shall be promptly submitted or corrected.~~

C. Change in Discharge Replaced by Section A. Conditions V. Department Permits Under Federal Programs, XXIII. Modification of Certification, and XXXI, Water Discharges

~~All discharges or emissions authorized herein shall be consistent with the terms and conditions of this certification. The discharge of any pollutant not identified in the application, or more frequently than, or at a level in excess of that authorized herein, shall constitute a violation of the certification. Any anticipated facility expansions, production increases, or process modifications which may result in new, different or increased discharges or pollutants, change in fuel, or expansion in steam generating capacity must be reported by submission of a new application for amendment or modification pursuant to Chapter 403.516, F.S.~~

D. Noncompliance Notification Replaced by Section A. Condition VII. Notification

~~If, for any reason, the licensee does not comply with or is unable to comply with any limitation specified in this certification, the licensee shall notify the Central District Office of the Department by telephone during the working day that said noncompliance occurs. After normal business hours, the licensee shall report any condition that poses a public health threat to the State Warning Point at telephone number (850) 413-9911 or (850) 413-9912. The licensee shall confirm this situation to the DEP District Office in writing within seventy-two (72) hours of becoming aware of such conditions and shall supply the following information:~~

~~1. A description of the discharge and cause of noncompliance; and,~~

2. The period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and,

3. Steps being taken to reduce, eliminate and prevent recurrence of the non-complying event.

E. Adverse Impact Replaced by Section A. XXIX. Facility Operation

The licensee shall take all reasonable steps to minimize any adverse impact resulting from noncompliance with any limitation specified in this certification, including such accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying event.

F. Right of Entry Replaced by Section A. Condition X. Right of Entry

The licensee shall allow authorized Department personnel, including authorized representatives of the Florida Department of Environmental Protection, Water Management Districts, and/or United States Environmental Protection Agency, when applicable, upon presentation of credentials or other documents as may be required by law, and at reasonable times, depending upon the nature of the concern being investigated:

1. To enter upon the licensee's premises where an effluent source is located or in which records are required to be kept under the terms and conditions of this permit; and,

2. To have access to and copy any records required to be kept under the conditions of this certification; and,

3. To inspect and observe the permitted facilities, equipment, practices, or operations regulated or required under these Conditions to determine compliance with the approved plans, specifications and conditions of this certification; and,

4. To sample or monitor any substances or parameters at any location necessary to assure compliance with these Conditions or Department rules.

G. Enforcement Replaced by Section A. Condition XIII. Enforcement

1. The terms, conditions, requirements, limitations and restrictions set forth in these Conditions of Certification are binding and enforceable pursuant to Sections 403.141, 403.161, 403.514,. Any noncompliance with a Condition of Certification or condition of a federally delegated or approved permit constitutes a violation of chapter 403, F.S., and is grounds for enforcement action, permit termination, permit revocation, or permit revision. The Licensee is placed on notice that the Department will review this approval periodically and may initiate enforcement action for any violation of these conditions.

2. All records, notes, monitoring data and other information relating to the construction or operation of this certified source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the certified source arising under the Florida Statutes or Department rules, except where such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

H. Revocation or Suspension Replaced by Section A. Condition XIV. Revocation or Suspension

~~This certification may be suspended or revoked pursuant to Section 403.512, Florida Statutes, or for violations of any of these Conditions of Certification. This approval is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this approval may constitute grounds for revocation and enforcement action by the Department.~~

I. Civil and Criminal Liability Replaced by Section A. Conditions XV. Regulatory Compliance and XVI. Civil and Criminal Liability

~~1. This certification does not relieve the licensee from civil or criminal penalties for noncompliance with any conditions of this certification, applicable rules or regulations of the Department, or Chapter 403, Florida Statutes, or regulations thereunder.~~

~~2. This certification does not relieve the licensee from liability for harm or injury to human health or welfare, animal or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the licensee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.~~

~~3. As provided in Subsections 403.087(7), 403.511, and 403.722(5), F.S., the issuance of this certification does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This approval is not a waiver of any other Department approval that may be required for other aspects of the total project under federally delegated programs.~~

~~4. Subject to Section 403.511, Florida Statutes, this certification shall not preclude the institution of any legal action or relieve the licensee from any responsibilities or penalties established pursuant to any other applicable State Statutes or regulations.~~

J. Property Rights Replaced by Section A. Condition XVII. Use of State Lands

~~The issuance of this certification does not convey any property rights in either real or personal property, or any exclusive privileges, nor 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. The applicant shall obtain title, lease or right of use from the State of Florida, to any sovereign submerged lands utilized by the project.~~

K. Severability Replaced by Section A. Condition XII. Severability

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

L. Review of Site Certification Deleted

~~The certification shall be final unless revised, revoked or suspended pursuant to law. At least every five years from the date of issuance of certification the Department will review all monitoring data that has been submitted to it during the preceding five-year period for the purposes of determining the extent of the Licensee's compliance with the conditions of this certification and the environmental impact of this facility. The Department will submit the results of its review and recommendations to the Licensee. Such review will be repeated at least every five years thereafter.~~

~~M.~~ Procedural Rights Replaced by Section A. Condition XVIII. Procedural Rights

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

N. Modification of Conditions Moved to Section A. Condition XXIII. Modification of Certification with original Certification Order language added

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

1. 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.
2. 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.
3. 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~~ 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.~~herein which would not otherwise require approval from the Siting Board.~~

O. Transfer of Certification Replaced by Section A. Condition XXV. Transfer of Certification

~~This certification is transferable only upon Department approval in accordance with Section 403.516, F.S., and Rules 62-17.211(3) and 62-730.300, F.A.C., as applicable. The licensee shall be liable for any noncompliance of the approved activity until the transfer is approved by the Department.~~

P. Safety Replaced by Section A. Condition XV. Regulatory Compliance

~~The overall design, layout, and operation of the facilities shall be such as to minimize hazards to humans and the environment. Security control measures shall be utilized to prevent exposure of the public to hazardous conditions. The Federal Occupational Safety and Health Standards shall be complied with during construction and operation.~~

Q. Screening Replaced by Section B. Condition I. Department of Environmental Protection, paragraph L.

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

R. Toxic, Deleterious or Hazardous Materials Replaced by Section A. Conditions XXXI. Water Discharges and XXXII. Solid and Hazardous Wastes.

~~1. The Licensee shall not discharge to surface waters wastes which are acutely toxic, or present in concentrations which are carcinogenic, mutagenic, or teratogenic to human beings or to significant locally occurring wildlife or aquatic species. The Licensee shall not discharge to ground waters wastes in concentrations which, alone or in combination with other substances, or components of discharges (whether thermal or non-thermal) are carcinogenic, mutagenic, teratogenic, or toxic to human beings (unless specific criteria are established for such components in Section 62-520.420, F.A.C.) or are acutely toxic to indigenous species of significance to the aquatic community within surface waters affected by the ground water at the point of contact with surface waters.~~

~~2. The licensee shall report all spills of materials having potential to significantly pollute surface or ground waters and which are not confined to a building or similar containment structure, by telephone immediately after discovery of such spill. The licensee shall submit a written report within forty-eight hours, excluding weekends, from the original notification. The telephone report shall be submitted by calling the DEP District Office Industrial Wastewater Compliance/Enforcement Section. After normal business hours, the licensee shall contact the State Warning Point by calling (850) 413-9911 or (850) 413-9912. The written report shall include, but not be limited to, a detailed description of how the spill occurred, the name and chemical make-up (include any MSDS sheets) of the substance, the amount spilled, the time and date of the spill, the name and title of the person who first reported the spill, the size and extent of the spill and surface types (impervious, ground, water bodies, etc.) it impacted, the cleanup procedures used and status of completion, and include a map or aerial photograph showing the extent and paths of the material flow. Any deviation from this requirement must receive prior approval from the Department.~~

S. Noise Moved to Section B. Condition VII. Orange County, paragraph A.

Construction noise shall not exceed 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.

T. Flood Control Protection Moved to Section B. Condition VII. Orange County, paragraph C.

The plant and associated facilities shall be constructed in such a manner as to comply with the appropriate County flood protection requirements, either by flood proofing or by raising the elevation of the facilities above the 100-year flood level.

U. Historical or Archaeological Finds Replaced by Section B. Condition V. Department of State – Division of Historical Resources.

~~If historical or archaeological artifacts, such as Indian canoes, are discovered at any time within the project site, the licensee shall notify the DEP District office and the Bureau of Historic Preservation, Division of Historical Resources, R.A. Gray Building, Tallahassee, Florida 32399, telephone number (850) 487-2073.~~

V. Endangered and Threatened Species Replaced by Section B. Condition IV. Florida Fish and Wildlife Conservation Commission

~~Prior to start of construction, the licensee shall survey the certified site for endangered and threatened species of animal and plant life. Plant species listed as endangered or threatened by the federal government and plant species listed as endangered by the state shall be transplanted to an appropriate area if practicable. Gopher tortoises and any commensals on the rare or endangered species list shall be relocated after consultation with the FFWCC. A relocation program, as approved by the FFWCC, shall be followed. Entombment of gopher tortoises shall not be allowed.~~

W. Dispute Resolution Replaced by Section A. Condition XI. Dispute Resolution

~~If a situation arises in which mutual agreement cannot be reached between the Licensee and an agency exercising its regulatory jurisdiction, then the matter shall be immediately referred to the Division of Administrative Hearings (DOAH) for disposition in accordance with the provisions of Chapter 120, F.S.~~

X. Laboratories And Quality Assurance Replaced by Section A. Condition XXVI. Laboratories and Quality Assurance

~~1. The licensee shall ensure that all laboratory analytical data submitted to the Department, as required by this Certification, are from a laboratory which has a currently valid and Department approved Comprehensive Quality Assurance Plan (CompQAP) or a CompQAP pending approval for all parameters being reported, as required by Chapter 62-160, F.A.C.~~

~~2. The licensee shall ensure that all samples required pursuant to this certification are taken by an appropriately trained technician following EPA and Department approved sampling procedures and chain-of-custody requirements in accordance with Rule 62-160, F.A.C. All chain-of-custody records shall be retained on-site for at least three (3) years and made available to the Department immediately upon request.~~

~~3. Records of monitoring information shall include:~~

a. the date, exact place, and time of sampling or measurements;
b. the person responsible for performing the sampling or measurements;
c. the dates analyses were performed;
d. the person responsible for performing the analyses;
e. the analytical techniques or methods used; and,
f. the results of such analyses.

Y. Procedures For Post-Certification Submittals ***Replaced by Section A. Condition XX. Procedures for Post-Certification Submittals***

1. Purpose of Submittals: Conditions of Certification which provide for the post-certification submittal of information to DEP or other agencies by the licensee are for the purpose of facilitating monitoring by the Department of the effects arising from the plant facilities. This monitoring is for DEP to assure, in consultation with other agencies with applicable regulatory jurisdiction, continued compliance with the conditions of certification, without any further agency action.

2. Filings: All post-certification submittals of information by the licensee are to be filed with DEP. Copies of each submittal shall be simultaneously submitted to any other agency indicated in the specific conditions requiring the post-certification submittals.

3. Completeness: The DEP shall promptly review each post-certification submittal for completeness. This review shall include consultation with the other agencies receiving the post-certification submittal. For the purposes of this condition, completeness shall mean that the information submitted is both complete and sufficient. If the submittal is found to be incomplete, the licensee shall be so notified. Failure to issue such a notice within forty-five (45) days after filing of the submittal shall constitute a finding of completeness.

4. Interagency Meetings: Within sixty (60) days of the filing of a complete post-certification submittal, DEP may conduct an interagency meeting with other agencies which received copies of the submittal. The purpose of such an interagency meeting shall be for the agencies with regulatory jurisdiction over the matters addressed in the post-certification submittal to discuss whether reasonable assurance of compliance with the conditions of certification has been provided. Failure of any agency to attend an interagency meeting shall not be grounds for DEP to withhold a determination of compliance with these conditions nor to delay the time frames for review established by these conditions.

5. Reasonable Assurance of Compliance: Within ninety (90) days of the filing of a complete post-certification submittal, or 45 days after a submittal is made by the licensee, or unless another date is specified herein, DEP shall give written notification to the licensee and the agencies to which the post-certification information was submitted of its determination whether there is reasonable assurance of compliance with the conditions of certification. If it is determined that reasonable assurance has not been provided, the licensee shall be notified with particularity and possible corrective measures suggested. Failure to notify the licensee in writing within ninety (90) days of receipt of a complete post-certification submittal shall constitute a determination of reasonable assurance of compliance.

V. CONSTRUCTION

A. Standards and Review of Plans ***Replaced by Section A. Conditions VI. Design Performance, XX. Procedures for Post-Certification Submittals, and XXVII. Environmental Resources***

~~1. All construction at the facility shall be pursuant to the design standards presented in the application or amended application and the standards or plans and drawings submitted and signed by an engineer registered in the state of Florida. Specific Central DEP District Office acceptance of plans will be required based upon a determination of consistency with approved design concepts, regulations, and these conditions prior to initiation of construction of any: industrial waste treatment facility; domestic waste treatment facility; potable water treatment and supply system; ground water monitoring system, storm water runoff system; solid waste disposal area; and hazardous or toxic handling facility or area. The Licensee shall present specific plans for these facilities for review by the DEP Central District Office at least ninety (90) days prior to construction of those portions of the facility for which the plans are then being submitted, unless other time limits are specified in the following conditions herein. Review and approval or disapproval shall be accomplished in accordance with Chapter 120, F.S., or these conditions of certification as applicable. The licensee shall not proceed with construction of any wastewater treatment and disposal system without a written authorization from the Department.~~

~~2. The Department must be notified in writing and prior written approval obtained for any material change, modification, or revision to be made to the project during construction which is in conflict with these conditions of certification. If there is any material change, modification, or revision made to a project approved by the Department without this prior written approval, the project will be considered to have been constructed without departmental approval, the construction will not be cleared for service, and the construction will be considered a violation of the conditions of certification.~~

~~3. Ninety (90) days prior to the anticipated date of first operation, the Licensee shall provide the Central District and the Siting coordination Office of the Department with an itemized list of any changes made to the facility design and operation plans that would affect a change in discharge as referenced in Condition II. since the time of the approval of these conditions. This pre-operational review of the final design and operation shall demonstrate continued compliance with Department rules and standards.~~

~~4. Final drainage plans illustrating all stormwater treatment facilities and conveyances for construction phases and ultimate operations for the entire Curtis H. Stanton Energy Center site shall be submitted to the DEP Central District Manager, the Orange County Pollution Control Department, and the SJRWMD or SFWMD as applicable for review and approval prior to construction of any such conveyance or facility. The Department shall indicate its approval or disapproval within 60 days of the submittal. Analysis report of the produced~~

~~ground samples shall be submitted 30 days before surface water discharge begins.~~

B. Control Measures Replaced by Section A. Condition XXVII. Environmental Resources

~~1. To control runoff which may reach and thereby pollute waters of the state, necessary measures shall be utilized to settle, filter, treat or absorb silt containing or pollutant laden storm water to ensure against spillage or discharge of excavated material that may cause turbidity in excess of 29 Nephelometric Turbidity Units (NTU) above background in waters of the state at the POD to Hart Branch or Cowpen Branch. Oil and grease shall not exceed 5 mg/l at any discharge from the makeup water storage supply pond or any other pond. Control measures may consist of sediment traps, barriers, berms, and vegetation plantings. Exposed or disturbed soil shall be protected and stabilized as soon as possible to minimize silt and sediment-laden runoff. The pH of the runoff shall be kept within the range of 6.0 to 8.5. The Licensee shall comply with the applicable nonprocedural requirements in Chapter 62-25, F.A.C.~~

~~2. Any open burning in connection with initial land clearing shall be in accordance with Chapter 62-256, F.A.C., Chapter 5I-2, F.A.C., Uniform Fire Code Section 33.101 Addendum, and any other applicable County regulation. Any burning of construction-generated material, after initial land clearing that is allowed to be burned in accordance with Chapter 62-256, F.A.C., shall be reviewed by the DEP Central District office in conjunction with the Division of Forestry and any other county regulations that may apply. Burning shall not occur if not approved by the appropriate agency or if the Department or the Division of Forestry has issued a ban on burning due to fire safety conditions or due to air pollution conditions.~~ **Replaced by Section A. Condition IX. Construction Practices, paragraph B.**

~~3. Disposal of sanitary wastes from construction toilet facilities shall be in accordance with applicable regulations of the appropriate local health agency. The sewage treatment plant shall be operated in accordance with Chapters 62-600 - .699, F.A.C.~~ Replaced by Section B. Condition I. Department of Environmental Protection, paragraph B.

~~4. Solid wastes resulting from construction shall be disposed of in accordance with the applicable regulations of Chapter 62-701, F.A.C.~~ **Replaced by Section A. Condition XXXII. Solid and Hazardous Wastes, paragraph A.**

~~5. Construction noise shall not exceed noise criteria or any applicable requirements of Orange County. To mitigate the effects of noise produced by the steam blowout of steam boiler tubes, the licensee shall conduct public awareness campaigns prior to such activities to forewarn the public of the estimated time and duration of the noise.~~ **Replaced by Section B. Condition VII. Orange County, paragraph B.**

~~6. The licensee shall employ proper odor and dust control techniques to minimize odor and fugitive dust emissions. The applicant shall employ control techniques sufficient to prevent nuisance conditions which interfere with enjoyment of residents of adjoining~~

~~property.~~ **Replaced by Section A. Condition V. Department Permits under Federal Programs, paragraph A**

~~7. Directly associated transmission lines from the facility electric switchyard to existing transmission lines shall be maintained in accordance with the application and the appropriate state and federal regulations concerning use of herbicides. The Licensee shall notify the Department of the type of herbicides to be used at least 60 days prior to their first use.~~ **Replaced by Section B. Condition VI. Department of Agriculture and Consumer Services**

~~8. The licensee shall develop the site so as to retain the buffer of natural vegetation as described in the application and in Condition IV.Q. Screening.~~ Replaced by Section B. Condition I. Department of Environmental Protection, paragraph L.

C. Environmental Control Program ***Replaced by Section A. Conditions VII. Notification.***

~~An environmental control program shall be established under the supervision of a Florida registered professional engineer or other qualified person to assure that all construction activities conform to applicable environmental regulations and the applicable conditions of certification. If a violation of standards, harmful effects or irreversible environmental damage not anticipated by the application or the evidence presented at the certification hearing are detected during construction, the Licensee shall notify the DEP Central District Office as required by Condition IV. D., Noncompliance Notification.~~

D. Reporting ***Replaced by Section A. Condition XXVII. Environmental Resources***

~~Notice of commencement of construction shall be submitted to the Siting Coordination Office and the DEP Central District Office within fifteen (15) days of initiation. Starting three (3) months after construction commences, a quarterly construction status report shall be submitted to the DEP Central District Office. The report shall be a short narrative describing the progress of construction.~~

E. Pond Perimeter Berms ***Moved to Section B. Condition I. Department of Environmental Protection, paragraph J***

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.

F. Wetland Vegetation ***Moved to Section B. Condition I. Department of Environmental Protection, paragraph K***

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 Stanton Plant.

G. ENVIRONMENTAL RESOURCES ***Moved to Section A. Condition XXVII. Environmental Resources***

1. General

a. Submittals for Construction Activities

i. Prior to the commencement of construction of new facilities and/or associated facilities the Licensee shall provide to the DEP Central District Office's Environmental Resource Permitting Section(s) 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.

ii. Concurrent with submittal of the DEP form required in Subparagraph A.1.a. above, the Licensee shall submit 62-330.201, F.A.C., 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.

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

b 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.]

c. 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.]

2. Surface Water Management Systems

a. 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.

b. 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.

c. 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 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.

d. 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.

e. 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.

f 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.

g. 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's ERP Section, and copy the SCO, a written statement of completion and certification by a registered professional engineer (P.E.), or other appropriate registered professional, as authorized by law, utilizing the required "As-Built Certification and Request for Conversion to 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.

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

i. 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.

j. The DEP Central District ERP Section must be notified in advance of any proposed construction dewatering. If the dewatering activity is likely to result in offsite discharge or sediment transport into wetlands or surface waters, a written dewatering plan must

be submitted to and approved by the Department prior to 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.

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

3. Wetland and Other Surface Water Impacts

a. 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.

b. 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.]

VI. AIR Replaced by Section A. Condition V. Department Permits under Federal Programs

~~***A. Permits***~~

~~The Licensee shall apply for and obtain a revision to any Department issued PSD or Title V permit in accordance with Department Rules in Chapter 620-4.030, Florida Administrative Code, before beginning construction of any planned substantial modifications to the permitted facility. A revised permit shall be obtained before construction begins except as provided in the applicable portions of Chapter 62-4.030, F.A.C.~~

~~***B. Existing Units***~~

~~The construction and operation of all existing units (Units 1,2,A and auxiliary) at the Curtis H. Stanton Energy Center (CHSEC) steam electric power plant site shall be in accordance with all applicable provisions of Chapter 62, Florida Administrative Code including all requirements of the State of Florida State Implementation Plan and approved Title V permit program where applicable. The current Title V Air Operation Permit (0950137-006-AV) is attached as Appendix 1, and is incorporated by reference herein as part of this Certification. In addition, the construction and operation of the units shall be in accordance with 40 CFR Part 60 and the provisions of PSD permits FL-084 and FL-313 (attached as Appendix 8 and 9), and of Air~~

~~Construction Permits 0950137-008-AC, 0950137-009-AC, 0950137-011-AC, 0950137-012-AC, 0950137-014-AC, and 0950137-015-AC incorporated by reference herein as part of this Certification and attached as Appendix 2, 3, 4, 10, 11, and 12 respectively. The provisions of the Title V Air Operation Permit and of the Air Construction Permits shall be conditions of this certification. The licensee shall comply with the substantive provisions and limitations set forth in the Title V Air Operation Permit and the Air Construction Permits as part of these Conditions of Certification, and as those provisions may be modified, amended, or renewed in the future by the Department. Such provisions shall be fully enforceable as conditions of this certification. Any violation of such provisions shall be a violation of these Conditions of Certification.~~

~~***C. New Units (Unit B)***~~

~~The terms, conditions, requirements, limitations, and restrictions set forth in final Permit PSD-FL-373A (0950137-020-AC), [Attached as Appendix 5] and any final issuance, modification, administrative corrections, or amendment to such PSD permit, are incorporated by reference herein, and are binding and enforceable Conditions of this Certification. The Licensee is subject to and shall comply with the terms, conditions, requirements, limitations, and restrictions set forth in Attachment A and any final issuance modification or amendment thereto. A violation of the terms conditions, requirements, limitations, and restrictions in Appendix A is a violation of these Conditions of Certification. The Licensee is also obligated to comply with any air operation permit issued pursuant to Chapter 62-213, F.A.C.~~

VII. WETLANDS RESOURCE MANAGEMENT Replaced by Section A. Condition XXVII. Environmental Resources and Attachment C

~~**A.** The proposed transmission line from the Stanton Energy Center to the Mud Lake transmission line and the proposed alternate access road to the Stanton Energy Center from the south shall be routed as shown in the supplemental application. Prior to construction, the licensee shall submit drawings on 8.5" by 11" paper, showing the final design, including plan views and cross-sections for each area of filling or clearing in wetlands. The drawings shall show the existing and proposed ground elevations and all existing and proposed structure location, sizes and invert elevations.~~

~~**B.** All clearing and construction activities shall be confined to the limits of the clear zone necessary for the transmission line as shown on Figures 6.1-5 and 6.1-6 of the application drawings. Within 30 days of the completion of construction, the licensee shall arrange a site visit by DEP District personnel from the Central District office in Orlando to verify that no wetland damage has occurred outside the transmission line clear zone. If wetland damage occurs outside the transmission line clear zone during construction, the licensee shall submit to the DEP Central District Office for review a plan to restore the wetland area which was damaged and to provide mitigation for the damage. The plan shall be implemented within 30 days of the Department approving the restoration and mitigation plan. This condition does not preclude the Department from taking enforcement action if unauthorized activities occur.~~

C. Prior to initiating construction, the licensee shall submit a map and aerial photographs showing the location of all staging areas for the transmission line and alternate access road construction to the DEP's Central District Office for review and written approval. These areas shall be upland areas which are not currently providing red-cockaded woodpecker nesting or foraging habitat. The staging areas shall not be used prior to receiving DEP approval.

D. Drainage structures shall be placed in the transmission line ROW and under the alternate access road at the same locations where drainage structures currently exist under the CSX Railroad berm. The drainage structures shall provide at least the same efficiency as the corresponding drainage structure currently existing in the CSX Railroad berm.

E. The forested areas to be cleared shall be cleared using low-impact equipment so as to minimize soil disturbance. The rootmats and tree stumps shall be left in place to provide soil stabilization.

F. During construction, best management practices, including but not limited to staked hay bales and filter cloth, shall be utilized to control erosion and turbidity. All side slopes shall be seeded and mulched within 72 hours of the final grading.

G. Construction of the transmission line, rail car siding facility and alternate access road will result in the filling of 5.67 ac. of the herbaceous wetlands and the permanent clearing of 13.19 ac. of forested wetlands. The licensee shall provide mitigation to offset the wetland loss and habitat degradation resulting from the construction of this project. Prior to construction, the licensee shall propose a mitigation plan and shall provide the following information to the DEP Central District Office to allow the Department to review the proposed mitigation plan:

1. detailed description of each wetland impact area;
2. acreage of the type and quality of wetland being impacted at each site;
3. narrative, drawings and aerial photographs showing and explaining the proposed mitigation;
    a. detailed description of the existing conditions at the mitigation area;
    b. acreage of the proposed mitigation by mitigation and wetland type;
4. documentation providing reasonable assurance that the proposed mitigation will be successful.

If the mitigation submittal is deemed by the Department to provide insufficient information for review, additional information requested by the Department shall be submitted. Upon receiving complete information, the Department will assess the mitigation plan within 90 days.

If the Department, upon review of the proposed mitigation, determines that the proposed mitigation is inadequate to offset the wetland loss and habitat degradation from this project, the licensee shall propose additional mitigation.

H. Combined Cycle Unit A Transmission Line

Within 90 days after receiving certification, the Licensee shall meet with the DEP Central District

~~Office and Orange County to discuss alternative routes for the on-site transmission line from Unit A to the Stanton Energy Center Substation with the intent to minimize impacts on the cypress dome in Wetland 3.~~

~~1. Once the final route has been established for the transmission line the applicant/licensee shall proposed mitigation to offset the proposed wetland impacts.~~

~~2. Prior to construction of work authorized by this certification, the licensee shall provide written notification of the date of commencement of construction to the Central District Office of the Florida Department of Environmental Protection, 3319 Maguire Boulevard, Suite 232, Orlando, FL 32803-3767.~~

~~3. Turbidity controls shall be utilized around the entire work area. The turbidity controls shall be maintained throughout the duration of the project, and shall be effective in preventing soil from the fill pad from eroding into the adjacent wetlands and conservation easement.~~

~~4. Within 30 days of completion of work authorized by this certification, the licensee shall provide written notification of the date of completion of construction to the Central District Office of the Florida Department of Environmental Protection, 3319 Maguire Boulevard, Suite 232, Orlando, FL 32803-3767.~~

~~5. The limits of construction within the wetlands shall be delineated by a continuous plastic flagging tape and with a turbidity barrier/control. The licensee shall bear the responsibility of notifying all construction workers that the flagging and barriers represent the limits of all construction activities. The licensee shall bear the responsibility of keeping all construction workers and equipment out of the wetland or surface water areas, which has not been permitted for impacts.~~

~~6. There shall be no storage or stockpiling of tools or materials within the wetlands.~~

~~7. If any damage occurs to wetlands or surface waters as a result of any construction activities, the licensee shall be required to restore the wetland area(s) or surface waters by regrading the damaged areas back to the natural preconstruction elevations and planting vegetation of the size, densities and species that exist in the adjacent areas pursuant to a consent order. The restoration shall be completed within 30 days of completion of the construction and shall be done to the satisfaction of the Department.~~

~~8. All material used as fill shall be clean material and shall not be contaminated with vegetation, garbage, trash, tires, hazardous, toxic waste or other materials that are not suitable for road construction within waters of the State as so determined by the Department.~~

~~9. The fill and associated side slopes (for example for the key-hole pads) that will be placed in wetlands on the property shall be stabilized with sod immediately (within 48 hours) following completion of the placement and compaction of the fill material.~~

~~*I. State Water Quality Standards*~~

~~The project shall comply with applicable state water quality standards, including:~~

~~1. 62-302.500 - minimum criteria for all surface waters at all places and at all times,~~

2. 62-302.500 - Surface waters: general criteria,

3. 62-302.400 - Class III Waters - Recreation, Propagation and maintenance of a healthy, well balanced population of Fish and Wildlife, and

4. 62-302.530(70) - Turbidity shall not exceed 29 Nephelometric Turbidity Units above background.

J. Dredging and Filling

1. Dredging and filling in association with the installation of the natural gas or water pipelines shall be limited that only that necessary to install the pipeline.

2. All disturbed areas shall be restored to their pre-existing ground surface conditions and elevations.

3. Construction techniques necessary for the installation of the gas pipeline, including transport and placement of material shall not disturb adjacent wetlands or surface waters and shall not adversely affect water quality.

4. During construction and while conducting normal maintenance activities, the applicant/licensee shall eradicate all Brazilian pepper, Australian pine and Melaleuca trees from the wetland portions of the right-of-way.

K. Surface Water Access

The applicants shall diligently and in good faith pursue an agreement with Orange County to obtain surface water from the adjacent Orange County Landfill property for use at the Stanton Energy Center Facility. The route for any necessary pipeline shall avoid and minimize wetland and surface water impacts to the extent practicable. The proposed construction and clearing shall be coordinated with the DEP in accordance with Condition V and shall be conducted in a manner that does not adversely affect threatened or endangered species.

L. Surface Water Management

The surface water management system for Units A and B will consist of modifications to an existing wet detention system. The control structure will be modified as necessary to meet final design calculations for Unit B submitted pursuant to Condition VII.N below or otherwise to incorporate a 5" circular orifice with an invert of 75.20 feet NGVD and a rectangular weir with invert elevation of 76.80 feet NGVD.

M. Offsite Discharge

Before any offsite discharge from the stormwater management system occurs, the detention storage must be excavated to rough grade prior to building construction or placement of impervious surface within the area served by those systems.

1. Adequate measures must be taken to prevent siltation of these treatment systems and control structures during construction or siltation must be removed prior to final grading and stabilization.

2. The location of at least one bench mark (and it corresponding elevation)

per stormwater pond should be placed in the vicinity of each inlet or outlet structure and will be clearly shown on the as-built plans provided to the Department.

N. Combined Cycle Unit B

1. At least ninety days prior to the commencement of construction, provide all information necessary for a complete Environmental Resource Permit application including the engineering drawings and supporting documentation necessary to demonstrate that the stormwater runoff from the proposed project will be treated and attenuated in accordance with Rules 40C-4, 40C-41 and 40C-42, F.A.C. The drawings and documentation shall be signed, sealed and dated by a professional engineer registered in the State of Florida.

2. Prior to the commencement of construction, the Department shall conduct a timely review of the submitted information and request the correction of any errors and omissions and any additional information necessary to complete the application. This shall be done in accordance with timeframes established in Chapter 120.60, F.S. and Rule 62-4.055, F.A.C.

3. The Department shall notify the licensee in writing that the application is complete upon review of all requested information and the correction of any errors or omissions. Construction shall not begin until the Department has provided such written notification.

O. Magnolia Ranch Substation Mitigation

1. To offset and mitigate for the wetland impacts, the licensee shall purchase 2.6 forested wetland mitigation bank credits from the TM-Econ Mitigation Bank (4-095-84310-1erp). Prior to any construction or impacts authorized by these conditions, the licensee shall provide the Department with documentation that 2.6 credits have been deducted from the credit ledger of the TM-Econ Mitigation Bank (4-09584310-1erp).

2. The licensee shall restore the entire impact and work areas to original ground contours and elevations, with the allowance of native vegetation recruitment.

3. All species listed in the attached 2005 List of Florida's Most Invasive Species shall be eradicated from the impact and work areas.

4. The licensee shall eradicate the exotics/nuisance species for five consecutive years following the anniversary date of the initial eradication. Status surveys shall take place at least annually. A copy of the survey results shall be provided to the Department and submitted with the monitoring report required in Specific Condition Number 8. Any newly germinated seedlings will either be hand pulled and removed from the wetlands and deposited on a Department approved upland site, or when the seedlings are less than one (1) foot in height may be subject to herbicide treatments. The herbicide treatments shall be applied at a time when the treatments will have minimal impact to nontarget plants.

5. The removal of the exotics/nuisance species shall be conducted in a manner, which will have the least impact on the wetland. Mechanical equipment is prohibited within the wetland areas for exotic/nuisance removal. No aerial spraying of chemicals is authorized. No chemicals shall be applied to any desirable species, threatened or endangered species.

6. If eradication takes place in standing water, the herbicide Arsenal will be

used in accordance with EPA label requirements. If the eradication will take place while the area is dry, Garlon 4 and a suitable adjuvant (no diesel fuel) will be used for basal bark treatment, or Garlon 3A and a suitable adjuvant will be used for cut-stump treatments in accordance with label requirements.

7. Wetland Restoration Success Criteria:

Wetland restoration described above in item 2 shall be deemed successful when the following conditions are met:

a. Nuisance/Exotics occupy less than 5 percent of the total cover on the parcel (as listed in the 2005 List of Florida's Most Invasive Species) ;

b. Percent cover by non-nuisance, non-exotic (desirable) wetland species shall be 95 percent or greater within the remaining wetlands on the parcel. Percent cover shall be reported for the aggregate of those wetland species, relative to the total area, bare ground and water. A list of the wetland species included in the aggregate shall be included. Wetland species shall be those listed in Florida Administrative Code (F.A.C.) Rule 62-340;

c. Wetland species shall be reproducing naturally in the ground, shrub and canopy stratum;

d. The vegetation monitoring data for the wetland areas of the enhancement shows that not less than 95 percent of the vegetation cover comprises of Rule 62-340, F.A.C. listed species.

The final success determination shall not be made less than three years from the completion of implementation of the initial enhancement measures and when the above mentioned criteria have been continuously met for a period of at least one growing season, without intervention in the form of removal of undesirable vegetation.

8. Monitoring Reports Required:

The licensee shall furnish to the Central District annual status reports which describe in detail the following:

a. status of construction (with a description of the extent of work completed since previous report or since conditions were issued);

b. problems encountered and solutions undertaken;

c. anticipated work for the following year;

d. panoramic photographs taken from the same permanent stations (at least 4 stations to be approved by the Department);

e. status of nuisance eradication on the parcel;

f. status of enhancement on the parcel;

g. herbicide listing and date of application;

h. percentage survival, density and cover trees and herbaceous species using acceptable methods.

These methods are described in Daubemmire (1968), Oosting (1956), and Mueller-Dombois and Ellenberg 1974). The first monitoring report shall be submitted within 6 months of certification issuance and prior to construction commencement. The remaining monitoring reports shall be submitted annually on the anniversary date of the permit, for five years after completion of construction and all enhancement work. If work authorized in this permit does not start immediately, the Licensee shall submit to the Department a site status letter as notification that "No Work" has occurred. The site status letter is due within 6 months after certification issuance and any additional site status letters shall be submitted on the anniversary date of the certification.

The monitoring reports should include a cover page with the following information:

a. licensee name;
b. case number (PA81-14);
c. who performed the assessment;
d. signed and attested; "To the best of the undersigned's knowledge, this report represents a true, accurate and representative description of the site conditions present at the time of the monitoring."

P. North Substation and Transmission Line

1. The proposed wetland impacts for the Stanton North Substation and Transmission line are as follows:

.42 acres of impact (clearing and fill) within isolated wetlands less than ½ acre in size

.41 acres of impact (fill) within forested connected wetlands

.85 acres of impact (clearing) within forested connected wetlands

Prior to any construction activities, the applicant shall submit revised wetland impact drawings 35-S-100 thru 35-S-104 indicating the acreage of the proposed impacts.

2. To offset and mitigate for the wetland impacts, the applicant shall purchase 1.2 forested wetland mitigation bank credits from the TM-Econ Mitigation Bank (4-095-84310-1erp). Prior to any construction or impacts authorized by these conditions, the licensee shall provide the Department with documentation that 1.2 credits have been deducted from the credit ledger of the TM-Econ Mitigation Bank (4-095-84310-1erp).

3. The applicant shall restore the entire impact and work areas to original ground contours and elevations, with the allowance of native vegetation recruitment.

4. All species listed in the 2005 List of Florida's Most Invasive Species (attached as Appendix 7) shall be eradicated from the impact and work areas.

5. The licensee shall eradicate the exotics/nuisance species for five consecutive years following the anniversary date of the initial eradication. Status surveys shall take place at least annually. A copy of the survey results shall be provided to the Department and submitted with the monitoring report required in Specific Condition Number 8. Any newly germinated seedlings will either be hand pulled and removed from the wetlands and deposited on a Department approved upland site, or when the seedlings are less than one (1) foot in

height may be subject to herbicide treatments. The herbicide treatments shall be applied at a time when the treatments will have minimal impact to non-target plants.

6. The removal of the exotics/nuisance species shall be conducted in a manner, which will have the least impact on the wetland. Mechanical equipment is prohibited within the wetland areas for exotic/nuisance removal. No aerial spraying of chemicals is authorized. No chemicals shall be applied to any desirable species, threatened or endangered species.

7. If eradication takes place in standing water, the herbicide Arsenal will be used in accordance with EPA label requirements. If the eradication will take place while the area is dry, Garlon 4 and a suitable adjuvant (no diesel fuel) will be used for basal bark treatment, or Garlon 3A and a suitable adjuvant will be used for cut-stump treatments in accordance with label requirements.

8. Wetland Restoration Success Criteria:

Wetland restoration described above in item 2 shall be deemed successful when the following conditions are met:

a. Nuisance/Exotics occupy less than 5 percent of the total cover on the parcel (as listed in the 2005 List of Florida's Most Invasive Species – Appendix 7) ;

b. Percent cover by non-nuisance, non-exotic (desirable) wetland species shall be 95 percent or greater within the remaining wetlands on the parcel. Percent cover shall be reported for the aggregate of those wetland species, relative to the total area, bare ground and water. A list of the wetland species included in the aggregate shall be included. Wetland species shall be those listed in Florida Administrative Code (F.A.C.) Rule 62-340;

c. Wetland species shall be reproducing naturally in the ground, shrub and canopy stratum;

d. The vegetation monitoring data for the wetland areas of the enhancement shows that not less than 95 percent of the vegetation cover comprises of Rule 62-340, F.A.C. listed species.

The final success determination shall not be made less than three years from the completion of implementation of the initial enhancement measures and when the above mentioned criteria have been continuously met for a period of at least one growing season, without intervention in the form of removal of undesirable vegetation.

9. Monitoring Reports Required:

The licensee shall furnish to the Central District annual status reports which describe in detail the following:

a. status of construction (with a description of the extent of work completed since previous report or since certification was issued);

b. problems encountered and solutions undertaken;

c. anticipated work for the following year;

d. panoramic photographs taken from the same permanent stations (at least 4 stations to be approved by the Department);

e. status of nuisance eradication on the parcel;

f. status of enhancement on the parcel;

g. herbicide listing and date of application;
h. percentage survival, density and cover trees and herbaceous species using acceptable methods.

These methods are described in Daubemmire (1968), Oosting (1956), and Mueller-Dombois and Ellenberg 1974).

The first monitoring report shall be submitted within 6 months of certification issuance and prior to construction commencement. The remaining monitoring reports shall be submitted annually on the anniversary date of the certification, for five years after completion of construction and all enhancement work. If work authorized in this certification does not start immediately, the Licensee shall submit to the Department a site status letter as notification that "No Work" has occurred. The site status letter is due within 6 months after certification issuance and any additional site status letters shall be submitted on the anniversary date of the certification.

The monitoring reports should include a cover page with the following information:

a. licensee name;
b. case number (PA81-14);
c. who performed the assessment;
d. signed and attested: "To the best of the undersigned's knowledge, this report represents a true, accurate and representative description of the site conditions present at the time of the monitoring."

Other information may be included by the licensee at their discretion.

VIII. ELECTRIC AND MAGNETIC FIELDS Moved to Section A. Condition IX. Construction Practices, paragraph E

The associated transmission lines shall comply with the requirements of Ch. 62.814, F.A.C.

IX. COOLING TOWER Moved to Section B. Condition I. Department of Environmental Protection, paragraph C. with revised language

A. Makeup Water Constituency Replaced by Condition I. Department of Environmental Protection, paragraph C, 1.

The CHSEC shall utilize treated sewage effluent, treated wastewater, onsite re-use water, landfill stormwater/leachate, lined pond underdrain flow, construction dewatering effluent, stormwater runoff, or direct precipitation to the makeup water supply storage pond, as cooling tower makeup water. The effluent shall have received prior to use in the tower sufficient treatment from the source of cooling water, "a sewage treatment plant", but as a minimum, secondary treatment, as well as treatment described in Condition IX.B. below. Use of waters other than treated sewage effluent, or storm water, i.e., higher quality potable waters, or lower quality less-than-secondarily-treated sewage effluent, will require a modification of conditions pursuant to condition IV.N.3.

B. Chlorination

Treated sewage effluent used as cooling water makeup shall be treated to maintain a 1.0 mg/liter free chlorine residual for a 15 minute contact time, or alternately a demonstration that a viral concentration of less than one PFU per 25 gallons can be achieved at lower levels of chlorination. Chlorine levels shall be monitored continuously at the sewage treatment plants.

C. Special Studies

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.

X. WATER DISCHARGES **replaced by Section A. Condition XXXI. Water Discharges, V. Department Permits under Federal Programs, Section B. Condition I. Department of Environmental Protection, paragraph A, and Attachment F**

~~***A. Surface Waters***~~

~~Any discharges from the site storage ponds or wastewater treatment system via any emergency overflow structure which result from any event LESS than a 25 year, 24 hour storm (as defined by the U.S. Weather Bureau Technical Paper No. 40, or the DOT drainage manual, or similar documents) shall meet State Water Quality Standards, Chapter 62-302, F.A.C. There shall be no discharge of wastewater to the surface waters of the State except for non contact stormwater as authorized by this certification. When stormwater is combined with industrial wastewater, the entire volume is considered industrial wastewater. If a potential for a surface water discharge exists, the licensee must apply for an individual industrial wastewater NPDES permit.~~

~~***B. Compliance***~~

~~Any discharges into any Waters of the State during construction and operation of CHSEC Unit 1 shall be in accordance with all applicable provisions of Chapter 62.550, F.A.C., and 40 CFR, Part 423, *Effluent Guidelines and Standards for Stream Electric Power Generating Point Source Category*, except as provided herein.~~

~~***C. Plant Effluents and Receiving Body of Water***~~

~~For discharges made from the power plant the following conditions shall apply:~~

~~1. Receiving Body of Water (RBW)~~

~~The receiving body of water has been determined by the Department to be those waters of the Hart Branch, Cowpen Branch, or any other waters affected which are considered to be waters of the State within the definition of Chapter 403, Florida Statutes.~~

2. Point of Discharge (P.O.D.)

The point of discharge has been determined by the Department to be where the effluent physically enters the waters of the State in Hart Branch or Cowpen Branch.

3. Chemical Wastes

All discharges of low volume wastes (demineralizer, regeneration, floor drainage, lab drains, FGD blowdown and similar wastes) and metal cleaning wastes shall comply with Chapter 62-302. If violations of Chapter 62-302 occur, corrective action shall be taken. These wastewater shall be directed to an adequately sized and constructed treatment and detention facility. During periods when treated wastewater does not comply with pH discharge limitations, the treated wastewater may be recycled to the recycle basin, except when the recycle pond has insufficient capacity to retain the recycled wastewater and the runoff from a rainfall event equal to or less than a 25 year-24 hour storm.

4. Coal Pile

Coal pile runoff shall be directed to the recycle basin and shall not be directly discharged to surface waters, except that discharge of stormwater runoff from the coal pile is allowed only during periods of high rainfall in excess of the 25 year24 hour storm.

5. pH

The pH of the combined discharges shall be such that the pH will fall within the range of 6.0 to 9.0.

6. Polychlorinated Biphenyl Compounds

There shall be no net discharge of polychlorinated biphenyl compounds.

a. Metal Cleaning and Bottom Ash Sluice System Blowdown

b. Solid Waste and Limestone Storage Areas

Blowdown from the metal cleaning wastes and from the bottom ash sluice system shall be treated as appropriate prior to reuse and retention.

There shall be no direct discharge of stormwater runoff to surface waters from the solid waste and limestone storage areas prior to treatment.

7. Storm Water Runoff

During plant operation, necessary measures shall be used to settle, filter, treat or absorb silt-containing or pollutant-laden stormwater runoff to limit the suspended solids to 50mg/1 or less at the POD during rainfall periods less than the 25 year, 24 hour rainfall, and to prevent an increase in turbidity of more than 29 Nephelometric Turbidity Units above background in waters of the State.

Control measures shall consist at the minimum of filters, sediment traps, barriers, berms or vegetative planting. Exposed or disturbed soil shall be protected as soon as possible to minimize silt- and sediment-laden runoff. The pH shall be kept within the range of 6.0 to 8.5 at the POD.

D. Water Monitoring Program

The licensee shall monitor and report to the Department the listed parameters on the basis specified herein. The methods and procedures utilized shall receive written approval by the Department. The monitoring program may be reviewed annually by the Department, and a determination may be made as to the necessity and extent of continuation, and may be modified in accordance with Condition No. 1V.N.

1. Chemical Monitoring

The following parameters shall be monitored during operation as shown, commencing with the start of commercial operation of CHSEC and reported quarterly to the Department's Central District Office:

Parameter	**Location**	**Sample Type**	**Frequency**
Flow, groundwater	Wellfield Pipeline	Pump Logs	Continuous
Flow, Cooling Water Makeup	Intake	Pump Logs	Daily
TSS	Sewage and Treatment Facility	8 Hour Composite	Monthly
Chlorine	CHSES Sewage Treatment Plant	Grab	Weekly

The following parameters shall be monitored quarterly at any on-site generated wastewater discharge pipe into the makeup water storage supply pond and reported using the DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT form or monitored in appropriate groundwater monitoring wells.

Arsenic Radioactive Substances: Barium Gross Alpha Cadmium Combined Ra[226] and Ra[228] Chromium Selenium Fluorides Silver Lead 2,4,-D Mercury 2,4,5,-TP Methoxychlor Toxaphene Nitrate Benzene Chlordane 1, 1 dichloroethylene bis- (2-Chloroethyl)- ether 1,1,1 trichloroethane 1,2 diphenylhydraxine Vinyl Chloride Dichloromethane Trichloroethylene Tetrachloroethylene Chloroform 1,2 dichloroethane

2. Groundwater Monitoring

The groundwater levels shall be monitored continuously at selected wells as approved by the Department and the St. Johns River Water Management District. Chemical analyses shall be made on samples from all monitored wells identified in Condition XI.E. below. The location, frequency, and selected chemical analyses shall be given in condition XI.E.

The groundwater monitoring program shall be implemented at least one year prior to operation of CHSEC Unit 1 and shall be in conformance to DEP Rules 62-520 and 62-522, F.A.C. The chemical analyses shall be in accord with the latest edition of *Standards Methods for the Analysis of Water and Wastewater*. The data shall be submitted within 60 days of collection/ analysis to the St. Johns River Water Management District, and the DEP Central District Office.

Conductivity shall be monitored in wells around all lined solid waste disposal sites, coal piles, and wastewater treatment and sedimentation ponds. Groundwater shall be monitored and reported to the Department Central District as specified in the Monitoring Plan Implementation Schedule (MPIS) (Attachment F). Revisions to the MPIS other than those described below, shall be submitted in accordance with Condition IV.Y. for Post-Certification Submittals.

Projects which involve any one of the following shall be reviewed by the Department to determine whether a modification to these Conditions is necessary. Modifications shall be processed in accordance with Section 403.516(1)(c), F.S., and Rule 62-17.211, F.A.C. as applicable:

a. new major sources of wastewater;

b. improvements made to existing, or new wastewater treatment facilities including those which provide for a new or expanded land application. system which will result in an increase in the groundwater discharge as a result of the increased permitted capacity;

c. pollutants not addressed in the MPIS or these Conditions resulting from a change in the solid waste disposal facility or the industrial wastewater facility; or

d. other major projects that cause or may cause increased discharges to groundwater as a result of solid waste disposal or industrial wastewater treatment.

3. Surface Water Monitoring

The surface waters leaving the CHSEC shall be monitored monthly when flowing at on site locations as approved by the Department, the St. Johns River Water Management District and the Orange County Pollution Control Department. The locations shall include Hart Branch and Cowpen Branch which may contain leachate, surface drainage or other surface water discharges.

The surface water monitoring programs shall be implemented at least one year prior to operation of CHSEC Unit 1. Monthly data shall be submitted within 30 days of collection/analysis to the Department, the St. Johns River Water Management District and the Orange County Environmental Protection Department. The chemical analyses shall be in accord with the latest edition of *Standards Methods for the Analysis of Water and Wastewater* and shall include at least the following chemical water quality parameters.

Conductance
pH
Sulfate
Nitrate
Chloride

~~Turbidity~~
~~Phosphorous~~
~~Iron~~

XI. GROUNDWATER Replaced by Section B. Condition I. Department of Environmental Protection and Attachment F unless otherwise specified

A. General Replaced by Section B. Condition III. St. Johns River Water Management District, paragraphs G and H

~~The use of groundwater from the wellfield for plant service water for CHSEC shall be minimized to the greatest extent practicable, but in no case shall withdrawals exceed 2.00 million gallons per day from the Floridan aquifer, nor shall maximum annual withdrawals exceed 321.20 million gallons.~~

~~B. Pump Test Program and Well Field Construction~~ deleted

~~60 days prior to construction of the wellfield the applicant shall submit final wellfield construction plans to the SJRWMD for approval. A pump test program shall be performed to obtain aquifer parameters necessary for proper wellfield planning and construction. The proposed test program shall be submitted with the wellfield construction plans so that the SJRWMD in conjunction with the DEP can approve the adequacy of the program. The utilization of the test well as a production well is allowable provided the well is constructed to the standards provided in 40C-3, Part II, F.A.C.~~
~~Construction plans shall incorporate the appropriate aquifer parameters determined in the pump test program. The applicant shall submit all well logs and locate, design and construct all wells in accordance with 40C-3, F.A.C.~~

~~C. Water Use Restriction~~ replaced by Section B. Condition III. St. Johns River Water Management District, paragraph G.

~~Groundwater is restricted to uses other than cooling water make up. Any changes in the use of said water will require a modification of this condition.~~

~~D. Monitoring and Reporting~~ replaced by Section B. Condition III. St. Johns River Water Management District, paragraph K.

~~OUC shall, within the time limits hereinafter set forth, complete the following items.~~

~~1. The applicant shall install a flow meter for the production wellfield pipeline at the inlet to the plant service water pretreatment system. The applicant will maintain pump logs for operation of each production well in compliance with SJRWMD specifications. The pump logs will show the rating of each pump and record the length of time each pump is used. Well pumps will be calibrated on a yearly basis, and the calibration certificate shall be submitted to SJRWMD.~~

~~2. OUC shall submit to SJRWMD, on forms available from the District, a record of pumpage for each log used in D.1 above. Said pumpage shall provide on monthly basis, and shall be submitted by April 15, July 15, October 15 and January 15, for each~~

preceding calendar quarter.

3. OUC shall maintain and operate a continuous water level; recorder on either the standby production well or a specially constructed observation well located at the Stanton site in Orange County, Florida. Detailed hydrographs of water level fluctuations shall be constructed with the data collected from the water level recorder and shall be submitted to SJRWMD by April 15, July 15, October 15, and January 15 for each preceding calendar quarter for the year prior to operation and the year after the initiation of operation. From the second year of operation on, water levels shall be reported twice a year (May and September).

4. Water quality analysis shall be performed on water withdrawn from each production wellfield pipeline at the inlet to the plant service water pretreatment system. The water samples collected shall be collected after the well field has been pumping for at least 30 minutes. The water quality analysis shall be performed quarterly during the year prior to operation, monthly during the first year of operation, quarterly during the second year and twice each year (May and September) thereafter. Results shall be submitted to the SJRWMD within 45 days after such analyses were performed. If SJRWMD, DEP, or the applicant determines there is a significant change in water quality, then the applicant shall sample each individual well. The following parameters shall be analyzed:

Calcium Magnesium Sodium Potassium Bicarbonate Sulfate Chloride Nitrate Total Dissolved Solids Hardness Color Total Phosphate latest edition of *Standard Methods for the Analysis of Water and Waste-Water*. The staff of the SJRWMD may adjust the parameters and intervals to be analyzed in accordance with hydrologic conditions determined by well logs and operating records.

Gross Alpha — Fe, Ag, Cd, Zn, Cu, Ni, Se, Cr, As, Be, Hg, Pb, Mn, Al, Ba, Mo, V, Co, SO_3

Specific Conductance

All chemical analyses shall be performed in accordance with the

5. In the event SJRWMD determines there is a sufficient change quality (substantially caused by CHSEC and causing a potentially significant effect on water use), the Department may propose pursuant to Section 403.516, F.S., that the licensee be required to reduce or cease withdrawal from these groundwater sources and/or that additional parameters be monitored.

E. Shallow Aquifer Monitoring Wells

After consultation with the DEP and SJRWMD, OUC shall install a monitoring well network to adequately monitor groundwater quality horizontally and vertically from the ground to the bottom of the Hawthorne Formation. Groundwater levels and flow directions will be determined twice a year (May and September) at the site through the preparation of seasonal piezometric contour maps. From these maps, the water quality monitoring well network will be located. Monitoring well locations and designs shall be submitted to the Department and SJRWMD for review and

approval. Approval or disapproval of the locations and design shall be granted within 60 days. Monitoring wells of adequate design and number shall be installed up gradient and down gradient from each solid waste disposal area, each liquid waste pond and each coal pile storage area. An additional monitoring well will be placed immediately down gradient of the first section of each solid waste landfill to be utilized. The water samples collected from each of the monitor wells shall be collected immediately after removal by pumping of a quantity of water equal to two casing volumes. The water quality analyses shall be performed monthly during the year prior to commercial operation and quarterly thereafter. Results shall be submitted to the Department and the SJRWMD by the fifteenth (15th) day of the month following the month during which such analyses were performed. Testing for the following constituents is required: TDS Zinc Conductance Copper PH Nickel Sulfate Selenium Color Arsenic Nitrate Beryllium Chloride Mercury Iron Lead
Aluminum Gross Alpha, Ra^{226} (when Gross
Alpha activity exceed 15 pCi/1
Cadmium Total Phosphate
Silver Calcium
Manganese Magnesium
Barium Potassium
Molybdenum Sodium
Conductivity shall be monitored in wells around all lined ponds.

F. Leachate Replaced by Section B. Condition I. Department of Environmental Protection, paragraph A. 2.

1. Zone of Discharge

Leachate from the combustion waste landfills, coal storage piles, wastewater ponds, or storage ponds shall not contaminate waters of the State (including both surface and groundwater) in excess of the limitations of Chapter 62-302, or the Primary and Secondary Drinking Water parameters included in Chapter 62-550, F.A.C., beyond the boundary of separate and individual zones of discharge extending 50 feet below the ground surface and 100 feet from the edge of each individual pile or pond, except as provided in Condition XXII. The zone of discharge is defined in chapter 62-520., F.A.C.

2. Corrective Action

When the groundwater monitoring system shows a violation of the groundwater quality standards of Chapter 62-550, F.A.C., from this facility the appropriate ponds, combustion waste landfill, or coal pile shall be bottom sealed, relocated, fixed or the operation of the affected facility shall be altered in such a manner as to assure the Department that no violation of the groundwater standards will occur beyond the boundary of the zone of discharge. In addition, contaminated leachates shall be removed from ground waters.

~~***G. Construction Dewatering Effluent deleted***~~

~~Construction dewatering effluent shall be treated when appropriate to limit surface water discharges of suspended solids to no more than 50 mg/l. The discharge of construction dewatering liquids shall not cause turbidity in excess of 29 Nephelometric Turbidity Units above ambient beyond a 20 meter radius from the point of discharge. Weekly grab samples will be collected and analyzed for suspended solids.~~

~~A program for controlling the groundwater impacts of construction dewatering shall be submitted to the Department and the SJRWMD for review and approval prior to implementation.~~

XII. SOLID WASTES Replaced by Section A. Conditions IX. Construction Practices and XXXII. Solid and Hazardous Wastes and Section B. Condition I, paragraph F.

~~Solid wastes resulting from construction or operation shall be disposed of in accordance with the applicable regulations of Chapter 62-701, F.A.C. The licensee shall submit a program for approval outlining the methods to be used in handling and disposal of solid wastes. Such a program shall indicate at the least methods for erosion control, covering, vegetation, and quality control.~~

~~Open burning in connection with land clearing shall be in accordance with Chapters 62-256 and 5I-2, F.A.C. No additional permits shall be required, but the Orange County Pollution Control Department shall be notified prior to burning. Open burning shall not occur if the Division of Forestry has issued a ban on burning due to fire hazard conditions.~~

XIII. POTABLE WATER SUPPLY SYSTEM Moved to Section B. Condition I. Department of Environmental Protection, paragraph D.

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.

XIV. TRANSFORMER AND ELECTRIC SWITCHING GEAR Moved to Section B. Condition I. Department of Environmental Protection, paragraph G.

The foundations for transformers, capacitors, and switching gear necessary to connect any CHSEC Unit to existing transmission and distribution system shall be constructed in such a manner as to allow complete collection and recovery of any spills or leakage of oily, toxic, or hazardous substances.

XV. CONSTRUCTION IN WATERS OF THE STATE Replaced by Section A. Condition XVII. Use of State Lands

~~A. No construction on sovereign submerged lands shall commence without obtaining lease, easement or title from the Department and/or Trustees of the Internal Improvement Trust Fund.~~

~~B. Construction of pilings, railroad right-of-way, culverts, access roads, pipelines, and transmission towers shall be done in a manner to minimize turbidity. Turbidity screens should~~

be used to prevent turbidity in excess of 29 NTU's above background beyond 40 meters from the excavation, right-of-way, pile driving, or construction site.

All spoil from construction of the CHSEC and related facilities shall be trucked to an upland disposal site of sufficient capacity to retain all material.

XVI. ALAFAYA TRAIL EXTENSION Deleted as considered complete by SJRWMD

A. Construction

1. The proposed Alafaya Trail Extension shall be routed as shown in Attachment A to these Conditions of Certification. Prior to construction of any of the projects referenced above, the licensee shall submit drawings on 8.5" by 11" paper, showing the final design, including plan views and cross-sections for each area of filling or clearing in wetlands. The drawings shall show the existing and proposed ground elevations and all existing and proposed structure location, sizes and invert elevations.

2. For the Alafaya Trail Extension, all work shall be confined to the road right-of-way (which term is deemed to include the stormwater ponds numbers 1 through 6 and the pond 4 outfall structure as shown in Attachment B to these Conditions of Certification and the combustion waste storage relocation area. Within 30 days of the completion of construction, the licensee shall arrange a site visit by DEP District personnel from the Central District office in Orlando to verify that no wetland damage has occurred outside the transmission line clear zone or the road right-of-way. If wetland damage occurs outside the transmission line clear zone or the road right-of-way during construction, the licensee shall submit to the Central District office in Orlando for review a plan to restore the wetland area which was damaged and to provide mitigation for the damage. The plan shall be implemented within 30 days of the Department approving the restoration and mitigation plan. This condition does not preclude the Department from taking enforcement action if unauthorized activities occur.

3. Prior to initiating construction, the licensee shall submit a map and aerial photographs showing the location of all staging areas for the Alafaya Trail Extension, transmission line and alternate access road construction to the Bureau of Wetland Resource Management for review and written approval. These areas shall be upland areas which are not currently providing red-cockaded woodpecker nesting or foraging habitat. The staging areas shall not be used prior to receiving DEP approval.

4. The final two lanes of the proposed four-lane Alafaya Trail Extension are approved conceptually, although detailed plans for these two lanes must be submitted to the agencies for review pursuant to the conditions of certification. The conceptual approval is contingent on the road design being acceptable and acceptable mitigation being proposed to offset the impacts of the final two lanes. The mitigation for the final two lanes shall provide benefits for RCW habitat in east Orange County and RHPZ and wetland habitat of the Econlockhatchee River. The mitigation plan shall contain the information listed in Condition C of this section and shall be submitted to the Department, SJRWMD and the FFWCC for review. Construction of the final two lanes shall not be initiated until the road design and a mitigation plan has been approved.

B. Stormwater Management And Erosion Control For The Alafaya Trail Extension

1. For the portion of the Alafaya Trail Extension that parallels the railroad berm, drainage structures shall be placed under the road at the same location where drainage structures currently exist under the CSX Railroad berm. The drainage structures shall provide at least the same efficiency as the corresponding drainage structure currently existing in the CSX Railroad berm.

2. Within 30 days after completion of the stormwater management system, OUC must submit to the SJRWMD Form EN-45 (As Built Certification By a Registered Professional), signed and sealed by an appropriate professional registered in the State of Florida, and two sets of "As Built" drawings if: (a) the professional uses "As Built" drawings to support the As Built Certification, or (b) the completed system substantially differs from permitted plans.

3. One year after completion of the stormwater management system, and every two years thereafter, OUC, its successors, or assigns shall submit inspection reports to the SJRWMD on SJRWMD Form EN-46. The inspection form must be signed and sealed by an appropriate, registered professional.

4. All wetland areas or water bodies that are outside of the specific limits of construction authorized by this certification must be protected from erosion, siltation, scouring or excess turbidity, and dewatering.

5. OUC must construct and maintain a permanent protective vegetative and/or artificial cover for erosion and sediment control on all land surfaces exposed or disturbed by construction or alteration of the certified project. This protective cover must be installed within fourteen (14) days after final grading of the affected land surfaces. A permanent vegetative cover must be established within 60 days after planting or installation. OUC must maintain cover on adjacent ground surfaces which may be impacted by construction activities until the SJRWMD receives the P.E. certification that the project is constructed according to the permitted plans.

6. Prior to beginning construction, OUC shall submit to the SJRWMD plans, data analyses, and other similar information demonstrating that the construction of the roadway and associated stormwater management facilities meet SJRWMD's criteria and requirements with regard to water quality and water quantity impacts.

C. Mitigation Criteria For The Alafaya Trail Extension

1. The proposed mitigation plan submitted to SJRWMD by OUC for the Curtis H. Stanton Energy Center, Unit 2, dated June 21, 1991, July 20, 1991, September 11, 1991, September 18, 1991, and September 19, 1991 and the proposed mitigation plan submitted to SJRWMD for the Alafaya Trail Extension dated October 5, 1992, and subsequently modified on May 5, 1993, which is attached hereto, are incorporated as a condition of this certification except where specifically superseded by certification conditions.

2. Mitigation for the impacts of the first two lanes of the proposed four-lane road shall be accomplished through the implementation of one of the following two options:

a. The 37.31 ac. wetland creation and upland enhancement plan proposed in the original October 5, 1992, Request to Modify the certification and subsequently modified in a May 5, 1993, submittal to SJRWMD, which is attached hereto.

b. Upon approval by ACOE, USFWS, EPA, and SJRWMD the 37.31 ac. mitigation area shall be placed under a conservation easement to the Department and $430,000 shall be contributed toward the purchase of lands deemed acceptable for mitigation by SJRWMD with an effort towards locating such mitigation parcel(s) within Orange County, if feasible. The land purchased with the money would be conveyed to SJRWMD. This option may be exercised up to 30 days prior to the commencement of construction of the roadway.

3. If mitigation is performed pursuant to the proposed 37.31 acre wetland creation and adjacent upland enhancement plan submitted to SJRWMD for the Alafaya Trail Extension dated October 5, 1992, and subsequently modified on May 5, 1993, which is attached hereto, the following conditions shall apply to these areas:

4. OUC must submit to the Department and SJRWMD two copies of an as-built survey of the wetland creation and upland enhancement areas certified by a registered surveyor or professional engineer showing dimension, grades, ground elevations, and water surface elevations. This as-built survey must be submitted with the first monitoring report.

5. Within the wetland creation areas, non-native vegetation, cattails (*Typha* spp.) and primrose willow (*Ludwigia peruviana*), must be controlled by hand clearing or other methods approved in writing by the Department and SJRWMD so that they constitute no more than 10% of the areal cover in each stratum at any time.

6. The wetland creation and upland enhancement areas must be planted prior to use of the infrastructure for its intended purpose.

7. Within 30 days of any monitoring event that indicates 50% or greater mortality of planted wetland and upland species in any stratum within the mitigation area, OUC must submit a remediation plan to the Department, SJRWMD and FFWCC for review. The plan shall not be implemented until written approval has been issued by the Siting Coordination Office.

8. OUC must furnish the Department, SJRWMD, and FFWCC two copies of monitoring reports for the wetland creation and upland enhancement area describing:

a. Percent survival and recorded growth via established parameters for planted trees and shrubs;

b. Percent cover for all species within each stratum;

c. Total percent cover of herbaceous species;

d. Ground and surface water monitoring data including:

(1) Surface water elevation referenced to N.G.V.D., or if surface water is not present, ground water elevation referenced to N.G.V.D.;

(2) Location of staff gauges and piezometers; and,

(3) Date and time of measurements.

e. Observations of wildlife utilizations;

f. Panoramic photographs of the mitigation site taken from approved permanent stations;

g. A description of any problems encountered, including removal of any non-target species, replacement and maintenance dates, and solutions; and,

h. Any anticipated work for the successive six month period following each assessment.

The data must be collected and submitted semi-annually, once during the wet season (August - September) and once during the dry season (March - April) until the created and enhanced areas achieve the success criteria.

9. Successful establishment of the planted vegetation in the wetland creation and upland enhancement areas will have occurred when:

a. At least 80 percent of the planted individuals in each stratum have survived and are showing signs of normal annual growth for three consecutive years, based upon standard growth parameters such as height and base diameter, or canopy circumference;

b. At least 80 percent cover by appropriate wetland herbaceous species in the wetland creation area has been obtained; and,

c. The above criteria have been achieved by the end of a five (5) year period following initial planting.

10. If successful establishment has not occurred as stated above, or is unlikely based upon the monitoring reports or trends, OUC must, within 30 days, submit a mitigation correction plan to the Department, SJRWMD, and FFWCC. The mitigation correction plan must include a narrative describing the type and causes of failure and contain a complete set of plans for the redesign and/or replacement planting of the wetland creation or upland enhancement areas so that success criteria will be achieved. Within 30 days of approval of the mitigation correction plan by the Siting Coordination Office, OUC must implement the redesign and/or the replacement planting. Following completion of such work, success criteria as stated above or as modified by the mitigation correction plan must again be achieved. In addition, the monitoring required by these certification conditions must be conducted.

11. OUC must plant herbaceous wetland species, approved by the Department and SJRWMD, to supplement ground cover, if natural recruitment of desirable species does not occur in the cover stratum of the wetland creation area. If planted, such species must achieve 80 percent coverage after a three year period.

12. Irrigation and fertilization of the wetland creation or upland enhancement areas may occur in the first year after initial planting in accordance with Rule 40C-21, F.A.C.

The use of non-native grasses, or the placement of sod, in the wetland creation or upland enhancement areas is specifically prohibited.

13. Within 30 days of completion of initial planting, OUC must submit to the Department, SJRWMD, and FFWCC for review and approval a plan detailing the site-specific methods to be used for monitoring the wetland creation and upland enhancement areas so that achievement of success criteria can be clearly demonstrated. The plan must include such information as the size, location, and number of monitoring quadrants, the location and number

of photographic stations, and other pertinent factors to demonstrate achievement of success criteria.

14. Prior to initiating any construction, OUC must record a conservation easement in favor of the Department and SJRWMD over the wetland creation and upland enhancement areas prohibiting all construction, including clearing, dredging, or filling, except that which is specifically authorized by this certification. The easement must contain provisions as set forth in paragraphs 1(a) - (h) of section 704.06, F.S.

15. Within 30 days of the date of issuance of this certification and prior to recording, the conservation easement language must be submitted to the Department, SJRWMD, and FFWCC for approval. The easement shall not be recorded until the proposed language has been approved in writing by the Siting Coordination Office.

16. Within 30 days of receipt of the Siting Coordination Office's approval, OUC must provide the Department with the original recorded conservation easement and provide copies of the same to SJRWMD and FFWCC. The copies of the recorded easement must show the date the conservation easement was recorded and the official records book and page number.

17. Legal access, at least 15 feet in width, must be provided to the wetland creation and upland enhancement areas for the Department and SJRWMD staff and equipment.

XVII. SOLID WASTE LANDFILL **Replaced by Section B. Condition I. Department of Environmental Protection, paragraphs E and F**

A. The proposed solid waste landfill area shall be monitored and studied pursuant to an adequately detailed groundwater testing and monitoring program as defined in Condition IV, D. and E. The results of this detailed groundwater testing and monitoring program will be used by the Department in determining whether OUC shall affirmatively demonstrate that Florida Water Criteria (Chapter 62-550, F.A.C.) will not be violated.

B. Before construction of the solid waste landfill or any expansion thereof commences, Karst features interfering with the hydrogeological integrity of the site in the vicinity of the solid waste landfill shall be adequately stabilized both physically and hydraulically against, respectively, collapse and unusual downward transport of groundwater.

C. OUC shall select and adopt one or more of the following mitigative measures for controlling water quality beneath the solid waste landfill:

1. Use of an adequate chemical fixation process on the solid wastes to achieve a uniform layer at least 18 inches in thickness across the cell with a permeability of 1 x 10^{-7} cm/sec or less.

2. Use of an adequate chemical fixation process on the solid wastes to achieve solid waste permeability of 5 x 10^{-6} cm/sec or less. The top of each completed cell shall be constructed with a slope of 0.75% and an effort will be made to decrease the permeability of the top layer of fixed FGD material to less than 5 x 10^{-6} cm/sec.

D. Ninety days prior to operation of Unit 1, OUC shall submit a program demonstrating how the fixed FGD waste landfill permeability will be maintained at or below a level of 5 x 10-6cm/sec. The DEP will indicate its approval or disapproval of the program within 60 days. OUC shall implement an approved program.

E. OUC shall adopt in addition all of the following mitigative measures for further controlling water quality beneath the solid waste landfill:

1. Use of adequate ramp-slopes over combustion waste storage cells and an adequate perimeter toe ditch and interceptor ditch system for controlling and concentrating rain runoff within the solid waste landfill area.

2. Use of adequate and systematic measures for compacting all solid wastes as they are emplaced within the landfill.

3. Maintenance of a soil cover and a viable community of grasses, which would eventually extend over the entire solid waste landfill area.

F. Prior to the commencement of operation of solid waste disposal areas or expansion thereof, the following shall be submitted to the Department and the St. Johns River District Manager for review and approval consistent with other conditions of this certification:

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

a. Dimensions and legal description of the site
b. Location and depth corrected to MSL of soil borings
c. Proposed trenching plan
d. Cover stockpiles
e. Fencing or other measures to restrict access
f. Cross sections showing both original and proposed fill elevation
g. Location, depth corrected to MSL, and construction details of monitoring wells or ditch monitoring points

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

a. Topographic map with five foot contour intervals
b. Proposed fill areas
c. Borrow area
d. Access roads
e. Grades required for proper drainage
f. Typical cross sections of disposal site including lifts, borrow areas and drainage controls
g. Special drainage devices

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

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

5. An indication by discussion or drawings or both of how the site is designed

~~to meet water quality standards of Chapter 62-302 and 62-550, 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 would be employed, including but not limited to: liners, chemical fixation process, compaction, under drains and chemical treatment facilities, impermeable clay caps, soil and grass communities.~~

~~Based on the Department's reviews of the above, additions to or modifications 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.~~
~~The Department shall indicate its approval or disapproval of the submitted plans, drawings, maps, analyses and contingency plans within 60 days.~~

XVIII. TRANSMISSION LINES, ACCESS ROAD, NATURAL GAS PIPELINE AND RAIL SPUR

~~A. General~~ *replaced by Section A. Condition XXVII. Environmental Resources*

~~1. Filling and construction in water of the State shall be minimized to the extent practicable. No such activities shall take place without obtaining lease or title from the Department and/or TIITF where required. Construction and access roads should avoid wetlands and be located in surrounding uplands to the extent practicable.~~

~~2. Placement of fill in wetland areas shall be minimized by spanning such areas with the maximum span practicable. Borrow pits shall not be located in waters of the State.~~

~~3. The Department may determine that any fill required in wetlands for construction but not required for maintenance purpose shall be removed and the ground restored to its original contours after transmission line, roadway or rail spur placement. Placement and removal of any such temporary fill shall be coordinated with the DEP District Office.~~

~~4. Where fill in wetlands is necessary for access, keyhole fills from upland areas should be oriented as nearly parallel to surface water flow lines as possible.~~

~~5. Sufficient size and number of culverts or other structures shall be placed through fill causeways to maintain substantially unimpaired sheet flow.~~

~~6. Turbidity control measures, including but not limited to hay bales, turbidity curtains, sodding, mulching, and seeding, shall be employed to prevent violation of water quality standards.~~

~~7. The Rights-of-Way shall be located so as to minimize impacts in or on streambeds such as the removal of vegetation, to the extent practicable. For transmission lines, within 25 feet of the banks of any streams, rivers or lakes, vegetation shall be left undisturbed, except for selective topping of trees or removal of trees which topping would kill. For transmission lines, if it is necessary to remove such trees within 25 feet of the banks of streams, rivers or lakes, the root mat shall be left undisturbed.~~

~~8. Any necessary water quality certifications which must be made to the Corps of Engineers shall be made at the time of a finding of compliance for specific work at specific locations.~~

~~9. Construction activities should proceed as much as practicable during the dry season.~~

B. Other Construction Activities Moved to Section B. Condition I. Department of Environmental Protection, paragraph H, 1.

1. Maintenance roads under control of the licensee shall be planted with native species to prevent erosion and subsequent water quality degradation where drainage from such roads would impact waters of the State significantly.

2. Good environmental practices such as 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.

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

4. 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.

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

6. Open burning in connection with land clearing shall be in accordance with the applicable rules of the Department of Agriculture and Consumer Services. No additional permits shall be required, but the Orange County Pollution Control Board shall be notified prior to burning. Open burning shall not occur if the Division of Forestry has issued a ban on burning due to fire hazard conditions.

C. Maintenance Moved to Section B. Condition I. Department of Environmental Protection, paragraph H, 2.

1. Vegetative clearing operations for maintenance purposes to be carried out within the corridor shall follow the general standards for clearing right-of-way for overhead transmission lines as referenced in Sections XIV.A.7 and XIV.B.2. Selective clearing of vegetation is preferred over clearing and grubbing or clear cutting.

2. If chemicals or herbicides are to be used for vegetation control, the name, type, proposed use, locations, and manner of application shall be provided to the Department prior to their application for assessment of compliance with applicable regulations.

~~***D. Archaeological Sites*** ***Replaced by Section B. Condition V. Department of State – Division of Historical Resources***~~

~~Any archaeological sites discovered during construction of the transmission lines, access roads or rail spurs shall be disturbed as little as possible and such discovery shall be communicated to the Department of State, Division of Historical Resources (DHR). Potentially affected areas will~~

be surveyed, and if a significant site is located, the site shall be avoided, protected, or excavated as directed by DHR.

E. Road Crossing Replaced by Section B. Condition II. Department of Transportation

For all locations where the transmission line, the rail spur or gas pipeline will cross State highways, the applicant will submit materials pursuant to the Department of Transportation's (DOT) "Utility Accommodation Guide" to DOT's district office for review and approval. All applicable regulations pertaining to roadway crossings by rail or transmission lines shall be complied with. Crossing of county roads shall be coordinated with the County Engineer.

F. Emergency Reporting Replaced by Section A. Condition VIII. Replacement of System Integrity and Emergency Conditions

Emergency replacement of previously constructed right-of-way or transmission lines shall not be considered a modification pursuant to Section 403.516, F.S. A verbal report of the emergency shall be made to the Department as soon as possible. Within fourteen (14) calendar days after correction of the emergency, a report to the Department shall be made outlining the details of the emergency and the steps taken for its temporary relief. The report shall be a written description of all of the work performed and shall set forth any pollution control measures or mitigative measures which were utilized or are being utilized to prevent pollution of waters, harm to sensitive areas or alteration of archaeological or historical resources.

G. Final Right-Of-Way Location Replaced by Section A. Condition I. Scope

A map of 1:24000 scale showing final location of the right-of-way shall be submitted to the Department upon completion of acquisition.

H. Compliance Replaced by Section A. Condition II. Applicable Department Rules

Construction and maintenance shall comply with the applicable rules and regulations of the Department and those agencies specified in 62-17.54(2)(a) and (b), F.A.C.

I. Construction Plans replaced with Section A. Conditions XXI. Post-certification Submittal Requirements Summary and XXVII. Environmental Resources, and Section B. Condition I. Department of Environmental Protection, paragraph H.

All proposed transmission line ROW areas, plant access roads and railroad lines which are designed to traverse a stream, lake, pond, canal, swamp, marsh or other natural or artificial system which functions to store or convey water and would require a permit under Chapter 40C-4 or 40C-6, F.A.C., shall have said design plans and specifications reviewed by the SJRWMD or SFWMD staff. The staff shall determine if such plans are consistent with the Site Certification Application, the Recommended Conditions of Certification and applicable District rules. To determine such consistency, information to include but not be limited to the following items shall be submitted to the District 60 days prior to construction:

1. A centerline profile of existing topographic features along proposed access road (s).

2. Preliminary design of proposed access road (s) with elevations marked.

3. Typical cross-section of access road (s).

4. Cross-section of each stream of creek at those points to be crossed by access road (s) or other facilities.

5. Specifications showing size and type of water control structure (pipe, culvert, etc.) to be placed within or on waters of the District, with proposed flowline elevations marked.

6. Specifications showing design capacity of all water control structures to be employed.

7. Specifications showing location and type of each transmission tower and access road (s) to be constructed within or on the waters of the District.

8. Computer rates of flow for streams or water courses before and after construction during a one hundred (100) year flood.

9. Any other information needed by OUC to show compliance with standards in Rule 40C-4 and 40C-6, Florida Administrative Code.

XIX. FLOOD CONTROL PROTECTION **Moved to Section B. Condition VII. Orange County, paragraph B**

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

XX. RAILROAD SPUR LINE **replaced by Section A. Condition XXIII. Modification of Certification**

Modifications to the railroad spur line proposal as presented in the Site Certification Application would require that the modifications be reviewed by the South Florida Water Management District's staff for concurrence, and approved by the Secretary.

XXI. RED COCKADED WOODPECKER **replaced by Section B. Condition IV. Florida Fish and Wildlife Conservation Commission, paragraph F.**

A. Implementation Of Red Cockaded Woodpecker Management Plan

The management plan for the Red-Cockaded Woodpecker shall be implemented for the life of the facility and is incorporated into these Conditions of Certification as Appendix 6.

B. Red-Cockaded Woodpecker Management Area Identification

All lands depicted in the Red-Cockaded Woodpecker Management Plan, Figure 4-2, except for the area specifically identified as "construction impact of proposed generating Units 1, 2, 3, and 4" constitute the red-cockaded woodpecker management area subject to the Management Plan.

C. Use And Limitations Of The Red-Cockaded Woodpecker Management Area

With regard to the red-cockaded woodpecker management area, in addition to Condition XXI.B., above:

1. OUC 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 required as mitigation.

2. OUC may conduct management, including maintenance in their existing configuration and condition, of existing unpaved private roads utilized by OUC, 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.

3. OUC shall take appropriate action to manage the red-cockaded woodpecker management area to achieve the purposes required by Condition XXI.B., 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. OUC 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 OUC concerning activities within or management of the red-cockaded woodpecker management area shall be provided to the Florida Fish and Wildlife Commission.

4. OUC shall allow only those activities of others within the red-cockaded woodpecker management area which 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) and nature study.

5. Unless specifically authorized by an order of the Siting Board, dredging, filling, construction of buildings, road-ways, dumping of debris, excavation, and clearing of native vegetation shall be prohibited in the area defined by Condition XXI.B., above. The provisions of Sections 403.516(1)(a) and (b), F.S., notwithstanding, OUC 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.

6. OUC 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.

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

~~D. Management Plan For the Red-Cockaded is incorporated into these Conditions as Appendix 4 (attached).~~

XXII. NITRATE Moved to Attachment F

OUC shall monitor nitrate levels in Hart Branch at the site boundary during construction to establish background levels of that parameter. Monitoring of nitrate shall continue during plant operation. If nitrate levels exceed 1.0 mg/l or if preoperational background levels of NO_3 exceed 1.0 mg/l and plant operation causes the NO_3 levels to rise more than 25% above background, OUC shall take appropriate action to control the NO_3. Nitrate and other contaminants from the water supply pond will be monitored at incremental distances from the pond in a program to be submitted by OUC and approved by the DEP and SJRWMD to determine the dispersion and diluting characteristics of nitrate in the non-artesian groundwater aquifer. Based on the results of the monitoring, a projection of nitrate concentration at 500 feet from the pond will be made. If these projections indicate that at 500 feet from the pond the ground water nitrate concentrations will be at or above 10 mg/l, then OUC will develop a program of corrective action. Such corrective action will be prepared by OUC and implemented after approval of the DEP, SJRWMD, and Orange County. Other contaminants shall be allowed a zone of discharge 50 feet deep extending 250 feet from the pond.

XXIII. FISH AND WILDLIFE MANAGEMENT Replaced by Section B. Condition IV. Florida Fish and Wildlife Conservation Commission

~~OUC shall consult with the Florida Fish and Wildlife Conservation Commission and, if possible, implement a fish and wildlife management plan as discussed in the Commission's letter of February 12, 1982.~~

XXIV. COAL PILE Replaced by Section B. Condition I. Department of Environmental Protection, paragraph I

~~The coal pile shall be lined with a material with a permeability not greater than 1 x 10^{-7} cm/sec. or the leachate shall be controlled to prevent violation of water quality criteria beyond the zone of discharge.~~

XXV. FISH AND WILDLIFE CONSERVATION COMMISSION Replaced by Section B. Condition IV. Florida Fish and Wildlife Conservation Commission

~~*A. Wildlife Survey*~~

~~Prior to the construction of the proposed facility, a wildlife survey, consistent with methodology prescribed by the FFWCC, shall be conducted for the presence of listed species (endangered, threatened, or species concern) and suitable habitat for same within the site. The results of said survey shall be submitted to the DEP, the FFWCC, and the United States Fish and Wildlife Service. If construction of the proposed facility will impact any listed species, other than the previously identified impact on the foraging habitat of the red-cockaded woodpecker resulting from the clearing of the transmission line right-of-way, the Licensee shall consult with the DEP~~

and the FFWCC to determine the appropriate steps to avoid, minimize, mitigate, or otherwise appropriately address any adverse impacts within each agency's respective jurisdiction.

B. Nesting Sandhill Cranes

Nesting sandhill cranes shall be avoided by limiting installation of transmission lines over wetlands utilized by nesting cranes to periods outside of the nesting season, which runs from January through June.

C. Management Plan

Before construction, a management plan for the preserved areas shall be presented to the FFWCC for review and approval. At a minimum, this plan shall include a statement of what habitat function the preserve is expected to provide; a schedule of fire management through a certified burn specialist and including, but not limited to, burn conditions, burn frequency, and measures taken to avoid spread of wildfire; measures taken to remove exotic vegetation from both wetlands and uplands; and the responsible entity.

D. Natural Gas Pipeline

In order to minimize impacts to the red-cockaded woodpecker, we recommend that the construction of the natural gas pipeline in the vicinity of the red-cockaded woodpecker cavity trees occur outside the nesting season (April through June), or a determination be made by a qualified biologist that nesting is not occurring in any cavity tree within 200 feet of the edge of the construction right-of-way prior to initiation of pipeline construction activities.

XXVI. SOUTH FLORIDA WATER MANAGEMENT DISTRICT – LEGAL & ADMINISTRATIVE CONDITIONS Replaced by Section A. Condition XXVII. Environmental Resources

A. General

1. Compliance Requirements

This project must be constructed, operated and maintained in compliance with and meet all non-procedural requirements set forth in Chapter 373, F.S., and Chapter 40E-4 (Surface Water Management), F.A.C.

2. Off-Site Impacts

It is the responsibility of the Licensee to ensure based on information provided that adverse off-site water resource related impacts do not occur during the construction, operation, and maintenance of the transmission line and associated transmission line access roads within SFWMD.

3. Post Certification Information Submittals

Information submitted to the SFWMD subsequent to Certification, in compliance with the conditions of this Certification, shall be for the purpose of the SFWMD determining the Licensee's compliance with the Certification conditions and the non-procedural criteria

contained in Chapter 40E-4, F.A.C., as applicable, prior to the commencement of the subject construction, operation and/or maintenance activity covered thereunder.

B. Processing Of Information Requests

1. Right-of-way Modifications

At least ninety (90) days prior to the commencement of construction of any portion of the transmission line, the Licensee shall submit any proposed modifications to the transmission line right-of-way, identified on Exhibits 2, 3 and 4 (Figures 6.1-2, 6.1-3, and 6.1-4), to the SFWMD staff for review and approval. If the SFWMD staff does not issue a written request for additional information and/or an objection to the proposed right-of-way modification within thirty (30) days, the modification shall be presumed to be complete and acceptable.

2. Completeness and Review

At least ninety (90) days prior to the commencement of construction of any portion of the linear facilities located in the SFWMD, the Licensee shall submit to SFWMD staff, for a completeness and sufficiency review, any pertinent additional information required under the SFWMD's Conditions of Certification for that portion proposed for construction. If SFWMD staff does not issue a written request for additional information within thirty (30) days, the information shall be presumed to be complete and sufficient.

3. Compliance Review and Confirmation

Within sixty (60) days of the determination by SFWMD staff that the submitted information is complete and sufficient, the SFWMD shall determine and notify the Licensee in writing whether the proposed activities conform to SFWMD criteria, as required by Chapter 40E-4, F.A.C., and the Conditions of Certification. If necessary, the SFWMD shall identify what items remain to be addressed. No construction activities shall begin until the SFWMD has determined either in writing, or by failure to notify the Licensee in writing, that the activities are in compliance with the applicable SFWMD criteria.

4. Revisions to Site Specific Design Authorizations

The Licensee shall submit, consistent with the provisions of Condition IV/I.B, any proposed revisions to the site specific design authorizations specified in this Certification to the SFWMD for review and approval prior to implementation. The submittal shall include all the information necessary to support the proposed request, including detailed drawings, topographic maps, average wet season water table elevations, calculations and/or any other applicable data. Such requests may be included as part of the appropriate additional information submittals required by this Certification provided they are clearly identified as a requested modification to the previously authorized design.

5. Dispute Resolution

Since this Certification is the only form of permit required from any agency, it is understood that the Licensee and the SFWMD shall strive to resolve disputes by mutual agreement.

6. Objections

Objections to modifications of the terms and conditions of this Certification shall be resolve through the process established in Section 403.516, F.S.

7. Changes to Information Requirements

The SFWMD and the Licensee may jointly agree to vary the informational requirements.

XXVII. SFWMD SURFACE WATER MANAGEMENT CONDITIONS Replaced by Section A. Condition XXVII. Environmental Resources

A. General Conditions

1. Professional Engineer Certificate

The operation of the surface water management system authorized under this certification shall not become effective until a Florida Registered Professional Engineer certifies, upon completion of each phase, that these facilities have been constructed in accordance with the design approved by the SFWMD. Within 30 days after completion of construction of the surface water management system, the Licensee or authorized agent shall submit the engineer's certification and notify the SFWMD Field Engineering Division that the facilities are ready for inspection and approval. Such notification shall include as-built drawings of the site which shall include elevations, locations, and dimensions of components of the surface water management system.

2. Impacts of Fish, Wildlife, Natural Environment Values and Water Quality

The Licensee shall prosecute the work authorized under this Certification in a manner so as to minimize any adverse impacts of the authorized works on fish, wildlife, natural environment values, and water quality. The Licensee shall institute necessary measures during the construction period, including necessary compaction of any fill material placed around newly installed structures and/or the use of silt screens, hay bales, seeding and mulching, and/or other similar techniques, to reduce erosion, turbidity, nutrient loading and sedimentation in the receiving waters.

3. Correction of Water Quality Problems

The Licensee shall be responsible for the correction of any sedimentation, turbidity, erosion, shoaling and/or maintenance of the works authorized under this Certification.

4. Off-Site Conveyances

All off-site conveyances during construction and development of the transmission line and associated access roads shall be made only through the conveyance facilities authorized by this

Certification. No roadway or structure pad construction shall commence on-site unless in conjunction with the construction of the permitted conveyance facilities and any associated detention areas. Water conveyed from the project shall be through facilities having a mechanism suitable for regulating upstream water stages. Stages may be subject to operating schedules satisfactory to the SFWMD.

5. Additional Water Quality Requirements

The Licensee may be required to incorporate additional water quality treatment methods into the surface water management system if such measures are shown to be necessary.

6. Access Roads

The Licensee shall, whenever available, utilize adjacent existing roads for access to the transmission line right of way for construction, operation and/or maintenance purposes. Finger roads connecting the existing roads to the structure pads and access roads which must be constructed in areas where an existing road is not available shall be constructed in a manner which does not impede natural drainage flows and minimizes impacts to on-site and adjacent wetlands.

7. Correction of Drainage Problems

The Licensee shall be responsible for the correction of any adverse on-site, upstream, and/or downstream drainage and/or wetland impacts which may occur as a result of the construction of the proposed access road and/or structure pads. These may include the placement and/or removal of culverts and/or other structures to remedy the impact.

8. Modifications

Subsequent modifications to the drawings and supporting calculation submitted to the SFWMD which may alter the quantity and/or quality of waters discharged off-site shall be made pursuant to Section 403.516, F.S., and Rule 62-17.211, F.A.C. They shall also be submitted to the SFWMD for a determination that the modifications are in compliance with the non-procedural requirements of Chapters 40E-2 and 40E-4, F.A.C., prior to the commencement of construction.

B. Site Specific Design Authorizations

1. Access/Maintenance Road and Structure Pads

The Licensee is authorized to construct an access/maintenance road and associated conveyance facilities for the transmission line in the areas specifically identified on Exhibits 2, 3, and 4 (Figures 6.1-2, 6.1-3, and 6.1-4). Areas where an access/maintenance road is not proposed will be accessed from existing roads.

2. Authorized Receiving Water (Transmission Line Access Maintenance Roads only)

3. Adjacent Wetlands

~~***C. Additional Information Requirements***~~

~~1. Access/Maintenance Road and Structure Pad Construction Plans~~

~~Prior to the commencement of construction of any portion of the transmission line which affects the movement of waters, the Licensee shall submit plans for any construction activities for that portion of the transmission line which may obstruct, divert, control, impound or cross waters of the state, either temporarily or permanently, to the SFWMD, consistent with the provisions of Condition IV/I.B, for a determination of compliance with the non-procedural requirements of Chapter 40E-4, F.A.C., in effect at the time of submittal. "Construction activities" in this situation shall include the placement of access/maintenance roads, culverts, and/or fill materials, excavation activities, and any related activities. All plans, detail sheets and calculations shall be signed and sealed by a Florida Registered Professional Engineer. For all construction activities, the following information, referenced to NGVD, shall be submitted:~~

~~(1) A centerline profile of existing topographic features along the proposed access/maintenance road(s);~~

~~(2) A design of the proposed access/maintenance and finger road(s) with finished elevations marked;~~

~~(3) A typical cross-section of the proposed access/maintenance and finger road(s), including relative dimensions and elevations;~~

~~(4) A cross-section of each stream or creek at the point(s) to be crossed by the proposed access/maintenance and finger road, and/or other facility;~~

~~(5) Identification of wet season water table elevations for each basin in which facilities will be located;~~

~~(6) Specifications, including supporting assumptions and calculations, showing the type and size of water control structures (pipe, culvert, equalizer, etc.) to be used, with proposed flow line elevations marked, drainage areas identified, and design capacity verified;~~

~~(7) A cross-section of any proposed excavation areas showing the proposed depth of excavation;~~

~~(8) Calculations and supporting documentation which demonstrate that the proposed construction and/or excavation activities associated with the transmission line will not have an adverse water quantity and/or water quality impact on adjacent wetlands and/or permitted surface water management systems;~~

~~(9) If construction of the transmission line contributes to the necessity for future modifications to adjacent/existing roads, water quality treatment requirements of the requested road modifications must be addressed in the surface water management system design for the transmission line~~.

XXVIII. SFWMD ENVIRONMENTAL CONDITIONS Replaced by Section A. Condition XXVII. Environmental Resources

~~*A. General*~~

~~1. Wetland Avoidance~~

~~The Licensee shall avoid impacting wetlands within the transmission line corridor wherever practicable. Where necessary and feasible, the location of the structure pads, other related facilities and/or the transmission line alignment shall be varied to eliminate or reduce wetland impacts. The Licensee shall work in accordance with the submitted plans in the supplemental site certification application as supplemented by final approved construction plans. Clearing and construction activities shall be confined to the limits of the clearing zone.~~

~~2. Fill Materials~~

~~No fill materials shall be obtained from excavated wetlands or within 200 feet of functional wetlands, unless in accordance with a mitigation plan submitted in compliance with the conditions of this Certification~~.

~~3. Additional Wetlands Mitigation~~

~~The Licensee may be required to provide additional mitigation and/or other measures if wetland monitoring and/or other information demonstrates that adverse impacts to protected, restored, incorporated, and/or mitigated wetlands have occurred as a result of project-related activities.~~

~~4. Additional Environmental Review~~

~~The Licensee shall submit any proposed changes in land use, project design, and/or the treatment of on-site wetlands to the SFWMD for additional environmental review in order to determine whether any additional mitigation activities will be required.~~

~~5. Mitigation Areas~~

~~Mitigation credits shall be given for mitigation areas within both the SFWMD and the SJRWMD. Mitigation credits shall be given for acreages and activities which have also been accepted by the DEP as mitigation for impacts in areas of joint jurisdiction.~~
~~Any acreages or activities proposed by the mitigation plan and its addendum which exceed the mitigation requirements of the SJRWMD, and meet the non-procedural requirements for wetland mitigation of the SFWMD, shall be credited as mitigation for impacts within the SFWMD.~~
~~If required by SFWMD, OUC agrees to provide additional acreages and activities to offset impacts within SFWMD not credited by the Mitigation Plan (June 1991) and its addendum (Sept 1991).~~

~~*B. Site Specific Design Authorizations*~~

~~1. Authorized Wetland Impacts~~

~~The Licensee is authorized to construct an access/maintenance road and associated conveyance facilities for the transmission line and structure pads in the wetland areas specifically identified on Exhibits 2, 3, and 4 (Figures 6.1-2, 6.1-3, and 6.14).~~

~~2. Sandhill Crane Nest Protection~~

~~The Licensee shall protect the active sandhill crane nest located in the 0.58-acre marsh situated between stations 125 and 126 in accordance with the following requirements:~~
~~(1) The transmission line poles and structure pads shall be positioned so that the transmission line spans the marsh;~~
~~(2) Construction shall be scheduled to avoid the nesting season for sandhill cranes;~~
~~(3) The marsh shall not be disturbed in any way;~~
~~(4) The access road shall be located in the swale adjacent to the railroad rather than in the marsh.~~

~~*C. Additional Information Requirements*~~

~~1. Wetlands Protection~~

~~Prior to the commencement of construction of any portion of the transmission line which will be located adjacent to the wetlands identified for preservation, the Licensee shall:~~
~~(1) Stake and rope off the protected wetlands and buffer zones to prevent encroachment during construction. The stakes and ropes shall remain in place until all adjacent construction activities have been completed. Verification of staked areas by SFWMD staff shall be required prior to the commencement of and upon completion of any construction activities.~~
~~(2) Install silt screens, turbidity barriers and/or hay bales prior to any construction in or alteration of any wetlands within the project site in order to prevent adverse water quality impacts to wetlands. These barriers shall remain in place until fill material is stabilized and turbidity has returned to background levels.~~

~~2. Mitigation Plan~~

~~Prior to the commencement of construction of any portion of the transmission line which may affect wetlands, the Licensee shall submit a mitigation and monitoring plan to the SFWMD for a determination of compliance with the non-procedural requirements of Chapter 40E-4, F.A.C., including Appendix 7 (Isolated Wetlands Rule) of the Basis of Review for Surface Water Management Permit Applications in the SFWMD, in effect at the time of submittal. At a minimum, the plan shall include the following information:~~
~~(1) Locations and sizes of all proposed mitigation areas, species to be planted, planting densities, details of the proposed hydrologic regime, cross-sections showing the proposed elevations and water depths, and an estimated time schedule for completion of the construction of the mitigation areas.~~

~~(2) A wetland mitigation and/or restoration work schedule which details each specific mitigation task (e.g. grading to proper elevation, mulching, planting, regularly scheduled maintenance and monitoring, etc.) and the calendar dates for the start and completion of each task.~~
~~(3) Provisions for both quantitative and qualitative observations of wildlife utilization and the vegetative community, monthly water level readings, panoramic photographs documenting the condition of the mitigation areas, and evaluation of the success of the mitigation effort, and an annual report incorporating this information and any other relevant information. The water level readings will be taken weekly for sampling points that are accessible until demonstrated to the appropriate agency that less frequent water level readings are sufficient to demonstrate compliance.~~

~~(4) Documentation that sufficient areas have appropriately worded conditions of certification within the SFWMD and/or the SJRWMD to compensate for the proposed wetland impacts with both the water management districts.~~

XXIX. ST. JOHNS RIVER WATER MANAGEMENT DISTRICT **Moved to Section B. III. with revised language**

A. Water Shortages

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, Florida Statutes 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, Florida Statutes, 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 **replaced by Section B. Condition III, paragraph B.***

~~Prior to the construction, modification, or abandonment of an on-site well, the Licensees must 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 will require modification of the certification when such construction is other than that specified and described 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 Licensees must submit to SJRWMD and DEP a completion report for the well. [Paragraphs 16.0(c); 10.3(b)(d)(h)(j), A.H.]~~

C. Well Maintenance

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

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

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 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.]

F. Identification Tags

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, Florida Administrative Code. 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. Submittals*** ***Replaced by Section A. XX. Procedures for Post-Certification Submittals***~~

~~All submittals made to demonstrate compliance with the consumptive use and water well construction conditions of this certification must have the certification number plainly labeled on the submittal. [Paragraphs 10.3(a)-(j)(i), A.H.]~~

H. Maximum Annual Withdrawals

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.]

I. Maximum Daily Withdrawals

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.]

~~***J. Limitation On Uses Of Water*** ***deleted***~~

~~1. The maximum annual ground water withdrawals from the Floridan Aquifer for fire protection (essential use) must not exceed 2.48 million gallons per day. [Paragraphs 10,3(a)(b)(c)(f)(g)(h)(i), A.H.]~~

~~2. The annual allocation of reclaimed water from the Orange County Easterly Water Reclamation Facility and surface/stormwater from the Orange County Landfill for power plant cooling and other power plant uses is:~~

~~4,745.0 million gallons in 2008 and 2009;~~
~~5,365.5 million gallons in 2010 and beyond.~~

~~Licensees must use available surface water to the maximum extent possible prior to using reclaimed water. [Paragraphs 10.3(a)(b)(c)(f)(k), A.H.]~~

~~3. Withdrawals from the Floridan aquifer wells must not be used directly for cooling tower make-up water. The CHSEC shall utilize treated sewage effluent, treated wastewater, onsite re-use water, landfill stormwater/leachate, stormwater runoff, or direct precipitation to the makeup water supply storage pond, as cooling tower makeup water.~~

~~4. If unacceptable saline water intrusion occurs at the on-site wellfield as a result of the withdrawal authorized by this certification, DEP will revoke the allocation of ground water in this certification in whole or in part to curtail or abate the impact caused by the saline water intrusion. [Paragraphs 10,3(b)(c)(d)(g)(h)(i), A.H.]~~

~~5. Licensees shall diligently and in good faith pursue an agreement with Orange County to transfer up to 8.0 million gallons per day of surface water (including stormwater/surficial groundwater) from the adjacent Orange County Landfill property for use at the Stanton Energy Center facility. Once an agreement is entered into by Licensees and Orange County, Licensees shall utilize surface water from the Landfill to the maximum extent~~

~~feasible to meet the water needs of the facility. The Licensees shall submit written reports to the Department and the SJRWMD six months from the date of certification and every six months thereafter until a final agreement is reached, regarding the status of negotiations and any draft or final agreements with Orange County. Licensees shall diligently and in good faith pursue a revised cooling water supply agreement with Orange County to obtain the additional reclaimed water and surface/stormwater needed for cooling Unit B. Upon execution of the revised agreement, licensees shall provide DEP and SJRWMD with copies of said agreement. [Paragraphs 10.3 (b)(d)(f)(g)(k), A.H.]~~

K. Dewatering replaced by Section B. Condition III. St. Johns River Water Management District, paragraph I.

~~All withdrawals from the surficial aquifer for dewatering to facilitate construction of Unit A must be retained within the Unit A stormwater detention pond.~~

L. Well Water Quality Sampling replaced by Section B. Condition III. St. Johns River Water Management District, paragraph J.

~~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:~~
~~Calcium Chloride Magnesium Sulfate Sodium Carbonate Potassium Bi-Carbonate (or alkalinity if pH is 6.9 or lower)~~
~~All major ion analyses must be checked for anion-cation balance and must balance within 5% prior to submission. It is recommended that duplicates be taken to allow for laboratory problems or loss. The sample analyses must be submitted to the SJRWMD by May 15 and November 15 of each year. Prior to sample collection, a minimum of 3-5 casing volumes must be removed from each well. All sampling and water quality analyses shall be performed by organizations with approved comprehensive or generic quality assurance plans on file with the DEP or a laboratory having HRS certification.~~

~~M. Water Treatment Plant Reports~~ Replaced by Section B. Condition I. Department of Environmental Protection, paragraph D.

~~By January 31 of each year, OUC, et al., must submit to the SJRWMD copies of the previous year (12 months) DEP monthly water treatment plant operating report data showing total flow from the 2 Floridan wells going to the potable water treatment plant on-site. The project name and certification number must be attached to all reports.~~

N. Well Water Flow Monitoring replaced by Section B. Condition III. St. Johns River Water Management District, paragraph K.

~~1. OUC, et al., must maintain the continuous recorder on the Floridan aquifer monitor 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.]~~

O. Conservation Plans replaced by Section B. Condition III. St. Johns River Water Management District, paragraph L.

~~OUC, et al., must implement the conservation plan submitted to the SJRWMD in accordance with the schedule contained therein.~~

P. Maintenance And Calibration Of Flow Meters replaced by Section B. Condition III. St. Johns River Water Management District, paragraph M.

~~1. The Licensees must maintain the 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. OUC, et al., must have all flow meter (s) calibrated once every 3 years within 30 days of the anniversary date of certification issuance, and recalibrated 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/calibration. [Paragraphs6.7.1; 6.7.1.8.1; 10.3(a)(b), A.H.]~~

~~Q. Off-Site Discharges~~ Replaced by Section A. Conditions XXVII. Environmental Resources and XXXI. Water Discharges

~~1. No off-site discharges from this facility are approved, except as provided for by the overflow structure in the makeup water supply pond, and the natural drainage patterns for the duration of this certification. [Paragraph 10.3(k), A.H.]~~

~~2. All off-site discharges, as provided for by the overflow structure in the makeup water pond, must be in compliance with water quality standards as set forth in Chapters 62-4 and 62-302, F.A.C., or such other standards, which may be imposed pursuant to a variance issued by DEP. [Paragraph 10.3(k), A.H.]~~

R. Use of Lowest Quality Water Moved to Section B. Condition III. St. Johns River Water Management District, paragraph N

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.]

~~***S. Enhancement*** ***Replaced by Section A. Condition XXVII. Environmental Resources***~~

~~1. Delineation Of Limits Of Construction~~

~~Prior to construction, OUC, et al., must clearly delineate the limits of construction on-site. OUC, et al., must advise the contractor that any work within the Riparian Habitat Regulation Zone outside the limits of construction, including clearing, is a violation of this certification order.~~

~~2. Background Assessment Plan~~

~~Prior to commencement of construction, a Background Assessment Plan of the areas to be enhanced or mitigated must be submitted to the SJRWMD, DEP, and SFWMD for review and joint approval. Data obtained through the Background Assessment Plan must include the following: (a) site specific topographic survey information referenced to NGVD; (b) survey of historic and existing ordinary high, normal or chronic pool water elevations referenced to NGVD based upon biological/physical wetland indicators; (c) a narrative describing the species composition, health and extent of pre-enhanced areas; and (d) quantitative information regarding the species composition including coverage and composition of under-story, mid-canopy and canopy species.~~

~~3. Completion Of Background Assessment~~

~~The background assessment must be completed pursuant to the approved Background Assessment plan prior to construction.~~

~~4. Initiation And Completion Of Enhancement Mitigation Plan~~

~~Following completion of the background assessment, and prior to the commencement of construction associated with the transmission line or the access roads, planting and construction associated with the approved Enhancement Mitigation Plan must be initiated, and then must be completed within 12 months after initiation.~~

~~5. Criteria For Success Of Enhancement And Mitigation~~

~~Following completion of the background assessment, before any planting in the mitigation and enhancement areas, OUC, et al., must submit for the joint approval of SJRWMD, DEP, and SFWMD a plan setting forth appropriate criteria for determining success of all wetland and upland enhancement and mitigation areas. OUC, et al., shall implement and maintain the mitigation and enhancement areas to ensure that the success criteria are achieved.~~

6. Monitoring Plan For Enhancement And Mitigation

Within 30 days of completion of the initial planting, OUC, et al., must submit to the SJRWMD, DER, and SFWMD for review and joint approval, two copies of a monitoring plan detailing the site specific methods to be used for monitoring the enhancement and mitigation areas, so that the achievement of the success criteria can be quantitatively and qualitatively demonstrated. The monitoring plan must include the location, size and number of monitoring quadrants or transect lines, the location and number of photographic stations, the location of the wetland(s) to be enhanced and mitigated, the location of staff gauges and/or piezometers, and other pertinent factors. OUC, et al., shall monitor the enhancement and mitigation areas until the approved success criteria has been achieved.

7. Survey Of Enhancement Areas

OUC, et al., must submit to the SJRWMD, DER, and SFWMD two (2) copies of an as-built survey of the enhancement areas certified by a registered surveyor or professional engineer showing dimensions of all planted areas, invert (s) elevation of the proposed culvert in enhancement area 3.6 (A), and the final grade of all plugged ditches. An inventory of the planted species within the wetland enhancement areas will be shown on the survey. In areas where planting occurs, the inventory must include the type, number, distribution, and size of the planted vegetation, and must be referenced to the as-built survey. The as-built survey must be submitted to the referenced agency parties within thirty (3) days of completion of the initial planting.

8. Monitoring Reports For The Enhancement And Mitigation Areas

Following joint approval of the plan referenced in Condition No. 26, OUC, et al., must furnish the SJRWMD, DEP, and SFWMD with two copies of all Monitoring Reports for the enhancement and mitigation areas describing the status of the mitigation and enhancement areas until the enhancement and mitigation areas achieve the success criteria.

9. Revisions To Enhancement And Mitigation

If it is determined that successful enhancement is not occurring based on the monitoring reports or trends, OUC, et al., must, within 30 days, provide the SJRWMD, DER and SFWMD with a narrative describing the type and causes of failure with a complete set of plans for the redesign and/or replacement planting of the mitigation and enhancement areas demonstrating that the success criteria can be achieved. Within 30 days of joint agency approval of the amended plans, OUC, et al., must implement the redesign and/or replacement planting. Following completion of such work, the success criteria as stated above or as modified by subsequent approval of the plan must again be achieved. In addition, the monitoring required by the conditions of this permit must be conducted.

T. Erosion And Sediment Control During Construction Replaced by Section A. Condition XXVII. Environmental Resources

OUC, et al., must select, implement, and operate all erosion and sediment control measures required to retain sediment on-site and to prevent violations of water quality standards as

specified in Chapters 62-302 and627-4, F.A.C. OUC, et al., is encouraged to use appropriate Best Management Practices for erosion and sediment control as described in the "Florida Land Development Manual: A Guide to Sound Land and Water Management" (DER 1988). All erosion and sediment control measures must remain in place at all locations until construction is completed and the soils are stabilized. Thereafter, OUC, et al., will be responsible for the removal of the control measures (except for the control measures in the areas of fill for the unpaved access road which shall be permanent).

U. Erosion And Sediment Control During Operation Replaced by Section A. Condition XXVII. Environmental Resources

Following the completion of construction, OUC, et al., must construct and maintain a permanent protective vegetative and/or artificial cover for erosion and sediment control on all land surfaces exposed or disturbed by construction or alteration of the certified project. A permanent vegetative cover must be established within 60 days after planting or installation.

V. Incorporation Of Mitigation Plan Replaced by Section A. XXVII. Environmental Resources and Attachment C

The proposed mitigation plan submitted to SJRWMD by OUC for the Curtis H. Stanton Energy Center, Unit 2, dated June 21, 1991, July 20, 1991, September 11, 1991, September 18, 1991, and September 19, 1991 is incorporated as a condition of this certification except where specifically superseded by certification conditions.

W. Completion Of Surface Water Management SystemReplaced by Section A. Condition XXVII. Environmental Resources

Construction or alteration of the surface water management system must be completed and all disturbed areas must be stabilized in accordance with the submitted plans and certification conditions prior to use of the infrastructure for its intended purpose.

X. Retention/Detention Storage Areas Replaced by Section A. Condition XXVII. Environmental Resources

At a minimum, all retention/detention storage areas must be constructed to rough grade prior to the placement of impervious surface within the area to be served by those facilities. To prevent reduction in storage volume and percolation rates, all accumulated sediment must be remove from the storage areas prior to final grading and stabilization.

Y. Access Road And Transmission Line Construction Plans Replaced by Section A. Condition XXVII. Environmental Resources

Final Access Road and Transmission Line construction plans must be submitted to the SJRWMD al least 30 days prior to commencement of construction. The final plans must be consistent with the plans and calculations received by the SJRWMD on July 22, 1991, such that the requirements of Chapters 40C-4, 40C-41 and 40C-42, F.A.C. continue to be met.

Z. Access Road Fill Replaced by Section A. Condition XXVII. Environmental Resources

The fill material for the access roads must satisfy the soil properties assumed in the calculations received by the SJRWMD on July 22, 1991. If fill is to be acquired on site, a plan depicting the location of the area to be used for fill for the Access Roads must be submitted to the SJRWMD at least 30 days prior to commencement of construction. Access to the on-site fill material must be shown on the plan.

AA. Contractor Review And Posting Of Conditions Of Certification Replaced by Section A. Condition XXX. Records Maintained at the Facility

OUC, et al., must require the contractor to review and maintain a copy of this document, complete with all conditions, attachments, and exhibits, in good condition and posted on the construction site.

BB. Landfill Gas And Condensate Pipeline Construction Replaced by Section A. Condition XXVII. Environmental Resources

OUC and its contractors will maintain in situ flow conditions within the upland cut ditches located approximately at stations 42+50 and 44+75 during construction of the landfill gas and gas condensate pipelines. Upon completion of construction at each of these locations, OUC and its contractors shall restore the banks of the ditches to natural grade and will allow the ditches to re-vegetate naturally.

CC. Right to Enter replaced by Section A. Condition X. Right of Entry

St. Johns River Water Management District (SJRWMD) and DEP authorized staff, upon proper identification, will have permission to enter, inspect and observe permitted and related facilities in order to determine compliance with the approved plans, specifications and conditions of this certification. [Paragraphs 16.0(a); 10.3(a)-(h)(j), A.H.]

DD. Post Certification Information Submittals replaced by Section A. Condition XX. Procedures for Post-Certification Submittals

Information submitted to the SJRWMD subsequent to Certification, in compliance with the conditions of this Certification, shall be for the purpose of the SJRWMD determining the Licensee's compliance with the Certification conditions and the non-procedural criteria contained in Chapter 40C-2, F.A.C., as applicable, prior to the commencement of the subject construction, operation and/or maintenance activity covered thereunder.

XXX. FLORIDA DEPARTMENT OF TRANSPORTATION Replaced by Section B. Condition II. Department of Transportation

~~*A. Construction Impact Mitigation Program*~~

~~OUC et al shall develop and implement at its own expense a construction traffic impact mitigation program, after consultation with DOT, and report that will be submitted to DOT prior to commencement of construction of Stanton Unit 2. The program will detail the actions that OUC et al will take to reduce the impacts of construction traffic, which report shall address the following actions:~~

~~1. OUC et al shall actively promote and encourage car-pooling by construction companies and workers, including contractors and subcontractors, from whom it obtains construction services, and OUC shall further explore with appropriate public mass-transportation providers in the area the possibility of park-and-ride service to the site.~~

~~2. OUC et al shall utilize to the extent practicable the existing railway access to the Stanton site for the delivery of equipment and materials needed for the project construction.~~

~~3. OUC et al will explore with its contractors and subcontractors the practicability of staggering construction employee work schedules, and encourage the staggering of shifts to the extent feasible to mitigate peak hour traffic congestion problems.~~

~~4. OUC et al will consult with the appropriate Winter Park DOT personnel regarding the practicality of providing temporary traffic control devices and alteration of signal times to assist in maintaining proper traffic flow at the most affected intersections which are the intersections of Alafaya Trail with both the East-West Expressway and State Road 50.~~

~~5. OUC et al shall suggest and encourage the use by construction personnel of alternate public road access to the Stanton site as appropriate to alleviate traffic congestion.~~

~~*B. Unit A - Post Certification Review Of Specific Problems*~~

~~1. Pipeline Crossing of State Highway System~~

~~The applicant will comply with the requirements of the Florida Department of Transportation's Utility Accommodation Manual, Chapter 14-46, Railroad/Utilities Installation or Adjustment, Florida Administrative Code, specifically to the alignment of the pipeline in conjunction with limited access facilities, method and techniques of road crossings, requirements for permits, materials used, pavement cutting, mitigation of damages to and restoration of the facility and its environment, maintenance and safety of traffic flow and operations.~~

~~Detailed construction plans have not been provided. According to State law as well as the October 3, 1983 agreement between Orlando Utility Commission (OUC) and Orlando-Orange County Expressway Authority (OOCEA), these plans must be submitted by the applicant prior to the review and permitting of the proposed gas pipeline under State Road 528. The detailed construction plans must be submitted to the Florida Department of Transportation and OOCEA and shall demonstrate compliance with all requirements of the Department's Utility Accommodation Manual and other requirements of the Department and OOCEA.~~

Please note the following in the preparation of the detailed construction plans for the pipeline:

a. The pipeline should be placed as far as possible from any structural components of the bridge. It appears that the rail lines are currently located under Span 3 and are offset to the west. If so, it is recommended that the pipeline be located to the east side of the rail right of way.

b. Due care will need to be exercised when excavating beneath the bridges. The minimum vertical clearance is 23 feet.

c. Any damage to the bridge structure caused by construction activity shall be repaired by the OUC at its expense.

2. Traffic Control

Traffic control will be maintained during natural gas pipeline construction and maintenance in compliance with the standards contained in the Manual of Uniform Traffic Control Devices, Chapter 14-94, Florida Administrative Code; Florida Department of Transportation's Roadway and Traffic Design Standards; and Florida Department of Transportation's Standard Specifications for Road and Bridge Construction, whichever is more stringent.

3. Access Roads

No access roads which create new connections to the State Highway System will be created for the construction and maintenance of the natural gas pipeline. Existing access roads and temporary construction roads shall be upgraded and maintained by the applicant during construction. If such upgrading results in an alteration to the connection (i.e. a change in design, configuration or location), the alteration shall adhere to the nonprocedural standards of access management contained in Chapters 14-96, State Highway System Connection Permits, and 14-97, Access Management Classification System and Standards, Florida Administrative Code. Right of way cannot be used for staging, parking or other activities associated with construction and maintenance of the pipeline without special use permission.

4. Crossing Federal Facilities

All crossings and encroachments of limited access, federally funded facilities are variances from standards and policy and will be subject to the review and approval of the Federal Highway Administration. (U.S.C. 23)

5. Standards

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, Florida Administrative Code)

6. Monitoring

The Florida Department of Transportation will monitor the construction of the pipeline for procedural compliance of usage and impact on the State Highway System. The Florida Department of Transportation will be compensated by the applicant for such monitoring.

7. Placement

If the pipeline is placed in any area designated for development, improvement or expansion and has been identified as such in a Master Plan or approved environmental documents have been filed at the time of such placement, the subsequent cost of moving the pipeline shall be at the cost of the applicant.

8. Oversight

Oversight for the permitting of individual crossings or any type of encroachment on the State Highway System shall rest with the Florida Department of Transportation.

9. Natural Gas Pipeline Location

a. The natural gas pipeline shall not be located nearer than 2,500 feet from the nearest point of any runway of an airport licensed by the State of Florida, listed in the Florida section of the current edition of "United States Government Flight Information Publication, Airport/Facility Directory Southeast United States", or operated by an agency of the Federal Government. The pipeline will not be located nearer than 1,500 feet from the nearest point of take-off and landing area, listed in the preceding documents. Any above-ground facility associated with the pipeline shall be located no closer than 5,000 feet from any of the aviation facilities referenced above.

b. If the final chosen alignment for the pipeline necessarily traverses an existing fixed-guideway transit facility, the pipeline shall be buried and the applicant shall comply with the requirements of the American Railway Engineering Association for uncased gas pipelines (Manual for Railway Engineering, Chapter 1, Part 5, Pipelines) unless stipulated to be encased by the Florida Department of Transportation.

c. If the final chosen alignment for the pipeline necessarily traverses a Florida Department of Transportation owned and operated or abandoned rail corridor, the applicant shall comply with the Florida Department of Transportation's Utility Accommodation Manual and the American Railway Engineering Association, Manual for Railway Engineering, Chapter 1, Part 5, Pipelines, for uncased gas pipelines unless otherwise stipulated to be encased by the Florida Department of Transportation.

10. Borings

All borings under state roadways will maintain a minimum depth of cover as stipulated in each site permit. If the bore should fail, the applicant will abandon the effort and backfill the entire bore with materials as specified by the Florida Department of Transportation. If the bore should fail, the applicant shall stop all efforts and appraise the Florida Department of Transportation District Maintenance Engineer of the situation and any proposed action prior to attempting to recover equipment or initiating another bore.

11. Transportation Projects

Attention must be given to transportation projects currently being designed and likely to being under construction at the same time as the pipeline. Special provisions must be included in the transportation project contractor's contract to allow any utilities on the right of way.

12. Access Management to the State Highway System:

If new access is proposed, access permitting as defined in Rule Chapters 14-96, State Highway System Connection Permits, Administrative Process, and 14-97, Access Management Classification System and Standards, Florida Administrative Code, will be required.

13. Drainage:

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

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

C. Unit B - Post Certification Review of Specific Problems

1. Access Management to the State Highway System:

Any access to the State Highway System will be subject to the requirements of Rule Chapters 14-96, State Highway System Connection Permits Administrative Process, and 14-97, Access Management Classification System and Standards, Florida Administrative Code.

2. Overweight or Overdimensional Loads:

Operation of overweight or overdimensional loads by the applicant on State transportation facilities during construction and operation of the utility facility will be subject to safety and permitting requirements as defined in Chapter 316, Florida Statutes, and Rule Chapter 14-26, Safety Regulations and Permit Fees for Overweight and Overdimensional Vehicles, Florida Administrative Code.

3. 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), Rule Chapter 14-46, Utilities Installation or Adjustment, Florida Administrative Code, and Section 337.403, Florida Statutes.

4. Drainage:

Any drainage onto State of Florida right of way and transportation facilities will be subject to the requirements of Rule Chapter 14-86, Drainage Connections, Florida Administrative Code, including the attainment of any permit required thereby.

5. 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 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.

D. Best Management Practices

Traffic control will be maintained during plant construction and maintenance in compliance with the standards contained in the Manual of Uniform Traffic Control Devices; Rule Chapter 14-94, Statewide Minimum Level of Service Standards, Florida Administrative Code; 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. It is recommended that the applicant encourage transportation demand management techniques by doing the following:

1. Placing a bulletin board on site for car pooling advertisements.
2. Requiring that heavy construction vehicles remain onsite for the duration of construction.

If the applicant uses contractors for the delivery of any overweight or overdimensional loads to the site during construction, the applicant should ensure that its contractors adhere to the necessary standards and receive the necessary permits required

~~under Chapter 316, Florida Statutes, and Rule Chapter 14-26, Safety Regulations and Permit Fes for Overweight and Overdimensional Vehicles, Florida Administrative Code~~.

XXXI. ORANGE COUNTY Moved to Section B. Condition VII. Orange County

A. Building And Construction Requirements Moved to Section B. Condition VII. 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. ~~The licensee shall not commence operations of Unit A until it receives a Certificate of Occupancy from Orange County.~~

~~*B. Conservation Area*~~ *Replaced by Section B. Condition VII. Orange County, D.*

~~Prior to initiation of construction (including any impacts to wetlands), the licensee shall have a formal conservation area determination approved by Orange County.~~

~~*C. Mitigation*~~ *deleted*

~~Within 60 days of receipt of a formal conservation area determination and prior to initiation of construction of Unit B, including impacts to any wetlands, the Licensee shall submit to Orange County Environmental Protection Division a habitat compensation proposal or a mitigation plan to offset all wetland impacts associated with the construction of Unit B facilities. All mitigation must occur within the Econlockhatchee River Hydrologic Basin in Orange County (Chapter 15, Articles X and XI).~~

~~1. Licensee must submit information at least 90 days prior to the start of construction in the form of complete application for CAI permit for County review to show compliance with County regulations and these conditions of certification.~~

~~2. Licensee must comply with County regulations and these conditions of certification for the conservation area impacts prior to commencing construction of the Unit B Project. Within sixty (60) days of receipt of the information in 1) above, the County shall notify the licensee and the FDEP in writing of whether the licensee has shown compliance with the County's relevant regulations for mitigation in the conservations area, and these conditions of certification. Within 90 days of receipt of the information in paragraph b; the FDEP shall notify the licensee of its compliance or noncompliance with the County's relevant regulations for mitigation in the conservation area, and these conditions of certification.~~

~~3. At least forty-eight (48) hours prior to commencement of construction activity for Unit B, the licensee shall submit to the Orange County Environmental Protection Division (EPD), a "Construction Notice" (form CN - 001-04) indicating the actual start date and expected completion date of the construction activities.~~

~~4. Prior to construction, the licensee must clearly designate the limits of construction on-site. The licensee must advise the contractor that any work outside the limits of construction, including clearing, may be a violation of these conditions of certification.~~

~~5. The licensee must require the contractor to maintain a copy of the conditions of certification, complete with all approved drawing, plans, conditions, attachments,~~

exhibits, and modifications in good condition at the construction site. The licensee must require the contractor to review the County's determination of compliance prior to commencement of the activity authorized by this conservation area impact review. The complete conditions of certification must be available upon request by Orange County staff.

6. Orange County's review does not release the licensee from complying with all other federal, state, and local government rules and regulations. If these conditions conflict with those of any other regulatory agency, the licensee must comply with the most stringent conditions.

7. Should any other regulatory agency require changes to the conditions of certification, the licensee shall provide written notification to the Orange County EPD of the change prior to implementation so that a compliance review can be made.

8. The Orange County EPD must be furnished "as built" drawings to ensure that no modification has been made during the construction plan process.

9. The licensee shall immediately notify the Orange County EPD in writing of any previously submitted information that is later discovered to be inaccurate.

10. Orange County EPD staff, with proper identification, shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the certification at any reasonable time.

11. All excess lumber, scrap wood, trash, garbage, etc., shall be removed from the preservation areas and/or surface water(s) immediately.

12. Any unapproved impacts to wetlands and/or littoral zone as a result of the construction activity shall result in the licensee restoring the impacted area within thirty days of completion of the project and shall be done to the satisfaction of the Orange County EPD.

13. A copy of the National Pollutant Discharge Elimination System (NPDES) Notice of Intent to use a Construction General Permit for stormwater discharges that is submitted to FDEP shall also be sent to the Orange County EPD and copied to the Orange County EPD NPDES Administrator prior to start of construction.

14. Conservation areas required by Orange County regulations must be clearly marked with signage that identifies the wetland and upland buffer. These signs must be installed every 50 feet on any open space and on every individual lot or parcel line. The signs must be installed prior to issuance of a plat, certificate of completion, or issuance of building permits, whichever is first.

15. Any wetland and upland buffers shall be monitored on a bi-annual basis with monitoring reports submitted to the Orange County EPD no later than one month after the on-site evaluation has occurred.

16. Any adverse direct or secondary wetland and/or surface water impacts related to construction and/or operation of the Unit B project must be mitigated for in accordance with county mitigation regulations and these conditions of certification.

***D. Public Works Impacts* Replaced by Section B. Condition VII. Orange County, E. with revised language**

1. Licensee agrees to submit to the Orange County Public Works Department a certified maintenance of traffic plan prepared by a Professional Engineer in a form that complies with the rules, regulations, standards and criteria of the County.

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

***E. Cooling Water* Replaced by Section B. Condition VII. Orange County, F. with revised language**

Licensee will receive the additional 1.7 million gallons per day of cooling water supply to be provided by Orange County. Because the necessary infrastructure requirements to deliver this flow have not been sufficiently evaluated by the licensee, the delivery terms and conditions for this unit are not defined at this time and, if necessary, will be addresses in an amendment to the First Amendment To and Restatement of the Substitute Agreement between Orange County and OUC relating to Cooling Water Supply dated March 25, 2003.

***F. Air* Moved to Section B. VII. Orange County H. with revised language**

{By Agreement}: Upon Unit B achieving commercial operation, the licensee shall operate the facility to comply with the Federal Clean Air Interstate Rule (CAIR) and the implementing State rules.

Licensee and Orange County agree to identify community-based projects that will provide environmentally beneficial NO_x, 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.

XXXII. DEPARTMENT OF COMMUNITY AFFAIRS replaced by Section B. Condition VIII. Emergency Management

The Licensee shall develop a comprehensive hurricane preparation and recovery plan for the Stanton Unit A generating unit as a component of the Stanton Energy Center. The plan shall be submitted to the Department of Community Affairs and the Orange County Office of Emergency

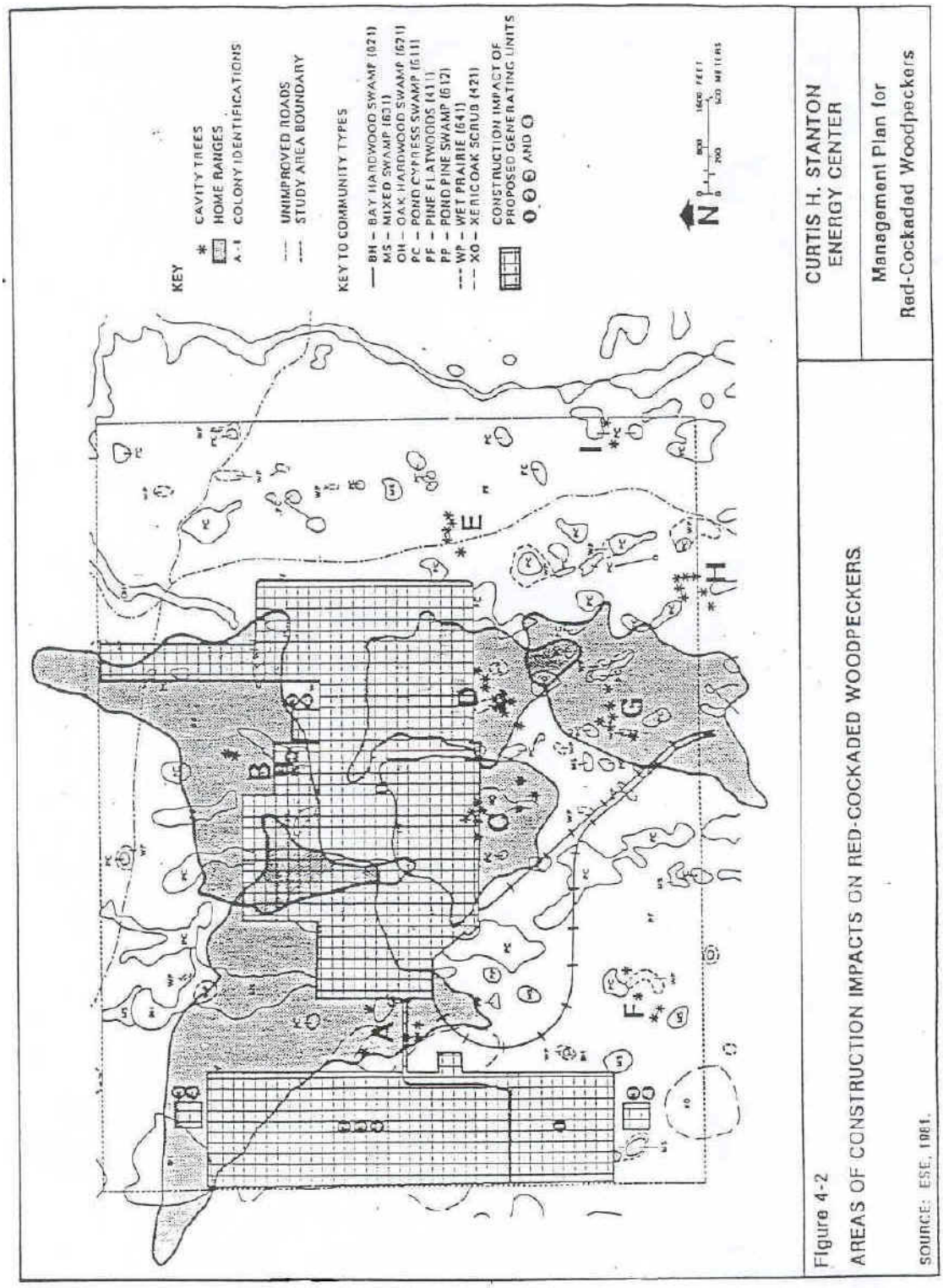
~~Management no later than commencement of construction of Unit A. The Licensee shall formally update the plan every 5 years following commercial operation of Unit A or whenever an additional electrical generating unit is brought into commercial service at Stanton Energy Center and shall submit these updated versions of the plan to the Department of Community Affairs and the Orange County Office of Emergency Management.~~
~~If the Department of Community Affairs deems the plan or any of its periodic updates not to be in compliance with the requirements of this condition, it may petition for enforcement of this condition pursuant to the Florida Electrical Power Plant Siting Act.~~

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 04/05/93; signed by Secretary Wetherell
Modified for Alafaya Trail Extension 07/24/95; signed by Governor Chiles
Modified to merge certification for Unit 1 & 2 12/24/97; signed by Secretary Wetherell Modified 08/07/98; signed by Secretary Wetherell
Supplemental Certification for Unit A 09/21/01; signed by Governor Bush
Modified 02/24/03; signed by Siting Administrator Oven
Modified 07/20/06; signed by Siting Administrator Oven
Supplemental Certification for Unit B 08/17/06; Signed by Secretary Castille
Modified 01/17/07; signed by Siting Administrator Oven
Modified 10/03/07; signed by Siting Administrator Halpin
Modified 02/06/08; signed by Siting Administrator Halpin
Modified 02/20/08; signed by Siting Administrator Halpin
Modified 02/24/08 signed by Siting Administrator Halpin
Modified 7/24/08; signed by Siting Administrator Halpin
Modified 03/08/16: signed by Siting Administrator Mulkey

~~**ATTACHMENT - FIGURE 4-2**~~ **part of Attachment D**

~~FOR CONDITION XXI. RED COCKADED WOODPECKER~~


KEY
CAVITY TREES
HOME RANGES
COLONY IDENTIFICATIONS
UNIMPROVED ROADS
STUDY AREA BOUNDARY
KEY TO COMMUNITY TYPES
BH – BAY HARDWOOD SWAMP (621)
MS – MIXED SWAMP (631)
OH – OAK HARDWOOD SWAMP (621)
PC – POND CYPRESS SWAMP (611)
PF – PINE FLATWOODS (411)
PP – POND PINE SWAMP (612)
WP – WET PRAIRIE (641)
XO – XERIC OAK SCRUB (421)
CONSTRUCTION IMPACT OF PROPOSED GENERATING UNITS 0, 0 AND 0
N
CURTIS H. STANTON ENERGY CENTER
Management Plan for Red-Cockaded Woodpeckers
Figure 4-2
AREAS OF CONSTRUCTION IMPACTS ON RED-COCKADED WOODPECKERS
SOURCE: ESE, 1981.

~~APPENDIX 1 – TITLE V Permit 0950137-006-AV~~ **Appendix I**

~~**APPENDIX 2 – Air Construction Permit 0950137-008-AC**~~

~~APPENDIX 3 – Air Construction Permit 0950137-009-AC~~

~~**APPENDIX 4 – Air Construction Permit 0950137-011-AC**~~

~~APPENDIX 5 – Air Construction Permit 0950137-010-AC~~

~~APPENDIX 6 1 – Red Cockaded Woodpecker Management Plan~~ Attachment D

~~**APPENDIX 7 2 – 2005 Florida List of Invasive Species**~~ **Attachment E**

~~Appendix 3: Monitoring Plan Implementation Schedule~~ Attachment F

~~APPENDIX 8 – Air Construction Permit PSD FL-084~~

~~APPENDIX 9 – Air Construction Permit PSD FL-313~~

~~APPENDIX 10 – Air Construction Permit 0950137-012-AC~~

~~APPENDIX 11 – Air Construction Permit 0950137-014-AC~~

~~**APPENDIX 12 – Air Construction Permit 0950137-015-AC**~~