

Attachment 1

Standard Manatee Conditions for In-Water Work (revision 2005)

Attachment 1

STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

2005

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for north Florida or Vero Beach (1-561-562-3909) for south Florida.
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Awareness signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used. One sign measuring at least 3 ft. by 4 ft. which reads *Caution: Manatee Area* must be posted. A second sign measuring at least 8 1/2" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities.

FWC Approved Manatee Educational Sign Suppliers

ASAP Signs & Designs

624-B Pinellas Street
Clearwater, FL 33756
Phone: (727) 443-4878
Fax: (727) 442-7573

Wilderness Graphics, Inc.

P. O. Box 1635
Tallahassee, FL 32302
Phone: (850) 224-6414
Fax: (850) 561-3943
www.wildernessgraphics.com

Cape Coral Signs & Designs

1311 Del Prado Boulevard
Cape Coral, FL 33990
Phone: (239) 772-9992
Fax: (239) 772-3848

Municipal Supply & Sign Co.

1095 Fifth Avenue, North
P. O. Box 1765
Naples, FL 33939-1765
Phone: (800) 329-5366 or
(239) 262-4639
Fax: (239) 262-4645
www.municipalsigns.com

Vital Signs

104615 Overseas Highway
Key Largo, FL 33037
Phone: (305) 451-5133
Fax: (305) 451-5163

Universal Signs & Accessories

2912 Orange Avenue
Ft. Pierce, FL 34947
Phone: (800) 432-0331 or
(772) 461-0665
Fax: (772) 461-0669

New City Signs

1739 28th Street N.
St. Petersburg, FL 33713
Phone: (727) 323-7897
Fax: (727) 323-1897
www.NewCitySigns.com

United Rentals Highway Technologies

309 Angle Road
Ft. Pierce, FL 34947
Phone: (772) 489-8772
or (800) 489-8758 (FL only)
Fax: (772) 489-8757

CAUTION: MANATEE HABITAT

**All project vessels
IDLE SPEED / NO WAKE**

**When a manatee is within 50 feet of work
all in-water activities must
SHUT DOWN**

Report any collision or injury to:
1-888-404-FWCC (1-888-404-3922)

Florida Fish and Wildlife Conservation Commissio

Attachment 2
Map of Certified Corridors
(To be attached upon Certification)

Appendix A

**NPDES permit No. FL0633275-001-IW1S/NP
(To be attached upon Final Issuance)**

Appendix B

**Title V Air Operation Permit xxxxxxxx-xxx-AV
(To be attached upon Final Issuance)**

Appendix C
Air Construction Permit PSD-FL-403



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

NOTICE OF FINAL AIR PERMIT

Sent by Electronic Mail - Received Receipt Requested

Progress Energy Florida
P.O. Box 14042, SA2C
St. Petersburg, Florida 33733

Authorized Representative:
Daniel Roderick, Vice President, Nuclear Project Construction

Air Permit No. PSD-FL-403
Project No. 0750088-001-AC
Levy Nuclear Plant
Unit 1 and 2 Cooling Towers
Levy County, Florida

Dear Mr. Roderick:

Enclosed is the final air construction permit, which authorizes construction of two mechanical draft cooling towers, diesel-powered emergency generators and fire pumps and miscellaneous support equipment. The work will be conducted at the proposed Levy Nuclear Plant, which will be a new nuclear power plant (SIC No. 4911). The facility is proposed to be located approximately 4 miles northeast of the town of Ingilis and east of State Highway 19 in Levy County, Florida. As noted in the attached Final Determination, only minor changes and clarifications were made to the draft permit. This final permit is issued pursuant to Chapter 403, Florida Statutes.

Any party to this order has the right to seek judicial review of it under Section 120.68 of the Florida Statutes by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department of Environmental Protection in the Office of General Counsel (Mail Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000) and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The notice must be filed within 30 days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida.

Trina Vielhauer, Chief
Bureau of Air Regulation

TLV/jfk

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Notice of Final Air Permit package (including the Final Determination and Final Permit) was sent by electronic mail (or a link to these documents made available electronically on a publicly accessible server) with received receipt requested before the close of business on 2/20/09 to the persons listed below.

Mr. Daniel Roderick, Progress Energy Florida, Inc. (daniel.roderick@pgnmail.com)

Mr. Jamie Hunter, Progress Energy Florida, Inc. (john.hunter@pgnmail.com)

Mr. Albert Ugelow, CH2M Hill (albert.ugelow@ch2m.com)

Mr. Chris Kirts, Northeast District Office (chris.kirts@dep.state.fl.us)

Mr. Mike Halpin, Siting Office (mike.halpin@dep.state.fl.us)

Ms. Cindy Mulkey, Siting Office (cindy.mulkey@dep.state.fl.us)

Ms. Ann Seiler, Siting Office (ann.seiler@dep.state.fl.us)

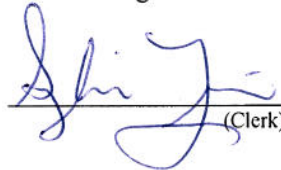
Ms. Kathleen Forney, EPA Region 4 (forney.kathleen@epa.gov)

Ms. Heather Abrams, EPA Region 4 (abrams.heather@epamail.epa.gov)

Ms. Victoria Gibson, BAR Reading File (victoria.gibson@dep.state.fl.us)

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to Section 120.52(7), Florida Statutes, with the designated agency clerk, receipt of which is hereby acknowledged.


(Clerk)

2/20/09
(Date)



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

PERMITTEE

Progress Energy Florida
P.O. Box 14042, SA2C
St. Petersburg, Florida 33733

Authorized Representative:
Daniel Roderick, Vice President, Nuclear Projects, Construction

Air Permit No. PSD-FL-403
Project No. 0750088-001-AC
ARMS ID No. 0750088
Levy Nuclear Plant
Unit 1 and 2 Cooling Towers
Permit Expires: 1/1/2018

PROJECT AND LOCATION

This permit authorizes construction of two mechanical draft cooling towers and diesel-powered emergency generators and fire pumps. The work will be conducted at the proposed Levy Nuclear Plant, which will be a new nuclear power plant (SIC No. 4911). The facility is proposed to be located approximately 4 miles northeast of the town of Ingilis and east of State Highway 19 in Levy County, Florida. The UTM coordinates are Zone 17, 342.2 km East, and 3217.2 km North.

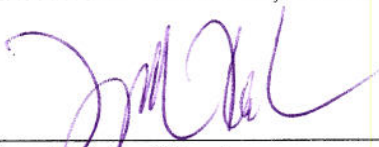
STATEMENT OF BASIS

This air pollution construction permit is issued under the provisions of Chapter 403 of the Florida Statutes (F.S.), and Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297 of the Florida Administrative Code (F.A.C.). The permittee is authorized to conduct the proposed work in accordance with the conditions of this permit and as described in the application, approved drawings, plans, and other documents on file with the Department. This project is subject to the general preconstruction review requirements in Rule 62-212.300, F.A.C. as well as the preconstruction review requirements for major stationary sources in Rule 62-212.400, F.A.C. for the Prevention of Significant Deterioration (PSD) of Air Quality.

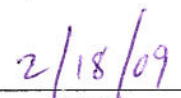
CONTENTS

- Section 1. General Information
- Section 2. Administrative Requirements
- Section 3. Emissions Unit Specific Conditions
- Section 4. Appendices

Executed in Tallahassee, Florida



Joseph Kahn, Director
Division of Air Resource Management



(Date)

SECTION 1. GENERAL INFORMATION

FACILITY AND PROJECT DESCRIPTION

Progress Energy Florida, Inc. has submitted a site certification package to the Department's Power Plant Siting Office for a proposed 2000 megawatt (MW) nuclear power plant. A part of this package includes an application for an air permit to construct two 44-cell mechanical draft cooling towers, arranged in an array of 2 x 22 cells that will operate continuously. The towers will obtain make-up water from the nearby Cross Florida Barge Canal to cool the Unit 1 and 2 condensers. The cooling water flow rate for all 44 cells is estimated at 531,100 gallons per minute (gpm) and the design air flow rate per cell is estimated at 1,662,887 actual cubic feet per minute (acfm). The cooling towers provide direct contact between the cooling water and air passing through the tower. Drift is created when small amounts of cooling water become entrained in the air stream and are carried out of the tower. Particulate matter (PM) is emitted as salt and solids in the water droplets escape as drift from the tower. Drift eliminators will be used to minimize PM emissions caused by the cooling tower drift.

The project also includes four 4000 kilowatt (kW) emergency standby generators, four 35 kW ancillary emergency generators and two fire pumps. During normal operation, the facility will generate all of its own power needs or obtain power from the local grid. In the event the facility is not operational and power is not available from the local power grid, the emergency generators will be used to keep the control room and certain essential plant equipment and utilities energized and the emergency fire pumps will be available to maintain water pressure to the fire suppression systems. The facility will also operate other miscellaneous unregulated and insignificant emissions units and activities.

This project adds the following new emissions units.

ID No.	Emission Unit Description
001	Unit 1 Cooling Tower
002	Unit 2 Cooling Tower
003	Four 4000 kW emergency generators, four 35 kW ancillary emergency generators and two 650 hp fire pumps
004	Miscellaneous unregulated support equipment including freshwater cooling towers (less than 500 gpm)

FACILITY REGULATORY CLASSIFICATION

- The facility will not be a major source of hazardous air pollutants (HAP).
- The facility will have no units subject to the acid rain provisions of the Clean Air Act.
- The facility will be a Title V major source of air pollution in accordance with Chapter 213, F.A.C.
- The facility will be a major stationary source in accordance with Rule 62-212.400(PSD), F.A.C. The project is subject to PSD preconstruction review for PM emissions only.
- The facility will have units subject to the New Source Performance Standards (NSPS) in Part 60, Title 40 of the Code of Federal Regulations (CFR).

SECTION 2. ADMINISTRATIVE REQUIREMENTS

1. Permitting Authority: The permitting authority for this project is the Bureau of Air Regulation, Division of Air Resource Management, Florida Department of Environmental Protection (Department). The Bureau of Air Regulation's mailing address is 2600 Blair Stone Road (MS #5505), Tallahassee, Florida 32399-2400. All documents related to applications for permits to operate an emissions unit shall be submitted to the Northeast District Office.
2. Compliance Authority: All documents related to compliance activities such as reports, tests, and notifications shall be submitted to the Northeast District Office. The mailing address and phone number of the Northeast District Office is: 7825 Baymeadows Way, Suite B200, Jacksonville, Florida 32256, 904/807-3300.
3. Appendices: The following Appendices are attached as part of this permit:
 - a. Appendix A. Citation Formats;
 - b. Appendix B. General Conditions;
 - c. Appendix C. Common Conditions;
 - d. Appendix D. Summary of Best Available Control Technology Determinations;
 - e. Appendix E. NSPS Subpart A, General Provisions; and
 - f. Appendix F. NSPS Subpart IIII, Stationary Compression Ignition Internal Combustion Engines.
4. Applicable Regulations, Forms and Application Procedures: Unless otherwise specified in this permit, the construction and operation of the subject emissions units shall be in accordance with the capacities and specifications stated in the application. The facility is subject to all applicable provisions of: Chapter 403, F.S.; and Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-296 and 62-297, F.A.C. Issuance of this permit does not relieve the permittee from compliance with any applicable federal, state, or local permitting or regulations.
5. New or Additional Conditions: For good cause shown and after notice and an administrative hearing, if requested, the Department may require the permittee to conform to new or additional conditions. The Department shall allow the permittee a reasonable time to conform to the new or additional conditions, and on application of the permittee, the Department may grant additional time. [Rule 62-4.080, F.A.C.]
6. Modifications: The permittee shall notify the Compliance Authority upon commencement of construction. No new emissions unit shall be constructed and no existing emissions unit shall be modified without obtaining an air construction permit from the Department. Such permit shall be obtained prior to beginning construction or modification. [Rules 62-210.300(1) and 62-212.300(1)(a), F.A.C.]
7. BACT Determination Subject to Revision: The applicant must submit a new BACT analysis within two years prior to beginning construction of the cooling towers due to the extended construction schedule of the nuclear units. If the Department's reassessment of BACT is substantially different from the initial determination, the applicant shall submit an air construction permit revision application. [Rule 62-212.400(BACT), F.A.C.]
8. Application for Title V Permit: This permit authorizes construction of the permitted emissions units and initial operation to determine compliance with Department rules. A Title V air operation permit is required for regular operation of the permitted emissions unit. The permittee shall apply for a Title V air operation permit at least 90 days prior to expiration of this permit, but no later than 180 days after commencing operation. To apply for a Title V operation permit, the applicant shall submit the appropriate application form, compliance test results, and such additional information as the Department may by law require. The application shall be submitted to the appropriate Permitting Authority with copies to the Compliance Authority. [Rules 62-4.030, 62-4.050, 62-4.220 and Chapter 62-213, F.A.C.]

SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS
A. UNIT 1 AND 2 COOLING TOWERS (EU-001 and EU-002)

This section of the permit addresses the following emissions units.

ID No.	Emission Unit Description
001	Unit 1 Mechanical Draft Cooling Tower
002	Unit 2 Mechanical Draft Cooling Tower

{Permitting Note: In accordance with Rule 62-212.400(PSD), F.A.C., the above emission units are subject to Best Available Control Technology (BACT) determinations for total particulate matter (PM).}

EQUIPMENT

1. Cooling Towers: The permittee is authorized to construct and operate two new mechanical draft cooling towers with the following nominal design characteristics: 44 cells; a circulating water flow rate of 531,100 gpm; a design air flow of 1,662,887 acfm; and drift eliminators designed for a drift rate of no more than 0.0005% of the circulating water flow for each tower. [Application No. 0750088-001-AC and Design]
2. Hours of Operation: The new cooling towers may operate continuously (8760 hours per calendar year). [Application No. 0750088-001-AC]
3. Cooling Tower Design Drift Rate: The cooling towers shall be designed and maintained to achieve a drift rate of no more than 0.0005% of the circulating water flow. Within 60 days of commencing operation, the permittee shall notify the compliance authority that the cooling towers were constructed to achieve the specific drift rate of no more than 0.0005% of the circulating flow rate. [Application No. 0750088-001-AC; Rule 62-212.400(BACT); and Design]
4. Circulating Water Flow Rate: Upon request, the applicant shall provide a means for determining the circulating water flow rate through the new cooling tower. [Rule 62-4.070, F.A.C.]
5. Emissions Report: PM and PM₁₀ emissions from the cooling towers shall be reported as part of the annual operating report. [Rule 62-210.370(3), F.A.C.]

SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

B. EMERGENCY GENERATORS AND FIRE PUMPS (EU-003 and EU-004)

This section of the permit addresses the following emissions units.

ID No.	Emission Unit Description
003	Four 4000 kW emergency generators, four 35 kW ancillary emergency generators and two 650 hp fire pumps
004	Miscellaneous unregulated support equipment including freshwater cooling towers (less than 500 gpm)

EQUIPMENT

1. New Equipment: The permittee is authorized to construct and operate four 4000 kW emergency standby generators, four 35 kW ancillary emergency generators and two 650 hp fire pumps. [Application No. 0750088-001-AC]
2. Hours of Operation: Each unit may operate as necessary to support emergency operations including a loss of power at the facility. Each emergency generator and fire pump may operate for up to 48 hours per year of non-emergency operation to ensure that the units remain in working order. [Application No. 0750088-001-AC]
3. Authorized Fuel: Each emergency generator and fire pump shall fire only ultra low sulfur diesel with a maximum sulfur content of 0.0015% by weight. [Application No. 0750088-001-AC]
4. Applicable NSPS Provisions: The engines for the emergency generators and fire pumps are subject to the applicable provisions in the following New Source Performance Standards (NSPS) of 40 CFR 60: Subpart A (General Provisions) and Subpart IIII (Standards of Performance for Stationary Compression Ignition Internal Combustion Engines), which consist of record keeping and reporting requirements. The NSPS provisions are attached as Appendix E and Appendix F of this permit. [Subparts A and IIII in 40 CFR 60 and Rule 62-204.800, F.A.C.]

SECTION 4. APPENDICES

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Appendix A. Citation Formats

Appendix B. General Conditions

Appendix C. Common Conditions

Appendix D. BACT Determination

Appendix E. NSPS Subpart A, General Provisions

Appendix F. NSPS Subpart IIII, Stationary Compression Ignition Internal Combustion Engines

SECTION 4. APPENDIX A
CITATION FORMATS

CITATION FORMATS

The following illustrate the formats used in the permit to identify applicable requirements from permits and regulations.

Old Permit Numbers

Example: Permit No. AC50-123456 or Permit No. AO50-123456

Where: “AC” identifies the permit as an Air Construction Permit
“AO” identifies the permit as an Air Operation Permit
“123456” identifies the specific permit project number

New Permit Numbers

Example: Permit Nos. 099-2222-001-AC, 099-2222-001-AF, 099-2222-001-AO, or 099-2222-001-AV

Where: “099” represents the specific county ID number in which the project is located
“2222” represents the specific facility ID number for that county
“001” identifies the specific permit project number
“AC” identifies the permit as an air construction permit
“AF” identifies the permit as a minor source federally enforceable state operation permit
“AO” identifies the permit as a minor source air operation permit
“AV” identifies the permit as a major Title V air operation permit

PSD Permit Numbers

Example: Permit No. PSD-FL-317

Where: “PSD” means issued pursuant to the preconstruction review requirements of the Prevention of Significant Deterioration of Air Quality
“FL” means that the permit was issued by the State of Florida
“317” identifies the specific permit project number

Florida Administrative Code (F.A.C.)

Example: [Rule 62-213.205, F.A.C.]

Means: Title 62, Chapter 213, Rule 205 of the Florida Administrative Code

Code of Federal Regulations (CFR)

Example: [40 CFR 60.7]

Means: Title 40, Part 60, Section 7

SECTION 4. APPENDIX B
GENERAL CONDITIONS

The permittee shall comply with the following general conditions from Rule 62-4.160, F.A.C.

1. The terms, conditions, requirements, limitations, and restrictions set forth in this permit are "Permit Conditions" and are binding and enforceable pursuant to Sections 403.161, 403.727, or 403.859 through 403.861, F.S. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
2. This permit 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 permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in Subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey and 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 permit is not a waiver or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
5. This permit does not relieve the permittee 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 permittee to cause pollution in contravention of F.S. and Department rules, unless specifically authorized by an order from the Department.
6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as 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 permit and when required by Department rules.
7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at a reasonable time, access to the premises, where the permitted activity is located or conducted to:
 - a. Have access to and copy and records that must be kept under the conditions of the permit;
 - b. Inspect the facility, equipment, practices, or operations regulated or required under this permit, and,
 - c. Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:
 - a. A description of and cause of non-compliance; and
 - b. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the F.S. or Department rules, except where such use is prescribed by Sections 403.73 and 403.111, F.S.. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

SECTION 4. APPENDIX B
GENERAL CONDITIONS

10. The permittee agrees to comply with changes in Department rules and F.S. after a reasonable time for compliance, provided, however, the permittee does not waive any other rights granted by F.S. or Department rules.
11. This permit is transferable only upon Department approval in accordance with Rules 62-4.120 and 62-730.300, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
12. This permit or a copy thereof shall be kept at the work site of the permitted activity.
13. This permit also constitutes:
 - a. Determination of Best Available Control Technology (applicable);
 - b. Determination of Prevention of Significant Deterioration (applicable); and
 - c. Compliance with New Source Performance Standards (applicable).
14. The permittee shall comply with the following:
 - a. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
 - b. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application or this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
 - c. Records of monitoring information shall include:
 - 1) The date, exact place, and time of sampling or measurements;
 - 2) The person responsible for performing the sampling or measurements;
 - 3) The dates analyses were performed;
 - 4) The person responsible for performing the analyses;
 - 5) The analytical techniques or methods used; and
 - 6) The results of such analyses.
15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

SECTION 4. APPENDIX C
COMMON CONDITIONS

Unless otherwise specified in the permit, the following conditions apply to all emissions units and activities at the facility.

EMISSIONS AND CONTROLS

1. Plant Operation - Problems: If temporarily unable to comply with any of the conditions of the permit due to breakdown of equipment or destruction by fire, wind or other cause, the permittee shall notify each Compliance Authority as soon as possible, but at least within one working day, excluding weekends and holidays. The notification shall include: pertinent information as to the cause of the problem; steps being taken to correct the problem and prevent future recurrence; and, where applicable, the owner's intent toward reconstruction of destroyed facilities. Such notification does not release the permittee from any liability for failure to comply with the conditions of this permit or the regulations. [Rule 62-4.130, F.A.C.]
2. Circumvention: The permittee shall not circumvent the air pollution control equipment or allow the emission of air pollutants without this equipment operating properly. [Rule 62-210.650, F.A.C.]
3. Excess Emissions Allowed: Excess emissions resulting from startup, shutdown or malfunction of any emissions unit shall be permitted providing (1) best operational practices to minimize emissions are adhered to and (2) the duration of excess emissions shall be minimized but in no case exceed two hours in any 24 hour period unless specifically authorized by the Department for longer duration. [Rule 62-210.700(1), F.A.C.]
4. Excess Emissions Prohibited: Excess emissions caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure that may reasonably be prevented during startup, shutdown or malfunction shall be prohibited. [Rule 62-210.700(4), F.A.C.]
5. Excess Emissions - Notification: In case of excess emissions resulting from malfunctions, the permittee shall notify the Department or the appropriate Local Program in accordance with Rule 62-4.130, F.A.C. A full written report on the malfunctions shall be submitted in a quarterly report, if requested by the Department. [Rule 62-210.700(6), F.A.C.]
6. VOC or OS Emissions: No person shall store, pump, handle, process, load, unload or use in any process or installation, volatile organic compounds (VOC) or organic solvents (OS) without applying known and existing vapor emission control devices or systems deemed necessary and ordered by the Department. [Rule 62-296.320(1), F.A.C.]
7. Objectionable Odor Prohibited: No person shall cause, suffer, allow or permit the discharge of air pollutants, which cause or contribute to an objectionable odor. An "objectionable odor" means any odor present in the outdoor atmosphere which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance. [Rules 62-296.320(2) and 62-210.200(Definitions), F.A.C.]
8. General Visible Emissions: No person shall cause, let, permit, suffer or allow to be discharged into the atmosphere the emissions of air pollutants from any activity equal to or greater than 20% opacity. This regulation does not impose a specific testing requirement. [Rule 62-296.320(4)(b)1, F.A.C.]
9. Unconfined Particulate Emissions: During the construction period, unconfined particulate matter emissions shall be minimized by dust suppressing techniques such as covering and/or application of water or chemicals to the affected areas, as necessary. [Rule 62-296.320(4)(c), F.A.C.]

{Permitting Note: Rule 62-210.700 (Excess Emissions), F.A.C., cannot vary any NSPS or NESHAP provision.}

RECORDS AND REPORTS

10. Records Retention: All measurements, records, and other data required by this permit shall be documented in a permanent, legible format and retained for at least 5 years following the date on which such measurements, records, or data are recorded. Records shall be made available to the Department upon request. [Rule 62-213.440(1)(b)2, F.A.C.]
11. Annual Operating Report: The permittee shall submit an annual report that summarizes the actual operating rates and emissions from this facility. Annual operating reports shall be submitted to the Compliance Authority by March 1st of each year. [Rule 62-210.370(3), F.A.C.]

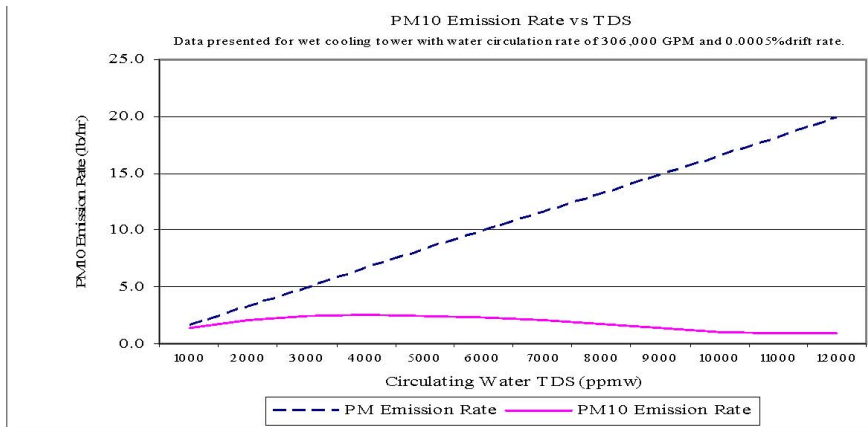
SECTION 4. APPENDIX D

BACT DETERMINATIONS

PSD Applicability for the Project

The Levy Nuclear Plant is a proposed PSD major stationary source located in Levy County, which is in an area that is currently in attainment with the state and federal AAQS or otherwise designated as unclassifiable. The applicant proposes to construct and operate two mechanical draft cooling towers to support nuclear Units 1 and 2. The cooling towers will emit particulate matter (PM) as a result of the carry over of solids (primarily salt) in the water droplet drift. The PM emissions include particles with a mean diameter of 10 microns or less (PM₁₀). Particulate matter will be controlled by the drift rate design specifications, which serve as a surrogate to control PM/PM₁₀.

Based on the application, future PM emissions are estimated to be 514 tons/year based on 8760 hours per year of operation, which makes the project new major stationary source subject to the preconstruction review requirements of Rule 62-212.400, F.A.C. for the Prevention of Significant Deterioration (PSD) of Air Quality. PM emissions will exceed the significant emission rate of 25 tons per year, but PM₁₀ emissions are estimated at 5.6 tons/year, which is less than the significant emissions rate of 15 tons/year. The PM/PM₁₀ estimates are based upon the study, “Calculating Realistic PM₁₀ Emissions from Cooling Towers” by Joel Reisman and Gordon Frisbie. According to the study, PM₁₀ emissions increase with PM as the concentration of total dissolved solids (TDS) increases to about 4000 ppm. At TDS levels greater than 4000 ppm, the amount of PM₁₀ sized particles will decrease while PM continues to increase. The paper states that at higher TDS, the drift droplets contain more solids and therefore, upon evaporation, result in larger particles for any given initial droplet size. Table 1 provides a graph of the correlation of PM and PM₁₀ as a function of TDS in the circulating water.



With the estimated TDS of 25,000 ppm for the new cooling towers and a circulating flow rate of 531,100 gallons per minute, the report suggests large PM emissions with minimal PM₁₀ emissions as indicated in the application. Since PM₁₀ emissions will not exceed the significant emissions rate, a BACT determination is required for PM, but not PM₁₀. In addition, no air quality analysis is required because the modeled pollutant is PM₁₀, which is not subject to PSD preconstruction review for this project.

The project will also include construction of diesel-powered emergency generators, ancillary emergency generators and fire pumps. The emergency generators and fire pumps will operate for no more than 48 hours/year of non-emergency operation to ensure that each unit is functioning properly and available for emergency operation. Based on the applicant's original estimates, annual emissions from all of these units combined will be: of 16.4 tons/year of NO_x, 0.07 tons/year of SO₂, 3.5 tons/year of CO, 1.4 tons/year of VOC and 1.2 tons/year of PM/PM₁₀.

BACT Determination

The Department conducted a review of EPA's RACT/BACT/LAER Clearinghouse for mechanical draft cooling towers between 2003 and 2008. Based upon the review, the Department concludes that BACT for mechanical draft cooling towers is based upon drift eliminators. BACT has been established as low as 0.0005% drift rate. The Department agrees and BACT is determined to be a design drift rate of 0.0005% for the new cooling towers. For the diesel-powered emergency generators, ancillary emergency generators and fire pumps, the applicant proposes the use of ultra low sulfur diesel to minimize PM emissions. The Department agrees and BACT for these units is determined to be the firing of diesel with a maximum sulfur content of 0.00015% by weight.

Due to the extended construction schedule of the nuclear units, the applicant is required to submit a new BACT analysis and determination within two years prior to beginning construction of the cooling towers. If the Department's reassessment of BACT is substantially different from the initial determination, the applicant shall submit an application for a revised air construction permit, which will require a new Public Notice.

SECTION 4. APPENDIX E
NSPS SUBPART A, GENERAL PROVISIONS

Emissions units subject to a New Source Performance Standard of 40 CFR 60 are also subject to the applicable requirements of Subpart A, the General Provisions, including:

- § 60.1 Applicability.
- § 60.2 Definitions.
- § 60.3 Units and abbreviations.
- § 60.4 Address.
- § 60.5 Determination of construction or modification.
- § 60.6 Review of plans.
- § 60.7 Notification and Record Keeping.
- § 60.8 Performance Tests.
- § 60.9 Availability of information.
- § 60.10 State Authority.
- § 60.11 Compliance with Standards and Maintenance Requirements.
- § 60.12 Circumvention.
- § 60.13 Monitoring Requirements.
- § 60.14 Modification.
- § 60.15 Reconstruction.
- § 60.16 Priority List.
- § 60.17 Incorporations by Reference.
- § 60.18 General Control Device Requirements.
- § 60.19 General Notification and Reporting Requirements.

Individual subparts may exempt specific equipment or processes from some or all of these requirements. The general provisions may be provided in full upon request.

Updated 7/19/06- EFFECTIVE 9/11/06

Source Federal Register Dated 7/11/06

Subpart IIII--Standards of Performance for Stationary Compression Ignition Internal Combustion Engines

What This Subpart Covers

60.4200 Am I subject to this subpart?

Emission Standards for Manufacturers

60.4201 What emission standards must I meet for non-emergency engines if I am a stationary CI internal combustion engine manufacturer?

60.4202 What emission standards must I meet for emergency engines if I am a stationary CI internal combustion engine manufacturer?

60.4203 How long must my engines meet the emission standards if I am a stationary CI internal combustion engine manufacturer?

Emission Standards for Owners and Operators

60.4204 What emission standards must I meet for non-emergency engines if I am an owner or operator of a stationary CI internal combustion engine?

60.4205 What emission standards must I meet for emergency engines if I am an owner or operator of a stationary CI internal combustion engine?

60.4206 How long must I meet the emission standards if I am an owner or operator of a stationary CI internal combustion engine?

Fuel Requirements for Owners and Operators

60.4207 What fuel requirements must I meet if I am an owner or operator of a stationary CI internal combustion engine subject to this subpart?

Other Requirements for Owners and Operators

60.4208 What is the deadline for importing and installing stationary CI ICE produced in the previous model year?

60.4209 What are the monitoring requirements if I am an owner or operator of a stationary CI internal combustion engine?

Compliance Requirements

60.4210 What are my compliance requirements if I am a stationary CI internal combustion engine manufacturer?

60.4211 What are my compliance requirements if I am an owner or operator of a stationary CI internal combustion engine?

Testing Requirements for Owners and Operators

60.4212 What test methods and other procedures must I use if I am an owner or operator of a stationary CI internal combustion engine with a displacement of less than 30 liters per cylinder?

60.4213 What test methods and other procedures must I use if I am an owner or operator of a stationary CI internal combustion engine with a displacement of greater than or equal to 30 liters per cylinder?

Notification, Reports, and Records for Owners and Operators

60.4214 What are my notification, reporting, and recordkeeping requirements if I am an owner or operator of a stationary CI internal combustion engine?

Special Requirements

60.4215 What requirements must I meet for engines used in Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands?

60.4216 What requirements must I meet for engines used in Alaska?

60.4217 What emission standards must I meet if I am an owner or operator of a stationary internal combustion engine using special fuels?

General Provisions

60.4218 What parts of the General Provisions apply to me?

Definitions

60.4219 What definitions apply to this subpart?

Tables to Subpart IIII of Part 60

Table 1 to Subpart IIII of Part 60--Emission Standards for Stationary Pre-2007 Model Year Engines with a displacement of < 10 liters per cylinder and 2007-2010 Model Year Engines >2,237 KW (3,000 HP) and with a displacement of < 10 liters per cylinder

Table 2 to Subpart IIII of Part 60--Emission Standards for 2008 Model Year and Later Emergency Stationary CI ICE < 37 KW (50 HP) and with a Displacement of < 10 liters per cylinder

Table 3 to Subpart IIII of Part 60--Certification Requirements for Stationary Fire Pump Engines

Table 4 to Subpart IIII of Part 60--Emission Standards for Stationary Fire Pump Engines

Table 5 to Subpart IIII of Part 60--Labeling and Recordkeeping Requirements for New Stationary Emergency Engines

Table 6 to Subpart IIII of Part 60--Optional 3-Mode Test Cycle for Stationary Fire Pump Engines

Table 7 to Subpart IIII of Part 60--Requirements for Performance Tests for Stationary CI ICE with a displacement of >=30 liters per cylinder

Table 8 to Subpart IIII of Part 60--Applicability of General Provisions to Subpart IIII

Sec. 60.4200 Am I subject to this subpart?

(a) The provisions of this subpart are applicable to manufacturers, owners, and operators of stationary compression ignition (CI) internal combustion engines (ICE) as specified in paragraphs (a)(1) through (3) of this section. For the purposes of this subpart, the date that construction commences is the date the engine is ordered by the owner or operator.

(1) Manufacturers of stationary CI ICE with a displacement of less than 30 liters per cylinder where the model year is:

(i) 2007 or later, for engines that are not fire pump engines,

(ii) The model year listed in table 3 to this subpart or later model year, for fire pump engines.

(2) Owners and operators of stationary CI ICE that commence construction after July 11, 2005 where the stationary CI ICE are:

(i) Manufactured after April 1, 2006 and are not fire pump engines, or

(ii) Manufactured as a certified National Fire Protection Association (NFPA) fire pump engine after July 1, 2006.

(3) Owners and operators of stationary CI ICE that modify or reconstruct their stationary CI ICE after July 11, 2005.

(b) The provisions of this subpart are not applicable to stationary CI ICE being tested at a stationary CI ICE test cell/stand.

(c) If you are an owner or operator of an area source subject to this subpart, you are exempt from the obligation to obtain a permit under 40 CFR part 70 or 40 CFR part 71, provided you are not required to obtain a permit under 40 CFR 70.3(a) or 40 CFR 71.3(a) for a reason other than your status as an area source under this subpart. Notwithstanding the previous sentence, you must continue to comply with the provisions of this subpart applicable to area sources.

(d) Stationary CI ICE may be eligible for exemption from the requirements of this subpart as described in 40 CFR part 1068, subpart C (or the exemptions described in 40 CFR part 89, subpart J and 40 CFR part 94, subpart J, for engines that would need to be certified to standards in those parts), except that owners and operators, as well as manufacturers, may be eligible to request an exemption for national security.

Sec. 60.4201 What emission standards must I meet for non-emergency engines if I am a stationary CI internal combustion engine manufacturer?

SECTION 4. APPENDIX F

NSPS SUBPART III, STATIONARY COMPRESSION IGNITION INTERNAL COMBUSTION ENGINES

(a) Stationary CI internal combustion engine manufacturers must certify their 2007 model year and later non-emergency stationary CI ICE with a maximum engine power less than or equal to 2,237 kilowatt (KW) (3,000 horsepower (HP)) and a displacement of less than 10 liters per cylinder to the certification emission standards for new nonroad CI engines in 40 CFR 89.112, 40 CFR 89.113, 40 CFR 1039.101, 40 CFR 1039.102, 40 CFR 1039.104, 40 CFR 1039.105, 40 CFR 1039.107, and 40 CFR 1039.115, as applicable, for all pollutants, for the same model year and maximum engine power.

(b) Stationary CI internal combustion engine manufacturers must certify their 2007 through 2010 model year non-emergency stationary CI ICE with a maximum engine power greater than 2,237 KW (3,000 HP) and a displacement of less than 10 liters per cylinder to the emission standards in table 1 to this subpart, for all pollutants, for the same maximum engine power.

(c) Stationary CI internal combustion engine manufacturers must certify their 2011 model year and later non-emergency stationary CI ICE with a maximum engine power greater than 2,237 KW (3,000 HP) and a displacement of less than 10 liters per cylinder to the certification emission standards for new nonroad CI engines in 40 CFR 1039.101, 40 CFR 1039.102, 40 CFR 1039.104, 40 CFR 1039.105, 40 CFR 1039.107, and 40 CFR 1039.115, as applicable, for all pollutants, for the same maximum engine power.

(d) Stationary CI internal combustion engine manufacturers must certify their 2007 model year and later non-emergency stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder to the certification emission standards for new marine CI engines in 40 CFR 94.8, as applicable, for all pollutants, for the same displacement and maximum engine power.

Sec. 60.4202 What emission standards must I meet for emergency engines if I am a stationary CI internal combustion engine manufacturer?

(a) Stationary CI internal combustion engine manufacturers must certify their 2007 model year and later emergency stationary CI ICE with a maximum engine power less than or equal to 2,237 KW (3,000 HP) and a displacement of less than 10 liters per cylinder that are not fire pump engines to the emission standards specified in paragraphs (a)(1) through (2) of this section.

(1) For engines with a maximum engine power less than 37 KW (50 HP):

(i) The certification emission standards for new nonroad CI engines for the same model year and maximum engine power in 40 CFR 89.112 and 40 CFR 89.113 for all pollutants for model year 2007 engines, and

(ii) The certification emission standards for new nonroad CI engines in 40 CFR 1039.104, 40 CFR 1039.105, 40 CFR 1039.107, 40 CFR 1039.115, and table 2 to this subpart, for 2008 model year and later engines.

(2) For engines with a maximum engine power greater than or equal to 37 KW (50 HP), the certification emission standards for new nonroad CI engines for the same model year and maximum engine power in 40 CFR 89.112 and 40 CFR 89.113 for all pollutants beginning in model year 2007.

(b) Stationary CI internal combustion engine manufacturers must certify their 2007 model year and later emergency stationary CI ICE with a maximum engine power greater than 2,237 KW (3,000 HP) and a displacement of less than 10 liters per cylinder that are not fire pump engines to the emission standards specified in paragraphs (b)(1) through (2) of this section.

(1) For 2007 through 2010 model years, the emission standards in table 1 to this subpart, for all pollutants, for the same maximum engine power.

(2) For 2011 model year and later, the certification emission standards for new nonroad CI engines for engines of the same model year and maximum engine power in 40 CFR 89.112 and 40 CFR 89.113 for all pollutants.

(c) Stationary CI internal combustion engine manufacturers must certify their 2007 model year and later emergency stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder that are not fire pump engines to the certification emission standards for new marine CI engines in 40 CFR 94.8, as applicable, for all pollutants, for the same displacement and maximum engine power.

(d) Beginning with the model years in table 3 to this subpart, stationary CI internal combustion engine manufacturers must certify their fire pump stationary CI ICE to the emission standards in table 4 to this subpart, for all pollutants, for the same model year and NFPA nameplate power.

NSPS SUBPART III, STATIONARY COMPRESSION IGNITION INTERNAL COMBUSTION ENGINES

Sec. 60.4203 How long must my engines meet the emission standards if I am a stationary CI internal combustion engine manufacturer?

Engines manufactured by stationary CI internal combustion engine manufacturers must meet the emission standards as required in Sec. Sec. 60.4201 and 60.4202 during the useful life of the engines.

Sec. 60.4204 What emission standards must I meet for non-emergency engines if I am an owner or operator of a stationary CI internal combustion engine?

(a) Owners and operators of pre-2007 model year non-emergency stationary CI ICE with a displacement of less than 10 liters per cylinder must comply with the emission standards in table 1 to this subpart. Owners and operators of pre-2007 model year non-emergency stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder must comply with the emission standards in 40 CFR 94.8(a)(1).

(b) Owners and operators of 2007 model year and later non-emergency stationary CI ICE with a displacement of less than 30 liters per cylinder must comply with the emission standards for new CI engines in Sec. 60.4201 for their 2007 model year and later stationary CI ICE, as applicable.

(c) Owners and operators of non-emergency stationary CI ICE with a displacement of greater than or equal to 30 liters per cylinder must meet the requirements in paragraphs (c)(1) and (2) of this section.

(1) Reduce nitrogen oxides (NOX) emissions by 90 percent or more, or limit the emissions of NOX in the stationary CI internal combustion engine exhaust to 1.6 grams per KW-hour (g/KW-hr) (1.2 grams per HP-hour (g/HP-hr)).

(2) Reduce particulate matter (PM) emissions by 60 percent or more, or limit the emissions of PM in the stationary CI internal combustion engine exhaust to 0.15 g/KW-hr (0.11 g/HP-hr).

Sec. 60.4205 What emission standards must I meet for emergency engines if I am an owner or operator of a stationary CI internal combustion engine?

(a) Owners and operators of pre-2007 model year emergency stationary CI ICE with a displacement of less than 10 liters per cylinder that are not fire pump engines must comply with the emission standards in table 1 to this subpart. Owners and operators of pre-2007 model year non-emergency stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder that are not fire pump engines must comply with the emission standards in 40 CFR 94.8(a)(1).

(b) Owners and operators of 2007 model year and later emergency stationary CI ICE with a displacement of less than 30 liters per cylinder that are not fire pump engines must comply with the emission standards for new nonroad CI engines in Sec. 60.4202, for all pollutants, for the same model year and maximum engine power for their 2007 model year and later emergency stationary CI ICE.

(c) Owners and operators of fire pump engines with a displacement of less than 30 liters per cylinder must comply with the emission standards in table 4 to this subpart, for all pollutants.

(d) Owners and operators of emergency stationary CI ICE with a displacement of greater than or equal to 30 liters per cylinder must meet the requirements in paragraphs (d)(1) and (2) of this section.

(1) Reduce NOX emissions by 90 percent or more, or limit the emissions of NOX in the stationary CI internal combustion engine exhaust to 1.6 grams per KW-hour (1.2 grams per HP-hour).

(2) Reduce PM emissions by 60 percent or more, or limit the emissions of PM in the stationary CI internal combustion engine exhaust to 0.15 g/KW-hr (0.11 g/HP-hr).

Sec. 60.4206 How long must I meet the emission standards if I am an owner or operator of a stationary CI internal combustion engine?

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NSPS SUBPART IIII, STATIONARY COMPRESSION IGNITION INTERNAL COMBUSTION ENGINES

Owners and operators of stationary CI ICE must operate and maintain stationary CI ICE that achieve the emission standards as required in Sec. Sec. 60.4204 and 60.4205 according to the manufacturer's written instructions or procedures developed by the owner or operator that are approved by the engine manufacturer, over the entire life of the engine.

Sec. 60.4207 What fuel requirements must I meet if I am an owner or operator of a stationary CI internal combustion engine subject to this subpart?

(a) Beginning October 1, 2007, owners and operators of stationary CI ICE subject to this subpart that use diesel fuel must use diesel fuel that meets the requirements of 40 CFR 80.510(a).

(b) Beginning October 1, 2010, owners and operators of stationary CI ICE subject to this subpart with a displacement of less than 30 liters per cylinder that use diesel fuel must use diesel fuel that meets the requirements of 40 CFR 80.510(b) for nonroad diesel fuel.

(c) Owners and operators of pre-2011 model year stationary CI ICE subject to this subpart may petition the Administrator for approval to use remaining non-compliant fuel that does not meet the fuel requirements of paragraphs (a) and (b) of this section beyond the dates required for the purpose of using up existing fuel inventories. If approved, the petition will be valid for a period of up to 6 months. If additional time is needed, the owner or operator is required to submit a new petition to the Administrator.

(d) Owners and operators of pre-2011 model year stationary CI ICE subject to this subpart that are located in areas of Alaska not accessible by the Federal Aid Highway System may petition the Administrator for approval to use any fuels mixed with used lubricating oil that do not meet the fuel requirements of paragraphs (a) and (b) of this section. Owners and operators must demonstrate in their petition to the Administrator that there is no other place to use the lubricating oil. If approved, the petition will be valid for a period of up to 6 months. If additional time is needed, the owner or operator is required to submit a new petition to the Administrator.

(e) Stationary CI ICE that have a national security exemption under Sec. 60.4200(d) are also exempt from the fuel requirements in this section.

Sec. 60.4208 What is the deadline for importing or installing stationary CI ICE produced in the previous model year?

(a) After December 31, 2008, owners and operators may not install stationary CI ICE (excluding fire pump engines) that do not meet the applicable requirements for 2007 model year engines.

(b) After December 31, 2009, owners and operators may not install stationary CI ICE with a maximum engine power of less than 19 KW (25 HP) (excluding fire pump engines) that do not meet the applicable requirements for 2008 model year engines.

(c) After December 31, 2014, owners and operators may not install non-emergency stationary CI ICE with a maximum engine power of greater than or equal to 19 KW (25 HP) and less than 56 KW (75 HP) that do not meet the applicable requirements for 2013 model year non-emergency engines.

(d) After December 31, 2013, owners and operators may not install non-emergency stationary CI ICE with a maximum engine power of greater than or equal to 56 KW (75 HP) and less than 130 KW (175 HP) that do not meet the applicable requirements for 2012 model year non-emergency engines.

(e) After December 31, 2012, owners and operators may not install non-emergency stationary CI ICE with a maximum engine power of greater than or equal to 130 KW (175 HP), including those above 560 KW (750 HP), that do not meet the applicable requirements for 2011 model year non-emergency engines.

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(f) After December 31, 2016, owners and operators may not install non-emergency stationary CI ICE with a maximum engine power of greater than or equal to 560 KW (750 HP) that do not meet the applicable requirements for 2015 model year non-emergency engines.

(g) In addition to the requirements specified in Sec. Sec. 60.4201, 60.4202, 60.4204, and 60.4205, it is prohibited to import stationary CI ICE with a displacement of less than 30 liters per cylinder that do not meet the applicable requirements specified in paragraphs (a) through (f) of this section after the dates specified in paragraphs (a) through (f) of this section.

(h) The requirements of this section do not apply to owners or operators of stationary CI ICE that have been modified, reconstructed, and do not apply to engines that were removed from one existing location and reinstalled at a new location.

Sec. 60.4209 What are the monitoring requirements if I am an owner or operator of a stationary CI internal combustion engine?

If you are an owner or operator, you must meet the monitoring requirements of this section. In addition, you must also meet the monitoring requirements specified in Sec. 60.4211.

(a) If you are an owner or operator of an emergency stationary CI internal combustion engine, you must install a non-resettable hour meter prior to startup of the engine.

(b) If you are an owner or operator of a stationary CI internal combustion engine equipped with a diesel particulate filter to comply with the emission standards in Sec. 60.4204, the diesel particulate filter must be installed with a backpressure monitor that notifies the owner or operator when the high backpressure limit of the engine is approached.

Sec. 60.4210 What are my compliance requirements if I am a stationary CI internal combustion engine manufacturer?

(a) Stationary CI internal combustion engine manufacturers must certify their stationary CI ICE with a displacement of less than 10 liters per cylinder to the emission standards specified in Sec. 60.4201(a) through (c) and Sec. 60.4202(a), (b) and (d) using the certification procedures required in 40 CFR part 89, subpart B, or 40 CFR part 1039, subpart C, as applicable, and must test their engines as specified in those parts. For the purposes of this subpart, engines certified to the standards in table 1 to this subpart shall be subject to the same requirements as engines certified to the standards in 40 CFR part 89. For the purposes of this subpart, engines certified to the standards in table 4 to this subpart shall be subject to the same requirements as engines certified to the standards in 40 CFR part 89, except that engines with NFPA nameplate power of less than 37 KW (50 HP) certified to model year 2011 or later standards shall be subject to the same requirements as engines certified to the standards in 40 CFR part 1039.

(b) Stationary CI internal combustion engine manufacturers must certify their stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder to the emission standards specified in Sec. 60.4201(d) and Sec. 60.4202(c) using the certification procedures required in 40 CFR part 94 subpart C, and must test their engines as specified in 40 CFR part 94.

(c) Stationary CI internal combustion engine manufacturers must meet the requirements of 40 CFR 1039.120, 40 CFR 1039.125, 40 CFR 1039.130, 40 CFR 1039.135, and 40 CFR part 1068 for engines that are certified to the emission standards in 40 CFR part 1039. Stationary CI internal combustion engine manufacturers must meet the corresponding provisions of 40 CFR part 89 or 40 CFR part 94 for engines that would be covered by that part if they were nonroad (including marine) engines. Labels on such engines must refer to stationary engines, rather than or in addition to nonroad or marine engines, as appropriate. Stationary CI internal combustion engine manufacturers must label their engines according to paragraphs (c)(1) through (3) of this section.

(1) Stationary CI internal combustion engines manufactured from January 1, 2006 to March 31, 2006 (January 1, 2006 to June 30, 2006 for fire pump engines), other than those that are part of certified engine families under the nonroad CI engine regulations, must be labeled according to 40 CFR 1039.20.

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(2) Stationary CI internal combustion engines manufactured from April 1, 2006 to December 31, 2006 (or, for fire pump engines, July 1, 2006 to December 31 of the year preceding the year listed in table 3 to this subpart) must be labeled according to paragraphs (c)(2)(i) through (iii) of this section:

(i) Stationary CI internal combustion engines that are part of certified engine families under the nonroad regulations must meet the labeling requirements for nonroad CI engines, but do not have to meet the labeling requirements in 40 CFR 1039.20.

(ii) Stationary CI internal combustion engines that meet Tier 1 requirements (or requirements for fire pumps) under this subpart, but do not meet the requirements applicable to nonroad CI engines must be labeled according to 40 CFR 1039.20. The engine manufacturer may add language to the label clarifying that the engine meets Tier 1 requirements (or requirements for fire pumps) of this subpart.

(iii) Stationary CI internal combustion engines manufactured after April 1, 2006 that do not meet Tier 1 requirements of this subpart, or fire pumps engines manufactured after July 1, 2006 that do not meet the requirements for fire pumps under this subpart, may not be used in the U.S. If any such engines are manufactured in the U.S. after April 1, 2006 (July 1, 2006 for fire pump engines), they must be exported or must be brought into compliance with the appropriate standards prior to initial operation. The export provisions of 40 CFR 1068.230 would apply to engines for export and the manufacturers must label such engines according to 40 CFR 1068.230.

(3) Stationary CI internal combustion engines manufactured after January 1, 2007 (for fire pump engines, after January 1 of the year listed in table 3 to this subpart, as applicable) must be labeled according to paragraphs (c)(3)(i) through (iii) of this section.

(i) Stationary CI internal combustion engines that meet the requirements of this subpart and the corresponding requirements for nonroad (including marine) engines of the same model year and HP must be labeled according to the provisions in part 89, 94 or 1039, as appropriate.

(ii) Stationary CI internal combustion engines that meet the requirements of this subpart, but are not certified to the standards applicable to nonroad (including marine) engines of the same model year and HP must be labeled according to the provisions in part 89, 94 or 1039, as appropriate, but the words "stationary" must be included instead of "nonroad" or "marine" on the label. In addition, such engines must be labeled according to 40 CFR 1039.20.

(iii) Stationary CI internal combustion engines that do not meet the requirements of this subpart must be labeled according to 40 CFR 1068.230 and must be exported under the provisions of 40 CFR 1068.230.

(d) An engine manufacturer certifying an engine family or families to standards under this subpart that are identical to standards applicable under parts 89, 94, or 1039 for that model year may certify any such family that contains both nonroad (including marine) and stationary engines as a single engine family and/or may include any such family containing stationary engines in the averaging, banking and trading provisions applicable for such engines under those parts.

(e) Manufacturers of engine families discussed in paragraph (d) of this section may meet the labeling requirements referred to in paragraph (c) of this section for stationary CI ICE by either adding a separate label containing the information required in paragraph (c) of this section or by adding the words "and stationary" after the word "nonroad" or "marine," as appropriate, to the label.

(f) Starting with the model years shown in table 5 to this subpart, stationary CI internal combustion engine manufacturers must add a permanent label stating that the engine is for stationary emergency use only to each new emergency stationary CI internal combustion engine greater than or equal to 19 KW (25 HP) that meets all the emission standards for emergency engines in Sec. 60.4202 but does not meet all the emission standards for non-emergency engines in Sec. 60.4201. The label must be added according to the labeling requirements specified in 40 CFR 1039.135(b). Engine manufacturers must specify in the owner's manual that operation of emergency engines is limited to emergency operations and required maintenance and testing.

(g) Manufacturers of fire pump engines may use the test cycle in table 6 to this subpart for testing fire pump engines and may test at the NFPA certified nameplate HP, provided that the engine is labeled as "Fire Pump Applications Only".

(h) Engine manufacturers, including importers, may introduce into commerce uncertified engines or engines certified to earlier standards that were manufactured before the new or changed standards took effect until inventories are depleted, as long as such engines are part of normal inventory. For example, if the engine manufacturers' normal industry practice is to

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keep on hand a one-month supply of engines based on its projected sales, and a new tier of standards starts to apply for the 2009 model year, the engine manufacturer may manufacture engines based on the normal inventory requirements late in the 2008 model year, and sell those engines for installation. The engine manufacturer may not circumvent the provisions of Sec. 60.4201 or 60.4202 by stockpiling engines that are built before new or changed standards take effect. Stockpiling of such engines beyond normal industry practice is a violation of this subpart.

(i) The replacement engine provisions of 40 CFR 89.1003(b)(7), 40 CFR 94.1103(b)(3), 40 CFR 94.1103(b)(4) and 40 CFR 1068.240 are applicable to stationary CI engines replacing existing equipment that is less than 15 years old.

Sec. 60.4211 What are my compliance requirements if I am an owner or operator of a stationary CI internal combustion engine?

(a) If you are an owner or operator and must comply with the emission standards specified in this subpart, you must operate and maintain the stationary CI internal combustion engine and control device according to the manufacturer's written instructions or procedures developed by the owner or operator that are approved by the engine manufacturer. In addition, owners and operators may only change those settings that are permitted by the manufacturer. You must also meet the requirements of 40 CFR parts 89, 94 and/or 1068, as they apply to you.

(b) If you are an owner or operator of a pre-2007 model year stationary CI internal combustion engine and must comply with the emission standards specified in Sec. 60.4204(a) or 60.4205(a), or if you are an owner or operator of a CI fire pump engine that is manufactured prior to the model years in table 3 to this subpart and must comply with the emission standards specified in Sec. 60.4205(c), you must demonstrate compliance according to one of the methods specified in paragraphs (b)(1) through (5) of this section.

(1) Purchasing an engine certified according to 40 CFR part 89 or 40 CFR part 94, as applicable, for the same model year and maximum engine power. The engine must be installed and configured according to the manufacturer's specifications.

(2) Keeping records of performance test results for each pollutant for a test conducted on a similar engine. The test must have been conducted using the same methods specified in this subpart and these methods must have been followed correctly.

(3) Keeping records of engine manufacturer data indicating compliance with the standards.

(4) Keeping records of control device vendor data indicating compliance with the standards.

(5) Conducting an initial performance test to demonstrate compliance with the emission standards according to the requirements specified in Sec. 60.4212, as applicable.

(c) If you are an owner or operator of a 2007 model year and later stationary CI internal combustion engine and must comply with the emission standards specified in Sec. 60.4204(b) or Sec. 60.4205(b), or if you are an owner or operator of a CI fire pump engine that is manufactured during or after the model year that applies to your fire pump engine power rating in table 3 to this subpart and must comply with the emission standards specified in Sec. 60.4205(c), you must comply by purchasing an engine certified to the emission standards in Sec. 60.4204(b), or Sec. 60.4205(b) or (c), as applicable, for the same model year and maximum (or in the case of fire pumps, NFPA nameplate) engine power. The engine must be installed and configured according to the manufacturer's specifications.

(d) If you are an owner or operator and must comply with the emission standards specified in Sec. 60.4204(c) or Sec. 60.4205(d), you must demonstrate compliance according to the requirements specified in paragraphs (d)(1) through (3) of this section.

(1) Conducting an initial performance test to demonstrate initial compliance with the emission standards as specified in Sec. 60.4213.

(2) Establishing operating parameters to be monitored continuously to ensure the stationary internal combustion engine continues to meet the emission standards. The owner or operator must petition the Administrator for approval of operating parameters to be monitored continuously. The petition must include the information described in paragraphs (d)(2)(i) through (v) of this section.

(i) Identification of the specific parameters you propose to monitor continuously;

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(ii) A discussion of the relationship between these parameters and NOX and PM emissions, identifying how the emissions of these pollutants change with changes in these parameters, and how limitations on these parameters will serve to limit NOX and PM emissions;

(iii) A discussion of how you will establish the upper and/or lower values for these parameters which will establish the limits on these parameters in the operating limitations;

(iv) A discussion identifying the methods and the instruments you will use to monitor these parameters, as well as the relative accuracy and precision of these methods and instruments; and

(v) A discussion identifying the frequency and methods for recalibrating the instruments you will use for monitoring these parameters.

(3) For non-emergency engines with a displacement of greater than or equal to 30 liters per cylinder, conducting annual performance tests to demonstrate continuous compliance with the emission standards as specified in Sec. 60.4213.

(e) Emergency stationary ICE may be operated for the purpose of maintenance checks and readiness testing, provided that the tests are recommended by Federal, State, or local government, the manufacturer, the vendor, or the insurance company associated with the engine. Maintenance checks and readiness testing of such units is limited to 100 hours per year. There is no time limit on the use of emergency stationary ICE in emergency situations. Anyone may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that Federal, State, or local standards require maintenance and testing of emergency ICE beyond 100 hours per year. For owners and operators of emergency engines meeting standards under Sec. 60.4205 but not Sec. 60.4204, any operation other than emergency operation, and maintenance and testing as permitted in this section, is prohibited.

Sec. 60.4212 What test methods and other procedures must I use if I am an owner or operator of a stationary CI internal combustion engine with a displacement of less than 30 liters per cylinder?

Owners and operators of stationary CI ICE with a displacement of less than 30 liters per cylinder who conduct performance tests pursuant to this subpart must do so according to paragraphs (a) through (d) of this section.

(a) The performance test must be conducted according to the in-use testing procedures in 40 CFR part 1039, subpart F.

(b) Exhaust emissions from stationary CI ICE that are complying with the emission standards for new CI engines in 40 CFR part 1039 must not exceed the not-to-exceed (NTE) standards for the same model year and maximum engine power as required in 40 CFR 1039.101(e) and 40 CFR 1039.102(g)(1), except as specified in 40 CFR 1039.104(d). This requirement starts when NTE requirements take effect for nonroad diesel engines under 40 CFR part 1039.

(c) Exhaust emissions from stationary CI ICE that are complying with the emission standards for new CI engines in 40 CFR 89.112 or 40 CFR 94.8, as applicable, must not exceed the NTE numerical requirements, rounded to the same number of decimal places as the applicable standard in 40 CFR 89.112 or 40 CFR 94.8, as applicable, determined from the following equation:

$$\text{NTE requirement for each pollutant} = (1.25) \times (\text{STD}) \quad (\text{Eq. 1})$$

Where:

STD = The standard specified for that pollutant in 40 CFR 89.112 or 40 CFR 94.8, as applicable.

Alternatively, stationary CI ICE that are complying with the emission standards for new CI engines in 40 CFR 89.112 or 40 CFR 94.8 may follow the testing procedures specified in Sec. 60.4213 of this subpart, as appropriate.

(d) Exhaust emissions from stationary CI ICE that are complying with the emission standards for pre-2007 model year engines in Sec. 60.4204(a), Sec. 60.4205(a), or Sec. 60.4205(c) must not exceed the NTE numerical requirements, rounded to the same number of decimal places as the applicable standard in Sec. 60.4204(a), Sec. 60.4205(a), or Sec. 60.4205(c), determined from the equation in paragraph (c) of this section.

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Where:

STD = The standard specified for that pollutant in Sec. 60.4204(a), Sec. 60.4205(a), or Sec. 60.4205(c).

Alternatively, stationary CI ICE that are complying with the emission standards for pre-2007 model year engines in Sec. 60.4204(a), Sec. 60.4205(a), or Sec. 60.4205(c) may follow the testing procedures specified in Sec. 60.4213, as appropriate.

Sec. 60.4213 What test methods and other procedures must I use if I am an owner or operator of a stationary CI internal combustion engine with a displacement of greater than or equal to 30 liters per cylinder?

Owners and operators of stationary CI ICE with a displacement of greater than or equal to 30 liters per cylinder must conduct performance tests according to paragraphs (a) through (d) of this section.

(a) Each performance test must be conducted according to the requirements in Sec. 60.8 and under the specific conditions that this subpart specifies in table 7. The test must be conducted within 10 percent of 100 percent peak (or the highest achievable) load.

(b) You may not conduct performance tests during periods of startup, shutdown, or malfunction, as specified in Sec. 60.8(c).

(c) You must conduct three separate test runs for each performance test required in this section, as specified in Sec. 60.8(f). Each test run must last at least 1 hour.

(d) To determine compliance with the percent reduction requirement, you must follow the requirements as specified in paragraphs (d)(1) through (3) of this section.

(1) You must use Equation 2 of this section to determine compliance with the percent reduction requirement:

$$\frac{C_i - C_o}{C_i} \times 100 = R \quad (\text{Eq. 2})$$

Where:

C_i = concentration of NOX or PM at the control device inlet,

C_o = concentration of NOX or PM at the control device outlet, and

R = percent reduction of NOX or PM emissions.

(2) You must normalize the NOX or PM concentrations at the inlet and outlet of the control device to a dry basis and to 15 percent oxygen (O₂) using Equation 3 of this section, or an equivalent percent carbon dioxide (CO₂) using the procedures described in paragraph (d)(3) of this section.

$$C_{\text{adj}} = C_d \frac{5.9}{20.9 - \% \text{O}_2} \quad (\text{Eq. 3})$$

Where:

C_{adj} = Calculated NOX or PM concentration adjusted to 15 percent O₂.

C_d = Measured concentration of NOX or PM, uncorrected.

5.9 = 20.9 percent O₂-15 percent O₂, the defined O₂ correction value, percent.

%O₂ = Measured O₂ concentration, dry basis, percent.

(3) If pollutant concentrations are to be corrected to 15 percent O₂ and CO₂ concentration is measured in lieu of O₂ concentration measurement, a CO₂ correction factor is needed. Calculate the CO₂ correction factor as described in paragraphs (d)(3)(i) through (iii) of this section.

(i) Calculate the fuel-specific F_o value for the fuel burned during the test using values obtained from Method 19, Section 5.2, and the following equation:

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$$F_o = \frac{0.209 F_d}{F_c} \quad (\text{Eq. 4})$$

Where:

Fo = Fuel factor based on the ratio of O2 volume to the ultimate CO2 volume produced by the fuel at zero percent excess air.

0.209 = Fraction of air that is O2, percent/100.

Fd = Ratio of the volume of dry effluent gas to the gross calorific value of the fuel from Method 19, dsm³/J (dscf/10⁶ Btu).

Fc = Ratio of the volume of CO2 produced to the gross calorific value of the fuel from Method 19, dsm³/J (dscf/10⁶ Btu).

(ii) Calculate the CO2 correction factor for correcting measurement data to 15 percent O2, as follows:

$$X_{\text{CO}_2} = \frac{5.9}{F_o} \quad (\text{Eq. 5})$$

Where:

XCO2 = CO2 correction factor, percent.

5.9 = 20.9 percent O2-15 percent O2, the defined O2 correction value, percent.

(iii) Calculate the NOX and PM gas concentrations adjusted to 15 percent O2 using CO2 as follows:

$$C_{\text{adj}} = C_d \frac{X_{\text{CO}_2}}{\% \text{CO}_2} \quad (\text{Eq. 6})$$

Where:

Cadj = Calculated NOX or PM concentration adjusted to 15 percent O2.

Cd = Measured concentration of NOX or PM, uncorrected.

%CO2 = Measured CO2 concentration, dry basis, percent.

(e) To determine compliance with the NOX mass per unit output emission limitation, convert the concentration of NOX in the engine exhaust using Equation 7 of this section:

$$\text{ER} = \frac{C_d \times 1.912 \times 10^{-3} \times Q \times T}{\text{KW-hour}} \quad (\text{Eq. 7})$$

Where:

ER = Emission rate in grams per KW-hour.

Cd = Measured NOX concentration in ppm.

1.912x10⁻³ = Conversion constant for ppm NOX to grams per standard cubic meter at 25 degrees Celsius.

Q = Stack gas volumetric flow rate, in standard cubic meter per hour.

T = Time of test run, in hours.

KW-hour = Brake work of the engine, in KW-hour.

(f) To determine compliance with the PM mass per unit output emission limitation, convert the concentration of PM in the engine exhaust using Equation 8 of this section:

$$ER = \frac{C_{adj} \times Q \times T}{KW\text{-hour}} \quad (\text{Eq. 8})$$

Where:

ER = Emission rate in grams per KW-hour.

C_{adj} = Calculated PM concentration in grams per standard cubic meter.

Q = Stack gas volumetric flow rate, in standard cubic meter per hour.

T = Time of test run, in hours.

KW-hour = Energy output of the engine, in KW.

Sec. 60.4214 What are my notification, reporting, and recordkeeping requirements if I am an owner or operator of a stationary CI internal combustion engine?

(a) Owners and operators of non-emergency stationary CI ICE that are greater than 2,237 KW (3,000 HP), or have a displacement of greater than or equal to 10 liters per cylinder, or are pre-2007 model year engines that are greater than 130 KW (175 HP) and not certified, must meet the requirements of paragraphs (a)(1) and (2) of this section.

(1) Submit an initial notification as required in Sec. 60.7(a)(1). The notification must include the information in paragraphs (a)(1)(i) through (v) of this section.

(i) Name and address of the owner or operator;

(ii) The address of the affected source;

(iii) Engine information including make, model, engine family, serial number, model year, maximum engine power, and engine displacement;

(iv) Emission control equipment; and

(v) Fuel used.

(2) Keep records of the information in paragraphs (a)(2)(i) through (iv) of this section.

(i) All notifications submitted to comply with this subpart and all documentation supporting any notification.

(ii) Maintenance conducted on the engine.

(iii) If the stationary CI internal combustion is a certified engine, documentation from the manufacturer that the engine is certified to meet the emission standards.

(iv) If the stationary CI internal combustion is not a certified engine, documentation that the engine meets the emission standards.

(b) If the stationary CI internal combustion engine is an emergency stationary internal combustion engine, the owner or operator is not required to submit an initial notification. Starting with the model years in table 5 to this subpart, if the emergency engine does not meet the standards applicable to non-emergency engines in the applicable model year, the owner or operator must keep records of the operation of the engine in emergency and non-emergency service that are recorded through the non-resettable hour meter. The owner must record the time of operation of the engine and the reason the engine was in operation during that time.

(c) If the stationary CI internal combustion engine is equipped with a diesel particulate filter, the owner or operator must keep records of any corrective action taken after the backpressure monitor has notified the owner or operator that the high backpressure limit of the engine is approached.

Sec. 60.4215 What requirements must I meet for engines used in Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands?

(a) Stationary CI ICE that are used in Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands are required to meet the applicable emission standards in Sec. 60.4205. Non-emergency stationary CI ICE with a displacement of greater than or equal to 30 liters per cylinder, must meet the applicable emission standards in Sec. 60.4204(c).

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(b) Stationary CI ICE that are used in Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands are not required to meet the fuel requirements in Sec. 60.4207.

Sec. 60.4216 What requirements must I meet for engines used in Alaska?

(a) Prior to December 1, 2010, owners and operators of stationary CI engines located in areas of Alaska not accessible by the Federal Aid Highway System should refer to 40 CFR part 69 to determine the diesel fuel requirements applicable to such engines.

(b) The Governor of Alaska may submit for EPA approval, by no later than January 11, 2008, an alternative plan for implementing the requirements of 40 CFR part 60, subpart IIII, for public-sector electrical utilities located in rural areas of Alaska not accessible by the Federal Aid Highway System. This alternative plan must be based on the requirements of section 111 of the Clean Air Act including any increased risks to human health and the environment and must also be based on the unique circumstances related to remote power generation, climatic conditions, and serious economic impacts resulting from implementation of 40 CFR part 60, subpart IIII. If EPA approves by rulemaking process an alternative plan, the provisions as approved by EPA under that plan shall apply to the diesel engines used in new stationary internal combustion engines subject to this paragraph.

Sec. 60.4217 What emission standards must I meet if I am an owner or operator of a stationary internal combustion engine using special fuels?

(a) Owners and operators of stationary CI ICE that do not use diesel fuel, or who have been given authority by the Administrator under Sec. 60.4207(d) of this subpart to use fuels that do not meet the fuel requirements of paragraphs (a) and (b) of Sec. 60.4207, may petition the Administrator for approval of alternative emission standards, if they can demonstrate that they use a fuel that is not the fuel on which the manufacturer of the engine certified the engine and that the engine cannot meet the applicable standards required in Sec. 60.4202 or Sec. 60.4203 using such fuels.

(b) [Reserved]

Sec. 60.4218 What parts of the General Provisions apply to me?

Table 8 to this subpart shows which parts of the General Provisions in Sec. Sec. 60.1 through 60.19 apply to you.

Sec. 60.4219 What definitions apply to this subpart?

As used in this subpart, all terms not defined herein shall have the meaning given them in the CAA and in subpart A of this part.

Combustion turbine means all equipment, including but not limited to the turbine, the fuel, air, lubrication and exhaust gas systems, control systems (except emissions control equipment), and any ancillary components and sub-components comprising any simple cycle combustion turbine, any regenerative/recuperative cycle combustion turbine, the combustion turbine portion of any cogeneration cycle combustion system, or the combustion turbine portion of any combined cycle steam/electric generating system.

Compression ignition means relating to a type of stationary internal combustion engine that is not a spark ignition engine.

Diesel fuel means any liquid obtained from the distillation of petroleum with a boiling point of approximately 150 to 360 degrees Celsius. One commonly used form is number 2 distillate oil.

Diesel particulate filter means an emission control technology that reduces PM emissions by trapping the particles in a flow filter substrate and periodically removes the collected particles by either physical action or by oxidizing (burning off) the particles in a process called regeneration.

Emergency stationary internal combustion engine means any stationary internal combustion engine whose operation is limited to emergency situations and required testing and maintenance. Examples include stationary ICE used to produce power for critical networks or equipment (including power supplied to portions of a facility) when electric power from the local utility (or the normal power source, if the facility runs on its own power production) is interrupted, or stationary

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ICE used to pump water in the case of fire or flood, etc. Stationary CI ICE used to supply power to an electric grid or that supply power as part of a financial arrangement with another entity are not considered to be emergency engines.

Engine manufacturer means the manufacturer of the engine. See the definition of "manufacturer" in this section.

Fire pump engine means an emergency stationary internal combustion engine certified to NFPA requirements that is used to provide power to pump water for fire suppression or protection.

Manufacturer has the meaning given in section 216(1) of the Act. In general, this term includes any person who manufactures a stationary engine for sale in the United States or otherwise introduces a new stationary engine into commerce in the United States. This includes importers who import stationary engines for sale or resale.

Maximum engine power means maximum engine power as defined in 40 CFR 1039.801.

Model year means either:

(1) The calendar year in which the engine was originally produced, or

(2) The annual new model production period of the engine manufacturer if it is different than the calendar year. This must include January 1 of the calendar year for which the model year is named. It may not begin before January 2 of the previous calendar year and it must end by December 31 of the named calendar year. For an engine that is converted to a stationary engine after being placed into service as a nonroad or other non-stationary engine, model year means the calendar year or new model production period in which the engine was originally produced.

Other internal combustion engine means any internal combustion engine, except combustion turbines, which is not a reciprocating internal combustion engine or rotary internal combustion engine.

Reciprocating internal combustion engine means any internal combustion engine which uses reciprocating motion to convert heat energy into mechanical work.

Rotary internal combustion engine means any internal combustion engine which uses rotary motion to convert heat energy into mechanical work.

Spark ignition means relating to a gasoline, natural gas, or liquefied petroleum gas fueled engine or any other type of engine with a spark plug (or other sparking device) and with operating characteristics significantly similar to the theoretical Otto combustion cycle. Spark ignition engines usually use a throttle to regulate intake air flow to control power during normal operation. Dual-fuel engines in which a liquid fuel (typically diesel fuel) is used for CI and gaseous fuel (typically natural gas) is used as the primary fuel at an annual average ratio of less than 2 parts diesel fuel to 100 parts total fuel on an energy equivalent basis are spark ignition engines.

Stationary internal combustion engine means any internal combustion engine, except combustion turbines, that converts heat energy into mechanical work and is not mobile. Stationary ICE differ from mobile ICE in that a stationary internal combustion engine is not a nonroad engine as defined at 40 CFR 1068.30 (excluding paragraph (2)(ii) of that definition), and is not used to propel a motor vehicle or a vehicle used solely for competition. Stationary ICE include reciprocating ICE, rotary ICE, and other ICE, except combustion turbines.

Subpart means 40 CFR part 60, subpart IIII.

Useful life means the period during which the engine is designed to properly function in terms of reliability and fuel consumption, without being remanufactured, specified as a number of hours of operation or calendar years, whichever comes first. The values for useful life for stationary CI ICE with a displacement of less than 10 liters per cylinder are given in 40 CFR 1039.101(g). The values for useful life for stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder are given in 40 CFR 94.9(a).

Tables to Subpart IIII of Part 60

TABLE 1 TO SUBPART IIII OF PART 60.—EMISSION STANDARDS FOR STATIONARY PRE-2007 MODEL YEAR ENGINES WITH A DISPLACEMENT OF <10 LITERS PER CYLINDER AND 2007–2010 MODEL YEAR ENGINES >2,237 KW (3,000 HP) AND WITH A DISPLACEMENT OF <10 LITERS PER CYLINDER

[As stated in §§ 60.4201(b), 60.4202(b), 60.4204(a), and 60.4205(a), you must comply with the following emission standards]

Maximum engine power	Emission standards for stationary pre-2007 model year engines with a displacement of <10 liters per cylinder and 2007–2010 model year engines >2,237 KW (3,000 HP) and with a displacement of <10 liters per cylinder in g/KW-hr (g/HP-hr)				
	NMHC + NOX	HC	NOX	CO	PM
KW<8	10.5 (7.8)	N/A	N/A	8.0 (6.0)	1.0 (0.75)

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(HP<11)					
8≤KW<19 (11≤HP<25)	9.5 (7.1)	N/A	N/A	6.6 (4.9)	0.80(.060)
19≤KW<37 (25≤HP<50)	9.5 (7.1)	N/A	N/A	5.5 (4.1)	0.80(.060)
37≤KW<56 (50≤HP<75)	N/A	N/A	9.2 (6.9)	N/A	N/A
56≤KW<75 (75≤HP<100)	N/A	N/A	9.2 (6.9)	N/A	N/A
75≤KW<130 (100≤HP<175)	N/A	N/A	9.2 (6.9)	N/A	N/A
130≤KW<225 (175≤HP<300)	N/A	1.3 (1.0)	9.2 (6.9)	11.4 (8.5)	0.54 (0.40)
225≤KW<450 (300≤HP<600)	N/A	1.3 (1.0)	9.2 (6.9)	11.4 (8.5)	0.54 (0.40)
450≤KW≤560 (600≤HP≤750)	N/A	1.3 (1.0)	9.2 (6.9)	11.4 (8.5)	0.54 (0.40)
KW>560 (HP>750)	N/A	1.3 (1.0)	9.2 (6.9)	11.4 (8.5)	0.54 (0.40)

TABLE 2 TO SUBPART IIII OF PART 60.—EMISSION STANDARDS FOR 2008 MODEL YEAR AND LATER EMERGENCY STATIONARY CI ICE <37 KW (50 HP) WITH A DISPLACEMENT OF <10 LITERS PER CYLINDER
[As stated in § 60.4202(a)(1), you must comply with the following emission standards]

Engine power	Emission standards for 2008 model year and later emergency stationary CI ICE <37 KW (50 HP) with a displacement of <10 liters per cylinder in g/KW-hr (g/HP-hr)			
	Model year(s)	NOX + NMHC	CO	PM
KW<8 (HP<11)	2008+	7.5 (5.6)	8.0 (6.0)	0.40 (0.30)
8≤KW<19 (11≤HP<25)	2008+	7.5 (5.6)	6.6 (4.9)	0.40 (0.30)
19≤KW<37 (25≤HP<50)	2008+	7.5 (5.6)	5.5 (4.1)	0.30 (0.22)

TABLE 3 TO SUBPART IIII OF PART 60.—CERTIFICATION REQUIREMENTS FOR STATIONARY FIRE PUMP ENGINES

[As stated in § 60.4202(d), you must certify new stationary fire pump engines beginning with the following model years:]

Engine power	Starting model year engine manufacturers must certify new stationary fire pump engines according to § 60.4202(d)
KW<75 (HP<100)	2011
75≤KW<130 (100≤HP<175)	2010
130≤KW≤560 (175≤HP≤750)	2009
KW>560 (HP>750)	2008

TABLE 4 TO SUBPART IIII OF PART 60.—EMISSION STANDARDS FOR STATIONARY FIRE PUMP ENGINES

[As stated in §§ 60.4202(d) and 60.4205(c), you must comply with the following emission standards for stationary fire pump engines]

Maximum Engine Power	Model Years	NMHC + NOx	CO	PM
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KW<8 (HP<11)	2010 and earlier	10.5 (7.8)	8.0 (6.0)	1.0 (.75)
	2011+	7.5 (5.6)	n/a	0.40 (0.30)
8≤KW<19 (11≤HP<25)	2010 and earlier	9.5 (7.1)	6.6 (4.9)	0.80 (0.60)
	2011+	7.5 (5.6)	n/a	0.40 (0.30)
19≤KW<37 (25≤HP<50)	2010 and earlier	9.5 (7.1)	5.5 (4.1)	0.80 (0.60)
	2011+	7.5 (5.6)	n/a	0.30 (0.22)
37≤KW<56 (50≤HP<75)	2010 and earlier	10.5 (7.8)	5.0 (3.7)	0.80 (0.60)
	2011+1	4.7 (3.5)	n/a	0.40 (0.30)
56≤KW<75 (75≤HP<100)	2010 and earlier	10.5 (7.8)	5.0 (3.7)	0.80 (0.60)
	2011+1	4.7 (3.5)	n/a	0.40 (0.30)
75≤KW<130 (100≤HP<175)	2009 and earlier	10.5 (7.8)	5.0 (3.7)	0.80 (0.60)
	2010+2	6.4 (4.8)	n/a	0.30 (0.22)
130≤KW<225 (175≤HP<300)	2008 and earlier	10.5 (7.8)	3.5 (2.6)	0.54 (0.40)
	2009+3	6.4 (4.8)	n/a	0.20 (0.15)
225≤KW<450 (300≤HP<600)	2008 and earlier	10.5 (7.8)	3.5 (2.6)	0.54 (0.40)
	2009+3	6.4 (4.8)	n/a	0.20 (0.15)
450≤KW≤560 (600≤HP≤750)	2008 and earlier	10.5 (7.8)	3.5 (2.6)	0.54 (0.40)
	2009+	6.4 (4.8)	n/a	0.20 (0.15)
KW>560 (HP>750)	2007 and earlier	10.5 (7.8)	3.5 (2.6)	0.54 (0.40)
	2008+	6.4 (4.8)	n/a	0.20 (0.15)

1 For model years 2011–2013, manufacturers, owners and operators of fire pump stationary CI ICE in this engine power category with a rated speed of greater than 2,650 revolutions per minute (rpm) may comply with the emission limitations for 2010 model year engines.

2 For model years 2010–2012, manufacturers, owners and operators of fire pump stationary CI ICE in this engine power category with a rated speed of greater than 2,650 rpm may comply with the emission limitations for 2009 model year engines.

3 In model years 2009–2011, manufacturers of fire pump stationary CI ICE in this engine power category with a rated speed of greater than 2,650 rpm may comply with the emission limitations for 2008 model year engines.

TABLE 5 TO SUBPART IIII OF PART 60.—LABELING AND RECORDKEEPING REQUIREMENTS FOR NEW STATIONARY EMERGENCY ENGINES

[You must comply with the labeling requirements in § 60.4210(f) and the recordkeeping requirements in § 60.4214(b) for new emergency stationary CI ICE beginning in the following model years:]

Engine Power	Starting Model Year
19≤KW<56 (25≤HP<75)	2013
56≤KW<130 (75≤HP<175)	2012
KW≥130 (HP≥175)	2011

TABLE 6 TO SUBPART IIII OF PART 60.—OPTIONAL 3-MODE TEST CYCLE FOR STATIONARY FIRE PUMP ENGINES

[As stated in § 60.4210(g), manufacturers of fire pump engines may use the following test cycle for testing fire pump engines:]

Mode No.	Engine Speed ¹	Torque (percent) ²	Weighting Factors
1	Rated	100	.030
2	Rated	75	0.50
3	Rated	50	0.20

¹ Engine speed: ±2 percent of point.

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NSPS SUBPART IIII, STATIONARY COMPRESSION IGNITION INTERNAL COMBUSTION ENGINES

2 Torque: NFPA certified nameplate HP for 100 percent point. All points should be ± 2 percent of engine percent load value.

TABLE 7 TO SUBPART IIII OF PART 60.—REQUIREMENTS FOR PERFORMANCE TESTS FOR STATIONARY CI ICE WITH ADISPLACEMENT OF ≥ 30 LITERS PER CYLINDER

[As stated in § 60.4213, you must comply with the following requirements for performance tests for stationary CI ICE with a displacement of ≥ 30 liters per cylinder:]

For Each	Complying with the requirement to	You must	Using	According to the following requirements
1. Stationary CI internal combustion engine with a displacement of ≥ 30 liters per cylinder.	a. Reduce NOX emissions by 90 percent or more.	i. Select the sampling port location and the number of traverse points;	(1) Method 1 or 1A of 40 CFR part 60, appendix A.	(a) Sampling sites must be located at the inlet and outlet of the control device.
		ii. Measure O ₂ at the inlet and outlet of the control device;	(2) Method 3, 3A, or 3B of 40 CFR part 60, appendix A.	(b) Measurements to determine O ₂ concentration must be made at the same time as the measurements for NOX concentration.
		iii. If necessary, measure moisture content at the inlet and outlet of the control device; and,	(3) Method 4 of 40 CFR part 60, appendix A, Method 320 of 40 CFR part 63, appendix A, or ASTM D 6348–03 (incorporated by reference, see § 60.17).	(c) Measurements to determine moisture content must be made at the same time as the measurements for NOX concentration.
		iv. Measure NOX at the inlet and outlet of the control device.	(4) Method 7E of 40 CFR part 60, appendix A, Method 320 of 40 CFR part 63, appendix A, or ASTM D 6348–03 (incorporated by reference, see § 60.17).	(d) NOX concentration must be at 15 percent O ₂ , dry basis. Results of this test consist of the average of the three 1- hour or longer runs.
	b. Limit the concentration of NOX in the stationary CI internal combustion engine exhaust.	i. Select the sampling port location and the number of traverse points;	(1) Method 1 or 1A of 40 CFR part 60, Appendix A.	(a) If using a control device, the sampling site must be located at the outlet of the control device.
		ii. Determine the	(2) Method 3, 3A,	(b) Measurements

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NSPS SUBPART IIII, STATIONARY COMPRESSION IGNITION INTERNAL COMBUSTION ENGINES

		O2 concentration of the stationary internal combustion engine exhaust at the sampling port location; and,	or 3B of 40 CFR part 60, appendix A.	to determine O2 concentration must be made at the same time as the measurement for NOX concentration.
		iii. If necessary, measure moisture content of the stationary internal combustion engine exhaust at the sampling port location; and,	(3) Method 4 of 40 CFR part 60, appendix A, Method 320 of 40 CFR part 63, appendix A, or ASTM D 6348–03 (incorporated by reference, see § 60.17).	(c) Measurements to determine moisture content must be made at the same time as the measurement for NOX concentration.
		iv. Measure NOX at the exhaust of the stationary internal combustion engine.	(4) Method 7E of 40 CFR part 60, appendix A, Method 320 of 40 CFR part 63, appendix A, or ASTM D 6348–03 (incorporated by reference, see § 60.17).	(d) NOX concentration must be at 15 percent O2, dry basis. Results of this test consist of the average of the three 1-hour or longer runs.
	c. Reduce PM emissions by 60 percent or more.	i. Select the sampling port location and the number of traverse points;	(1) Method 1 or 1A of 40 CFR part 60, appendix A.	(a) Sampling sites must be located at the inlet and outlet of the control device.
		ii. Measure O2 at the inlet and outlet of the control device;	(2) Method 3, 3A, or 3B of 40 CFR part 60, appendix A.	(b) Measurements to determine O2 concentration must be made at the same time as the measurements for PM concentration.
		iii. If necessary, measure moisture content at the inlet and outlet of the control device; and	(3) Method 4 of 40 CFR part 60, appendix A.	(c) Measurements to determine and moisture content must be made at the same time as the measurements for PM concentration.
		iv. Measure PM at the inlet and outlet	(4) Method 5 of 40 CFR part 60,	(d) PM concentration must

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NSPS SUBPART IIII, STATIONARY COMPRESSION IGNITION INTERNAL COMBUSTION ENGINES

		of the control device.	appendix A.	be at 15 percent O ₂ , dry basis. Results of this test consist of the average of the three 1-hour or longer runs.
	d. Limit the concentration of PM in the stationary CI internal combustion engine exhaust.	i. Select the sampling port location and the number of traverse points;	(1) Method 1 or 1A of 40 CFR part 60, Appendix A.	(a) If using a control device, the sampling site must be located at the outlet of the control device.
		ii. Determine the O ₂ concentration of the stationary internal combustion engine exhaust at the sampling port location; and	(2) Method 3, 3A, or 3B of 40 CFR part 60, appendix A.	(b) Measurements to determine O ₂ concentration must be made at the same time as the measurements for PM concentration.
		iii. If necessary, measure moisture content of the stationary internal combustion engine exhaust at the sampling port location; and	(3) Method 4 of 40 CFR part 60, appendix A.	(c) Measurements to determine moisture content must be made at the same time as the measurements for PM concentration.
		iv. Measure PM at the exhaust of the stationary internal combustion engine.	(4) Method 5 of 40 CFR part 60, appendix A.	(d) PM concentration must be at 15 percent O ₂ , dry basis. Results of this test consist of the average of the three 1-hour or longer runs.

TABLE 8 TO SUBPART IIII OF PART 60.—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART IIII
[As stated in § 60.4218, you must comply with the following applicable General Provisions:]

General Provisions citation	Subject of citation	Applies to subpart	Explanation
§ 60.1	General applicability of the General Provisions	yes	
§ 60.2	Definitions	yes	Additional terms defined in § 60.4219.
§ 60.3	Units and abbreviations	yes	
§ 60.4	Address	yes	

SECTION 4. APPENDIX F**NSPS SUBPART III, STATIONARY COMPRESSION IGNITION INTERNAL COMBUSTION ENGINES**

§ 60.5	Determination of construction or modification	yes	
§ 60.6	Review of plans	yes	
§ 60.7	Notification and Recordkeeping	yes	Except that § 60.7 only applies as specified in § 60.4214(a).
§ 60.8	Performance tests	yes	Except that § 60.8 only applies to stationary CI ICE with a displacement of ($\geq$ 30 liters per cylinder and engines that are not certified.
§ 60.9	Availability of information	yes	
§ 60.10	State Authority	yes	
§ 60.11	Compliance with standards and maintenance requirements.	no	Requirements are specified in subpart III.
§ 60.12	Circumvention	yes	
§ 60.13	Monitoring requirements	yes	Except that § 60.13 only applies to stationary CI ICE with a displacement of ($\geq$ 30 liters per cylinder.
§ 60.14	Modification	yes	
§ 60.15	Reconstruction	yes	
§ 60.16	Priority list	yes	
§ 60.17	Incorporations by reference	yes	
§ 60.18	General control device requirements	no	
§ 60.19	General notification and reporting requirements	yes	

Appendix D

ERP Permit 38-272432-002-ES



Florida Department of Environmental Protection

Northeast District Office
7825 Baymeadows Way, Suite 200B
Jacksonville, Florida 32256-7590

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

Voice 904-807-3300 FAX 904-448-4366

SUBMERGED LANDS AND ENVIRONMENTAL RESOURCES PROGRAM

March 11, 2009

In the Matter of an Application
for Permit By:
Progress Energy Florida, Inc.
John J. Hunter
Post Office Box 14042, PEF-903
St. Petersburg, Florida 32733

DEP File No. 38-272432-002-ES
County: Levy

NOTICE OF PERMIT ISSUANCE

Enclosed is Permit Number 16-123456-001-ES for the upland excavation of a barge-slip, an access road and a stormwater management system issued under Part IV, Chapter 373, Florida Statutes, and Title 62, Florida Administrative Code.

The Department's proposed agency action shall become final unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57 of the Florida Statutes before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Petitions must be filed within 14-days of publication or receipt of this written notice. A petition by any person entitled to written notice under Section 120.60(3) of the Florida Statutes must be filed within 14 days of receipt of the written notice. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57 of the Florida Statutes. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition or request for mediation within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57 of the Florida Statutes. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name, address, and telephone number of each petitioner; the Department permit identification number and the county in which the subject matter or activity is located;
- (b) A statement of how and when each petitioner received notice of the Department action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department action;
- (d) A statement of the material facts disputed by the petitioner, if any;
- (e) A statement of facts that the petitioner contends warrant reversal or modification of the Department action;
- (f) A statement of which Rules or statutes the petitioner contends require reversal or modification of the Department action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

In addition to requesting an administrative hearing, any petitioner may elect to pursue mediation. The election may be accomplished by filing with the Department a mediation agreement with all parties to the proceeding (i.e., the applicant, the Department, and any person who has filed a timely and sufficient petition for a hearing). The agreement must contain all the information required by Rule 28-106.404. The agreement must be received by the clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within ten days after the deadline for filing a petition, as set forth above. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement.

As provided in Section 120.573 of the Florida Statutes, the timely agreement of all parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57 for holding an administrative hearing and issuing a final order. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons seeking to protect their substantial interests that would be affected by such a modified final decision must file their petitions within fourteen days of receipt of this notice, or they shall be deemed to have waived their right to a proceeding under Sections 120.569 and 120.57. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under Sections 120.569 and 120.57 remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

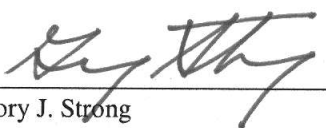
This action is final and effective on the date filed with the Clerk of the Department unless a petition (or request for mediation) is filed in accordance with the above. Upon the timely filing of a petition (or request for mediation) this order will not be effective until further order of the Department.

Progress Energy Florida, Inc.
38-272432-002-ES

Any party to the order has the right to seek judicial review of the order under Section 120.68 of the Florida Statutes, by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date when the Final Order is filed with the Clerk of the Department.

Executed in Jacksonville, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Gregory J. Strong
District Director

AMS/lb

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF PERMIT ISSUANCE and all copies were mailed by certified mail before the close of business on 3/11/09 to the listed persons.

"FILED, on this date, pursuant to Section 120.52,
F.S., with the designated Department Clerk,
receipt of which is hereby acknowledged."
Amada Bratton 3/11/09
Clerk Date



Florida Department of Environmental Protection

Northeast District Office
7825 Baymeadows Way, Suite 200B
Jacksonville, Florida 32256-7590

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

Voice 904-807-3300 FAX 904-488-4366

ENVIRONMENTAL RESOURCE PERMIT AND SOVEREIGN SUBMERGED LANDS AUTHORIZATION

PERMITTEE/AUTHORIZED ENTITY:

Progress Energy Florida, Inc.
John J. Hunter
Post Office Box 14042, PEF-903
St. Petersburg, Florida 32733

AGENT:

Amy L. Windom, P.E.
CH2M Hill
225 East Robinson Street, Suite 505
Orlando, Florida 32801-4321

PERMIT INFORMATION:

Permit Number: 38-272432-002-ES
Date of Issue: March 11, 2009
Expiration Date of Construction Phase:
March 11, 2014

County: Levy

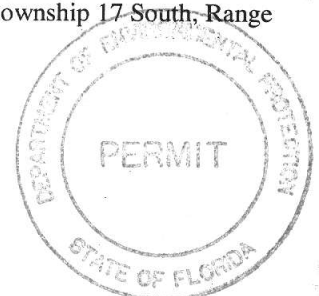
Project: For the upland excavation of a barge-slip, an access road and a stormwater management system

This environmental resource permit is issued under the authority of Part IV of Chapter 373, F.S., and Title 62, Florida Administrative Code (F.A.C.) for the regulatory authority to construct, alter, abandon, remove, maintain, and operate the system [project activity and/or structure(s)] as described in the below Description of Project Activity and/or Structure(s). The appropriate proprietary authorization for the use of state-owned submerged lands is granted in accordance with Chapter 253 and Chapter 258, F.S., and Chapter 18-21, F.A.C., and Chapter 18-20, F.A.C., if located in an aquatic preserve. The activity is not exempt from the requirement to obtain an environmental resource permit nor is the activity exempt from the requirement to obtain proprietary authorization. Pursuant to Operating Agreements executed between the Department and the Water Management Districts, as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing and taking final agency action on this activity. In addition, the project has been reviewed under a Coordination Agreement Between the U.S. Army Corps of Engineers, Jacksonville District, and the Department for a State Programmatic General Permit in accordance with Section 10 of the Rivers and Harbors Act of 1899 and Section 401 of the Clean Water Act and may contain Federal authorization to construct and operate the facility as described.

DESCRIPTION OF PROJECT ACTIVITY AND/OR STRUCTURE(S) -

This project is to conduct the upland excavation along the north bank of the Cross Florida Barge Canal for the construction of a barge slip and concrete parking area, construct a 50-foot wide heavy haul road from CR 40 to the upland excavation area with a bridge over the Inglis Lock Bypass Channel, and construct and operate a stormwater management system for runoff collected from the barge slip and parking area, heavy haul road, and bridge over the Bypass Barge Canal. The heavy haul road will include public entry access points on both the north bank of the bypass canal and west along the north bank of the barge canal. Existing Office of Greenways and Trails access roads will be intercepted and rerouted in accordance with attached plans. The total drainage area is 13.6 acres with 4.74 acres of impervious surface. The stormwater management system consists of seven dry swales and associated overflow structures. The swales will average 2 feet in depth. All stormwater in excess of the required treatment volume will discharge into the Cross Florida Barge Canal. The system provides adequate treatment storage and will recover the design storm event in less than 36 hours.

This project is located on Inglis Lock Bypass Channel, a class III waterbody in Section 06, Township 17 South, Range 17 East at Latitude 29°01'34.57", Longitude 82°37'08.57".



REGULATORY AUTHORIZATION -

This permit constitutes the authority sought under the provisions of Part IV of Chapter 373, F.S., and Title 62, Florida Administrative Code (F.A.C.) to construct and operate the system described above and show on the attached drawing(s), survey, and/or documents.

This activity requires regulatory authorization under the provisions of Part IV, Chapter 373, Florida Statutes (FS). The above named permittee has affirmatively demonstrated that the project as described above is in compliance with the criteria set forth in Section 373.414, FS.

This activity requires regulatory authorization under the provisions of Part II, Chapter 403.506(3), F.S. The above permittee has filed with the Department a statement declaring that the construction of such facilities is necessary for the timely construction of the proposed Levy Nuclear Power Plant (LNP).

Pursuant to Part II, Chapter 403.506(3), F.S. this permit shall be superseded upon incorporation by the department into a final certification upon completion of construction of the system described above. The described system shall become part of the certified electrical power plant upon completion of construction.

The duration of the construction phase shall be for a period of five (5) years from the date of issuance of this permit, in accordance with Section 62-343.110, subsection (1), paragraph (c), F.A.C. The operation and maintenance phase shall be perpetual in accordance with Section 62-343.110, subsection (1), paragraph (d), F.A.C.

WATER QUALITY CERTIFICATION

This permit constitutes certification of compliance with water quality standards under Section 401 of the Clean Water Act, 33 U.S.C. 1344.

PROPRIETARY AUTHORIZATION - LEASE OR EASEMENT REQUIRED

This activity also requires a proprietary authorization, as the activity is located on sovereign submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund, pursuant to Article X, Section 11 of the Florida Constitution, and Sections 253.002 and 253.77, F.S. The activity is not exempt from the need to obtain a proprietary authorization. The Department has the responsibility to review and take final action on this request for proprietary authorization in accordance with Section 18-21.0051, and the Operating Agreements executed between the Department and the Water Management Districts, as referenced in Chapter 62-113, F.A.C. In addition to the above, this proprietary authorization has been reviewed in accordance with Chapter 253 and Chapter 258, if located within an Aquatic Preserve, and Chapters 18-20 and 18-21, F.A.C., and Rule 62-343.075, F.A.C., and the policies of the Board of Trustees.

As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that the activity requires a public easement for the use of those lands, pursuant to Chapter 253.77, Florida Statutes. The final documents required to execute the public easement have been sent to the Division of State Lands. The Department intends to issue the public easement, upon satisfactory execution of those documents. **You may not begin construction of this activity on state-owned, sovereign submerged lands until the public easement has been executed to the satisfaction of the Department.**



SPGP - REVIEW - AUTHORIZATION NOT GRANTED

Your project has been reviewed for compliance with a State Programmatic General Permit (SPGP). Your proposed activity as outlined on the attached drawings does **NOT meet the criteria for compliance with the U.S. Army Corps of Engineers (Corps) State Programmatic General Permit (SPGP)**. A copy of your notice has been sent to the U. S. Army Corps of Engineers (USACOE) for review. The USACOE may require a separate permit **Failure to obtain this authorization prior to construction could subject you to enforcement action by that agency**. For further information, you should contact the USACOE at 904-232-1661.

Authority for review - an agreement with the U.S. Army Corps of Engineers entitled "Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection State Programmatic General Permit, Section 10 of the Rivers and Harbor Act of 1899 and Section 404 of the Clean Water Act".

PERMIT CONDITIONS -

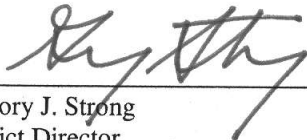
The above named permittee, Progress Energy Florida, Inc., is hereby authorized to construct the work shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof, pending satisfactory execution of the sovereign submerged lands authorization documents. **This permit is subject to the limits, conditions, and locations of work shown in the attached drawings, and is also subject to the attached General Conditions and Specific Conditions which are a binding part of this permit and authorization.** You are advised to read and understand these drawings and conditions prior to commencing the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings. If you are utilizing a contractor, the contractor also should read and understand these drawings and conditions prior to commencing the authorized activities. Failure to comply with all drawings and conditions shall constitute grounds for revocation of the permit and appropriate enforcement action.

Operation of the facility is not authorized except when determined to be in conformance with all applicable Rules and with the General and Specific conditions of this permit/certification/authorization, as specifically described below and attached hereto.

Executed in Jacksonville, Florida.

Issued this 11th day of March, 2009.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Gregory J. Strong
District Director

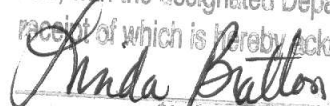
Enclosed Regulatory General Conditions
 Regulatory Specific Conditions
 Proprietary General Consent Conditions
 Proprietary Specific Conditions as applicable
 SPGP General Conditions
 SPGP Specific Conditions as applicable

Copy to USACOE, Regulatory Section, Jacksonville

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this NOTICE OF PERMIT, Department File Number 38-272432-002-ES and all copies were mailed before the close of business on 3/11/09, on this date, to the listed persons, F.S., with the designated Department Clerk, receipt of which is hereby acknowledged.





Linda Patton
Clerk
3/11/09

REGULATORY GENERAL CONDITIONS

DEP File No.: 38-272432-002-ES

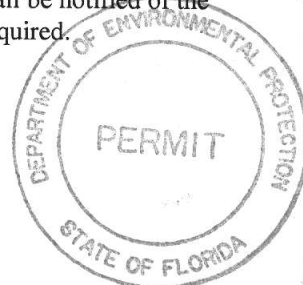
Progress Energy Florida, Inc.

1. All activities shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit.
2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications, shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by Department staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
3. Activities approved by this permit shall be conducted in a manner which does not cause violations of state water quality standards. The permittee shall implement best management practices for erosion and a pollution control to prevent violation of state water quality standards. Temporary erosion control shall be implemented prior to and during construction and permanent control measures shall be completed within 7 days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
4. Water quality data for the water discharged from the permittee's property or into the surface waters of the state shall be submitted to the Department as required by the permit. Analyses shall be performed according to procedures outlined in the current edition of Standard Methods for the Examination of Water and Wastewater by the American Public Health Association or Methods for Chemical Analyses of Water and Wastes by the U.S. Environmental Protection Agency. If water quality data are required, the permittee shall provide data as required on volumes of water discharged, including total volume discharged during the days of sampling and total monthly volume discharged from the property or into surface waters of the state.
5. Department staff 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 either have been submitted and approved with the permit application or submitted to the Department as a permit prior to the dewatering event as a permit modification. The permittee is advised that the rules of the Southwest Florida Water Management District state that a water use permit may be required prior to any use exceeding the thresholds in Chapter 40D-2, F.A.C.
6. Stabilization measures shall be initiated for erosion and sediment control on disturbed areas as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 7 days after the construction activity in that portion of the site has temporarily or permanently ceased.
7. Off site discharges during construction and development shall be made only through the facilities authorized by this permit. Water discharged from the project shall be through structures having a mechanism suitable for regulating upstream stages. Stages may be subject to operation schedules satisfactory to the Department.
8. The permittee shall complete construction of all aspects of the surface water management system, including wetland compensation (grading mulching, planting), water quality treatment features, and discharge control facilities prior to beneficial occupancy or use of the development being served by this system.



REGULATORY GENERAL CONDITIONS
DEP File No.: 38-272432-002-ES
Progress Energy Florida, Inc.

9. The following shall be properly abandoned and/or removed in accordance with the applicable regulations:
- Any existing wells in the path of construction shall be properly plugged and abandoned by a licensed well contractor.
 - Any existing septic tanks on site shall be abandoned at the beginning of construction.
 - Any existing fuel storage tanks and fuel pumps shall be removed at the beginning of construction.
10. All surface water management systems shall be operated to conserve water in order to maintain environmental quality and resource protection; to increase the efficiency of transport, application and use; to decrease waste; to minimize unnatural runoff from the property and to minimize dewatering of offsite property.
11. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the Department a written notification of commencement using an "Environmental Resource Permit Construction Commencement" notice (Form No. 62-343.900(3), F.A.C.) indicating the actual start date and the expected completion date.
12. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the occupation of the site or operation of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of that phase or portion of the system to a local government or other responsible entity.
13. Within 30 days after completion of construction of the permitted activity, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing the required "Environmental Resource Permit As-Built Certification by a Registered Professional" (Form No. 62-343.900(5), F.A.C.), and "Request for Transfer of Environmental Resource Permit Construction Phase to Operation Phase" (Form 62-343-900(7), F.A.C.). Additionally, if deviation from the approved drawings are discovered during the certification process the certification must be accompanied by a copy of the approved permit drawings with deviations noted.
14. This permit is valid only for the specific processes, operations and designs indicated on the approved drawings or exhibits submitted in support of the permit application. Any substantial deviation from the approved drawings, exhibits, specifications or permit conditions, including construction within the total land area but outside the approved project area(s), may constitute grounds for revocation or enforcement action by the Department, unless a modification has been applied for and approved. Examples of substantial deviations include excavation of ponds, ditches or sump areas deeper than shown on the approved plans.
15. The operation phase of this permit shall not become effective until the permittee has complied with the requirements of the conditions herein, the Department determines the system to be in compliance with the permitted plans, and the entity approved by the Department accepts responsibility for operation and maintenance of the system. The permit may not be transferred to the operation and maintenance entity approved by the Department until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the Department, the permittee shall request transfer of the permit to the responsible operation and maintenance entity approved by the Department, if different from the permittee. Until a transfer is approved by the Department pursuant to Section 62-343.110(1)(d), F.A.C., the permittee shall be liable for compliance with the terms of the permit.
16. Should any other regulatory agency require changes to the permitted system, the Department shall be notified of the changes prior to implementation so that a determination can be made whether a permit modification is required.



REGULATORY GENERAL CONDITIONS

DEP File No.: 38-272432-002-ES

Progress Energy Florida, Inc.

17. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations including a determination of the proposed activities' compliance with the applicable comprehensive plan prior to the start of any activity approved by this permit.
18. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 40D-4 or Chapter 40D-40, F.A.C.
19. The permittee is hereby advised that Section 253.77, F.S., states that a person may not commence any excavation, construction, other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.
20. The permittee shall hold and save the Department harmless from any and all damages, claims, or liabilities which may arise by reason of the activities authorized by the permit or any use of the permitted system.
21. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under section 373.421(2), F.S., provides otherwise.
22. The permittee shall notify the Department in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of section 62-343.130, F.A.C. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale, conveyance or other transfer.
23. Upon reasonable notice to the permittee, Department authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with Department rules, regulations and conditions of the permits.
24. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the Department and the Florida Department of State, Division of Historical Resources.
25. The permittee shall immediately notify the Department in writing of any previously submitted information that is later discovered to be inaccurate.



REGULATORY SPECIFIC CONDITIONS

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Progress Energy Florida, Inc.

1. If prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, the permittee shall cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The permittee shall contact the Florida Department of State, Division of Historical Resources, Review and Compliance Section at (850) 245-6333 or (800) 847-7278, as well as the Department of Environmental Protection at 904-807-3300. Project activities should not resume without verbal and/or written authorization from the Division of Historical Resources. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, Florida Statutes. The following excerpt from **872.05 Unmarked Human Burials is provided for informational purposes:**

872.05(4) DISCOVERY OF AN UNMARKED HUMAN BURIAL OTHER THAN DURING AN ARCHAEOLOGICAL EXCAVATION.--When an unmarked human burial is discovered other than during an archaeological excavation authorized by the state or an educational institution, **all activity that may disturb the unmarked human burial shall cease immediately, and the district medical examiner shall be notified. Such activity shall not resume unless specifically authorized by the district medical examiner or the State Archaeologist.**

2. Prior to commencement of work authorized by this permit, the permittee shall provide written notification of the date of the commencement and proposed schedule of construction to the Department of Environmental Protection, Northeast District, Submerged Lands/Environmental Resources Program, 7825 Baymeadows Way, Suite B-200, Jacksonville, Florida 32256-7590.

3. All wetland areas or water bodies, which are outside the specific limits of construction authorized by this permit shall be protected from erosion, siltation, scouring, excess turbidity, or dewatering. Turbidity curtains, hay bales, and other such erosion/turbidity control devices shall be installed pursuant to Chapter 6 of The Florida Land Development Manual, A Guide to Sound Land and Water Management, prior to the commencement of dredging, filling, or construction activity. The devices shall remain functional at all times and shall be maintained on a regular basis. Turbidity and/or sedimentation resulting from any activities associated with the project shall not be allowed to enter waters of the State.

4. Floating turbidity curtains (FDOT Type II or equivalent) shall be used to surround all open water work areas and shall remain in place until such time as turbidity levels within these work areas have reduced sufficiently so as not to exceed the State water quality standards.

5. The work shall be done during periods of average or low water.

6. The project shall comply with applicable State Water Quality Standards, namely:
Surface Waters, Minimum Criteria, General Criteria - **62-302.500**,

Class III Waters - Recreation, Propagation and Maintenance of a Healthy, Well-Balanced Population of Fish and Wildlife. - **62-302.400**.

7. There shall be no stockpiling of tools, materials (i.e., lumber, pilings, riprap, sheet piles) within wetlands, along the shoreline within the littoral zone, or elsewhere within waters of the state unless specifically approved in this permit.

8. All cleared vegetation (including logging slash), scrap wood, trash, garbage, construction debris and other foreign debris or material shall be removed from the wetlands and placed in approved landfill or other authorized upland location within 14 days of completion of the work authorized in this permit.



REGULATORY SPECIFIC CONDITIONS

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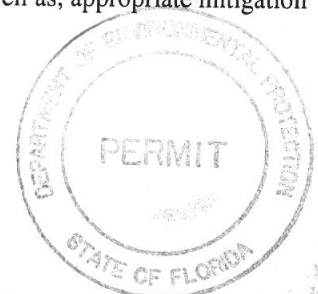
9. The structure authorized by this permit shall not be placed on any property, other than that owned by the permittee, without the prior written approval of that property owner.
10. Outside the specific limits of construction authorized by this permit, any damage to the wetlands/shoreline/littoral zone as a result of the boardwalk/dock/pier/bulkhead construction shall be repaired by reestablishing the pre-construction elevations and replanting vegetation of the same species, size and density as that in the adjacent undisturbed wetland or littoral areas.
11. The permittee shall comply with the attached General Conditions For Authorizations To Use Sovereignty Submerged Lands for all activities on sovereign submerged lands
12. **General Listed-Species Surveys**
 - a. The applicant will coordinate with the FWC to obtain and follow the current survey protocols for all listed species that may occur within the proposed construction area, with appropriate buffers as defined by the survey protocols, prior to conducting detailed surveys.
 - b. Surveys will be conducted prior to clearing and construction in accordance with the survey protocols. The results of those detailed surveys will be provided to the FWC and coordination will occur with the FWC on appropriate impact mitigation methodologies.

Article IV, Sec. 9, Fla. Constitution; Section 379.2291, Florida Statutes (F.S.); and Chapter 68A-27, Florida Administrative Code (F.A.C.).

Gopher Tortoise

Information on the gopher tortoise and permitting can be found on the FWC's website.

- c. The Applicant will conduct surveys for gopher tortoises (*Gopherus polyphemus*), in accordance with the FWC-approved Gopher Tortoise Management Plan (adopted in 2007) and current FWC-approved Gopher Tortoise Permitting Guidelines or subsequent versions of the Plan or Guidelines. A burrow survey covering a minimum of 15% of the potential gopher tortoise habitat to be impacted by development is required in order to apply for a relocation permit. Immediately prior to capturing tortoises for relocation, a 100% survey is required to effectively locate and mark all potentially occupied tortoise burrows and to subsequently remove the tortoises. Burrow survey methods are outlined in Appendix 4, Methods for Burrow Surveys on Development (Donor) and Recipient Sites. Surveys must be conducted within 90 days of when an application is submitted to the FWC; however, surveys shall not be conducted within 30 days of any ground disturbance or clearing activities on the donor site. All surveys completed by authorized agents or other permittees are subject to field verification by the FWC. The gopher tortoise surveys should be conducted during the months of April through October.
- d. A permit is not required for activities that occur more than 25 feet from a gopher tortoise burrow entrance, provided that such activities do not harm gopher tortoises or violate rules protecting gopher tortoises. Examples of such violations noted in the past by the FWC include, but are not limited to, killing or injuring a tortoise more than 25 feet away from its burrow; harassing a tortoise by blocking access to its burrow, and altering gopher tortoise habitat to such an extent that resident tortoises are taken.
- e. The Applicant will coordinate with and provide to the FWC a completed gopher tortoise relocation permit(s) application in accordance with the FWC-approved Gopher Tortoise Management Plan and Gopher Tortoise Permitting Guidelines as a post-certification submittal. This permit application will provide information on the location for on-site recipient areas and any off-site FWC approved recipient site, as well as, appropriate mitigation contributions.



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- f. Any commensal species observed during the burrow excavations that are listed by the U.S. Fish and Wildlife Service (USFWS) or FWC will be relocated in accordance with the applicable guidelines for that species.
- g. To the maximum extent possible, all staging and storage areas should be sited to avoid impacts to gopher tortoise burrows and habitat.

Article IV, Sec. 9, Fla. Const.; Section 379.2291, F.S.; and Rule 68A-27.004, F.A.C.

Florida Manatee

- h. The Standard Manatee Conditions for In-Water Work (revision 2005) shall be followed for all in-water activity located where waters are accessible to manatees. These conditions are enclosed as Attachment 1. Blasting or pile hammering activities to break rock shall be prohibited in or adjacent to waters accessible to manatees. If no other alternative exists, a modification of these conservation measures can be requested. An adequate Blast and Protected Species Watch Plan must be submitted to and approved by the Imperiled Species Management Section of the FWC prior to these methodologies being used.
- i. At least 60 days prior to the beginning of in-water construction or demolition activities located where waters are accessible to manatees, the permittee shall contact the FWC to determine whether observers will be required, how many observers will be needed and who those observers will be. The permittee may provide the FWC with a list of prospective observers or the FWC will provide a list. Observers must be approved by the FWC prior to construction and be equipped with polarized sunglasses to aid in observation. The manatee observer must be on site during all in-water construction activities and will advise personnel to cease operation upon sighting a manatee within 50 feet of any in-water construction activity. Movement of a work barge, other associated vessels, or any in-water work associated with construction or demolition activities shall not be performed after sunset, when the possibility of spotting manatees is negligible. Observers shall maintain a log detailing manatee sightings, work stoppages, and other protected species-related incidents. A report, summarizing all activities noted in the observer logs, the location and name of project, and the dates and times of work shall be submitted within 30 days following project completion to the FWC's Imperiled Species Management Section at: 620 South Meridian Street, 6A, Tallahassee, Florida 32399-1600, or e-mailed at fcmpmail@myfwc.com.
- j. If a cofferdam is used during in-water construction to minimize release of sediment to the Cross Florida Barge Canal, the area inside (behind) the cofferdam must be checked for the presence of manatees during and after installation of the barrier before further work occurs to determine that manatees have not been entrapped.

STORMWATER SPECIFIC CONDITIONS:

NOTICE: If any of the specific conditions listed below are in conflict with any of the general conditions listed in this permit, the specific conditions shall take precedence over the general condition(s).

I. Construction Phase

- 1. All construction, operation, and maintenance of the stormwater system shall be as set forth in the plans, specifications, and performance criteria contained in the Department file and approved by this permit. Any deviations from the permitted plans are to be addressed by the department prior to their implementation to determine if a modification to the permit is required.



REGULATORY SPECIFIC CONDITIONS

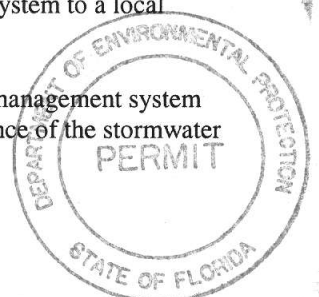
DEP File No.: 38-272432-002-ES

Progress Energy Florida, Inc.

2. The Permittee is responsible for the selection, implementation, and operation of all erosion and sediment controls on-site and to prevent violations of water quality standards in Chapters 62-302 and 62-4, 40D-4 F.A.C., and Chapters 373 and 403, F.S. The Permittee is encouraged to use the appropriate Best Management Practices described in the Florida Land Development Manual: A guide to Sound Land and Water Management (DER, 1988). All wetland areas or water bodies which are outside of the specific limits of construction authorized by this permit must be protected from erosion, siltation, scouring, or excess turbidity and dewatering. Turbidity barriers shall be installed at all locations where the possibility of transferring suspended solids into the receiving water body exists due to the proposed work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. The Permittee shall be responsible for the removal of the barriers.
3. The Permittee must obtain a standard general or an individual permit pursuant to 40D-4 and 40D-40, F.A.C. prior to beginning construction of any work that requires a permit under Part IV of Chapter 373, Florida Statutes, that is not authorized by this permit.
4. The Permittee shall provide the Northeast District Office of DEP with prior written notice within 30 days of the date the work authorized by this permit is to commence.
5. If any other regulatory agency should require revisions or modification to the permitted project, the Department is to be notified of the revisions prior to any implementation of such revisions so that a determination can be made whether a permit modification is required.
6. At a minimum, all retention and detention storage areas must be excavated to rough grade prior to or concurrent with building construction or placement of impervious surface within the area served by those facilities. To prevent reduction in storage volume and percolation rates, all accumulated sediment must be removed from the storage area prior to final grading and stabilization. All disturbed areas, swales, retention/detention basin side slopes, and roadside slopes must be sodded or seeded and mulched within 30 days following their completion and a substantial vegetation cover must be established within 60 days of seeding. Erosion preventive measures must be taken to ensure establishment of vegetative cover. All critical slopes immediately above the detention/retention basin must be seeded, mulched, or sodded as required for preventing sedimentation or clogging of the detention/retention basin. If littoral zone is used, eighty percent coverage of the littoral zone by suitable aquatic plants is required within the first twenty-four (24) months of completion of the system. Annual replanting shall be required for littoral areas where aquatic vegetation has not become established or if vegetative cover falls below 80% coverage.
7. Department of Environmental Protection staff, upon proper identification, shall have permission to enter, inspect, and observe the system to insure conformity with the plans and specifications approved by this permit.
8. This permit for construction will expire five (5) years from the date of issuance. If construction is not completed within the specified time period, and the Permittee wishes to complete construction, then pursuant to F.A.C. Rule 62-343.120, the Permittee shall apply for an extension of the permit on forms and in a manner prescribed by the Department sixty (60) days prior to the expiration date of this permit.

II. Certification of Stormwater System Construction Phase Certification & Maintenance Entity Responsibility

9. Construction of the stormwater management system must be complete and all disturbed areas stabilized in accordance with permitted plans and conditions prior to any of the following: issuance of the first certificate of occupancy; initiation of intended use of the infrastructure; or transfer of responsibility of maintenance of the system to a local government or other responsible entity.
10. If this project is to be constructed in phases and subsequent phases will use the same stormwater management system as the initial phase(s), the Permittee shall accept the responsibility for the operation and maintenance of the stormwater management system for future phases.



REGULATORY SPECIFIC CONDITIONS

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11. The operation phase of the stormwater management system shall not become effective until the following criteria have been met:
- (a) Within thirty (30) days after completion of construction, permittee shall submit a signed and sealed certification by an appropriate registered Florida professional engineer that the system has been constructed and is ready for inspection.
 - (b) The registered professional engineer shall certify that the system has been constructed substantially in accordance with approved plans and specifications; or any deviations from the plans will not prevent system from functioning in compliance with appropriate regulation.
 - (c) As-built drawings are to be furnished and revised accordingly to reflect any changes made during construction. The following information, at a minimum, shall be verified on the as-built drawings:
 - 1. Dimensions and elevations of all discharge structures.
 - 2. Locations, dimensions, and elevation of all underdrain systems including cleanouts, connections to control structures, and points of discharge to receiving waters.
 - 3. Dimensions, elevations, contours or cross sections of all treatment storage areas.
 - 4. Dimensions, elevations, contours, final grades to determine flow direction and runoff.
 - 5. Establishment of erosion control vegetative cover in critical slopes above the detention/retention ponds.
 - (d) The permit will be converted from a construction permit to an operation permit once the project is determined to be in compliance with the permitted plans and appropriate maintenance entity has accepted responsibility for maintenance of the stormwater system. If responsible maintenance entity is different from the Permittee, Form No. 62-343.900(7), F.A.C., "Request for Transfer of Environmental Resource Permit Construction Phase to Operation Phase" shall be submitted.
12. The Department must be notified, in writing, within 30 days of any sale, conveyance, or other transfer of a permitted system or facility or within 30 days of any transfer of ownership or control of the real property at which the permitted system or facility is located. Transfer of this permit shall be in accordance with the provisions of Chapter 373 F.S. and Chapter 40D-4 and 40D-40, F.A.C. All terms and conditions of this permit shall be binding upon the transferee.

III. Maintenance Phase – Maintenance Requirements

13. The following operational maintenance activities shall be performed on all permitted retention systems on a regular basis or as needed:
- (a) Removal of trash and debris on at least a bi-monthly basis.
 - (b) Inspection of inlets and outlets.
 - (c) Removal of sediments when the storage volume or conveyance capacity of the system is below design level or when the system is rendered ineffective on account of clogging/sedimentation of the pond bottoms.
 - (d) Stabilization and restoration of eroded areas with permanent vegetative cover.
 - (e) Mowing and removal of grass clippings on at least a bi-monthly basis.
 - (f) Aeration, tilling or replacement of topsoil as needed to restore percolation capability of the system.
 - (g) Replanting if vegetative cover in littoral zones falls below 80% coverage.

The stormwater management system shall be inspected after each heavy rain, but at a minimum once per quarter.



REGULATORY SPECIFIC CONDITIONS
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14. Outfall Structures and Ditches

Outfall structures and ditches must be inspected monthly, with the removal of trash, debris, silt and vegetation when necessary to insure proper drainage of stormwater ponds.

15. The Permittee is required to provide for periodic inspections of the stormwater management system. The permittee shall submit reports to the Department certifying that the stormwater management system is operating as designed. The reports shall be submitted to the Department as follows:

- (a) Each inspection shall be documented and kept on file at the facility office. Each inspection report shall contain, as a minimum; date, name of inspector, as found condition of major system features, and nature and extent of maintenance/repair performed.
- (b) Inspection reports for retention, underdrain, wet detention (with/without littoral shelf), and swales shall be submitted one year after completion of construction and every year thereafter. A registered Florida Professional Engineer must sign and seal the report certifying the system is functioning as designed.
- (c) Inspection reports for filtration treatment systems and pumped systems shall be submitted one year after completion of construction and every year thereafter. A registered Florida Professional Engineer must sign and seal the report certifying the filtration treatment system and/or pumped system is operating as designed.

The Reports shall be submitted to the Department's Stormwater Engineer at 7825 Baymeadows Way, Suite B-200, Jacksonville, FL 32256-7590.

- 16. If stormwater management system is not functioning as designed and permitted, operational maintenance must be performed immediately to restore the system. If operational maintenance measures are insufficient to enable the system to meet the design standards, the Permittee must either replace the system or construct an alternative design. In this condition, the permittee must submit a permit modification application within sixty (60) days of the date the system was determined to be design deficient.
- 17. The Permittee shall immediately notify the Department by telephone whenever a serious problem occurs at this facility. Notification shall be made to the Northeast District Office at (904) 807-3300. Within 7 days of telephone notification, the Permittee shall submit to the Department a written report explaining the extent of the problem, its cause, and what actions have been or will be taken to correct the problem.



REGULATORY SPECIFIC CONDITIONS

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Progress Energy Florida, Inc.

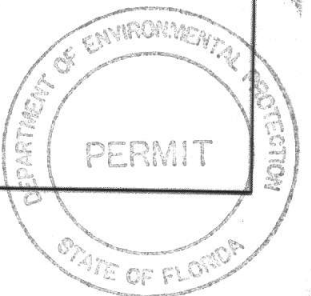
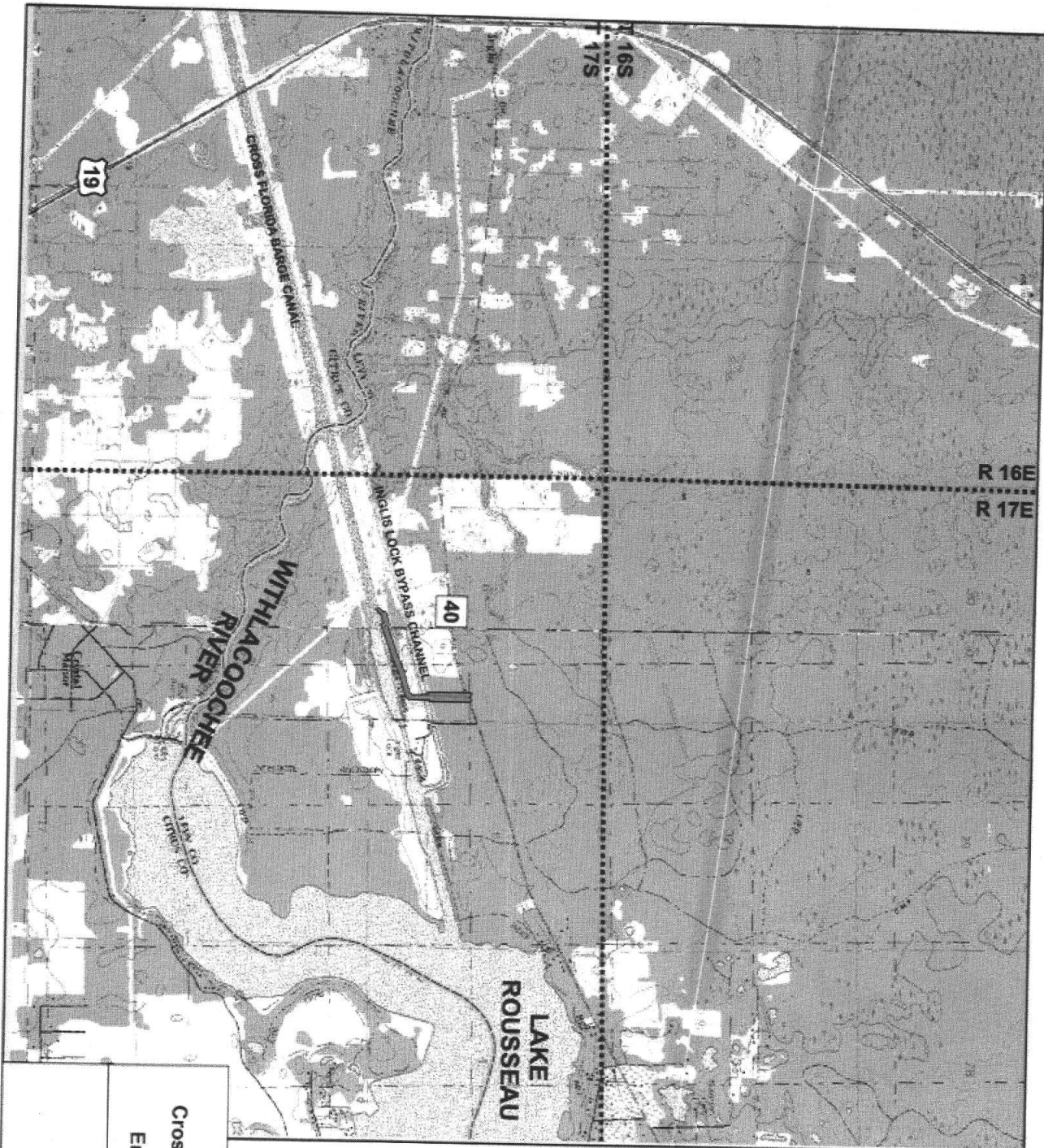
PUBLIC INTEREST

18. Upon receipt of the federal authorization for the Levy Nuclear Facility, the Permittee shall grant to the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida ("Board of Trustees") a perpetual non-exclusive 18-foot-wide easement for a public recreational trail over, across and upon an approximately 40-mile-long corridor owned by the Permittee over the raised rail bed from Dunnellon, north to Chiefland, within the existing undeveloped utility corridor ("Board of Trustees' Easement"), contingent upon State of Florida Department of Environmental Protection, Division of State Lands' ("DSL") approval of (1) the form and content of the final title insurance commitment, survey, environmental site assessment ("Due Diligence Products"), (2) the terms and conditions of the Board of Trustees' Easement, and (3) the Title, Possession and Lien Affidavit and Environmental Affidavit to be executed by the Permittee. The Permittee's utility or other facilities may also be located on the raised rail bed. State of Florida Department of Environmental Protection, Office of Greenways and Trails ("OGT") and the Permittee will work together in designing and constructing their respective facilities to assure that the facilities can be co-located on the raised rail bed in a compatible manner. The Permittee's right to use the corridor in the future for the construction, operation and maintenance of electric transmission and distribution lines and other associated utility facilities (including access roads or other linear facilities) or for other uses shall not unreasonably interfere with OGT's design of the trail or its ability to effectively and efficiently manage the Board of Trustees' Easement as a public recreational trail, or the Permittee will relocate such trail facilities at the Permittee's expense and in a manner acceptable to the Board of Trustees and OGT that will retain its intended public function design of the trail or its ability to effectively and efficiently manage the Board of Trustees' Easement as a public recreational trail. In addition to the Permittee's grant of the Board of Trustees' Easement to the Board of Trustees, the Permittee shall also be required to pay compensation to the Board of Trustees in accordance with the terms and conditions of the PEF Easement (hereinafter defined).

Notwithstanding the foregoing, if the Permittee fails to provide the Board of Trustees with one or more of the Due Diligence Products or is unable or unwilling to provide marketable title to the Board of Trustees' Easement and the Board of Trustees does not accept the Board of Trustees' Easement, the Permittee shall instead be required to pay compensation in accordance with terms and conditions of Easement No. 31959 from the Board of Trustees to Permittee over approximately 27.017 acres of the Marjorie Harris Carr Cross Florida Greenway for activities related to Permittee's construction and operation of the Levy Nuclear Power Plant ("PEF Easement"). Furthermore, if the final DSL-approved appraised value of the Board of Trustees' Easement is reduced by 20% or more, as a result of defects disclosed in the Due Diligence Products that are identified by DSL which cannot be cured by the Permittee without engaging in litigation or precursors to litigation or paying more than fair market value to cure such defects, the Permittee has the right to pay compensation in accordance with the terms and conditions of the PEF Easement instead of granting the Board of Trustees' Easement.

The PEF Easement shall automatically and immediately terminate upon the Permittee's withdrawal of its federal permit application for the Levy Nuclear Power Plant or the federal government's denial of the permit. Upon termination or expiration of the PEF Easement PEF shall restore the lands over which the PEF Easement is granted to substantially the same condition it was upon Commencement Date of the PEF Easement, unless the Board of Trustees elects not to require PEF to remove certain improvements and/or facilities and restore all or a portion of the easement area. PEF agrees that upon termination of the PEF Easement all authorization granted thereunder shall cease and terminate.





LEGEND

- Project Site
- County Road
- US Highway
- Lake and Pond
- Swamp and Marsh
- County Boundary

Sources

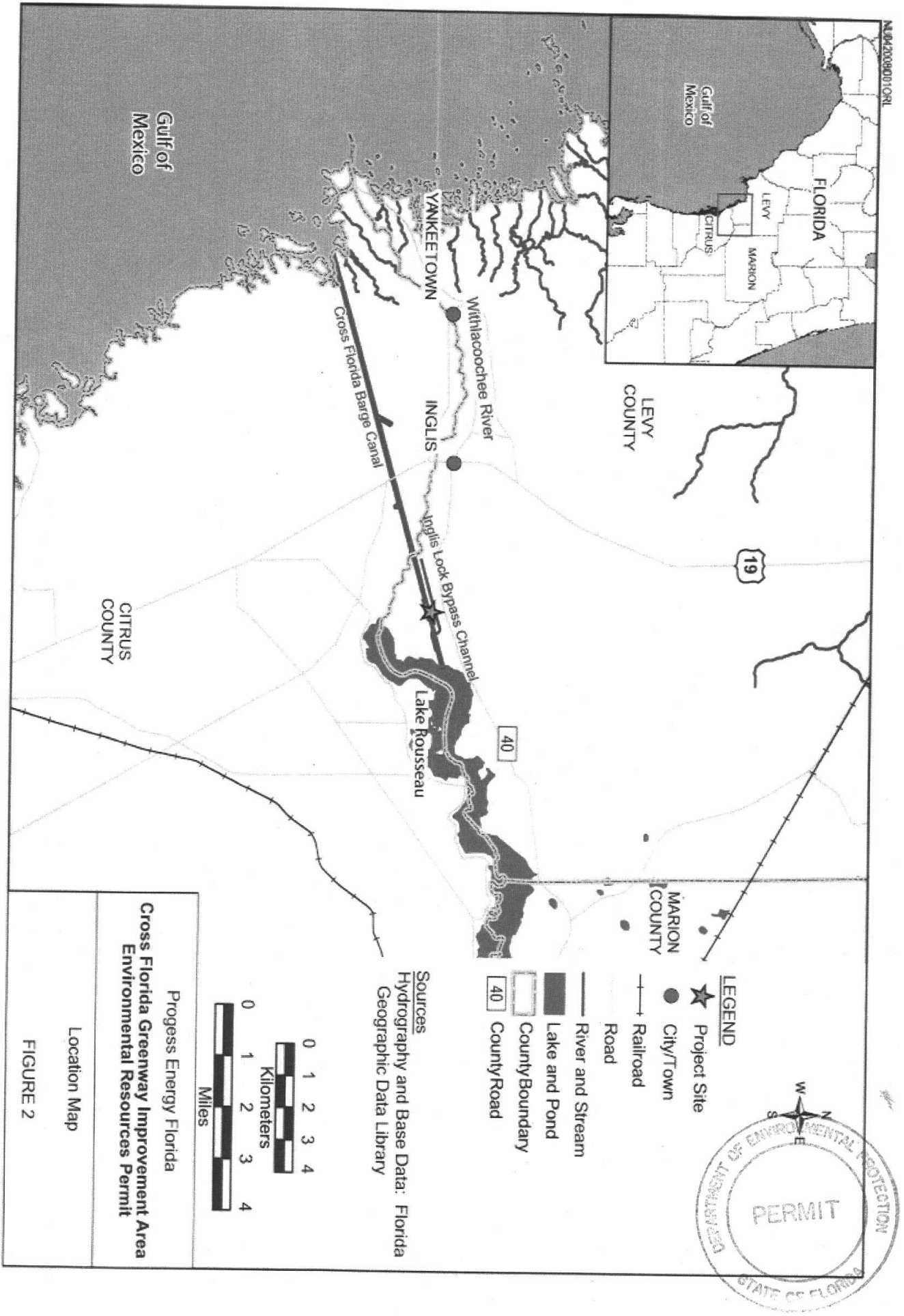
United States Geological Survey
Quadrangle Maps for:
Yankeetown, FL (1955-Revised 1993)
Yankeetown S.E, FL (1991)

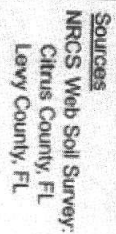


Progress Energy Florida
Cross Florida Greenway Recreational
Improvement Area
Environmental Resource Permit

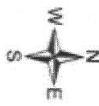
USGS Quadrangle Map

FIGURE 1

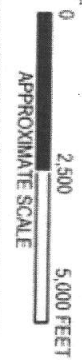




Sources
NRCS Web Soil Survey:
Citrus County, FL
Levy County, FL

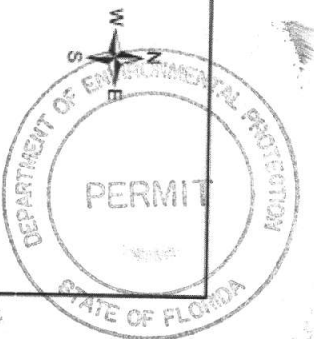


LEGEND	
40	County Road
Symbol	Unit Name
5	Burger fine sand
7	Myakkae fine sand
10	Port Antonio fine sand, depressional
11	Evreux fine sand, 0 to 5 percent slopes
12	Irrevelosco fine sand
22	Quartipicaments, 0 to 5 percent slopes
26	Redwood fine sand
36	Euacalia fine sand
48	Arenas, 45 to 65 percent slopes
50	Kanapaha fine sand, 0 to 5 percent slopes
53	Boca fine sand
55	Ubitferences, 0 to 5 percent slopes
57	Orea fine sand
58	Myakka, intermediate sandstone - Euacalia, intermediate sandstone complex
59	Boca fine sand
60	Browned fine sand
66	Wabser
Levy County, FL	



Progress Energy Florida
Cross Florida Greenway Recreational
Improvement Area
Environmental Resource Permit

Soils Map
FIGURE 3



LEGEND
County Boundary

Project Site

40 County Road

Sources

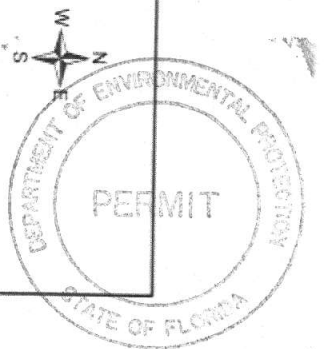
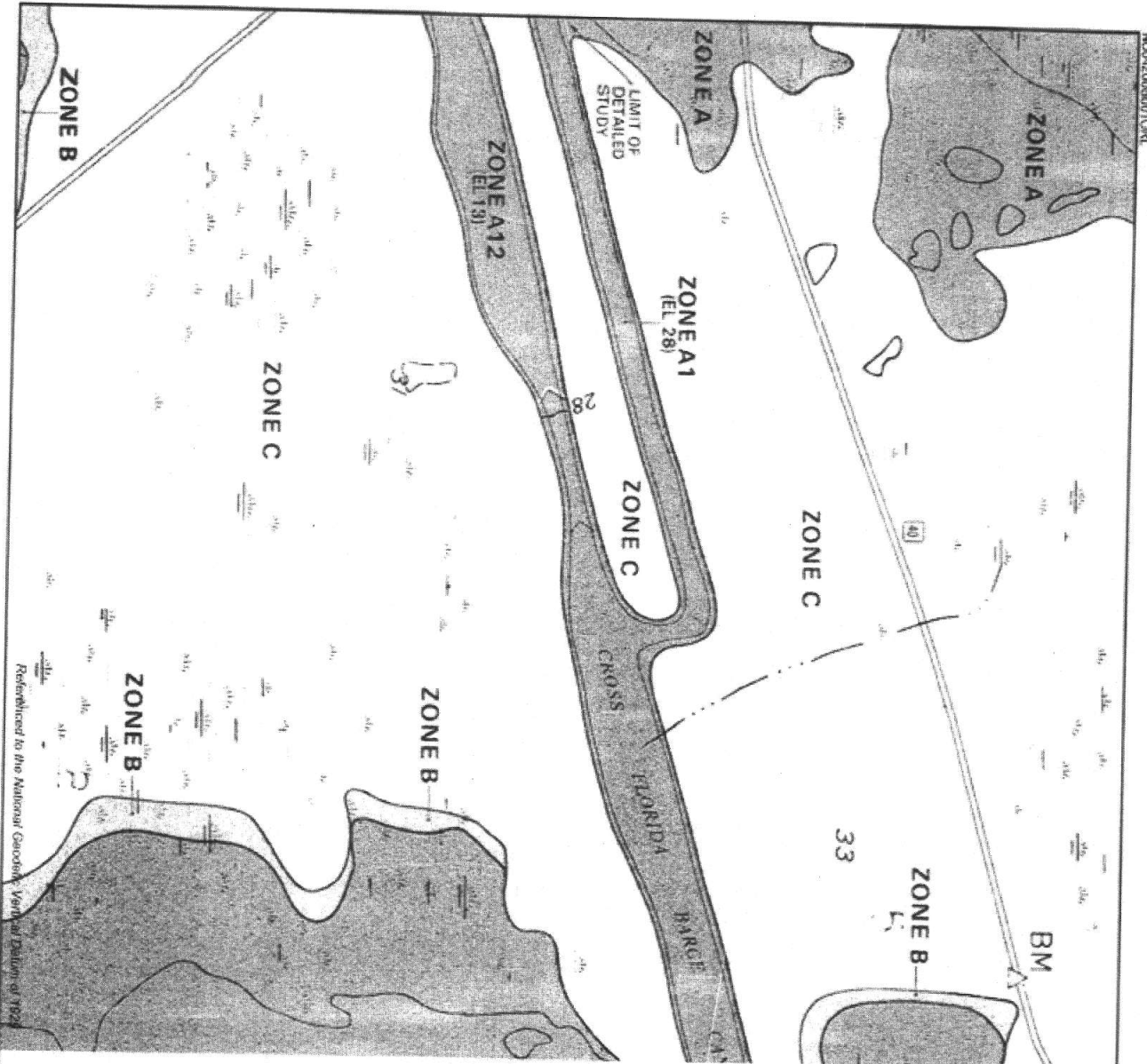
Aerials: SWFWMD 2006



Progress Energy Florida
Cross Florida Greenway Recreational
Improvement Area
Environmental Resource Permit

Project Aerial Map

FIGURE 4



LEGEND

40 County Road

RMX Elevation Reference Mark

Zone Explanation

A

Areas of 100-year flood; base flood elevations and flood hazard factors not determined.

A1 - A30

Areas of 100-year flood; base flood elevations and flood hazard factors determined.

B

Areas between limits of the 100-year flood and 500-year flood; or certain areas subject to the 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood.

C

Areas of minimum flooding.

Sources

Federal Emergency Management Agency
Website: <http://fema.gov>
Flood Insurance Rate Map Community
Panel Number 120145 0640 D
Effective Date March 1, 1984

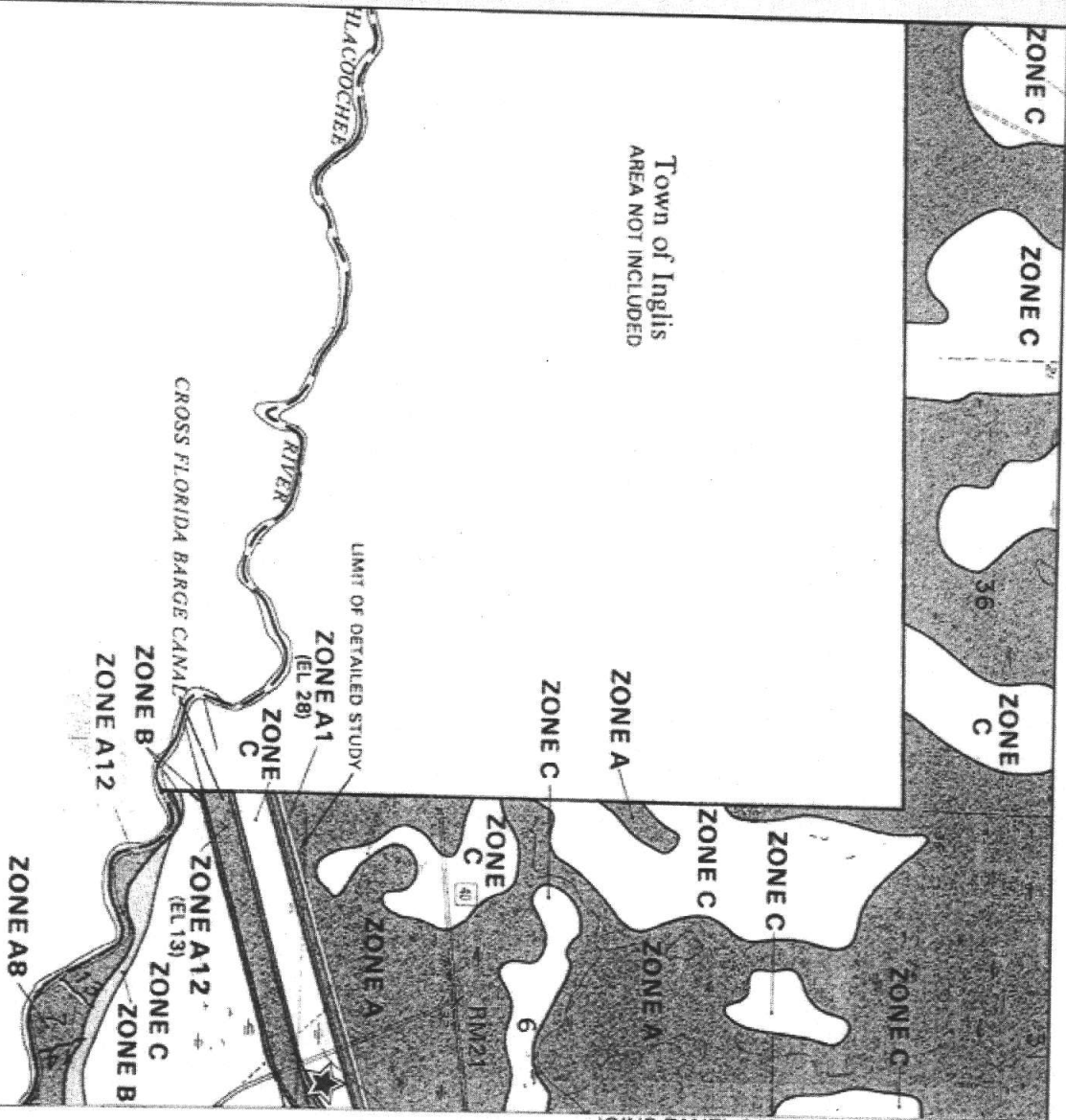


Progress Energy Florida
Cross Florida Greenway Improvement Area
Environmental Resources Permit

FEMA Floodplain Map

FIGURE 5
SHEET 1 of 5

Referenced to the National Geodetic Vertical Datum of 1929



LEGEND

Project Location

County Road

RMX Elevation Reference Mark

Zone

Explanation

A Areas of 100-year flood; base flood elevations and flood hazard factors not determined.

A1 - A30 Areas of 100-year flood; base flood elevations and flood hazard factors determined.

B Areas between limits of the 100-year flood and 500-year flood; or certain areas subject to the 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood.

C Areas of minimum flooding.

Sources

Federal Emergency Management Agency
Website: <http://fema.gov>
Flood Insurance Rate Map Community
Panel Number 120145 0625D
Effective Date March 1, 1984

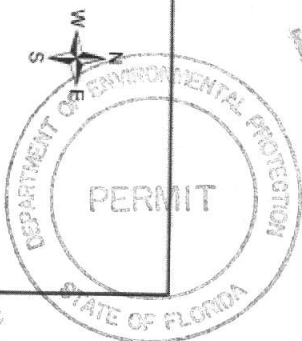


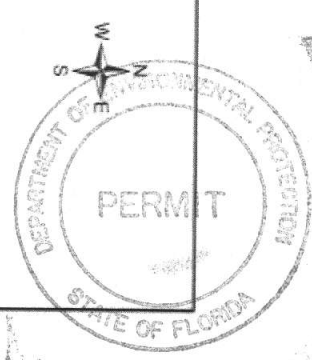
Progress Energy Florida
Cross Florida Greenway Improvement Area
Environmental Resources Permit

FEMA Floodplain Map

FIGURE 5
SHEET 2 of 5

Referenced to the National Geodetic Vertical Datum of 1929





LEGEND

40 County Road

RMX Elevation Reference Mark

Zone Explanation

A Areas of 100-year flood; base flood elevations and flood hazard factors not determined.

A1 - A30 Areas of 100-year flood; base flood elevations and flood hazard factors determined.

B Areas between limits of the 100-year flood and 500-year flood; or certain areas subject to the 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood.

C Areas of minimum flooding.

Sources

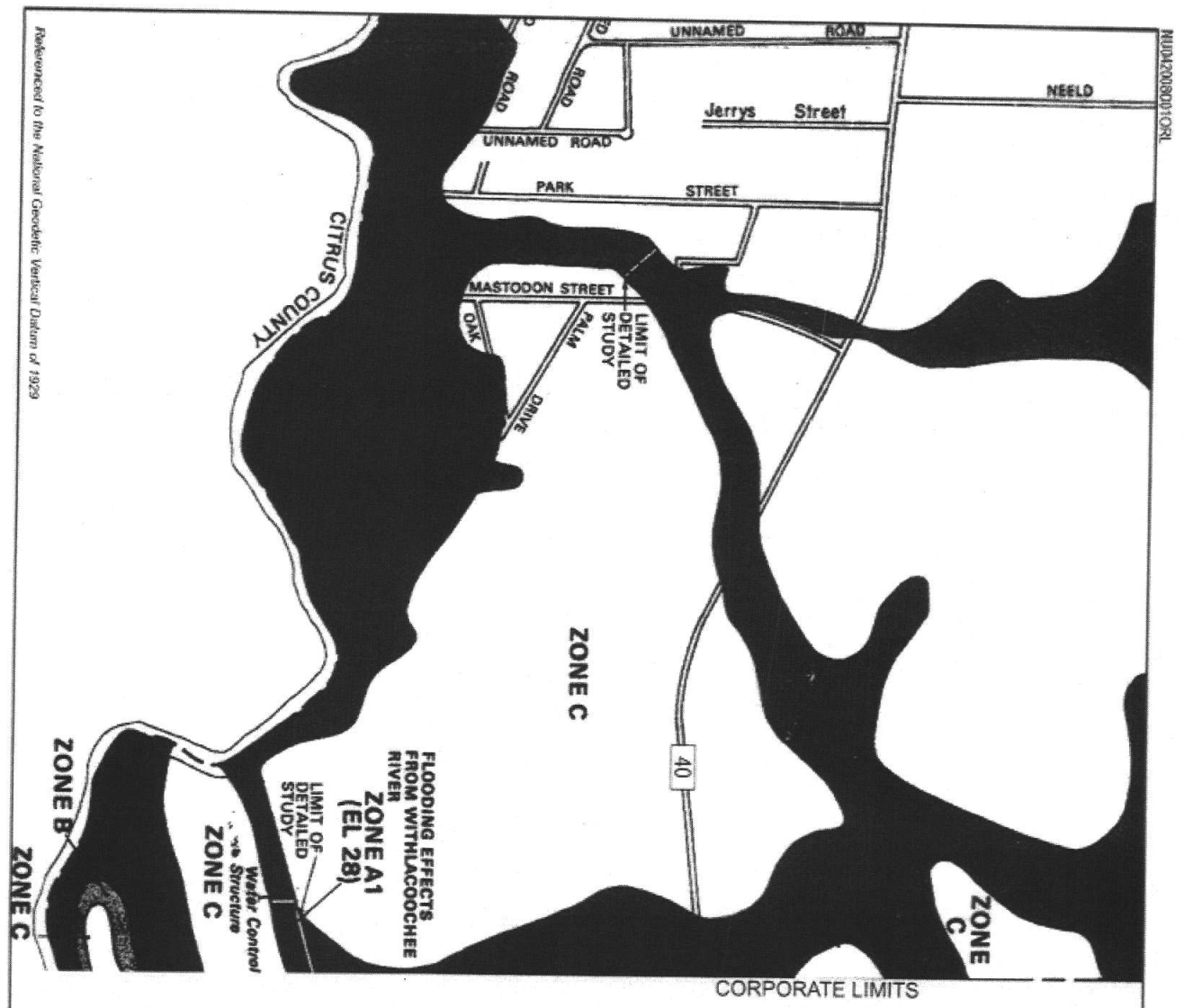
Federal Emergency Management Agency
Website: <http://fema.gov>
Flood Insurance Rate Map Community
Panel Number 120586 0005 B
Effective Date March 1, 1984



Progress Energy Florida
Cross Florida Greenway Improvement Area
Environmental Resources Permit

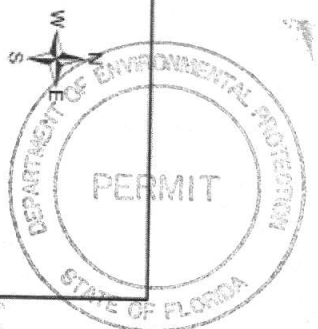
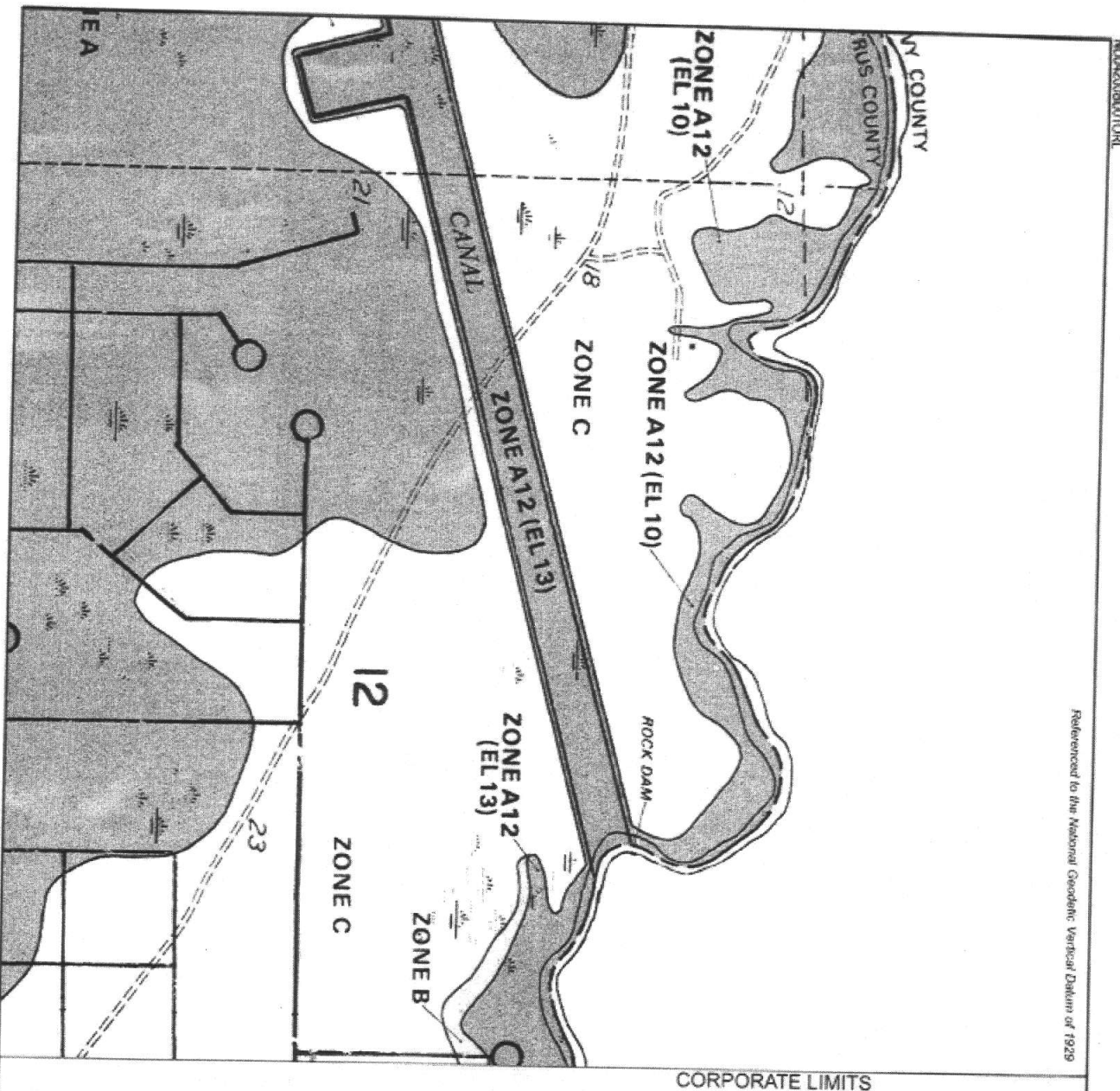
FEMA Floodplain Map

FIGURE 5
SHEET 3 of 5



Referenced to the National Geodetic Vertical Datum of 1929

Referenced to the National Geographic Vertical Datum of 1929



LEGEND

40 County Road

RMX Elevation Reference Mark

Zone Explanation

A Areas of 100-year flood; base flood elevations and flood hazard factors not determined.

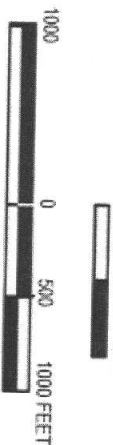
A1 - A30 Areas of 100-year flood; base flood elevations and flood hazard factors determined.

B Areas between limits of the 100-year flood and 500-year flood; or certain areas subject to the 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood.

C Areas of minimum flooding.

Sources

Federal Emergency Management Agency
 Website: <http://fema.gov>
 Flood Insurance Rate Map Community
 Panel Number 120063 0020 B
 Effective Date August 15, 1984

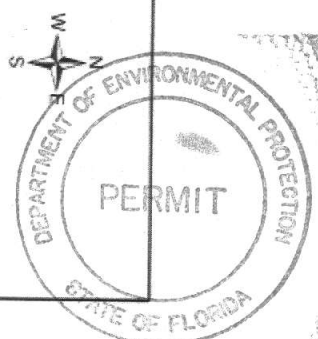
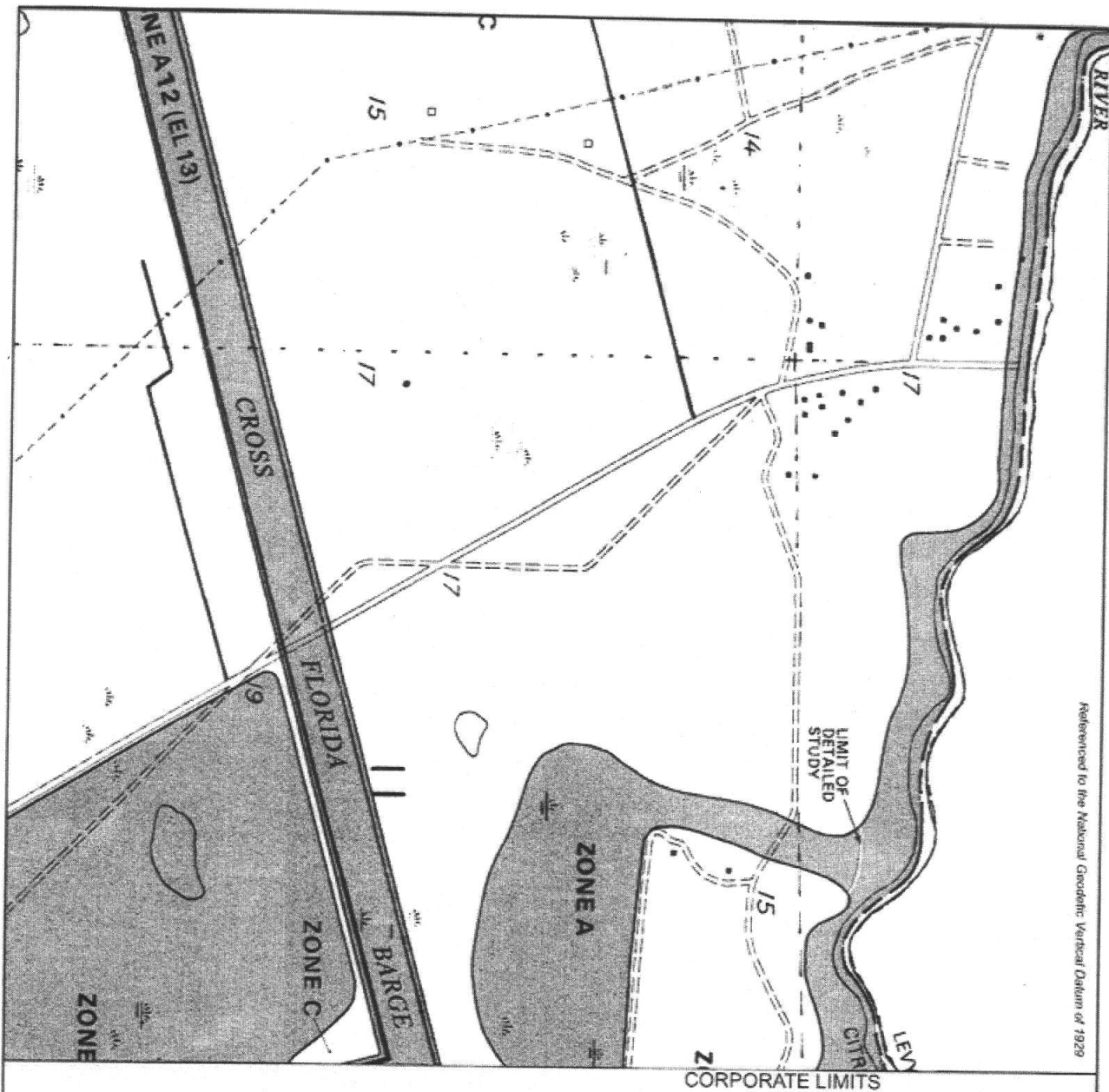


Progress Energy Florida
 Cross Florida Greenway Improvement Area
 Environmental Resources Permit

FEMA Floodplain Map

FIGURE 5
 SHEET 4 of 5

Referenced to the National Geodetic Vertical Datum of 1929



LEGEND

- 40 County Road
- RMX Elevation Reference Mark
- Zone
- A Explanation
Areas of 100-year flood, base flood elevations and flood hazard factors not determined.
- A1 - A30 Areas of 100-year flood, base flood elevations and flood hazard factors determined.
- B Areas between limits of the 100-year flood and 500-year flood, or certain areas subject to the 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile, or areas protected by levees from the base flood.
- C Areas of minimum flooding.

Sources

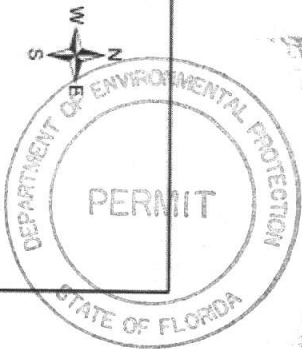
Federal Emergency Management Agency
Website: <http://rmc.fema.gov>
Flood Insurance Rate Map Community
Panel Number 120063 0020 B
Effective Date August 15, 1984



Progress Energy Florida
Cross Florida Greenway Improvement Area
Environmental Resources Permit

FEEMA Floodplain Map

FIGURE 5
SHEET 5 of 5



Levy
County

TEN MILE CREEK

DIRECT RUNOFF
TO GULF

SPRING RUN

HORSE SHOE CREEK

TEN MILE
CREEK

DIRECT RUNOFF TO GULF

Gulf of
Mexico

WITHLACOOCHIEE

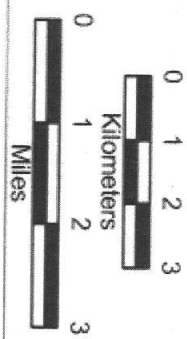
Withlacoochee River

Cross Florida Barge Canal

Citrus
County

LAKE
ROUSSEAU

- LEGEND**
- ★ Site Location
 - River and Stream
 - Lake and Pond
 - Basin Boundary
 - County Boundary



Progress Energy Florida
Cross Florida Greenway Improvement Area
Environmental Resources Permit

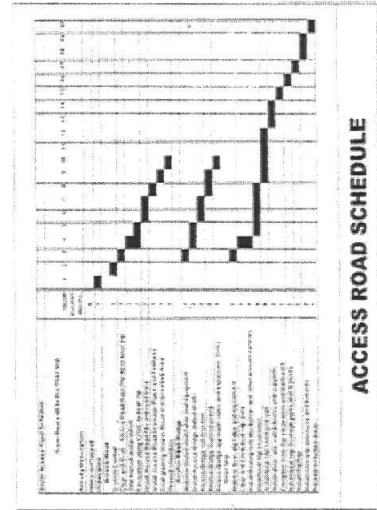
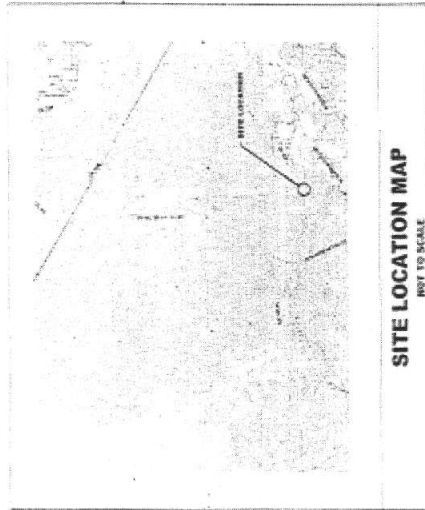
Overall Drainage Basins

FIGURE 6

SITE AND STRUCTURE PLANS CROSS FLORIDA GREENWAY RECREATIONAL IMPROVEMENT AREA

Florida Power Corporation dba Progress Energy Florida, Inc., (PEF)
299 First Avenue North, P.O. Box 903, St. Petersburg, FL 33701

Recreational Area: State Park
Project: Cross Florida Greenway
Project Location: St. Petersburg, FL
Project Description: The project consists of the construction of a new recreational area, including a trail, a parking area, and a picnic area. The project is located on the grounds of the St. Petersburg State Park. The project is being constructed by Florida Power Corporation dba Progress Energy Florida, Inc. (PEF). The project is being constructed in accordance with the Florida Department of Transportation (FDOT) design standards. The project is being constructed in accordance with the Florida Department of Transportation (FDOT) design standards. The project is being constructed in accordance with the Florida Department of Transportation (FDOT) design standards.



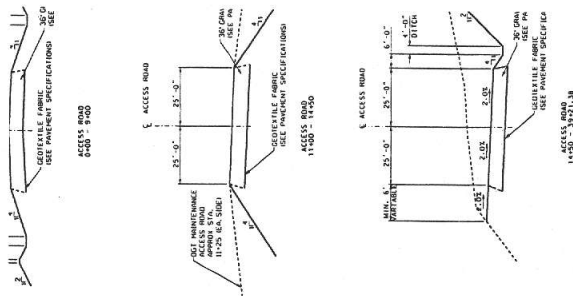
SHEET NUMBER	DATE	DESCRIPTION
1	10/1/00	PRELIMINARY DESIGN
2	10/1/00	FINAL DESIGN
3	10/1/00	CONSTRUCTION
4	10/1/00	MAINTENANCE
5	10/1/00	REPAIRS
6	10/1/00	REPAIRS
7	10/1/00	REPAIRS
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JUN 20 2008
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DEPT. JACKSONVILLE



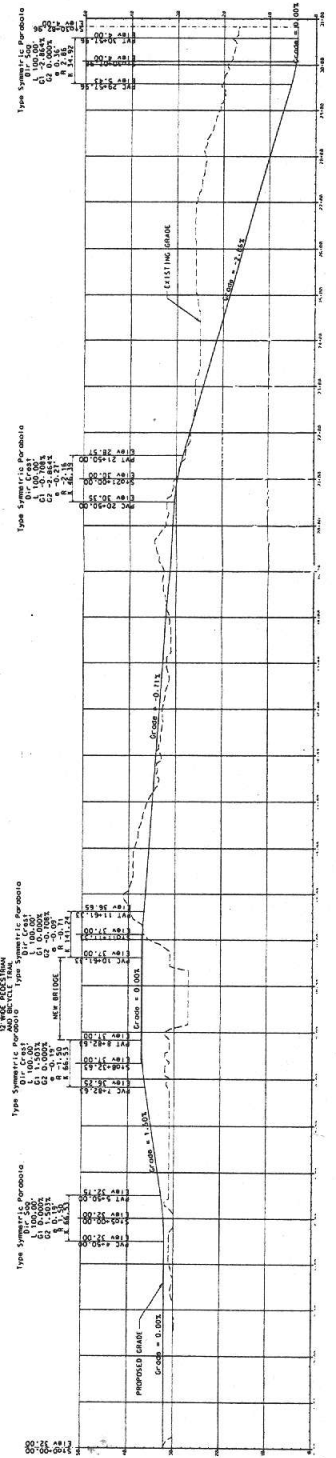
FOR PERMITTING

PROJECT NUMBER: 1
PROJECT NAME: CROSS FLORIDA GREENWAY RECREATIONAL IMPROVEMENT AREA
PROJECT LOCATION: ST. PETERSBURG, FL
PROJECT DESCRIPTION: THE PROJECT CONSISTS OF THE CONSTRUCTION OF A NEW RECREATIONAL AREA, INCLUDING A TRAIL, A PARKING AREA, AND A PICNIC AREA. THE PROJECT IS LOCATED ON THE GROUNDS OF THE ST. PETERSBURG STATE PARK. THE PROJECT IS BEING CONSTRUCTED BY FLORIDA POWER CORPORATION DBA PROGRESS ENERGY FLORIDA, INC. (PEF). THE PROJECT IS BEING CONSTRUCTED IN ACCORDANCE WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) DESIGN STANDARDS. THE PROJECT IS BEING CONSTRUCTED IN ACCORDANCE WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) DESIGN STANDARDS. THE PROJECT IS BEING CONSTRUCTED IN ACCORDANCE WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) DESIGN STANDARDS.



FOR PER

SNOW NUCLEAR SINDA & WHEELER INC. 100 TECHNOLOGY CENTER STURGEON, IA 50072-22 COA #0345	WEC SAFETY CLASSIF. THIS DOCUMENT CONTAINS INFORMATION RELATIVE TO THE SAFETY OF THE REACTOR AND THE PUBLIC AND THEREFORE IS CLASSIFIED AS "SAFE"	PROGRESS ENERGY 61 RD 104 EAST 10/1/82
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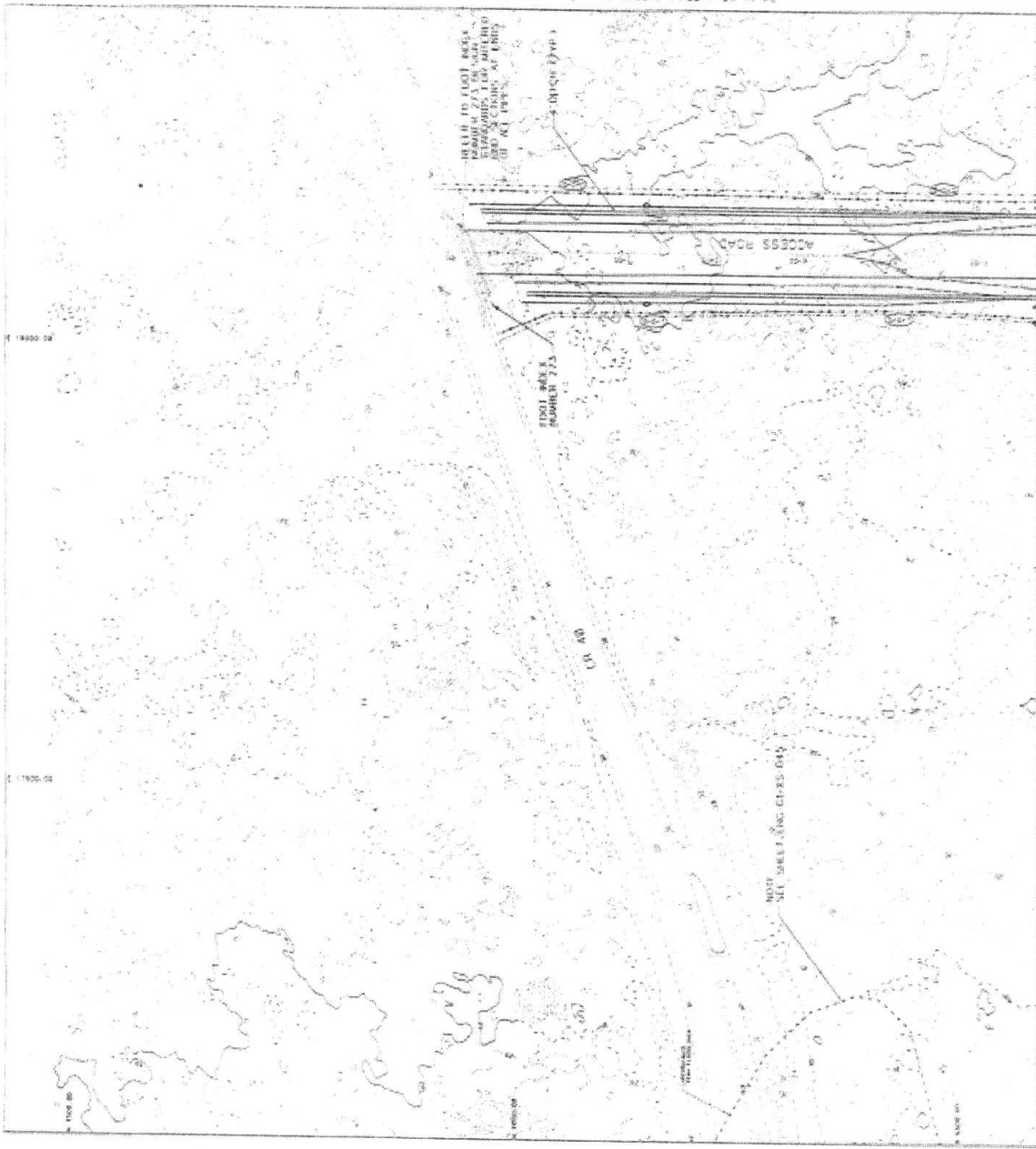
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PERMIT

STATE OF FLORIDA

RECEIVED
MAR 11 2009
NORTHEAST DISTRICT
DEP-JACKSONVILLE

MAR 11 2009



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NOT TO SCALE

ALL INFORMATION ON THIS MAP IS BASED ON AERIAL PHOTOGRAPHY DATED 1985. THE USER ASSUMES ALL LIABILITY FOR ANY ERRORS OR OMISSIONS.

FOOT PATH

ACCESS ROAD

FOR PERMITTING

- 1. THE STATE OF FLORIDA, DEPARTMENT OF ENVIRONMENTAL PROTECTION, HAS REVIEWED THE APPLICATION FOR A PERMIT TO CONDUCT THE WORK DESCRIBED HEREIN.
- 2. THE PERMIT IS GRANTED FOR THE WORK DESCRIBED HEREIN, SUBJECT TO THE FOLLOWING CONDITIONS:
- 3. THE PERMITTEE SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
- 4. THE PERMITTEE SHALL MAINTAIN THE EXISTING VEGETATION AND SOILS TO THE MAXIMUM EXTENT POSSIBLE.
- 5. THE PERMITTEE SHALL MAINTAIN THE EXISTING WATERWAYS AND STREAMS TO THE MAXIMUM EXTENT POSSIBLE.
- 6. THE PERMITTEE SHALL MAINTAIN THE EXISTING FISH AND WILDLIFE HABITATS TO THE MAXIMUM EXTENT POSSIBLE.
- 7. THE PERMITTEE SHALL MAINTAIN THE EXISTING CULTURAL AND HISTORICAL RESOURCES TO THE MAXIMUM EXTENT POSSIBLE.
- 8. THE PERMITTEE SHALL MAINTAIN THE EXISTING AESTHETIC QUALITIES TO THE MAXIMUM EXTENT POSSIBLE.
- 9. THE PERMITTEE SHALL MAINTAIN THE EXISTING SOIL QUALITIES TO THE MAXIMUM EXTENT POSSIBLE.
- 10. THE PERMITTEE SHALL MAINTAIN THE EXISTING AIR QUALITIES TO THE MAXIMUM EXTENT POSSIBLE.
- 11. THE PERMITTEE SHALL MAINTAIN THE EXISTING NOISE LEVELS TO THE MAXIMUM EXTENT POSSIBLE.
- 12. THE PERMITTEE SHALL MAINTAIN THE EXISTING CLIMATE TO THE MAXIMUM EXTENT POSSIBLE.
- 13. THE PERMITTEE SHALL MAINTAIN THE EXISTING ECOSYSTEM TO THE MAXIMUM EXTENT POSSIBLE.
- 14. THE PERMITTEE SHALL MAINTAIN THE EXISTING BIODIVERSITY TO THE MAXIMUM EXTENT POSSIBLE.
- 15. THE PERMITTEE SHALL MAINTAIN THE EXISTING GENETIC DIVERSITY TO THE MAXIMUM EXTENT POSSIBLE.
- 16. THE PERMITTEE SHALL MAINTAIN THE EXISTING EVOLUTIONARY PROCESSES TO THE MAXIMUM EXTENT POSSIBLE.
- 17. THE PERMITTEE SHALL MAINTAIN THE EXISTING ECOLOGICAL FUNCTIONS TO THE MAXIMUM EXTENT POSSIBLE.
- 18. THE PERMITTEE SHALL MAINTAIN THE EXISTING ECOSYSTEM SERVICES TO THE MAXIMUM EXTENT POSSIBLE.
- 19. THE PERMITTEE SHALL MAINTAIN THE EXISTING ECOSYSTEM RESILIENCE TO THE MAXIMUM EXTENT POSSIBLE.
- 20. THE PERMITTEE SHALL MAINTAIN THE EXISTING ECOSYSTEM INTEGRITY TO THE MAXIMUM EXTENT POSSIBLE.

SUBMITTAL REQUIREMENTS	
PROJECT NAME	PROJECT LOCATION
PROJECT DESCRIPTION	PROJECT DATES
PROJECT CONTACT	PROJECT PHONE
PROJECT FAX	PROJECT EMAIL
PROJECT WEBSITE	PROJECT ADDRESS
PROJECT CITY	PROJECT STATE
PROJECT ZIP	PROJECT COUNTRY
PROJECT COUNTY	PROJECT TOWNSHIP
PROJECT RANGE	PROJECT SECTION
PROJECT QUARTER	PROJECT ACRES
PROJECT PERMIT	PROJECT FEE
PROJECT REVIEW	PROJECT APPROVAL
PROJECT SIGNATURE	PROJECT DATE



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CELESTIAL: ARE YOU READY FOR THE GREAT JOURNEY?

[illegible][illegible]

Ed. A. S. L.

[illegible]

CROSS-SECTIONAL ANALYSIS OF THE





Black & White

STANDARD REPORTING A
FOREIGN TRIP IN 90

PERSONAL INFORMATION

NAME _____

ADDRESS _____

CITY _____

STATE _____

ZIP _____

TRIP INFORMATION

TRIP DATE _____

TRIP TYPE _____

TRIP PURPOSE _____

TRIP LOCATION _____

TRIP DURATION _____

TRIP COST _____

TRIP EXPENSES _____

TRIP INCOME _____

TRIP TAXES _____

TRIP OTHER INFORMATION _____

TRIP SIGNATURE _____

FINANCIAL INFORMATION

FINANCIAL STATEMENT _____

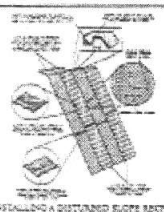
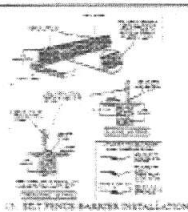
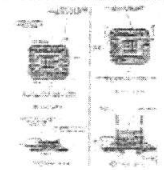
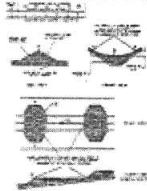
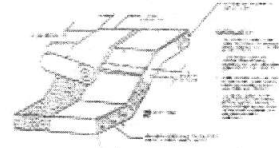
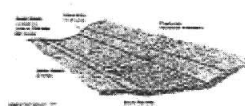
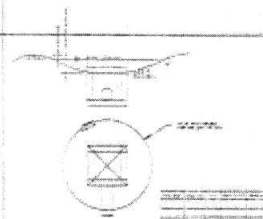
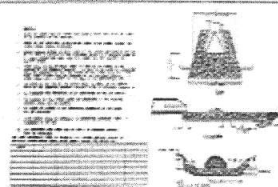
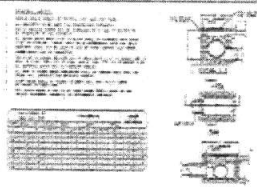
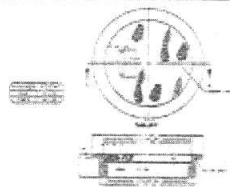
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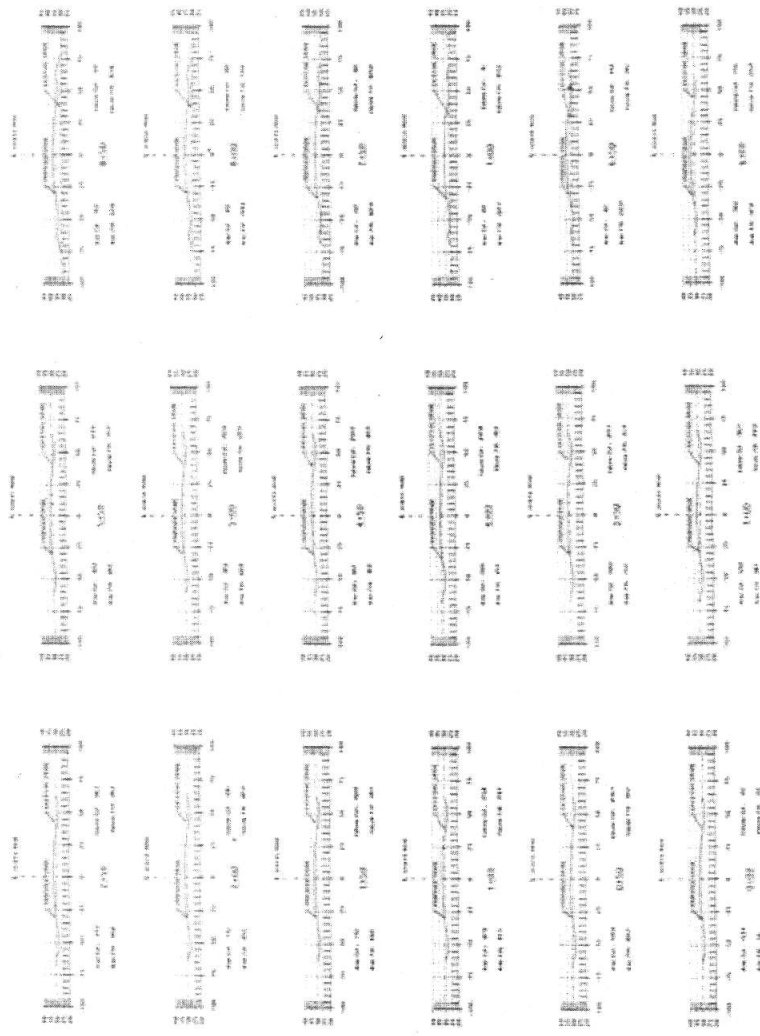




FOR PERMITTING

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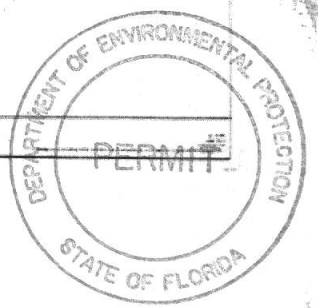
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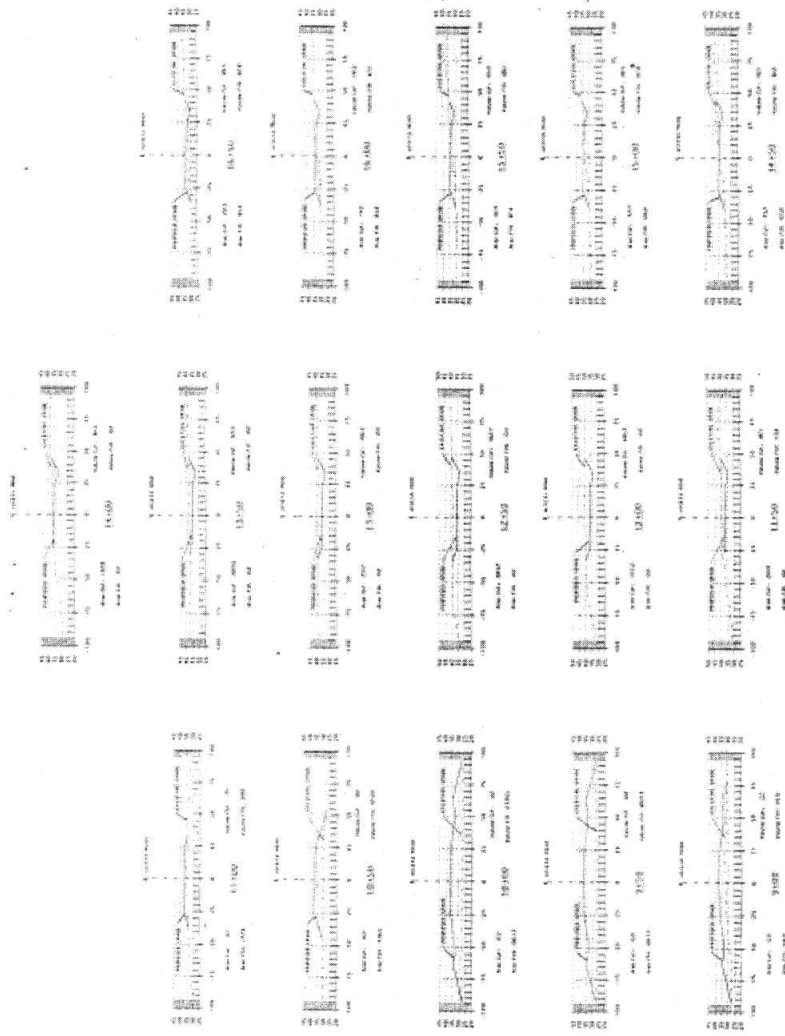


FOR PLATTING

PROJECT NO. 100-1000 PROJECT NAME: PROPOSED ACCESS ROAD PROJECT LOCATION: 100-1000	
PREPARED BY: [Signature] CHECKED BY: [Signature] DATE: 10/10/00	SCALE: 1" = 40' SHEET NO. 1 OF 1

See also 100

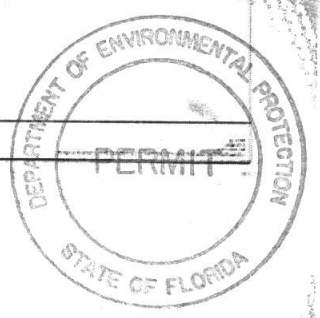




FOR PERMITTING

PROPOSED PROJECT NAME PROJECT LOCATION PROJECT NUMBER		APPROVED PROJECT NAME PROJECT LOCATION PROJECT NUMBER	
PROJECT DESCRIPTION PROJECT SCOPE PROJECT BOUNDARIES		PROJECT DESCRIPTION PROJECT SCOPE PROJECT BOUNDARIES	
PROJECT START DATE PROJECT END DATE PROJECT STATUS		PROJECT START DATE PROJECT END DATE PROJECT STATUS	

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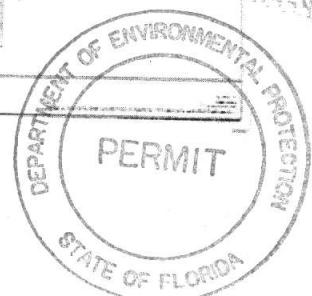


FOR PERMITTING

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Q. Q. Q. Q.



MEMORANDUM

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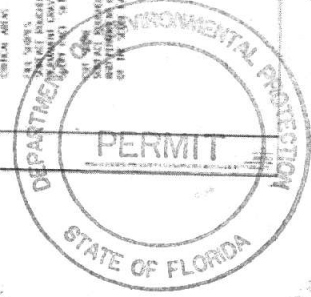
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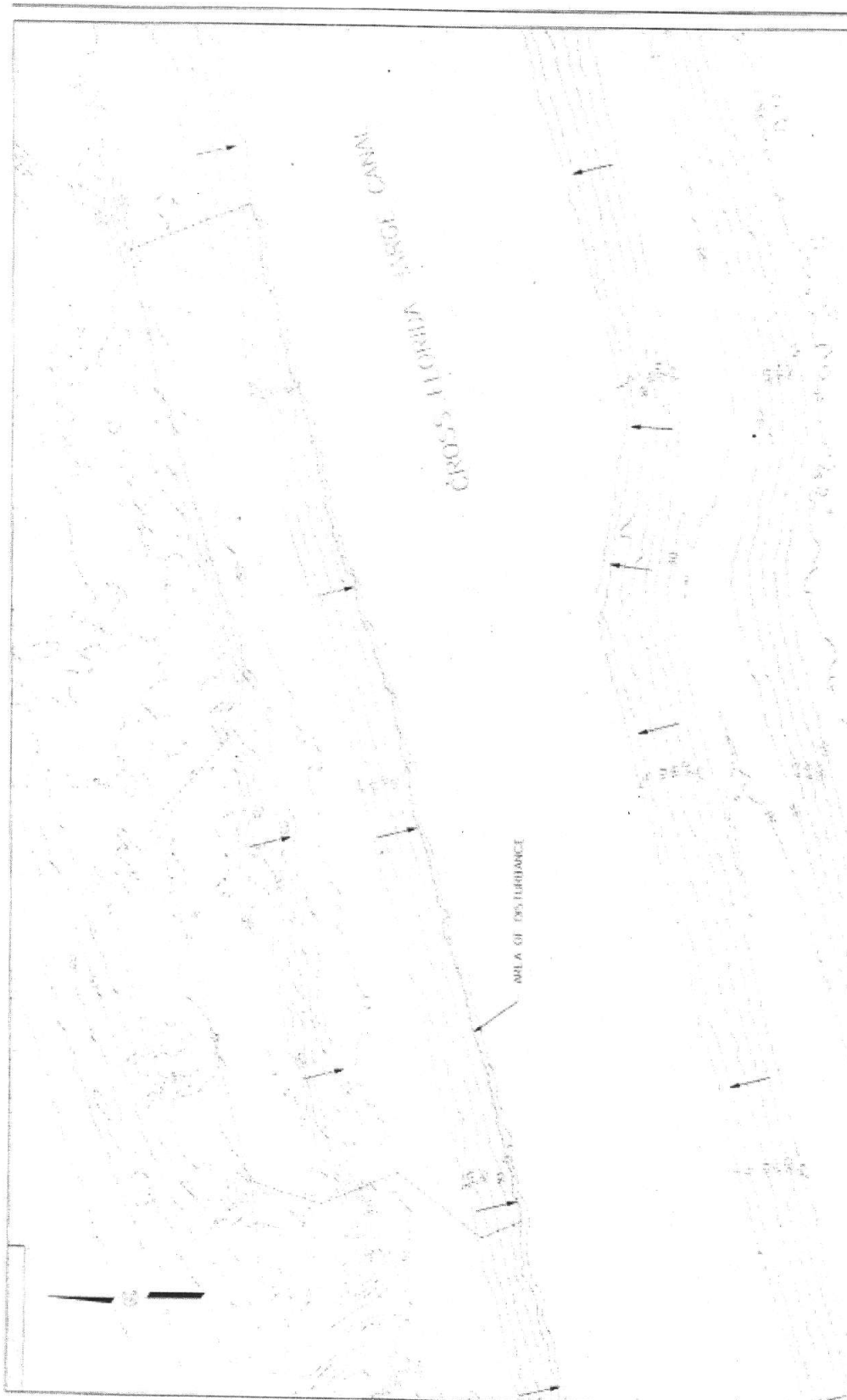
1. *Staphylococcus aureus* (10⁸ CFU/ml)

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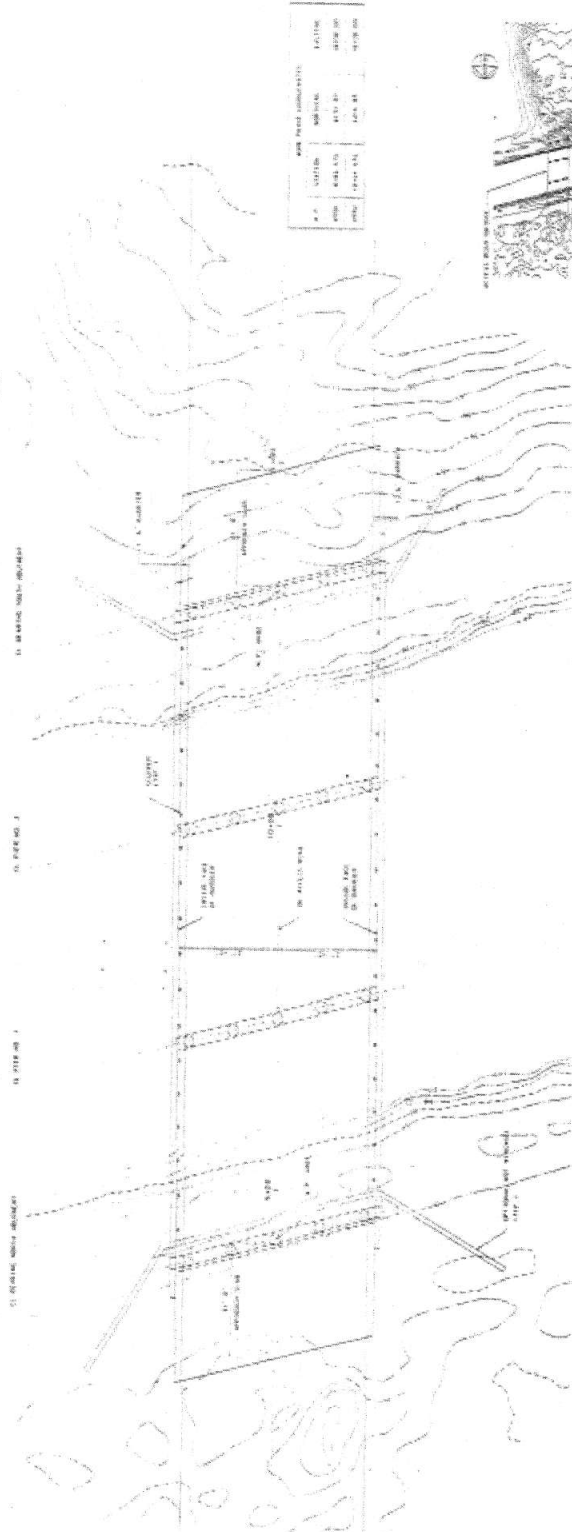
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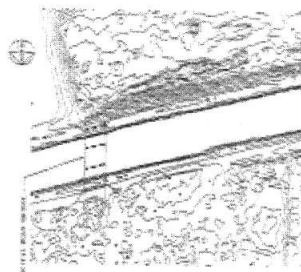
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PROJECT LOCATION (Print Location)	
PROJECT TYPE (Print Type)	
PROJECT STATUS (Print Status)	
PROJECT DESCRIPTION (Print Description)	
PROJECT CONTACT (Print Name and Address) (City, State, Zip) (Phone Number)	
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FOR PERMITTING

此種新書，其內容之豐富，實非他書所能及也。其內容之豐富，實非他書所能及也。

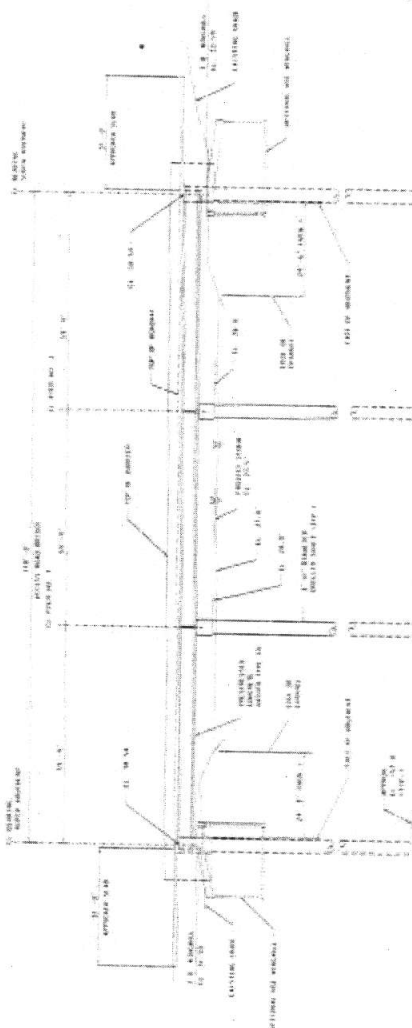


項目	2007年	2006年	2005年	2004年	2003年	2002年	2001年	2000年	1999年	1998年	1997年	1996年	1995年	1994年	1993年	1992年	1991年	1990年	1989年	1988年	1987年	1986年	1985年	1984年	1983年	1982年	1981年	1980年	1979年	1978年	1977年	1976年	1975年	1974年	1973年	1972年	1971年	1970年	1969年	1968年	1967年	1966年	1965年	1964年	1963年	1962年	1961年	1960年	1959年	1958年	1957年	1956年	1955年	1954年	1953年	1952年	1951年	1950年	1949年	1948年	1947年	1946年	1945年	1944年	1943年	1942年	1941年	1940年	1939年	1938年	1937年	1936年	1935年	1934年	1933年	1932年	1931年	1930年	1929年	1928年	1927年	1926年	1925年	1924年	1923年	1922年	1921年	1920年	1919年	1918年	1917年	1916年	1915年	1914年	1913年	1912年	1911年	1910年	1909年	1908年	1907年	1906年	1905年	1904年	1903年	1902年	1901年	1900年	1899年	1898年	1897年	1896年	1895年	1894年	1893年	1892年	1891年	1890年	1889年	1888年	1887年	1886年	1885年	1884年	1883年	1882年	1881年	1880年	1879年	1878年	1877年	1876年	1875年	1874年	1873年	1872年	1871年	1870年	1869年	1868年	1867年	1866年	1865年	1864年	1863年	1862年	1861年	1860年	1859年	1858年	1857年	1856年	1855年	1854年	1853年	1852年	1851年	1850年	1849年	1848年	1847年	1846年	1845年	1844年	1843年	1842年	1841年	1840年	1839年	1838年	1837年	1836年	1835年	1834年	1833年	1832年	1831年	1830年	1829年	1828年	1827年	1826年	1825年	1824年	1823年	1822年	1821年	1820年	1819年	1818年	1817年	1816年	1815年	1814年	1813年	1812年	1811年	1810年	1809年	1808年	1807年	1806年	1805年	1804年	1803年	1802年	1801年	1800年	1799年	1798年	1797年	1796年	1795年	1794年	1793年	1792年	1791年	1790年	1789年	1788年	1787年	1786年	1785年	1784年	1783年	1782年	1781年	1780年	1779年	1778年	1777年	1776年	1775年	1774年	1773年	1772年	1771年	1770年	1769年	1768年	1767年	1766年	1765年	1764年	1763年	1762年	1761年	1760年	1759年	1758年	1757年	1756年	1755年	1754年	1753年	1752年	1751年	1750年	1749年	1748年	1747年	1746年	1745年	1744年	1743年	1742年	1741年	1740年	1739年	1738年	1737年	1736年	1735年	1734年	1733年	1732年	1731年	1730年	1729年	1728年	1727年	1726年	1725年	1724年	1723年	1722年	1721年	1720年	1719年	1718年	1717年	1716年	1715年	1714年	1713年	1712年	1711年	1710年	1709年	1708年	1707年	1706年	1705年	1704年	1703年	1702年	1701年	1700年	1699年	1698年	1697年	1696年	1695年	1694年	1693年	1692年	1691年	1690年	1689年	1688年	1687年	1686年	1685年	1684年	1683年	1682年	1681年	1680年	1679年	1678年	1677年	1676年	1675年	1674年	1673年	1672年	1671年	1670年	1669年	1668年	1667年	1666年	1665年	1664年	1663年	1662年	1661年	1660年	1659年	1658年	1657年	1656年	1655年	1654年	1653年	1652年	1651年	1650年	1649年	1648年	1647年	1646年	1645年	1644年	1643年	1642年	1641年	1640年	1639年	1638年	1637年	1636年	1635年	1634年	1633年	1632年	1631年	1630年	1629年	1628年	1627年	1626年	1625年	1624年	1623年	1622年	1621年	1620年	1619年	1618年	1617年	1616年	1615年	1614年	1613年	1612年	1611年	1610年	1609年	1608年	1607年	1606年	1605年	1604年	1603年	1602年	1601年	1600年	1599年	1598年	1597年	1596年	1595年	1594年	1593年	1592年	1591年	1590年	1589年	1588年	1587年	1586年	1585年	1584年	1583年	1582年	1581年	1580年	1579年	1578年	1577年	1576年	1575年	1574年	1573年	1572年	1571年	1570年	1569年	1568年	1567年	1566年	1565年	1564年	1563年	1562年	1561年	1560年	1559年	1558年	1557年	1556年	1555年	1554年	1553年	1552年	1551年	1550年	1549年	1548年	1547年	1546年	1545年	1544年	1543年	1542年	1541年	1540年	1539年	1538年	1537年	1536年	1535年	1534年	1533年	1532年	1531年	1530年	1529年	1528年	1527年	1526年	1525年	1524年	1523年	1522年	1521年	1520年	1519年	1518年	1517年	1516年	1515年	1514年	1513年	1512年	1511年	1510年	1509年	1508年	1507年	1506年	1505年	1504年	1503年	1502年	1501年	1500年	1499年	1498年	1497年	1496年	1495年	1494年	1493年	1492年	1491年	1490年	1489年	1488年	1487年	1486年	1485年	1484年	1483年	1482年	1481年	1480年	1479年	1478年	1477年	1476年	1475年	1474年	1473年	1472年	1471年	1470年	1469年	1468年	1467年	1466年	1465年	1464年	1463年	1462年	1461年	1460年	1459年	1458年	1457年	1456年	1455年	1454年	1453年	1452年	1451年	1450年	1449年	1448年	1447年	1446年	1445年	1444年	1443年	1442年	1441年	1440年	1439年	1438年	1437年	1436年	1435年	1434年	1433年	1432年	1431年	1430年	1429年	1428年	1427年	1426年	1425年	1424年	1423年	1422年	1421年	1420年	1419年	1418年	1417年	1416年	1415年	1414年	1413年	1412年	1411年	1410年	1409年	1408年	1407年	1406年	1405年	1404年	1403年	1402年	1401年	1400年	1399年	1398年	1397年	1396年	1395年	1394年	1393年	1392年	1391年	1390年	1389年	1388年	1387年	1386年	1385年	1384年	1383年	1382年	1381年	1380年	1379年	1378年	1377年	1376年	1375年	1374年	1373年	1372年	1371年	1370年	1369年	1368年	1367年	1366年	1365年	1364年	1363年	1362年	1361年	1360年	1359年	1358年	1357年	1356年	1355年	1354年	1353年	1352年	1351年	1350年	1349年	1348年	1347年	1346年	1345年	1344年	1343年	1342年	1341年	1340年	1339年	1338年	1337年	1336年	1335年	1334年	1333年	1332年	1331年	1330年	1329年	1328年	1327年	1326年	1325年	1324年	1323年	1322年	1321年	1320年	1319年	1318年	1317年	1316年	1315年	1314年	1313年	1312年	1311年	1310年	1309年	1308年	1307年	1306年	1305年	1304年	1303年	1302年	1301年	1300年	1299年	1298年	1297年	1296年	1295年	1294年	1293年	1292年	1291年	1290年	1289年	1288年	1287年	1286年	1285年	1284年	1283年	1282年	1281年	1280年	1279年	1278年	1277年	1276年	1275年	1274年	1273年	1272年	1271年	1270年	1269年	1268年	1267年	1266年	1265年	1264年	1263年	1262年	1261年	1260年	1259年	1258年	1257年	1256年	1255年	1254年	1253年	1252年	1251年	1250年	1249年	1248年	1247年	1246年	1245年	1244年	1243年	1242年	1241年	1240年	1239年	1238年	1237年	1236年	1235年	1234年	1233年	1232年	1231年	1230年	1229年	1228年	1227年	1226年	1225年	1224年	1223年	1222年	1221年	1220年	1219年	1218年	1217年	1216年	1215年	1214年	1213年	1212年	1211年	1210年	1209年	1208年	1207年	1206年	1205年	1204年	1203年	1202年	1201年	1200年	1199年	1198年	1197年	1196年	1195年	1194年	1193年	1192年	1191年	1190年	1189年	1188年	1187年	1186年	1185年	1184年	1183年	1182年	1181年	1180年	1179年	1178年	1177年	1176年	1175年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FOR PUBLICATION

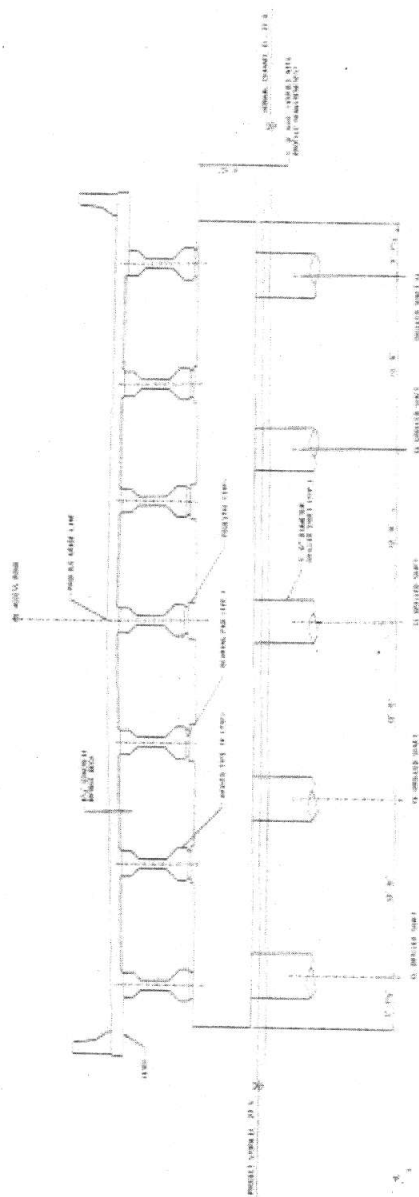
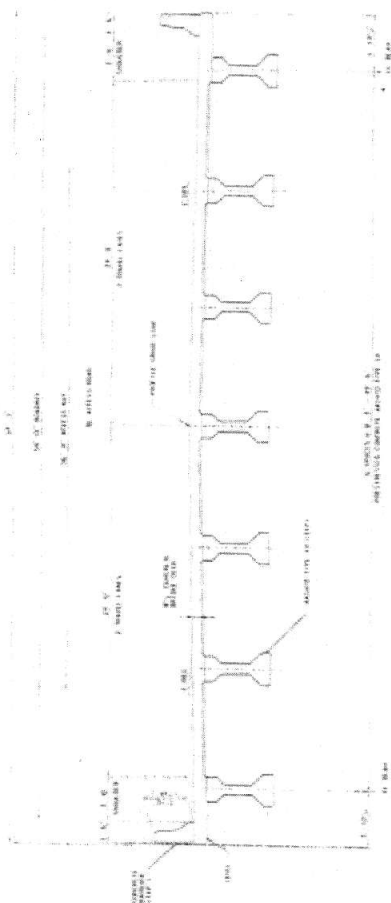


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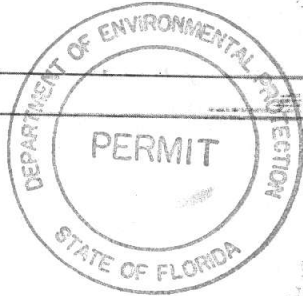
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De A.S.G.





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NOTICE

YOUR PROJECT DID NOT QUALIFY FOR THE STATE AND FEDERAL COMBINED STATE PROGRAMMATIC GENERAL PERMIT (SPGP) PROGRAM. THE ATTACHED AUTHORIZATION(S) DOES NOT INCLUDE THE REQUIRED FEDERAL AUTHORIZATION FOR YOU TO CONSTRUCT YOUR PROJECT. A COPY OF YOUR APPLICATION HAS BEEN SENT TO THE US ARMY CORPS OF ENGINEERS (USACOE) FOR PROCESSING. THE FEDERAL AUTHORIZATION FOR YOUR PROJECT WILL BE SENT TO YOU SEPARATELY BY THE USACOE. YOU CANNOT CONSTRUCT YOUR PROJECT WITHOUT THE APPROPRIATE FEDERAL AUTHORIZATION. THE USACOE CAN BE CONTACTED IN JACKSONVILLE AT 904-232-1679.



NOTICES SUBMITTED TO THE DEPARTMENT

Your permit DEP File No.: 38-272432-002-ES requires you to submit the attached Notices to the Department at the times indicated. Failure to submit these notices will constitute noncompliance with the conditions of your permit and an enforcement action may be brought against you. If you are using a contractor you are responsible for insuring these notices are submitted to the Department.

PLEASE NOTE - References to stormwater management systems in the attached forms refers to the activity or activities authorized in your permit.

CONSTRUCTION COMMENCEMENT NOTICE -- FORM 62-343.900(3)

To be submitted 48 hours PRIOR to the commencement of the activity

ANNUAL STATUS REPORT - Form 62-343.900(4)

To be submitted annually each JUNE whenever the construction period exceeds one year after the construction commencement date.

AS BUILT CERTIFICATION PRIVATE RESIDENT -- FORM NED/AS-BUILT

In some cases, such as a single family resident constructing a structure on their own property for their own use, certification by a registered professional is not required. However, written notice to the Department within 30 days of completion of construction of the date the structure was completed is required. If you are a private single family resident property owner please use the As Built Certification - Private Resident form .

APPLICATION FOR TRANSFER OF PERMIT -- Form 62-343.900(8)

To be submitted within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or real property at which the system is located.

SUBMIT ALL NOTICES TO: Department of Environmental Protection
Environmental Resources Program
7825 Baymeadows Way, Suite B-200
Jacksonville, Florida 32256-7590



**ENVIRONMENTAL RESOURCE PERMIT
CONSTRUCTION COMMENCEMENT NOTICE**

PROJECT: _____ PHASE: one (1)

I hereby notify the Department of Environmental Protection that the construction of the surface water management system authorized by Environmental Resource Permit No.: 38-272432-002-ES has / is expected to commence on _____
_____ 200____, and will require a duration of approximately _____ months _____ weeks _____ days to complete.

It is understood that should the construction term extend beyond one year, I am obligated to submit the Annual Status Report for Surface Water Management System Construction.

PLEASE NOTE: If the actual commencement date is not known, Department staff should be notified in writing in order to satisfy permit conditions.

Permittee or
Authorized Agent

Title and Company

Date

Phone

Address

Form #62-343.900(3), F.A.C.
Form Title: Construction
Commencement Notice
Date: October 3, 1995



ENVIRONMENTAL RESOURCE PERMIT AS-BUILT CERTIFICATION BY A REGISTERED PROFESSIONAL

PERMIT NUMBER: 38-272432-002-ES

NAME: Progress Energy Florida, Inc.

I hereby certify that all components of this surface water management system have been built substantially in accordance with the approved plans and specifications and are ready for inspection. Any substantial deviations (noted below) from the approved plans and specifications will not prevent the system from functioning as designed when properly maintained and operated. These determinations are based upon on-site observation of the system conducted by me or by my designee under my direct supervision and/or my review of as-built plans certified by a registered professional or other appropriate individual as authorized by law.

Name (Please print)

Signature of Professional

Company Name

Florida Registration Number

Company Address

Date

City, State, Zip Code

Telephone Number

(Affix Seal)

Substantial deviations from the approved plans and specifications:

(Note: attach two copies of as-built plans when there are substantial deviations)

Within 30 days of completion of the system, submit two copies of the form to:

Department of Environmental Protection
Environmental Resources Program
7825 Baymeadows Way, Suite B-200
Jacksonville, Florida 32256-7590



**APPLICATION FOR TRANSFER OF ENVIRONMENTAL RESOURCE PERMIT AND NOTIFICATION
OF SALE OF A FACILITY OR SURFACE WATER MANAGEMENT SYSTEM**

Permit No. _____ Date Issued _____ Date Expires _____

FROM (Name of Current Permit Holder): _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: (____) _____

Identification or Name of Facility/Surface Water Management System: _____

Phase of Facility/Surface Water Management System (if applicable): _____

The undersigned hereby notifies the Department of the sale or legal transfer of this facility, or surface-water management system, and further agrees to assign all rights and obligations as permittee to the applicant in the event the Department agrees to the transfer of permit.

Signature of the current permittee: _____

Title (if any): _____ Date: _____

TO (Name of Proposed Permit Transferee): _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: (____) _____

The undersigned hereby notifies the Department of having acquired the title to this facility, or surface-water management system. The undersigned also states he or she has examined the application and documents submitted by the current permittee, the basis of which the permit was issued by the Department, and states they accurately and completely describe the permitted activity or project. The undersigned further attests to being familiar with the permit, agrees to comply with its terms and with its conditions, and agrees to assume the rights and liabilities contained in the permit. The undersigned also agrees to promptly notify the Department of any future changes in ownership of, or responsibility for, the permitted activity or project.

Signature of the applicant (Transferee): _____

Title (if any): _____ Date: _____

Project Engineer Name (if applicable) _____

Mailing Address: _____

Telephone: (____) _____



**ENVIRONMENTAL RESOURCE PERMIT
ANNUAL STATUS REPORT FORM**

Permit No.: 38-272432-002-ES

County: _____

Project Name: Progress Energy Florida, Inc.

Phase: ONE (1)

the following activity has occurred at the above referenced project during the past year, between
June 1, 20____ and May 30, 20____.

Permit Condition Activity	% of Completion	Date of anticipated Completion	Date of Completion
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(Use additional Sheets As Necessary)

Benchmark Description (one per major control structure:)

Not Applicable

Print Name

Phone

Permittee's or Authorized
Agent's Signature

Title and Company

Date

This form shall be submitted to the above referenced Department Office During June of each year for activities whose duration of construction exceeds one year.

Form: #62-343.900(4), F.A.C.
Form Title: Annual Status Report
Date: October 3, 1995



Appendix E
Levy County SE Approval

September 3, 2008

Progress Energy Service Company, LLC
Attn: R. Alexander Glenn and Suzanne Ennis
299 First Avenue North
Suite PEF - 151
St. Petersburg, Florida 33701

RE: Special Exception No. 2-08

To Whom It May Concern,

The Levy County Board of County Commissioners met in regular session on Tuesday, September 2, 2008 and reviewed your application for local approval of a "Special Exception Use Permit" that would allow the construction and operation of two nuclear reactor powered electrical generating plants that would generate a total of 3,000 megawatts of electricity (i.e. 3 billion watts). The application and site plan includes all the necessary support services and structures required for the construction and operation of such facility including, but not limited to: offices, training facilities; rail lines; storage areas; warehouses; first aid facilities; staging areas; parking lots; helipad; electrical transmission facilities, including switch yard; cooling towers; pumping stations; waste water treatment plant; ground water well fields; potable water treatment plant; retention basins; shooting range; emergency notification equipment; fencing and security facilities; and temporary uses necessary for the construction of such power plants, including but not limited to: concrete and/or asphalt batch plants. Said parcel is approximately 2 miles North of the Town of Inglis, ½ mile East of 19/98 and located in all or portions of, Sections 7, 17, 18, 19, 20, 29 and 30, all lying in Township 16 South, Range 17 East, Levy County, Florida. Total Project Area: 3,105 acres more or less (based on survey). Current Land Use Designation: Public Use. Current Zoning District: F/RR.

It was the decision of the board to approve the special exception as requested with conditions.

If I can be of any further assistance, please feel free to contact me.

Sincerely,

Grace Benton
Zoning Codes Specialist

Board of County Commissioners Conditions for SE 2-08

1. The Special Exception Use Permit is for the construction and operation of not more than two (2) nuclear reactor powered electrical generating plants and associated support structures, accessory structures and uses identified and shown on the Site Plan Exhibit B.
2. No permanent entrance to the project site shall be constructed from Highway 40 for the purpose of operational phase work force access. This is not to preclude a roadway to provide access for the construction and maintenance of the transmission lines and the water supply lines used to convey cooling water pumped from the Cross Florida Barge Canal or return lines pumping water to the Crystal River Discharge Canal, emergency access or similar incidental access uses. This condition does not preclude the temporary use of the heavy haul road for the delivery of heavy equipment or materials for construction of the power plant (s), transmission lines, substation or water supply and return lines.
3. Construction activities within the Special Exception area, including transmission and pipeline construction, shall not adversely impact adjacent properties not owned by the applicant. Storm water run-off, and excessive dust, smoke, noise, glare and vibrations shall be considered adverse impacts.
4. Operational characteristics, such as noise, dust, vibrations and traffic shall at all times comply with all local, state and federal ordinances, laws and regulations. The applicant, owner or their assigns, shall promptly provide proof of compliance with any applicable ordinances, laws, or regulations relating to these operational characteristics in the event the County receives a complaint.
5. All wetland mitigation resulting from wetland impacts to properties in Levy County shall be made to property located in Levy County. The applicant, shall, whenever possible, conduct all wetland mitigation within the boundary of the site (3,105 acres).
6. Final development approval by the County shall be contingent upon the applicant obtaining all development approvals and permits from all applicable state and federal agencies that are necessary for the particular development activity to be approved by the County, with the exception of the Federal Combined Construction Operating License.
7. All development shall be contained within the designated development areas as shown on Exhibit A, with the exception of fencing, industrial rail spur, temporary uses incidental to the construction of the facility, transmission lines and pipelines, berms, guard houses,

water wells, monitoring wells, and internal roads necessary to provide internal access to these listed structures shall be contained within the designated development areas as shown on Exhibit A and shall be setback a minimum of 1,000 feet from any property boundary where abutting properties are not under the same ownership as the subject property.

8. Note 1 written thereon Map Exhibit A, and Notes 1 through 16 written thereon Map Exhibit B of the supporting documents submitted with the application shall be considered conditions of the approval of SE 2-08.
9. All conditions set forth by the Board of County Commissioners shall be binding on the applicant, owner, or their assigns.

Appendix F
Board of Trustees Easement No. 31959
(To be attached upon Final Execution)