

**STATE OF FLORIDA
DEPARTMENT
OF
ENVIRONMENTAL PROTECTION**



Conditions of Certification

Tampa Electric Company
Polk Power Station
IGCC Unit 1
SCGT Units 2, 3, 4, and 5

PA 92-32M
October 31, 2011

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SECTION A: GENERAL CONDITIONS

SECTION A: GENERAL CONDITIONS

I. SCOPE

Pursuant to the Florida Electrical Power Plant Siting Act (PPSA), Sections 403.501-518, Florida Statutes (F.S.); this certification is issued to Tampa Electric Company (TEC) as owner/operator and Licensee of Polk Power Station – Units 1-5. Subject to the requirements contained in these Conditions of Certification (Conditions), TEC will operate an 1150 megawatt (MW) ultimate site capacity. There currently are 5 Units (Unit 1 - 260 MW combined cycle combustion turbine; four 165 MW simple cycle gas turbines - Unit Nos. 2 -5). These units are located in Polk County, Florida. The UTM coordinates are: Zone 17,402.45 km East and 3067.35 km North. The Department does not intend, solely by the incorporation of these General Conditions, to require the retrofitting of existing certified facilities.

II. DEFINITIONS

The meaning of terms used herein shall be governed by the applicable definitions contained in Chapters 253, 373, 372, and 403, F.S., and any regulation adopted pursuant thereto and the statutes and regulations of any agency and the definitions set forth below. In the event of any dispute over the meaning of a term used in these Conditions which is not defined in such statutes or regulations, such dispute shall be resolved by reference to the most relevant definitions contained in any other state or federal statute or regulation or, in the alternative by the use of the commonly accepted meaning as determined by the Department. As used herein, the following shall apply:

- A. “Application” means the Site Certification Application (SCA) for the Polk Power Station Project, as supplemented.
- B. “Associated Facilities” is defined by Section 403.503(7), F.S.
- C. “Certified Area” means the area within the site in which the certified facilities are located. For linear facilities this term shall mean the area encompassed by the boundaries of the certified easements and/or ROWs.
- D. “Certified Facility” or “Certified Facilities” means the certified electrical power generation facilities and all on- or off-site associated structures including but not limited to: steam generating units, transformers, substations, fuel and water storage tanks, air and water pollution control equipment, storm water control ponds and facilities, cooling towers, reclaimed water pipelines and pump stations and related structures. This term shall also mean linear and associated facilities, including but not limited to: reclaimed water pipelines and pump stations, transmission lines, natural gas pipelines, and compressor stations.
- E. “DEP” or “Department” means the Florida Department of Environmental Protection.
- F. “DHR” means the Florida Department of State, Division of Historical Resources.
- G. “Emergency conditions” or “Emergency reporting” means urgent circumstances involving potential adverse consequences to human life or property as a result of weather conditions or other calamity, and necessitating new or replacement gas pipeline, transmission lines, or access facilities.

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

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

J. “ISO” shall mean International Organization for Standardization, ISO 3977-1978 (E) standard conditions for gas turbines = 14.7 psia, 15°C, relative humidity 60 percent.

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

L. “Power plant” shall mean the electric power generating equipment and appurtenances to be constructed on the Polk Power Station site in Polk County, as generally depicted in the Application.

M. “Project” shall mean the TEC Polk Power Station (PPS) and all associated facilities, including: the power plant, coal gasification plant, sulfuric acid plant and related facilities, and the cooling reservoir and related facilities.

N.. “ROW” means the right-of-way to be selected by the Licensee within the certified corridor in accordance with the Conditions of Certification and as defined in section 403.503927), F.S.

O. “SWF WMD” means the Southwest Florida Water Management District, respectively.

III APPLICABLE DEPARTMENT RULES

The construction, operation and maintenance of the Power Plant Station shall be in accordance with all applicable provisions of at least the following regulations of DEP: Chapters 62-204, 62-210, 62-256, 62-296, 62-297, 62-301, 62-302, 62-520, 62-528, 62-531, 62-532, 62-550, 62-555, 62-560, 62-621, 62-650, 62-660, 62-701, 62-780, 62-814, 62-4, and 62-601, Florida Administrative Code (F.A.C.), or their successors as they are renumbered.

IV. CHANGE IN DISCHARGE

All discharges or emissions authorized herein shall be consistent with the terms and conditions of this certification. The discharge of any regulated pollutant not identified in the application, or more frequent than, or at a level in excess of that authorized herein, shall constitute a violation of the certification. Any anticipated facility expansions beyond the certified initial, nominal, net capacity of 260 MW, production increases, or process modifications which may result in new, different, or increased discharges of pollutants, change in type of fuel as described in XIII.D., or expansion in steam generation capacity shall be reported by submission of a supplemental application pursuant to Chapter 403, F.S.

V. DEPARTMENT PERMITS UNDER FEDERAL PROGRAMS

This certification is not a waiver of any other Department approval that may be required under federally delegated or approved programs. The Department may consider a violation of any of these permits as a violation of this license.

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A. Air

The provisions of the following paragraphs shall be conditions of this certification. The Licensee shall comply with the substantive provisions and limitations set forth in Air Construction Permits PSD-FL-194, PSD-FL-263, PSD-FL-363 (1050233-018-AC), 1050233-017-AC and Title V Air Operation Permit Number 1050233-026-AV as part of these Conditions, and as those provisions may be modified, amended, or renewed in the future by the Department. Such provisions shall be fully enforceable as conditions of this certification. Any violation of such provisions shall be a violation of these Conditions.

1. Air Construction Permit(s)

Air Construction Permits PSD-FL-194, PSD-FL-263, PSD-FL-363 (1050233-018-AC), and 1050233-017-AC are incorporated by reference herein as part of these Conditions and attached as Appendix I.

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

2. Title V Permit

Title V Air Operation Permit 1050233-026-AV is incorporated by reference herein as part of these Conditions and attached as Appendix II.

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

B. Water

1. NPDES Industrial Wastewater Discharge

Any discharges during operation shall be in accordance with all applicable provisions of NPDES permit No. FL0043869 (attached as Appendix III) as well as any subsequent modifications, amendments and/or renewals.

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

2. Underground Injection Control

Any construction or operation of injection wells shall be in accordance with all applicable provisions of UIC permit No. 0281232 (attached as Appendix IV) as well as any subsequent modifications, amendments and/or renewals.

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

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

Any storm water discharges associated with construction activities on the site shall be in accordance with all applicable provisions of Chapter 62-621, F.A.C. Prior to commencing construction activities on the site that:

- contribute to stormwater discharges to surface waters of the State or into a municipal separate storm sewer system (MS4); and
- disturb one or more acres of land (less than one acre if the activity is part of a larger common plan of development);

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a Generic Permit for Stormwater Discharge from Large and Small Construction Activities (CGP) must be obtained as applicable.

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

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

Any storm water discharges associated with industrial activity shall be in accordance with all applicable provisions of Chapter 62-621, F.A.C. For industrial activities at the site that result in a discharge of stormwater to surface waters of the State or into a municipal separate storm sewer system (MS4), and fall under any one of the 11 categories of industrial activities identified in 40 CFR 122.26(b)(14), a Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity (MSGP) shall be obtained as applicable.

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

5. NPDES Generic Permit for Discharge of Produced Ground Water from any Non-Contaminated Site Activity

Prior to discharge of produced ground water from any non-contaminated site activity which discharges by a point source to surface waters of the State, as defined in Chapter 62-620, F.A.C., the Licensee must first obtain coverage under the Generic Permit for Discharge of Produced Ground Water From any Non-Contaminated Site Activity. Similarly, if the activity involves a point source discharge of ground water from a petroleum contaminated site, the Licensee must obtain coverage under the Generic Permit for discharge from petroleum contaminated sites. Before discharge of ground water can occur from such sites, analytical tests on samples of the proposed untreated discharge water shall be performed as required by Rule 62-621.300, F.A.C., to determine if the activity can be covered by either permit.

If the activity cannot be covered by either generic permit, the Licensee shall apply for an individual wastewater permit at least ninety (90) days prior to the date discharge to surface waters of the State is expected. No discharge to surface water is permissible without an effective permit.

6. NPDES Generic Permit for Discharges from Concrete Batch Plants

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

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

VI. FACILITIES OPERATION

A. The Licensee shall properly operate and maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the Licensee to achieve compliance with the terms and conditions of this License as required by the final order of certification, these Conditions, or a post-certification amendment or modification. In the event of a malfunction of a electric generating unit's pollution control system, that unit's load shall be shifted to any or all of the remaining units having a properly functioning pollution control system, and the malfunctioning unit shall be promptly shut down.

B.. In the event of a prolonged [thirty (30) days or more] equipment malfunction or shutdown of air pollution control equipment, operation may be allowed to resume and continue to take place under an appropriate Department order, provided that the Licensee demonstrates that such operation will be in compliance with all applicable ambient air quality standards and PSD increments, solid waste rules, domestic waste rules and industrial waste rules. During such malfunction or shutdown, the operation of the Polk Power Station shall comply with all other requirements of this certification and all applicable state and federal emission standards not affected by the malfunction or shutdown which is the subject of the Department's order. Operational stoppages exceeding two hours for air pollution control systems or four hours for other systems or operational malfunctions are to be reported as specified in Condition VII – Notification.- Identified operational malfunctions which do not stop operation but do compromise the integrity of the operation shall be reported to the Southwest District office as specified in Condition VII – Notification.

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

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

VII. NOTIFICATION

A. If, for any reason, the Licensee does not comply with or will be unable to comply with any condition or limitation specified in this certification, the Licensee shall notify the Southwest District office of the DEP by telephone within a working day that said noncompliance occurs and shall confirm this in writing at 13051 North Telecom Parkway, Temple Terrace, FL 33637 within seventy-two (72) hours of becoming aware of such conditions, and shall supply the following information:

1. A description of and cause of noncompliance; and
2. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.
3. The Licensee shall report all critical (having potential to significantly pollute surface or ground waters) spills of liquid or liquid-solid materials not confined to a building or similar containment structure to the Department by phone immediately after the discovery and submit a written report within forty-eight (48) hours, excluding weekends, from

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the original notification. The written report shall include, but not be limited to, a detailed description of how the spill occurred, the name and chemical make-up (include any MSDS sheets) of the substance, the amount spilled, the time and date of the spill, the name and title of the person who first reported the spill, the areal size of the spill and surface types (impervious, ground, water bodies, etc.) it impacted, the cleanup procedures taken and status of completion, and include a map or aerial photograph showing the extent and paths of the material flow. Any deviation from this requirement must receive prior approval from the Department.

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

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

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

The notice shall consist of maps or aerial photographs in the scale of 1:24,000 which clearly show the location of the certified route and shall state whether the certification of the corridor will result in the acquisition of rights-of-way within the corridor. The Licensee shall certify to the Department and clerk that all lands required for the transmission line rights-of-way within the corridor have been acquired within such county within 30 days after completion of the right-of-way acquisition.

[Section 403.5112, F.S.]

VIII. SAFETY

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

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

IX. ENFORCEMENT

The Department may take any and all lawful actions as it deems appropriate to enforce any condition of this certification.

X. DESIGN AND PERFORMANCE CRITERIA

The power plant may be operated at up to 115 percent of the maximum electrical output at ISO conditions projected from design information without the need for modifying these conditions. Treatment or control facilities or systems installed or used to achieve compliance

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with the terms and conditions of this certification are not to be bypassed without prior DEP approval. Moreover, the Licensee shall take all reasonable steps to minimize any adverse impacts resulting from noncompliance with any limitation specified in this certification, including, but not limited to, such accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying event.

XI. CERTIFICATION

A. The terms, conditions, requirements, limitations and restrictions set forth in these conditions of certification are binding and enforceable pursuant to Sections 403.141, 403.161, 403.514, 403.727, and 403.859 through 403.861, F.S. TEC is placed on notice that the Department will review this approval periodically and may initiate enforcement action for any violation of these conditions.

B. This approval is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this approval may constitute grounds for revocation and enforcement action by the Department.

C. As provided in Subsections 403.087(6), 403.511, and 403.722(5), F.S., the issuance of this approval does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This approval is not a waiver of or approval of any other Department approval that may be required for other aspects of the total project under federally delegated programs which are not addressed in this certification.

D. This certification does not relieve the TEC 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 approved source, or from penalties therefore; nor does it allow the TEC to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.

E. In accepting this certification, TEC understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this approved source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the approved source arising under the Florida Statutes or Department rules, except where such use is prescribed by Sections 403.111 and 403.73, 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.

F. This certification is transferable only upon Department approval in accordance with Section 403.516, F.S., Rules 62-4.120 and 62-730.300, F.A.C., as applicable. TEC shall be liable for any noncompliance of the approved activity until the transfer is approved by the Department.

G. These conditions of certification or a copy thereof shall be kept at the work site of the approved activity.

H. TEC shall comply with the following:

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1. Upon request, TEC 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.

2. TEC shall hold at the facility or other location designated by this approval records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the approval, copies of all reports required by this approval, and records of all data used to complete the application for this approval. These materials shall be retained at least three (3) years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.

3. Records of monitoring information shall include:

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

I. When requested by the Department, TEC shall within a reasonable time furnish any information required by law which is needed to determine compliance with the certification. If TEC 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.

XII. LABORATORIES AND QUALITY ASSURANCE

Chemical, physical, biological, microbiological and toxicological data collected as a requirement of these Conditions must be reliable, and collected and analyzed by scientifically sound procedures. Unless otherwise specified in these Conditions, the Licensee shall adhere to the minimum field and laboratory quality assurance, methodological and reporting requirements of the Department as set forth in Chapter 62-160, F.A.C. Standard Operating Procedures can be downloaded from the following website: <http://www.dep.state.fl.us/labs/qa/sops.htm>.

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

XIII. PROCEDURES FOR POST-CERTIFICATION SUBMITTALS

A. Purpose of Submittals

Conditions which provide for the post-certification submittal of information to DEP or other agencies by the Licensee are for the purpose of facilitating the agencies' monitoring of the effects arising from the location of the transmission line ROW and the construction and maintenance of the transmission line and the plant facilities. This monitoring is for DEP to assure, in consultation with other agencies with applicable regulatory jurisdiction, continued compliance with these Conditions, without further agency action.

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B. Filings

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

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

C. Completeness

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

D. Interagency Meetings

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

E. Determination of Compliance

Within ninety (90) days of the filing of a complete post-certification submittal, DEP shall give written notification to TEC and the agencies to which the post-certification information was submitted of its determination whether there is reasonable assurance of compliance with the conditions of certification. If it is determined that reasonable assurance has not been provided, TEC shall be notified with particularity and possible corrective measures suggested. Failure to notify TEC in writing within ninety (90) days of receipt of a complete post-certification submittal shall constitute a compliance determination.

F. Commencement of Construction

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

G. Revisions to Design Previously Reviewed for Compliance

If revisions to site-specific designs occur after submittal, the Licensee shall submit revised plans prior to construction for review.

H. Variation to Submittal Requirements

DEP, in consultation with the appropriate agencies that have regulatory authority over a matter to be addressed in a post-certification submittal, and Licensee may jointly

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agree to vary any of the post-certification submittal requirements, provided the information submitted is sufficient to provide reasonable assurances of compliance with these Conditions.

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

XIV. AGENCY ADDRESSES FOR POST-CERTIFICATION SUBMITTALS AND NOTICES

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

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

Florida Department of Environmental Protection
Southwest District Office
13051 North Telecom Parkway
Temple Terrace, FL 33637

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

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

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

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

Southwest Florida Water Management District
Office of General Counsel
2379 Broad Street
Brooksville, Florida 34609-6899

SECTION A: GENERAL CONDITIONS

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

Polk County
Office of General Council
POB 9000
Bartow, FL 33831-9000

[Section 403.511, F.S.]

XV. POST-CERTIFICATION SUBMITTAL REQUIREMENTS SUMMARY

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

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

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

XVI. POST CERTIFICATION AMENDMENTS

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

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

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

[Section 403.5113, F.S.]

XVII. ADVERSE IMPACT

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

XVIII. RIGHT OF ENTRY

The Licensee shall allow during normal operational or business hours the Secretary of the Florida Department of Environmental Protection and/or authorized representatives, including representatives of the SWFWMD and Polk County upon the presentation of credentials:

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

B. To have access during normal business hours (Monday-Friday, 7:00 a.m. to 3:30 p.m.) to any records required to be kept under the conditions of this certification for examination and copying;

C. To inspect and test any monitoring equipment or monitoring method required in this certification and to sample any discharge or pollutants, or monitor any substances or parameters at any location reasonably necessary to assure compliance with this certification or Department rules; and,

D. To assess any damage to the environment or violation of ambient standards.

E. A reasonable time may depend on the nature of the concern being investigated.

XIX. REVOCATION OR SUSPENSION

This certification may be suspended or revoked for violations of any of its conditions pursuant to Sections 403.512, F.S.

XX. CIVIL AND CRIMINAL LIABILITY

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

XXI. USE OF STATE LANDS

A. The issuance of this license conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless the necessary title or leasehold interests have been obtained from the

SECTION A: GENERAL CONDITIONS

State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.

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

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

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

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

[Chapters 253 and 258, and Sections 403.511, 403.531, and 403.9416, F.S.; Chapter 3.1.1. of the B.O.R.; Chapters 18-2, 18-14, 18-21, 62-340, and subsections 62-343.900(1) and 62-4.160(4), F.A.C.; Upland Easement Application and Section G of the Environmental Resource Permit Application Form.]

XXII. SEVERABILITY

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

SECTION A: GENERAL CONDITIONS

XXIII. REVIEW OF SITE CERTIFICATION

The certification shall be final unless revised, revoked, or suspended pursuant to law. At least every five (5) years from the date of issuance of certification the Department may review these conditions of certification and propose any needed changes.

XXIV. MODIFICATION OF CONDITIONS

A. Pursuant to Subsection 403.516(1), F.S., the Board hereby delegates the authority to the Secretary to modify any condition of this certification.

B. For modifications in relation to federally delegated or approved permit programs, if no written objection is raised following notice to the parties and the public pursuant to Section 403.516(1)(b), F.S., the department shall modify a certification order and conditions of certification to conform to any subsequent department-issued amendments, modifications or renewals of any separately-issued prevention of significant deterioration (PSD) permit, Title V Air Operation permit, National Pollutant Discharges Elimination System (NPDES) permit, or any other permit for the certified electrical power plant issued by the department under a federally delegated or approved permit program so long as no state rule exists which conflicts or is more stringent than the provisions of the federal permits.

XXV. SCREENING

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

XXVI. TOXIC, DELETERIOUS OR HAZARDOUS MATERIALS

A. *Spills*

The spill of any toxic, deleterious, or hazardous materials shall be reported in the manner specified by Condition VII. Notification.

B. *Handling and Testing of Potentially Hazardous Material*

Within one hundred twenty (120) days prior to commercial operation, TEC shall provide a plan for handling and disposing of hazardous catalysts to the DEP Southwest District office.

XXVII. SOLID WASTE STORAGE AND DISPOSAL

A. *Solid Waste General*

1. The solid waste disposal areas shall be designed, constructed, operated, maintained, closed and monitored in accordance with acceptable landfill practices described in Chapter 62-701, F.A.C.

2. No solid waste disposal areas shall be constructed until detailed plans and drawings as required by Chapter 62-701, F.A.C., have been submitted to and approved by the Solid Waste Section of the Southwest District (SWSSWD) of the DEP.

3. Each solid waste disposal unit shall meet the general criteria for landfills as stated in Rule 62-701.340, F.A.C.

SECTION A: GENERAL CONDITIONS

4. Any solid waste produced by the operation of the facility shall be disposed of in a permitted disposal facility. By-products that are sold for reuse are not considered solid waste.

B. Solid Waste Site Specific Standards

1. The temporary storage area for the brine solids shall have a leachate control system to prevent a discharge of leachate and mixing of leachate with storm water.

2. Provisions for storing slag for more than one year shall be addressed in the Solid Waste Operations Plan to be submitted to the SWSSWD of the DEP prior to operation of the slag storage unit.

3. The Licensee shall provide reasonable assurance that the liners for all solid waste storage areas shall be constructed, operated and maintained in accordance with acceptable landfill liner practices. Acceptable practices are detailed in Rule 62-701.400, F.A.C., (new January 6, 1993). The characteristics of the soils underlying the liner shall also be determined to prevent settlement or other problems associated with use of a geomembrane liner. The results of all soils and materials testing shall be submitted to the Solid Waste Section of the Department's Southwest District Office (SWSSWD) with liner specifications for approval prior to construction.

4. The Licensee shall provide leachate collection and disposal plans that meet the criteria of Rule 62-701.400, F.A.C. Leachate sampling shall be addressed in the facility ground water monitoring plan as a post-certification submittal. Parameters detected in the leachate at levels of concern may be included in future ground water sampling analyses. The Licensee is responsible for the storm water control in the solid waste retention areas. Storm water or other surface water which comes into contact with the solid waste or mixes with leachate shall be considered leachate.

5. The Licensee shall provide backup provisions for leachate management in the event that the industrial wastewater treatment plant is inoperable. This shall be submitted to the SWSSWD of the DEP prior to operation of any solid waste disposal unit.

6. The zone of discharge for each SWDA shall be 100 feet from the edge of the SWDA, or the property boundary, whichever is less. Ground water standards for G-II ground waters shall be maintained at the boundary of the zone of discharge.

7. The Licensee shall provide reasonable assurance that the solid waste disposal area liner system shall be equivalent to a composite or double liner system.

8. The Licensee shall submit to the SWSSWD of the DEP a quality assurance plan for the liner systems equivalent to that for a composite or double liner system for approval by the Department's SWSSWD prior to construction. Soil liner construction quality assurance shall include a quality control plan specifying performance criteria for the soil liner, testing procedures and sampling frequencies.

9. The Licensee shall submit to the SWSSWD of the DEP a comprehensive operation plan for the facility that provides written, detailed instructions for the daily operation of the solid waste disposal areas. The plan shall include the items listed in Rule 62-701.500, F.A.C. The plan shall be kept at the facility and shall be accessible to the operators. The plan shall be revised if operational procedures change. A schedule for routine maintenance of the

SECTION A: GENERAL CONDITIONS

leachate collection and removal system shall be established to ensure operation of the system. The maintenance schedule shall be a part of the operational procedures for the plan. The initial operation plan shall include the first solid waste disposal area and shall be submitted for approval to the SWSSWD of the DEP prior to operation of the solid waste disposal area.

10. The Licensee shall hold the operator responsible for leachate level monitoring, sampling, analysis of the leachate, and for providing copies of the leachate analysis to the Department's SWSSWD. The operator shall have a prepared contingency plan to handle leachate collection, removal, and treatment problems such as interruptions of discharges to a treatment plant. Quantities of leachate collected by the leachate collection and removal system shall be recorded in gallons per day before on-site treatment or transport off-site. A rain gauge shall be installed, operated, and maintained to record precipitation at the facility. Precipitation records shall be maintained and used to compare with leachate generation rates.

11. Hazardous waste or any hazardous substance shall not be accepted for disposal at this site. Hazardous waste is a solid waste identified by the Department as a hazardous waste in Chapter 62-730, F.A.C. Hazardous substances are those defined in Section 403.703, F.S., or in any other applicable state or federal law or administrative rule.

12. The Licensee shall maintain a program which prohibits the disposal of bulk industrial wastes which operation personnel reasonably believe to either be or contain hazardous waste, without first obtaining a chemical analysis of the material showing the waste to be non-hazardous. The chemical analysis of any such material, along with the date of disposal, shall be kept on file at the facility.

13. A trained supervisor or foreman shall be responsible for maintaining the solid waste disposal areas in an orderly, safe, and sanitary manner. Sufficient personnel shall be employed for adequate operation. In the event of damage to any portion of the solid waste disposal area or failure of any portion of the related systems, the Department's SWSSWD shall receive notification in accordance with Section A Condition VII Notification.

14. The facility ground water monitoring plan, to be submitted as a post-certification report, shall include monitoring of the solid waste disposal areas. This plan shall include, at a minimum, the equivalent to the requirements of Rule 62-701.510, F.A.C., for the solid waste disposal areas. The facility ground water monitoring plan must be approved by the Department prior to facility operation. The facility ground water monitoring plan is described in condition of certification Section B.I.D.1.a., and attached to the Conditions of Certification as Attachment C.

15. All engineering plans, reports, and related information shall be provided by the engineer of record with professional certification and shall be approved by the Department's SWSSWD prior to construction. A construction certification report signed and sealed by a professional engineer, and record drawings showing all modifications to construction plans, shall be submitted for approval to the SWSSWD of the DEP prior to operation of each solid waste disposal area.

16. Prior to any construction of each solid waste disposal area, the engineer shall define the engineering properties of the site that are necessary for the design, construction, and support for the disposal area.

SECTION A: GENERAL CONDITIONS

17. The closure of each solid waste disposal area shall be equivalent to lined landfill closures, and shall have a barrier layer. All engineering plans, reports, and related information shall be provided by the engineer of record with professional certification and shall be approved by the Department's SWSSWD prior to closure.

18. Financial assurance for the solid waste disposal areas shall be provided in accordance with Rule 62-701.630, F.A.C., prior to operation of each solid waste disposal area. All cost estimates for closure and long-term care shall be adjusted and submitted annually to: SWSSWD of the DEP. Proof that the financial assurance has been funded adequately shall be submitted annually to the SWSSWD and to: Financial Coordinator, Solid Waste Section, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

19. If ground water monitoring reveals chemical parameters at concentrations significantly above background concentrations due to leachate, the Licensee shall submit a contamination assessment plan to the Department's Solid Waste Section within one hundred fifty (150) days of knowledge of exceedance. The contamination assessment plan shall provide a detailed plan for evaluating the vertical and horizontal extent of affected soils and ground water.

C. Processing Additional Information

The Licensee shall send all appropriate submittals to the SWSSWD of the DEP to the following address:

Florida Department of Environmental Protection
Solid Waste Section
13051 North Telecom Parkway
Temple Terrace, FL 33637

XXVIII. ENVIRONMENTAL RESOURCES

A. General

1. Submittals for Construction Activities

a. Prior to the commencement of construction of new facilities and/or associated facilities the Licensee shall provide to the appropriate DEP District's Environmental Resource Permitting Section(s) for review, all information necessary for a complete *Joint Application for Environmental Resource Permit* (ERP), DEP Forms 62-343.900(1), and 62-312.900(1), as applicable.

These forms may be submitted; a) concurrently with a SCA, an amendment request, or a petition for modification; or b) as a post-certification submittal following approval of a project through certification, an amendment, or a modification. Such ERP applications, once received, shall be reviewed in accordance with the non-procedural standards and criteria for issuance of an ERP, including all the provisions related to reduction and elimination of impacts, conditions for issuance, additional conditions for issuance, and mitigation contained in Chapters 62-330, 62-341, 62-343, and 62-346, F.A.C., as applicable unless otherwise stated in these Conditions.

Those forms submitted as part of a site certification, an amendment, or modification, shall be processed concurrently with, and under the respective

SECTION A: GENERAL CONDITIONS

certification, amendment, or modification procedures. Those forms submitted as a post-certification submittal (after project approval and prior to construction) shall be processed in accordance with Section A. Condition XXII. Procedures for Post-Certification Submittals.

No construction shall commence until the appropriate notification from the Department has been received, or in the case of post-certification submittals the time period for notification by the Department has expired.

b. The Licensee shall submit a survey of wetland and surface water areas as delineated in accordance with Chapter 62-340, F.A.C., and verified by appropriate agency staff for Department approval.

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

[Section 373.416, F.S.; subsections 62-312, 62-343.070(2) and 62-346.070(2), paragraph 62-343.090(2)(b), and Forms 62-343.900(1) and 62-346.900(1), F.A.C.]

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

[Section 373.414, F.S.; paragraph 62-17.665(7)(d), F.A.C.]

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

[Sections 373.421, 403.504, F.S.]

B. Surface Water Management

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

2. All construction, operation, and maintenance of the surface water management system(s) for the Certified Facilities shall be as set forth in the plans, specifications and performance criteria contained in the ERP Application form and the surface water management system operation/management plans approved by this license. The Department approved surface water management system operation/management plans shall be incorporated herein as Attachment B, as well as any subsequent alterations, amendments, and/or modifications thereto. Any subsequent alterations, amendments, or modification to the approved surface water management system and/or operation/management plans shall require prior approval from the Department.

3. Immediately prior to, during construction, and for the period of time after construction to allow for stabilization of all disturbed areas, the Licensee shall implement and maintain erosion and sediment control best management practices, such as silt fences, erosion control blankets, mulch, sediment traps, polyacrylamide (PAM), temporary grass seed, permanent sod, and floating turbidity screens to retain sediment on-site and to prevent violations of state water quality standards. These devices shall be installed, used, and maintained at all

SECTION A: GENERAL CONDITIONS

locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the licensed work, and shall remain in place at all locations until construction is completed and soils are permanently stabilized. All best management practices shall be in accordance with the guidelines and specifications described in *the State of Florida Erosion and Sediment Control Designer and Reviewer Manual* (Florida Department of Transportation and Florida Department of Environmental Protection, 2007) unless a project-specific erosion and sediment control plan is approved as part of this License. If project-specific conditions require additional measures during any phase of construction or operation to prevent erosion or control sediments beyond those specified in the approved erosion and sediment control plan, the Licensee shall implement additional best management practices as necessary, in accordance with the guidelines and specifications in *the State of Florida Erosion and Sediment Control Designer and Reviewer Manual* (Florida Department of Transportation and Florida Department of Environmental Protection by HydroDynamics Incorporated in cooperation with Stormwater Management Academy, June 2007). The Licensee shall correct any erosion or shoaling that causes adverse impacts to the water resources as soon as feasible. Once project construction has been deemed complete, including the re-stabilization of all side slopes, embankments and other disturbed areas, and before conversion from the operation and maintenance phase, all silt screens and fences, temporary baffles, and other materials that are no longer required for erosion and sediment control shall be removed.

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

5. At least 48 hours prior to the commencement of construction of any new surface water management system authorized by this license, the Licensee shall submit to the Department a written notification of commencement using an "Environmental Resource Permit Construction Commencement Notice" (DEP Form 62-343.900(3) or 62-346.900(3), F.A.C., as applicable), indicating the actual start date and the expected completion date. When the duration of construction will exceed one year, the Licensee shall submit construction status reports to the Department on an annual basis utilizing an "Annual Status Report Form" (DEP Form No. 62-343.900(4), F.A.C.). Status Report Forms shall be submitted the following June of each year.

6 Each phase or independent portion of the approved system must be completed in accordance with the submitted DEP Form prior to the operation of site infrastructure located within the area served by that portion or phase of the system.

7. Within 30 days after completion of construction of any new portions of the surface water management system, the Licensee shall submit to the SCO and DEP District Office a written statement of completion and certification by a registered professional engineer (P.E.), or other appropriate registered professional, as authorized by law, utilizing the required "As-Built Certification by a Registered Professional" (DEP Form 62-343.900(5) or 62-346.900(4), F.A.C., as applicable). Additionally, if deviations from the approved drawings are discovered, the As-Built Certification must be accompanied by a copy of the approved drawings with deviations noted.

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8. Any substantial deviation from the approved drawings, exhibits, specifications or COCs, may constitute grounds for revocation or enforcement action by the Department. Examples of substantial deviations may include excavation of ponds, ditches or sump areas deeper than shown on the approved plans.

9. Prior to the operation of any new surface water management system, the Licensee shall submit to the Department a "Request for Transfer of Environmental Resource Permit Construction Phase to Operation Phase" (DEP Form 62-343.900(7), F.A.C.). The operation phase of any new surface water management system approved by the Department shall not become effective until the Licensee has complied with the requirements of the conditions herein, the Department determines the system to be in compliance with the approved plans, and the entity approved by the Department accepts responsibility for operation and maintenance of the system.

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

C. Wetland and Other Surface Water Impacts

1. All certified facilities shall be constructed in a manner which will avoid or minimize adverse impacts to on-site and/or adjacent wetlands or other surface waters to the extent feasible. Except as otherwise provided in Chapter 62-341, F.A.C., when unavoidable impacts to wetlands will occur, an applicant may propose and the Department shall consider mitigation to offset otherwise unpermissible activities under the Environmental Resource Permit review process pursuant to Condition XXVIII. A.1.a above.

2. Proposed mitigation plans submitted with the DEP ERP Application forms required in Condition XXVIII. A.1.a. above, or submitted and approved as part of an amendment, modification, or certification, and that are deemed acceptable by DEP, shall include applicable construction conditions, success criteria and monitoring plans, and shall be incorporated into these Conditions as Attachment B.

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

XXIX. CONSTRUCTION

A. Standards and Review of Plans

1. The facility shall be constructed pursuant to the design standards presented in the application and the standards or plans and drawings submitted and signed by an engineer registered in the state of Florida. The Applicant shall present specific facility plans, as developed, for review by the Southwest District office at least ninety (90) days prior to construction of those portions of the facility for which the plans are then being submitted, unless other time limits are specified in the following conditions herein. Specific Southwest District office acceptance of plans will be required based upon a determination of consistency with approved design concepts, regulations and these conditions prior to initiation of construction of the: industrial waste treatment facilities; domestic waste treatment facilities; potable water treatment and supply systems; ground water monitoring systems; off-site water and wastewater pipelines; transmission lines; storm water runoff systems; solid waste disposal areas; and hazardous or toxic handling facilities or areas. Review and approval or disapproval shall be accomplished in accordance with Chapter 120, F.S.

SECTION A: GENERAL CONDITIONS

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

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

B. Control Measures

1. Storm Water Runoff

To control runoff during construction which may reach and thereby pollute waters of the state, necessary measures shall be utilized to settle, filter, treat or absorb silt-containing or pollutant-laden storm water to ensure against spillage or discharge of excavated material that may cause turbidity in excess of 29 Nephelometric Turbidity Units above background in waters of the state. For the purposes of compliance, background turbidity shall be established by sampling the discharge from the reclaimed pond at the control structure CS-9 within one-half hour of detecting a discharge through OSN's 001 or 002. Control measures may consist of sediment traps, barriers, berms, and vegetation plantings. Exposed or disturbed soil shall be protected and stabilized as soon as possible to minimize silt and sediment-laden runoff. The pH of the runoff shall be kept within the range of 6.0 to 8.5. The Licensee shall comply with Chapter 40D-4, F.A.C. The Licensee shall complete the forms required by 40D-4, F.A.C., and submit those forms and the required information to the SWFWMD for any modifications that might occur.

2. Open Burning

Open burning in connection with initial land clearing shall be in accordance with Chapter 62-256, F.A.C., Chapter 5I-2, F.A.C., Uniform Fire Code Section 33.101 Addendum, and any other applicable county regulation.

Any burning of construction-generated material, after initial land clearing that is allowed to be burned in accordance with Chapter 62-256, F.A.C., shall be approved by the Southwest District office in conjunction with the Division of Forestry and any other county regulations that may apply. Burning shall not occur unless approved by the appropriate agency or if the Department or the Division of Forestry has issued a ban on burning due to fire safety conditions or due to air pollution conditions.

3. Sanitary Wastes

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

SECTION A: GENERAL CONDITIONS

4. Solid Wastes

Solid wastes resulting from construction shall be disposed of in accordance with the applicable regulations of Chapter 62-701, F.A.C.

5. Noise

Construction noise shall not exceed either local noise ordinance specifications, or those noise standards imposed by zoning.

6. Dust and Odors

The Licensee shall employ proper odor and dust control techniques to minimize odor and fugitive dust emissions. The applicant shall employ control techniques sufficient to prevent nuisance conditions on adjoining property.

7. Transmission Lines

The directly associated transmission lines from the Power Plant Station electric switchyard to the existing TEC transmission lines shall be cleared, maintained, and prepared in accordance with the application and the appropriate state and federal regulations concerning use of herbicides. TEC shall notify the Department of the type of herbicides to be used at least 60 days prior to its first use. Wetland mitigation shall be accomplished in accordance with Chapter 62-312, F.A.C., and Condition XXVIII.

8. Protection of Vegetation

The Licensee shall develop the site so as to retain a buffer of trees or shall plant a buffer of trees sufficient to minimize the aesthetic and noise impacts of the facility. The buffer, as far as practicable, shall be of sufficient height and width suitable for the purpose of mitigating both construction and operational impacts of the facility.

9. Dewatering Operations

The dewatering operations during construction shall be carried out in such a manner that all water withdrawn will be retained on site. There shall be no discharge of water off site due to dewatering operations unless approved by the Department and SWFWMD, or unless such discharge occurs as a result of an extreme rainfall event such as a 24-hour, 10-year storm.

C. Environmental Control Program

An environmental control program shall be established under the supervision of a Florida registered professional engineer to assure that all construction activities conform to applicable environmental regulations and the applicable conditions of certification. If a violation of standards, harmful effects or irreversible environmental damage not anticipated by the application or the evidence presented at the certification hearing are detected during construction, the Licensee shall notify the Southwest District office as required by Condition VII.

D. Reporting

1. Notice of commencement of construction shall be submitted to the Siting Coordination Office and the Southwest District office within fifteen (15) days of initiation.

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Starting three (3) months after construction commences, a quarterly construction status report shall be submitted to the Southwest District office. The report shall be a short narrative describing the progress of construction.

2. Upon or immediately prior to completion of construction of the Power Plant Station or a phase thereof and upon or immediately prior to completion of all necessary preparation for the operation of the on-site potable water supply, domestic or industrial waste treatment facility, ground water monitoring system, brine storage area or slag storage area, the Southwest District office will be notified of certification of construction completion and a date on which a site or facility inspection can be performed in accordance with Condition XVIII.

SECTION B: SPECIFIC CONDITIONS

SECTION B: SPECIFIC CONDITIONS

I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

A. *Drinking Water Facilities*

1. Prior Approval

a. No portion of the potable water supply system or any portion of a water supply system that will be or is intended to be converted to potable water use at a later date may be constructed without prior written approval from the Department. Construction of any portion of the potable water supply system without the prior written approval of the Department will be considered a violation of the conditions of certification.

b. In order to obtain approval to construct a potable water supply system which includes an on-site water treatment facility, the following information must be submitted to the Department no earlier than one (1) year prior to the date that the water supply system is proposed for construction:

(1) A completed and fully executed "Application to Construct a Public Drinking Water System" form which complies with the requirements of the rules and regulations of the Department in effect as of the date that the request for approval to commence construction of the system is made to the Department.

(2) Copy of the well driller's well completion report for each well to be used as a potable water supply well.

(3) Complete water quality analysis of the raw water from each individual well to be used as a potable water supply well. Analysis of composite samples will not be accepted. The analysis must include all water quality parameters required for the classification of the water supply system being proposed pursuant to the rules and regulations of the Department in effect as of the date that the request for approval to construct the system is made to the Department. Each individual analysis must have been performed by a laboratory certified by the state to perform that particular potable water quality analysis and must have an analysis date within one (1) year of the date that the request for approval to construct the water supply system is made to the Department.

(4) Complete specifications for the material and workmanship for the entire potable water supply system for which the request for approval to construct is being made. The specifications must be signed and sealed by an engineer registered in the state of Florida and must provide documentation that the material and workmanship will comply with all applicable rules and regulations of the Department in effect as of the date that the request for approval to construct is made to the Department.

(5) Complete engineering drawings of the entire proposed potable water supply system for which approval to construct is being requested. The drawings must demonstrate full compliance with all applicable rules and regulations of the Department in effect as of the date that the request is made to the Department for approval to construct the system. The drawings must be signed and sealed by an engineer registered in the state of Florida.

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(6) Site plan showing the location of each potable water supply well. The site plan must include all proposed and existing, above and below grade, facilities, natural formations (e.g., streams, creeks, etc.), structures, etc. within a minimum of a complete five hundred (500) foot radius of each wellhead; however, if any facility, natural formation, structure, etc., is located outside of the five hundred (500) foot radius and that facility, natural formation, structure, etc., has a setback distance from the wellhead greater than five hundred (500) feet established in applicable rules of the Department in effect as of the date that the request for approval to construct is made, then that facility, natural formation, structure, etc., must also be shown on the site plan requested here. The site plan must be certified for accuracy by the professional engineer registered in the state of Florida responsible for design of the potable water supply system.

(7) Signed and sealed comprehensive engineering report on the proposed potable water supply system which fully describes the project and basis of design. The report must include design data and such pertinent data to give an accurate understanding of the work to be undertaken and must provide supporting documentation that the potable water system as proposed will comply with all applicable rules and regulations of the Department in effect as of the date that the request for approval to construct the water supply system is made to the Department.

c. Construction of potable water lines for the purpose of obtaining potable water from an off-site public water supply system is not covered by the conditions of certification. To obtain permission to connect to such a potable water system, TEC shall submit a modification request pursuant to 403.516, F.S., in accordance with the requirements of Chapter 62-555, F.A.C.

d. Prior to submitting any information to the Department for review of the proposed potable water supply system, all wells that are proposed for use as potable water supply wells and that will be included in the request for approval to construct the water supply system must have been constructed and fully developed. Once the well has been fully developed and the water samples collected, the well must be properly capped (or isolated from the potable water system) until written approval to construct the potable water supply system has been issued by the Department.

e. Should TEC request approval to construct a water treatment system which produces a waste stream (e.g., softening, electrodialysis, reverse osmosis, etc.) other than as described in the original SCA, TEC must submit as part of its request for approval to construct that water supply system documentation that the disposal of that waste stream has been approved by the appropriate agency or section of the Department.

2. Construction

a. TEC must retain the services of a project engineer registered in the state of Florida to observe that the construction of the water supply system is in accordance with the plans and specifications approved by the Department. The project engineer will be responsible for certifying to the Department that he/she observed the construction and that the construction conformed to the plans and specifications approved by the Department.

b. The approval to construct the potable water supply system will be in effect for two (2) years from the date of issuance. All construction of the potable water supply

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system must be completed within this two (2) year period unless a written request for an extension of this date is made to the Department at least sixty (60) days prior to the expiration of the construction approval, and written approval for an extension of the expiration date is issued by the Department. The expiration date of the construction approval may be extended on a year by year basis; however, under no circumstances will the approval to construct the water supply system be extended beyond three (3) years from the date of the earliest water quality analysis of the initial wells. The request for an extension of the expiration date must be accompanied by an analysis of the raw water from each well for each water quality parameter required pursuant to the requirements of the rules and regulations of the Department in effect as of the date that the request for the extension is made. Such an analysis and a request for approval shall be submitted and approved prior to constructing and operating any portion of the appurtenances necessary to connect and operate that new well to the existing system for each new well added to the potable water system after the initial system is constructed and approved. The water quality analysis report submitted with this request must have an analysis date no earlier than one (1) year from the date that the request for an extension of the expiration date is made, must have been performed by a laboratory certified by the state to perform the analysis, and must contain no water quality violations other than those for which the water supply system was originally designed to address. The maximum length of time that the approval or each subsequent approval for the construction of the potable water system may be in effect is five (5) years from the date of the original approval or for subsequent approvals from the date of issuance of each approval. Should the construction of the water supply system not be completed within that five (5) year period, should TEC have failed to request a timely extension of the approval expiration date, or should any water quality analysis submitted with the request for an extension of the expiration date demonstrate the presence of a contaminant for which the water treatment plant was not originally designed to handle, or as additional wells are installed on-site and proposed for connection to the potable water system, TEC will have to make a new request to the Department for approval to construct the potable water system. That request must meet the submittal and approval requirements of the rules of the Department in effect as of the date that the request for approval is submitted and will be subject to the same review schedule as the original request.

3. Operation

a. No portion of the potable water supply system may be placed into service without the prior written approval of the Department. Placing any portion of the potable water supply system into service prior to receipt of this written approval will be considered as a violation of the conditions of certification.

b. The Department will not issue approval to place the potable water supply system or any portion of that system into service unless the construction of the system or portion thereof had been approved for construction by the Department prior to the commencement of that construction.

c. In order to obtain approval to place the potable water supply system into service, TEC must make a written request for clearance to the Department. The request must be in the form and/or manner stipulated in the letter authorizing construction of the potable water supply system and must include all information stipulated in that letter as being required to be submitted with the request for clearance, as well as any information required for clearance of a potable water supply system contained in applicable rules and regulations of the Department in effect as of the date that the request for clearance is made.

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d. The Department will issue a letter of clearance to place the water supply system into service within thirty (30) days of receipt of a written request for clearance, provided that the request is accompanied by all necessary supporting documentation and meets the criteria for clearance contained in the applicable rules and regulations of the Department in effect as of the date that the request for clearance was made.

e. All construction or activity taking place in the vicinity of the potable water supply wells must conform with the setback distances from a potable water supply well established in the rules of the Department at the time that the construction or activity is proposed and must be coordinated with the Department.

f. TEC must provide, in accordance with applicable state rules, a certified water treatment plant operator who meets the staffing requirements for the type and capacity of the water treatment system cleared for service.

g. The water meter at the potable water treatment plant(s) must be read at approximately the same time each day, seven days per week, and both the meter reading and the gallons of water pumped to distribution recorded in the plant log.

h. The certified water treatment plant operator must submit a report on the operation of the water treatment plant(s) to the Department monthly in the manner required by the rules and regulations of the Department.

i. The drinking water must be analyzed for all applicable water quality parameters to the degree and frequency required by the rules and regulations of the Department. The analysis must be performed in accordance with these rules and regulations and submitted to the Department in the format required by these rules and regulations.

j. The one day maximum day demand for the period of time covering the most recent twelve (12) months of operation of the water treatment plant may not exceed the capacity of the water treatment plant approved for construction and cleared for use by the Department. Should the demand on any one day during a twelve (12) month period exceed the capacity of the water treatment plant, TEC shall submit a request for any expansion of the potable water system for review and approval.

k. TEC must plan, design, obtain approval for, and construct all necessary modifications to its water supply system in a timely manner in order to provide sufficient capacity to meet the potable water demands of its system.

l. TEC must operate the water supply system in such a manner as to comply with the provisions of Chapter 403, F.S., and all the rules of the Department.

B. Industrial Wastewater

1. The Licensee shall assure that the sludge filter cake generated from the industrial wastewater treatment plant will meet the leachate standards established by the Toxicity Characteristic Leaching Procedure prior to its disposal.

2. The solids generated by the brine concentration system should be concentrated or dewatered to obtain a solids content of 50 percent or greater prior to disposal off-site.

3. Water Treatment Systems

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a. Low Volume Wastes - All discharges of low volume wastes shall be treated in an adequately sized and constructed treatment facility prior to discharge into the cooling pond. TEC shall demonstrate that the discharge of reject water from the wastewater treatment plant will not cause or contribute to a violation of water quality standards at the POD from the cooling pond. Such demonstration will include as a minimum the testing of treated discharges as required by Condition I.C.11.

b. Submission of Plans - The Licensee shall submit to the Department at least ninety (90) days prior to start of construction of the industrial waste treatment system a set of drawings, signed and sealed by a professional engineer registered in the state of Florida, showing the construction details of the proposed lime/soda ash pretreatment system and multi-stage reverse osmosis system.

c. Chemical Metal Cleaning - Chemical metal cleaning wastes shall be disposed off-site in an approved treatment system or disposal area. Prior to operation, TEC shall provide the name and address of the firm holding the contract for off-site disposal to the Southwest District office of the DEP.

4. The Licensee shall ensure that construction and subsequent operation of the cooling pond, and its system of above-grade internal dikes and external berms shall be in strict accordance with the best engineering practices, using Chapter 62-672, F.A.C., where applicable as a guide.

5. The Licensee shall ensure that a vegetative or non-vegetative cover adequate to inhibit wind and water erosion shall be established and maintained on all exposed dam surfaces. Such vegetation shall be maintained by the Licensee sufficiently low enough to permit visual inspection of the soil surfaces in critical areas outlined in Section 62-672.400(1), F.A.C.

6. The Licensee shall, at a minimum, inspect the cooling pond once per week as prescribed in Section 62-672.500(2), F.A.C.

7. An inspection of the cooling pond berms shall be conducted annually by a professional engineer registered in Florida experienced in the field of construction and maintenance of dams. A copy of the inspection report shall be furnished, upon receipt by the Licensee, to the Department for review [Section 62-672.500(5), F.A.C.].

8. The Licensee shall ensure that the cooling pond will be designed, constructed and operated to maintain a surge capacity equal to the runoff from a 100-year, 24-hour rainfall event, plus the flow of all process water diverted from the power plant operation.

9. The Licensee shall dispose of all waste oil collected from the oil/water separator in a Department approved manner.

10. The Licensee shall not allow any waste sludge or other solid waste to be discharged into the receiving waters either directly or indirectly.

11. Sampling and Design

Within twelve (12) months from commencement of operation of the IGCC, each of the waste streams discharged to the cooling reservoir shall be properly characterized through an approved sampling and analytical protocol.

SECTION B: SPECIFIC CONDITIONS

a. Ninety (90) days prior to operation of the unit producing the listed waste stream, TEC shall submit for approval a sampling and analysis plan identifying the expected frequency of each wastewater discharge, appropriate sampling parameters, expected variability of the wastewater stream quality and a proposed sampling schedule.

b. The sampling plan shall also include an assessment of the effectiveness of each of the wastewater treatment units prior to discharge to the cooling pond. Effluent sampling shall be conducted for each unit through a plan submitted as specified in Condition I.C.11.

c. Upon approval by the Department, the sampling and analysis plan specified in Condition I.C.11. shall be implemented.

C. Ground Water

1. Specific Conditions

a. TEC shall submit a Ground Water Monitoring Plan (Attachment C) within one hundred eighty (180) days of certification of the application. TEC shall propose monitor well locations, for Department approval, that will provide reasonable assurance that contamination to ground waters of the state that may potentially occur will be detected. These monitor well locations shall be located so that each disposal site as well as the facility will be monitored in the unconfined, upper intermediate, lower intermediate and upper Floridan aquifer system as defined by Florida Geological Survey Bulletin No. 59 and as discussed in the SCA. A ground water monitoring plan shall be prepared by TEC for submittal to the Department prior to construction of any solid waste disposal unit. The ground water monitoring plan shall include, at a minimum, the equivalent to the requirements of Chapter 62-701.510, F.A.C. Detection monitoring wells shall be screened at the base of the surficial aquifer system, specifically no deeper than the base of the Bone Valley Member as defined in FGS Bulletin No. 59. If the surficial aquifer is present within 100 feet laterally of the edge of the Solid Waste Disposal Area (SWDA), one additional well shall be located down gradient from the SWDA.

b. Construction on the monitoring system to implement the Ground Water Monitoring Plan shall be completed at least sixty (60) days prior to start of commercial operation in accordance with Rules 62-520.600 and 62-522.600, F.A.C.

c. Operation of the facility shall not commence without a written notice from the DEP's Technical Support Section that the installation of the monitor wells and water quality analyses have been approved and reviewed by the Technical Support Section.

2. Ground Water Monitoring Plan

At a minimum the Ground Water Monitoring Plan shall include or address the following, under the indicated section, and shall become effective upon written approval from the Technical Support Section of the Department's Southwest District office:

a. This Ground Water Monitoring Plan is designed for the monitoring of the following sites (as defined in Rule 62-520.600, F.A.C.): the Cooling Water Pond and the Brine Storage Area where the outward facing portion of the pond berms define each respective site boundary. The Zone of Discharge (as defined in Rule 62-520.600, F.A.C.), for each site, shall be horizontally located 100 feet from the disposal site boundary, pursuant to Rule 62-522.410(2)(a), F.A.C., and vertically extend to the base of the surficial aquifer system,

SECTION B: SPECIFIC CONDITIONS

specifically no deeper than the base of the Bone Valley Member as defined in FGS Bulletin No. 59.

b. The Ground Water Monitoring System shall be designed and constructed by the Licensee in accordance with the plans and supporting documentation submitted and on file in the Southwest District office. Each monitor well shall be constructed within an individual bore hole.

c. Upon approval, TEC shall comply with the Ground Water Monitoring Plan.

3. Location Map

Within ninety (90) days of completion of construction of the ground water monitor wells, a surveyed drawing shall be submitted showing the location of all monitoring wells (active and abandoned) which will be horizontally located by metes and bounds or equivalent surveying techniques. The surveyed drawing shall include the monitor well identification number as well as location and elevation of all permanent benchmark(s) and/or corner monument marker(s) at the site. The survey shall be conducted by a Florida registered surveyor. Two (2) copies of the certified drawing shall be sent to the DEP's Technical Support Section, Southwest District office.

4. Well Information

Within ninety (90) days of completion of construction of each monitor well, the Licensee or the authorized representative shall submit the following information for each monitor well:

- a. A complete DEP Monitor Well Completion Report.
- b. A copy of the Florida Water Management District (WMD), State of Florida Permit Application to Construct, Repair, Modify or Abandon a Well, Form LEG-R.040.00, and;
- c. A copy of the WMD Well Completion Report, Form LEG-R.005.01.

[62-520.600(6)(j)]

The information shall be sent to the Technical Support Section, Southwest District office, Department of Environmental Protection, 13051 North Telecom Parkway, Temple Terrace, FL 33637.

5. Monitoring

a. Within sixty (60) days of completion of construction of the Ground Water Monitoring System and every five (5) years thereafter, the Licensee shall sample all new ground water monitor wells for the Primary and Secondary Drinking Water parameters included in Chapter 62-550, F.A.C., Public Drinking Water Systems, (excluding asbestos, acrylamide, Dioxin, butachlor, epichlorohydrin, pesticides, and PCBs, unless reasonably expected to be a constituent of the discharge or an artifact of the site) and Fecal Coliform In addition, volatile organics and extractable semivolatile organics shall be analyzed.

SECTION B: SPECIFIC CONDITIONS

b. Within six (6) months of startup for any new facilities certified through supplemental proceedings and at least every five (5) years thereafter the Licensee shall provide a waste stream characterization for the cooling water pond. The waste streams shall be analyzed for the Primary and Secondary Drinking Water parameters included in Rule 62-550, F.A.C Public Drinking Water Systems (excluding asbestos, acrylamide, Dioxin, butachlor, epichlorohydrin, pesticides, and PCBs, unless reasonably expected to be a constituent of the discharge or an artifact of the site), Fecal Coliform. In addition, volatile organics and extractable semivolatile organics shall be analyzed.. The results shall be sent to the Technical Support Section, Southwest District office, DEP.

c. The wells shall be sampled at the frequency specified and for the parameters listed in the ground water monitoring plan. The results shall be sent to the Technical Support Section, Southwest District office, DEP.

d. After four (4) consecutive quarters of data (after completion and operation of the IGCC), the Licensee may request a reduction in sampling frequency or specific parameters of the ground water monitoring plan. The request shall be considered reasonable when a trend analysis of the parameter indicates no significant or substantial change in the parameter. Specific parameters that are key indicators of the domestic or industrial processes or field measured parameters may not be reduced or eliminated from the ground water monitoring plan.

e. Following the initial analysis of the ground water monitor wells, all monitor wells shall be sampled, and analyzed, and results reported in accordance with the ground water monitoring plan. TEC shall submit to the Department the results of the water quality analyses no later than the fifteenth (15th) day of the month immediately following the end of the sampling period. The results shall be sent to the Technical Support Section, Southwest District office, DEP.

f. Ground water sampling shall be reported on the Monitoring Report Forms [DEP Forms #62-520.900(2) or 62-522.900(2) at a minimum, or the electronic data deliverable requirements of Chapter 62-160, F.A.C., or Rule 62-701.510(9)(a), F.A.C.]. In order to facilitate entry of this data into the state computer system, these forms or an exact replica must be used and must not be altered as to content. The original copies should be retained so that the necessary information is available to properly complete future reports. The report forms received from the laboratory must be submitted along with the DEP Parameter Monitoring Report Forms described above.

g. If, at any time, background ground water standards are exceeded at the edge of the zone of discharge, the Licensee has fifteen (15) days from receipt of the laboratory analyses in which to resample the monitor well(s) to verify the original analyses. The monitoring test results must be submitted to the Department within fifteen (15) days of receipt of the re-analyses from the laboratory. Should the Licensee choose not to resample, the Department will consider the water quality analysis as representative of current ground water conditions at the facility.

h. The field testing, sample collection, preservation and laboratory testing, including quality control procedures, shall be in accordance with methods approved by the Department in accordance with Chapter 62-160, F.A.C.

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i. If any monitor well becomes damaged or inoperable, the TEC shall notify the Department the next business day and a detailed written report shall follow within seven (7) days. The written report shall detail what problem has occurred and remedial measures that have been taken to prevent the recurrence. All monitoring well design and replacement shall be approved by the Department prior to installation of the replacement well.

6. Plugging and Abandonment

a. Within sixty (60) days of issuance of this certification, all piezometers and wells not a part of the approved ground water monitoring plan or monitoring wells shall be properly plugged and abandoned in accordance with Rule 62-532.500(4) and 62-532.500(5), F.A.C.,.

b. The Licensee shall submit a written report to the Department providing verification of the plugging program. A written request for exemption to the plugging of a well must be submitted to the DEP's Technical Support Section for prior approval.

7. Zone of Discharge

a. The Licensee shall ensure that the water quality standards for Class G-II ground waters will not be exceeded at the boundary of the zone of discharge in accordance with Rules 62-520.400 and 62-520.420, F.A.C.

b. The shall ensure that the minimum criteria for ground water specified in Rule 62-520.420, F.A.C., shall not be violated within the permitted zone of discharge.

8. Variances

Consideration of requests for ground water variances shall be postponed until two (2) years after the beginning of plant operations. A variance from the drinking water quality standard for antimony may be granted by the Department upon demonstration that levels of antimony in the cooling pond exceed the standard in Rule 62-520, F.A.C. However, if representative ambient values for iron and color are shown to already exceed secondary drinking water standards, then these representative values shall be the prevailing standard.

[Rule 62-520.420(2), F.A.C.].

D. Mine Reclamation Requirements

1. Land Donation

In lieu of reclamation and restoration, TEC shall donate 1,511 acres of land in Tract B of the Polk Power Station site in Polk County to the Board of Trustees of the Internal Improvement Trust Fund, donate 589 acres of submerged lands adjacent to the Cockroach Bay Aquatic preserve the Tampa Bay Port Authority, and abide by the Conservation Easement for uplands adjacent to Cockroach Bay in Hillsborough County as granted to the State of Florida Board of Trustees in consideration for the variance to phosphate mine reclamation requirements and to provide significant regional benefit to wildlife and the environment as required for variances in accordance with Section 378.212(1) Florida Statutes. Such donation and transfer of ownership shall be as attached as Attachment D hereto and as described in the Easement recorded in Hillsborough County Public Records Official Record Book 12822, Pages

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1397 thru 1423; and the Conservation Easement as recorded in Hillsborough County Public Records Official Record Book 12822, Pages 1424 through 1452.

2. Dragline Walk Path

TEC shall retain an easement along the west side of State Road 37 sufficiently wide for use as a drag-line walk path. TEC shall be responsible for notifying the Siting Coordination Office, and the Department's Bureau of Mine Reclamation of a proposed usage of the drag-line walk path on the west side of SR 37 at least fifteen (15) days prior to the event. With the notification, TEC shall provide the Bureau of Mine Reclamation and the Southwest District Office with certified drawings showing the proposed modifications to jurisdictional wetland areas. Within twenty-four (24) hours of the dragline crossing, any wetlands that were impacted by the crossing, shall be restored to original grade and stabilized by either planting or sodding. Use of the drag-line walk path for a future transmission line corridor will require TEC to submit an amendment to the original application and to submit a petition for modification of the applicable conditions of certification.

3. Cockroach Bay

After transferring ownership of the approximately 589 acres of submerged lands in Hillsborough County adjacent to the Cockroach Bay Aquatic Preserve to the Tampa Bay Port Authority, and the Conservation Easement uplands and wetlands to the State of Florida Board of Trustees, as described in Condition I.F.4. above and Attachment D, TEC shall provide the State with easements for access and for management purposes including permanent State access to the uplands north of the Reeder property and at the shell pits located at the southwest side of the parcel as described in Attachment D. If TEC should decide to sell lands they hold in ownership that buffer the 1433 acres of uplands property, TEC shall offer a public entity including the State, Hillsborough County, or Southwest Florida Water Management District, or a non-profit entity, whose mission is conservation, the right of first refusal.

E. Herbicides.

Herbicides used in the transmission line ROW or on the certified site shall include only those registered by the U.S. Environmental Protection Agency and which have state approval. Herbicide application rates and concentrations will be in accordance with label directions and will be carried out by a licensed applicator, meeting all federal, state, and local regulations. Herbicide applications shall be selectively applied to targeted vegetation. Broadcast or aerial application of a herbicide shall not be used in the ROW or on the certified site unless approved in writing by DEP.

II. DEPARTMENT OF TRANSPORTATION

A. Traffic Monitoring – SR 37 & CR 630

By 1995, TEC shall begin a traffic monitoring program at the intersection of SR 37 and CR 630 for determining the need to install a traffic signal or to make geometric improvements. Intersection monitoring shall consist of conducting turning movement counts and a signal warrant analysis. The monitoring shall be conducted once per year in January, February or March, until the number of employees has peaked or a signal and appropriate intersections improvements are installed, whichever comes first. Should the traffic monitoring program show the need for a new traffic signal and/or geometric improvements as a result of traffic to the Polk

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Power Station, it shall be the responsibility of TEC to install a new traffic signal and/or to make geometric improvements.

B. Traffic Monitoring – SR 37& CR 640

By 1995, TEC shall begin a traffic monitoring program at the intersection of SR 37 and CR 640 for determining the need to install a traffic signal or to make geometric improvements. Intersection monitoring shall consist of conducting turning movement counts and a signal warrant analysis. The monitoring shall be conducted once per year in January, February or March, until the number of employees has peaked or a signal and appropriate intersections improvements are installed, whichever comes first. Should the traffic monitoring program show the need for a new traffic signal and/or geometric improvements as a result of traffic to the Polk Power Station, it shall be the responsibility of TEC to install a new traffic signal and/or to make geometric improvements.

C. Work/Construction within the State Rights-of-Way

All utility work/construction within the state rights-of-way shall conform to the minimum requirements of the Utility Accommodation Guidelines (UAG) dated 5/90, or as may be amended. For all work normally requiring a Utility Permit, FDOT shall issue the permit within ninety (90) days, or as may be required by the UAG, of the submission of a satisfactorily completed Utility Permit (Form #592-03, or as may be amended).

D. New and Modifications to Existing Intersections

Construction of new and modifications to existing intersections with state roads shall be in compliance with Rule Chapters 14-96 and 14-97, F.A.C. For construction of new and modifications to existing intersections with state roads, FDOT shall assign a permit number within ninety (90) days of the submission of a satisfactorily completed Connection Permit [Form #850-040-10-a (12/89), or as may be amended].

E. New Public Rail/Highway At-Grade Crossings

Any new public rail/highway at-grade crossings which may be deemed necessary for this site by TEC must adhere to the standards of Rule 14-46.003, F.A.C. TEC shall submit the appropriate information on the proposed crossing to FDOT for review and approval.

F. Erection of Towers and/or Structures

Erection of towers and/or structures that exceed an overall height of 200 feet above ground level, including any appurtenances, must be coordinated with FDOT's Aviation Bureau in Tallahassee as required by Chapter 14-60, F.A.C.

III. DEPARTMENT OF COMMUNITY AFFAIRS

A. To the extent feasible, TEC shall avoid guyed transmission line structures in any residential areas to reduce visual impact.

B. To the extent feasible, TEC shall locate the proposed linear facilities within existing utility rights-of-way.

C. To the extent feasible, TEC shall locate the transmission line away from residences, schools, and places of employment.

D. Hazardous and Non-Hazardous Materials

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1. The Licensee shall make all feasible efforts to recycle project wastes.
2. The Licensee shall treat its sanitary waste on-site and route it to the cooling pond in order to reduce ground water withdrawals.

IV. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

A. General Listed Species Survey

1. The Licensee shall coordinate with the Florida Fish and Wildlife Conservation Commission (FWC) to obtain and follow the current survey protocols for all listed species that may occur within associated facilities and/or expansions of plant site and accessible appropriate buffers as defined by the listed species' survey protocols, prior to conducting detailed surveys.
2. Surveys shall be conducted prior to clearing and construction in accordance with the survey protocols. The results of those detailed surveys shall be provided to FWC in a report, and coordination shall occur with the FWC on appropriate impact mitigation methodologies.

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

B. Specific Listed Species Surveys

Before land clearing and construction activities within associated facilities and/or plant site expansions occur, the Licensee shall conduct an assessment for listed species which shall note all habitat, occurrence or evidence of listed species. Listed species to be included in this survey shall include the bald eagle and those species listed as endangered, threatened, or of special concern by the FWC or those listed as endangered or threatened by U.S. Fish and Wildlife Service (USFWS). Wildlife surveys shall be conducted in the reproductive or "active" season for each species that falls before the projected clearing activity schedule unless otherwise approved by the FWC or USFWS. For species that are difficult to detect, the Licensee may make the assumption that the species is present and plan appropriate avoidance/mitigation measures after consultation and approval from the FWC.

1. This survey shall be conducted in accordance with USFWS/FWC guidelines and methodologies by a person or firm that is knowledgeable and experienced in conducting flora and fauna surveys for each potentially occurring listed species.
2. This survey shall identify any wading bird colonies within the project that may be affected.
3. This survey shall identify locations of breeding sites, nests, and burrows for listed wildlife species. Nests and burrows may be recorded with GPS coordinates, identified on an aerial photograph, and submitted with the final listed species report. Although nests and burrows may be recorded individually with GPS, the FWC prefers that any applicable protection radii surrounding groups of nest sites and burrows be included, rather than around individual nests and burrows, and be physically marked so that clearing and construction shall avoid impacting them.
4. This survey shall include an estimate of the acreage and percent cover of each existing vegetation community (Florida Land Use, Cover and Forms Classification System,

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or FLUCFCS, at the third degree of detail) including a wildlife-based habitat classification scheme such as the Comprehensive Wildlife Conservation Strategy (FWC 2005), Descriptions of Vegetation and Land Cover Types (FWC 2004), or Natural Communities Guide (FNAI 1990) of each community that is contained within associated facilities and/or plant site expansions prior to land clearing and construction activities using GIS.

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

C. Listed Species Locations

Where any suitable habitat or evidence is found of the presence of listed species within the associated facilities and/or plant site expansions, the Licensee shall report those locations to, and confer with, the appropriate regulatory agencies for possible additional pre-clearing surveys and to identify potential mitigation, or avoidance recommendations. If pre-clearing surveys are required, they shall be timed to be reasonably compatible with the construction schedule, considering the anticipated date for the start of construction within an associated facilities and/or plant site expansion. The Licensee shall not construct in areas where evidence of listed species was identified during the initial survey until the particular listed species issues have been resolved as follows:

1. Listed Wildlife Species:

If listed wildlife species are found, their presence shall be reported to the DEP Siting Coordination Office, the appropriate DEP District Office(s), the FWC Office of Planning and Policy Coordination, the appropriate WMD, the appropriate local government(s), the USFWS, and the National Park Service as appropriate.

2. Species Management Plan:

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

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

V. DEPARTMENT OF STATE – DIVISION OF HISTORICAL RESOURCES

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

SECTION B: SPECIFIC CONDITIONS

B. If historical or archaeological artifacts or features are discovered at any time within the Certified Facility, the Licensee shall notify the appropriate DEP District office (s) and the DHR, R.A. Gray Building, 500 S. Bronough Street, Rm 423, Tallahassee, Florida 32399-0250, telephone number (850) 487-6333, and the Licensee shall consult with DHR to determine appropriate action.

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

VI. SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT(S)

A. Water Use Permitting Conditions

1. If any of the statements in the application and in the supporting data are found to be untrue and/or inaccurate, or if TEC fails to comply with all of the provisions of Chapter 373, F.S., Chapter 40D, F.A.C., or the conditions set forth herein, the SWFWMD shall initiate action for suspension or revocation of certification.

2. This certificate is issued based on information provided by TEC demonstrating that the use of water is reasonable and beneficial, is consistent with the public interest, and will not interfere with any existing legal use of water. If it is determined by the SWFWMD that the use is not reasonable and beneficial, is not in the public interest, or does impact an existing legal use of water, the SWFWMD shall initiate action for suspension or revocation of certification.

3. TEC shall not deviate from any of the water use related terms or conditions of the site certificate without written approval by the SWFWMD.

4. In the event the SWFWMD declares that a water shortage exists pursuant to Chapter 40D-21, F.A.C., the SWFWMD shall initiate any required action to alter, modify, or declare inactive all or parts of this certification as necessary to address the water shortage.

5. The SWFWMD shall collect water samples from any withdrawal point listed in the certificate or shall require TEC to submit water samples when the SWFWMD determines there is a potential for adverse impacts to water quality.

6. The SWFWMD shall initiate any necessary action to require TEC to cease or reduce withdrawal if water levels in aquifers fall below the minimum levels established by the Governing Board.

7. TEC shall practice water conservation to increase the efficiency of transport, application, and use, as well as to decrease waste and to minimize runoff from the property. At such time as the Governing Board adopts specific conservation requirements for TEC's water use classification, the SWFWMD shall initiate any required action to make this certification subject to those requirements upon notice and after a reasonable period for compliance.

8. The SWFWMD may establish special regulations for permits within the regions designated a Water Use Caution Area. If the SWFWMD has established, or establishes in the future, a Water Use Caution Area for the region that encompasses this certificate, at such time as the Governing Board adopts such special regulations, the SWFWMD shall initiate any required action to make TEC subject to them upon notice and after a reasonable period for compliance.

SECTION B: SPECIFIC CONDITIONS

9. TEC shall mitigate, to the satisfaction of the SWFWMD, any adverse impact to existing legal uses caused by withdrawals. When adverse impacts occur or are imminent, the SWFWMD shall require TEC to mitigate the impacts. Adverse impacts include, but are not limited to:

- a. A reduction in water levels which impairs the ability of a well to produce water;
- b. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams or other water courses; or,
- c. Significant inducement of natural or manmade contaminants into a water supply or into a usable portion of any aquifer or water body.

10. TEC shall mitigate to the satisfaction of the SWFWMD any adverse impact to environmental features or off-site land uses as a result of withdrawals. When adverse impacts occur or are imminent, the SWFWMD shall require TEC to mitigate the impacts. Adverse impacts include the following:

- a. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams, or other watercourses;
- b. Sinkholes or subsidence caused by reduction in water levels;
- c. Damage to crops and other vegetation causing financial harm to the owner; and,
- d. Damage to the habitat of endangered or threatened species.

11. A SWFWMD identification tag shall be prominently displayed at each withdrawal point by permanently affixing the tag to the withdrawal facility.

12. TEC must notify the SWFWMD within thirty (30) days of the sale or transfer of permitted water withdrawal facilities or the land on which the facilities are located.

13. All reports required by the certificate shall be submitted to the SWFWMD on or before the tenth day of the month following data collection and shall be addressed to:

Southwest Florida Water Management District
Permits Data Section
2379 Broad Street
Brooksville, Florida 34609-6899

Unless otherwise indicated, three (3) copies of each plan or report, with the exception of pumpage, rainfall, evapo-transpiration, water level or water quality data which require one copy, are required by the certification.

14. Subject to the provisions of Condition ~~XXVI.A.27~~, TEC is authorized to withdraw from the Upper Floridan aquifer in support of the 260 MW nominal net generating capacity an amount of water not to exceed 5.24 MGD Annual Average Daily and 7.4 MGD Peak Month Daily. TEC is further authorized to withdraw, in support of 1,150 MW nominal net ultimate site capacity at its Polk Power Station, up to a total of 6.4 MGD Annual Average Daily and 9.22 MGD Peak Month Daily of water from the Upper Floridan aquifer, subject to the following conditions:

SECTION B: SPECIFIC CONDITIONS

The total quantity of water which TEC is authorized to withdraw from the Upper Floridan aquifer shall be limited to 6.4 MGD Annual Average Daily, which amount is determined by the SWFWMD not to have an adverse effect on other legal existing users. However, withdrawal of any water from the Upper Floridan aquifer beyond 5.24 MGD Annual Average Daily and 7.4 MGD Peak Month Daily shall be subject to additional conditions. These conditions shall be applied during review pursuant to Section 403.517, F.S., of any supplemental application for the construction and operation of additional generating units or a further increment of generating capacity at the Polk Power Station. The conditions are as follows:

a. TEC shall demonstrate that any incremental quantity of process or cooling water which it proposes to withdraw from the Upper Floridan aquifer in support of generating units will be minimized to the greatest extent practicable by prudent technologically and economically feasible water conservation practices consistent with those generally required within the Southern Water Use Caution Area (SWUCA) of SWFWMD, including but not limited to the following:

- (1) Minimization of loss of water from the site during construction;
- (2) Use of water-conserving electric generation and pollution control technologies;
- (3) On-site rainwater and storm water capture and management;
- (4) Reuse of internal wastewater streams of technologically suitable quality;
- (5) Reuse of treated wastewater of technologically suitable quality available from other sources, such as publicly-owned sewage treatment facilities; and,
- (6) Use of other available sources of non-potable water of technologically suitable quality.

b. To the extent that total water use in the SWUCA is fixed in a manner which limits the withdrawal of Upper Floridan aquifer water for TEC's Polk Power Station, withdrawal by TEC from that source of any quantity greater than 5.24 MGD Annual Average Daily and 7.4 MGD Peak Month Daily must also be either:

- (1) Offset by retirement of permitted quantities which are actively used within the SWUCA, to the extent such quantities are eligible to provide offset, pursuant to agreements between TEC and other Licensees which are subject to review by SWFWMD for conformity with generally applicable standards; or,
- (2) Approved through the "competing application process" under the applicable standards of Section 373.233, F.S., and applicable SWFWMD rules.

c. To the extent that total water use in the SWUCA is not fixed in a manner which limits the withdrawal of Upper Floridan aquifer water for TEC's Polk Power Station, TEC may withdraw from that source up to 6.4 MGD Annual Average Daily and 9.22 MGD Peak Month Daily subject to the requirements of Condition VI.A.14.a(1), but not subject to those of Condition VI.A.14.a(2).

SECTION B: SPECIFIC CONDITIONS

15. TEC shall investigate the feasibility of using reclaimed water as a water source and submit a report describing the feasibility to the Permits Data Section by January 1, 1995. The report shall contain an analysis of reclaimed water sources for the area, including the relative location of these sources to TEC's property, the quantity of reclaimed water available, the projected date(s) of availability, costs associated with obtaining the reclaimed water, and an implementation schedule for reuse, if feasible. Infeasibility shall be supported with a detailed explanation.

16. Within ninety (90) days of completion of construction of the withdrawal facility or prior to activation of a standby source, District ID Nos. 1, 2, 3, and 4, TEC ID Nos. P1, P2, P3, and P4, shall be equipped with non-resettable, totalizing flow meters, or other measuring devices as approved in writing by the Permitting Department Director, Resource Regulation, unless an extension is granted by the Director. Such devices shall have and maintain an accuracy within five percent of the actual flow as installed. Total withdrawal and meter readings from each metered withdrawal shall be recorded on a monthly basis and reported to the Permits Data Section (using district forms) on or before the tenth (10th) day of the following month. If a metered withdrawal is not utilized during a given month, a report shall be submitted to the Permits Data Section indicating zero gallons. Prior to meter installation, non-use shall be documented with monthly pumpage reports indicating zero gallons withdrawn.

17. Water quality samples shall be collected and analyzed, for parameter(s) and frequency(ies) specified below. Water quality samples from production wells shall be collected whether or not the well is being used, unless infeasible. If sampling is infeasible, TEC shall indicate the reason for not sampling on the water quality data form. Water quality samples shall be analyzed by a Department of Health (DOH) certified laboratory under Environmental Laboratory Certification General Category "1". At a minimum, water quality samples shall be collected after pumping the well at its normal rate for a pumping time specified in the table below, or to a constant temperature, pH, and conductivity. In addition, TEC's sampling procedure shall follow the handling and chain-of-custody procedures designated by the certified laboratory which will undertake the analysis. Any variance in sampling and/or analytical methods shall have prior approval of the SWFWMD Permitting Department Director, Resource Regulation. Reports of the analyses shall be submitted to the Permits Data Section (using SWFWMD forms) on or before the tenth (10th) day of the following month, and shall include the signature of an authorized representative and the certification number of the certified laboratory which undertook the analysis. The parameters and frequency of sampling and analysis may be modified by the SWFWMD Permitting Department Director, Resource Regulation, as necessary to ensure the protection of the resource.

SWFWMD ID NO	TEC ID NO.	MINIMUM PUMPING TIME (MINUTES)	PARAMETER	SAMPLING FREQUENCY
1	P1	45 minutes	Chlorides, Sulfates, TDS	Feb., May, Aug., & Nov.

Water quality samples shall be collected based on the following time table:

Quarterly Same week of months specified

SECTION B: SPECIFIC CONDITIONS

Analyses shall be performed according to procedures outlined in the current edition of *Standard Methods for Examination of Water and Wastewater*, by the American Public Health Association-American Water Works Association-Water Pollution Control Federation (APHA-AWWA-WPCF) or *Methods of Chemical Analyses of Water and Wastes*, by the U.S. Environmental Protection Agency.

18. During drilling of SWFWMD ID Nos. 1 and 4, TEC ID Nos. P1 and P4, water quality samples shall be collected at intervals of 50 feet or less, from 300 feet to a maximum depth of five feet above the bottom of the well. Regardless of the specified sample collection interval, a sample shall be collected from the depth which corresponds to five feet above the bottom of the well. Samples shall be collected during reverse air drilling or other appropriate method with prior approval by the SWFWMD Permitting Department Director, Resource Regulation, which will allow representative samples for each depth to be collected. Samples shall be analyzed by a certified laboratory for chlorides, sulfates, and TDS. TEC's sampling procedure shall follow the handling and chain-of-custody procedures designated by the certified laboratory which will undertake the analysis. Reports of the analyses shall be submitted to the Permits Data Section (using SWFWMD forms) within thirty (30) days of sampling, and shall include the signature of an authorized representative and the certification number of the Department of Health (DOH) certified laboratory under Environmental Laboratory Certification General Category "1" which undertook the analysis.

Analyses shall be performed according to procedures outlined in the current edition of *Standard Methods for the Examination of Water and Wastewater*, by the (APHA-AWWA-WPCF) or *Methods for Chemical Analyses of Water and Wastes*, by the U.S. Environmental Protection Agency.

19. Within ninety (90) days of completion of construction of the first phase power generation facility, TEC shall install and maintain a continuous recording rain gauge in the area around SWFWMD ID No. 1. Total daily rainfall shall be recorded at this station and submitted to the Permits Data Section, on SWFWMD forms on or before the tenth day of the following month. The reporting period for these data shall begin on the first day of each month and end on the last day of each month. Final location shall be submitted plotted on an original blue-line aerial map or United States Geological Survey quadrangle map, or by providing latitude - longitude location.

20. Any wells not in use and in which pumping equipment is not installed shall be capped or valved in a water tight manner in accordance with Chapter 62-532.500(3)(a)(4), F.A.C.

21. TEC shall construct the proposed wells according to the surface diameter and casing depth specifications below. The casing depth specified is to prevent the unauthorized interchange of water between different water bearing zones. If a total depth is listed below, this is an estimate, based on best available information, of the depth at which high producing zones are encountered. However, it is TEC's responsibility to have the water in the well sampled during well construction, before reaching the estimated total depth. Such sampling is necessary to ensure that the well does not encounter water quality that cannot be utilized by TEC, and to ensure that withdrawals from the well will not cause saltwater intrusion.

SECTION B: SPECIFIC CONDITIONS

SWFWMD ID NO.	TEC ID NO.	SURFACE DIAMETER	MINIMUM CASING DEPTH	ESTIMATED TOTAL DEPTH
1	P1	10 in.	300 ft.	900 ft.
2	P2	10 in.	300 ft.	900 ft.
3	P3	24 in.	300 ft.	900 ft.
4	P4	24 in.	300 ft.	900 ft.

a. The casing shall be continuous from land surface to the minimum depth stated above;

b. All well casing (including liners and/or pipe) must be sealed with neat cement grout to the depth specified above;

c. The proposed wells(s) shall be constructed of materials that are resistant to degradation of the casing/grout due to interaction with water of lesser quality. A minimum grout thickness of two (2) inches is required on wells four (4) inches or more in diameter.

d. A minimum of twenty (20) feet overlap and two (2) centralizers is required for public supply wells, and all wells six (6) inches or more in diameter.

e. The finished well casing depth shall not vary from these specifications by greater than ten (10) percent unless advance approval is granted by the Permitting Department Director, Resource Regulation, or the supervisor of the Well Construction Permitting Section in Brooksville.

f. Advance approval from the Permitting Department Director, Resource Regulation is necessary should TEC propose to change the well location or casing diameter.

22. Within six (6) months of site certification issuance, TEC shall submit a detailed plan for a long-term aquifer performance test (APT) for approval by the Permitting Department Director, Resource Regulation. The test shall be conducted for a sufficient period of time to determine the leakance parameter between the surficial and intermediate aquifers and the leakance parameter between the intermediate and Upper Floridan aquifers. The test shall be conducted for a minimum of seven (7) days, and shall include collection of water quality data (see Condition VI.A.21 for water quality parameters). Attempts will be made to conduct the test during a period of minimal adjacent pumpage and during a period of minimal rainfall to minimize interference with the test. This test shall take place prior to initiation of pumpage from these wells. A report of the results of the test, including all raw data and analyses, shall be provided to the Permits Data Section within thirty (30) days of the completion of the test.

If any of the aquifer characteristics vary significantly from those used in the ground water flow model submitted with the certification, TEC shall submit an updated ground water flow model upon notification by the Permitting Department Director, Resource Regulation. This model shall utilize the actual aquifer characteristics determined during the APT to predict impacts due to ground water withdrawals at this site. If the new modeling (if required) indicates that there are adverse impacts not indicated in the SCA, TEC may be required to amend the Site Certification.

SECTION B: SPECIFIC CONDITIONS

23. By January 1, 1998, TEC shall submit for approval by the Permitting Department Director, Resource Regulation, a water conservation plan for the purposes of documenting the current ground water use for each aspect of the plant's water use operations, and the existing and proposed water conservation programs which are, or will be, implemented to conserve ground water at the plant. The plan shall address the following:

a. Current Plant Operation

(1) For ground water and recycled surface water sources, separately document the processes which use water, and the magnitude of the use in terms of average annual and peak monthly quantities;

(2) For ground water and recycled surface water sources, separately document the range in monthly water use for each process;

(3) For ground water and recycled surface water sources, separately document the factors which contribute to monthly fluctuations in water use; and,

(4) Describe the methods used to determine the range in water use and the methods used to determine the factors which contribute to the water use fluctuations.

b. Future Plant Operation

(1) Determine processes which can be modified to reduce ground water dependency;

(2) Propose conservation measures for reducing ground water use and provide implementation dates; and,

(3) Propose methods for calculating the effectiveness of water conservation methods in Condition VI.A.23.b.(2) above.

24. Prior to dewatering within 2,640 feet of a property boundary, TEC shall comply with one of the following two (2) alternatives:

a. Secure written consent from all adjacent property users for lowering the water table below their lands. Three copies of the consent shall be submitted in writing to the Permitting Department Director, Resource Regulation prior to dewatering within the specified distance. This alternative cannot be used if adjacent lands contain wetlands or other water bodies within 2,640 feet of TEC's dewatering activity.

b. Implement a procedure to mitigate impacts by maintaining the water table at historic levels at the property boundary. TEC must obtain approval from the Permitting Department Director, Resource Regulation. The procedure shall include Conditions VI.A.25.a., b., c., d., and e.

25. Prior to dewatering within 2,640 feet of an on- or off-site wetland that is greater than 0.5 acre in size and will not be disturbed in association with this certification, TEC shall implement a procedure to mitigate impacts by maintaining the water table at historic levels beneath such wetlands or at the property boundary for off-site wetlands. Prior to implementation, TEC must obtain approval, in writing, from the Permitting Department Director, Resource Regulation. The procedure shall include:

SECTION B: SPECIFIC CONDITIONS

a. A water table monitoring network, approved by the Permitting Department Director, Resource Regulation, designed to demonstrate that water table drawdown does not exceed one foot under on-site wetlands that will not be disturbed.

b. Collection of water table level data after construction of the approved monitor well network for at least six (6) months prior to the initiation of dewatering in the area, to obtain background data. During this time period, water level data shall be recorded on a weekly basis and submitted monthly.

c. If a rim-ditch system is proposed to recharge the water table near on-site wetlands that will not be disturbed, design and operation details must be submitted to demonstrate that the water table will be maintained at appropriate levels based on the background data collected. Rim-ditch systems must also be accompanied by a monitor well network to verify water table maintenance.

d. At least one (1) month prior to the anticipated date of dewatering an area within the setback distance, water level data shall be recorded and submitted on a weekly basis.

e. Data collection shall continue for six (6) months following completion of dewatering and reclamation or until SWFWMD staff determine that background or steady-state levels are attained. During this time period, water level data shall be recorded on a weekly basis and reported monthly. Water levels shall be reported in feet relative to the National Geodetic Vertical Datum (N.G.V.D.).

26. TEC's current development schedule for ultimate site capacity at the Polk Power Station estimates incremental additions of generating capacity at an approximate average rate of approximately 72 MW (range of 65 to 220 MW) every two (2) to three (3) years for the period 1995 through 2010, both inclusive, for a total of approximately 1,150 MW nominal net generating capacity. The following additional requirements shall apply in order to ensure that TEC does not unnecessarily deprive other users of ground water:

a. In each supplemental application for the construction and operation of a further increment of generating capacity at the Polk Power Station, TEC shall indicate:

(1) Whether it has determined not to install any prior or subsequent increment of generating capacity;

(2) The basis for delay in the installation of any increment of generating capacity for more than five (5) years beyond the estimated schedule; and,

(3) The quantity of ground water from the Upper Floridan aquifer which any such increment of capacity that has been eliminated or delayed would have required.

b. If TEC has determined not to install any increment of generating capacity or in the absence of a reasonable basis for a delay greater than five (5) years, the quantity of ground water which TEC is authorized to withdraw from the Upper Floridan aquifer in support of ultimate site capacity may be reduced accordingly.

27. Prior to initiation of withdrawals from the proposed production wells in amounts in excess of 3.14 MGD Annual Average Daily and 5.8 MGD Peak Month Daily ground water quantities for the first phase, and 4.3 MGD Annual Average Daily and 7.6 MGD Peak

SECTION B: SPECIFIC CONDITIONS

Month Daily quantities for build-out, TEC must submit a detailed plan of study, including a detailed cost analysis for the treatment and reuse of the 2.1 MGD of cooling reservoir blowdown water (wastewater) that is proposed to be discharged to prevent the water quality in the cooling reservoir from exceeding Class III Florida water quality standards. This plan must address, but is not limited to: the initial investment capital costs for construction of the treatment facilities, operational costs of the treatment facility on an annual basis, costs associated with construction of the brine storage area, and the average cost to store and/or dispose of the brines on- or off-site. The study must also include a comparison of the above mentioned costs with the total budgeted project cost. TEC will also address the feasibility of reuse of treated wastewater of technologically suitable quality available from other sources, such as publicly owned sewage treatment facilities, and the feasibility of use of other available sources of non-potable water of technologically suitable quality. The study shall be submitted to the Permitting Department Director, Resource Regulation. Based on the information submitted, SWFWMD shall determine whether or not treatment of the wastewater is feasible. If SWFWMD, subject to approval pursuant to the site certification modification process, determines that treatment of this wastewater is economically feasible, then the first phase Annual Average Daily and Peak Month Daily ground water quantities shall be maintained at 3.14 MGD and 5.8 MGD, respectively, and the build-out Annual Average Daily and Peak Month Daily quantities shall be maintained at 4.3 MGD and 7.6 MGD, respectively. When treated wastewater is available to TEC for reuse and TEC can utilize the water, TEC shall prioritize the use of the treated wastewater above that of current groundwater withdrawals. If SWFWMD determines that treatment of this wastewater is economically infeasible, the quantities shall not change for the first phase.

If SWFWMD determines that treatment of the wastewater is infeasible for the first phase of the project, TEC shall submit a revised plan of study prior to any subsequent increases in power generation capacity and the corresponding increase in ground water requirements. If during the review of any of the subsequent plans of study SWFWMD determines that treatment of the wastewater is economically feasible, 2.1 MGD and 1.6 MGD, respectively, of the Annual Average Daily and Peak Month Daily quantities shall be designated as standby capacity from the quantities indicated in SWFWMD Water Use Condition VI.A.14. subject to approval pursuant to the site certification modification process.

VII. POLK COUNTY

A. CUP 92-05 Conditions

1. Permits

Copies of all federal permits and the PPSA certification order required for each phase of development of the Polk County Site facility shall be provided to the Polk County Planning Division Director prior to the commencement of building construction code compliance review.

2. Fuel

The project shall be restricted to the use of the following fuels: natural gas, coal, coal gas, petroleum coke, or oil unless a CUP modification is received.

SECTION B: SPECIFIC CONDITIONS

3. Fire Protection Plan

Prior to obtaining a building permit, TEC shall submit an acceptable fire protection plan to Polk County outlining specific measures to be taken to meet all local fire codes and regulations. As part of these plans, TEC shall give consideration to foam systems for tank protection as discussed in NFPA 850(5-3.9.2) as part of the overall fire risk evaluation. The evaluation shall consider such factors as the specific type of tank to be utilized, exposure to other important structures, product value and resupply capability.

4. Emergency Management and Response Plans

Following site certification, and prior to commercial operation, TEC shall submit an acceptable Emergency Management Plan to Polk County (Office of Public Safety). This plan will detail emergency management procedures for any project-related, off-site incident in Polk County so as to minimize response time and maximize effectiveness to protect the public health, safety, and welfare.

5. Emergency Notice

TEC shall agree to immediately contact Polk County's Office of Public Safety when the applicant becomes aware of project-related off-site incidents which have the potential for affecting the public's health, safety, and welfare.

6. Transportation

a. In 1995, 1996, and 1997, TEC shall begin a traffic monitoring program at the intersection of SR 37 and CR 630 to monitor the need to install a traffic signal or to make geometric improvements. Intersection monitoring shall consist of conducting turning movement counts and a signal warrant analysis. The monitoring shall be conducted once in 1995, 1996, and 1997, during January, February, or March and reported to the Transportation Section of the Planning Division. Should the traffic monitoring program show the need for a new traffic signal as a result of traffic to the Polk Power Station, it shall be the responsibility of TEC to install such a signal.

b. In 1995, 1996, and 1997, TEC shall begin a traffic monitoring program at the intersection of CR 630 and Fort Green Road to monitor the need to install a traffic signal or to make geometric improvements. Intersection monitoring shall consist of conducting turning movement counts and a signal warrant analysis. The monitoring shall be conducted once in 1995, 1996, and 1997, during January, February, or March. Should the traffic monitoring program show the need for improvements as a result of traffic to the Polk Power Station, it shall be the responsibility of TEC to install a new traffic signal or to make geometric improvements.

7. Solid Waste Disposal

a. TEC shall be responsible for proper disposal of slag and/or ash by-products produced in the power generation process at locations other than at county landfills.

b. TEC shall monitor ground water in relation to by-product and temporary storage areas and make available to the county all data produced from the ground water monitoring system. Upon 24-hour notice, TEC shall allow county staff members access to the site for purposes of examining the condition of the ground water monitoring equipment.

SECTION B: SPECIFIC CONDITIONS

8. Hazardous Materials Storage

TEC shall report its storage and usage of hazardous material annually to Polk County's Environmental Services Department and shall allow the county to make random inspection of the facility to determine compliance with the reporting requirements. As part of the first report, TEC shall specifically address provision (a) through (g) of Comprehensive Plan Policy 2.310A4.

9. Spill Prevention Containment and Control Plan (SPCC)

TEC shall be required to submit a preliminary Spill Prevention Containment and Control Plan (SPCC) to the Polk County Public Safety Department and the Polk County Planning Department as part of the building construction code compliance review. The final SPCC Plan shall be submitted within six (6) months after the date the facility begins operations. Spill Prevention Containment and Control Plan updates and amendments, due to a change in design, construction, operation, technology, or maintenance, shall be submitted within six (6) months of such change.

10. Flood Study

TEC shall submit a flood study within one (1) year of release of reclamation of the site.

11. Stack Emissions Monitoring

TEC shall make available to the county all data produced from the emissions monitoring systems for the exhaust stack when requested and shall allow designated county staff members access to the site for purposes of examining the condition of this equipment, upon prior notice.

12. Compliance with Applicable Air Quality Regulations

TEC shall comply with applicable air quality regulations in effect at the time of filing of each site certification application or supplemental application for each phase of development of the Polk Power Station.

13. Wildlife Habitat Management Plan

Within one (1) year of release of reclamation of the site by DEP, TEC shall prepare a wildlife management plan in consultation with the Florida Game and Fresh Water Fish Commission, Polk County and other interested parties concerning that portion of TEC's site located west of SR 37.

14. Water Use and Conservation Reporting

TEC shall supply water use quantities, methods of water conservation, and estimates of water conservation if available, on an annual basis to Polk County (Planning and Water Resources Divisions).

15. Septic Tank Use

TEC shall comply with all provisions of Rule 64E-6 as applicable to septic tank systems.

SECTION B: SPECIFIC CONDITIONS

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

B. Transmission Lines

TEC shall apply to Polk County for a modification to CUP 92-05 at the time it submits a supplement to or modification of its site certification application to the state regarding a defined, proposed corridor route for any new, proposed transmission lines associated with the TEC Polk Power Station site, other than those detailed in the CUP application.

C. Sinkhole Response Plan

TEC shall develop and submit to Polk County for approval six (6) months prior to commencing operation of the first commercial unit, a plan detailing the emergency measures to be implemented if a sinkhole occurs on the TEC site. TEC shall include a plan to address any necessary remedial actions required as a result of contamination to impacted aquifer(s) and surface water(s) if a sinkhole occurs on the TEC site.

D. Landscape Buffer

Landscaping shall be installed in accordance with the landscape plan included in the Site Certification Application.

E. Tall Structure Compliance

TEC shall, at the time it proposes to construct any structure over 500 feet in height at its site, comply with all regulations as imposed by the Polk County Airport Zoning Ordinance, prior to completion of building construction code compliance review for the units requiring such a structure.

F. Inspection and Permit Compliance Fees

Polk County shall be allowed to inspect any and all construction, operating, monitoring, sampling, and remediation activities which TEC conducts on site. Polk County shall provide notice to TEC prior to performing any such inspection. TEC shall be required to pay Polk County all generally applicable building code compliance and inspection fees provided, however, that such fees shall be adjusted to reasonably reflect actual cost to the county.

G. Flood Protection

TEC during construction and operation shall maintain adequate flood protection berms to assure that residential properties will not receive floodwaters in the event of a berm failure. TEC shall perform and provide to Polk County an analysis of berm failure flood conditions including alternatives for minimizing obstruction and damage to roadways.

H. Reporting

TEC shall submit all reports and submissions to the Director of the Polk County Community Services Department in addition to the other departments as noted in the preceding conditions.

I. Fishing Lake

1. TEC shall construct the recreational fishing lakes on the parcel west of SR 37 as proposed in the 1996, submissions to the DEP. The ungraded "nesting islands" in the fishing lakes shall be planted with native trees as recommended by the Fish and Wildlife Conservation Commission.

SECTION B: SPECIFIC CONDITIONS

2. TEC shall donate the 1,511 acres of land in Tract B west of State Road (SR) 37 and an associated \$200,000 start-up fund to the Board of Trustees Internal Improvement Trust via established state lands donation procedures by December 31, 2011

VIII. HILLSBOROUGH COUNTY

Placement of natural gas pipeline facilities in Hillsborough County to serve future Polk Power Station units will require modification of this certification or submittal of a supplemental certification application.

History

Issued 01/27/94; signed by Governor Chiles

Modified (A) 02/22/95; signed by Secretary Wetherell

Modified (B) 08/16/00; signed by Deputy Secretary Green

Modified (C) 01/03/01; signed by Deputy Secretary Green

Modified (D) 11/15/01; signed by Deputy Secretary Bedwell

Modified (E) 05/07/03; signed by Siting Administrator Oven

Modified (F) 11/05/03; signed by Siting Administrator Oven

Modified (G) 08/26/04; signed by Siting Administrator Oven

Modified (H) 06/26/06; signed by Siting Administrator Oven

Modified (I) 08/15/06; signed by Siting Administrator Oven

Modified (J) 02/29/08; signed by Siting Administrator Halpin

Modified (K) 10/06/08; signed by Siting Administrator Halpin

Modified (L) 12/11/09; signed by Siting Administrator Halpin

Modified (M) 10/31/11, signed by Siting Administrator Mulkey