STATE OF FLORIDA

DEPARTMENT

OF

ENVIRONMENTAL PROTECTION

Conditions of Certification

Tampa Electric Company

Big Bend Unit 4

PA 79-12R

July 22, 2013

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SECTION A: GENERAL CONDITIONS

I. SCOPE

A. Pursuant to the Florida Electrical Power Plant Siting Act (PPSA), Sections 403.501-518, Florida Statutes (F.S.), this certification is issued to Tampa Electric Company (TECO) as owner/operator and Licensee of Big Bend Station's Unit 4. Subject to the requirements contained in these Conditions of Certification (Conditions), TECO operates a nominal 1,892 MW facility consisting of four solid fuel-fired steam boiler/steam turbine generator units and two simple cycle combustion turbines A and B. Only Unit 4 is subject to the PPSA. These units/lines are located on a 1,493-acre Site which is located in Hillsborough County, Florida. UTM coordinates are: Zone 17; 361.9 km East; 3,075.0 km North. The Department does not intend, solely by the incorporation of these General Conditions, to require the retrofitting of existing certified facilities.

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

Solid fuel yard and coal handling facilities;

Coal combustion products handling and storage systems;

Limestone handling and storage;

Condenser cooling water intake and discharge systems;

Water Settling Recycle System;

FGD wastewater treatment facilities;

Lime silo;

Two emergency diesel engine generators;

Black Start diesel generator;

Big Bend Station dock, coal unloading and gypsum loading facilities;

Rail loop, spur, coal unloading and gypsum rail loading facilities;

No. 2 fuel oil bulk storage and transfer facilities;

Big Bend Station substation/switchyard;

Dredge disposal areas DA-1 and DA-5;

Big Bend Units 3 and 4 Organism Return System.

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

D. Within 60 days after completion of construction of the electrical power plant as defined by 403.503(14), F.S., but excluding off-site linear and non-linear associated facilities, the Licensee shall provide to the Department in .pdf format: a survey map signed by a professional land surveyor, or acceptable equivalent documentation such as an official legal

description, delineating the boundaries of the site as defined by Section 403.503(28), F.S., and an aerial photograph delineating the boundaries of the site. The survey map and aerial photograph shall be identified as the Site Delineation and attached hereto as part of Attachment A (Maps).

The Licensee shall notify the Department of any change to the Site boundary depicted in the site delineation in Attachment A (Maps). The notification shall be accompanied by an updated land survey map (or legal description) or updated site plan and aerial photograph delineating the new boundaries of the Site for review by the Department. Absent the above description/delineation of the Site, the Department will consider the perimeter fence line of the property on which the electrical power plant's generating facility and on-Site support facilities are located to be the boundaries of the Site.

E. For purposes of this certification, the certified facilities include generating Unit 4 and all other onsite facilities either directly associated with the operation of Big Bend Unit 4 or shared by Units 1-4. Big Bend Units 1-3 and the equipment associated exclusively with the operation of these three units, the Separation Technologies Inc. ash beneficiation plant, and the Manatee Viewing Center (MVC), are currently excluded from this certification. (Note: The organism return line and corridor from the Unit 3 and 4 intakes, which runs through the MVC site, is included in the Certification.) Within 60 days after completion of construction of a new generating unit or units or any on-site associated facilities, but excluding off-Site linear and non-linear associated facilities, the Licensee shall provide to the Department in .pdf format: acceptable equivalent documentation clearly delineating the boundaries of the Certified Areas within the Site; such as an aerial photograph delineating the boundaries of the Certified Areas within the Site. The boundaries of the Certified Areas within the Site shall include both the certified electrical power plant's generating facilities as defined in Section 403.503(28), F.S. and its on-site certified associated facilities (including on-Site linear facilities) as defined by Section 403.503(7), F.S. The site plan and the aerial photograph shall be known as the Delineation of the Certified Area of the Site and attached hereto as part of Attachment A (Maps).

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

G. Within 180 days after completion of construction of off-site associated linear facilities, as defined by Section 403.503(7), F.S., the Licensee shall provide; an aerial photograph(s)/map(s) at a scale of at least 1:400, or acceptable equivalent documentation such as an official legal description or survey map(s) signed by a professional land surveyor, delineating the boundaries of the Certified Area(s), following acquisition of all necessary property interests and the corridor narrowing as described in Section 403.503(11), F.S., which shall be known as the Delineation of Off-Site Linear Facilities and attached as part of Attachment A (Maps).

Following any post-certification approvals that require a change to the boundaries of the Certified Area(s) depicted in the Delineation of Off-Site Linear Facilities in

Attachment A, the Licensee shall submit an updated aerial photograph/map, survey map or legal description.

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

II. APPLICABLE DEPARTMENT RULES

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

Florida Administrative Codes:

18-2 (Management of Uplands Vested in the Board of Trustees)
18-14 (Administrative Fines for Damaging State Lands)
18-20 (Aquatic Preserves)
18-21 (Sovereign Submerged Lands Management)
62-4 (Permits)
62-17 (Electrical Power Plant Siting)
62-25 (Regulation of Stormwater Discharge)
62-40 (Water Resource Implementation Rule)
62-150 (Hazardous Substance Release Notification)
62-160 (Quality Assurance)
62-204 (Air Pollution Control-General Provisions)
62-210 (Stationary Sources-General Requirements)
62-212 (Stationary Sources-Preconstruction Review)
62-213 (Operation Permits for Major Sources of Air Pollution)
62-214 (Requirements for Sources Subject to the Federal Acid Rain Program)
62-256 (Open Burning)
62-296 (Stationary Sources-Emission Standards)
62-297 (Stationary Sources-Emission Monitoring)
62-301 (Surface Waters of the State)
62-302 (Surface Water Quality Standards)
62-304 (Total Maximum Daily Loads)
62-312 (Dredge and Fill Activities)
62-330 (Environmental Resource Permitting)
62-340 (Delineation of the Landward Extent of Wetlands and Surface Waters)
62-341 (Noticed General Environmental Resource Permits)
62-343 (Environmental Resource Permit Procedures)
62-345 (Uniform Mitigation Assessment Method)
62-520 (Groundwater Classes, Standards and Exemptions)
62-528 (Underground Injection Control)
62-531 (Water Well Contractor Licensing Requirements)
62-532 (Water Well Permitting and Construction Requirements)
62-550 (Drinking Water Standards, Monitoring and Reporting)
62-555 (Permitting, Construction, Operation, and Maintenance of Public Water Systems)

62-560 (Requirements for Public Water Systems That Are Out of Compliance)
62-600 (Domestic Wastewater Facilities)
62-601 (Domestic Wastewater Treatment Plant Monitoring)
62-604 (Collection Systems and Transmission Facilities)
62-610 (Reuse of Reclaimed Water and Land Application)
62-620 (Wastewater Facility and Activities Permitting)
62-621 (Generic Permits)
62-650 (Water Quality Based Effluent Limitations)
62-660 (Industrial Wastewater Facilities)
62-699 (Classification and Staffing of Water or Domestic Wastewater Treatment Plants and Water Distribution Systems)
62-701 (Solid Waste Management Facilities)
62-710 (Used Oil Management)
62-730 (Hazardous Waste)
62-737 (Management of Spent Mercury-Containing Lamps and Devices Destined For Recycling)
62-740 (Petroleum Contact Water)
62-761 (Underground Storage Tank Systems)
62-762 (Aboveground Storage Tank Systems)
62-769 (Florida Petroleum Liability and Restoration Insurance Program)
62-770 (Petroleum Contamination Site Clean-Up Criteria)
62-780 (Contaminated Site Clean-Up Criteria)
62-807 (Natural Gas Transmission Pipeline)
62-814 (Electric and Magnetic Fields)
64E-6 (Standards for Onsite Sewage Treatment and Disposal Systems)

40D-4 (Individual Environmental Resource Permits)
40D-8 (Water Levels and Rates of Flow)
40D-40 (Standard General Environmental Resource Permits)
Basis of Review for ERP Applications

III. REVISIONS TO DEPARTMENT STATUTES AND RULES

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

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

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

IV. DEFINITIONS

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

A. "Application" means the documents required by the Department to be filed to initiate a certification review and evaluation, including the initial document filing, amendments, and responses to requests from the Department for additional data and information. For purposes of this license, the site certification application shall also include materials submitted for post-certification amendments and petitions for modification to the Conditions of Certification, as well as supplemental applications.

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

C. "Certified Area" means the area within the site in which the certified facilities are located. For linear facilities this term shall mean the area encompassed by the boundaries of the certified easements and/or ROWs.

D. "Certified Facility" or "Certified Facilities" means the certified electrical power generation facilities and all on- or off-site associated structures including but not limited to: steam generating units, transformers, substations, fuel and water storage tanks, air and water pollution control equipment, storm water control ponds and facilities, cooling towers, and related structures. This term shall also mean linear and associated facilities, including but not limited to: transmission lines, natural gas pipelines, and compressor stations.

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

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

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

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

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

J. "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.

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

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

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

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

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

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

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

R. "Site" means any proposed location within which will be located an electrical power plant's generating facility and onsite support facilities, or an alteration or addition of electrical generating facilities and onsite support facilities resulting in an increase in generating capacity, including offshore sites within state jurisdiction.

S. "Surface Water Management System" or "System" means a stormwater management system, dam, impoundment, reservoir, appurtenant work, or works, or any combination thereof. The terms "surface water management system" or "system" include areas of dredging or filling, as those terms are defined in Sections 373.403(13) and (14), F.S.

T. "NWF, SR, SJR, SWF, or SF WMD" means the Northwest Florida, Suwannee River, St. Johns River, Southwest Florida, or South Florida Water Management District, respectively.

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

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 provisions of the following federal permits shall be conditions of this certification to the extent the provisions of those permits apply to the Certified Facility(ies). The Licensee shall comply with the applicable provisions and limitations set forth in the permits listed below, and as those provisions may be modified, amended, or renewed in the future by the Department. The Department may consider a violation of any of these permits as a violation of this license.

A. Air

All Air Construction Permits and Title V Air Operation Permits in force for the Certified facility ID 0570039 are incorporated by reference herein as part of these Conditions. The Air Construction Permits and Title V Air Operation Permits can be found at this web link using the facility ID number listed above:
http://appprod.dep.state.fl.us/air/emission/apds/default.asp.

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

B. Water

1. NPDES Industrial Wastewater Discharge

Licensee shall comply with all applicable provisions of NPDES permit No. FL0000817 (attached as Appendix I) as well as any subsequent modifications, amendments and/or renewals.

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

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

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

- contribute to stormwater discharges to surface waters of the State or into a municipal separate storm sewer system (MS4); and
- disturb one or more acres of land (less than one acre if the activity is part of a larger common plan of development);
- a Generic Permit for Stormwater Discharge from Large and Small Construction Activities (CGP) must be obtained as applicable.

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

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

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

4. NPDES Generic Permits for Discharge of Produced Ground Water from any Non-Contaminated Site Activity and from Petroleum Contaminated Sites.

Prior to discharge of produced ground water from any non-contaminated site activity which discharges by a point source to surface waters of the State, as defined in Chapter 62-620, F.A.C., the Licensee must first obtain coverage by submitting a Notice of Intent to use the Generic Permit for Discharge of Produced Ground Water From any Non-Contaminated Site Activity authorized under the provisions of Chapter 62-621.300(2), FAC and following the requirements of Document No. 62-621.300(2) incorporated by reference therein. Similarly, if the activity involves a point source discharge of ground water from a petroleum contaminated site, the Licensee must obtain coverage by submitting a Notice of Intent to use the Generic Permit for discharge from petroleum contaminated sites authorized under the provisions of Chapter 62-621.300(1) and following the requirements of Document No. 62-621.300(1) incorporated by reference therein. 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 is 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.

5. 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. DESIGN AND PERFORMANCE CRITERIA

Certification, including these Conditions, is predicated upon preliminary designs, concepts, and performance criteria described in the site certification application (SCA) or in testimony and exhibits in support of certification. Final engineering design will be consistent and in substantial compliance with the preliminary information described in the SCA or as explained at the certification hearing (if any). Conformance to those criteria, unless specifically modified in accordance with Sections 403.516, 403.5315, 403.9418, F.S., and Rule 62-17.211, F.A.C., is binding upon the Licensee in the design, construction, operation and maintenance of the Certified Facility.

[Sections 403.511 (2)(a), 403.516, F.S.; Rules 62-4.160(2) and 62-17.211, 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 license, the Licensee shall immediately provide the appropriate DEP District and/or Branch Office with 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. The Licensee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this certification.

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

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

B. The Licensee shall promptly notify the SCO in writing (email acceptable) of any previously submitted information concerning the Certified 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 that the certification of the corridor will result in the acquisition of rights-of-way within the corridor. The Licensee shall certify to the Department and clerk that all lands required for the transmission line rights-of-way within the corridor have been acquired within such county.

[Section 403.5112, F.S.]

VIII. REPLACEMENT FOR RESTORATION OF SYSTEM INTEGRITY AND EMERGENCY CONDITIONS

A. Within 30 days after correction of the emergency condition requiring a replacement for system integrity, a report to the Department shall be made outlining the details of the emergency condition requiring the replacement and the steps taken for its relief. The report shall be a written description of the work performed and shall set forth any pollution control measures or mitigative measures which were utilized or are being utilized to prevent pollution of waters, harm to sensitive areas or alteration of archaeological or historical resources.

B. The Department will use its enforcement discretion when evaluating violations that result from operating the Certified Facility under emergency conditions. During and after the emergency conditions, the Licensee must use due diligence to bring the facility back into compliance as soon as possible. In addition, the Licensee must use its best efforts and best management practices to minimize adverse environmental impacts. The Licensee shall notify the SCO and the appropriate DEP District Office when the emergency condition has ended. Furthermore, the Licensee must include all monitoring data, which would otherwise be required under normal operating circumstances, recorded during emergency conditions when submitting reports as required by these conditions. Any exceedances and/or violations recorded during emergency conditions shall be reported as such, but the Department acknowledges that it intends to use its enforcement discretion during this timeframe. This acknowledgement by the Department does not constitute a waiver or variance from any requirements of any federal permit. Relief from any federal agency must be separately sought.

[Sections 403.511, F.S.]

IX. CONSTRUCTION PRACTICES

A. Local Building Codes

Subject to the conditions set forth herein, this certification constitutes the sole license of the state and any agency as to the approval of the location of the site and any associated facility and the construction and operation of any certified facility. The licensee is not required to obtain building permits for certified facilities. However, this certification shall not affect in any way the right of any local government to charge appropriate fees for and require

that construction of installations used by the electric utility that are not an integral part of a generating plant, substation, or control center be in compliance with applicable building construction codes. Such fees and compliance with such construction codes are outside the scope of this certification.

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

B. Open Burning

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

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

C. Vegetation

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

D. Existing Underground Utilities

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

[Chapter 556, F.S.]

E. Electric and Magnetic Fields (EMF)

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

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

F. Existing Wells

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

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

G. Abandonment of Existing Septic Tanks

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

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

X. RIGHT OF ENTRY

A. Upon presentation of credentials or other documents as may be required by law, the Licensee shall allow authorized representatives of the Department or other agencies with jurisdiction over a portion of the Certified Facility:

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

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

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

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

XI. DISPUTE RESOLUTION

A. General

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

B. Modifications

If written objections are filed regarding a modification, and the objections address only a portion of a requested modification, then the department shall issue a Final Order approving the portion of the modification to which no objections were filed, unless that portion of the requested modification is substantially related to or necessary to implement the portion to which written objections are filed.

C. Post-Certification Submittals

If it is determined, after assessment of a post-certification submittal, that compliance with the conditions will not be achieved for a particular portion of a submittal, the Department may make a separate assessment of other portions of the submittal, unless those

portions of the submittal are substantially related to or necessary to implement that portion for which it has been determined that compliance with the conditions will not be achieved.

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

XII. SEVERABILITY

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

XIII. ENFORCEMENT

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

B. All records, notes, monitoring data and other information relating to the construction or operation of the Certified Facility which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the Certified Facility and arising under the Florida Statutes or Department rules, subject to the restrictions in Sections 403.111 and 403.73, F.S. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

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

XIV. REVOCATION OR SUSPENSION

The certification shall be final unless revised, revoked or suspended pursuant to law. This certification may be suspended or revoked pursuant to Sections 403.512, F.S. This certification is valid only for the specific processes and operations identified in the SCA and approved in the final order of certification and indicated in the testimony and exhibits in support of certification. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this approval may constitute grounds for revocation and enforcement action by the Department. Any enforcement action, including suspension and revocation, shall only affect the portion(s) of the Certified Facility that are the cause of such action, and other portions of the Certified Facility shall remain unaffected by such action.

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

XV. REGULATORY COMPLIANCE

As provided in Sections 403.087(7) and 403.722(5), F.S., the issuance of this certification does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any

infringement of federal, state, or local laws or regulations. This certification does not relieve the Licensee from liability for harm or injury to human health or welfare, animal, or plant life, or public or private property caused by the construction or operation of this Certified Facility, or from penalties therefore.

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

XVI. CIVIL AND CRIMINAL LIABILITY

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

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

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

B. If any portion of the Certified Facility is located on sovereign submerged lands, state-owned uplands, or within an aquatic preserve, then the Licensee must comply with the applicable portions of Chapters 18-2, 18-20, and 18-21, F.A.C., and Chapters 253 and 258, F.S. 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 Section 403.511, F.S.; Chapter 3.1.1. of the B.O.R.; Chapters 18-2, 18-14, 18-21, 62-340, and subsections 62-343.900(1) and 62-4.160(4), F.A.C.; Upland Easement Application and Section G of the Environmental Resource Permit Application Form.]

XVIII. PROCEDURAL RIGHTS

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

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

XIX. AGENCY ADDRESSES FOR POST-CERTIFICATION SUBMITTALS AND NOTICES

Where a condition requires post-certification submittals and/or notices to be sent to a specific agency, the following agency addresses shall be used unless the Conditions 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 N Telecom Parkway
Temple Terrace, FL 33637-0926

Florida Department of Economic Development
Office of the Secretary
107 East Madison St.
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

Tampa Bay Regional Planning Council
Office of the Executive Director
4000 Gateway Centre Blvd. Suite 100
Pinellas Park, FL 33782

Southwest Florida Water Management District
Office of General Counsel
Southwest Florida Water Mgmt District
2370 Broad St.
Brooksville, FL 34609-6899

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

Hillsborough County
Office of General Council
601 E. Kennedy Blvd.
County Center, 27th Floor
Tampa, FL 33602

[Section 403.511, F.S.]

XX. 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 Certified Facility and the construction and maintenance of the Certified Facility. This monitoring is for DEP to assure, in consultation with other agencies with applicable regulatory jurisdiction, continued compliance with these Conditions, without further agency action. A submittal of information or determination of compliance pursuant to a post-certification submittal under this condition does not provide a point of entry for a third party.

B. Filings

All post-certification submittals of information by Licensee are to be filed with the SCO, the DEP District Office(s), and any other agency that is entitled to receive a submittal

pursuant to these Conditions. All filings with the SCO shall be submitted in electronic .pdf format only, unless otherwise requested. Each submittal shall clearly identify the Certified Facility name, PA#, and the condition number/s (i.e. Section X, Condition XX.y.(z)) requiring the submittal. As required by Section 403.5113(2), F.S., each post-certification submittal will be reviewed by each agency with regulatory authority over the matters addressed in the submittal on an expedited and priority basis.

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

C. Completeness

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

If any portion of a post-certification submittal is found to be incomplete, the Licensee shall be so notified. Failure to issue such a notice within 30 days after filing of the submittal shall constitute a finding of completeness. Subsequent findings of incompleteness, if any, shall address only the newly filed information.

[Subparagraph 62-17.191(1)(c) 2, F.A.C.]

D. Interagency Meetings

DEP may conduct an interagency meeting with other agencies that received a post-certification submittal. The purpose of such an interagency meeting shall be for the agencies with regulatory jurisdiction over the matters addressed in the post-certification submittal to discuss whether compliance with these Conditions has been provided. Failure of DEP to conduct an interagency meeting or failure of any agency to attend an interagency meeting shall not be grounds for DEP to withhold a determination of compliance with these Conditions nor to delay the timeframes for review established by these Conditions. At DEP's request, a field inspection shall be conducted with the Licensee and the agency representative in conjunction with the interagency meeting.

E. Determination of Compliance

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

F. Commencement of Construction

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

G. Revisions to Design Previously Reviewed for Compliance

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

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

XXI. POST-CERTIFICATION SUBMITTAL REQUIREMENTS SUMMARY

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

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

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

XXII. POST CERTIFICATION AMENDMENTS

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

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

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

[Section 403.5113, F.S]

XXIII. MODIFICATION OF CERTIFICATION

A. Pursuant to Sections 403.516(1)(a), F.S., and Rule 62-17.211, F.A.C., the Siting Board hereby delegates the authority to the Department to modify any Condition which would not otherwise require approval by the Siting Board, after notice and receipt of no objection by a party to the certification within 45 days after notice by mail to the party's last address of record, and if no other person whose substantial interests will be affected by the modification objects in writing within 30 days of public notice.

B. The Department may modify Conditions, in accordance with Section 403.516(1)(b), F.S., which are inconsistent with the terms of any subsequent and separately DEP-issued permits, permit amendments, permit modifications, or permit renewals under a federally delegated or federally approved permit program. Such modification may be made without further notice if the matter has been previously noticed under the requirements for any federally delegated or approved permit program.

C. In accordance with Section 403.516(1)(c), F.S., the Licensee may file a petition for modification with the Department, or the Department may initiate the modification upon its own initiative.

D. Any anticipated facility expansions, production increases, or process modifications which may result in new, different or increased discharge or emission of pollutants, change in fuel, or expansion in generating capacity must be reported by submission of an appropriate request for an amendment, modification, or certification.

E. Any anticipated facility change that results in a change to the Site Delineation or the Delineation of the Certified Area, attached hereto as part of Attachment A, must be accompanied by a map or aerial photo showing the proposed new boundaries of the Site and/or Certified Area. Within 120 days after completion of construction of the approved facility change, the Licensee shall provide the information required by Section A. General Conditions, Condition I. Scope, paragraphs D, E, F, or G, as appropriate.

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

XXIV. INCORPORATION OF EXISTING STATE AND LOCAL PERMITS/LICENSES

The operation of the Certified Facility shall be in accordance with all applicable non-procedural provisions of any state or local government regulation. All state and locally issued permits are intended to be incorporated herein, such that the Licensee shall comply with the substantive provisions and limitations set forth in those permits. The inadvertent omission of any state or locally issued permit/approval from these Conditions can be remedied by a modification of the Conditions to include provisions from the state or locally issued permit/approval.

At any time following certification, should the Licensee become aware of any state or locally issued permit/approval not included herein, the Licensee shall promptly notify the SCO

for incorporation into these Conditions. Likewise, when the Department is made aware of any separately issued permits/approvals that were inadvertently not included in the Conditions, the Conditions will be modified to incorporate the substantive provisions and limitations of any such permit/approval.

XXV. COASTAL ZONE CONSISTENCY

Pursuant to Sections 373.428 and 403.511, F.S., certification of the facility constitutes the State's concurrence that the licensed activity or use is consistent with the federally approved program under the Florida Coastal Management Act.

[Sections 373.428, 380.23 and 403.511(7), F.S.]

XXVI. TRANSFER OF CERTIFICATION

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

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

[Chapter 420, F.S.; Rule 62-17.211, F.A.C]

XXVII. LABORATORIES AND QUALITY ASSURANCE

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

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

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 all project applicable information to the appropriate DEP District's Environmental Resource Permitting Section(s) for review, all applicable sections and information necessary for a complete *Joint Application for Environmental Resource Permit* (ERP), DEP Forms 62-343.900(1) and 62-312.900(1).

This form may: a) have been submitted concurrently with a SCA; b) be submitted as part of an amendment request or a petition for modification; or c) be submitted as a post-certification submittal following approval of a project through certification, modification or amendment. Such ERP submittals, once received, shall be reviewed in accordance with the non-procedural standards and criteria for issuance of an ERP, including all the provisions related to reduction and elimination of impacts, conditions for issuance, additional conditions for issuance, and mitigation contained in Chapters 62-330, 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 application, an amendment, or modification, shall be processed concurrently with, and under the respective certification, amendment, or modification procedures. Those forms submitted as a post-certification submittal (after certification, modification, or amendment and prior to construction) shall be processed in accordance with Section A. Condition XX. Procedures for Post-Certification Submittals.

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

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

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

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

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

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

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

[Sections 373.421, 403.504, F.S.]

B. Surface Water Management

1. Information regarding surface water management systems (SWMS) will be reviewed for consistency with the applicable non-procedural requirements of Part IV of Chapter 373, F.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 SWMS(s) for the Certified Facilities shall be as set forth in the plans, specifications and performance criteria contained in the SCA and other materials presented during the certification proceeding, post-certification submittals, and as otherwise approved. If specific requirements are necessary for construction, operation and/or maintenance of an approved SWMS, those requirements shall be incorporated into a SWMS Plan for that system and included in Attachment B (Surface Water Management System Plans). Any alteration or modification to the SWMS Plan or the SWMS as certified requires prior approval from the Department.

3. To allow for stabilization of all disturbed areas, immediately prior to construction, during construction, and for the period of time after construction of the SWMS, the Licensee shall implement and maintain erosion and sediment control best management practices, such as silt fences, erosion control blankets, mulch, sediment traps, polyacrylamide (PAM), temporary grass seed, permanent sod, and floating turbidity screens to retain sediment on-site and to prevent violations of state water quality standards. These devices shall be installed, used, and maintained at all locations where the possibility exists of transferring suspended solids into the receiving waterbody due to the licensed work, and shall remain in place at all locations until construction in that location is completed and soils are permanently stabilized. All best management practices shall be in accordance with the guidelines and specifications described in *the State of Florida Erosion and Sediment Control Designer and Reviewer Manual* (Florida Department of Transportation and Florida Department of Environmental Protection, by HydroDynamics Incorporated in cooperation with Stormwater Management Academy, June 2007) unless a project-specific erosion and sediment control plan is approved as part of this License. If project-specific conditions require additional measures during any phase of construction or operation to prevent erosion or control sediments beyond those specified in the approved erosion and sediment control plan, the Licensee shall implement additional best management practices as necessary, in accordance with the guidelines and specifications in *the State of Florida Erosion and Sediment Control Designer and Reviewer Manual*. The Licensee shall correct any erosion or shoaling that causes adverse impacts to the water resources as soon as feasible. Once project construction is complete in an area, including the re-stabilization of all side slopes, embankments and other disturbed areas, and before conversion to the operation and maintenance phase, all silt screens and fences, temporary baffles, and other materials that are no longer required for erosion and sediment control shall be removed.

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

5. At least 48 hours prior to the commencement of construction of any new SWMS authorized by this certification, the Licensee shall submit to the Department a written notification of commencement using an “Environmental Resource Permit Construction Commencement Notice” (DEP Form 62-343.900(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 the portion of the Certified Facility being 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.

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

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

10. The DEP District ERP Section must be notified in advance of any proposed construction dewatering. If the dewatering activity is likely to result in offsite discharge or sediment transport into wetlands or surface waters, a written dewatering plan must be submitted to and approved by the Department prior to the dewatering event. Additional authorizations may be required for certain dewatering activities.

[Section 373.414, F.S.; 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 eliminate or reduce adverse impacts to on-site and/or adjacent wetlands or other surface waters to the extent practicable or otherwise comply with substantive criteria for elimination or reduction. When impacts to wetlands will occur as a result of a future amendment, modification, or certification, and cannot be practicably eliminated or reduced, the Licensee may propose and the Department or Board shall consider mitigation to offset otherwise unpermittable activities under the Environmental Resource Permit review process pursuant to subparagraph.A.1, "Submittal for Construction Activities," above.

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

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

XXIX. THIRD PARTY IMPACTS

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

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

XXX. FACILITY OPERATION

The Licensee shall properly operate and maintain the Certified Facility and systems of treatment and control (and related appurtenances) that are installed and used by the Licensee to achieve compliance with these Conditions, as required by the final order of certification, these Conditions, or a post-certification amendment or modification. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the final order of certification, these Conditions, or a post-certification amendment or modification.

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

XXXI. RECORDS MAINTAINED AT THE FACILITY

A. These Conditions or a copy thereof shall be available in either hardcopy or electronic form at the Site.

B. The Licensee shall have available at the Site, or other location designated by these Conditions, records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation required by these Conditions, copies of all reports required by these Conditions, and records of all data used to complete the SCA for this approval. These materials may be maintained in either hardcopy or electronic form and shall be retained at least three (3) years

from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.

C. Records of monitoring information shall include:

1. the date, exact place, and time of sampling or measurements;

2. the person responsible for performing the sampling or measurements;

3. the dates analyses were performed;

4. the person responsible for performing the analyses;

5. the analytical techniques or methods used; and,

6. the results of such analyses.

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

XXXII. WATER DISCHARGES

A. Discharges

1. The Licensee shall not discharge to surface waters wastes which are acutely toxic, or present in concentrations which are carcinogenic, mutagenic, or teratogenic to human beings or to significant locally occurring wildlife or aquatic species. The Licensee shall not discharge to ground waters wastes in concentrations which, alone or in combination with other substances, or components of discharges (whether thermal or non-thermal) are carcinogenic, mutagenic, teratogenic, or toxic to human beings (unless specific criteria are established for such components in Rule 62-520.400, F.A.C.) or are acutely toxic to indigenous species of significance to the aquatic community within surface waters affected by the ground water at the point of contact with surface waters.

2. All discharges and activities must be conducted so as to not cause a violation of applicable water quality standards set forth in Chapters 62-4, 62-302, , and, 62-620, F.A.C., including the provisions of Rules 62-4.243, 62-4.244, and 62-4.246, F.A.C., the antidegradation provisions of paragraphs 62-4.242(1)(a) and (b), F.A.C., subsections 62-4.242(2) and (3), F.A.C., and Rule 62-302.300, F.A.C., and any special standards for Outstanding Florida Waters and Outstanding National Resource Waters set forth in subsections 62-4.242(2) and (3), F.A.C. and for which an effluent limitation has been included in Facility NPDES Permit FL0000187. All discharges to groundwater and activities must be conducted so as to not cause a violation of the applicable groundwater standards in Chapters 62-520 and 62-550, F.A.C., except as provided in Consent Order No. 00-1275 and the Big Bend Remedial Action Plan being implemented thereunder. In accordance with Rule 62-520.520(1), F.A.C., the Department considers TEC's Big Bend Station to be an "existing installation" that is exempt from compliance with secondary standards for Class G-II ground water referenced in Rule 62-520.420(1), F.A.C., at the property boundary.

3. All dewatering discharges must be in compliance with Rule 62-621.300, F.A.C.

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

B. Wastewater Incident Reporting

1. The Licensee shall report to the appropriate district office any noncompliance with industrial wastewater requirements which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the Licensee becomes aware of the circumstances.

The Licensee shall provide the following information, to the extent known, to the applicable DEP District Office in the 24-hr oral report:

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

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

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

d. Any unauthorized discharge to surface or ground waters.

A written submission shall also be provided within five days of the time the Licensee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance including exact dates and time, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

2. For unauthorized releases or spills of treated or untreated wastewater reported that are in excess of 1,000 gallons per incident, or where information indicates that public health or the environment will be endangered, oral reports shall be provided to the Department by calling the STATE WARNING POINT NUMBER (800) 320-0519, as soon as practical, but no later than 24 hours from the time the Licensee becomes aware of the discharge. The Licensee, to the extent known, shall provide the following information to the State Warning Point:

a. Name, address, and telephone number of person reporting;

b. Name, address, and telephone number of Licensee or responsible person for the discharge;

c. Date and time of the discharge and status of discharge (ongoing or ceased);

d. Characteristics of the wastewater spilled or released (untreated or treated, industrial or domestic wastewater);

e. Estimated amount of the discharge;

f. Location or address of the discharge;

g. Source and cause of the discharge;

h. Whether the discharge was contained on-site, and cleanup actions taken to date;

i. Description of area affected by the discharge, including name of water body affected, if any; and

j. Other persons or agencies contacted.

3. If the oral report has been received within 24 hours, the noncompliance has been corrected, and the noncompliance did not endanger health or the environment, the Department shall waive the written report.

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

XXXIII. SOLID AND HAZARDOUS WASTE

A. Solid Waste

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

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

B. Hazardous Waste and Used Oil

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

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

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

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

C. Hazardous Substance Release Notification

1. Any owner or operator of a facility who has knowledge of any release of a hazardous substance from a Certified Facility in a quantity equal to or exceeding the reportable quantity in any 24-hour period shall notify the Department by calling the STATE WARNING POINT NUMBER, (800) 320-0519, as soon as possible, but not later than one working day of discovery of the release.

2. Releases of mixtures and solutions are subject to these notification requirements only where a component hazardous substance of the mixture or solution is released in a quantity equal to or greater than its reportable quantity.

3. Notification of the release of a reportable quantity of solid particles of antimony, arsenic, beryllium, cadmium, chromium, copper, lead, nickel, selenium, silver, thallium, or zinc is not required if the mean diameter of the particles released is larger than 100 micrometers (0.004 inches).

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

D. Used Oil, Petroleum Contact Water and Spent Mercury

The Licensee shall comply with all applicable provisions of Chapter 62-710, F.A.C., for any used oil including oil filters, Chapter 62-740, F.A.C., for any petroleum contact water, and Chapter 62-737, F.A.C., for any spent mercury containing lamps and devices generated within Certified Facility during construction and operation.

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

E. Contaminated Site Cleanup

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

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

XXXIV. STORAGE TANK SYSTEMS

Registration, construction, installation, operation, maintenance, repair, closure, and disposal of storage tank systems that store regulated substances shall be in accordance with Chapters 62-761 and 62-762, F.A.C., in order to minimize the occurrence and environmental risks of releases and discharges. Mineral acid storage tank systems are subject only to Rule 62-762.891, F.A.C.

A. Incident Notification Requirements.

Notification of the discovery of the loss of a regulated substance from a storage tank system exceeding 100 gallons on impervious surfaces, other than secondary containment, such as driveways, airport runways, or other similar asphalt or concrete surfaces, provided that the loss does not come in contact with pervious surfaces; or of the discovery of any other incident listed in subsections 62-761.450(2) or 62-762.451(2), F.A.C., shall be made to the County on Incident Notification Form 62-761.900(6) within 24 hours or before the close of the County's next business day.

B. Discharge Reporting Requirements

Upon discovery of an unreported discharge of a regulated substance, the Licensee shall report to the County on Discharge Report Form 62-761.900(1) within 24 hours or before the close of the County's next business day those items listed in paragraph 62-761.450(3)(a), F.A.C., including a spill or overfill event of a regulated substance to soil or another pervious surface, equal to or exceeding 25 gallons, unless the regulated substance has a more stringent reporting requirement specified in C.F.R. Title 40, Part 302.

C. Discharge Cleanup

If a discharge of a regulated substance occurs at a Certified Facility, actions shall be taken immediately to contain, remove, and abate the discharge under all applicable Department rules (for example, Chapter 62-770, F.A.C., Petroleum Contamination Site Cleanup Criteria). The Licensees is advised that other federal, state, or local requirements may apply to these activities. If the contamination present is subject to the provisions of Chapter 62-770,

F.A.C., corrective action, including free product recovery, shall be performed in accordance with that Chapter.

D. Out of Service and Closure Requirements

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

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

SECTION B. SPECIFIC CONDITIONS

I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

A. Water Discharges

1. Plant Effluents and Receiving Body of Water

a. Coal Pile

Coal pile runoff shall be routed to the Settling Recycle System and shall not be directly discharged to surface waters.

b. Gypsum Storage Area

There shall be no direct discharge of contact stormwater runoff to surface waters from the proposed gypsum storage area after the new facility has been placed in service. Discharges in compliance with the provisions of the Big Bend Generic Permit for Stormwater Discharges from Large and Small Construction Activities will be allowed during construction after the timely filing of a Notice of Intent in accordance with the provisions of Chapter 62-621, F.A.C. Groundwater monitoring at the existing gypsum storage area [referred to as the "FGD By-Product Storage Area"] shall comply with the requirements of the Big Bend Remedial Action Plan until closure or lining of the area is approved in accordance with Consent Order No. 00-1275.

c. Storm Water Runoff

During plant operation, necessary measures shall be used to settle, filter, treat, or absorb silt-containing or pollutant-laden stormwater runoff to limit the suspended solids to 50 mg/l or less at the point of discharge (POD) during rainfall periods less than the 10-year, 24-hour rainfall, and to prevent an increase in turbidity of more than 50 Nephelometric Turbidity Units above background in waters of the State beyond 150 meters from the POD at Station E 4500 and N 3712.

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

The POD will be determined by the Department to be where the effluent physically enters the waters of the State as defined in NPDES Permit No. FL0000817 at Outfall D-001 at approximate Latitude 27°47'37" North, Longitude 82°24'39" West.

d. Settling Recycle (Water) System Overflow

Discharges from the lined storage and reuse pond system identified in permit FLA017047, attached as Appendix II and incorporated herein, are subject to the bypass conditions and requirements identified in the referenced permit.

B. Water Monitoring Programs

The Licensee shall conduct monitoring activities to comply with the requirements of the Big Bend Remedial Action Plan [at the "Solid Waste related" storage/management areas] and with the requirements of Permit FLA017047 [at the "Industrial Wastewater related" areas]. The Licensee shall report to the Department the required parameters

at the stated frequencies to comply with the Remedial Action Plan and with Permit FLA017047. The existing monitoring requirements may be modified in accordance with the ECAP Groundwater Monitoring Termination Process contained in the Remedial Action Plan, if requested prior to Closure of CO 00-1275.

A site-wide monitoring plan shall be submitted to the Department for review prior to closure of CO 00-1275. The site-wide monitoring plan shall include, but not be limited to, the following:

discharge limitations,

monitoring requirements,

monitoring well construction requirements,

updated aerial showing all monitoring wells (existing and new).

a description of the complete IWW system including IWW treatment systems, monitoring wells, and ponds,

a description of the coal combustion by-products management/storage areas,

sampling locations and parameters to be sampled at each monitoring well,

monitoring frequencies,

reporting and recordkeeping requirements, and

operational requirements such as testing requirements, impoundment operation and maintenance, and impoundment integrity.

1. Entrainment

The applicant shall continue to implement the fine mesh screens inspection and maintenance program submitted to the Department on July 21, 1987, to assure that the screens are properly maintained and operated. The applicant shall maintain logs of inspections, maintenance, and repairs. The logs shall include the date of inspection, items inspected, repairs needed, and date maintenance or repair is performed. Any bypasses of the fine mesh screens on Units 3 and 4 between March 15 and October 15 shall be reported to the Department.

C. Conditions Incorporation

Upon Department approval of the site-wide monitoring plan and closure of CO 00-1275, the License shall be modified to incorporate the site-wide monitoring plan, Permit FLA017047, and any additional requirements based on the site conditions at the time of modification.

D. Sludge/Solids Management Requirements

The Licensee shall submit an updated Coal Combustion Product/Solid Waste Management Manual (Manual) for all solid waste and byproducts that details the unit-specific BMP's and material management practices that will be implemented to assure compliance with 403.7045(1), F.S., and to provide reasonable assurance that environmental standards will not be violated. The final version of the Manual will be contingent on and modified by completion of

all corrective actions in accordance with the Big Bend Remedial Action Plan to meet the requirements of Paragraph 20 of CO 00-1275.

E. Potable Water Supply System

The potable water supply system shall be designed and operated in conformance with Chapter 62-555, F.A.C. Information as required in 62-555, F.A.C., shall be submitted to the Department prior to construction and operation. The operator of the potable water supply system shall be certified in accordance with section 403.067, F.S., and rules promulgated thereunder.

F. Transmission Lines

Directly associated transmission lines shall be constructed and maintained in order to minimize environmental impacts in accordance with Chapter 403, F.S.

G. Transformer and Electric Switching Gear

The foundations for the addition of any new transformers, capacitors, and switching gear necessary to connect Big Bend Unit 4 to the existing distribution system shall be constructed of an impervious material and shall be constructed in such a manner as to allow complete collection and recovery of any spills or leakage of oily, toxic, or hazardous substances. Should a spill occur, the following steps shall be taken:

1. The spill will be assessed and cleanup activities will be initiated;

2. Equipment will be isolated, if necessary, and the source of the spill will be stopped;

3. Gravel and mineral oil will be removed and clean gravel will be replaced; and

4. Measures will be implemented as necessary in accordance with the Oil Spill Prevention Control and Countermeasures Plan for Big Bend Station and the Mineral Oil Dielectric Fluid Emergency Response Action Protocol agreement between the Department and the Florida Electric Power Coordinating Group (FCG), dated April 2007. (Attachment D)

II. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

A. Listed Species Survey.

Before land clearing and construction activities within the Certified Facility occur, the Licensee shall conduct an assessment for listed species which will note all habitat, occurrence or evidence of listed species. Listed species to be included in this survey shall include those listed as endangered, threatened or of special concern by Florida Fish and Wildlife Conservation Commission (FWC) or those listed as endangered or threatened by U.S. Fish and Wildlife Service (USFWS. Resources that may be consulted in conducting this assessment are available through the "Florida Wildlife Conservation Guide" at: http://myfwc.com/CONSERVATION/FWCG.htm.

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 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 locations, 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 a protection radius surrounding nest sites and burrows be included, rather than individual nests and burrows, and be physically marked so that clearing and construction will avoid impacting them.

4. This survey shall include an estimate of the acreage and percent cover of each existing vegetation community (Florida Land Use, Cover and Forms Classification System, or FLUCFCS, at the third degree of detail) including a wildlife-based habitat classification scheme such as 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 the Certified Facility prior to land clearing and construction activities using GIS.

B. Listed Species Locations

Where any suitable habitat and evidence is found of the presence of listed species within the Certified Facility, the Licensee will 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 in-service date specified in the Public Service Commission's need determination. The Licensee will not construct in areas where evidence of listed species was identified during the initial survey until the particular listed species issues have been resolved.

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's Office of Policy and Stakeholder Coordination, the appropriate WMD, the appropriate local government(s) and the USFWS.

2. *Listed Vegetation Species*: If listed vegetation species are found on public land or water, their presence shall be reported to the DEP Siting Coordination Office and the Florida Department of Agriculture and Consumer Services (DACS). Listed wildlife species and listed vegetation species on public land or water shall not be disturbed, if feasible.

3. *Species Management Plan:* If avoidance is not feasible, the Licensee shall consult with DEP, FWC, and, if necessary, the USFWS for listed wildlife species, and with the DACS for listed vegetation species on public land or water, to determine the steps appropriate for the species involved which are to be taken to avoid, minimize, mitigate, or otherwise appropriately address impacts within each agency's respective jurisdiction. For wildlife species, these steps shall be memorialized in a Wildlife Management Plan and submitted to DEP, FWC, and the appropriate local government.

[Chapter 379, F.S.]

III. DEPARTMENT OF STATE – DIVISION OF HISTORICAL RESOURCES

A. Prior to new construction in areas not previously surveyed, the Licensee shall conduct a survey of sensitive cultural resource areas, as determined in consultation with the Department of State, Division of Historical Resources (DHR). A qualified cultural resources consultant will identify an appropriate work plan for this project based on a thorough review of

the Certified Facility. Prior to beginning any field work, the work plan 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.

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.]

IV. DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

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

[Chapter 487, F.S.]

V. SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

A. Use of Water

TECO shall use the lowest quality water which it has the ability to use. To the extent that a dependable supply of non-potable water can be provided, TECO shall use the non-potable water in lieu of the potable water from the public water supply system of Hillsborough County. However, if TECO can demonstrate that non-potable water is not available due to technical or environmental reasons, then the use of potable water may be authorized by the Secretary upon the concurrence of the Southwest Florida Water Management District (SWFWMD).

B. Consumptive Use of Groundwater

1. In the event that fresh groundwater in excess of quantities permitted by SWFWMD should be required for the operation of Big Bend Unit 4, TECO shall demonstrate to the satisfaction of the SWFWMD that such a consumptive use of groundwater will be in compliance with the regulations and policies of the District and will have no significant adverse effect on regional water supplies.

2. In the event that use of brackish groundwater should become necessary, an intensive investigation and aquifer testing program shall be performed by TECO. The aquifer testing program shall be submitted to the Department and the Director, Regulatory Division of SWFWMD, and approved prior to commencement of the investigation. The investigation should include but need not be limited to the following:

a. The geology encountered while drilling the well, with emphasis placed on the depth, thickness and hydraulic characteristics of formations encountered.

b. The aquifer systems that are encountered, along with the discussion on water quality and availability.

c. Performance of a pump test, description of aquifer characteristics and evaluation procedure.

d. Interpretations of geophysical logs.

e. Discussion of aquifer recharge and ultimate source.

Upon completion of the investigations, TECO shall submit a report on the feasibility of utilizing brackish groundwater for cooling tower make-up, and at that time the SWFWMD may authorize withdrawals. If SWFWMD should authorize withdrawals of brackish water, TECO shall submit monthly pumpage reports and chlorides, sulfate and TDS analysis on the production well to the SWFWMD.

C. Emergency Shortages

In the event an emergency water shortage should be declared pursuant to Section 373.175 or 373.246, F.S., by Southwest Florida Water Management District for an area including Hillsborough County, the Department pursuant to Section 403.516, F.S., may alter, modify, or declare to be inactive all or parts of Condition III.A.-E. An authorized SWFWMD representative at any reasonable time may enter the property to inspect the facilities.

D. Monitoring and Reporting

Tampa Electric Company shall monitor the groundwater at Big Bend Station in accordance with the approved groundwater monitoring program.

E. State Permits

1. WUP 6233.005

The Licensee shall abide by the conditions of WUP No. 6233.005, attached as Appendix III and incorporated herein, and any modification or renewal thereof for the continued authorized use of groundwater in the operation of Unit 4.

VI. HILLSBOROUGH COUNTY GOVERNMENT

A. Noise

1 Pursuant to Chapter 1-10, Rules of the EPC, Noise Rule "Exceptions" exempts construction activities occurring between the hours of 7 a.m. and 6 p.m. Monday through Friday, 8 a.m. and 6p.m. Saturday, and 10 a.m. and 6 p.m. Sunday if reasonable precautions are taken to abate the noise from those activities. Reasonable precautions shall include but not be limited to noise abatement measures such as enclosure of a noise source, use of acoustical blankets, and change in work practice. Construction activities occurring at all other times shall be subject to the standards in the EPC Noise Rule Chapter 1-10.

2. To mitigate the effects of noise produced by the construction of East 40 gypsum storage area, TECO shall monitor noise in the vicinity of the project and, if necessary, take reasonable precautions to abate noise generated by construction machinery by limiting the number of graders and dozers that are operating at any one time.

B. Screening

The Licensee shall comply with applicable local government requirements concerning the screening of the Certified Facility.

C. Flood Control Protection

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

D. Unconfined Particulate Matter Emissions (Fugitive Dust)

The project construction activities shall incorporate reasonable precautions to control unconfined emissions of particulate matter (dust), including but not limited to the methods, practices and procedures contained in Chapter 62-296.320(4)(c), Florida Administrative Code (F.A.C.).

1. These provisions are applicable to any activity, including vehicular movement; transportation of materials; construction, land alteration, demolition or wrecking; or industrially related activities such as loading, unloading, storing or handling; without taking reasonable precautions to prevent such emissions.

2. Reasonable precautions deemed necessary for this project include, but are not limited to, the following:

a. Speed limit of 10 miles per hour or less shall be enforced on vehicles travelling over exposed soils and other un-stabilized materials.

b. Curtail operations during high wind conditions

c. Application of water or other dust suppressants to control emissions from such activities as land clearing, transportation of materials, grading roads, spreading of excess soils on right-of-ways, and construction and site development activities.

d. Application of water or other dust suppressants to unpaved roads, open stock piles, soils spread on right-of-ways, and other similar activities.

e. Seeding and mulching access road surfaces

E. Open Burning

Open burning in connection with initial land clearing shall be conducted in accordance with the non-procedural requirements of Chapter 1-4, Rules of the EPC, specifically with the requirements of Section 1-4.09, which pertain both to pile burning or burning by air curtain incinerator for initial land clearing. TECO shall not burn any materials specifically prohibited by Section 1-4.04. TECO shall provide notice to EPC prior to commencing open burning for initial land clearing and shall indicate in the notice how it intends to comply with the provisions of Chapter 1-4. Burning shall not occur if not approved by the EPC or if the Division of Forestry has issued a ban on burning due to air pollution conditions or due to fire safety.

F. Asbestos

The National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Asbestos 40 CFR, Part 61, Subpart M promulgated by the U.S. EPA is enforced by the Environmental Protection Commission (EPC) within Hillsborough County on behalf of the State of Florida – DEP to regulate asbestos renovation and demolition projects.

1. Where demolition activities occur, asbestos demolition notification is required for all commercial facilities and for demolition projects involving residential structures with more than four dwelling units, residences that have been used as a business in the past, or if the demolition of more than one residential structure is planned.

2. Any regulated removal of asbestos containing materials from structures to be renovated or demolished requires notification. Notification and the appropriate fee must be submitted to the EPC at least ten working days prior to the regulated renovation or demolition activity.

3. Prior to the start of any demolition or renovation activities, a thorough asbestos inspection must be performed. According to Chapter 469.003, Florida Statutes, asbestos survey inspections must be performed by a licensed asbestos consultant. Phase I Environmental Assessment reports may not be used in lieu of a thorough asbestos survey inspection conducted by a trained and licensed asbestos consultant. A copy of the asbestos survey report should be maintained on site at all times. For demolition activities, include a copy of the asbestos survey report with the notification and fee.

4. Asbestos containing waste materials must be disposed of per local, state and federal regulations.

VII. HISTORY

Certification issued 08/17/81; signed by Governor Graham
Modified 09/17/81; signed by Secretary Tschinkel
Modified 11/18/82; signed by Governor Graham
Modified 03/19/84; signed by Governor Graham
Modified 03/16/87; signed by Secretary Twachtmann
Modified 10/12/87; signed by Governor Martinez
Modified 06/06/90; signed by Secretary Twachtmann
Modified 04/06/94; signed by Secretary Wetherell
Modified 06/19/95; signed by Secretary Wetherell
Modified 09/18/95; signed by Secretary Wetherell
Modified 02/07/00, signed by Secretary Struhs
Modified 05/17/01; signed by Deputy Secretary Green
Modified 07/29/03, signed by Program Administrator Oven
Modified 09/13/05, signed by Program Administrator Oven
Modified 12/23/08; signed by Program Administrator Halpin
Modified 01/28/09; signed by Program Administrator Halpin
Modified 07/22/12; signed by Program Administrator Mulkey