

**STATE OF FLORIDA
DEPARTMENT
OF
ENVIRONMENTAL PROTECTION**



Conditions of Certification

**JEA
Brandy Branch Generating Station
PA 00-43F**

January 27, 2015

Table of Contents

SECTION A:	GENERAL CONDITIONS.....	1
I.	SCOPE	1
II.	APPLICABLE DEPARTMENT RULES	2
III.	REVISIONS TO DEPARTMENT STATUTES AND RULES	4
IV.	DEFINITIONS	4
V.	DEPARTMENT PERMITS UNDER FEDERAL PROGRAMS	5
A.	Air	6
B.	Water	6
VI.	DESIGN AND PERFORMANCE CRITERIA	7
VII.	NOTIFICATION	7
VIII.	EMERGENCY CONDITION NOTIFICATION AND RESTORATION	8
IX.	CONSTRUCTION PRACTICES.....	8
A.	Local Building Codes	8
B.	Open Burning.....	9
C.	Existing Underground Utilities	9
D.	Electric and Magnetic Fields (EMF).....	9
E.	Existing Wells	9
F.	Abandonment of Existing Septic Tanks	9
X.	RIGHT OF ENTRY	9
XI.	DISPUTE RESOLUTION.....	10
A.	General	10
B.	Modifications	10
C.	Post-Certification Submittals	10
XII.	SEVERABILITY	10
XIII.	ENFORCEMENT	10
XIV.	REVOCATION OR SUSPENSION.....	11
XV.	REGULATORY COMPLIANCE	11
XVI.	CIVIL AND CRIMINAL LIABILITY	11
XVII.	USE OF STATE LANDS	12
XVIII.	PROCEDURAL RIGHTS.....	13

XIX.	AGENCY ADDRESSES FOR POST-CERTIFICATION SUBMITTALS AND NOTICES.....	13
XX.	PROCEDURES FOR POST-CERTIFICATION SUBMITTALS.....	14
	A. Purpose of Submittals	14
	B. Filings	14
	C. Completeness	15
	D. Interagency Meetings.....	15
	E. Determination of Compliance.....	15
	F. Commencement of Construction	15
	G. Revisions to Design Previously Reviewed for Compliance	15
	H. Variation to Submittal Requirements.....	15
XXI.	POST-CERTIFICATION SUBMITTAL REQUIREMENTS SUMMARY	16
XXII.	POST CERTIFICATION AMENDMENTS	16
XXIII.	MODIFICATION OF CERTIFICATION.....	17
XXIV.	COASTAL ZONE CONSISTENCY	17
XXV.	TRANSFER OF CERTIFICATION.....	17
XXVI.	LABORATORIES AND QUALITY ASSURANCE.....	18
XXVII.	ENVIRONMENTAL RESOURCES.....	18
	A. General.....	18
	B. Surface Water Management Systems	19
	C. Wetland and Other Surface Water Impacts	21
XXVIII.	THIRD PARTY IMPACTS	21
XXIX.	FACILITY OPERATION.....	21
XXX.	RECORDS MAINTAINED AT THE FACILITY.....	22
XXXI.	WATER DISCHARGES	22
	A. Discharges.....	22
	B. Wastewater Incident Reporting.....	23
XXXII.	SOLID AND HAZARDOUS WASTE	24
	A. Solid Waste	24
	B. Hazardous Waste and Used Oil	24
	C. Hazardous Substance Release Notification	25
	D. Petroleum Contact Water	25

E.	Contaminated Site Cleanup.....	25
XXXIII.	STORAGE TANK SYSTEMS.....	25
A.	Incident Notification Requirements.....	25
B.	Discharge Reporting Requirements	26
C.	Discharge Cleanup	26
D.	Out of Service and Closure Requirements.....	26
SECTION B.	SPECIFIC CONDITIONS.....	27
I.	DEPARTMENT OF ENVIRONMENTAL PROTECTION	27
A.	Transformer and Electric Switching Gear	27
B.	Potable Water.....	27
C.	Wastewater Treatment Facility	27
D.	Buffer	28
E.	Wastewater Ground Water Monitoring	28
F.	Cooling Tower	28
II.	DEPARTMENT OF TRANSPORTATION.....	28
A.	Post Certification Review of Specific Problems.....	28
1.	<i>Access Management to the State Highway System</i>	<i>28</i>
2.	<i>Overweight or Overdimensional Loads.....</i>	<i>28</i>
3.	<i>Use of State of Florida Right of Way or Transportation Facilities..</i> <i>.....</i>	<i>28</i>
B.	Best Management Practices	28
1.	<i>Transportation Control.....</i>	<i>28</i>
2.	<i>Overweight/Overdimensional Vehicles.....</i>	<i>29</i>
III.	EMERGENCY MANAGEMENT.....	29
IV.	FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION	29
V.	DEPARTMENT OF STATE – DIVISION OF HISTORICAL RESOURCES	29
VI.	DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES	30
VII.	ST. JOHNS RIVER WATER MANAGEMENT DISTRICT.....	30
A.	Water Shortages	30
B.	Well Construction, Modification, or Abandonment	30
C.	Well Maintenance	30

D.	Mitigation of Withdrawal Impacts on Existing Legal Users	30
E.	Mitigation of Impacts on Adjacent Land Uses	31
F.	Identification Tags	31
G.	Submittals	31
H.	Maximum Annual Withdrawals.....	31
I.	Maximum Daily Withdrawals.....	32
J.	Limitation on Uses of Water.....	32
K.	Flow Meters	32
L.	Recording and Reporting	32
M.	Meter Maintenance	32
N.	Meter Calibration	32
O.	Discharges.....	33
P.	Use of Lowest Quality Water	33
Q.	Monitoring Wells.....	33
R.	Water Level Monitoring	34
S.	Landscaping	35
T.	Compliance Reports.....	35
U.	Water Conservation Report.....	35
VIII.	CITY OF JACKSONVILLE	36
	History Notes	36

ATTACHMENTS & APPENDICES

Attachment A	Certified Site/Facilities Delineation
	Site Delineation
	Delineation of the Certified Area of the Site
	Delineation of the Certified Areas of the Off-Site Non-linear Facilities
	Delineation of Off-Site Linear Facilities
Attachment B	Stormwater Management System Requirements
Attachment C	Mitigation Plans
	(16-156348-001-E1 and 16-156348-002-E1 information attached)

SECTION A: GENERAL CONDITIONS

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 JEA as owner/operator and Licensee of Brandy Branch Generating Station. Subject to the requirements contained in these Conditions of Certification (Conditions), JEA will operate a 812 MW (nominal) facility consisting of two natural gas-fired combined cycle Units 2 and 3, and one simple cycle Unit 1 and ancillary equipment. These units are located on a 153-acre Site which is located in Duval County, Florida at Township 23S, Ranges 23E and 24E. UTM coordinates are: Zone 3354530.8 km East, 408774.1 km North, and the latitude/longitude coordinates are: {30°21'52} North; and {81°37'25"} West. 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;

- Three generating units (Units 1, 2, and 3)
- Steam turbine generator
- Heat recovery steam generators
- Stacks
- Cooling tower
- Electrical substation
- Gas metering station
- Operations and Maintenance buildings
- Site access road
- Wastewater pipeline

C. These Conditions, unless specifically amended or modified, are binding upon the Licensee and shall apply to the construction, operation and maintenance of the Certified 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.

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

SECTION A: GENERAL CONDITIONS

E. If both certified and uncertified facilities lie within the boundaries of the Site, the Licensee shall also comply with the requirements of this paragraph. Within 60 days after completion of construction of the plant and on-Site associated facilities, but excluding 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 Certified Areas within the Site; and 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 survey map 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.

F. Within 120 days after completion of construction of the 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.

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.

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. Should any of these regulations or portions thereof be repealed or otherwise eliminated, they will not be considered applicable.

Florida Administrative Codes:

62-4 (Permits)

62-17 (Electrical Power Plant Siting)

SECTION A: GENERAL CONDITIONS

- 62-25 (Regulations of Stormwater Discharge)
- 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)
- 62-330 (Environmental Resource Permitting)
- 62-340 (Delineation of the Landward Extent of Wetlands and Surface Waters)
- 62-345 (Uniform Mitigation Assessment Method)
- 62-520 (Groundwater Classes, Standards and Exemptions)
- 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)
- 62-777 (Contaminant Cleanup Target Levels)
- 62-780 (Contaminated Site Clean-Up Criteria)
- 62-814 (Electric and Magnetic Fields)

SECTION A: GENERAL CONDITIONS

64E-6 (Standards for Onsite Sewage Treatment and Disposal Systems)

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, 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

Unless otherwise indicated herein, 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” as defined in Section 403.503(6), F.S. For purposes of this 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” as defined in Section 403.503(7), F.S.

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

D. “Certified Facility” or “Certified Facilities” means the certified electrical power generation facilities and all on- or off-Site associated structures and facilities identified/described in the Application or in the final order of certification.

E. “Complete” as that term is used in relation to post-certification filings, shall mean the post-certification filing provides the data required by the relevant Condition of Certification.

F. “DEM” shall mean the Florida Division of Emergency Management.

G. “DEP” or “Department” means the Florida Department of Environmental Protection.

SECTION A: GENERAL CONDITIONS

- 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. The Siting Board delegates to the Secretary of DEP the authority to issue an emergency order to alleviate the emergency situation.
- K. “Feasible” or “Practicable” 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 JEA which has obtained a certification order for the subject project.
- N. “NED” shall mean the DEP northeast district office.
- O. “NPDES permit” means a federal National Pollutant Discharge Permit System permit issued by DEP in accordance with the federal Clean Water Act.
- P. “Post-certification submittal” shall mean a submittal made by the Licensee pursuant to a Condition of Certification.
- Q. “PSD permit” means a federal Prevention of Significant Deterioration air emissions permit issued by DEP in accordance with the federal Clean Air Act.
- R. “NEFRPC” shall mean the Northeast Florida Regional Planning Council.
- S. “ROW” means the right-of-way to be selected by the Licensee within a certified corridor in accordance with the Conditions of Certification and as defined in Section 403.503(27), F.S.
- T. “Site” as defined in Section 403.503(28), F.S.
- U. “State water quality standards” shall mean the numerical and narrative criteria applied to specific water uses or classifications set forth in Chapter 62-302, F.A.C.
- V. “Surface Water Management System” or “System” means a stormwater management system as defined in Section 373.403(10), F.S. 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.
- W. “SJRWMD” means the St. Johns River Water Management District.
- X. “Title V permit” means a federal permit issued by DEP in accordance with Title V provisions of the federal Clean Air Act.
- Y. “Wetlands” shall mean those areas meeting the definition set forth in Section 373.019(27), F.S., as delineated pursuant to Chapter 62-340, F.A.C.

V. DEPARTMENT PERMITS UNDER FEDERAL PROGRAMS

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

SECTION A: GENERAL CONDITIONS

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 substantive 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 facilities are incorporated by reference herein as part of these Conditions. The Air Construction Permits and Title V Air Operation Permits can be found at the appropriate web link using the facility ID number 0310485:

<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 provisions of a NPDES permit as well as any subsequent modifications, amendments and/or renewals, if applicable.

[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.

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.

[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 under the Generic Permit for Discharge of Produced Ground Water From any Non-Contaminated Site Activity. Similarly, if the activity involves a point source discharge of ground water from a petroleum contaminated site, the Licensee must obtain coverage under the Generic Permit for discharge from petroleum contaminated sites. Before discharge of ground water can occur from such sites, analytical tests

SECTION A: GENERAL CONDITIONS

on samples of the proposed untreated discharge water shall be performed as required by Rule 62-621.300, F.A.C., to determine if the activity can be covered by either permit.

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

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

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 Application 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 Application or as explained at the certification hearing (if any). Conformance to those criteria, unless specifically modified in accordance with Sections 403.516, F.S., and Rule 62-17.211, F.A.C., is binding upon the Licensee in the design, construction, operation and maintenance of the certified facility.

[Sections 403.511 (2)(a), 403.516, F.S.; Rules 62-4.160(2), 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 NED 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.]

SECTION A: GENERAL CONDITIONS

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

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

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

The notice shall consist of maps or aerial photographs in the scale of 1:24,000 which clearly show the location of the certified route and shall state 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. EMERGENCY CONDITION NOTIFICATION AND RESTORATION

If the Licensee is temporarily unable to comply with any of the conditions of the License due to breakdown of equipment or destruction by hazard of fire, wind or following an emergency as defined by Sections 252.34(3), (6), (7) or (9), F.S., the Licensee shall immediately notify the Department. Notification shall include pertinent information as to the cause of the problem, and what steps are being taken to correct the problem and to prevent its recurrence, and where applicable, the owner's intent toward reconstruction of destroyed facilities. Such notification does not release the Licensee from any liability for failure to comply with Department rules. Any exceedances and/or violations recorded during emergency conditions shall be reported as such, but the Department acknowledges that it intends to use its enforcement discretion during this timeframe. 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.

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

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 or require that construction of installations used by the electric utility that are not an integral part of a generating plant, substation, or control center (such as office buildings, warehouses, garages, machine shops, and recreational buildings) be in compliance with applicable building construction codes. Such fees and compliance with such construction codes are outside the scope of this certification.

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

SECTION A: GENERAL CONDITIONS

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. the Florida Forestry Service.

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

C. Existing Underground Utilities

The Licensee must follow all applicable portions of the Underground Facility Damage Prevention and Safety Act, Chapter 556, F.S. Tickets shall be available for request until the underground work is completed for the affected area.

[Chapter 556, F.S.]

D. 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.]

E. 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.

[subsection 62-532.500(5), F.A.C.]

F. 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

SECTION A: GENERAL CONDITIONS

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

SECTION A: GENERAL CONDITIONS

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 403.061(8), 403.121, 403.131, 403.141, 403.151, 403.161, 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 Application, or approved in the final order of certification, indicated in the testimony and exhibits in support of certification, indicated in a post-certification submittal, or approved in a subsequent amendment or modification 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., except as specifically provided in the final order of certification or these COC, 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 is not a waiver of or approval of any other Department license/permit that may be required for other aspects of the Certified Facility which are not addressed in this certification. 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 the Certified Facilities, or from penalties therefore.

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

XVI. CIVIL AND CRIMINAL LIABILITY

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

SECTION A: GENERAL CONDITIONS

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, 403.511, F.S.]

XVII. USE OF STATE LANDS

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

B. If any portion of the Certified Facility is located on sovereign submerged lands, state-owned uplands, or within an aquatic preserve, then the Licensee must comply with the applicable portions of Chapters 18-2, 18-20, and 18-21, F.A.C., and Chapters 253 and 258, F.S. Except as otherwise provided in the final order of certification or these conditions, if any portion of the Certified Facility is located on sovereign submerged lands, the Licensee must submit section F 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. Unless otherwise provided in the final order of certification or these conditions, the Department has the responsibility to review and take action on requests for proprietary authorization in accordance with Rules 18-2.018 or 18-21.0051, F.A.C.

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

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

[Chapters 253 and 258, and Sections 403.511, F.S.; Chapter 10.1.1. of the Environmental Resource Permit Applicant’s Handbook Volume I (A.H.Volume I); Chapters 18-2, 18-14, 18-21,

SECTION A: GENERAL CONDITIONS

62-340, and subsections 62-330.060(1) and 62-4.160(4), F.A.C.; Upland Easement Application and Section F 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.

[Sections 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 55
2600 Blair Stone Rd
Tallahassee, Florida 32399-2600

Florida Department of Environmental Protection
Northeast District Office
8800 Baymeadows Way West, Suite 100
Jacksonville, Florida 32256

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

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

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

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

SECTION A: GENERAL CONDITIONS

Northeast Regional Planning Council
Office of the Executive Director
6850 Belfort Oaks Place
Jacksonville, Florida 32216

St. Johns River Water Management District
Office of General Counsel
P.O. Box 1429
Palatka, Florida 32178-142

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

City of Jacksonville
Office of General Council
117 W. Duval St, Suite 480
Jacksonville, Florida 32202-5721

[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 Facilities and the construction and maintenance of the Certified Facilities. This monitoring is for DEP to assure, in consultation with other agencies with applicable regulatory jurisdiction, continued compliance with these Conditions, without further agency 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 NED, and any other agency that is entitled to receive a submittal pursuant to these Conditions. The SCO shall be copied on all post-certification submittals in electronic .pdf format only, unless otherwise requested, via email to SCO@dep.state.fl.us. Each submittal shall clearly identify the Certified Facility name (Brandy Branch Generating Station), PA# (00-43), 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.]

SECTION A: GENERAL CONDITIONS

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 postcertification 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.

H. Variation to Submittal Requirements

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

SECTION A: GENERAL CONDITIONS

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

[Sections 403.511, F.S.; Rule 62-17.191, 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.]

SECTION A: GENERAL CONDITIONS

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. 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.]

XXV. 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; identify 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

SECTION A: GENERAL CONDITIONS

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.

[Rule 62-17.211(3), F.A.C.]

XXVI. 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.]

XXVII. ENVIRONMENTAL RESOURCES

A. General

1. Submittals for Construction Activities

a. Prior to the commencement of construction of new facilities and/or associated facilities the Licensee shall provide to the NED's Environmental Resource Permitting Section for review, all information necessary for a complete *Joint Application for Environmental Resource Permit* (ERP), DEP Form 62-330.060(1), F.A.C. Information may be submitted by discrete portions of the Certified Facilities for a determination of compliance with these COC.

This form may: a) 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, F.A.C., as applicable unless otherwise stated in these Conditions. While the information is provided for review via submittal of the Environmental Resources Permit form, pursuant to section 403.511, Florida Statutes, issuance of a separate Environmental Resources Permit is not required for certified facilities.

Those forms submitted as part of a 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-

SECTION A: GENERAL CONDITIONS

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 compliance review. Available DEP-approved wetland and surface water delineations within the boundaries of a Certified Facility or a portion thereof may be used and reproduced for this delineation submittal and verification.

[Sections 373.416, 403.511, F.S.; Chapters 62-330, and 62-340, F.A.C.]

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

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

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

[Sections 373.421, 403.504, F.S.]

B. Surface Water Management Systems

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

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 Application 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 (Stormwater Management System Plans/Requirements). 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 of the SWMS, 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,

SECTION A: GENERAL CONDITIONS

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 postcertification submittal, amendment, modification, or certification application including water quality treatment features, and discharge control facilities prior to use of the portion of the Certified Facility being served by the SWMS.

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

6 Each phase or independent portion of the approved system must be completed in accordance with the approved plans and these COCs prior to the operation of the portion of the Certified Facility being served by that portion or phase of the SWMS.

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

SECTION A: GENERAL CONDITIONS

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

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

10. The DEP 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, such as an NPDES dewatering generic permit per 62-621.300, F.A.C. (See Condition V DEPARTMENT PERMITS UNDER FEDERAL PROGRAMS, B.5)

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

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 unpermissible 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 – attach information from 16-156348-001-EI and 16-156348-002-EI).

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

XXVIII. 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.

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

XXIX. 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

SECTION A: GENERAL CONDITIONS

Conditions, or a post-certification amendment or modification. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the final order of certification, these Conditions, or a post-certification amendment or modification. Further, the Licensee shall take all reasonable steps to minimize any adverse impact resulting from noncompliance with any limitation specified in this certification, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying event.

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

In the event of a prolonged [thirty (30) days or more] equipment malfunction or shutdown of pollution control equipment, facility operation may be allowed to resume and continue to take place under an appropriate Department order, provided that the Licensee demonstrates that such operation will be in compliance with all applicable ambient air quality standards and PSD increments, water quality standards and rules, solid waste rules, domestic wastewater rules and industrial wastewater rules. During such malfunction or shutdown, the operation of the facility shall comply with all other requirements of this certification and all applicable state and federal emission and effluent standards not affected by the malfunction or shutdown.

XXX. RECORDS MAINTAINED AT THE FACILITY

- A. These Conditions or a copy thereof shall be kept at the Site.
- B. The Licensee shall hold 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 Application for this approval. These materials may be maintained in electronic form shall be retained at least three (3) years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
- C. Records of monitoring information shall include:
 - 1. the date, exact place, and time of sampling or measurements;
 - 2. the person responsible for performing the sampling or measurements;
 - 3. the dates analyses were performed;
 - 4. the person responsible for performing the analyses;
 - 5. the analytical techniques or methods used; and,
 - 6. the results of such analyses.

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

XXXI. WATER DISCHARGES

- A. **Discharges**
 - 1. Except as otherwise authorized by a permit issued by the Department under a federally delegated or approved program or to the extent a variance, exception, exemption or other relief is granted or is authorized by these Conditions, Licensee shall not discharge to surface or ground waters of the State wastes in concentrations which alone or in

SECTION A: GENERAL CONDITIONS

combination with other substances, or components of discharges (whether thermal or non-thermal) are carcinogenic, mutagenic, or teratogenic to human beings or to significant locally occurring wildlife or aquatic species (unless specific criteria are established for such components in Rule 62-520.400, F.A.C.) or are acutely toxic to indigenous species of significance to the aquatic community within surface waters affected by the ground water at the point of contact with surface waters.

2. Except as otherwise authorized by a permit issued by the Department under a federally delegated or approved program or to the extent a variance, exception, exemption or other relief is granted or is authorized by these Conditions, all discharges and activities must be conducted so as to not cause a violation of the water quality standards set forth in Chapters 62-4, 62-302, 62-520, and 62-550, 62-620, F.A.C., including the provisions of Rules 62-4.243, 62-4.244, and 62-4.246, F.A.C., the 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.;

3. Except as otherwise authorized by a permit issued by the Department under a federally delegated or approved program or to the extent a variance, exception, exemption or other relief is granted or is authorized by these Conditions, 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 NED 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 NED 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 to the NED 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.

SECTION A: GENERAL CONDITIONS

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.

[subsection 62-620.610(20), F.A.C.]

XXXII. 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 a Certified Facility during construction, operation, and maintenance.

[Chapters 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. This facility operates under EPA hazardous waste identification number FLR 000 071 266.

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.

SECTION A: GENERAL CONDITIONS

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, within 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. Petroleum Contact Water

The Licensee shall comply with all applicable provisions of Chapter 62-740, F.A.C., for any petroleum contact water generated within Certified Facility during construction and operation.

[Chapter 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.]

XXXIII. STORAGE TANK SYSTEMS

Registration, construction, installation, operation, maintenance, repair, closure, and disposal of storage tank systems within a certified area 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

SECTION A: GENERAL CONDITIONS

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. 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 62-780, F.A.C., corrective action, including free product recovery, shall be performed in accordance with that Chapter.

D. Out of Service and Closure Requirements

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

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

SECTION B. SPECIFIC CONDITIONS

I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

A. *Transformer and Electric Switching Gear*

1. Foundations

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

2. Emergency Reporting

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

B. *Potable Water*

Any new or modified component of the potable water supply system shall be designed, staffed and operated in conformance with applicable Chapters of 62-550, 62-555, 62-560, 62-602, and 62-699, F.A.C. Information as required in 62-555, F.A.C, shall be submitted to the Department prior to construction and operation of any new or modified components of the system. The operator of the potable water supply system shall be certified in accordance with Chapter 62-602, F.A.C.

C. *Wastewater Treatment Facility*

1. The Licensee will discharge all industrial wastewater to a sewer line connected to the JEA District I (Buckman) Publicly Owned Treatment Works (POTW), in accordance with JEA's Industrial Pretreatment Regulation program.

2. Wastewater discharged to the POTW from this facility will consist of blowdown from the ten-cell, mechanical draft cooling tower; backwash and regenerant water from the water treatment system; blowdown from the HRSG units and stormwater runoff from the plant & equipment drains; waste from the secondary containment areas surrounding the CTs, tank farm, transformer pits, and bulk chemicals; and sanitary wastewater from lavatories, lavatory floor drains, sinks, showers, water coolers, etc.

3. Process water for the Licensee's operation will be supplied by raw water from numerous ground water supply wells.

4. The Licensee will not discharge wastewater to any surface waters of the State or land application sites. No effluent monitoring is required by these conditions of certification.

SECTION B: SPECIFIC CONDITIONS

D. Buffer

The licensee shall develop the Site so as to retain the buffer of natural vegetation as described in the Application.

E. Wastewater Ground Water Monitoring

Since all wastewater is discharged to a local sewer system and not directly applied by land application, no ground water monitoring is required at this time, in accordance with Rules 62-4.040(1)(b) and 62-520, F.A.C. If the Licensee proposes a wastewater discharge to land application site(s), a modification request to the conditions of certification shall be submitted with a proposed ground water monitoring plan, prior to operation.

F. Cooling Tower

The Brandy Branch Generating Station may utilize reclaimed water, treated wastewater, onsite re-use water, stormwater runoff, or groundwater as cooling tower makeup water. The use of reclaimed water shall be in compliance with Chapter 62-610, Florida Administrative Code.

II. DEPARTMENT OF TRANSPORTATION

A. Post Certification Review of Specific Problems

1. Access Management to the State Highway System

No new access to the State Highway System is proposed in the site certification application. If new access is later proposed, access permitting as defined in Rule Chapters 14-96, State Highway System Connection Permits, Administrative Process, and 14-97, State Highway System Access Control Classification System and Access Management Standards, Florida Administrative Code, will be required.

2. Overweight or Overdimensional Loads

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

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

Any use of State of Florida right of way and certain activities on State transportation facilities will be subject to the requirements of the Department of Transportation's Utility Accommodation Manual (Document 710-020-001) and Rule Chapter 14-46, Utilities Installation or Adjustment, Florida Administrative Code. Any new or additional interconnections between the power plant and any off-site water reuse system may require the applicants to meet the requirements of the Utility Accommodation Manual if the installation of these interconnections fall within State of Florida right of way or a state transportation facility.

B. Best Management Practices

1. Transportation Control

Traffic control will be maintained during plant construction and maintenance in

SECTION B: SPECIFIC CONDITIONS

compliance with the standards contained in the Manual of Uniform Traffic Control Devices, Florida Department of Transportation's Design Standards; and Florida Department of Transportation's Specifications for Roads and Bridge Construction, whichever is more stringent.

2. Overweight/Overdimensional Vehicles

If the applicant uses contractors for the delivery of any overweight or overdimensional loads to the site during construction, the applicant should assure that its contractors adhere to the necessary standards and receive the necessary permits required under Chapter 316, Florida Statutes, and Rule Chapter 14-26, Safety Regulations and Permit Fees for Overweight and Overdimensional Vehicles, Florida Administrative Code.

III. EMERGENCY MANAGEMENT

The Licensee shall develop a comprehensive hurricane preparation and recovery plan that includes the Brandy Branch Generating Station. The Licensee shall formally update the plan every 5 years following commercial operation of the combined cycle power plant or whenever an additional generating unit is brought into service at the Brandy Branch Generating Station and shall submit these updated versions of the plan to the Duval County Office of Emergency Management.

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

IV. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

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

V. DEPARTMENT OF STATE – DIVISION OF HISTORICAL RESOURCES

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

SECTION B: SPECIFIC CONDITIONS

0250, telephone number (850) 487-6333, and the Licensee shall consult with DHR to determine appropriate action.

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

VI. 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.]

VII. ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

A. Water Shortages

Nothing in this certification shall be construed to limit the authority of the SJRWMD to declare a water shortage and issue orders pursuant to Section 373.175, F.S. or to formulate a plan for implementation during periods of water shortage, pursuant to Section 373.246, F.S. Pursuant to Section 403.516, F.S., in the event of a water shortage as declared by the SJRWMD governing board, the Licensee must adhere to reductions in water withdrawals as specified by the SJRWMD.

[Paragraphs 10.2(a)(b)(d)(e)(f)(g)(h)(i)(k)(l)(m)(o)(p)(r); 10.3(c)-(e)(h)(j), A.H.; 40C-2.381(2)(a)2., F.A.C.]

B. Well Construction, Modification, or Abandonment

Prior to the construction, modification, or abandonment of any on-site well, the Licensee must submit a completed application form for a Water Well Construction Permit to FDEP and SJRWMD. All construction, modification, or abandonment of water wells must be conducted under the supervision of a licensed water well contractor and must be performed in accordance with Chapter 40C-3, F.A.C. Prior to construction, modification or abandonment of a well, the Licensee must file an amendment to the site certification application with FDEP and SJRWMD. Upon completion of the construction, modification or abandonment of each well, the Licensees must submit to SJRWMD and FDEP a completion report for the well.

[Paragraphs 10.2(e)(m)(o)(p)(q)(r); 10.3(b)(d)(h)(j), A.H.; 40C-2.381(2)(a)3. F.A.C.]

C. Well Maintenance

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

[Paragraphs 10.2(e)(m)(o)(p)(q)(r); 10.3(b)(d)(h)(j), A.H.; 40C-2.381(2)(a)4., F.A.C.]

D. Mitigation of Withdrawal Impacts on Existing Legal Users

The Licensee must mitigate any adverse impact caused by the withdrawals permitted herein on legal uses of water existing at the time of application. The FDEP shall modify this

SECTION B: SPECIFIC CONDITIONS

license to reduce the authorized withdrawal rate or water allocations if the withdrawals of water cause an adverse impact on legal uses of water that existed at the time of application. Adverse impacts are exemplified by but not limited to:

1. Reduction of water levels in an adjacent surface water body resulting in a significant impairment of the use of water in that water body.
2. Saline water intrusion or introduction of pollutants into the water supply of an adjacent water use resulting in a significant reduction of water quality; and
3. Change in water quality resulting in either impairment or loss of use of a well or water body.

[Paragraphs 10.2(c)(e)(f)(g)(m)(o)(p)(r); 10.3(b)(d)(h)(j), A.H. 40C-2.301(2)(b), F.A.C.]

E. Mitigation of Impacts on Adjacent Land Uses

The Licensee must mitigate any adverse impact caused by withdrawals permitted herein on an adjacent land uses which existed at the time of license application. The FDEP shall modify this license to reduce withdrawal rates of water allocations if the withdrawals cause an adverse impact on adjacent land uses that existed at the time of application. Adverse impacts are exemplified by but not limited to:

1. Significant reduction in water levels in an adjacent surface water body;
2. Land collapse or subsidence off-site caused by a reduction in water levels;

or

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

[Paragraphs 10.2(c)(e)(f)(g)(m)(o)(p)(r); 10.3(b)(d)(h)(j), A.H. 40C-2.301(2)(b), F.A.C.]

F. Identification Tags

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

[Paragraphs 10.2(b)(e)(f)(g)(h)(m)(o)(p)(r); 10.3(b)(d)(h)(j), A.H.; 40C-2.381(2)(a)8., F.A.C.]

G. Submittals

All submittals made to demonstrate compliance with the consumptive use and water well construction conditions of this certification must have the certification number plainly labeled on the submittal.

[Paragraphs 10.2(a)(b)(c)(e)(f)(g)(h)(i)(j)(m)(o)(p)(r); 10.3(a)-(h)(j), A.H.]

H. Maximum Annual Withdrawals

The maximum annual ground water withdrawals from the Floridan aquifer for demineralizer/steam cycle makeup, general service water, heat recovery steam generation, washdown, injection and power augmentation, and cooling uses combined must not exceed 1,001.794 million gallons per year.

[Paragraphs 10.2(a)(b)(c)(d)(h)(i)(j)(k)(l)(r); 10.3(a)(b)(c)(e)(f)(g), A.H.]

SECTION B: SPECIFIC CONDITIONS

I. Maximum Daily Withdrawals

Maximum daily withdrawals from the Floridan aquifer for demineralizer/steam cycle makeup, general service water, heat recovery steam generation, washdown, injection and power augmentation, and cooling uses combined must not exceed 3.722 million gallons per day.

[Paragraphs 10.2(a)(b)(c)(d)(h)(i)(j)(k)(l)(r); 10.3(a)(b)(c)(e)(f)(g), A.H.]

J. Limitation on Uses of Water

1. The maximum annual ground water withdrawals from the Floridan Aquifer for fire protection (essential use) must not exceed 6.140 million gallons per day.

[Paragraphs 10.2(a)(b)(c)(e)(h)(i)(j)(k)(l)(m)(o)(p)(r); 10.3(a)(b)(c)(f)(h)(j), A.H.]

2. Ground water from the Floridan aquifer shall not be used for on-site irrigation or surface water augmentation under any circumstances.

[Paragraphs 10.2(a)(c)(e)(h)(i)(j)(l)(m)(o)(p)(r); 10.3(a)(b)(d)(e)(f)(g)(j), A.H.]

K. Flow Meters

Well nos. PW-1 (Station ID 22278), PW-2 (Station ID 22279), and PW-3 (Station ID 244437), and any/all additional delivery points must have in-line totalizing flow meters installed prior to use (not including well development). The totalizing flow meters must maintain 95% accuracy, be verifiable, and be installed according to manufacturer specifications. Documentation of proper installation of flow meters (e-g. photograph) shall be submitted to the SJRWMD within 30 days of meter placement. A site visit by SJRWMD staff can also fulfill this documentation requirement.

[Paragraphs 10.2(a)(r); 10.3(a)(b), A.H.]

L. Recording and Reporting

Total withdrawal from PW-1 (Station ID 22278), PW-2 (Station ID 22279), and PW-3 (Station ID 244437) and all/any additional delivery points, must be recorded continuously, totaled monthly, and reported to FDEP and SJRWMD at least every six months using SJRWMD Form No. EN-50. The reporting dates each year will be as follows:

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

[Paragraphs 10.2(a)(r); 10.3(a)(b), A.H.]

M. Meter Maintenance

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

[Paragraphs 10.2(a)(r); 10.3(a)(b), A.H.]

N. Meter Calibration

The Licensee must have the flow meters calibrated once every 10 years within 30 days of

SECTION B: SPECIFIC CONDITIONS

August 31, and recalibrated if the difference between the actual flow and the meter reading is greater than 5%. SJRWMD Form No. EN-51 must be submitted to FDEP and SJRWMD within 10 days of the inspection/calibration.

[Paragraphs 10.2(a)(r); 10.3(a)(b), A.H.]

O. Discharges

All on-site and off-site discharges must be in accordance with the operating plans supplied to the District and in conformance with FDEP discharge criteria contained in Chapters 62-4, 62-600, 62-601, 62-640, 62-650, 62-701 and 62-740 F.A.C.

[Paragraph 10.3(k), A.H.]

P. Use of Lowest Quality Water

The lowest quality water source, such as reclaimed water and surface/storm water, must be used when deemed feasible pursuant to District rules and applicable state law. If reclaimed water becomes readily available from any identified water purveyor during the life of the Brandy Branch Power Generation Station, the feasibility of using this water must be evaluated pursuant to District criteria within one year of it becoming readily available.

[Paragraphs 10.2(j); 10.3(f)(g), A.H.]

Q. Monitoring Wells

The Licensee must collect and have analyzed a water sample from each of the two dedicated monitoring wells, MW-1 (Station ID 410698) from the lower Floridan aquifer, and MW-2 (Station ID 410699) from the upper Floridan aquifer in February, May, August and November of each year for the license duration. Each sample must be analyzed for the following:

Field temperature (°C)	Field specific conductance (µmhos/cm)
Field pH	Field turbidity (NTU)

Laboratory

Bicarbonate alkalinity (as mg/L CaCO ₃)	Potassium (mg/L)
Carbonate alkalinity (as mg/L CaCO ₃)	Sodium (mg/L)
Lab pH	Sulfate (mg/L)
Calcium (mg/L)	Specific Conductance (µmhos/cm)
Chloride (mg/L)	Total Iron (mg/L)
Magnesium (mg/L)	Total Dissolved Solids (mg/L)

1. Sample Collection

Samples must be collected in accordance with the Florida Department of Environmental Protection's (FDEP) standard operating procedures (SOP), DEPSOP-001/01, DEP Quality Assurance Rule, 62-160, F.A.C.

Prior to sample collection a minimum of 3-5 casing volumes must be removed from each well. The well must be purged in accordance with DEP-SOP-001/01 and well purging must be documented using the Groundwater Sampling Log form found in the referenced FDEP SOP. Samples must be stored on ice immediately after collection, and remain on ice until

SECTION B: SPECIFIC CONDITIONS

received by the laboratory. It is recommended that sample duplicates be taken to allow for laboratory errors or data loss and these samples be stored by the laboratory for a minimum of 60 days to ensure backup sample availability should re-analyses be required.

2. Quality Assurance

The Licensee must provide documentation that field instruments were properly calibrated prior to obtaining field measurements.

All water quality analyses must be performed by a laboratory certified by the Florida Department of Health (FDOH) and the National Environmental Laboratory Accreditation Conference (NELAC). All laboratory analyses must be by methods for which the laboratory has FDOH certification. All laboratory analyses must be completed within EPA holding times. If the data is lost or a laboratory error occurs and the EPA holding time for the analysis has expired, the Licensee must resample the well within 15 days of notification from the laboratory that a loss or laboratory error has occurred. With the exception of pH, laboratory analyses utilizing selective ion electrodes are not acceptable due to the inadequate sensitivity of these methods. Analyses utilizing test kits typically used for field screening (e.g., Hach and LaMotte) are also not acceptable for the same reason. All major ion analyses must be checked for anion-cation balance and must balance (equivalent concentrations as meq/L) within 5%. If the anion-cation balance does not balance within 5%, the Licensee must review the data and include in the report submitted to the District a discussion of the cause or explanation of the imbalance. If the anion-cation balance does not balance with 5%, the Licensee may be required to re-analyze the sample if it is within acceptable holding times, or resample the well and reanalyze the sample.

3. Reports

A report must be submitted to the District within 30 days of receipt of data analysis from the laboratory to include:

- Well sampling log
- Field instrumentation calibration verification
- Chain of custody forms
- Laboratory analytical report in approved format

All data must be submitted to the District in a District approved electronic format consistent with FDOH and NELAC laboratory reporting requirements.

[Paragraphs 10.2(c)(e)(f)(g)(l)(m)(o)(p)(r); 10.3(b)(c)(d)(h)(j), A.H., 40C-2.301(5)(a), F.A.C.]

R. Water Level Monitoring

The Licensee must collect water level readings from each well of the two (2) dedicated Floridan aquifer monitor wells, i.e., lower Floridan aquifer well, MW-1 (Station ID 410698), and upper Floridan aquifer well, MW-2 (Station ID 410699), must be recorded daily. All water levels must be measured to NGVD. All data must be tabulated, analyzed for water level trends, compared against major ion concentrations and submitted to SJRWMD electronically every five years.

[Paragraphs 10.2(c)(e)(f)(g)(l)(m)(o)(p)(r); 10.3(b)(c)(d)(h)(j), A.H., 40C-2.301(2)(e), F.A.C.]

SECTION B: SPECIFIC CONDITIONS

S. Landscaping

To the maximum extent feasible, the Licensee must use native vegetation for landscaping that requires little or no supplemental irrigation for landscaping within the site, except as approved in the wetland mitigation and creation plan approved in A.C.O.E. Permit Number 199902840 (IP-MMS), issued November 5, 1999.

[Paragraphs 10.2(b)(d)(h)(i)(r); 10.3(a)(b)(e), A.H.]

T. Compliance Reports

1. The Licensee shall submit to FDEP and SJRWMD Ten-Year Compliance Reports beginning August 31, 2022 and every 10 years thereafter. The compliance report must establish that the Licensee's use of water will continue, for the duration of the authorization to use water, to meet sections 9.4.2, 9.4.3, 9.4.4, and 10.3(d),(e),(f),(g) and (h), Applicant's Handbook "Consumptive Uses of Water", and the conditions for issuance set forth in Chapter 40C-2, F.A.C., as such rules existed at the time the certification was issued by the Siting Board.

2. In determining whether the Licensee has established that its use of water complies with section 9.4.4, A.H., FDEP and SJRWMD shall evaluate whether the Licensee's use of water interferes with a legal use of water that existed at the time the certification was issued by the Siting Board.

3. If FDEP determines, in consultation with SJRWMD, based on its review of a compliance report, that the Licensee has failed to establish that the Licensee's use of water will meet the relevant criteria as set forth in (a) or (b) above, FDEP shall modify the authorization to use water in the certification to ensure that the consumptive use of water meets the conditions for issuance in Chapter 40C-2, Florida Administrative Code. Modifications shall not be subject to competing applications, provided there is no increase in the permitted allocation and no change in source, except for changes in source requested by FDEP or SJRWMD.

4. FDEP shall review the reports pursuant to the provisions of section 120.60, Florida Statutes (2001). Agency review and action on a compliance report submitted pursuant to this condition shall be as provided in section 120.60, Florida Statutes (2001).

[Section 373.236, F.S.; chapter 40C-2, F.A.C., paragraphs 9.4.2, 9.4.3, 9.4.4., 10.2(a)-(c)(e)-(k)(l)(m)(o)(p)(r); 10.3(a)-(k), A.H.]

U. Water Conservation Report

The Licensee shall submit to FDEP and SJRWMD a 10-Year Water Conservation Progress Report (WCPR) beginning August 31, 2017 and every 10 years thereafter, detailing the specific water conservation measures that have been implemented or are proposed, along with the actual or anticipated water savings. The Report shall specifically include an economic feasibility evaluation for

1. Increasing the amount of water recycled on-site;
2. Procuring reclaimed water for reuse from offsite sources;
3. Using stormwater from on-site or neighboring retention ponds and/or rainwater harvesting to offset groundwater use; and
4. Evaluating the latest technological methods available to minimize the use of groundwater for cooling purposes. Such improvements may include but are not limited to

SECTION B: SPECIFIC CONDITIONS

innovations in water treatment, installation of water recovery cells at cooling towers, dry cooling, hybrid cooling, etc.

[Section 373.236, F.S.; chapter 40C-2, F.A.C., paragraphs 9.4.2, 9.4.3, 9.4.4., 10-2(a)-(c)(e)-(k)(l)(m)(o)(p)(r); 10.3(a)-(k), A.H.]

VIII. CITY OF JACKSONVILLE

A. Noise

Construction noise shall not exceed noise criteria or any applicable requirements of the City of Jacksonville as contained in Environmental Protection Board Rule No. 4. The permittee shall notify area residents in advance of the onset and anticipated duration of the steam blowout of the facility's heat recovery steam generator and steam lines.

B. Flood Protection

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

C. Screening

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

History Notes

Certified on 03/25/02; signed by Governor Bush
Modified 3/17/03; signed by Siting Administrator Oven
Modified 11/02/04; signed by Siting Administrator Oven
Modified 12/08/06; signed by Siting Administrator Oven
Modified 07/18/07; signed by Siting Administrator Halpin
Modified 12/29/08; signed by Siting Administrator Halpin
Modified 1/27/15; signed by Deputy Director Green

APPENDICES & ATTACHMENTS

ATTACHMENT A: Maps

To be inserted upon receipt from Licensee.

ATTACHMENT B: Stormwater System Management Requirements

1. The following operational maintenance activities shall be performed on all approved systems on a regular basis or as needed:
 - a. Removal of trash and debris at inlets.
 - b. Inspection of inlets and outlets, as well as cleanout structures at the exfiltration trench and underdrain.
 - c. Observation and monitoring of how quickly the trench and underdrain recover following a storm event and fill with sediment.
 - d. Removal of sediments when the storage volume or conveyance capacity of the system is below design level or when the system is rendered ineffective on account of clogging/sedimentation of the trench bottom or underdrain pipe.
 - e. Stabilization and restoration of eroded areas to reduce sedimentation.
 - f. Removal of grass clippings to reduce clogging.
 - g. Aeration, tilling or replacement of soil beneath trench, if necessary, to restore percolation capability of the system.

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

2. Overflow structures and ditches must be inspected monthly, with the removal of trash, debris, silt and vegetation when necessary to insure proper drainage of stormwater ponds.
3. Oil and grease separators, skimmers or collection devices shall be provided, inspected and maintained on a regular basis by the Licensee to ensure that they are working properly and do not allow the discharge of oils or greases.
4. The operation and maintenance entity is required to provide for periodic inspections of the stormwater management system to insure that the system is functioning as designed and approved. If specified below or by Licensee condition, the entity shall submit inspection reports to the Department, certifying that the stormwater management system is operating as designed. In addition, the entity will state in the report what operational maintenance has been performed on the system. The reports shall be submitted to the Department as follows:
 - a. Inspection reports for exfiltration and pumped systems, if there is one, shall be submitted one year after the completion of construction and every two years thereafter on Form Number 62-343.900(6), Inspection Certification. A registered professional must sign and seal the report certifying the exfiltration or pumped system is operating as designed.
 - b. Other Systems. Any other type of stormwater management system shall be inspected by the operation and maintenance entity once within two years after the completion of construction and every two years thereafter to insure that the system is functioning as designed and approved. If a required inspection reveals that the system is not functioning as designed and approved, then within 14 days

APPENDICES & ATTACHMENTS

of that inspection the entity shall submit an inspection report to the Department. The operation and maintenance entity must maintain a record of each required inspection, including the date of the inspection, the name, address, and telephone number of the inspector, and whether the system was functioning as designed and approved, and make such record available for inspection upon request by the Department during normal business hours.

- c. Systems in sensitive karst areas, if there is one, must be inspected monthly for the occurrence of sinkholes and solution pipes. The inspection reports for these systems must be submitted to the Department annually on Form Number 62-343.900(6), Inspection Certification.
- 5. If the stormwater management system is not functioning as designed and approved, operational maintenance must be performed immediately to restore the system. If operational maintenance measures are insufficient to enable the system to meet the design standards, the Licensee must either replace the system or construct an alternative design. In this situation, the Licensee must submit the design of the replacement system within sixty (60) days of the date the system was determined to be design deficient.
- 6. The Licensee shall immediately notify the Department by telephone whenever a serious problem occurs at this facility. Notification shall be made to the Northeast District Office at (904) 256-1700. Within 7 days of telephone notification, the Licensee shall submit to the Department a written report explaining the extent of the problem, its cause, and what actions have been or will be taken to correct the problem.

APPENDICES & ATTACHMENTS

ATTACHMENT C: Mitigation Plans

Historical Reference

On August 19, 1999 an Environmental Resource Permit was issued (**Reference ERP#16-156348-001-EI**) to JEA for the Brandy Branch Generating Facility to construct an access road. This permit expired as of August 19, 2004. The following were requirements of the ERP.

ACTIVITY DESCRIPTION:

Construct an access road as Phase I for the construction of a 500-megawatt Generating Station near the Town of Baldwin, Duval County. The road is to extend from US 90 a distance of approximately 4,324 linear feet to the power plant site. The road is to have a 30 foot top width with side slopes of 3:1 and is to have a pervious gravel surface. The road is to be constructed within an existing cleared and regularly mowed power line corridor. The road is to cross approximately 1.4 acres of low quality, isolated herbaceous wetlands within the cleared power line corridor. The Licensee is to mitigate for the elimination of the low quality wetlands in Phase II by creating 1.4 acres of herbaceous wetlands as part of a 4.4 acre forested creation area and fencing the 150 acre power plant site to eliminate existing cattle grazing and access within existing wetlands on the site.

The road is to have 2,679 square feet of impervious surface with the remaining portion to be a pervious gravel surface. Pursuant to rule 40C-42.022(1) {a), F.A.C, the 2,679 square feet of impervious surface is exempt from the need to provide a stormwater treatment system since it is less than 4,000 square feet of impervious area.

The access road is not located on sovereignty submerged lands owned by the state and therefore does not require state proprietary authorization.

ACTIVITY LOCATION:

The activity is located within isolated wetlands. Class III Waters, Sections 13 & 18, Township 02 South, Range 23 & 24 East, not within a Shellfish Harvesting Area, not within an Outstanding Florida Waters.

On February 28, 2003, a letter was issued to JEA Brandy Branch Generating Station (**Reference ERP #16-156348-002-EI**) indicating that a revision to the existing ERP was not required and JEA would be allowed to construct the demineralization building and associated driveway that would result in an increase of 7,500 square feet of impervious surface. JEA was to notify the NED upon completion of the construction.