

**STATE OF FLORIDA
DEPARTMENT
OF
ENVIRONMENTAL PROTECTION**



Conditions of Certification

**New Hope Power Company
Okeelanta Cogeneration Facility**

PA04-46D

Modified November 24, 2020

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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.), and Chapter 62-17, Florida Administrative Code (F.A.C.), this certification is issued to New Hope Power Company (NHPC) as the owner, operator and Licensee of the Okeelanta Cogeneration Facility. Subject to the requirements contained in these Conditions of Certification (Conditions), NHPC operates an existing nominal 140-megawatt (MW) electrical power plant (cogeneration facility) and associated facilities, and NHPC is authorized to construct and operate a proposed ash monofill (Ash Monofill) and other associated facilities, all as described in NHPC's Site Certification Application (SCA). These facilities (collectively, the Certified Facility) are or will be located on approximately 350-acres in Palm Beach County at 21250 U.S. Highway 27 South, South Bay, Florida. The UTM coordinates are: Zone 17, 524.90 kilometers (km) East and 2940.10 km North. Latitude is 26°35'00" North; and, Longitude is: 80°45'00" West.

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

- Three biomass-fired boilers (A, B, C)
- Two steam turbine electrical generators
- Two mechanical draft cooling tower systems
- Materials handling and storage areas
- Oil storage tank
- Ash Monofill (150-acre Class I Landfill)

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 Cell 1A of the Ash Monofill and within 60 days after completion of any other associated facility that is certified in the future, 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 labelled as the "Site Delineation Map" and attached hereto as part of Attachment A.

E. The Licensee shall notify the Department of any change to the site boundary depicted in the Site Delineation Map in Attachment A. The notification shall be accompanied by an updated survey map or legal description, and aerial photograph delineating the new boundaries of the site for review by the Department. Such changes may constitute a modification and may require additional land use and zoning reviews by the local government. If a modification is required, it will be processed pursuant to Section 403.516, F.S.

F. 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

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completion of construction of a new electrical power plant or new on-site associated facilities, but excluding off-site linear and non-linear associated facilities, the Licensee shall provide to the Department in .pdf format an aerial photograph or other acceptable documentation identifying the certified and non-certified facilities within the site. Certified facilities identified within the site shall include both the certified electrical power plant's generating facilities and its on-site certified associated facilities (including on-site linear facilities) as defined by Section 403.503(7), F.S. The document shall be labelled as the "Certified Facilities Identification Map" and attached hereto as part of Attachment A.

G. Within 120 days after completion of construction of any certified 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 site boundaries for each off-site non-linear facility. The survey map or other documents shall be labelled as the "Delineation of the Boundaries of the Certified Off-Site Non-Linear Facilities" and attached hereto as part of Attachment A.

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

I. Following any post-certification approvals that require a change to the boundaries of the certified facilities depicted in the Delineation of Certified 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.; Rules 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 Florida Statutes and Florida Administrative Code, including, but not limited to, the applicable non-procedural portions of the following Department 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, or under a federal permit, or as otherwise provided under Chapter 403, F.S.:

Florida Administrative Code:

- 18-2 (Management of Uplands Vested in the Board of Trustees)
- 18-14 (Administrative Fines for Damaging State Lands)
- 18-20 (Florida Aquatic Preserves)
- 18-21 (Sovereignty Submerged Lands Management)
- 62-4 (Permits)
- 62-17 (Electrical Power Plant Siting)
- 62-40 (Water Resource Implementation Rule)
- 62-150 (Hazardous Substance Release Notification)

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- 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)
- 62-256 (Open Burning)
- 62-296 (Stationary Sources-Emission Standards)
- 62-297 (Stationary Sources-Emission Monitoring)
- 62-302 (Surface Water Quality Standards)
- 62-303 (Identification of Impaired Surface Waters)
- 62-304 (Total Maximum Daily Loads)
- 62-330 (Environmental Resource Permitting)
- 62-340 (Delineation of the Landward Extent of Wetlands and Surface Waters)
- 62-342 (Mitigation Banks)
- 62-345 (Uniform Mitigation Assessment Method)
- 62-520 (Ground Water Classes, Standards, and Exemptions)
- 62-528 (Underground Injection Control)
- 62-531 (Water Well Contractor Licensing Requirements)
- 62-532 (Water Well Permitting and Construction Requirements)
- 62-550 (Drinking Water Standards, Monitoring, and Reporting)
- 62-555 (Permitting, Construction, Operation, and Maintenance of Public Water Systems)
- 62-560 (Requirements for Public Water Systems That Are Out of Compliance)
- 62-600 (Domestic Wastewater Facilities)
- 62-604 (Collection Systems and Transmission Facilities)
- 62-610 (Reuse of Reclaimed Water and Land Application)
- 62-620 (Wastewater Facilities 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)
- 62-709 (Criteria for Organics Processing and Recycling Facilities)
- 62-710 (Used Oil Management)
- 62-730 (Hazardous Waste)
- 62-737 (The 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 Cleanup Criteria)
- 62-814 (Electric and Magnetic Fields)

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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 a variance, exception, exemption, or other relief has been granted, subsequently adopted Department rules which prescribe new or stricter criteria shall operate as automatic modifications to this 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.

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

IV. DEFINITIONS

The meaning of terms used herein shall be governed by the applicable definitions contained in Chapters 253, 373, 379, 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” or “SCA” is defined in Section 403.503(6), F.S. For purposes of this license, Application shall also include materials submitted for post-certification amendments and petitions for modifications to the Conditions, as well as supplemental applications.

B. “Associated Facilities” is defined in Section 403.503(7), F.S.

C. “Certified Facility” or “Certified Facilities” means the certified electrical power generation facilities and all certified on- or off-site Associated Facilities and structures identified or described in the Application, in the final order of certification, or in a post-certification amendment or modification.

D. “DEO” means the Florida Department of Economic Opportunity.

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

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

G. “DHR” means the Florida Department of State, Division of Historical Resources.

H. “DOT” means the Florida Department of Transportation.

I. “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.

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

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

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

M. “Post-certification submittal” shall mean a submittal made by the Licensee pursuant to a Condition of Certification.

N. “Right-of-Way” or “ROW” is defined in Section 403.503(27), F.S.

O. “SCA” means the Site Certification Application (i.e., the Application)

P. “SCO” means the Department’s Siting Coordination Office.

Q. “Site” is defined in Section 403.503(28), F.S.

R. “State Water Quality Standards” shall mean the numerical and narrative criteria applied to specific water uses or classifications set forth in Chapters 62-302 and 62-520, F.A.C.

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

T. “NED, NWD, CD, SED, SWD, SD” shall mean the Northeast, Northwest, Central, Southeast, Southwest, and South DEP district offices, respectively.

U. “NWF, SR, SJR, SWF, or SFWMD” means the Northwest Florida, Suwannee River, St. Johns River, Southwest Florida, or South Florida Water Management District, respectively.

V. “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. FEDERALLY DELEGATED OR APPROVED PERMIT PROGRAMS

Subject to the Conditions set forth herein, this certification shall constitute 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 the electrical power plant, except for the issuance of Department licenses required under any federally delegated or approved permit program. This certification is not a waiver of any other Department approval that may be required under federally delegated or approved programs. In the event of a conflict between the certification process and federally required procedures, the applicable federal requirements shall control.

[Sections 403.5055, 403.508(8), and 403.511(1), F.S.]

VI. DESIGN AND PERFORMANCE CRITERIA

Certification, including these Conditions, is predicated upon preliminary designs, concepts, and performance criteria described in the SCA or in testimony and exhibits in support of certification. The final engineering design of the Certified Facilities will be consistent and in substantial compliance with the preliminary information described in the SCA or as explained at the certification hearing (if any). Conformance to those criteria, unless specifically modified in accordance with Sections 403.516, 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.

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[Sections 403.511(2)(a), 403.516, F.S.; Rules 62-4.160(2) and 62-17.211, F.A.C.]

VII. NOTIFICATION

A. If, for any reason, the Licensee does not comply with or will be unable to comply with any Condition or limitation specified in this License, the Licensee shall provide the South DEP District Office with the following information:

1. A description of and cause of noncompliance; and
2. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The Licensee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this certification.
3. All notifications which are made in writing shall additionally be provided to the SCO via email to SCO@dep.state.fl.us.

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

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

[Rule 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's clerk (Office of General Counsel) 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.

[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 other cause, such as an emergency as defined by Sections 252.34(4), (7), (8), or (10), 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.

[Rule 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 structures used by the electrical power plant 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.

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

B. Open Burning

Prior to open burning in connection with land clearing, the Licensee shall seek authorization from the Florida Forest Service in accordance with the requirements of Chapters 62-256 and 51-2, F.A.C.

[Chapters 51-2 and 62-256, F.A.C.]

C. Vegetation

For areas located in any Florida Department of Transportation (DOT) ROW, Chapter 3.18 of the 2017 Florida DOT *Utility Accommodation Manual* (available on the DOT website at <https://www.fdot.gov/programmanagement/utilities/default.shtm>) shall serve as a guideline for best management practices.

D. Existing Underground Utilities

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

[Chapter 556, F.S.]

E. Electric and Magnetic Fields (EMF)

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

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

F. Existing Wells

Any existing wells 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 Rule 62-532.500(5), F.A.C., or with the rules of the authorizing agency, or consistent with these Conditions.

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

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G. Abandonment of Existing Septic Tanks

Any existing septic tanks 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, any authorized off-site mitigation/compensation area, or associated facility:

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

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

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

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

XI. DISPUTE RESOLUTION

A. General

If a situation arises in which mutual agreement cannot be reached between the Department and the Licensee, and/or an agency with substantive regulatory jurisdiction over a matter, the Department may act as a facilitator in an attempt to resolve the issue. If the dispute is not resolved informally in this manner, Licensee may request one or more meetings in which both Licensee and the agency with substantive regulatory jurisdiction over the matter can participate and attempt to resolve the issue informally. 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 processing the 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 requested modification, and the objections address only a portion of a requested modification, 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.

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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.

[Section 120.57, F.S.; Rule 62-17.211, F.A.C.]

XII. SEVERABILITY

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

XIII. ENFORCEMENT

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

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

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

XIV. REVOCATION OR SUSPENSION

This certification shall be final unless revised, revoked or suspended pursuant to law. This certification may be suspended or revoked pursuant to Sections 403.512, F.S. This certification is valid only for the specific processes and operations identified in the SCA and approved in the final order of certification or indicated in the testimony and exhibits in support of certification or approved in a subsequent amendment or modification of the 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.; Rule 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, a subsequent modification or amendment, or these Conditions, the issuance of this License 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 License is not a waiver of or approval of any other Department license or permit that may be required for other aspects of the Certified Facility that are not addressed in this License. This license 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 Facility, or from penalties therefore.

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

XVI. CIVIL AND CRIMINAL LIABILITY

Except to the extent a variance, exception, exemption, or other relief is granted in a final order of certification, in a subsequent modification to these Conditions, or as otherwise provided under Chapter 403, F.S., this certification does not relieve the Licensee from civil or criminal penalties for noncompliance with any Condition, 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 specifically 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 Form 62-330.060(1), *Application for Individual and Conceptual Approval Environmental Resource Permit* (State 404 Program Permit) and *Authorization to Use State-Owned Submerged Lands* 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

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and take action on requests for proprietary authorization in accordance with Rule 18-2.018 or 18-21.0051, F.A.C.

D. The Licensee is hereby advised that Florida law states: “A person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund under this chapter, until the person has received 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, F.S.; Chapters 18-2, 18-14, 18-21, 62-340, and Rules 62-330.060(1) and 62-4.160(4), F.A.C.]

XVIII. PROCEDURAL RIGHTS

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

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

XIX. AGENCY ADDRESSES FOR POST-CERTIFICATION SUBMITTALS AND NOTICES

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

Florida Department of Environmental Protection
Siting Coordination Office, MS 5500
2600 Blair Stone Road
Tallahassee, Florida 32399-3000
SCO@dep.state.fl.us

Florida Department of Environmental Protection
South District Office
2295 Victoria Avenue, Suite 364
Fort Myers, FL 33902-2549
SouthDistrict@Floridadep.gov

Florida Department of Economic Opportunity
Bureau of Community Planning and Growth

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107 East Madison Street
Tallahassee, Florida 32399-2100

Florida Fish & Wildlife Conservation Commission
Conservation Planning Services
620 South Meridian Street, MS 5B5
Tallahassee, Florida 32399-1600
FWCConservationPlanningServices@myfwc.com

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

Florida Department of Agriculture and Consumer Services
Office of General Counsel
407 South Calhoun Street
Tallahassee, Florida 32399-0800

South Florida Water Management District
Office of General Counsel
3301 Gun Club Road
West Palm Beach, FL 33406

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

Palm Beach County
Office of Counsel
301 N. Olive Avenue, Suite 601
West Palm Beach, FL 33401

Palm Beach County Health Department
826 Evernia Street
West Palm Beach, Florida 33401

[Section 403.511, F.S.]

XX. PROFESSIONAL CERTIFICATION

To ensure protection of public health, safety, and welfare, any construction, modification, or operation of an installation which may be a source of pollution, or of a public drinking water supply, shall be in accordance with sound professional engineering practices pursuant to Chapter 471, F.S.; and all final geological papers or documents involving the practice of the profession of geology shall be in accordance with sound professional geological practices pursuant to Chapter 492, F.S. Where required by Chapter 471 or 492, F.S., applicable portions

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of amendment requests, petitions for modifications, post certification submittals, and supporting documents which are submitted to the Department for public record shall be signed and sealed by the professional(s) who prepared or approved them.

[Rule 62-4.050, F.A.C.]

XXI. PROCEDURES FOR POST-CERTIFICATION SUBMITTALS

A. Purpose of Submittals

Conditions which provide for the post-certification submittal of information to DEP or other agencies by the Licensee are for the purpose of facilitating the agencies' monitoring of the effects arising from the location of the Certified Facility and the construction and maintenance of the Certified Facility. This monitoring is for DEP to assure, in consultation with other agencies with applicable regulatory jurisdiction, continued compliance with these Conditions, without further agency action. A submittal of information or determination of compliance pursuant to a post-certification submittal under this Condition does not provide a point of entry for a third party.

B. Filings

All post-certification submittals of information by Licensee are to be filed with the agency or office that requires the submittal pursuant to these Conditions. The SCO shall be copied on all post-certification submittals in electronic .pdf format (unless other formats are requested), via email to SCO@dep.state.fl.us. Each submittal shall clearly identify the Certified Facility name, PA#, and the Condition number(s) (i.e. Section X, Condition XX.y.(z)) requiring the submittal. As required by Section 403.5113(2), F.S., each post-certification submittal will be reviewed by each agency with regulatory authority over the matters addressed in the submittal on an expedited and priority basis.

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

C. Completeness

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

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

[Rule 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

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meeting shall not be grounds for DEP to withhold a determination of compliance with these Conditions nor to delay the timeframes for review established by these Conditions. At DEP's request, a field inspection shall be conducted with the Licensee and the agency representative in conjunction with the interagency meeting.

E. Determination of Compliance

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

F. Commencement of Construction

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

G. Revisions to Design Previously Reviewed for Compliance

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

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

XXII. 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 SCO 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 only for 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

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

XXIII. 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 Section 403.516, F.S.

[Section 403.5113, F.S.]

XXIV. 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 issued DEP 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 Map, attached hereto as part of Attachment A, may be considered a modification, and must be

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accompanied by a map or aerial photograph showing the proposed new boundaries of the site. 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, G, H, or I, as appropriate.

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

XXV. COASTAL ZONE CONSISTENCY

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

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

XXVI. WATER QUALITY CERTIFICATION

Pursuant to the Operating Agreement between the Department, Water Management Districts and U.S. Army Corps of Engineers, a written final order granting 'certification' constitutes certification by the Department that the project activities comply with applicable state water quality standards.

[2012 Operating Agreement, Jacksonville District USACOE, DEP and Water Management Districts, Section II.A.1.(f)]

XXVII. FINANCIAL RESPONSIBILITY

The Department may require the Licensee to submit proof of financial responsibility and may require the Licensee to post an appropriate bond, in those instances where the Department is authorized to require proof of financial responsibility or a bond pursuant to a law or Department rule that is applicable to the Certified Facility.

[Section 403.061(7) FS., and Rules 62-4.110, and 62-701.630, F.A.C.]

XXVIII. 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's SCO. The notice of intent shall: identify the intended new certification holder or Licensee; identify the current and the new entity responsible for compliance with the certification; and include a written agreement from the intended new Licensee/Transferee to abide by all Conditions, as well as applicable laws and regulations. Upon receiving a complete notice of intent, the transfer shall be approved by the Department unless the Department objects to the transfer on the grounds that the new Licensee will be unable to comply with the Conditions, specifies in writing its reasons for its objections, and gives notice and an opportunity to petition for an 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 and which are proper applicants as defined by the PPSA. Upon determination that such a successor entity complies

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with the requirements for transfer of certification, the Department will initiate a modification to the Conditions to reflect the change in ownership in accordance with Rule 62-17.211, F.A.C.

[Chapter 120, F.S.; Rule 62-17.211, F.A.C.]

XXIX. 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.

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

XXX. ENVIRONMENTAL RESOURCES

A. General

1. Submittals for Construction Activities

a. Prior to the commencement of construction of new facilities and/or new associated facilities the Licensee shall provide to the DEP South District for review, all information necessary for a complete *Application for Individual and Conceptual Approval Environmental Resource Permit and Authorization to Use State-Owned Lands* (ERP), DEP Form 62-330.060(1), F.A.C., or other applicable ERP authorization form (e.g., exemption forms). A copy of the submittal shall also be provided to the SCO.

This form may: a) be submitted concurrently with a SCA; b) be submitted as part of an amendment request or a petition for modification; or c) be submitted as a post-certification submittal following approval of a project through certification, modification, or amendment. Such ERP submittals, once received, shall be reviewed in accordance with the non-procedural standards and criteria for issuance of an ERP, including all the provisions related to reduction and elimination of impacts, conditions for issuance, additional conditions for issuance, and mitigation contained in Chapter 62-330, F.A.C., as applicable, unless otherwise stated in these Conditions. While the information is provided for review via submittal of the ERP form, consistent with Section 403.511, F.S., a separate ERP is not required for Certified Facilities and, therefore, a separate ERP will not be issued.

Those forms submitted as part of a SCA, an amendment, or modification, shall be processed concurrently with the respective SCA, amendment, or modification, in compliance with the applicable PPSA procedures. Those forms submitted as a post-certification submittal (after certification, modification, or amendment and prior to construction) shall be processed in accordance with Section A, General Conditions, Condition XXI, Procedures for Post-Certification Submittals. Post-certification submittal information may be submitted for discrete portions of the Certified Facilities for a determination of compliance with these Conditions.

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

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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 site or a portion thereof may be used and reproduced for this delineation submittal and verification.

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

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 and 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 under Part IV of Chapter 373, F.S., following submittal of Form 62-330.060(1), F.A.C., to the DEP South District.

2. All construction, operation, and maintenance of the SWMS(s) for the Certified Facilities shall be as set forth in the plans, specifications, and performance criteria contained in the SCA and other materials presented during the certification proceeding, post-certification submittals, and as otherwise approved. If specific requirements are necessary for construction, operation, and/or maintenance of an approved SWMS, those requirements shall be incorporated into a SWMS Plan for that system and included in Attachment B (Surface Water Management System Plans). Any alteration or modification to the SWMS Plan or the SWMS as certified requires prior approval from the Department.

3. To allow for stabilization of all disturbed areas, prior to construction, during construction of the SWMS, and for a period of time after construction of the SWMS, the Licensee shall implement and maintain erosion and sediment control best management practices, such as silt fences, erosion control blankets, mulch, sediment traps, polyacrylamide (PAM), temporary grass seed, permanent sod, and floating turbidity screens to retain sediment on-site and to prevent violations of state water quality standards. These devices shall be installed, used, and maintained at all locations where the possibility exists of transferring suspended solids into the receiving waterbody due to the licensed work, and shall remain in place at all locations until construction in that location is completed and soils are permanently stabilized. All best management practices shall be in accordance with the guidelines and specifications described in the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual* (Florida Department of Transportation and Florida Department of Environmental Protection, by

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HydroDynamics Incorporated in cooperation with Stormwater Management Academy, June 2007) unless a project-specific erosion and sediment control plan is approved as part of this License. If project-specific Conditions require additional measures during any phase of construction or operation to prevent erosion or control sediments beyond those specified in the approved erosion and sediment control plan, the Licensee shall implement additional best management practices as necessary, in accordance with the guidelines and specifications in the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual*. The Licensee shall correct any erosion or shoaling that causes adverse impacts to the water resources as soon as feasible. Once project construction is complete in an area, including the re-stabilization of all side slopes, embankments, and other disturbed areas, and before conversion to the operation and maintenance phase, all silt screens and fences, temporary baffles, and other materials that are no longer required for erosion and sediment control shall be removed.

4. The Licensee shall complete construction of all aspects of the SWMS described in the ERP Application Form, submitted as part of a post-certification submittal, amendment, modification, or SCA 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 beginning the authorized activities, the Licensee shall submit to the DEP South District a fully executed Form 62-330.350(1), "Construction Commencement Notice," (October 1, 2013), (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02505>), incorporated by reference herein, indicating the expected start and completion dates. A copy of this form may be obtained from the Department, as described in subsection 62-330.010(5), F.A.C., and shall be submitted electronically or by mail to the DEP South District. However, for activities involving more than one acre of construction that also require a NPDES stormwater construction general permit, submittal of the Notice of Intent to Use Generic Permit for Stormwater Discharge from Large and Small Construction Activities, DEP Form 62-621.300(4)(b), shall also serve as notice of commencement of construction and, in such a case, submittal of Form 62-330.350(1) is not required.

6. Each phase or independent portion of the approved system must be completed in accordance with the submitted DEP Form prior to the operation of the portion of the Certified Facility being served by that portion or phase of the system.

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

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

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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 South District must be notified in advance of any proposed construction dewatering. If the dewatering activity is likely to result in off-site 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.

[Section 373.414, F.S.; Chapters 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 the Department's substantive criteria for elimination or reduction of such impacts. 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 Siting Board shall consider, mitigation to offset such impacts under the ERP review process pursuant to subparagraph A.1., above.

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

[Sections 373.413, 373.414, 373.4145, 403.511, and 403.814(6), F.S.; Chapters 62-312, 62-330, 62-340, 62-342, and 62-345, F.A.C.]

XXXI. 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 site.

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

XXXII. FACILITY OPERATION

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

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

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XXXIII. 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 SCA for this approval. These materials shall be retained at least 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.

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

XXXIV. WATER DISCHARGES

A. *Discharges*

- 1. Except as otherwise authorized by a permit issued by the Department under a federally approved or delegated program or to the extent a variance, exception, exemption or other relief is granted or authorized by these Conditions, the Licensee shall not discharge to surface or ground waters of the State, wastes in concentrations, which, alone or in combinations with other substances or components of discharges (whether thermal or non-thermal), are carcinogenic, mutagenic, or teratogenic to human beings (unless specific criteria are established for such components in Rule 62-520.400, F.A.C.) or are acutely toxic to indigenous species of significance to the aquatic community within surface waters affected by the ground water at the point of contact with surface waters.
- 2. Except as otherwise authorized by a permit issued by the Department under a federally approved or delegated program or to the extent a variance, exception, exemption, or other relief is granted or 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, 62-550, and 62-620, F.A.C., including the provisions of Rules 62-4.243, 62-4.244, and 62-4.246, F.A.C., the antidegradation provisions of Rules 62-4.242(1)(a), (1)(b), and 62-302.300, F.A.C., and any special standards for Outstanding Florida Waters and Outstanding National Resource Waters set forth in Rules 62-4.242(2) and (3), F.A.C.
- 3. Except as otherwise authorized by a permit issued by the Department under a federally approved or delegated program or to the extent a variance, exception, exemption, or other relief is granted or authorized by these Conditions, all dewatering discharges must be in compliance with Rule 62-621.300, F.A.C.

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[Chapters 62-4, 62-302, 62-520, 62-550, 62-620, and 62-621, F.A.C.]

B. Wastewater Incident Reporting

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

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

- a. Any unanticipated bypass which causes any reclaimed water or effluent to exceed any permit limitation or results in an unpermitted discharge,
- b. Any upset which causes any reclaimed water or the effluent to exceed any limitation in the permit,
- c. Violation of a maximum daily discharge limitation for any of the pollutants specifically listed in the permit for such notice, and
- d. Any unauthorized discharge to surface or ground waters.

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

2. For unauthorized releases or spills of treated or untreated wastewater reported that are in excess of 1,000 gallons per incident, or where information indicates that public health or the environment will be endangered, oral reports shall be provided to the Department by calling the STATE WARNING POINT (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;

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

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

j. Other persons or agencies contacted.

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

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

XXXV. SOLID AND HAZARDOUS WASTE

A. Solid Waste

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

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

B. Hazardous Waste, Used Oil, Petroleum Contact Water, and Spent Mercury

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

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

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

The Licensee shall comply with all applicable provisions of Chapter 62-740, F.A.C., for any petroleum contact water located within the Certified Facility.

[Chapters 62-710, 62-730, 62-737, and 62-740, 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, (800) 320-0519, as soon as possible, but not later than one working day of discovery of the release.

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

SECTION A: GENERAL CONDITIONS

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. Contaminated Site Cleanup

The Licensee shall comply with all applicable non-procedural provisions of Chapter 62-780, F.A.C., for any violations of relevant provisions of Chapters 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 Chapters 376 or 403, F.S., or rules promulgated pursuant to Chapters 376 or 403, F.S.

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

XXXVI. STORAGE TANK SYSTEMS

Registration, construction, installation, operation, maintenance, repair, closure, and disposal of storage tank systems within a certified site 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 any condition or situation indicating that a release or discharge may have occurred from a storage tank system or system component shall be made to the County in writing or electronic format on Form 62-761.900(6), Incident Notification Form (INF), within 72 hours of discovery or before the close of the County's next business day.

B. Discharge Reporting Requirements

Notification of the discovery of a discharge of a regulated substance shall be made to the Palm Beach County Health Department in writing or electronic format on Form 62-761.900(1), Discharge Report Form (DRF) within 24 hours of the discovery or before the close of the County's next business day, unless the discovery is a non-petroleum, de minimis discharge referenced in Rule 62-780.550, F.A.C., or a petroleum or petroleum product de minimis discharge referenced in Rule 62-780.580(1), F.A.C. A de minimis discharge is exempt from the notification requirements as long as discharge is removed and properly treated or properly disposed, or otherwise remediated pursuant to the applicable provisions of Chapter 62-780, F.A.C.

C. Discharge Cleanup

If a discharge of a regulated substance occurs at the Certified Facility, actions shall be taken immediately to contain, remove, and abate the discharge under all applicable Department rules. The Licensee 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.

SECTION A: GENERAL CONDITIONS

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, 62-762, and 62-780, F.A.C.]

SECTION B: SPECIFIC CONDITIONS

SECTION B. SPECIFIC CONDITIONS

I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

A. *Industrial Wastewater Requirements*

1. Ground Water Monitoring

a. Ground water monitoring is required around all industrial wastewater sites as defined in Rule 62-520.200(19), F.A.C., and as described in the Ground Water Monitoring Requirements (GWMR) in Attachment D. Attachment D is herein incorporated and a violation of the requirements of the GWMR shall be a violation of these Conditions. The Licensee shall install and maintain an industrial wastewater ground water monitoring well network to monitor the water quality of the aquifer(s) around the industrial wastewater sites, in accordance with Chapter 62-520, F.A.C.

b. Any requested revisions to the GWMR shall be submitted, reviewed and approved in accordance with Section A, General Conditions, Condition XXI, Procedures for Post-Certification Submittals. Attachment D will be amended to reflect any approved changes to the GWMR.

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

- 1) New major sources or deletion of existing major sources of wastewater;
- 2) Improvements made to existing wastewater treatment facilities, or construction of new wastewater treatment facilities, including new or expanded land application systems that will result in an increase in the permitted capacity of the facilities;
- 3) Pollutants not addressed in the GWMR or these Conditions;
- 4) Other projects that cause or may cause changes to the quantity and/or quality of discharges to groundwater as a result of solid waste disposal or industrial wastewater treatment.

d. If the concentration for any constituent listed in Attachment D, in the natural background quality of the ground water is greater than the stated maximum, or in the case of pH is also less than the minimum, the representative natural background quality shall be the prevailing standard.

e. For any new or revised industrial wastewater sites, the Licensee shall submit a revised groundwater monitoring plan to the DEP-SD Ground Water Section with an electronic copy to the DEP SCO for review and approval at least 90 days prior to operation of the new or revised site. The plan shall be updated as necessary and shall include new monitor well locations and designs, seasonal ground water depths and flow directions at the site through preparation of seasonal water table contour maps, based upon water level data obtained during the pre-operational and existing monitoring programs, location of potable wells located within one quarter mile of a new site, history of activity, geology, soil borings, mounding analysis of any new ponds, wastewater application rate, and analysis or characterization of industrial wastewater to be discharged to the new site. Based on the contour maps, and in accordance with

SECTION B: SPECIFIC CONDITIONS

Chapter 62-520, F.A.C., a revised ground water monitoring well network location map shall be maintained. An initial ground water sample shall be conducted prior to operation of any new industrial wastewater site.

f. A zone of discharge is hereby established for the time duration of these Conditions and shall not aerially extend further than one hundred (100) feet beyond the perimeters of the areas of wetted surface of the wastewater holding ponds, nor shall it extend beyond the limits of the property boundaries should such distance be less than one hundred (100) feet. The vertical zone of discharge shall not extend below the semi-confining zones at the base of the water table aquifer. The Licensee's discharge to ground water shall not cause a violation of water quality standards for ground waters at the boundary of the zone of discharge in accordance with Rules 62-520.400 and 62-520.420, F.A.C.

g. The Licensee's discharge to ground water shall not cause a violation of the minimum criteria for ground water specified in Rule 62-520.400, F.A.C., within the zone of discharge.

[Rules 62-520.420(2), 62-520.200(26), 62-520.465, and 62-520.600(5)(b), F.A.C.]

h. The groundwater shall not exceed the maximum contaminant level established in Rule 62-520.420, F.A.C. for any parameter in any compliance well. Certain parameter limits are listed below:

Parameter Name	*Compliance Well Limit	Units
pH	6.5-8.5	SU
Chloride (as Cl)	250.0	MG/L
Solids, Total Dissolved (TDS)	500.0	MG/L
Sodium, Total Recoverable	160.0	MG/L

*This column summarizes Class G-II maximum contaminant level criteria applicable at the Compliance Well. Refer to Rule 62-520.420, F.A.C. These are not effluent limits.

2. Land Application Requirements

a. The Licensee is authorized to discharge process wastewater, non-process wastewater, contact and non-contact stormwater, cooling tower blow down, cachaza slurry from Okeelanta Corporation's wastewater system (ID No. FLA015038), and reverse osmosis reject water to Land Application System R-001, R-002, R-003, R-004, a percolation pond network. Discharge to the percolation pond network shall be monitored by the Licensee. Flow shall be monitored and recorded daily and total dissolved solids shall be sampled monthly.

b. The annual average flow into the percolation pond system shall not exceed 1.10 MGD.

c. The annual average total dissolved solids concentration in the effluent to the percolation pond system shall not exceed 6,000 mg/l.

d. Records of the monitoring data shall be kept on Site and made available for inspection by Department personnel during normal business hours.

SECTION B: SPECIFIC CONDITIONS

e. The Licensee will perform an inspection prior to placing a new cell into service each year to ensure that the berm is properly constructed. Documentation of this inspection will be kept at the facility and made available for inspection by Department personnel during normal business hours.

3. Other Methods of Disposal or Recycling

There shall be no discharge of industrial wastewater from this facility to ground or surface waters, except as authorized by these Conditions.

4. Reporting Requirements

a. Unless specified otherwise in these Conditions, all reports and notifications required by these Conditions, including twenty-four hour notifications, concerning the Facility's percolation pond system shall be submitted to or reported to the South District Office at SouthDistrict@floridadep.gov. The Licensee may call phone number (239) 344-5600 if unable to submit reports and notifications by email.

b. All reports and other information concerning the Facility's percolation pond system shall be signed in accordance with requirements of Rule 62-620.305, F.A.C.

c. The Licensee shall provide safe access points for obtaining representative effluent and stormwater samples, which are required by these Conditions.

d. If there is no discharge from the Facility on a day scheduled for sampling, the sample shall be collected on the day of the next discharge.

e. Any bypass of the treatment facility which is not included in the monitoring specified in Section B, Specific Conditions, Condition I.A, Department of Environmental Protection, Industrial Wastewater Requirements, above, is to be monitored for flow and all other required parameters. For parameters other than flow, at least one grab sample per day shall be monitored. Daily flow shall be monitored or estimated, as appropriate, to obtain reportable data.

5. Operation of Treatment and Disposal Facilities

a. The Licensee shall ensure that the operation of this Facility is as described in the Application and supporting documents.

b. The operation of the water pollution control facilities described in these Conditions shall be under the supervision of a person who is qualified by formal training and/or practical experience in the field of water pollution control.

6. Specific Conditions Applicable to All Permits

a. Drawings, plans, documents or specifications for the Facility that have been previously submitted by the Licensee and retained on file at the South District Office or the Siting Coordination Office, are made a part hereof.

b. Where required by Chapter 471 (P.E.) or Chapter 492 (P.G.) Florida Statutes, applicable portions of reports to be submitted under these Conditions, shall be signed and sealed by the professional(s) who prepared them.

7. Specific Conditions Related to Construction

SECTION B: SPECIFIC CONDITIONS

a. Within thirty days of completion of construction of any new industrial wastewater facilities, the Licensee shall submit to the Department a completed “Certification of Completion of Construction” (DEP Form 62-620.910(12)) signed and sealed by the engineer of record or other engineer registered in the state of Florida.

b. Record drawings of any new industrial wastewater facilities shall be prepared and made available in accordance with Rule 62-620.410(6), F.A.C., and the Department of Environmental Protection Guide to Wastewater Permitting within six months of placing such facilities into operation.

8. Reopener Clause

a. The applicable conditions in Section B, Specific Conditions, Condition I.A, Department of Environmental Protection, Industrial Wastewater Requirements, of this certification shall be revised, or alternatively, revoked and reissued in accordance with the provisions contained in Rules 62-620.325 and 62-620.345 F.A.C., if applicable, or to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2) and 307(a)(2) of the Clean Water Act (the Act), as amended, if the effluent standards, limitations, or water quality standards so issued or approved:

1) contain different conditions or are otherwise more stringent than the Conditions in this certification; or

2) control any pollutant not addressed in these Conditions.

3) The Conditions as revised or reissued under this subsection shall contain any other requirements then applicable.

b. These Conditions may be reopened to adjust effluent limitations or monitoring requirements should future Water Quality Based Effluent Limitation determinations, water quality studies, DEP approved changes in water quality standards, or other information show a need for a different limitation or monitoring requirement.

c. The Department may develop an applicable Total Maximum Daily Load (TMDL) during the life of this certification. Once a TMDL has been established and adopted by rule, the Department shall revise these Conditions to incorporate the final findings of the TMDL.

9. Field activities including on-Site tests and sample collection, whether performed by a laboratory or a certified operator, must follow the applicable procedures described in DEP-SOP-001/01 (January 2002). Alternate field procedures and laboratory methods may be used where they have been approved according to the requirements of Rules 62-160.220, 62-160.330, and 62-160.600, F.A.C.

10. Bypass Provisions

a. Bypass is prohibited, and the Department may take enforcement action against a Licensee for bypass, unless the Licensee affirmatively demonstrates that:

1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and

2) There was no feasible alternative to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment

SECTION B: SPECIFIC CONDITIONS

should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

3) The Licensee submitted notices as required under Section A, Condition VII.

b. If the Licensee knows in advance of the need for a bypass, it shall submit prior notice to the Department, if possible, at least 10 days before the date of the bypass. The Licensee shall submit notice of an unanticipated bypass within 24 hours of learning about the bypass. A notice shall include a description of the bypass and its cause; the period of the bypass, including exact dates and times; if the bypass has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.

c. The Department shall approve an anticipated bypass, after considering its adverse effect, if the Licensee demonstrates that it will meet the three conditions listed in Section B, Condition I.A.10.a. above.

1) A Licensee may allow any bypass to occur which does not cause reclaimed water or effluent limitations to be exceeded if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of Section B, Condition I.A.10.a of these Conditions.

[Rule 62-620.610(22), F.A.C.]

11. Upset Provisions:

a. A Licensee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed contemporaneous operating logs, or other relevant evidence that:

1) An upset occurred and that the Licensee can identify the cause(s) of the upset;

2) The Licensed facility was at the time being properly operated;

3) The Licensee submitted notice of the upset as required in Section A, Condition VIII. of these Conditions; and

4) The Licensee complied with any remedial measures required under Section A, Condition XV.

b. In any enforcement proceeding, the Licensee seeking to establish the occurrence of an upset has the burden of proof.

c. Before an enforcement proceeding is instituted, no representation made during the Department review of a claim that noncompliance was caused by an upset is final agency action subject to judicial review.

[Rule 62-620.610(23), F.A.C.]

SECTION B: SPECIFIC CONDITIONS

B. By-Product and Solid Waste Storage

1. Solid Waste General

Any solid waste produced by the operation of the Certified Facility shall be disposed of in an approved off-Site disposal facility. However, ash generated by the Certified Facility may be disposed of in the Ash Monofill on the Site. Industrial by-products and ash residue that have been approved by the Department for sale or beneficial reuse are not considered solid waste.

2. By-Product & Solid Waste Site Specific Standards

a. Any future ash or by-product storage areas on the certified Site shall be designed, constructed, operated, maintained, closed and monitored in accordance with any applicable waste disposal requirements described in Chapter 62-701, F.A.C., and these Conditions. The prohibitions of Chapter 62-701, F.A.C. shall not be violated.

b. All engineering plans, reports, and related information for ash or by-product storage areas on the certified Site shall be provided by the engineer of record with professional certification and shall be approved by the South District of the DEP prior to construction. A construction certification report signed and sealed by a professional engineer, and record drawings showing all modifications to construction plans, shall be submitted to the South District office of the DEP prior to operation of each by-product or solid waste storage and disposal area on the certified Site.

3. Ash Monofill (Class I Landfill)

a. The Licensee is authorized to construct and operate Cell 1 of the Ash Monofill and install two above ground leachate storage tanks of approximately 45,000 gallons each. The approved maximum elevation for the Okeelanta Ash Monofill is 220 feet NGVD (as per page 1253 of NHPC Modification A Petition on Jones Edmunds drawing C33 dated May 2008). Cell 1 comprises 15.4 acres and consists of Cell 1A (8.4 acres) and Cell 1B (7.0 acres). Upon completion of construction of Cell 1A and after an inspection and approval by the Department, the Ash Monofill may be placed into operation. Future expansions of the Ash Monofill disposal area shall require a petition for modification of these Conditions accompanied by the submittal of a Solid Waste Permit Application Form, 62-701.900(1), including supporting documentation (reports/plans). The petition and form should be submitted one year in advance of the date when the future expansion area needs to be placed in operation (estimated 6 months processing and 6 months construction).

b. The Licensee shall provide reasonable advance notice to the Department so that the Department can schedule Site inspections before and after placement of the geomembrane on the sub-base (bedding layer) in the disposal units of the Class I Ash Monofill.

c. The Licensee shall submit a Certification of Construction Completion (C.C.C.) [DEP Form 62-701.900(2)] signed, dated and sealed by a Professional Engineer within thirty (30) days of construction completion of each disposal unit and installation of leachate storage tanks. However, the report of construction completion may be submitted within ninety (90) days of construction completion. The applicant shall provide at least fourteen (14) days advance notice prior to accepting waste so that the Department has the opportunity to inspect the Site and the leachate storage tanks.

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d. The new leachate collection system shall be water pressure cleaned or inspected by video recording after construction but prior to initial placement of wastes. A report shall be submitted along with the C.C.C

e. The Operation Plan for the Ash Monofill is contained in Attachment E and incorporated herein. Prior to disposal of ash in the Ash Monofill, the Licensee shall submit an updated version of the Operations Plan to the Department for review as per Section A. Condition XXI. Procedures for Post-Certification Submittals. A copy of the approved Operations Plan shall be kept at or near the Ash Monofill and shall be accessible to landfill operators and made available for inspection by the Department staff. The operation of the Ash Monofill shall be performed in accordance with the applicable requirements in the Operations Plan. A violation of the requirements of Attachment E shall be a violation of these Conditions. The Operations Plan shall be updated as operations change but no less frequently than once every 5 years for the Ash Monofill. The Department shall be notified of changes in advance.

f. The stormwater from the Ash Monofill shall be controlled in accordance with Part IV of Chapter 373, F. S. and the rules promulgated thereunder. Any authorized construction shall be completed before the facility receives waste for disposal.

[Rule 62-701.400(9)(a)1, F.A.C.]

g. Operation and maintenance of the Ash Monofill shall be under the direction of a qualified and trained operator.

h. At least one trained operator shall be present at the Ash Monofill whenever the Ash Monofill is receiving ash or other active operations are being conducted.

i. Whenever solid waste is being received at the Ash Monofill, signs and an employee shall be present on the active working face to direct the incoming wastes to the proper disposal area.

j. At least one trained spotter shall be present at the working face of the landfill at all times when waste is received to detect unauthorized waste. A trained operator may perform the duties of a trained spotter. Equipment operators that have been trained as spotters in accordance with Rule 62-701.320(15)(b)(1) or Rule 62-701.320(15)(c), F.A.C. may serve as spotters.

k. If any hazardous waste is detected before or after unloading waste, the Department shall be notified immediately at (239) 332-6975 during normal business hours, and at (850) 413-9911 or toll free at (800) 320-0519 during other times, before reloading, rejecting and redirecting; and instructions from the Department shall be followed. The area where the waste is unloaded shall immediately be cordoned off from public access. If the generator or hauler cannot be identified, the facility operator shall assure the cleanup, transportation, and disposal of the waste at a permitted hazardous waste management facility. If hazardous waste is sent to a hazardous waste disposal facility by the Licensee, copies of the receipts from the hazardous waste disposal facility documenting proper disposal shall be sent to the Department within 5 days of their receipt.

l. Reasonable precautions pursuant to Rule 62-296.320(4)(c), F.A.C. shall be taken to control fugitive particulate at the Site including truck loading and unloading, truck traffic, and all material processing and disposal activities.

m. Leachate Collection:

SECTION B: SPECIFIC CONDITIONS

1) The leachate shall be collected in the two above ground leachate storage tanks.

2) The leachate collection system shall be maintained in good working condition. The Department shall be notified immediately if any part of the system becomes clogged and leachate cannot be rerouted to the leachate sump.

3) The primary leachate collection and removal system lying above the upper geomembrane shall be designed to limit the leachate head to one foot above the liner during routine landfill operations after placement of initial cover, except in sumps and leachate collection trenches.

[Rule 62-701.400(3)(c)1, F. A. C.]

n. Leachate Measurement:

1) Quantities of leachate collected by the leachate collection and removal system shall be measured with a flow meter and recorded in gallons per day while discharging/pumping to either leachate storage tank.

2) In conjunction with the above, precipitation records shall be maintained and used by the Licensee to compare with leachate generation rates. These records of leachate and precipitation shall become part of the operating records and be made available to Department personnel during inspections. The records of leachate and precipitation quantities shall be submitted quarterly to the Department.

o. Water Quality Monitoring for the Ash Monofill

Water quality monitoring for the ash monofill shall be implemented and maintained by the owner or operator to comply with the criteria set forth in Rule 62-701.510 and Chapter 62-520, F.A.C., consistent with the Department approved plan. The Licensee shall also be subject to the following Conditions:

1) The boundary of the zone of discharge, pursuant to Chapter 62-520, F.A.C., shall be no more than 100 feet from the disposal unit (Cell 1), or to the facility property boundary, whichever is less. The vertical boundary of the zone of discharge shall not extend below the semi-confining zones at the base of the water table aquifer, as identified in the hydrogeological investigation of the construction permit application. For those solid waste management facilities constructed after January 6, 1993, the minimum ground water criteria specified in Rule 62-520.400, F.A.C., shall apply only outside the permitted zone of discharge, notwithstanding the provisions of Rules 62-540.400 and .420, F.A.C. However, exceedance of ground water criteria within a permitted zone of discharge shall continue to require evaluation monitoring and prevention measures in accordance with subsection 62-701.510(6), F.A.C.

2) A total of eight monitoring wells will be included in the groundwater monitoring network for Cell 1. The groundwater monitoring wells shall be located as per Figure M.1 located in Attachment E. The proposed monitoring well network and designation are as follows:

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WELL NO.	DESIGNATION
MW-1A	Detection
MW-2A	Detection
MW-3A	Detection
MW-4A	Detection
MW-5A	Detection
MW-6A	Detection
MW-7A	Background
MW-8A	Background

The monitoring wells are to be installed and developed within the Surficial Aquifer System prior to initiation of waste disposal in Cell 1. The detection wells will be installed within 50 feet of the disposal unit. Well screens shall intersect the top of the water column, immediately below the caprock. All wells are to be clearly labeled and easily visible at all times. The Licensee should keep all wells locked to minimize unauthorized access.

3) After construction of the monitoring wells, each well will be sampled initially and analyzed for field and laboratory parameters as described in Rule 62-701.510(7)(a) and (c), F.A.C. The laboratory results for the initial sampling event(s) shall be reported to the Department within 60 days of sample collection.

4) All field and laboratory work done in connection with the facility's Water Quality Monitoring Plan shall be conducted in accordance with standard operating procedures as mandated by Chapter 62-160, F.A.C. and DEP-SOP-001-01.

5) After the initial sampling event, groundwater samples will be collected semiannually, preferably in March and September, from all wells and analyzed for the field parameters and laboratory parameters listed in Rule 62-701.510(7)(a), F.A.C., as set forth below. Pursuant to Rule 62-701.510(5), F.A.C., after the Licensee has analyzed the leachate from the Ash Monofill, the Licensee may request and the Department may grant approval to delete volatile organic compounds (VOCs) or other parameters from the routine monitoring upon a demonstration that such parameters are not in the leachate and are not reasonably expected to be detected in the groundwater as a result of the operations of the Ash Monofill:

FIELD PARAMETERS
Static Water Levels (before purging) Specific Conductivity pH Dissolved Oxygen Turbidity Temperature Colors and Sheens (by observation)

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LABORATORY PARAMETERS
Total Ammonia - N Chlorides Iron Mercury Nitrate Sodium Total Dissolved Solids (TDS) Those parameters listed in 40 CFR Part 258 Appendix I

6) On-Site surface water sampling locations are designated as SW-1 and SW-2. The locations of the surface water sampling points are indicated on Figure M.1, incorporated into Attachment E. On-Site surface water samples will be collected from each location semiannually, and analyzed for the parameters listed in Rule 62-701.510(7)(b), F.A.C.:

FIELD PARAMETERS
Specific Conductivity pH Dissolved Oxygen Turbidity Temperature Colors and Sheens (by observation)

LABORATORY PARAMETERS
Unionized Ammonia Total Hardness (as mg/L CaCO ₃)* Biochemical Oxygen Demand (BOD ₅) Iron Mercury Nitrate Total Dissolved Solids (TDS) Total Organic Carbon Fecal Coliform Total Phosphorous (as mg/L P)* Chlorophyll A Total Nitrogen Chemical Oxygen Demand (COD) Total Suspended Solids (TSS) Those parameters listed in 40 CFR Part 258 Appendix I *62-701, F.A.C. effective 01/06/10

7) Required water quality monitoring reports and all solid and/or hazardous waste ground water, surface water and leachate analytical results shall be submitted electronically semi-annually. Water quality monitoring reports shall be submitted in a pdf format. The water quality data Electronic Data Deliverable (EDD) shall be provided to the

SECTION B: SPECIFIC CONDITIONS

Department in an electronic format consistent with requirements for importing the data into the Department's databases. Water quality monitoring reports shall be signed and sealed by a Florida registered professional geologist or professional engineer with experience in hydrogeological investigations and shall include the following:

- i. Cover letter;
- ii. Summary of exceedances and recommendations;
- iii. Ground water contour maps;
- iv. Chain of custody forms;
- v. Water levels, water elevation table;
- vi. Ground Water Monitoring Report Certification, using the appropriate Department form;
- vii. Appropriate sampling information on Form FD 9000-24 (DEP-SOP-001/01); and,
- viii. Laboratory and Field EDDs and error logs, as applicable.

All submittals in response to this specific condition shall be sent both to:

Florida Department of Environmental Protection
South District Office
P.O. Box 2549
Fort Myers, Florida 33902-2549

And to:

Florida Department of Environmental Protection
Solid Waste Section
2600 Blair Stone Road, MS 4565
Tallahassee, Florida, 32399-2400

And to:

Florida Department of Environmental Protection
Siting Coordination Office, MS 5500
2600 Blair Stone Road
Tallahassee, Florida 32399-2600
SCO@dep.state.fl.us

[Rules 62-160.110, 62-160.240, 62-160.340, and 62-730.225, F.A.C.]

8) Prior to construction of any new or replacement wells (excluding the initial construction of the wells identified above), the Licensee shall request Department approval through an amendment or modification pursuant to Section A. Conditions XXIII, Post-Certification Amendments or XXIV, Modification of Certification, as applicable. The following information shall be submitted for the wells listed in Section B, Condition I.B.3.o(2), above, and any other new or replacement wells within 90 days of installation:

- i. Well Completion Reports and Construction Details;

SECTION B: SPECIFIC CONDITIONS

ii. Within one week of well completion and development, each new well shall be sampled for the parameters listed in Rule 62-701.510(7)(a) and (7)(c), F.A.C. to establish initial groundwater quality for that well;

iii. A surveyed drawing shall be submitted in accordance with Rule 62-701.510(3)(d)1, F.A.C.

9) If it is necessary to abandon wells, the wells will be abandoned under the direction of a qualified geologist or engineer. This abandonment procedure will include either removing the existing casing and backfilling the well boring, or overdrilling for wells located within the landfill footprint. The details for well abandonment will be presented to the Department for approval prior to conducting any field activities.

10) If monitoring parameters are detected in the detection wells in concentrations which are significantly above background water quality, or exceed the Department's water quality standards or criteria, the Licensee has 30 days within receipt of laboratory data to resample the monitoring well(s) to verify the original analysis. Should the Licensee choose not to resample, the Department will consider the water quality analysis as representative of current groundwater conditions at the facility. If the data is confirmed, or if the Licensee chooses not to resample, the Licensee shall notify the Department within 14 days of this finding. Upon notification by the Department, the Licensee shall initiate evaluation monitoring, preventive measures and corrective actions as described in Rule 62-701.510(6), F.A.C.

11) The technical report required by Rule 62-701.510(8)(b), F.A.C. shall be submitted within 60 days after receipt of the data following the completion of each two years of monitoring. The report shall include evaluations of any seasonal fluctuation in the direction of groundwater flow and shall be the basis for determining the adequacy of the monitoring well network.

q. Leachate concentrations will be evaluated to determine if relevant constituents are detected in excess of the toxicity characteristics for hazardous waste, as described in 40 CFR 261.24. If the regulatory level is exceeded, then the facility will implement the requirements of Rule 62-701.510(6)(c)2, F.A.C.

r. The Ash Monofill shall receive only ash residue from the New Hope Power Company's Okeelanta Cogeneration Facility. Random inspections of the trucks delivering solid waste shall be conducted pursuant to Rule 62-701.500(6)(a), F.A.C., if (a) the Licensee believes unauthorized waste is being delivered to the Ash Monofill or (b) the Department requests such inspections.

1) Ash residue may be used as initial cover. Ash residue used for initial cover shall be sufficiently free of organics and other materials so as not to attract rodents, flies, or other vermin.

2) Ash daily cover may be used only in areas of the landfill where runoff or infiltration is captured by the leachate collection system.

s. The intermediate cover (minimum 12-inches-thick), in addition to the initial cover, shall be applied within seven (7) days of cell completion and maintained, if additional solid waste will not be deposited within one hundred eighty (180) days of cell completion. The landfill/operator may remove all or part of the intermediate cover before placing additional waste or installing final cover. To control dust and prevent ash migration

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outside the lined limits of the ash monofill, all exterior slopes will receive intermediate cover within seven days of placement.

t. The Ash Monofill, when filled to design dimensions, shall receive final cover as approved by the Department within one hundred eighty (180) days after the final waste deposit, in accordance with the approved closure plan.

u. The geomembrane liner of the proposed final cover shall be placed over a protective 12-inch soil layer (bedding material). The top 24-inch-thick protective soil layer on the geomembrane liner shall consist of 18-inch-thick sand drainage layer and 6-inch-thick top layer over it that shall be capable of supporting vegetative growth. This top layer cover shall be vegetated and maintained with drought-resistant species to control erosion, in accordance with Rule 62-701.600(3)(g), F.A.C.

v. The Licensee shall estimate and record, in tons per day or cubic yards, the amount of ash residue disposed of into the landfill. This daily record shall be compiled monthly and included in the annual facility waste report titled "Landfill Disposal Tonnage."

w. An annual report shall be submitted to the Department estimating the remaining life and capacity of the landfill as outlined in Rule 62-701.500(13)(c), F.A.C.

x. Unacceptable wastes intermixed with the fly-ash and received inadvertently shall be culled and temporarily stored in an on-Site storage container until it can be disposed of in an appropriate state permitted disposal facility.

y. Financial Responsibility - The Licensee shall submit updated closure and long-term care cost estimates or an inflation adjustment statement on DEP Form No. 62-701.900(28), between January 1 and March 1 every year to the DEP District office in Fort Myers. Financial Assurance documents (insurance bond, certificate, etc.) corresponding to the submitted cost estimates along with a copy of the estimates or statements shall be submitted to the DEP office in Tallahassee to the following address:

Solid Waste Financial Coordinator
Florida Department of Environmental Protection
2600 Blair Stone Road, Mail Station 4565
Tallahassee, Florida 32399-2400
Financial.Assurance.Working.Group@FloridaDEP.gov

z. Closure Schedule - The Licensee shall, at least one year prior to the projected date when wastes will no longer be accepted at the landfill provide written notice to the Department District office with a schedule for cessation of waste acceptance and landfill closure in accordance with guidelines set forth in Chapter 62-701, F.A.C.

aa. Closure Plan Submittal - The Licensee shall submit a closure plan (engineering drawing sheets and a narrative) revised to include any changes and to agree with the requirements of Rule 62-701.600, F.A.C. to the Department for review in accordance with Section A. Condition XXI., no less than ninety (90) days prior to the scheduled closing day.

bb. Closure Design Plan - The Licensee shall submit a closure design plan, along with the closure plan which shall describe provisions for cover material for long-term care, erosion control, filling areas of subsidence or other depressions, maintaining berms and general maintenance of the facility and specify the anticipated source and amount of material necessary for proper closure of the landfill.

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II. DEPARTMENT OF TRANSPORTATION

A. *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, Access Management Classification System and Standards, F.A.C., will be required.

B. *Overweight or Overdimensional Loads*

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

C. *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, F.A.C.

D. *Drainage*

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

E. *Best Management Practices*

1. Traffic control will be maintained during plant construction and maintenance in compliance with the standards contained in the Manual of Uniform Traffic Control Devices, Chapter 14-94, F.A.C.; Florida Department of Transportation's Design Standards; and Florida Department of Transportation's Specifications for Roads and Bridges, whichever is more stringent.

2. If the Licensee uses contractors for the delivery of any overweight or overdimensional loads to the Site during construction, the Licensee should ensure that its contractors adhere to the necessary standards and receive the necessary permits required under Chapter 316, Florida Statutes, and Rule Chapter 14-26, Safety Regulations and Permitting Fees for Overweight and Overdimensional Vehicles, F.A.C.

III. SOUTH FLORIDA WATER MANAGEMENT

A. *Legal/Administrative Conditions*

1. *General*

a. Responsible Entity

The Licensee shall be responsible for compliance with the Conditions. If contractual rights, duties, or obligations are transferred under this certification, notice of such transfer or assignment, including the identification of the entity responsible for compliance with the Certification, shall immediately be submitted to the Florida Department of Environmental Protection and the SFWMD by the previous certification holder (Licensee) and the Assignee. Any assignment or transfer shall carry with it the full responsibility for the

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limitations and these Conditions. The previous Licensee shall be responsible for informing the Assignee of all authorized facilities and uses and the Conditions under which they were authorized. The previous Licensee shall remain liable for corrective actions that may be required as a result of any violations prior to transfer or assignment of any contractual rights, duties, or obligations under this certification.

[Sections 373.223, 373.342, and 373.413, F.S.; Rules 40E-2.091, 40E-2.301, 40E-2.381, and 40E-3.101(1), F.A.C.]

b. Minimum Standards

This certification is based on the Licensee's submitted information to the SFWMD that reasonably demonstrates that harm to the Site water resources will not be caused by the authorized activities. The plans, drawings and design specifications submitted by the Licensee shall be considered the minimum standards for compliance.

[Sections 373.219, 373.223, 373.229, 373.308, and 373.316, F.S.; Rules 40E-2.091, 40E-2.301, 40E-2.381, and 40E-3.500-.531, F.A.C.]

c. Compliance Requirements

This project must be constructed, operated and maintained in compliance with and meet all non-procedural requirements set forth in Chapter 373, F.S., and Chapters 40E-2 (Consumptive Use) and 40E-3 (Water Wells), F.A.C.

d. Off-Site Impacts

It is the responsibility of the Licensee to ensure that harm to the water resources does not occur during the construction, operation, and maintenance of the Facility and Project.

[Sections 373.223 and 373.309, F.S.; Rules 40E-2.091, 40E-2.381, 40E-3.301(3), and 40E-3.301(4), F.A.C.]

e. Liability

The Licensee shall hold and save the SFWMD harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment and/or use of any system authorized by this certification, to the extent allowed under Florida law.

[Section 373.223, F.S.; Rules 40E-2.091, and 40E-2.381, F.A.C.]

f. Construction, Operation, and Maintenance Responsibilities

The Licensee shall be responsible for the construction, operation, and maintenance of all facilities installed for the project. All structures on SFWMD works or lands constructed by the Licensee shall remain the property of the Licensee, who shall be solely responsible for ensuring that such structures and other uses remain in good and safe condition and comply with all applicable federal, state and local safety standards. The SFWMD assumes no duty with regard to ensuring that such uses are so maintained and assumes no liability with regard to injuries caused others by any such failure. The SFWMD further assumes no duty to ensure that the permitted use complies with the safety standards of other governmental entities. The SFWMD is not responsible for any damages to installations located within its rights-of-way. The Licensee shall be responsible for the repair and/or replacement of existing facilities located within the SFWMD's rights-of-way. Canal right-of-way disturbed during construction,

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installation or maintenance of the authorized facility shall be restored to original or better condition.

[Section 373.309, F.S.; Rule 40E-3.301 and Chapter 40E-6, F.A.C.]

g. Non-interference with SFWMD Operations

Except as may be authorized by this certification, the Licensee shall not engage in any activity regarding the authorized use which interferes with the construction, alteration, maintenance or operation of the works of the SFWMD, including, but not limited to:

(1) discharging pollutants, debris or aquatic weeds into SFWMD works;

(2) causing erosion or shoaling within SFWMD works;

(3) planting trees or shrubs or erecting structures which limit or prohibit access by SFWMD equipment and vehicles.

The Licensee shall be responsible for any costs incurred by the SFWMD resulting from any such interference.

[Sections 373.016, 373.085, 373.086, 373.117, and 471.003, F.S., Rule 40E-6.221 F.A.C.]

h. Access

SFWMD representatives shall be allowed reasonable escorted access to the power plant Site, the water withdrawal facilities and any Associated facilities to sample any on-Site wells, inspect and observe any activities associated with the construction of the proposed Project and/or the operation and/or maintenance of the on-Site wells in order to determine compliance with these Conditions or other SFWMD rules. The Licensee shall not refuse entry or access to any SFWMD representative who, upon reasonable notice, requests entry for the purpose of the above noted inspection and presents appropriate credentials.

[Sections 373.223 and 373.319, F.S.; Rules 40E-2.091, 40E-2.301, 40E-2.381, and 40E-3.461, F.A.C.]

i. Post Certification Information Submittals

Information submitted to the SFWMD subsequent to certification, in compliance with these Conditions, shall be for the purpose of the SFWMD determining the Licensee's compliance with the Conditions and the non-procedural criteria contained in Chapters 40E-2 and 40E-3, F.A.C., as applicable, prior to the commencement of the subject construction, operation and/or maintenance activity covered there under.

[Rule 62-17.191, F.A.C.]

j. Enforcement

The SFWMD may request that the DEP take any and all lawful actions that are necessary to enforce any condition of this certification based on the authorizing statutes and rules of the SFWMD.

[Sections 373.223 and 373.319, F.S.; Rules 40E-2.091(1), 40E-2.301, 40E-2.381, and 40E-3.461, F.A.C.]

k. Modification/Termination of Agreement

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The November 16, 2004 Agreement between the Okeelanta Corporation and the Licensee, as amended on December 14, 2004, that requires the Okeelanta Corporation (Water Use Permit No. 50-01035-W) to provide the Licensee with 2 MGD of makeup water for the new cooling tower and 0.130 MGM of potable water is hereby incorporated within. Any modification of the Agreement that would affect Okeelanta Corporation's obligation to supply such water to the Licensee or any termination of the Agreement shall be subject to review by the SFWMD before it becomes effective, and any such modification or termination may require a post-certification amendment or a modification of this certification, as determined collectively by the SFWMD and DEP. Any request to modify Water Use Permit No. 50-01035-W that would have the effect of modifying or terminating the Agreement, or the non-renewal of Water Use Permit No. 50-01035-W, upon expiration, shall also be subject to review and may require a post-certification amendment or a modification of this certification.

B. Water Use Conditions

1. General

a. Water Shortage Compliance

Nothing in this license should be construed to limit the authority of the SFWMD to declare a water shortage and issue orders pursuant to Chapter 373, F.S. In the event of a declared water shortage, the Licensee must adhere to the water shortage restrictions, as specified by the SFWMD. The Licensee is advised that during a water shortage, reports shall be submitted as required by SFWMD rule or order. The Licensee is advised that during a water shortage, pumpage, water levels, and water quality data shall be collected and submitted as required by SFWMD orders issued pursuant to Chapter 40E-21, F.A.C.

[Sections 373.223 and 373.246, F.S.; Rules 40E-2.301, 40E-21.231, 40E-21.251, 40E-21.271, F.A.C.]

b. Interference with Existing Legal Uses

The Licensee shall mitigate interference with existing legal uses (i.e., legal uses in existence when the certification Order was issued by the Siting Board) that was caused in whole or in part by the Licensee's withdrawals, consistent with the approved mitigation plan. As necessary to offset the interference, mitigation may include pumpage reduction, replacement of the impacted individual's equipment, relocation of wells, change in withdrawal source, or other means. Interference to an existing legal use is defined as an impact that occurs under hydrologic conditions equal to or less severe than a 1 in 10-year drought event that results in the:

i. Inability to draw water consistent with the provisions of the permit or exempt use, such as when remedial structural or operational actions not materially authorized by previously existing permits or these Conditions must be taken to address the interference; or

ii. Change in the quality of water pursuant to primary State Drinking Water Standards to the extent that the water can no longer be used for its authorized purpose, or such change is imminent; or

iii. Inability of an existing legal user to meet its permitted demands without exceeding the permitted allocation.

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[Section 373.223, F.S.; Rules 40E-2.091, 40E-2.301, and 40E-2.381,

F.A.C.]

c. Harm to Existing Off-Site Land Uses

The Licensee shall mitigate harm to existing off-Site land uses caused by the Licensee's withdrawals, as determined through reference to the Conditions for permit issuance. When harm occurs, or is imminent, the SFWMD will require the Licensee to modify withdrawal rates or mitigate the harm. Harm, as determined through reference to these Conditions includes:

i. Significant reduction in water levels on the property to the extent that the designed function of the water body and related surface water management improvements are damaged, not including aesthetic values. The designed function of a water body is identified in the original permit or other government authorization issued for the construction of the water body. In cases where a permit was not required, the designed function shall be determined based on the purpose for the original construction of the water body (e.g., fill for construction, mining, drainage canal, etc.);

ii. Damage to agriculture, including damage resulting from reduction in soil moisture resulting from consumptive use;

iii. Land collapse or subsidence caused by reduction in water levels associated with consumptive use.

[Section 373.223, F.S.; Rules 40E-2.091, 40E-2.301, and 40E-2.381,

F.A.C.]

d. Harm to Natural Resources

The Licensee shall mitigate harm to natural resources caused by the Licensee's withdrawals, as determined through reference to the Conditions for permit issuance. When harm occurs, or is imminent, the SFWMD will require the Licensee to modify withdrawal rates or mitigate the harm. Harm, as determined through reference to these Conditions includes:

i. Reduction in ground or surface water levels that results in harmful lateral movement of the fresh water/saltwater interface;

ii. Reduction in water levels that harm the hydroperiod of wetlands;

iii. Significant reduction in water levels or hydroperiod in a naturally occurring water body such as a lake or pond;

iv. Harmful movement of contaminants in violation of state water quality standards; or

v. Harm to the natural system including damage to habitat for rare or endangered species.

[Section 373.223, F.S.; Rules 40E-2.091, 40E-2.301, and 40E-2.381,

F.A.C.]

e. Well System Operation

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At any time, if there is an indication that the well casing, valves, or controls associated with the on-Site well system leak or have become inoperative, the Licensee shall be responsible for making the necessary repairs or replacement to restore the well system to an operating condition acceptable to the SFWMD. Failure to make such repairs shall be the cause for requiring that the well(s) be filled and abandoned in accordance with the procedures outlined in Chapter 40E-3, F.A.C.

[Sections 373.308 and 373.316, F.S.; Rules 40E-3.041, 40E-3.101, 40E-3.411, and 40E-3.500-.531, F.A.C.]

2. Site Specific Design Authorizations

a. Authorized Monthly Withdrawals

This certification authorizes a maximum monthly withdrawal of 50.27 MGM from the Miami/North New River Canals for cooling tower makeup water, fire protection water, and dust control on dirt roads leading to the ash monofill, a maximum monthly withdrawal of 18.24 MGM from the Surficial aquifer for boiler feedwater, and a maximum monthly withdrawal of 26.14 MGM from the Floridan aquifer for boiler feedwater.

b. Authorized Annual Withdrawals

This certification authorizes a maximum annual withdrawal of 401.17 MGY from the Miami/North New River Canals for cooling tower makeup water, fire protection water, and dust control on dirt roads leading to the ash monofill, a maximum annual withdrawal of 185 MGY from the Surficial aquifer for boiler feedwater, and a maximum annual withdrawal of 313.9 MGY from the Floridan aquifer for boiler feedwater.

c. Authorized Withdrawal Facilities

GROUNDWATER

1 – 9” x 1300’ x 600 GPM well cased to 870 feet withdrawing from the Floridan aquifer (Existing)

2 – 12” x 75’ x 250 GPM well cased to 25 feet withdrawing from the Surficial aquifer (Existing)

1 – 10” x 80’ x 250 GPM wells cased to 50 feet withdrawing from the Surficial aquifer (Existing) to be replaced with 1-12” x 100’ x 250 GPM well cased to 25 to 50 feet withdrawing from the Surficial aquifer (Proposed – Mod D)

Note: The total depth and casing depth of the 12” x 100’ wells will be determined based on field observations and testing during drilling. The Licensee shall submit to the SFWMD an updated “Summary of Groundwater (Well) or Surface Water (Pump or Culvert) Facilities” table (“Section IV – Sources of Water” of Form No. 1379) at least 30 days prior to a change in any facility status (e.g., installation, relocation, abandonment) to include all specifications of the well, pump or culvert (e.g., actual total and cased depths, pump manufacturer and model numbers, pump types, intake depths, and type of meters, culvert type, length cross—section, diameter, height, width, invert elevations, control device, and water use accounting method). An updated “Section IV – Sources of Water” of Form No. 1379, Water Use Permit Application Form, shall be submitted to SFWMD, within 90 days of completion of the proposed wells, identifying the actual total and cased depths, pump manufacturer and model numbers, pump types, intake depths and type of meters.

[Applicant’s Handbook Section 5.2.3(J)(3)]

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SURFACE WATER

3 – 30 HP x 6” x 450 GPM pumps withdrawing from the Miami/North New River canals by way of the Okeelanta Corporation farm center canal (Existing)

1 – 4” x 450 GPM portable centrifugal pump withdrawing from the Miami/North New River canals by way of internal Site ditches (Proposed)

d. Consistency Review of Authorized Withdrawals

Pursuant to Section 373.236(4), F.S., every ten years from the date of this license, the Licensee shall submit a water use compliance report for review to SFWMD at www.sfwmd.gov/ePermitting, or Regulatory Support, 3301 Gun Club Road, West Palm Beach, FL 33406.

[Section 373.236(4), F.S.; Rules 40E-2.091, 40E-2.301, and 40E-2.381, F.A.C.]

e. Request for Modification of Withdrawals

The SFWMD may request a modification of the ground and surface water withdrawals for consumptive use authorized by this certification, in accordance with the provisions of Section 403.516, F.S. and Section 62-17.211, F.A.C. Any request for an increase in water withdrawals shall be made pursuant to the provisions of Section 403.516, F.S., and Section 62-17.211, F.A.C.

f. Dewatering Activities

The Licensee shall submit a detailed plan for any proposed dewatering activities to the SFWMD, a minimum of 30 days prior to commencement of dewatering, for a determination of compliance with the non-procedural requirements of Chapters 40E-2 and 40E-3, F.A.C., in effect at the time of submittal. The following information, referenced to NGVD where appropriate, shall be submitted:

- i. A detailed Site plan which shows the location(s) for each proposed dewatering area;
- ii. The method(s) used for each dewatering operation;
- iii. The maximum depth for each dewatering operation;
- iv. The location and specifications for all proposed wells and/or pumps associated with each dewatering operation;
- v. The duration of each dewatering operation;
- vi. The discharge method, route, and location of receiving waters generated by each dewatering operation, including the measures (Best Management Practices) that will be taken to prevent water quality problems in the receiving water(s);
- vii. An analysis of the impacts of the proposed dewatering operations on any existing on and/or off-Site legal users, wetlands, or existing groundwater contamination plumes;
- viii. The location of any infiltration trench(es) and/or recharge barriers; and

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ix. All plans must be signed and sealed by a Professional Engineer or a Professional Geologist registered in the State of Florida.

[Sections 373.229 and 373.308, F.S.; Rules 40E-2.091, 40E-2.301, and 40E-3.500-531, F.A.C.]

g. Reporting Requirements

Prior to any withdrawals, the Licensee shall equip each new withdrawal facility with a SFWMD-approved operating water use accounting system and submit a report of calibration to the SFWMD, pursuant to Subsection 4.1.1 of the Applicant's Handbook for Water Use Permit Applications within the South Florida Water Management District. In addition, the Licensee shall submit a report of recalibration for the water use accounting system for each water withdrawal facility (existing and proposed) authorized under this certification every five years from each previous calibration, continuing at five-year increments. The Licensee shall report monthly withdrawals for each withdrawal facility to the SFWMD quarterly. The Licensee shall specify the water accounting method and means of calibration on each report.

[Section 373.223, F.S.; Rules 40E-2.091, 40E-2.301, and 40E-2.381, F.A.C.]

h. Existing Well Repair, Replacement, Abandonment

If any of the existing on-Site wells require repair, replacement, and/or abandonment, the Licensee shall submit the information described in Chapter 40E-3, F.A.C. for review by the SFWMD prior to initiating such activities.

[Sections 373.308 and 373.316, F.S.; Rules 40E-3.041, 40E-3.101, 40E-3.411, and 40E-3.500-531, F.A.C.]

i. New Well Construction

Prior to construction of any new or replacement wells, the Licensee shall submit the drilling plans and other pertinent information required by Chapter 40E-3, F.A.C. to the SFWMD for review and approval. If the well locations are different from those previously permitted and approved in this certification, the Licensee shall also submit to the SFWMD for review and approval an evaluation of the impacts of the proposed pumpage from the proposed well location(s) on adjacent existing legal users, pollution sources, environmental features, and water bodies.

[Section 373.223, F.S.; Rules 40E-2.091, 40E-2.301, and 40E-2.381, F.A.C.]

j. Water Conservation Plan

i. Prior to the commencement of construction of the proposed ash monofill, the Licensee shall submit an updated Water Conservation Plan, pursuant to the requirements of Chapter 40E-2, F.A.C., for review and approval by SFWMD staff. The plan shall, at a minimum, incorporate the following components:

An audit of the amount of water needed in the Licensee's operational processes for the ash monofill. The following measures shall be implemented within one year of audit completion if found to be cost effective in the audit:

(a) Implementation of a leak detection and repair program;

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(b) Implementation of a recovery/recycling or other program providing for technological, procedural or programmatic improvements to the Licensee's facilities; and

(c) Use of processes to decrease water consumption.

ii. Development and implementation of an employee awareness program concerning water conservation.

[Section 373.223, F.S.; Rules 40E-2.091, 40E-2.301, and 40E-2.381, F.A.C.]

k. Emergency Withdrawals

The SFWMD may grant approval for emergency withdrawals, pursuant to and consistent with Rule 40E-2.451, F.A.C. If any emergency withdrawal will be less than 90 days in duration, the withdrawal will not require a modification of these Conditions. Any ground or surface water withdrawals under this section in excess of the withdrawals authorized by this certification shall require prior SFWMD approval. The SFWMD's approval of any withdrawals shall be based on the non-procedural requirements of Chapter 40E-2, F.A.C.

l. Alternative Water Supplies

1) If reclaimed water becomes available, and is deemed to be feasible, the Licensee shall apply for a modification to reflect that portion of the allocation which is to be provided for by reclaimed water. The Licensee is required to request a modification when an agreement has been executed between both parties.

2) Licensees, who are dependent on other sources of water supply such as reclaimed water or water sale agreements to meet a portion of their demands, shall include the monthly volumes from all other sources in the report to the SFWMD. The water accounting method and means of calibration shall be stated on each report.

[Section 373.250, F.S.]

IV. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

A. General Listed Species Surveys

1. With regard to any future construction at the Certified Facility, the Licensee shall coordinate with the Florida Fish and Wildlife Conservation Commission (FWC) to obtain and follow the current survey protocols for all listed species that may occur within the Certified Facility area to be impacted, as well as accessible appropriate buffers within the Licensee property or rights-of-way as defined by the listed species survey protocols, prior to conducting detailed surveys. Guidance related to general and species-specific survey protocols can be found in the appropriate species permitting guidelines (<https://myfwc.com/wildlifehabitats/wildlife/species-guidelines/>) or management plan (<https://myfwc.com/wildlifehabitats/wildlife/management-plans/>) or in FWC's Florida Wildlife Conservation Guide (FWCG) at <https://myfwc.com/conservation/value/fwcg/>.

2. Surveys shall be conducted prior to clearing and construction in accordance with the survey protocols. The results of those surveys shall be provided to the FWC in a report and coordination shall occur with the FWC on appropriate impact avoidance, minimization, or mitigation methodologies. Reports may be sent to: ConservationPlanningServices@MyFWC.com.

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[Article IV, Section 9, Florida Constitution; Sections 379.2291, 403.507, F.S.; Chapter 68A-27 and Rule 62-17.191, F.A.C.]

B. Specific Listed Species Surveys

Before land clearing and construction activities within a Certified Facility area to be impacted in the future, the Licensee shall conduct an assessment for terrestrial listed species and shall note all habitat, occurrence, or evidence of listed species. Wildlife surveys shall be conducted during the reproductive or "Active" season for each species that falls before the projected clearing activity schedule unless otherwise approved by the FWC. For species that are difficult to detect, the Licensee may make the assumption that the species is present and plan appropriate avoidance/mitigation measures for FWC post-certification review and approval at least 60 days prior to commencing clearing or construction activities within the surveyed area. The surveys required by these Conditions may also be conducted prior to issuance of the final order of certification, in which case this Condition would be considered satisfied.

1. This survey shall be conducted in accordance with U.S. Fish and Wildlife Service (USFWS) or FWC guidelines and methodologies by a person or firm that is knowledgeable and experienced in conducting flora and fauna surveys for each potentially occurring listed species.

2. This survey shall identify locations of breeding sites, nests, and burrows for listed wildlife species. Nests and burrows shall be recorded with global positioning system (GPS) coordinates, identified on an aerial photograph, and submitted with the final listed species report. Locations of these should also be physically marked so that clearing and construction shall avoid impacting them.

3. This survey shall include an estimate of the acreage and percent cover of each existing vegetation community that is contained within the certified Site area to be impacted prior to land clearing and construction activities using a geographic information system (GIS). Examples of such wildlife-based habitat classification schemes include Florida's State Wildlife Action Plan¹ (FWC 2019) or the Natural Communities Guide² (Florida Natural Areas Inventory 2010).

[Article IV, Section 9, Florida Constitution; Sections 379.2291, F.S.; Chapters 68A-4, 68A-16, 68A-27, and Rule 62-17.191, F.A.C.]

¹ Florida Fish and Wildlife Conservation Commission (FWC). 2019. Florida's Wildlife Legacy Initiative: Florida's State Wildlife Action Plan. Tallahassee, Florida.

² Florida Natural Areas Inventory. 2010. Guide to the Natural Communities of Florida: 2010 edition. Florida Natural Areas Inventory, Tallahassee, Florida.

C. Listed Species Locations

1. Where any suitable habitat or evidence is found of the presence of listed species, including but not limited to those specified in Paragraph D., below, within the certified Site to be impacted, the Licensee shall report those locations to and confer with the FWC regarding the need for additional pre-clearing surveys, and to identify potential avoidance, minimization, or mitigation recommendations. If additional pre-clearing surveys are required by the FWC as appropriate and as specified in these Conditions, they shall occur in the reproductive season prior to the anticipated date for the start of construction within the certified Site to be impacted. The Licensee shall not construct in areas where evidence of listed species was identified during the initial survey until the particular listed species issues have been resolved.

SECTION B: SPECIFIC CONDITIONS

2. If listed wildlife species are found, their presence shall be reported to the DEP Siting Coordination Office, the DEP South District Office, the FWC, USFWS, and other agencies as appropriate.

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

[Article IV, Section 9, Florida Constitution; Section 379.2291, F.S.; Chapter 68A-27 and Rule 62-17.191, F.A.C.]

D. Gopher Tortoise

1. Before commencing construction on future projects within the Site, the Licensee shall conduct surveys for gopher tortoise (*Gopherus polyphemus*), in accordance with the FWC-approved Gopher Tortoise Management Plan (as revised) and the FWC-approved Gopher Tortoise Permitting Guidelines, or subsequent FWC-approved versions of the Plan or Guidelines. A burrow survey covering a minimum of 15 percent of the potential gopher tortoise habitat to be impacted is required. Immediately prior to capturing tortoises for relocation, a 100 percent survey is required to effectively locate and mark all potentially occupied tortoise burrows and to subsequently remove the tortoises. Burrow survey methods are outlined in Appendix 4 of the Gopher Tortoise Permitting Guidelines, "Methods for Locating Gopher Tortoise Burrows on Sites Slated for Development." Surveys must be conducted as described in Paragraph D.3., below. All surveys completed by authorized agents or other licensees are subject to field verification by FWC.

2. The Licensee is not required to provide a monitoring compliance assessment for activities that occur more than 25 feet from a gopher tortoise burrow entrance, provided that such activities do not harm gopher tortoises or violate rules protecting gopher tortoises. Examples of such violations noted in the past by the FWC include, but are not limited to, killing or injuring a tortoise more than 25 feet away from its burrow, harassing a tortoise by blocking access to its burrow, and altering gopher tortoise habitat to such an extent that resident tortoises are taken.

3. The Licensee shall coordinate with and provide the FWC detailed gopher tortoise relocation information in accordance with the FWC-approved Gopher Tortoise Management Plan and Gopher Tortoise Permitting Guidelines as a post-certification submittal. This information shall provide details on the location for on-site recipient areas and any off-site FWC-approved temporary contiguous habitat, as well as appropriate mitigation contributions per tortoise, as outlined in the Gopher Tortoise Permitting Guidelines.

4. Any commensal species observed during the burrow excavations that are listed by the FWC shall be relocated in accordance with the applicable guidelines for that species in accordance with Appendix 9 of the Gopher Tortoise Permitting Guidelines.

5. To the maximum extent practicable or feasible, all staging, and storage areas shall be sited to avoid impacts to gopher tortoise burrows and habitat.

[Article IV, Sec. 9, Florida Constitution; Sections 379.2291, 403.507, 403.526, and 403.5113, F.S.; Chapter 68A-27 and Rule 62-17.191, F.A.C.]

SECTION B: SPECIFIC CONDITIONS

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 DEP South District office and the DHR, R.A. Gray Building, 500 South Bronough Street, Room 423, Tallahassee, Florida 32399-0250, telephone number (850) 245-6333, 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

A. 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.

B. Pesticides (if any) used to control rodents, flies, and other insects shall be as specified by the Florida Department of Agriculture and Consumer Services (Chapter 5E-2, F.A.C.), and such pesticides shall be available on Site for use, if necessary, to control vectors.

[Chapter 487, F.S.]

VII. PALM BEACH COUNTY

A. *Flood Control Protection*

The Certified Facilities shall be constructed in a manner that complies with any applicable non-procedural County flood protection requirements.

B. *Zoning*

The Licensee shall comply with all applicable Conditions of Approval contained within Palm Beach County Zoning Resolution R-2009-1228 approved by the Board of County Commissioners August 31, 2009 (and any subsequent modifications to Resolution R-2009-1228 approved by the County).

[Applicant Agreement]

SECTION B: SPECIFIC CONDITIONS

C. Noise

The Licensee shall comply with applicable noise ordinances, if any, governing the Certified Facility.

D. Screening

The Licensee shall comply with applicable local government requirements (if any) concerning the visual screening of the Certified Facility.

E. Emergency Management

The Licensee shall develop a comprehensive hurricane preparation and recovery plan for the New Hope Expansion Project. The plan shall be submitted to the Palm Beach County Office of Emergency Management no later than commencement of construction of the New Hope Expansion Project. The Licensee shall formally update the plan every 5 years following commercial operation of the Expansion Project or whenever an additional generating unit is brought into service at the New Hope Facility and shall submit these updated versions of the plan to the Palm Beach County Office of Emergency Management. If the Division of Emergency Management deems the plan or any of its periodic updates not to be in compliance with the requirements of this Condition, it may petition for enforcement of this Condition pursuant to the Florida Electrical Power Plant Siting Act.

HISTORY

Certification; 05/26/05; signed by Governor Bush

Modification; 5/21/10; signed by Administrator Halpin

Modification; 06/18/13; signed by Administrator Mulkey

Modification; 12/30/14; signed by Deputy Director Greene

Modification; 11/24/2020; signed by Administrator Mulkey

ATTACHMENTS

ATTACHMENT A: SITE DELINEATION AND CERTIFIED FACILITIES IDENTIFICATION MAPS

Daniel D. Ross
Attorney At Law
One North Clematis Street, Suite 200
West Palm Beach, Florida 33401
P.O. Box 3435
West Palm Beach, Florida 33402
Tel: (561) 655-6303

Fax: (561) 366-5180

April 10, 2007

Pedro A. Gonzalez
Fernando Gonzalez
PAG Surveyors, Inc.
1016 Southeast 4th Street
Belle Glade, Florida 33430-4330

Re: Opinion of Title for survey of New Hope Power Partnership power plant parcel, proposed ash monofill site and connecting 300' wide corridor, all in Township 45 South, Range 36 East, Palm Beach County, Florida

Dear Pedro and Fernandos:

This letter shall serve as my opinion of title of the lands described herein below. Based on the survey for New Hope Power Partnership dated March 22, 2007 by PAG Surveyors, Inc., Work Order No. 07-3-036, the Parcels 1-4 below are touched by the New Hope Power Partnership power plant 300' wide corridor and the proposed monofill ash site. Parcel 5 is the existing power plant site and Parcel 6 is the proposed 300' wide corridor between the power plant site and the proposed monofill ash site.

All references to Sections mean Sections within Township 45 South, Range 36 East, Palm Beach County, Florida. All recording information cited refers to Palm Beach County, Florida.

Okeelanta Corporation, a Delaware corporation is the owner of the fee simple estate in the following parcels 1-6:

- (1) Section 4: Lots 1 through 94 and Lots 97 through 128 of Okeechobee Fruit Lands Co.'s Subdivision, Section 4, Township 45 S., Range 36 E., according to the plat thereof, recorded in Plat Book 1, Page 101, Palm Beach County, Florida.
- (2) Section 5: All of Section 5, Township 45 S., Range 36 E., Palm Beach County, Florida.
- (3) Section 8: Tracts 1 through 128 of Okeechobee Fruit Lands Co.'s Subdivision, Section 8, Township 45 S., Range 36 E., according to the plat thereof, recorded in Plat Book 1, Page 114.
- (4) Section 9: All of Section 9, Township 45 S., Range 36 E., Palm Beach County, Florida.

(5) DESCRIPTION FOR THE COGENERATION PLANT SITE PARCEL.

A parcel of land in the Northeast Quarter of Section 16, Township 45 South, Range 36 East, Palm Beach County, Florida, described as follows:
Commencing at the Northeast corner of the Northeast Quarter of Section 16, Township 45 South, Range 36 East, said corner being the same as the Northeast corner of Section 16, Township 45 South, Range 36 East;
Thence South 0°51'19" East 793.03 feet along the East line the Northeast Quarter of said Section 16;
Thence South 89°36'38" West 50.00 feet to the point of beginning of the hereinafter described parcel;
Thence South 0°51'19" East 1170.01 feet along a line parallel with and 50 feet West of the East line of the Northeast Quarter of said Section 16;
Thence South 89°36'38" West 1700.00 feet;
Thence South 0°51'19" East 680.26 feet along a line parallel with the East line of the Northeast Quarter of said Section 16;
Thence South 89°36'38" West 884.13 feet;
Thence North 0°40'25" West 1809.16 feet along the West edge of a paved road;
Thence North 89°36'38" East 130.00 feet;
Thence North 0°51'19" West 41.00 feet along a line parallel with the East line of the Northeast Quarter of said Section 16;
Thence North 89°36'38" East 2428.43 feet to the point of Beginning.
Containing: 82.12 Acres (3577, 008 square feet)

DESCRIPTION FOR THE NOT INCLUDED FLORIDA POWER & LIGHT SUBSTATION PARCEL.
Commencing at the Northeast corner of Section 16, Township 45 South, Range 36 East,
Thence South 0°51'19" East 793.03 feet along the East line of said Section 16;
Thence South 89°36'38" West 50.00 feet;
Thence South 89°36'38" West 2022.43 feet;
Thence South 42°05'52" West 124.65 feet;
Thence South 89°36'38" West 402.64 feet;
Thence South 0°56'16" East 75.00 feet;
Thence North 89°36'38" East 145.00 feet; to the point of beginning of the hereinafter described parcel, thence
South 0°56'16" East 148.00 feet;
Thence North 89°36'38" East 248.00 feet;
Thence North 0°56'16" West 148.00 feet;
Thence South 89°36'38" West 248.00 feet to the point of beginning.
Containing 0.84 Acre (36704 square feet)
The net area is: 82.12-0.84= 81.22 Acres
NOTE: Bearings shown on these descriptions are Grid Bearings of the Florida State Plane Coordinate System,
East Zone, on the 1927 North American Datum, 1972 Free Adjustment.

(6) DESCRIPTION OF THE CENTERLINE OF THE PROPOSED CORRIDOR:

The centerline of a 300-foot wide corridor, running through the Northeast Quarter of Section 16, Township 45 South, Range 36 East, and through the South 182 feet of the East 921 feet of Section 9, Township 45 South, Range 36 East, and through the East 300 feet of said Section 9, and through the North 240 feet less the East 300 feet of said Section 9, and through the South 60 feet of Section 4, Township 45 South, Range 36 East which is the same as the South 60 feet of lots 113 through 128, of the OKEECHOBEE FRUITLANDS COMPANY'S subdivision as recorded in Plat Book 1, Page 101, public records of Palm Beach County, Florida; and through the South 210 feet of the Southeast Quarter of Section 5, Township 45 South, Range 36 East and through the West 150 feet of said Southeast Quarter of Section 5, and through the East 150 feet of the Southwest Quarter of Section 5; and through the North 90 feet of that part of Section 8, Township 45 South, Range 36 East through Lots 1 through 8 and the East Half of the North 90 feet of Lot 9, all said lots of the OKEECHOBEE FRUITLANDS COMPANY'S subdivision of Section 8, Township 45 South, Range 36 East, as recorded in Plat Book 1, Page 114, public records of Palm Beach County, Florida.
The centerline of the 300 feet-wide corridor, terminates at the Center of Section 5, Township 45 South, Range 36 East.
Described as follows:
Beginning at a point on the North line of the Cogeneration Plant Site in the Northeast Quarter of Section 16, Township 45 South, Range 36 East, said point located
South 89°37'33" West 723.02 feet from the Point of Beginning of the Cogeneration Plant Site,
Thence North 0°42'39" West 793.20 feet along the centerline of the Cogeneration Entrance Road as recorded in Official Record Book 8056, P.889, said centerline being the same as the centerline of the hereinafter described 300-foot wide corridor, to a point on the North line of Section 16, Township 45 South, Range 36 East;
Thence North 89°38'21" East 621.19 feet along the North line of said Section 16, which is the same as the South line of Section 9, Township 45 South, Range 36 East, to a point which lies South 89°38'21" West 150.01 feet from the Northeast corner of Section 16 Township 45 South, Range 36 East, which is the same as the Southeast corner of Section 9, Township 45 South, Range 36 East;
Thence through said Section 9, North 1°07'23" West 5195.06 feet, said centerline being 150.00 feet West of and measured at right angles to the East line of said Section 9;
Thence South 89°38'31" West 5141.12 feet through said Section 9 along a line parallel with and 90 feet South of, measured at right angles to the North line of said Section 9 to the West line of said Section 9;
Thence North 45°21'29" West 212.20 feet into the Southeast Quarter of Section 5, Township 45 South, Range 36 East;
Thence South 89°39'46" West 2494.76 feet through the South 210 feet of the Southeast Quarter of said Section 5 and through the North 90 feet of the East-half of Section 8, Township 45 South, Range 36 East to the North-South Quarter-Section line of Section 5, Township 45 South, Range 36 East, which is the same as the West line of the Southeast Quarter of said Section 5 and the East line of the Southwest Quarter of said Section 5; thence along said North-South Quarter line to the Center of Section 5, Township 45 South, Range 36 East and the terminus of the herein above described centerline.
The vicinities of the proposed corridor to be extended or shortened to meet at angle points,
To begin at the North line of the Cogeneration Plant Site Parcel and to terminate at the East-West Quarter-Section line of Section 5, Township 45 South, Range 36 East.

The following title matters can be depicted or noted on a survey:

Memorandum of Ground Lease Agreement dated March 31, 2001, recorded August 31, 2001 in Book 12865, Page 1259 of the Official Records in and for Palm Beach County, Florida, as amended by the Amended Memorandum of Ground Lease Agreement, dated January 13, 2005, recorded in Book 18017, Page 1380, of the Official Records in and for Palm Beach County, Florida, giving notice of the unrecorded Ground Lease Agreement dated as of March 31, 2001 (A Lease), and unrecorded Amendment to Ground Lease Agreement. The fee simple estate in this parcel is owned by Okeelanta Corporation, a Delaware corporation.

Well Water Easement Agreement recorded in Official Records Book 8056, Page 873, Roadway Easement Agreement (for Okeelanta Mill Road and for Alternative Access Road Easement) recorded in O. R. Book 8056, Page 896, Entrance Easement Agreement recorded in O. R. Book 8056, Page 889 Surface Water Easement Agreement (for use of canal) recorded in O. R. Book 8056, Page 882, Palm Beach County, Florida, which easement agreements were transferred to New Hope Power Partnership by Corrective Warranty Deed dated March 30, 2001, recorded in O. R. Book 12865, Page 1242, Palm Beach County, Florida.

Easement #1 in favor of Florida Power & Light Company, recorded in O. R. Book 8691, Page 197, Palm Beach County, Florida. The fee simple estate in this parcel is owned by Okeelanta Corporation, a Delaware corporation.

Easement #2 in favor of Florida Power & Light Company recorded in O. R. Book 8691, Page 201, Palm Beach County, Florida. The fee simple estate in this parcel is owned by Okeelanta Corporation, a Delaware corporation.

Substation Easement in favor of Florida Power & Light Company recorded in O. R. Book 8691 or Page 215, Palm Beach County, Florida. The fee simple estate in this parcel is owned by Okeelanta Corporation, a Delaware corporation.

Easement Agreement (for natural gas pipeline) in favor of NUI Utilities, Inc. recorded in O. R. Book, 13863, Page 1688, Palm Beach County, Florida. The fee simple estate in this parcel is owned by Okeelanta Corporation, a Delaware corporation.

The proposed main ash monofill site is the NW ¼ of Section 5, Township 45 South, Range 36 East, Palm Beach County, Florida.

As to the NW ¼ of Section 5, Township 45 S., Range 36 E., Palm Beach County, (i.e. the proposed monofill ash site parcel) the following reservations apply:

Deed 1719 recorded in Deed Book 718, Page 564, P.B.C.; pertains to SW ¼ of NW ¼ of NW ¼ of Section 5; Road reservations 100' from centerline of any State Road existing on January 29, 1944.

Deed #1842 recorded in Deed Book 650, Page 463 P.B.C.; pertains to SE ¼ of NE ¼ of NW ¼ of Section 5; road reservations 100' from centerline of any State Road as of April 14, 1942.

Deed# 1715 recorded in Deed Book 681, Page 24 P.B.C.; pertains to all of NW ¼ of Section 5, road reservations 100' of centerline of any State Road existing as of January 1944.

Deed #4213 to Everglades Drainage District recorded in Deed Book 741 Page 75 P.B.C (Sections 15); road reservations 100' of the centerline of any State Road existing as of November 9, 1945; County road reservations for a right of way 50' of each side of centerline of any County road existing as of November 9, 1945; reservations canal reservations, and oil, gas and mineral reservations; pertains to NE ¼ of NW 1/4 of NW ¼, SW ¼ of NW ¼ of NW ¼, NW ¼ of SE ¼ of NW ¼, all in Section 5.

Oil and gas and mineral reservations in Deed from Columbia Bank For Cooperatives record in Deed Book 989, Page 205.

The north boundary of the parcel is bounded by the Right of way of Bolles Canal, Deed Book 959 Page 38 and O.R. Book 8 Page 287, P.B.C.

There are various loan related agreements of record in favor of CoBank, ASB, including mortgages, financing statements, leases, and collateral assignment of leases. These loan documents pertain in the aggregate to all the above described parcels 1-8. I have not listed each CoBank loan instrument, since these will not be shown on the survey.

In addition to the above title matters, the following apply to parts or all of parcels 1-4 above:

Bolles Canal right of way in Deed Book 887, Page 266.

Road reservations shown on plat of in Plat Book 1, Page 101 (Section 4).

State Road Reservations in Deed Book 639, Page 132.

Oil, gas mineral and canal reservations in Deed in Deed Book 804, Page 528 (Section 4)

Matters shown on plat of Okeechobee Fruit Lands Company's Subdivision recorded in Plat Book 1, Page 114 (Section 8).

Road, petroleum and petroleum products reservations in Deed in Deed Book 703, Page 291 (Section 8).

Canal reservations in Deed in Deed Book 84, Page 370 (Section 9).

Canal reservations in Deed in Deed Book 46, Page 211 (Section 9)

Oil, Gas and Mineral reservations in Deed from Columbia Bank For Cooperatives in Deed Book 989, Page 205 (Section 4, 8, 9).

Cogeneration Plant Parcel (part of Section 16):

Oil, gas and mineral reservations in Deed from Columbia Bank For Cooperatives in Deed Book 989, Page 205, as modified by instrument in O. R. Book 8056, Page 1011, as amended in O. R. Book 8911, page 1495.

Oil, gas mineral reservations in Deed No. 4249 in Deed Book 710, Page 366, as modified by Release of Right of Entry and Exploration and Release of Canal and Drainage Reservations in O.R. Book 8056, Page 813, which modification extends to all of the original 66-acre leasehold, more or less, evidenced by the Memorandum of Ground Lease Agreement dated March 31, 2001, recorded August 31, 2001 in Book 12865, Page 1259.

The right of access to a parcel of land located wholly within the boundaries of the Cogeneration Plant Parcel and described above as the DESCRIPTION FOR THE NOT INCLUDED FLORIDA POWER & LIGHT SUBSTATION PARCEL. Memorandum of Ground Lease Agreement dated March 31, 2001, recorded August 31, 2001 in Book 12865, Page 1259 of the Official Records in and for Palm Beach County, Florida, as amended by the Amended Memorandum of Ground Lease Agreement, dated January 13, 2005, recorded in Book 18017, Page 1380, of the Official Records in and for Palm Beach County, Florida, giving notice of the unrecorded Ground Lease Agreement dated as of March 31, 2001 ("Lease"), and unrecorded Amendment to Ground Lease Agreement. The fee simple estate in this parcel is owned by Okeelanta Corporation, a Delaware corporation. The leasehold estate does not include the buildings, structures, fixtures and other real property improvements in, on, under and to the lease premises which were conveyed to New Hope Power Partnership ("Improvements"). The Improvements were conveyed to New Hope Power Partnership from Okeelanta Power Limited Partnership by Corrective Warranty Deed dated March 30, 2001, in O.R. Book 12865, Page 1242.

Easement to Florida Power & Light Company in O.R. Book 8691, Page 201.

PAG SURVEYORS, INC.
CERTIFICATE OF AUTHORIZATION NO. LB 3411

1016 SOUTHEAST 4TH STREET
BELLE GLADE, FL 33430-4330
REPORT OF BOUNDARY SURVEY FOR: NEW HOPE POWER PARTNERSHIP
DATE OF SURVEY: MARCH 26, 2007, WORK ORDER NO. 07036

The survey of the property shown and described hereon was executed according to the description furnished by client, which is shown transcribed verbatim. No search of the public records was made by PAG SURVEYORS, INC.

PAG SURVEYORS, INC. has no knowledge of any recorded or unrecorded instruments other than the ones furnished by client and shown under DESCRIPTION.

The boundaries shown on this survey reflect only those called for in the description and may not necessarily be the same as the lines of ownership.

DESCRIPTIONS: Furnished by Daniel D. Ross, Esq. Title Opinion dated April 10, 2007. All shown on this page.

I have reviewed the aforementioned title opinion. This survey shows all the Parcels together with all easements and restrictions contained in said document.

Blanket easements and other reservations not specifically described are not plotted.

BASIS OF BEARINGS: Bearings shown hereon with the suffix (glare Grid Bearings of the Florida State Plane Coordinate System, East Zone, on the 1983 North American Datum, 1998 Adjustment, the East line of Section 16, Township 45 South, Range 36 East bears South 0°50'24" East and all other bearings with the suffix (glare) relative thereto.

Bearings shown with the suffix (d) are from the recorded descriptions.

ACCURACY: The present use of the subject lands is Rural
The Minimum Technical Standards set forth by the Florida State Board of Professional Surveyors and Mappers (81G17-6 FAC) require a minimum relative distance accuracy for this type of survey of 1 foot to 5,000 feet. This survey meets said requirements. This report and the map of boundary survey are not valid without the signature and the embossed seal of the Florida Licensed Professional Surveyor and Mapper whose name appears below.

Pedro A. Gonzalez, P.S.M.
Florida License No. 2287
This is my digital signature, affixed by me personally.

INDEX	DESCRIPTIONS AND CERTIFICATION
SHEET 1	COGENERATION PLANT SITE
SHEET 2	SECTION 5, T 45 S, R 36 E
SHEET 3	PROPOSED CORRIDOR
SHEET 4	

PAG SURVEYORS, INC. L.B. 3411
1016 SOUTHEAST 4TH STREET
BELLE GLADE, FL 33430-4330 PHONE (561) 996-6615

DATE	3.28-07
SCALE	
DRAWN	PAG
FB No.	45-36-30
CHECKED	FG
NO.	
REVISIONS	
BY	
DATE	

BOUNDARY SURVEY FOR:	SHEET NO.
NEW HOPE POWER PARTNERSHIP	1 OF 4
P.O. BOX 9 SOUTH BAY, FL 33493	WORK ORDER NO.
PALM BEACH COUNTY	07-3-036
FLORIDA	



P.O.C.
NE CORNER OF NE 1/4
OF SECTION 16, T 45 S, R 36 E
AND NE CORNER OF SECTION 16
T 45 S, R 36 E

PAG SURVEYORS, INC.
CERTIFICATE OF AUTHORIZATION NO. LB 3411
1016 SOUTHEAST 4TH STREET
BELLE GLADE, FL 33430-4330
REPORT OF BOUNDARY SURVEY FOR: NEW HOPE POWER PARTNERSHIP
DATE OF SURVEY: MARCH 28, 2007, WORK ORDER NO. 07036
The survey of the property shown and described herein was executed according to the description furnished by client, which is shown transcribed verbatim. No search of the public records was made by PAG SURVEYORS, INC.
PAG SURVEYORS, INC. has no knowledge of any recorded or unrecorded instruments other than the ones furnished by client and shown under DESCRIPTION.
The boundaries shown on this survey reflect only those called for in the description and may not necessarily be the same as the lines of ownership.
DESCRIPTIONS: Furnished by Daniel O. Ross, Esq. Title Opinion dated April 10, 2007.
DESCRIPTION FOR THE COGENERATION PLANT PARCEL
A parcel of land in the Northeast Quarter of Section 16, Township 45 South, Range 36 East, Palm Beach County, Florida, described as follows:
Commencing at the Northeast corner of the Northeast Quarter of Section 16, Township 45 South, Range 36 East, said corner being the same as the Northeast corner of Section 16, Township 45 South, Range 36 East;
Thence South 0°51'19" East 793.03 feet along the East line of the Northeast Quarter of said Section 16;
Thence South 89°36'38" West 50.00 feet to the point of beginning of the hereinafter described parcel;
Thence South 0°51'19" East 1170.01 feet along a line parallel with and 50 feet West of the East line of the Northeast Quarter of said Section 16;
Thence South 89°36'38" West 1700.00 feet;
Thence South 0°51'19" East 680.26 feet along a line parallel with the East line of the Northeast Quarter of said Section 16;
Thence South 89°36'38" West 664.13 feet;
Thence North 0°40'35" West 1809.16 feet along the West edge of a paved road;
Thence North 89°36'38" East 130.00 feet;
Thence North 0°51'19" East 41.00 feet along a line parallel with the East line of the Northeast Quarter of said Section 16;
Thence North 89°36'38" East 2428.43 feet to the point of beginning.
Containing: 82.12 Acres (3,577, 008 square feet) Gross area.
LESS: THE NOT INCLUDED FLORIDA POWER & LIGHT SUBSTATION WHICH CONTAINS 0.84 Acre, the Net area is: 81.22 Acres.

DESCRIPTION FOR THE NOT INCLUDED FLORIDA POWER & LIGHT SUBSTATION PARCEL
Commencing at the Northeast corner of Section 16, Township 45 South, Range 36 East;
Thence South 0°51'19" East 793.03 feet along the East line of said Section 16;
Thence South 89°36'38" West 50.00 feet;
Thence South 89°36'38" West 2022.43 feet;
Thence South 42°05'52" West 124.65 feet;
Thence South 89°36'38" West 402.64 feet;
Thence South 0°56'18" East 75.00 feet;
Thence North 89°36'38" East 145.00 feet to the point of beginning of the hereinafter described parcel, thence
South 0°56'18" East 148.00 feet;
Thence North 89°36'38" East 248.00 feet;
Thence North 0°56'18" West 148.00 feet;
Thence South 89°36'38" West 248.00 feet to the point of beginning.
Containing 0.84 Acre (36704 square feet)
NOTE: Bearings shown on these descriptions are Grid Bearings of the Florida State Plane Coordinate System, East Zone, on the 1927 North American Datum, 1972 Free Adjustment.
Containing 0.84 Acre (36704 square feet)

TOGETHER WITH:
Entrance Road easement from Okeelanta Corporation, as recorded in Official Record Book 8056, Page 889, Exhibit A, assigned to New Hope Power Partnership in Official Record Book 12865, Page 1242.
Okeelanta Corporation its successors and/or assigns reserve the right to use this access road.
SUBJECT TO THE FOLLOWING EASEMENTS:
Transmission line easement in favor of Florida Power & Light Company, as recorded in Official Records Book 8691, page 201.
Gas pipeline easement in favor of NUI Utilities, Inc. as recorded in Official Record Book 13863, p. 1688.
BASIS OF BEARINGS: Bearings shown hereon with the suffix (g) are Grid Bearings of the Florida State Plane Coordinate System, East Zone, on the 1983 North American Datum, 1998 Adjustment, the East line of Section 16, Township 45 South, Range 36 East bears South 0°50'24" East and all other bearings with the suffix (g) are relative thereto.
Bearings shown with the suffix (s) are from the recorded descriptions.
ACCURACY: The present use of the subject lands is Rural
The Minimum Technical Standards set forth by the Florida State Board of Professional Surveyors and Mappers (61517-2 FAC) require a minimum relative distance accuracy for this type of survey of 1 foot in 5,000 feet. This survey meets said requirements.
This report and the map of boundary survey are not valid without the signature and the embossed seal of the Florida Licensed Professional Surveyor and Mapper whose name appears below.

Pedro A. Gonzalez, P.S.M.
Florida License No. 2287
This is my digital signature, affixed by me personally.

PAG SURVEYORS, INC.
1016 SOUTHEAST 4TH STREET
BELLE GLADE, FL 33430-4330 PHONE (561) 996-6615

L.B. 3411

SEAL

DATE 3-26-07
SCALE 1"=100'
DRAWN PAG
FB No. 45-36-30
CHECKED FG NO. REVISIONS BY DATE

BOUNDARY SURVEY FOR:

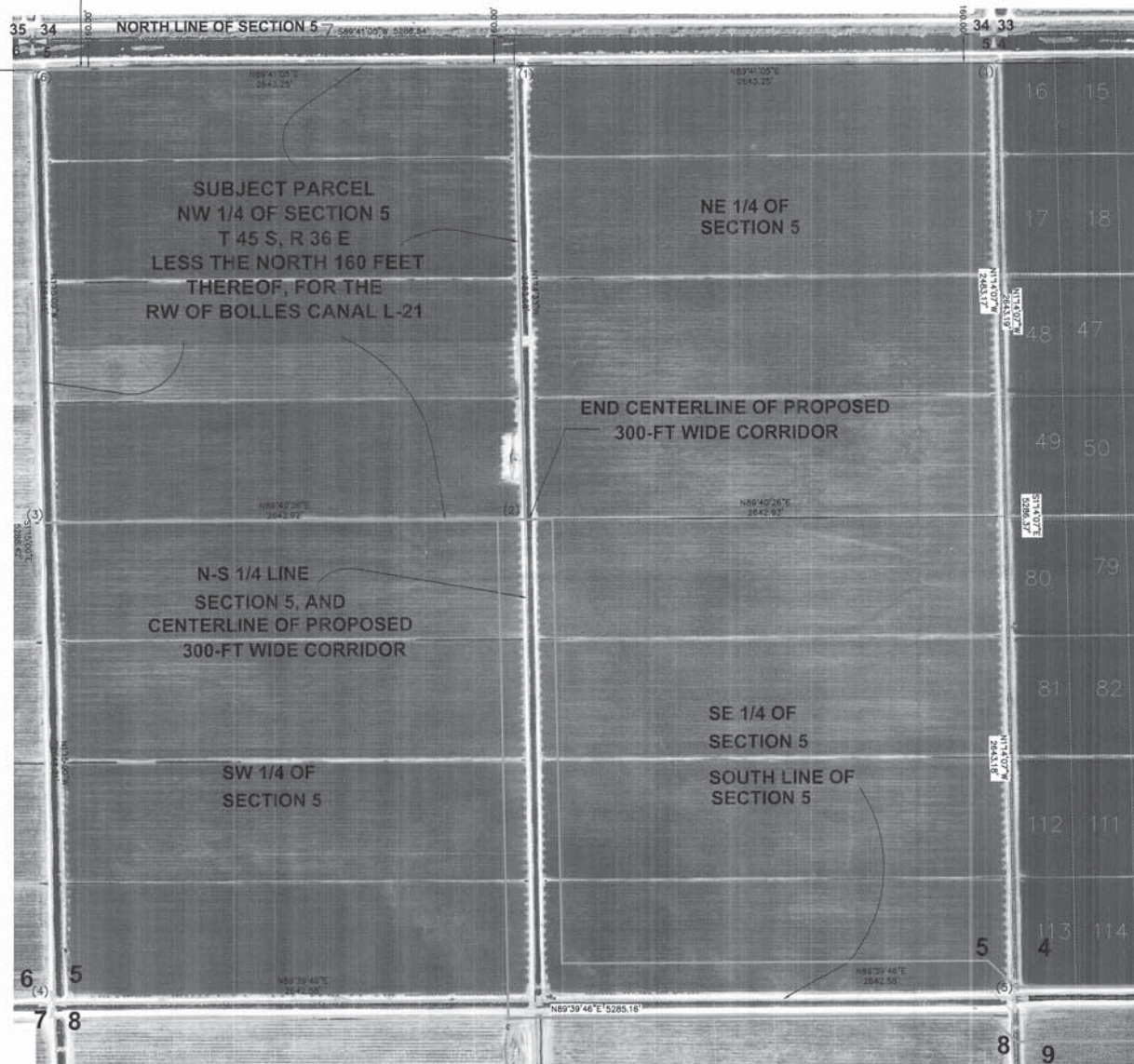
NEW HOPE POWER PARTNERSHIP
P.O. BOX 9
SOUTH BAY, FL 33493

PALM BEACH COUNTY

FLORIDA

SHEET NO.
2 4
OF
WORK ORDER NO.
07-3-036

SOUTHERLY RIGHT-OF-WAY LINE BOLLES CANAL L-21
O.R.B. 8, PAGE 287, PALM BEACH COUNTY PUBLIC RECORDS



DESCRIPTIONS FROM TITLE OPINION DATED APRIL 10, 2007, BY DANIEL D. ROSS, ESQ. FLORIDA BAR NUMBER 508586.
DESCRIPTION OF THE SUBJECT PARCEL:
"The Northwest Quarter of Section 5, Township 45 South, Range 36 East, Palm Beach County, Florida," Containing: 160.398 Acres (6,986,950 sq.ft.)
LESS AND NOT INCLUDING:
"The North 160.00 feet for the right-of-way of Bolles Canal (L-21), as recorded in Official Record Book 8, Page 287 et seq."
The Northwest Quarter of Section 5, Township 45 South, Range 36 East, contains 160.398 Acres.
The exclusion of the right-of-way of Bolles Canal contains 9.70 Acres.
The net area left for said Section 5 is: 150.698 Acres (6,564,393 sq. ft.)

As to the NW 1/4 of Section 5, Township 45 S, Range 36 E, Palm Beach County, (i.e. the proposed monofill ash site parcel) the following reservations apply:

Deed 1719 recorded in Deed Book 718, Page 564, P.B.C.; pertains to SW 1/4 of NW 1/4 of Section 5; Road reservations 100' from centerline of any State Road existing on January 29, 1944.

Deed #1842 recorded in Deed Book 650, Page 463 P.B.C.; pertains to SE 1/4 of NE 1/4 of NW 1/4 of Section 5; road reservations 100' from centerline of any State Road as of April 14, 1942.

Deed# 1715 recorded in Deed Book 681, Page 24 P.B.C.; pertains to all of NW 1/4 of Section 5, road reservations 100' of centerline of any State Road existing as of January 1944.

Deed #4213 to Everglades Drainage District recorded in Deed Book 741 Page 75 P.B.C (Sections 15); road reservations 100' of the centerline of any State Road existing as of November 9, 1945; County road reservations for a right of way 50' of each side of centerline of any County road existing as of November 9, 1945; reservations canal reservations, and oil, gas and mineral reservations; pertains to NE 1/4 of NW 1/4 of NW 1/4, SW 1/4 of NW 1/4 of NW 1/4, NW 1/4 of SE 1/4 of NW 1/4, all in Section 5.

Oil gas and mineral reservations in Deed from Columbia Bank For Cooperatives record in Deed Book 989, Page 205.

The north boundary of the parcel is bounded by the Right of way of Bolles Canal, Deed Book 959 Page 38 and O.R. Book 8 Page 287, P.B.C.

There are various loan related agreements of record in favor of CoBank, ASB, including mortgages, financing statements, leases, and collateral assignment of leases. These loan documents pertain in the aggregate to all the above described parcels 1-8. I have not listed each CoBank loan instrument, since these will not be shown on the survey.

In addition to the above title matters, the following apply to parts or all of parcels 1-6 above:
Bolles Canal right of way in Deed Book 887, Page 266.(Note: the only description received by this office is the one recorded in O.R.B. 8, Page 287.

Road reservations shown on plat of in Plat Book 1, Page 101 (Section 4).
State Road Reservations in Deed Book 639, Page 132.

Oil, gas mineral and canal reservations in Deed in Deed Book 804, Page 528 (Section 4)
Matters shown on plat of Okcechobee Fruit Lands Company's Subdivision recorded in Plat Book 1, Page 114 (Section 8).

Road, petroleum and petroleum products reservations in Deed in Deed Book 703, Page 291 (Section 8).
Canal reservations in Deed in Deed Book 84, Page 370 (Section 9).

Canal reservations in Deed in Deed Book 46, Page 211 (Sections 9)
Oil, Gas and Mineral reservations in Deed from Columbia Bank For Cooperatives in Deed Book 989, Page 205 (Sections 4, 8, 9).

SURVEYOR'S NOTE:
PERTAINING TO THE FOREGOING LIST OF DEEDS:
THE BOLLES CANAL RIGHT-OF-WAY IS PLOTTED AS DESCRIBED IN O.R.B. 8, P.287.
ALL OTHER ITEMS SUCH AS: OIL, GAS AND MINERAL RIGHTS ARE BLANKET RESERVATIONS OVER ENTIRE SECTIONS AND ARE NOT PLOTTED BEARINGS SHOWN ON THIS SHEET ARE GRID BEARINGS OF THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, ON THE 1983 NORTH AMERICAN DATUM, 1998 ADJUSTMENT.

Oil, Gas and Mineral reservations in Deed from Columbia Bank For Cooperatives in Deed Book 989, Page 205 (Sections 4, 8, 9).

Oil, Gas and Mineral reservations in Deed from Columbia Bank For Cooperatives in Deed Book 989, Page 205 (Sections 4, 8, 9).

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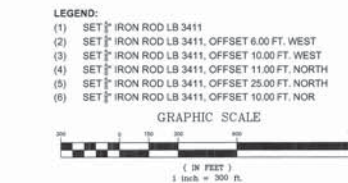
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Oil, Gas and Mineral reservations in Deed from Columbia Bank For Cooperatives in Deed Book 989, Page 205 (Sections 4, 8, 9).

ABBREVIATIONS:
(c) indicates computed quantity
(cl) indicates closure
(d) indicates description
(g) indicates grid bearing
(m) indicates measured quantity
(p) indicates plot
(r) indicates record
C/L indicates centerline
I/P indicates iron pipe
I/R indicates iron rod
R/W indicates right-of-way
T indicates Township
R indicates Range
O.B. indicates Official Records Book
P.O.B. indicates Point of Beginning
P.O.C. indicates Point of Commencement
—P— indicates power line
—T— indicates telephone line
PP indicates power pole
FH indicates fire hydrant



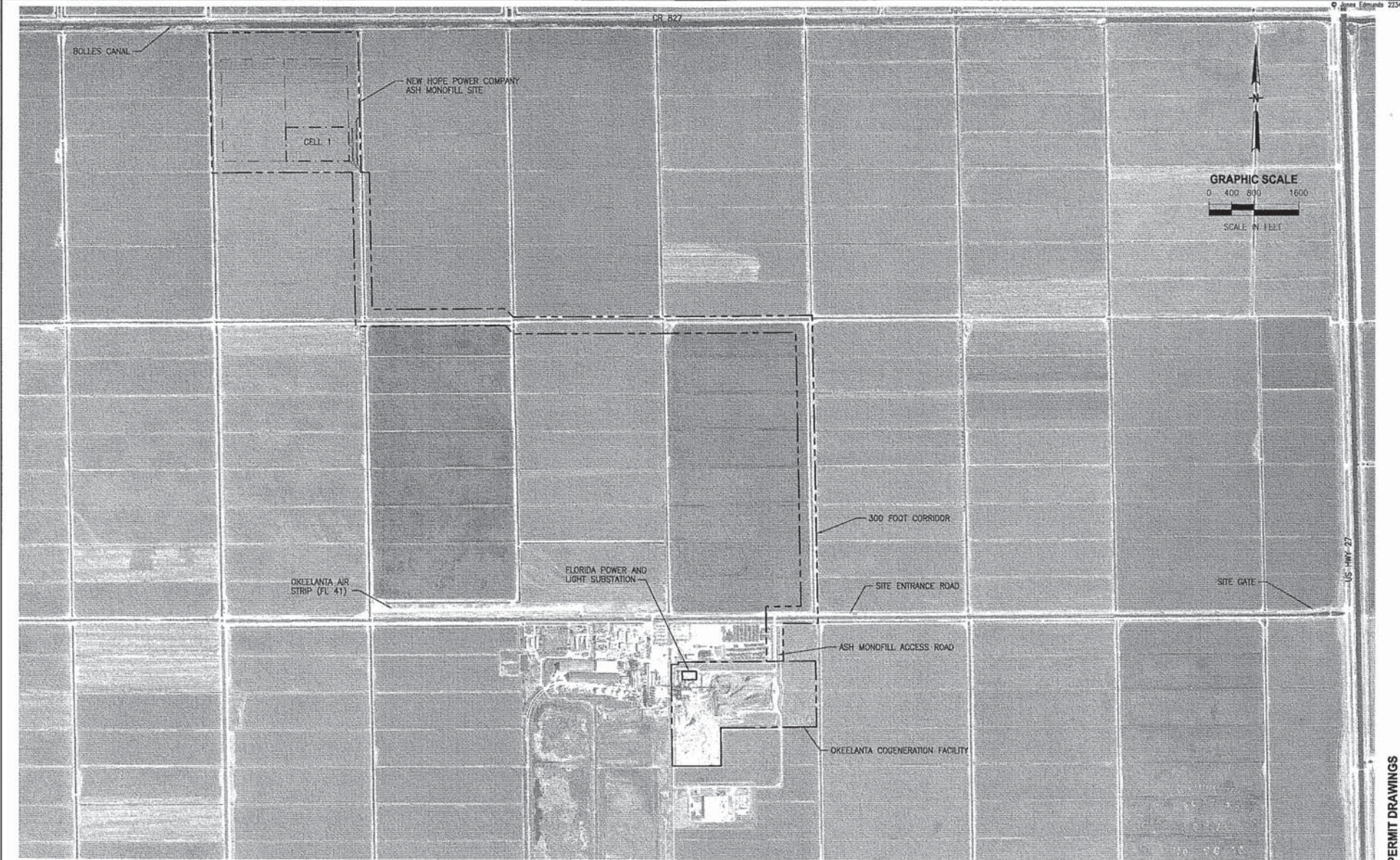
PAG SURVEYORS, INC. 1016 SOUTHEAST 4TH STREET BELLE GLADE, FL 33430-4330 PHONE (561) 996-6615	DATE	3-26-07				BOUNDARY SURVEY FOR: NEW HOPE POWER PARTNERSHIP P.O. BOX 9 SOUTH BAY, FL 33493	SHEET NO. 3 OF 4 WORK ORDER NO. 07-3-036
	SCALE	1"=300'					
	DRAWN	PAG					
	PB No.	45-36-31					
	CHECKED	FG					
SEAL						PALM BEACH COUNTY	FLORIDA



FLORIDA	07-3-036
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Plotted: 5/12/08 9:25am pupstll

LAST SAVED: 4/28/2008 4:55 PM PUPSTLL



PERMIT DRAWINGS

					DESIGNED	D2H,GAR
					DRAWN	PEU
					CHECKED	RAK,D2H
LTR.	DATE	REVISIONS		BY	APPRO.	



NEW HOPE POWER COMPANY
ASH MONOFILL
OKEELANTA, FLORIDA

SITE PLAN

CERTIFICATE OF AUTHORIZATION #1841	DATE	PROJECT NO.
APPROVED BY <i>George A. Reinhart III</i>	MAY 2008	09610-003-01
GEORGE A. REINHART III	SCALE	DWG. NO.
P.E. # 66516	1"=800'	C1

ATTACHMENT B: Surface Water Management System Operation and Maintenance Requirements

1. In accordance with Section 373.416(2), F.S., unless revoked or abandoned, all stormwater management systems, dams, impoundments, reservoirs, appurtenant works, or works permitted under Part IV of Chapter 373, F.S., must be operated and maintained in perpetuity. The operation and maintenance shall be in accordance with the designs, plans, calculations, and other specifications that are submitted with any amendment or modification and approved by the Department.
2. A registered professional must perform inspections annually after conversion of the project to the operation and maintenance phase to identify if there are any deficiencies in structural integrity, degradation due to insufficient maintenance, or improper operation of the stormwater management system or other surface water management systems that may endanger public health, safety, or welfare, or the water resources, and to insure that systems are functioning as designed and approved. Within 30 days of the inspection, a report shall be submitted electronically or in writing to the Department using Form 62-330.311(1), "Operation and Maintenance Inspection Certification".
3. If deficiencies are found, the Licensee will be responsible for correcting the deficiencies so that the project is returned to the operational functions as designed and approved. The corrections must be done a timely manner to prevent compromises to flood protection and water quality.
4. If the operational maintenance and corrective measures are insufficient to enable the systems to meet the performance standards of this chapter, the Licensee must either replace the systems or construct an alternative design.
5. The Licensee shall provide for periodic inspections in addition to the annual inspections, especially after heavy rain. It must maintain a record of each inspection, including the date of inspection, the name and contact information of the inspector, whether the system was functioning as designed and approved, and make such record available upon request of the Department. Within 30 days of any failure of any system or deviation from the Conditions, a report shall be submitted electronically or in writing to the Department using Form 62-330.311(1), "Operation and Maintenance Inspection Certification," describing the remedial actions taken to resolve the failure or deviation.
6. The Okeelanta Cogeneration Plant shall immediately notify the Department by telephone whenever a serious problem occurs at this facility. Notification shall be made to the South District Office at (904) 256-1700. Within 7 days of telephone notification, a report shall be submitted electronically or in writing to the Department using Form 62-330.311(1), "Operation and Maintenance Inspection Certification," describing the extent of the problem, its cause, the remedial actions taken to resolve the problem.
7. The following operational maintenance activities shall be performed on approved systems on a regular basis or as needed:
 - (1) Removal of trash and debris from the surface water management systems,

ATTACHMENTS

(2) Inspection of culverts, culvert risers, pipes and screwgates for damage, blockage, excessive leakage or deterioration, if applicable,

(3) Inspection of stormwater berms, if applicable,

(4) Inspection of pipes for evidence of lateral seepage,

(5) Inspection of flapgates for excessive backflow or deterioration, if applicable,

(6) Removal of sediments when the storage volume or conveyance capacity of the surface water management system is below design levels,

(7) Stabilization and restoration of eroded areas,

(8) Inspection of pump stations for structural integrity and leakage of fuel or oil to the ground or surface water, if applicable, and

(9) Inspection of monitoring equipment, including pump hour meters and staff gauges, for damage and operational status, if applicable.

8. In addition to the practices listed above, specific operational maintenance activities are required, if applicable, depending on the type of approved system, as follows:

(1) Overland flow systems shall include provisions for:

a. Mowing and removal of clippings, and

b. Maintenance of spreader swales and overland flow areas to prevent channelization.

(2) Spray irrigation systems for reuse/disposal shall include provisions for:

a. Inspection of the dispersal system, including the sprayheads or perforated pipe for damage or clogging, and

b. Maintenance of the sprayfield to prevent channelization.

(3) Treatment systems which incorporate isolated wetlands shall include provisions for:

a. Stabilization and restoration of channelized areas, and

b. Removal of sediments which interfere with the function of the wetland or treatment system.

ATTACHMENTS

ATTACHMENT C: Mitigation Plans (if applicable)

ATTACHMENTS

ATTACHMENT D: Groundwater Monitoring Requirements

ATTACHMENT D

Industrial Wastewater Ground Water Monitoring Construction, Sampling, and Reporting Requirements

The land application system for the industrial wastewater is a four cell, 600-acre site.

The Licensee shall sample ground water at the monitoring wells identified in this Attachment, in accordance with this Attachment and the Conditions of Certification.

1. Construction Requirements

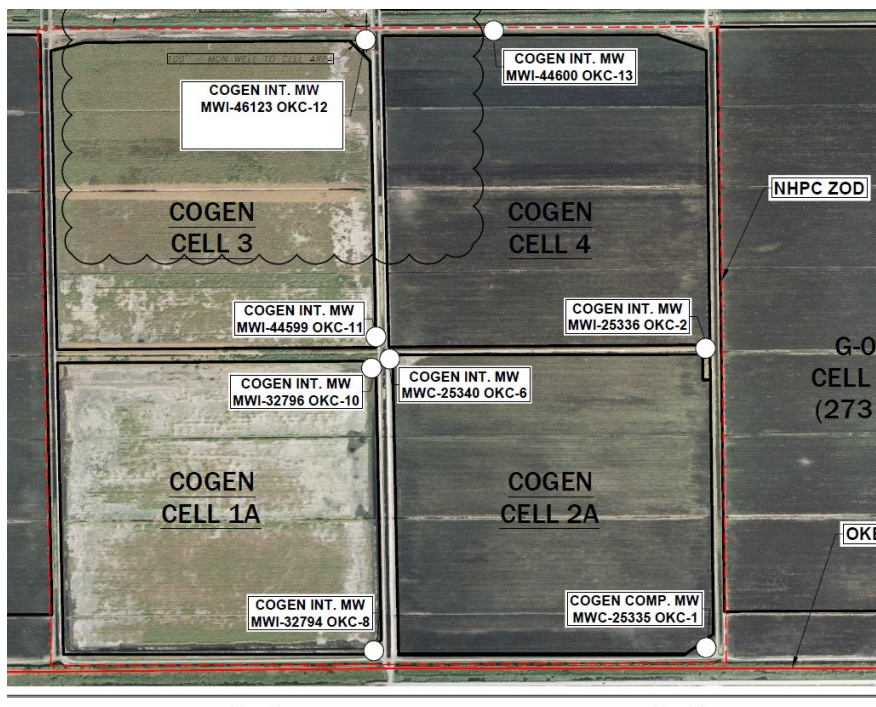
a. Prior to construction of any new ground water monitoring well, a soil boring shall be made at the new monitoring well location in order to properly determine the well depth and screen interval.

b. The Licensee shall give at least 72-hours-notice to the Department, prior to the installation of any new monitoring well required by these Conditions.

c. Within 30 days after installation of a new monitoring well, the Licensee shall submit to the Department's South District Office detailed information on the well's location and construction on DEP Form 62-520.900(3), Monitor Well Completion Report.

d. Upon completion of construction of any new background monitoring well, sampling for initial characterization of the monitoring well shall be performed for Total Dissolved Solids, Total Phosphorous, Nitrate, Nitrite, TKN, Chloride, Sodium, pH (field), Specific Conductance (field), Gross Alpha, Water Level, and EPA methods 601, 602, and 608 or equivalent approved method for 40 CFR 136 with detection limits equal to or lower for the parameters listed.

e. The ground water monitoring wells for the Facility shall be located as depicted in the Site map below:



Note: The location of the background monitoring well (OKC-14; MWB 53199) is not within the area of this site map. The well is approximately 4.6 miles northwest from the center of the Cogen cells. The well is the common background well for the Licensee's three industrial wastewater facilities.

2. Sampling Requirements

a. Within 90 days of installation of any new background-monitoring well, the Licensee shall begin sampling ground water at the new monitoring well in accordance with this Attachment.

b. The following monitoring wells shall be sampled for the rotating four cell (1A, 2A, 3 & 4) percolation pond land application systems R-001, R-002, R-003 and R-004.

Monitoring Well ID	Alternate Well Name and/or Description of Monitoring Location	Depth (Feet)	Aquifer Monitored	Monitoring Frequency
MWB-53199	OKC-14 Background Well. Approximately 4.6 miles northwest of the center of land application system. (Existing)	18.0	Surficial	All Quarters
MWC-25335	OKC-1 Compliance Well. Located in the southeast corner of Cell #2A. (Existing)	17.54	Surficial	1 st & 3 rd Quarters
MWI-25336	OKC-2 Intermediate Well. Located in the southeast corner of Cell #4. (Existing)	16.0	Surficial	1 st & 3 rd Quarters
MWI-25340	OKC-6 Intermediate Well. Located in the northwest corner of Cell #2A. (Existing)	15.5	Surficial	2 nd & 4 th Quarters
MWI-32794	OKC-8 Intermediate Well. Located in the southeast corner of Cell #1A. (Existing)	17.5	Surficial	2 nd & 4 th Quarters
MWI-32796	OKC-10 Intermediate Well. Located in the northeast corner of Cell #1A. (Existing)	17.0	Surficial	2 nd & 4 th Quarters
MWI-44599	OKC-11 Intermediate Well. Located in the southeast corner of Cell #3. (Existing)	17.0	Surficial	1 st & 3 rd Quarters
MWI-46123	OKC-12 Intermediate Well. Located in the northeast corner of Cell #3. (Existing)	17.0	Surficial	2 nd & 4 th Quarters

MWI-44600	OKC-13 Intermediate Well. Located along the center north side of Cell #4. (Existing)	17.0	Surficial	1 st & 3 rd Quarters
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MWB = Background; MWI = Intermediate; MWC = Compliance, MWP = Piezometer

c. The monitor wells specified above, shall be sampled for the parameters listed below:

Parameter Name	*Compliance Well Limit	Units	Sample Type
Specific Conductance (field)	Report	UMHO/CM	Grab
pH	6.5-8.5	SU	Grab
Chloride (as Cl)	250.0	MG/L	Grab
Solids, Total Dissolved (TDS)	500.0	MG/L	Grab
Water Level Relative to NGVD	Report	FEET	Measured
Sodium, Total Recoverable	160.0	MG/L	Grab

*This column summarizes Class G-II maximum contaminant level criteria applicable at the Compliance Well. Refer to Rule 62-520.420, F.A.C. These are not effluent limits.

d. Water levels shall be recorded prior to evacuating the well for sample collection. Elevation references shall include the top of the well casing and land surface at each well site (NGVD allowable) at a precision of plus or minus 0.01 feet.

e. Ground water monitoring wells shall be purged prior to sampling to obtain a representative sample.

f. If a monitoring well becomes damaged or cannot be sampled for some reason, the Licensee shall notify the Department immediately and a written report shall follow within seven days detailing the circumstances and remedial measures taken or proposed. Repair or replacement of monitoring wells shall be approved in advance by the Department.

g. Every 5 years the Licensee shall submit the results of sampling the background and compliance monitoring wells, and other monitoring wells if specified by the Department, listed in the GWMR, for the primary drinking and secondary drinking water parameters included in Chapter 62-550, F.A.C. (excluding radionuclides, asbestos, acrylamide, Dioxin, butachlor, epichlorohydrin, pesticides, and PCBs, unless reasonably expected to be a constituent of the discharge or an artifact of the site).

3. **Reporting Requirements**

a. The Licensee shall complete and submit to the Department the results of the groundwater analyses. The results shall be reported on Part D of DEP Form 62-620.910(10), Discharge Monitoring Report (DMR). The facility reference number shall be FLA150355

b. Monitoring results for each monitoring period shall be submitted in accordance with the associated DMR due dates below.

SAMPLE QUARTER	SAMPLE PERIOD	DMR Due Date
1st Quarter	January 1 – March 31	April 28
2nd Quarter	April 1 – June 30	July 28
3rd Quarter	July 1 – September 30	October 28
4th Quarter	October 1 – December 31	January 28

c. DMRs shall be submitted for each required monitoring period including quarters of no discharge.

d. The Licensee shall submit the completed DMR forms to the Department at SouthDistrict@floridadep.gov or by the electronic DMR system approved by the Department (EzDMR) using the DEP Business Portal at <https://www.fldepportal.com/go/>.

e. The Licensee shall call the South District Office phone number, (239) 344-5600 if unable to submit reports or notifications.

GROUNDWATER MONITORING REPORT - PART D

Facility Name: Okeelanta Power L P Cogeneration
Permit Number: FLA150355
County: Palm Beach
Office: South District

Monitoring Well ID: MWI-25336
Well Type: Intermediate
Description: OKC-2 " "
Re-submitted DMR: ☐

Report Frequency: Quarterly
Program: Industrial

Monitoring Period From: _____ To: _____ Date Sample Obtained: _____
Time Sample Obtained: _____

Was the well purged before sampling? ___ Yes ___ No

Parameter	PARM Code	Sample Measurement	Permit Requirement	Units	Sample Type	Frequency of Analysis	Detection Limits	Analysis Method	Sampling Equipment Used	Samples Filtered (L/F/N)
Water Level Relative to NGVD	82545		Report	ft	Measured	Quarterly				
Specific Conductance	00095		Report	umhos/cm	Grab	Quarterly				
Solids, Total Dissolved (TDS)	70295		Report	mg/L	Grab	Quarterly				
Chloride (as Cl)	00940		Report	mg/L	Grab	Quarterly				
Sodium, Total Recoverable	00923		Report	mg/L	Grab	Quarterly				
pH	00400		Report	s.u.	Grab	Quarterly				

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE NO	DATE (mm/dd/yyyy)

COMMENTS AND EXPLANATION (Reference all attachments here):

GROUNDWATER MONITORING REPORT - PART D

Facility Name: Okeelanta Power L P Cogeneration
Permit Number: FLA150355
County: Palm Beach
Office: South District

Monitoring Well ID: MWI-25340
Well Type: Intermediate
Description: OKC-6 " "
Re-submitted DMR: ☐

Report Frequency: Quarterly
Program: Industrial

Monitoring Period: _____ From: _____ To: _____ Date Sample Obtained: _____
Time Sample Obtained: _____

Was the well purged before sampling? ___ Yes ___ No

Parameter	PARM Code	Sample Measurement	Permit Requirement	Units	Sample Type	Frequency of Analysis	Detection Limits	Analysis Method	Sampling Equipment Used	Samples Filtered (L/F/N)
Water Level Relative to NGVD	82545		Report	ft	Measured	Quarterly				
Specific Conductance	00095		Report	umhos/cm	Grab	Quarterly				
Solids, Total Dissolved (TDS)	70295		Report	mg/L	Grab	Quarterly				
Chloride (as Cl)	00940		Report	mg/L	Grab	Quarterly				
Sodium, Total Recoverable	00923		Report	mg/L	Grab	Quarterly				
pH	00400		Report	s.u.	Grab	Quarterly				

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COMMENTS AND EXPLANATION (Reference all attachments here):

GROUNDWATER MONITORING REPORT - PART D

Facility Name: Okeelanta Power L P Cogeneration

Permit Number: FLA150355

County: Palm Beach

Office: South District

Monitoring Period

Monitoring Well ID: MWI-32794

Well Type: Intermediate

Description: OKC-8 monitor well for the Co-Gen facility

Re-submitted DMR: ☐

Date Sample Obtained:

Time Sample Obtained:

Report Frequency: Quarterly

Program: Industrial

From:

To:

Was the well purged before sampling? ☐ Yes ☐ No

Parameter	PARM Code	Sample Measurement	Permit Requirement	Units	Sample Type	Frequency of Analysis	Detection Limits	Analysis Method	Sampling Equipment Used	Samples Filtered (L/F/N)
Water Level Relative to NGVD	82545		Report	ft	Measured	Quarterly				
Specific Conductance	00095		Report	umhos/cm	Grab	Quarterly				
Solids, Total Dissolved (TDS)	70295		Report	mg/L	Grab	Quarterly				
Chloride (as Cl)	00940		Report	mg/L	Grab	Quarterly				
Sodium, Total Recoverable	00923		Report	mg/L	Grab	Quarterly				
pH	00400		Report	s.u.	Grab	Quarterly				

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NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE NO	DATE (mm/dd/yyyy)

COMMENTS AND EXPLANATION (Reference all attachments here):

GROUNDWATER MONITORING REPORT - PART D

Facility Name: Okeelanta Power L P Cogeneration
Permit Number: FLA150355
County: Palm Beach
Office: South District

Monitoring Well ID: MWI-32796
Well Type: Intermediate
Description: OKC-10
Re-submitted DMR: ☐

Report Frequency: Quarterly
Program: Industrial

Monitoring Period From: _____ To: _____ Date Sample Obtained: _____
Time Sample Obtained: _____

Was the well purged before sampling? ___ Yes ___ No

Parameter	PARM Code	Sample Measurement	Permit Requirement	Units	Sample Type	Frequency of Analysis	Detection Limits	Analysis Method	Sampling Equipment Used	Samples Filtered (L/F/N)
Water Level Relative to NGVD	82545		Report	ft	Measured	Quarterly				
Specific Conductance	00095		Report	umhos/cm	Grab	Quarterly				
Solids, Total Dissolved (TDS)	70295		Report	mg/L	Grab	Quarterly				
Chloride (as Cl)	00940		Report	mg/L	Grab	Quarterly				
Sodium, Total Recoverable	00923		Report	mg/L	Grab	Quarterly				
pH	00400		Report	s.u.	Grab	Quarterly				

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE NO	DATE (mm/dd/yyyy)

COMMENTS AND EXPLANATION (Reference all attachments here):

GROUNDWATER MONITORING REPORT - PART D

Facility Name: Okeelanta Power L P Cogeneration

Permit Number: FLA150355

County: Palm Beach

Office: South District

Monitoring Well ID: MWB-53199

Well Type: Background

Description: OKC-14 Background

Re-submitted DMR: ☐

Report Frequency: Quarterly

Program: Industrial

Monitoring Period

From:

To:

Date Sample Obtained:

Time Sample Obtained:

Was the well purged before sampling? ☐ Yes ☐ No

Parameter	PARM Code	Sample Measurement	Permit Requirement	Units	Sample Type	Frequency of Analysis	Detection Limits	Analysis Method	Sampling Equipment Used	Samples Filtered (L/F/N)
Water Level Relative to NGVD	82545		Report	ft	Measured	Quarterly				
Specific Conductance	00095		Report	umhos/cm	Grab	Quarterly				
Solids, Total Dissolved (TDS)	70295		Report	mg/L	Grab	Quarterly				
Chloride (as Cl)	00940		Report	mg/L	Grab	Quarterly				
Sodium, Total Recoverable	00923		Report	mg/L	Grab	Quarterly				
pH	00400		Report	s.u.	Grab	Quarterly				

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE NO	DATE (mm/dd/yyyy)

COMMENTS AND EXPLANATION (Reference all attachments here):

GROUNDWATER MONITORING REPORT - PART D

Facility Name: Okeelanta Power L P Cogeneration

Permit Number: FLA150355

County: Palm Beach

Office: South District

Monitoring Well ID: MWI-44600

Well Type: Intermediate

Description: OKC-13

Re-submitted DMR: ☐

Report Frequency: Quarterly

Program: Industrial

Monitoring Period

From:

To:

Date Sample Obtained:

Time Sample Obtained:

Was the well purged before sampling? ☐ Yes ☐ No

Parameter	PARM Code	Sample Measurement	Permit Requirement	Units	Sample Type	Frequency of Analysis	Detection Limits	Analysis Method	Sampling Equipment Used	Samples Filtered (L/F/N)
Water Level Relative to NGVD	82545		Report	ft	Measured	Quarterly				
Specific Conductance	00095		Report	umhos/cm	Grab	Quarterly				
Solids, Total Dissolved (TDS)	70295		Report	mg/L	Grab	Quarterly				
Chloride (as Cl)	00940		Report	mg/L	Grab	Quarterly				
Sodium, Total Recoverable	00923		Report	mg/L	Grab	Quarterly				
pH	00400		Report	s.u.	Grab	Quarterly				

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COMMENTS AND EXPLANATION (Reference all attachments here):

GROUNDWATER MONITORING REPORT - PART D

Facility Name: Okeelanta Power L P Cogeneration
Permit Number: FLA150355
County: Palm Beach

Monitoring Well ID: MWC-25335
Well Type: Compliance
Description: OKC-1 Existing compliance well. Located in the southeast corner of Cell #2A
Re-submitted DMR: ☐

Report Frequency: Quarterly
Program: Industrial

Office: South District

Monitoring Period From: _____ To: _____
Date Sample Obtained: _____
Time Sample Obtained: _____

Was the well purged before sampling? ___ Yes ___ No

Parameter	PARM Code	Sample Measurement	Permit Requirement	Units	Sample Type	Frequency of Analysis	Detection Limits	Analysis Method	Sampling Equipment Used	Samples Filtered (L/F/N)
Water Level Relative to NGVD	82545		Report	ft	Measured	Quarterly				
Specific Conductance	00095		Report	umhos/cm	Grab	Quarterly				
Solids, Total Dissolved (TDS)	70295		500	mg/L	Grab	Quarterly				
Chloride (as Cl)	00940		250	mg/L	Grab	Quarterly				
Sodium, Total Recoverable	00923		160	mg/L	Grab	Quarterly				
pH	00400		6.5 - 8.5	s.u.	Grab	Quarterly				

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COMMENTS AND EXPLANATION (Reference all attachments here):

GROUNDWATER MONITORING REPORT - PART D

Facility Name: Okeelanta Power L P Cogeneration

Permit Number: FLA150355

County: Palm Beach

Office: South District

Monitoring Period

Monitoring Well ID: MWI-46123

Well Type: Intermediate

Description: OKC-12 INT. MW

Re-submitted DMR: ☐

Date Sample Obtained:

Time Sample Obtained:

Report Frequency: Quarterly

Program: Industrial

From:

To:

Was the well purged before sampling?

___ Yes ___ No

Parameter	PARM Code	Sample Measurement	Permit Requirement	Units	Sample Type	Frequency of Analysis	Detection Limits	Analysis Method	Sampling Equipment Used	Samples Filtered (L/F/N)
Water Level Relative to NGVD	82545		Report	ft	Measured	Quarterly				
Specific Conductance	00095		Report	umhos/cm	Grab	Quarterly				
Solids, Total Dissolved (TDS)	70295		Report	mg/L	Grab	Quarterly				
Chloride (as Cl)	00940		Report	mg/L	Grab	Quarterly				
Sodium, Total Recoverable	00923		Report	mg/L	Grab	Quarterly				
pH	00400		Report	s.u.	Grab	Quarterly				

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NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE NO	DATE (mm/dd/yyyy)

COMMENTS AND EXPLANATION (Reference all attachments here):

GROUNDWATER MONITORING REPORT - PART D

Facility Name: Okeelanta Power L P Cogeneration

Permit Number: FLA150355

County: Palm Beach

Office: South District

Monitoring Well ID: MWI-44599

Well Type: Intermediate

Description: OKC-11

Re-submitted DMR: ☐

Report Frequency: Quarterly

Program: Industrial

Monitoring Period

From:

To:

Date Sample Obtained:

Time Sample Obtained:

Was the well purged before sampling? ☐ Yes ☐ No

Parameter	PARM Code	Sample Measurement	Permit Requirement	Units	Sample Type	Frequency of Analysis	Detection Limits	Analysis Method	Sampling Equipment Used	Samples Filtered (L/F/N)
Water Level Relative to NGVD	82545		Report	ft	Measured	Quarterly				
Specific Conductance	00095		Report	umhos/cm	Grab	Quarterly				
Solids, Total Dissolved (TDS)	70295		Report	mg/L	Grab	Quarterly				
Chloride (as Cl)	00940		Report	mg/L	Grab	Quarterly				
Sodium, Total Recoverable	00923		Report	mg/L	Grab	Quarterly				
pH	00400		Report	s.u.	Grab	Quarterly				

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE NO	DATE (mm/dd/yyyy)

COMMENTS AND EXPLANATION (Reference all attachments here):

INSTRUCTIONS FOR COMPLETING THE WASTEWATER DISCHARGE MONITORING REPORT

Read these instructions before completing the DMR. Hard copies and/or electronic copies of the required parts of the DMR were provided with the permit. All required information shall be completed in full and typed or printed in ink. A signed, original DMR shall be mailed to the address printed on the DMR by the 28th of the month following the monitoring period. Facilities who submit their DMR(s) electronically through eDMR do not need to submit a hardcopy DMR. The DMR shall not be submitted before the end of the monitoring period.

The DMR consists of three parts--A, B, and D--all of which may or may not be applicable to every facility. Facilities may have one or more Part A's for reporting effluent or reclaimed water data. All domestic wastewater facilities will have a Part B for reporting daily sample results. Part D is used for reporting ground water monitoring well data.

When results are not available, the following codes should be used on parts A and D of the DMR and an explanation provided where appropriate. Note: Codes used on Part B for raw data are different.

CODE	DESCRIPTION/INSTRUCTIONS
ANC	Analysis not conducted.
DRY	Dry Well
FLD	Flood disaster.
IFS	Insufficient flow for sampling.
LS	Lost sample.
MNR	Monitoring not required this period.

CODE	DESCRIPTION/INSTRUCTIONS
NOD	No discharge from/to site.
OPS	Operations were shutdown so no sample could be taken.
OTH	Other. Please enter an explanation of why monitoring data were not available.
SEF	Sampling equipment failure.

When reporting analytical results that fall below a laboratory's reported method detection limits or practical quantification limits, the following instructions should be used, unless indicated otherwise in the permit or on the DMR:

1. Results greater than or equal to the PQL shall be reported as the measured quantity.
2. Results less than the PQL and greater than or equal to the MDL shall be reported as the laboratory's MDL value. These values shall be deemed equal to the MDL when necessary to calculate an average for that parameter and when determining compliance with permit limits.
3. Results less than the MDL shall be reported by entering a less than sign ("<") followed by the laboratory's MDL value, e.g. < 0.001. A value of one-half the MDL or one-half the effluent limit, whichever is lower, shall be used for that sample when necessary to calculate an average for that parameter. Values less than the MDL are considered to demonstrate compliance with an effluent limitation.

PART A -DISCHARGE MONITORING REPORT (DMR)

Part A of the DMR is comprised of one or more sections, each having its own header information. Facility information is preprinted in the header as well as the monitoring group number, whether the limits and monitoring requirements are interim or final, and the required submittal frequency (e.g. monthly, annually, quarterly, etc.). Submit Part A based on the required reporting frequency in the header and the instructions shown in the permit. The following should be completed by the permittee or authorized representative:

Resubmitted DMR: Check this box if this DMR is being re-submitted because there was information missing from or information that needed correction on a previously submitted DMR. The information that is being revised should be clearly noted on the re-submitted DMR (e.g. highlight, circle, etc.)

No Discharge From Site: Check this box if no discharge occurs and, as a result, there are no data or codes to be entered for all of the parameters on the DMR for the entire monitoring group number; however, if the monitoring group includes other monitoring locations (e.g., influent sampling), the "NOD" code should be used to individually denote those parameters for which there was no discharge.

Monitoring Period: Enter the month, day, and year for the first and last day of the monitoring period (i.e. the month, the quarter, the year, etc.) during which the data on this report were collected and analyzed.

Sample Measurement: Before filling in sample measurements in the table, check to see that the data collected correspond to the limit indicated on the DMR (i.e. interim or final) and that the data correspond to the monitoring group number in the header. Enter the data or calculated results for each parameter on this row in the non-shaded area above the limit. Be sure the result being entered corresponds to the appropriate statistical base code (e.g. annual average, monthly average, single sample maximum, etc.) and units. Data qualifier codes are not to be reported on Part A.

No. Ex.: Enter the number of sample measurements during the monitoring period that exceeded the permit limit for each parameter in the non-shaded area. If none, enter zero.

Frequency of Analysis: The shaded areas in this column contain the minimum number of times the measurement is required to be made according to the permit. Enter the actual number of times the measurement was made in the space above the shaded area.

Sample Type: The shaded areas in this column contain the type of sample (e.g. grab, composite, continuous) required by the permit. Enter the actual sample type that was taken in the space above the shaded area.

Signature: This report must be signed in accordance with Rule 62-620.305, F.A.C. Type or print the name and title of the signing official. Include the telephone number where the official may be reached in the event there are questions concerning this report. Enter the date when the report is signed.

Comment and Explanation of Any Violations: Use this area to explain any exceedances, any upset or by-pass events, or other items which require explanation. If more space is needed, reference all attachments in this area.

PART B - DAILY SAMPLE RESULTS

Monitoring Period: Enter the month, day, and year for the first and last day of the monitoring period (i.e. the month, the quarter, the year, etc.) during which the data on this report were collected and analyzed.

Daily Monitoring Results: Transfer all analytical data from your facility's laboratory or a contract laboratory's data sheets for all day(s) that samples were collected. Record the data in the units indicated. Table 1 in Chapter 62-160, F.A.C., contains a complete list of all the data qualifier codes that your laboratory may use when reporting analytical results. However, when transferring numerical results onto Part B of the DMR, only the following data qualifier codes should be used and an explanation provided where appropriate.

CODE	DESCRIPTION/INSTRUCTIONS
<	The compound was analyzed for but not detected.
A	Value reported is the mean (average) of two or more determinations.
J	Estimated value, value not accurate.
Q	Sample held beyond the actual holding time.
Y	Laboratory analysis was from an unpreserved or improperly preserved sample.

To calculate the monthly average, add each reported value to get a total. For flow, divide this total by the number of days in the month. For all other parameters, divide the total by the number of observations.

Plant Staffing: List the name, certificate number, and class of all state certified operators operating the facility during the monitoring period. Use additional sheets as necessary.

PART D - GROUND WATER MONITORING REPORT

Monitoring Period: Enter the month, day, and year for the first and last day of the monitoring period (i.e. the month, the quarter, the year, etc.) during which the data on this report were collected and analyzed.

Date Sample Obtained: Enter the date the sample was taken. Also, check whether or not the well was purged before sampling.

Time Sample Obtained: Enter the time the sample was taken.

Sample Measurement: Record the results of the analysis. If the result was below the minimum detection limit, indicate that. Data qualifier codes are not to be reported on Part D.

Detection Limits: Record the detection limits of the analytical methods used.

Analysis Method: Indicate the analytical method used. Record the method number from Chapter 62-160 or Chapter 62-601, F.A.C., or from other sources.

Sampling Equipment Used: Indicate the procedure used to collect the sample (e.g. airlift, bucket/bailer, centrifugal pump, etc.)

Samples Filtered: Indicate whether the sample obtained was filtered by laboratory (L), filtered in field (F), or unfiltered (N).

Signature: This report must be signed in accordance with Rule 62-620.305, F.A.C. Type or print the name and title of the signing official. Include the telephone number where the official may be reached in the event there are questions concerning this report. Enter the date when the report is signed.

Comments and Explanation: Use this space to make any comments on or explanations of results that are unexpected. If more space is needed, reference all attachments in this area.

SPECIAL INSTRUCTIONS FOR LIMITED WET WEATHER DISCHARGES

Flow (Limited Wet Weather Discharge): Enter the measured average flow rate during the period of discharge or divide gallons discharged by duration of discharge (converted into days). Record in million gallons per day (MGD).

Flow (Upstream): Enter the average flow rate in the receiving stream upstream from the point of discharge for the period of discharge. The average flow rate can be calculated based on two measurements; one made at the start and one made at the end of the discharge period. Measurements are to be made at the upstream gauging station described in the permit.

Actual Stream Dilution Ratio: To calculate the Actual Stream Dilution Ratio, divide the average upstream flow rate by the average discharge flow rate. Enter the Actual Stream Dilution Ratio accurate to the nearest 0.1.

No. of Days the SDF > Stream Dilution Ratio: For each day of discharge, compare the minimum Stream Dilution Factor (SDF) from the permit to the calculated Stream Dilution Ratio. On Part B of the DMR, enter an asterisk (*) if the SDF is greater than the Stream Dilution Ratio on any day of discharge. On Part A of the DMR, add up the days with an "*" and record the total number of days the Stream Dilution Factor was greater than the Stream Dilution Ratio.

CBOD₅: Enter the average CBOD₅ of the reclaimed water discharged during the period shown in duration of discharge.

TKN: Enter the average TKN of the reclaimed water discharged during the period shown in duration of discharge.

Actual Rainfall: Enter the actual rainfall for each day on Part B. Enter the actual cumulative rainfall to date for this calendar year and the actual total monthly rainfall on Part A. The cumulative rainfall to date for this calendar year is the total amount of rain, in inches, that has been recorded since January 1 of the current year through the month for which this DMR contains data.

Rainfall During Average Rainfall Year: On Part A, enter the total monthly rainfall during the average rainfall year and the cumulative rainfall for the average rainfall year. The cumulative rainfall for the average rainfall year is the amount of rain, in inches, which fell during the average rainfall year from January through the month for which this DMR contains data.

No. of Days LWWD Activated During Calendar Year: Enter the cumulative number of days that the limited wet weather discharge was activated since January 1 of the current year.

Reason for Discharge: Attach to the DMR a brief explanation of the factors contributing to the need to activate the limited wet weather discharge.

ATTACHMENTS

ATTACHMENT E: Solid Waste Operations Plan

**NEW HOPE POWER COMPANY
OPERATIONS PLAN
FOR
PROPOSED ASH MONOFILL**

Prepared for:

NEW HOPE POWER COMPANY
21250 US Highway 27
South Bay, Florida 33493

Prepared by:

NEW HOPE POWER COMPANY
21250 US Highway 27
South Bay, Florida 33493

and

JONES EDMUNDS & ASSOCIATES, INC.
730 NE Waldo Road
Gainesville, Florida 32641

Certificate of Authorization #1841

May 2008


George A. Reinhart III, P.E.
Florida P.E. No. 66516

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ATTACHMENTS

ATTACHMENT 1 LEACHATE DISPOSAL AGREEMENT

1.0 GENERAL INFORMATION

This Operations Plan describes the operations of the New Hope Power Company (NHPC) Ash Monofill Disposal Area (Ash Monofill) located at the NHPC Site (Site), which also contains the Okeelanta Cogeneration Facility (Facility). The proposed Ash Monofill is approximately 15.4 acres and will accept ash residue from the Facility. Two leachate storage tanks with a capacity of approximately 45,000 gallons each will serve the Ash Monofill.

The Site is in Palm Beach County, Florida, Section 15 of Township 45S, Range 36E. The address of the Site is 21250 Highway 27, South Bay, Florida 33493.

The operation of the Ash Monofill is governed by the Conditions of Certification established under the Florida Electrical Power Plant Siting Act (PPSA). The Conditions of Certification will contain requirements based on the rules of the Florida Department of Environmental Protection (FDEP) and South Florida Water Management District (SFWMD), the applicable laws and regulations of the State of Florida, and the regulations of the United States Environmental Protection Agency (EPA). An updated Operations Plan will be submitted at the time of permit renewal for each of the disposal areas. The State of Florida regulations that govern Solid Waste Management Facilities, Chapter 62-701 FAC, are also incorporated by reference in this document but for reasons of brevity have not been included. A current copy of Chapter 62-701, FAC, is maintained at the Site office at the Facility. These documents will be updated as necessary to provide the most current information.

The Ash Monofill shall have a minimum of one properly trained operator, who may also serve as the spotter, at the Ash Monofill working face during operations. The number of personnel may increase depending upon the amount of ash being disposed of at the Ash Monofill. A *properly trained operator and spotter* means a person who has shown competency in his or her occupation through a combination of work experience, education, training, and successful completion of an examination in compliance with Rule 62-701.500(1), FAC, and Rule 62-701.320(15), FAC.

The Ash Monofill site supervisor or designee shall conduct training periodically. All personnel employed at the Ash Monofill shall be trained in safety practices, operating procedures, public health, and environmental protection. Operators shall be trained to operate the appropriate type of equipment for which they are employed.

The spotter shall have received training on receiving and depositing solid waste in order to inspect incoming waste and to identify and properly manage hazardous or prohibited wastes detected. He/she shall be familiar with the operating permits governing operations.

Operators shall also successfully complete the Solid Waste Landfill Operators Training Course given jointly by the Florida Chapter of the Solid Waste Association of North America (SWANA), the University of Florida-TREEO (UF-TREEO), and FDEP. This course provides 24 hours of initial training and requires the individual to pass an examination as part of the

training. Within each 3-year period following the initial certification, operators must complete at least 16 hours of continuing training by a State-approved operator training course.

Spotters shall complete 8 hours of initial training through courses provided by SWANA, UF-TREEO, FDEP, or any other State of Florida Solid Waste Management Training Committee (SWMTC) approved courses. Spotters shall also complete an additional 4 hours of continued training within 3 years after attending the initial training and every 3 years thereafter.

The site supervisor shall maintain documentation and proof of training at the Site office at the Facility. The documentation shall include records of continuing education tests or courses and shall be available for FDEP inspection.

1.1 HEALTH AND SAFETY

Ash monofills may contain health hazards that personnel should be aware of. Personnel should know general safety procedures for avoiding and/or mitigating potential hazards at ash monofills. When handling solid waste or leachate, proper attire and methods as delineated in the Occupational Safety and Health Administration (OSHA) requirements shall be used as guidelines for protection against ingestion, contamination, hearing loss, sight loss, or other mishaps. First Aid equipment will be maintained on-site. The Ash Monofill management staff will conduct regular on-site safety meetings.

The Ash Monofill accepts only ash residue from the Facility for disposal. Although unlikely, if a load of ash appears to be in the process of combustion, it will be managed in accordance with Section 3.2, Fire Protection and Control.

1.2 ACCESS AND TRAFFIC CONTROL

Fencing and gates at the entrance from US Highway 27, and natural barriers are used to prevent unauthorized access to the Ash Monofill that may result in theft of property, vandalism, or scavenging. Scavenging will not be allowed.

Traffic will be controlled by internal communications. Visitors to the Ash Monofill are to be supervised by staff.

1.3 VEHICLE WEIGHING AND UNLOADING

The working face of the Ash Monofill will be maintained in an accessible condition up to 100 feet wide to accommodate vehicles discharging waste and to reduce the exposed area and the use of cover material. Waste shall be deposited as close as possible to the adjacent lift to reduce spreading and compacting distances. Each working face will be maintained for the anticipated traffic maneuvering during waste fill operations. Typical lifts will be 8 to 10 feet high, but may be greater than 10 feet if necessary to accommodate specific operations, the daily volume of waste, the width of the working face, and good safety practices. The drivers will unload at the

designated location on the working face. Unloading will be permitted only at the designated working face of currently operating cells. The weight of ash disposed of will be estimated based on the number and volume of trucks disposing of the ash and then recorded. Scales are not proposed for this site due to the homogeneity of the ash density.

1.4 WASTE INSPECTION

The spotter will visually inspect all ash for unauthorized waste before disposal in the appropriate disposal area. A random-load checking program will not be performed in accordance with Rule 62-701.500(6), FAC due to the consistent nature of the waste disposed of and the ability to identify the nature and source of the waste. The applicant controls the type of waste received. Only ash from the Facility will be accepted. The applicant also controls the vehicles that will have access to the Ash Monofill. Consequently, no motor vehicles, shredded waste, asbestos waste, contaminated soils, biological waste, or other inappropriate materials will be accepted.

- Spotters—The Ash Monofill spotters shall visually inspect all waste deposited at the working faces.
- Spreading and Compaction—The equipment operator shall visually inspect the waste when spreading and compacting lifts. Unauthorized waste shall be removed from the working face and taken to a proper disposal location.

1.5 OPERATING RECORD

The Operating Record shall consist of records, reports, analytical results, demonstrations, construction, operation, and closure permits along with engineering drawings and supporting information, required notifications, and training records required by Rule 62-701.320(15), FAC, will be kept at the office at the Facility. The Operating Record will be available for inspection by FDEP personnel at reasonable times.

Information used to develop or support the applications and pertaining to construction and operation of each of the disposal areas, including background water quality records, will be maintained throughout the design period of the disposal areas. Records of monitoring information, including calibration and maintenance records, and copies of all records required by the Conditions of Certification will be maintained for at least 10 years. Records that are more than 5 years old may be archived at the NHPC offices. These records are filed by subject and date and are retrievable as needed within 7 days of being requested.

Data to be included in the Operating Record include but are not limited to the following:

- Readings taken daily from onsite rain gauges to record precipitation. Quantities of leachate collected by the leachate collection and removal system (LCRS) will be recorded in gallons per day before being transported off site and will be included in the Ash Monofill's operating record.

- Inventories estimating the remaining life and capacity in cubic yards for each disposal area as well as the remaining capacity and life of other authorized areas not yet constructed. These will be developed and reported annually to FDEP. The annual estimates will be maintained at the office at the Facility.

2.0 ASH MONOFILL EQUIPMENT AND OPERATION FEATURES

2.1 UTILIZATION

Ash Monofill equipment shall be operated or used only by qualified personnel in the employment of the Ash Monofill. Only Ash Monofill personnel are authorized to move or relocate equipment on the site or around the on-site roads.

Ash Monofill equipment is categorized into five distinct areas with uses and examples as listed below:

1. Personnel Transport Equipment—used for moving staff, tools, and supplies from place to place on the Site.

Examples: car, pickup truck, panel van, ATV, etc.

2. Waste-Hauling Equipment—used for spreading, compacting, and transporting waste.

Examples: bulldozer, front-end loader, tanker, etc.

3. Ash Monofill Cover Equipment—used for excavation, transporting, spreading, and compacting cover material from on-site stockpiles or borrow areas.

Examples: dredge, dragline, bulldozer, earth mover, dump truck, etc.

4. Support Equipment—used in every aspect that supports operations.

Examples: tools, maintenance equipment, spray vehicles, lighting, pumps, welders, clerical equipment, cleaning equipment, security equipment, mowing, road maintenance equipment, etc.

5. Communications Equipment—used for coordination between facility personnel during normal and emergency operations.

Examples: two-way radio, cellular phone, pagers, etc.

The equipment is sufficient to ensure proper operations at the Ash Monofill, including excavating, spreading, compacting, and covering ash waste. Backup equipment is available from local suppliers within 24 hours in the event of equipment breakdown.

2.2 COMMUNICATIONS EQUIPMENT

Communication equipment capable of functioning under conditions of power, phone, or utility outages is required. All supervisors shall have access to a communication device that functions on battery power. Backup shall be maintained at the site for emergency situations.

2.3 DUST CONTROL

A water tanker truck with a discharge attachment may be used to apply water to the all-weather-access roads and Ash Monofill as needed for dust control. A consumptive use permit may be required if groundwater is used to control dust during construction.

3.0 SOLID WASTE DISPOSAL PROCEDURES

3.1 DISPOSAL UNITS

3.1.1 Placement, Compaction, and Sequence of Filling

The establishment of an “active face” at the Ash Monofill will depend on the quantity of waste received for the given day. Control of surface water run-off/run-on and vehicle access must be considered when establishing the location, size, and slope geometry of the active face for the disposal area. In general, the Ash Monofill site supervisor will direct the minimum practical size active face.

The initial authorization for the Ash Monofill is requested for two cells which will be constructed sequentially. Filling will begin in Cell 1A and will continue until the maximum height is achieved. Filling will continue in Cell 1B in accordance with the general filling sequence as shown in the *Phasing Plan* drawings in Appendix B.

To protect the integrity of the leachate collection system and synthetic liner at the disposal areas, equipment is prohibited from driving directly on the 24-inch protective cover soil which acts as a protective layer. A minimum of 4 feet of ash must be in place before unrestricted access is allowed for these types of equipment.

The first layer of ash waste shall be placed over the prepared 24-inch protective cover in the following manner to minimize the risk of damage to the liner and leachate collection system:

- The first loads of ash placed on the prepared surface shall be brought into the lined Ash Monofill cell at the location designated by the Ash Monofill site supervisor. The first layer of ash waste placed on the protective layer will be a minimum of 4 feet in compacted thickness and consist of selected wastes containing no rigid or large objects that may damage the liner or leachate collection system. Ash waste shall continue to be deposited and spread outward until a working face large enough for equipment turn-around is established.

The following general guidelines should be used for ash placement and compaction:

Generally all waste materials for the Ash Monofill disposal area will be placed in approximately 2-foot-thick layers. The ash does not necessarily require continuous compaction. The volume and frequency of ash delivery may be at a rate that would not warrant a full-time equipment operator to remain in the disposal area; therefore, material will be stockpiled until there is sufficient material to effectively spread and compact or at the end of the day, whichever is more frequent. The ash will be compacted to increase the waste density. The number of passes (generally three to five passes) for compaction may be adjusted in the field. The ash will be compacted as necessary by a front-end loader or bulldozer to achieve the maximum practical density.

3.1.2 Cover

Cover material will be obtained from on-site borrow pits, stockpiles, or, if necessary, off-site pits. Sufficient suitable cover material will be stockpiled near the working face to provide an adequate supply for operations when needed.

3.1.2.1 Initial Cover

The ash is a non-putrescible waste resulting from the incineration of bagasse and wood waste. The ash is not expected to propose any adverse environmental, safety, or health effects. The ash will not attract birds or vectors. There will be no blowing litter associated with the ash. There will be no risk of odors, disease vectors, or fires. Accordingly, the applicant requests FDEP's approval to use the Facility's ash as initial cover; please refer to Attachment B.1 of Exhibit 3 for more information. Soil cover will be applied as needed to control dust and ash migration.

3.1.2.2 Intermediate Cover

Intermediate cover (soil or mulch) will be placed on the Ash Monofill surface within 7 days of cell completion in all areas that will not receive final cover or an additional lift of refuse within 180 days. Intermediate cover will be placed to a minimum compacted thickness of 12 inches. To conserve soil and Ash Monofill space, the intermediate cover may be removed immediately before placement of additional solid waste on top of the previous lift. The removed soil can be reused as future cover material. Intermediate cover areas will be seeded, sodded, or provided with other means of controlling erosion.

3.1.2.3 Final Cover

Final cover is defined in the regulations as the material used to cover the top and sides of an ash monofill when operations cease. Final cover shall be placed over the entire surface of the completed Ash Monofill within 180 days after the final waste deposit date, once the final grades are reached. The final slope on top of each disposal area will not exceed 10%. The perimeter sides of all completed cells will have a maximum slope of 3:1 to mitigate erosion. Areas with final cover will be seeded or planted with grass or suitable cover vegetation.

In general, 3:1 sideslopes with bench terraces approximately 10 feet wide spaced a maximum of approximately every 50 feet of vertical rise for the Ash Monofill, in conjunction with adequate drainage, will reduce the potential for slope failure due to erosion. Terraces and other stormwater control structures will be constructed as required during filling operations and completed during final cover construction.

Final cover is proposed to consist of a geomembrane as the primary barrier overlain by a drainage layer and 24 inches of cover soil or approved alternative covers. The first 18 inches will be soil fill and the top 6 inches will be uncompacted and vegetated with native grasses or

other vegetation. The vegetation will be selected for low maintenance. The final cover design will be in accordance with the approved Final Cover Drawings for each disposal area.

3.1.3 Litter Control and Access Roads

The current design calls for disposal of ash residue from the on-site Facility and will not cause litter or blown debris. Therefore, the use of litter control devices is not applicable.

Dust control for roadways and ash waste surface consists of water application from a water truck as necessary and/or soil cover. Dust control measures should be anticipated during dry windy weather and in unpaved access locations that experience high traffic. Ash slopes that are covered with intermediate or final cover should be vegetated and/or provided with mulch as soon as possible to control dust on the Ash Monofill surfaces.

An all-weather access ramp into the disposal area and all disposal area access roads will be maintained to provide access to the active face of the disposal area. Routine maintenance on access roads includes the following:

- Prompt repair of potholes
- Removal of debris
- Watering of non-permanent roads during dry weather to control dust

Litter (if any) around the Ash Monofill and the entrance roadways will be collected regularly and picked up within 24 hours, in accordance with Rule 62-701.500(7)(i), FAC. Ash Monofill staff will notify the site supervisor of conditions needing immediate attention.

3.2 FIRE PROTECTION AND CONTROL

The ash waste is an incineration by-product and has very low combustion potential. Should a fire occur on-site, the procedures for controlling fires are as follows:

- Small fires on working faces will be controlled using a bulldozer to apply moist soil or ash residue to the fire to extinguish it. Onsite stockpiles of soil are available for suppressing fires.
- Water from nearby stormwater ponds can also be used for fire control. A water truck can move water from the stormwater ponds to the fire location via temporary piping. If an uncontrollable fire does occur at the Ash Monofill, the Palm Beach County Fire Department should be contacted immediately.

4.0 LEACHATE MANAGEMENT

4.1 TREATMENT SYSTEM DESCRIPTION

Leachate collected from the Ash Monofill will be pumped to the leachate storage tanks. Leachate will be pumped with self-priming centrifugal pumps from the leachate storage tanks to a tanker truck via the loading station for disposal at an approved wastewater treatment plant.

4.1.1 Submersible Pumps

Leachate collected from the Ash Monofill will be from the leachate collection/leak detection system to the leachate storage tanks using submersible pumps.

4.1.2 Leachate Storage

The proposed leachate storage tanks for the Ash Monofill will be located east of Cell 1A. There will be two adjacent fiberglass storage tanks with a total capacity of approximately 90,000 gallons.

4.2 LEACHATE MANAGEMENT CONTINGENCY PLAN

The primary method for disposing of leachate from the Ash Monofill is to haul the leachate offsite to the Belle Glade Wastewater Treatment Plant in Belle Grade, Florida, which is owned and operated by the Belle Glade Utilities Department (Attachment 1). If this primary disposal facility is unable to accept the leachate, NHPC has identified the East Central Regional Wastewater Treatment Plant in West Palm Beach, Florida, as a possible alternate leachate disposal facility.

Preliminary investigations suggest that the leachate generated at the Ash Monofill will be non-hazardous. However, if leachate testing indicates that the leachate is to be managed as a hazardous waste, the leachate will be processed and disposed of in accordance with Chapter 62-730, FAC. For additional details including monitoring, sampling, and analysis, please refer to the Water Quality Management Plan for the site.

4.3 FLOW MEASUREMENT

Inline magnetic flow meters will be used to measure the Ash Monofill leachate generation rates. In the Ash Monofill disposal area, magnetic flow meters will measure the flows from the leachate collection and detection systems separately as the leachate is pumped to the leachate storage tanks.

All flows will be totalized and recorded in terms of gallons per day. At the same time, daily readings will be taken from a rain gauge. The quantity of leachate collected by the leachate collection/leak detection systems is recorded in gallons per day and included in the Operating

Record along with the precipitation records. The daily records of leachate flows and rainfall data shall be maintained as specified in Section 4.5.3.

4.4 LEACHATE COLLECTION AND REMOVAL AND LEAK DETECTION SYSTEMS

4.4.1 Operation

Leachate generated in the Ash Monofill is removed by pumping. The cell is designed so that leachate flows to the east perimeter berm where it is collected in a sump at the toe of the east slope. The large sump provides adequate storage volume to improve pump cycle times so the pumps can operate at increased efficiency.

Dual 24-inch HDPE riser pipes extend from the base of the sump to the top of the perimeter berm. The risers are perforated at the base of the sump to allow leachate to flow into the riser. A submersible pump is installed in each of the risers for leachate removal. The pumps are located at the base of the sump and are designed to operate while oriented horizontally. Liquid level and pump run times will be monitored at control panels located at the cell. A high-level alarm is provided to alert staff of a pump malfunction. The pumps can be removed from the HDPE riser for maintenance or replacement following the manufacturer's recommendations.

An HDPE leachate discharge line extends from each pump up the riser and is exposed at the top of the perimeter berm to provide access to valves, air release valves, and pressure gauges. Valves and piping can be set for single- or dual-pump operation and can be visually inspected. A concrete access pad provides stabilization for the HDPE risers and discharge piping at the top of the slope.

The leachate discharge line connects to a common 4-inch-diameter HDPE forcemain that runs east of the Ash Monofill to the leachate storage tanks located east of the monofill. Separation valves allow for discharge of leachate into either storage tank.

4.4.2 Inspections and Maintenance

The Ash Monofill disposal unit contains a leachate collection and removal system (LCRS) composed of HDPE piping, geotextiles, drainage sand, synthetic drainage media, and drainage rock. The HDPE leachate collection piping in each cell extends up the perimeter berm slopes to allow cleanout. These cleanouts allow for inspection by video recording as well as maintenance of the collection pipes by jet cleaning. The leachate collection system will be inspected by video recording or water-pressure cleaned after construction but before the initial placement of waste. After that the system will be inspected or cleaned as needed but, at a minimum, at the time of permit renewal. Documented results of inspections and cleanings will be maintained in files. If problems with the system are discovered during inspection and/or cleaning, the NHPC will notify the FDEP and obtain approval before beginning any remedial work.

4.4.3 Record Keeping

All inspection records for the leachate collection, detection, and storage systems will be maintained in the office at the Facility and will be available for Department review upon request.

4.5 LEACHATE STORAGE

Two aboveground leachate storage tanks proposed for Cell 1 will be located east of the Ash Monofill. Each tank will have a storage capacity of approximately 45,000 gallons.

4.5.1 Storage Tank Construction

The prefabricated storage tanks will be made of fiberglass reinforced plastic (FRP) that will be suitable for leachate storage. A pigmented gel coat containing UV inhibitors will be applied to the exterior surface of the completed tank.

4.5.2 Tank Interior and Exterior Inspections

NHPC employees or their designee will inspect the exteriors of the tanks weekly. The inspector will look for any structural damage to the tank, damage to the coating system, loose connections, corrosion, visible leaks, the exterior urethane seal at the base of the tank, and maintenance deficiencies. The inspector will also look for any structural damage to the concrete walls and floor of the secondary containment system, peeling of the paint system, and visible leaks.

Access to the inside of each tank will be provided via a man-way located at the bottom of each tank. The interiors of the tanks will be inspected whenever the tanks are drained or at least once every 3 years. The tanks cannot be emptied and cleaned if an intense storm event is forecasted. Before a tank is inspected, any sediment in the tank will be pumped out and disposed of in the Ash Monofill. The inspector will look for any damage to the interior coating system, structural damage or cracking of the tank, and visible leaks.

If inspections reveal any deficiencies with the interior and/or exterior of the tanks that could result in failure of the system to contain leachate, NHPC will take expedient action to repair the system. NHPC will notify the manufacturer, or another qualified contractor, of the situation; this manufacturer or contractor will perform a detailed damage assessment and repair the tanks.

Inspection reports and reports of remedial action measures taken will be maintained at the Facility office and will be made available to the FDEP upon request. All reports will be maintained for the lifetime of the tanks and the containment system.

4.5.3 Secondary Containment System

A secondary containment system will be in place for the storage tanks and will be capable of containing at least 110% of the total volume of both tanks. The tanks provide approximately

90,000 gallons of storage and the secondary containment system provides approximately 100,000 gallons of containment storage.

The containment system will consist of a minimum 12-inch-thick reinforced concrete floor slab, 8-inch-thick reinforced concrete and/or masonry side walls, contraction joints, and a drain. The contraction joints will be constructed with reinforcement spanning the joint for structural support and with a continuous waterstop for leakage control. In addition, a mastic coating will be provided in each joint to further protect against potential leakage.

The floor slab of the containment system area will be sloped toward a drain. The drain is used to collect accumulated precipitation or leaking leachate and will serve as a sump. The sump pump discharge piping will be equipped with a valve so that the pump can be used to transfer spilled leachate into the storage tanks. Stormwater may also be pumped into the adjacent stormwater management system. The pump will be manually operated; therefore, the operator will determine the point of discharge by adjusting the pump's discharge valves before starting the pump. The operator shall always set the sump pump to pump into the storage tanks for a minimum of 1 minute to purge the system of any leachate residues before pumping stormwater into the stormwater management system.

NHPC employees or their designee will inspect the surfaces of the secondary containment weekly. If inspections reveal deficiencies with the secondary containment system that could result in the system's failing to contain the leachate, NHPC will take expedient action to repair the system.

4.5.3.1 Leachate Storage in Secondary Containment

The existing concrete floor slab of the secondary containment system is designed to drain toward a trench drain to collect accumulated precipitation or leachate. The trench drain will drain toward a sump pump. Accumulated precipitation or leachate shall be removed within 24 hours or when 10% of the trench drain volume is reached, whichever occurs first. Leachate will be pumped back into the storage tanks.

4.5.3.2 Stormwater Removal from Secondary Containment

Stormwater collected in secondary containment will be inspected to determine if the stormwater has been contaminated. Signs of contamination include the following:

- An oily sheen on the surface of the liquid.
- A dark or non-transparent appearance of the liquid.
- An excess of suspended solids in the liquid.
- An odor coming from the liquid.

If no contamination is noted, the stormwater will be pumped to the stormwater collection system. If it is contaminated, the stormwater will be treated as leachate and pumped to the storage tanks.

4.5.4 Liquid Level Monitoring

The storage tanks will be equipped with float-operated liquid-level indicators with a direct readout. The level gauge boards will be mounted in a highly visible location on the exterior of the tanks. A visual and audible alarm will be located on the control panel to alert staff to potential problems with the pump system if a high leachate level (before overflow) is reached. The high level in the leachate tanks is designed at 56.50 feet or 1.0 foot below overflow. The overfill prevention system will be inspected weekly by NHPC to ensure it is operating properly.

5.0 LANDFILL GAS MANAGEMENT

In accordance with Rule 62-701.500(9), FAC, due to the non-degradable nature of the ash waste, gas monitoring and management systems and a gas management plan are not proposed.

6.0 STORMWATER MANAGEMENT AND EROSION CONTROL

6.1 STORMWATER MANAGEMENT

The stormwater management system, which will be operated and maintained by NHPC personnel, has been specifically designed for ease of operation and maintenance. The application for the construction and operation of the Ash Monofill's surface/stormwater management system is submitted as part of this PPSA request. The stormwater management system was designed, constructed, and is maintained to prevent stormwater from the peak discharge of the 25-year storm event from running onto those portions of the disposal areas which have not been closed and to isolate surface water from waste-filled areas. Sediment in the swales shall be removed monthly or quarterly and after large storm events to keep the stormwater management system at the designated grades and elevations. In addition, operational methods are implemented on the Ash Monofill to preclude excessive stormwater run-on to the active face and to control stormwater run-off (e.g., berms). Temporary stormwater liners (rain tarps) will be used in inactive areas of each disposal unit to prevent stormwater from entering into the LCRS. Stormwater that accumulates in these inactive areas, separated by berms, will be pumped using portable pumps or gravity drain out of each cell into the perimeter stormwater management system. Stormwater that has been in contact with ash or leachate is directed to the LCRS using berms and/or ditches and will not be discharged to the environment.

6.2 EROSION CONTROL

The earth berms, slopes, swales, and catch basins will be inspected weekly and after heavy rains for signs of erosion. A visual inspection of erosion-control devices such as silt fences or mulch on recently graded slopes will be conducted, and such devices will be replaced or repaired as required.

Erosion-affected areas shall be reported to the site supervisor for repair as required. Repairs may include excavation and re-grading of ditches, removal of obstructions, construction of temporary silt checks, and establishment of vegetation.

7.0 WATER QUALITY MONITORING

The Water Quality Monitoring Plan, a copy of which is maintained on-site, includes monitoring of groundwater, surface water, and leachate. The plan was designed based upon the information obtained in the hydrogeological reports for each disposal area and was prepared and submitted to the Department in accordance with Rule 62-701.510(2)(a), FAC, with the application for the Ash Monofill. Laboratories selected to perform environmental sampling and analysis required by Department permits or rules will hold a valid certification from the Department of Health's Environmental Lab Certification Program as required by Rule 62-160, FAC. All field and laboratory records will be made available to the Department and will be retained for the design period of the respective disposal area.

The proposed groundwater monitoring network consists of two background wells, six downgradient detection wells, and three piezometers. The monitoring network includes one leachate sampling point and two surface water sampling points. The monitoring network is summarized below:

Background Wells: MW-7A, and MW-8A

Detection Wells: MW-1A, MW-2A, MW-3A, MW-4A, MW-5A, and MW-6A

Leachate: L-1

Surface Water: SW-1, and SW-2

Semi-annual water quality monitoring reports will be prepared in accordance with Rule 62-701.510, FAC, and submitted to FDEP as required. The reports will include the information listed in Rule 62-701.510(9)(a)1-10, FAC. A technical report prepared and signed by a professional engineer or geologist with experience in hydrogeological investigations will be submitted to the Department every 2 years as required by Rule 62-701.510(9)(b), FAC. The report will summarize all water level and water quality data collected in the previous 2 years plus, at a minimum, all information listed in Rule 62-701.510 (9)(b)1-8, FAC.

NHPC will implement the evaluation monitoring, prevention measures, and corrective action programs in accordance with the requirements of Rule 62-701.510(7), FAC, as required based upon the groundwater monitoring results.

8.0 CONTINGENCY PLANS

If Ash Monofill operations are interrupted due to an emergency or natural disaster, ash may be temporarily stored in a concrete bunker adjacent to the boiler building at the NHPC Cogeneration Facility. If operations are interrupted for an extended period, ash may be disposed of off-site at the Belle Glade Transfer Station (approximately 10 miles from the site at 1701 State Road 15, Belle Glade, Florida) where the ash will be loaded into transfer trailers and taken to a Class I Landfill for disposal. Alternate and contingency operation methods for severe wet weather, equipment failure, power failure, and emergency contact information are provided below.

8.1 WET WEATHER OPERATIONS

Perimeter and intermediate berms protect the waste within each disposal area from exposure to severe wet weather and flood waters. Steps to be taken for accommodating wet weather ash disposal may include the following: 1) elevated areas with all-weather access roads (e.g., limestone) will be set aside as needed to allow vehicle or equipment staging adjacent to access roads, 2) elevated sandy cover materials and mulch will be set aside, and 3) the stormwater system and surface drainage will be monitored more frequently.

8.2 EMERGENCY OPERATIONS PROCEDURES FOR NATURAL DISASTERS

Emergency contacts are listed below:

Emergency Response:

Palm Beach County Fire/Rescue	911
National Response Center	800-424-8802
Florida Marine Patrol (spills in waterway)	239-332-6966
American Red Cross	239-278-3401
Poison Control Center	800-222-1222

Waste Oil/Solvent Disposal/Recovery:

(Including oil filters, water and antifreeze)	
Siemens Corporation, Plant City, Florida	813-478-7737

Hazardous Waste Clean-Up And TSD Facilities:

EG Floirda, Inc.	800-624-5302
Perma-Fix of Orlando, Inc., Orlando, Florida	407-859-4441
Chemical Waste Management, Pompano Beach, Florida	800-432-4526

Helpful Information:

EPA "Federal RCRA Hotline"	800-424-9346
Florida Department of Environmental Protection (FDEP)	
State Office – Tallahassee, Florida	850-245-8735
Local Office – West Palm Beach, Florida	561-681-6600
FDEP Emergency	850-413-9911
FDEP Emergency	800-320-0519
Florida Fish and Wildlife Conservation Commission	800-282-8002
Asbestos Information	800-368-5888

Palm Beach County Agencies:

Health Department – Environmental Health	561-355-3022
Sheriff	561-996-1670
Fire Marshall	561-616-7030
Emergency Management Department	561-712-6400
Solid Waste Authority of Palm Beach County	561-640-4000

8.3 SHORT-NOTICE HEAVY EQUIPMENT

Ash Monofill operations require the use of heavy equipment for placing, compacting, and relocating ash waste and cover. Below are two sources of heavy equipment that may be drawn from on short notice in an emergency or in case of equipment failure:

Kelly Tractor Co.
5460 Okeechobee Boulevard
West Palm Beach Florida 33417
(561) 683-2015 ext. 122

United Rentals
3250 45th Street
West Palm Beach, Florida
(561) 616-5000

8.4 EMERGENCY LIGHTING

Mobile generators will be obtained to support pumps and portable light stands in case of a power outage. All of the heavy equipment should have a minimum of two front headlights and one rear light.

8.5 COMMUNICATIONS

The site supervisor and operators should be equipped with radios that have cellular phone capabilities.

ATTACHMENT 1

LEACHATE DISPOSAL AGREEMENT



City of Belle Glade

Department of Public Works

Public Works

2050 West Canal Street South
Belle Glade, FL
33430-1646
Tel: 561-992-2216
Fax: 561-992-2202

City Hall Complex
110 Dr. Martin Luther King Jr.
Boulevard West
Belle Glade, FL
33430-3900
561-996-0100

www.belleglade-fl.com

Commissioners

Donald D. Garrett
Mayor

M. S. Kendall
Vice Mayor

Gwendolyn J.L. Asia-Holley
Treasurer

Shelly S. Miller

Dr. Ray Torres Sanchez

William F. Underwood, II,
City Manager

March 13, 2008

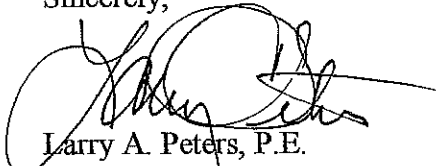
Ms. Rebecca Kelner, P.E.
Project Engineer
Jones Edmunds & Associates, Inc.
730 NE Waldo Road
Gainesville, FL 32641

Re: New Hope Power Partnership Ash Monofill
Leachate Disposal

Ms. Kelner,

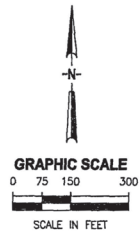
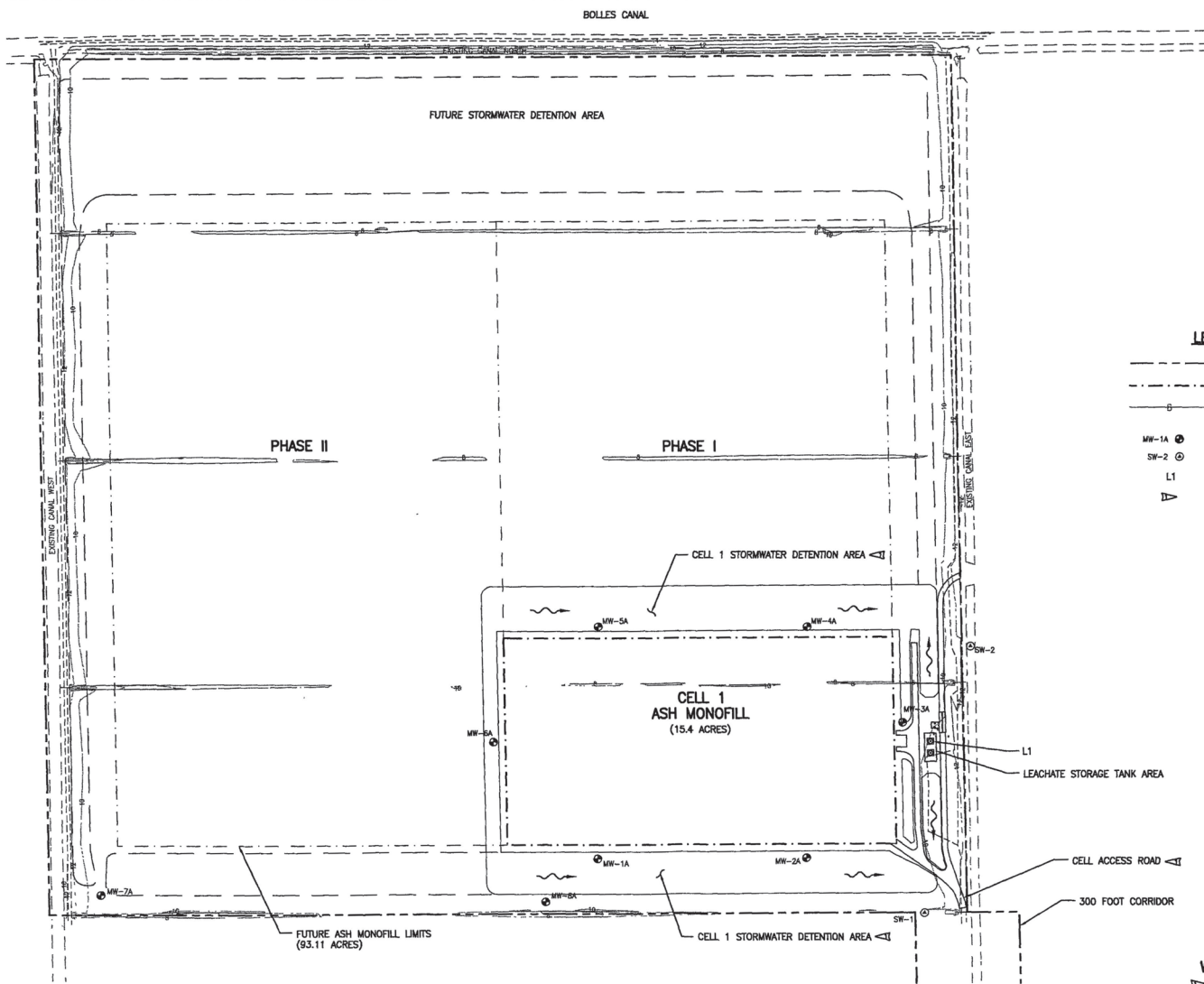
The City of Belle Glade owns and operates the Belle Glade wastewater treatment facility. We are willing to accept a wastewater stream from the referenced ash monofill facility, provided the flows and loads meet the requirements of the Belle Glade Facility. An analysis of the wastewater stream will be required for our review and approval when the data becomes available. It is our understanding that New Hope Power Partnership will provide pre-treatment of the wastewater stream, if required.

Sincerely,



Larry A. Peters, P.E.
Director of Public Works and Utilities

cc: William F. Underwood II, City Manager
Mark Kutney, Deputy City Manager



- LEGEND**
- PROPERTY BOUNDARY
 - - - CELL 1 LIMITS
 - - - EXISTING 2 FOOT CONTOUR (FROM SURVEY PROVIDED BY PAG SURVEYORS, INC. DATED 10/1/88)
 - MONITORING WELL
 - SURFACE WATER SAMPLING POINT
 - △ LEACHATE SAMPLING POINT
 - ▽ REVISED PER FDEP RAI 1.

- NOTES:**
1. ELEVATIONS DEPICTED HEREON ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).
 2. FOR AN APPROXIMATE CONVERSION FROM NAVD 88 TO NGVD 29 USE: NAVD 88 + 1.38'.

FIGURE M.1
WATER QUALITY MONITORING PLAN
PALM BEACH COUNTY, FLORIDA