

**STATE OF FLORIDA
DEPARTMENT
OF
ENVIRONMENTAL PROTECTION**



Conditions of Certification

**Florida Power & Light Company
St. Lucie Power Plant
Nuclear Units 1 & 2**

PA74-02J

**Modified
08/28/2023**

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Attachment A	Certified Site/Facilities Delineation Map(s)
Attachment B	Surface Water Management System Plan(s) – if applicable
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Attachment D	ROW Easement No. 26211

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 Florida Power & Light Company (FPL) as owner/operator and Licensee of the St. Lucie Power Plant. Subject to the requirements contained in these Conditions of Certification (Conditions), FPL will construct, operate, and maintain a 1886 megawatt (nominal) facility consisting of two nuclear units, Unit 1 and Unit 2, and Associated facilities as described in the Site Certification Application (SCA). The electric generating units/line and are located on a 177 acres certified site on the approximately 1,130-acre site located on Hutchinson Island, St. Lucie County, Florida. The UTM coordinates are: Zone 17, 573.86 kilometers (km) East; 3025.01 km North.

B. The certified facility includes but is not limited to the following major associated facilities:

- Two pressurized nuclear reactors (Units 1 & 2)
- Four steam generators (within the containment building)
 - A containment building (nuclear steam supply system, including the reactor, steam generators, reactor cooling pumps, and related equipment)
 - A turbine generator building (turbine generator and associated main condensers)
 - An auxiliary building (waste management facilities and engineered safety features components)
 - A fuel handling building (spent fuel storage pool and storage facilities for new fuel)
- Switchyard
- Technical and administrative support facilities
- Public education facilities (Energy Encounter Exhibit and the Marine Education Facility)

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. A map, delineating the boundaries of the certified site as defined by Section 403.503(28), F.S., and an aerial photograph delineating the boundaries of the site 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

SECTION A: GENERAL CONDITIONS

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 completion of construction of the plant and on-site associated facilities, but excluding off-site linear and non-linear associated facilities, the Licensee shall provide to the Department in .pdf format acceptable documentation identifying the certified and non-certified facilities within the site such as an aerial photograph. Certified facilities identified within the site shall include both the certified electrical power plant's generating 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 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 site boundaries for each off-site non-linear associated 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 linear associated 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 associated 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)

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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)
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 (Treatment Plan Classification and Staffing)
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)

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62-777 (Contaminant Cleanup Target Levels)
62-780 (Contaminated Site Cleanup Criteria)
62-814 (Electric and Magnetic Fields)

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

Unless otherwise indicated herein, 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 modification to the Conditions of , as well as supplemental applications.

B. “Associated facility” or “associated facilities” as defined by 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.

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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.

L. “Grantee” means Florida Power & Light Company

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

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

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

P. “SCA” means the Site certification Application (i.e., the Application)

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

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

S. “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.

T. “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.

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

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

W. “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.]

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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.

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

VII. NOTIFICATION

A. If, for any reason, the Licensee does not comply with or will be unable to comply with any condition or limitation specified in this License, the Licensee shall provide the 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. Any owner or operator of a facility who has knowledge of any incident reportable to the State Watch Office regarding a certified facility shall notify the State Watch Office at (800) 320-0519 as soon as possible, but not later than 24 hours after discovery of the incident.

D. Any owner or operator of a facility who has knowledge of any reportable pollution release shall submit a Public Notice of Pollution by following the instructions at <https://prodenv.dep.state.fl.us/DepPNP/user/pnpRequest>, as soon as possible, but not later than 24 hours after discovery of the release.

[Section 403.077, F.S.]

E. Within 60 days after certification of a linear Associated 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.

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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 5I-2, F.A.C.

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

C. Vegetation

For areas located in any Florida Department of Transportation (DOT) ROW, Chapter 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 guidelines for best management practices.

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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 to be impacted in the path of construction of certified facilities 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.]

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.]

H. Sanitary Wastes

Disposal of sanitary wastes from construction toilet facilities shall be in accordance with applicable regulations of the Department.

[Rule 62-6.0101, 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 reasonable time frame as may be

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mutually agreed upon by the Department and the Licensee, furnish any information required by law, which is needed to determine compliance with the certification.

Anyone seeking access into the licensee's "Protected Area" (as defined pursuant to 10 CFR Part 73), must meet all of the requirements for access into the Protected Area and be escorted at all times while in the Protected Area. Further, pursuant to 10 CFR Part 100, the licensee shall have the authority to exclude or remove anyone from the Exclusion Area in case of emergency, to protect the public health and safety.

[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.

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.]

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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 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

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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 of certification shall be interpreted to preclude the post-certification exercise by any party of whatever procedural rights it may have under Chapter 120, F.S., including those related to rule-making proceedings.

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

XIX. AGENCY ADDRESSES FOR POST-CERTIFICATION SUBMITTALS AND NOTICES

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

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

Florida Department of Environmental Protection
Southeast District Office
3301 Gun Club Rd
MSC 7210-1
West Palm Beach, FL 33406

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

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South Florida Water Management District
Office of General Counsel
3301 Gun Club Road
West Palm Beach, Florida 33406
For ROW submittals: rowpermits@sfwmd.gov

Florida Department of State
Division of Historical Resources
500 South Bronough Street
Tallahassee, Florida 32399-0250
compliancepermits@dos.myflorida.com

St. Lucie County
County Attorney's Office
2300 Virginia Avenue
Fort Pierce, Florida 34982
MCIND@stlucieco.org

[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 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.

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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 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.

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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

[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.

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

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

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XXVI. WATER QUALITY CERTIFICATION

Pursuant to the Operating Agreement between the Department, United States Army Corps of Engineers (USACE) and water management districts, the written final order granting certification under the Florida Electrical Power Plant Siting Act, sections 403.501-.518, F.S., also constitutes certification of compliance with state water quality standards pursuant to section 401 of the Clean Water Act, 33 U.S.C.

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

XXVII. 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 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.]

XXVIII. 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.]

XXIX. 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 Southeast District for review, all

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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. A copy of the submittal shall also be provided to the SCO.

b. This form may: 1) be submitted concurrently with a SCA; 2) be submitted as part of an amendment request or a petition for modification; or 3) 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.

c. 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.

d. 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.

e. 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. Formal DEP-approved wetland and surface water delineations are valid only for a period of five years.

[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

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Department unless a specific condition of this certification or a formal wetlands jurisdictional determination under Section 373.421(2), F.S., provides otherwise.

[Sections 373.421, 403.504, F.S.]

4. Silt screens, hay bales, turbidity screens/barriers or other such sediment control measures shall be utilized during construction. The selected sediment control measure shall be installed landward of all protected wetlands and other surface waters and shall be properly "trenched" etc. All areas shall be stabilized and vegetated immediately after construction to prevent erosion into wetlands and other surface waters.

[Chapter 62-330, F.A.C.]

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 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 Operation and Maintenance Requirements for that system and included in Attachment B (Surface Water Management System Requirements). Any alteration or modification to the SWMS Plan or the SWMS as certified requires prior approval from the Department.

3. To allow for stabilization of all disturbed areas, 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 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

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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 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>), 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. 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 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 herein, the Department determines the system to be in compliance with the approved plans, and the entity approved by the Department accepts responsibility for operation and maintenance of the system.

10. The DEP District 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.]

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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 Board shall consider, mitigation to offset otherwise such impacts under the ERP review process pursuant to subparagraph A.1., above.

2. Proposed mitigation requirements/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 Requirements/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.]

XXX. 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.

[Sections 403.511, F.S.]

XXXI. 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.]

XXXII. 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

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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.]

XXXIII. 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.

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

B. Wastewater Incident Reporting

In accordance with Section 403.077, F.S., unauthorized releases or spills reportable to the State Watch Office pursuant to subparagraph 2.a. above shall also be reported to the Department within 24 hours from the time the Licensee becomes aware of the discharge. The Licensee shall provide to the Department information reported to the State Watch Office. Notice of unauthorized releases or spills may be provided to the Department through the Department's

SECTION A: GENERAL CONDITIONS

Public Notice of Pollution web page at <https://floridadep.gov/pollutionnotice> or by reporting electronically using the Department's Business Portal at <http://www.fldepportal.com/go/> (via "Submit" followed by "Report" or "Registration/Notification").

1. If, after providing notice pursuant to paragraph (d) above, the Licensee determines that a reportable unauthorized release or spill did not occur or that an amendment to the notice is warranted, the Licensee may submit a letter to the Department documenting such determination at pollution.notice@floridadep.gov.

2. If, after providing notice pursuant to paragraph 4. above, the Licensee discovers that a reportable unauthorized release or spill has migrated outside the property boundaries of the installation, the Licensee must provide an additional notice to the Department that the release has migrated outside the property boundaries within 24 hours after its discovery of the migration outside of the property boundaries.

[Chapter 403.077, F.S.]

XXXIV. 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 Watch Office, (800) 320-0519, as soon as possible, but not later than one working day of discovery of the release.

SECTION A: GENERAL CONDITIONS

2. 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 public by submitting a Public Notice of Pollution, <https://prodenv.dep.state.fl.us/DepPNP/user/pnpRequest>, as soon as possible, but not later than 24 hours after discovery of the release.

3. 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.

4. 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.]

[Chapters 62-150, 62-737, 62-740, and 62-780; Rules 62-160.110, 62-160.240, 62-160.340, 62-701.510(9)(a), 62-710, 62-730.225, F.A.C.]

XXXV. 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 county 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

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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.

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

I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

A. *Objectional Odor Prohibited*

No person shall cause, suffer, allow or permit the discharge of air pollutants, which cause or contribute to an objectionable odor. An “objectionable odor” means any odor present in the outdoor atmosphere which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance.

[Rules 62-296.320(2) and 62-210.200, F.A.C.]

B. *Environmental Control Program*

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

C. *Independent Spent Fuel Storage Installation (ISFSI) Pad*

The Independent Spent Fuel Storage Installation (ISFSI) pad at the St Lucie Power Station (PSL) is located on an approximately 5.9-acre portion of the PSL property. An operational surface water management system serves the ISFSI (Construction authorization of the ISFSI surface water management system shown on the application and approved drawings, plans, and other documents are on file with the Department as ERP#SI 56-0041384-003). Operation of the ISFSI surface water management system is not authorized except when determined to be in conformance with all applicable rules and with the general and specific conditions as specifically described herein.

1. Surface Water System Design

a. *Existing Facilities:* The ISFSI is comprised of flat concrete pads where the casks are stored. The ISFSI pad site is located in an area of the plant referred to as the “South 40”. An existing drainage ditch (IWW) is located approximately 50 feet to the west of the site. The Intake Canal is located to the south (approximately 150 feet) and west. The surface water management system includes a system of inlets, catch basins and pipes conveying stormwater flow to a sediment forebay and detention pond. The sediment forebay is about 1-ft deep and about 8,500 square feet in area. The forebay is set with a bottom elevation of 8 ft MLW and discharges to the detention pond via an 85-ft long riprap overflow weir with crest elevation of 9 ft MLW. A filtered orifice set at the bottom of the forebay ensures the forebay stays dry.

The detention pond is to function as a wet pond, with a 4-ft deep permanent pool. The pond is about 85 ft wide by 256-long at the orifice invert elevation of 6.0 ft, and its side slopes are 4 horizontal to 1 vertical. The bottom of the pond is set at elevation 2.0 ft. An outlet control structure is proposed to contain a minimum 3-inch orifice, a 2-ft long "25-

SECTION B: SPECIFIC CONDITIONS

year" weir, and an overflow/drop inlet. The detention pond is about 22,000 square feet in area and about 8 ft deep (maximum). The pond discharges to the intake canal via an outlet control structure.

b. *Discharge Structure Information:* The outlet control structure is a multi-level outlet structure which contains:

- 3-inch diameter; orifice outlet at Elevation 6.0 ft MLW;
- 2-ft long "25-year" weir at Elevation 7.0 ft MLW;
- Overflow weir / drop inlet at the top of the structure at Elevation 8.25 ft MLW.

c. Design Storm Frequency: 25-year, 3 day

d. Design Rainfall: 10.2 Inches

Basin	Allowable Discharge (cfs)	Method of Determination	Design Discharge (cfs)	Design Stage (ft. MLW)
Project Site	30.7	Pre/post storm event	19.9	8.6

e. Water Quality: The regulatory treatment volume equal of 2 5-inches of runoff over the project's impervious area

f. Minimum Design Elevations: Minimum finish floor elevation is @ 18.0 feet which is above the 100-year, 3-day stage. The ISFSI pad design elevation (top of pad) was established to accommodate the storm surge and wave run-up associated with the Probable Maximum Hurricane.

2. Specific Conditions

a. Discharge facilities: 2-ft long "25-year" weir at Elevation 7.0 ft MLW; 3-inch diameter orifice outlet at Elevation 6.0 ft, MLW; Overflow weir/drop inlet at the top of the structure at Elevation 8.25 ft MLW; 5 - 10- inch discharge culverts to intake canal.

b. Maintenance of Storm Drainage System: At a minimum, the following maintenance shall be Conducted:

Catch Basins and Manholes: A monitoring program, including inspection and monitoring of sediment accumulation, will be implemented for catch basins and manhole structures. At a minimum, catch basins will be inspected monthly and cleaned on an as-needed basis (when sediment accumulation is within 1-foot of the outlet invert). Collection of accumulated sediment and hydrocarbons will be accomplished by means of vacuum pumping. Disposal of accumulated sediment and hydrocarbons should be performed in accordance with applicable local, state, and federal guidelines and regulations.

Outlet Control Structure: The outlet control structure is inspected for accumulation of sediment and debris, after storm events which result in flow over the 25-year weir, and periodically to ensure its effective performance. Sediment and debris are removed as needed.

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c. Additional Water Quality Requirement: The Department reserves the right to require that additional water quality treatment methods be incorporated into the drainage system if such measures are shown to be necessary.

D. Switchyard Expansion

These conditions involve the operation of a surface water management system associated with the existing St. Lucie Switchyard expansion on 1.1 acres (ac.). The surface water management system consists of a dry detention system, where water quality and stormwater attenuation are provided prior to the discharge to the Big Mud Creek via a control structure (Construction authorization of the expansion shown on the application and approved drawing(s), plans, and other documents, are on file with the Department as ERP#SI 56-0252569-001).

Operation of the switchyard surface water management system is not authorized except when determined to be in conformance with all applicable rules and with the specific conditions as specifically described herein.

1. Surface Water System Design:

- Project Area: 1.10 acres.
- Drainage Area: 1.10 acres
- Drainage Basin: Indian River and Big Mud Creek

a. Proposed Facilities: The stabilized pad with gravel cover will be sloped to drain runoff to the proposed dry detention pond. An additional 50% of treatment will be provided as a result of discharge to the Indian River, which is an Outstanding Florida Water (OFW). The detention will be provided for the expansion site only. Overflow of this pond will continue to flow north to the Big Mud Creek Basin.

b. Applicable Land Area: The total project site drainage area is 1.10-acres and it includes the following:

Land Use	Gravel (ac.)	Open Space (ac.)	DDA (ac.)
Site	0.56	0.28	0.26

* DDA = Dry Detention Area

c. Basin Information:

Basin	Project Area (ac.)	Drainage Area (ac.)	WSWT Elev. (ft. NGVD)	Normal/Dry Ctrl Elev. (ft. NGVD)	Method of Determination
Site	1.10	1.10	3.0	3.0	Soil borings

d. Discharge Rate: The surface water management system has been designed for the 25-year, 3-day storm.

e. Discharge Structure:

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Str.#	Description	Crest Elev. (ft. NGVD)	Discharge
Structure	Type E Inlet - Rectangular w 2'	5.3	To Big Mud Creek via 268 lf HDPE

Basin	Allowable Discharge (cfs)	Method of Determination	Design Discharge (cfs)	Design Stage (ft. NGVD)
Site	4.51	Pre/post	2.45	5.78

f. Water Quality: Water quality treatment volume of 150% over the entire site is provided by dry detention system.

Basin	Treatment Method	Volume Required (ac.-ft.)	Volume Provided (ac.-ft.)
Site	dry detention system	0.13	0.13

g. Finished Floors: Minimum finished stabilized pad elevation has been set at 13.41ft. NGVD, which is above the 100-year, 3-day stage calculated at 8.89 ft. NGVD.

2. Specific Conditions:

a. Surface Water Management System: The surface water management system is constructed in accordance with approved drawings/submittals. The stormwater management system is designed for dry pretreatment and total on-site detention for the 25-year, 3-day design storm event. FPL ensures that these conditions are explained to all construction personnel working on the project and for providing each contractor and subcontractor with a copy of this license before the authorized work begins.

b. Perpetual Maintenance. FPL is responsible for perpetual operation and maintenance of the surface water management system. FPL shall maintain the stormwater system to ensure that it operates as designed. The sediment basins shall be maintained (cleaned out) by the operator. The operator is responsible for maintaining a maintenance log, that documents when maintenance work was last performed.

c. Perimeter Grade: Perimeter grades around the proposed site shall be set at the minimum elevation in order to prevent runoff from the developed areas of the project from short-circuiting the SWMS and draining off-site. Approval from FDOT or a Municipal Connection permit may be required if stormwater from the driveway areas is not fully retained.

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d. Additional Requirements: The Department reserves the right to require that water quality treatment methods be incorporated into the drainage system if such measures are shown to be necessary.

e. Exotic Species: FPL shall maintain the switchyard expansion site and construction site, free from the invasion or establishment of the plants listed on The Florida Exotic Pest Plant Council's (EPPC) 2001 List of Florida's Most Invasive Species. The landscaping within the project site shall not include plants that are on the EPPC list. Ensure that environmentally safe application measures are upheld if herbicides are used.

f. On-site Construction: The work authorized by this license shall not be conducted on any property, other than that owned by the licensee, without the prior written approval of that property owner.

E. Water Withdrawal for Emergency Cooling System

The withdrawal of water for the testing and functioning of the emergency cooling systems for the St. Lucie Plant from that portion of the Indian River known as Big Mud Creek shall be in accordance with the following:

1. Testing of the alternate emergency cooling systems not to exceed 4,000,000 gallons per year for Unit No. 2 when combined with Unit No. 1.

2. Flow of water in the alternate emergency cooling system, in the event that the main source of emergency cooling water from the Atlantic Ocean is not available, shall not exceed 60,000 gallons per minute, and may continue until the main source of emergency cooling water has been restored.

3. The licensee shall notify the Southeast District Office of the Department prior to each test of the emergency cooling canal system and shall also notify the Department of any use of the emergency cooling canal system lasting more than twelve (12) hours.

F. Water Monitoring Program

A monitoring program shall be undertaken by FPL on the receiving waters and area waters as generally described as follows:

1. Emergency Cooling Canal Monitoring

There shall be instituted a monitoring program to study the dissolved oxygen (D.O.) concentrations in Big Mud Creek and the Emergency Cooling Canal.

a) Monitoring of Tests - The dissolved oxygen (D.O.) of the water withdrawn from Big Mud Creek via the emergency cooling system intake shall be monitored during each test. If the results of the monitoring program should indicate that water containing a D.O. level of less than 4 mg/l is being withdrawn, then the D.O. level of the water in the discharge canal shall be monitored as well during each subsequent test. The results of each test will be reported to the Department in the next quarterly monitoring report.

b) Corrective Measures - If the monitoring should indicate that water containing less than 2 mg/l of dissolved oxygen is being discharged to the Atlantic Ocean, a procedure will be developed and implemented to prevent the discharge of oxygen depleted water.

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2. Water Monitoring Program Review

The results and analysis of the biological, chemical and physical monitoring program will be submitted to the Division of Environmental Permitting of the Department for review at the end of the first year after Unit 2 commences operation and each year thereafter to determine the necessity and/or extent of their continuation. The methods and procedures utilized in the monitoring program shall be approved by the Department and also be reviewed annually by the Department and FPL.

[Certification, 1975]

G. Other Monitoring Programs

There shall also be implemented the pre-operational and post-operational environmental monitoring programs prescribed by the Nuclear Regulatory Commission and other Federal agencies. Copies of any reports required by such Federal agencies shall be submitted to the Department.

[Certification, 1975]

H. Defouling Operations

Ninety (90) days prior to conducting any defouling operations on intake or discharge lines, a plan of operation shall be submitted to the Department detailing when and how the defouling operation will take place. The defouling operation shall be conducted in such a manner that the water quality standards of Chapter 62-302, FAC, will not be violated.

[Certification, 1975]

I. Sanitary Waste Disposal

Domestic wastewater from the St. Lucie plant is disposed via a force main to a regional sewage collections system with Fort Pierce Utilities Authority.

J. Vegetation Dunes and Wildlife

1. Vegetation

Native vegetation will be planted at the earliest feasible time to replace any portion of the light screen installed behind the beach dune for Unit No. 1 that is disturbed for Unit No. 2 construction. Facility lighting added for Unit No. 2 will be shielded or directed to minimize sky shine. Rather than planting Australian Pine, the licensee shall use native vegetation such as live oak, native figs or wild tamarind in order protect the barrier sand dune and to act as a light shield if needed to protect turtle hatchlings, unless directly prohibited by the Nuclear Regulatory Commission.

2. Dunes

In restoring the ocean dune to its original condition after installation of the Unit No. 2 discharge and intake lines, the licensee will replant the dune at the earliest feasible time with dune stabilizing plants native to the area, such as sea oats (*Uniola paniculata*) or sea grape (*Coccoloba uvifera*).

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3. Facility Lighting

Elevated plant lighting will be shutdown to the extent possible during passage of storm fronts to minimize bird kills.

4. Edible Refuse

Edible refuse will be carefully disposed of to prevent accessibility by raccoons with resulting increased turtle predation.

5 Fish Entrapment

Fish entrapment shall be monitored in the intake canal even during the time only one unit is in operation. If unusually large numbers of fishes are entrapped, the licensee will furnish the Department a plan to mitigate such entrapment.

[Certification, 1975]

K. Radiological

1. Decommissioning

Upon application to the NRC for authority to decommission the plant, the applicant shall provide the Department a copy of the plan submitted to NRC for radioactive materials removal and/or containment for the site. Should the Department's review of the written plan reveal deficiencies, the Department shall bring such deficiencies to the attention of the applicant and the NRC and maintains the right to initiate a request, consistent with NRC procedural requirements that remedial action be taken to correct the deficiencies.

2. Emergency Plan

The applicant shall work with the State Division of Emergency Management in the Department of Community Affairs and the State Department of Health, Bureau of Radiation Control, and St. Lucie County in biennially updating the emergency procedures and evacuation planning as necessary, including but not limited to improvements in communication and warning systems and in updating predicted plume overlays.

3. Radiological Release Limitations

The recommendation in the Power Plant Site Certification Analysis that certification be issued is based in part upon the fact that in order to obtain a construction permit and operating license from NRC, the applicant must comply with all applicable regulations, requirements, and standards of the U.S. Nuclear Regulatory Commission (NRC) which limit the release of radioactive materials in solid waste, liquid or gaseous effluents to the environment. The above NRC regulations, requirements and standards include the following:

a) Standards for Protection Against Radiation, U.S. Nuclear Regulatory Commission Rules and Regulations, Title 10, Chapter 1, Part 20, Code of Federal Regulations, as presently in effect or hereafter amended.

b) Limitations and conditions for the controlled release of radioactive materials in solid, liquid and gaseous effluents contained in the Radiological Environmental Monitoring Program required by Title 10, 10 CFR 50, Appendix I as presently in effect or hereafter amended.

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The Department has the statutory duty to insure that the location and operation of St. Lucie 1 and 2 will produce minimal adverse effects on human health, the environment, the ecology and the land and its wildlife, and the ecology of State waters and their aquatic life. (Fla. Stat. Section 403.502.) The Department has determined that the construction and operation of St. Lucie 1 and 2 must comply with the above radiological release limitations in order to minimize adverse effects on human health and the environment. This certification is conditioned upon full compliance by the applicant with the applicable above regulations, requirements and standards.

The NRC has the duty and responsibility imposed by statute, to enforce compliance by the applicant with NRC standards and technical specifications, to assure that the construction and operating of St. Lucie 1 and 2 will be in accord with the common defense and security and will provide adequate protection to the health and safety of the public. See Section 103(d) of the Atomic Energy Act, 42 U.S.C. section 2133(d) (1970); accord. 42 U.S.C. section 2332(a) (1970) including any revisions.

However, should the Department determine that the NRC has failed to discharge its duty and responsibility, it may bring any such deficiencies to the attention of the applicant and the NRC, and maintains the right to initiate a request, consistent with NRC procedural requirements, that appropriate enforcement action be taken to correct the deficiencies. Should such appropriate enforcement action not be forthcoming, and the Department determines that such enforcement action is necessary to insure that adverse effects on human health and the environment by continued operation of St. Lucie 2 are minimized, the Department reserves the right to take appropriate State enforcement action pursuant to Chapter 403, Florida Statutes, against the applicant for violation of any of the above radiological release limitations on the grounds that the violation of such limitations constitutes a violation of this express condition of certification.

4. Monitoring

The applicant shall comply with the most recent Department of Health Environmental Surveillance Agreement or its equivalent or future replacement. Should the Department of Health determine that additional monitoring is required, it may take appropriate action to require such monitoring by modification of this condition of certification.

5. Interagency Agreement

The Licensee shall comply with the applicable State of Florida's Department of Health, as well as the Division of Emergency Management procedures and the Radiological Emergency Program, or as subsequently revised.

6. Reservation of Legal Rights

The Department recognizes that the NRC has exclusive authority in certain areas related to the construction and operation of St. Luce Units 1 and 2. These conditions of certification do not limit, expand or supersede any federal requirement or restriction under federal law, regulation, or regulatory approval or license. Compliance with the conditions herein does not constitute a waiver of the applicant's responsibility to comply with all applicable NRC requirements. Applicant's acceptance of these radiological conditions of certification does not, in and of itself, constitute a waiver by Applicant of any claim that any

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such radiological conditions are invalid under the doctrine of federal preemption or otherwise by law.

II. DEPARTMENT OF TRANSPORTATION

A. Access Management to the State Highway System

Any access to the State Highway System will be subject to the requirements of Rule Chapter 14-96, State Highway System Connection Permits, and 14-97 Access Control Classification System and Access Management Standards, F.A.C.

B. Overweight or Overdimensional Loads

Operation of overweight or overdimensional loads by the applicant on State transportation facilities during construction and operation of the utility facility will be subject to safety and permitting requirements of Chapter 316, F.S., 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

All usage and crossing of State of Florida right of way or transportation facilities will be subject to Rule Chapter 14-46, Utilities Installation or Adjustment, F.A.C.; Florida Department of Transportation's (FDOT) Utility Accommodation Manual, Rule 14-46.001, F.A.C.; Design Standards for Design, Construction, Maintenance and Utility Operation on the State Highway System; Standard Specifications for Road and Bridge Construction; and pertinent sections of the FDOT's Project Development and Environmental Manual. The placement of any transmission line or pipeline should take into consideration the planned widening of these facilities. The cost of relocating or reconstructing a transmission line or pipeline will be borne by the applicant to the extent required by Section 337.403, F.S., and Rule Chapter 14-46, F.A.C.

D. Standards

The manual on Uniform Traffic Control Devices; FDOT's Design Standards for Design, Construction, Maintenance and Utility Operation on the State Highway System; FDOT's Standard Specifications for Road and Bridge Construction; FDOT's Utility Accommodation Manual; and pertinent sections of the FDOT's Project Development and Environmental Manual will be adhered to in all circumstances involving the State highway System and other transportation facilities.

E. 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.

F. Use of Air Space

Any newly proposed structure or alteration of an existing structure will be subject to the requirements of Chapter 333, F.S., and Rule 14-60.009, Airspace Protection, F.A.C. Additionally, notification to the Federal Aviation Administration (FAA) is required prior to beginning construction, if the structure exceeds notification requirements of 14 CFR Part 77, Safe, Efficient Use, and Preservation of the Navigable Airspace, Subpart B, Notice of Requirements. Notification will be provided to FAA Southern Region Headquarters using FAA Form 7460-1, Notice of Proposed Construction or Alteration in accordance with instructions

SECTION B: SPECIFIC CONDITIONS

therein. A subsequent Determination by the FAA stating that the structure exceeds any federal obstruction standard of 14 CFR Part 77, Subpart C for any structure that is located within a 10-nautical-mile radius of the geographical center of a public-use airport or military airfield in Florida will be required to submit information for an Airspace Obstruction Permit from the DFOT or variance from local government depending on the entity with jurisdictional authority over the site of the proposed structure. The FAA Determination regarding the structure serves only as a review of its impact on federal airspace and is not an authorization to proceed with any construction. However, FAA recommendations for marking and/or lighting of the proposed structure are made mandatory by Florida law. For a site under FDOT jurisdiction, application will be made by submitting FDOT Form 725-040-11, Airspace.

G. Best Management Practices

Traffic control during facility construction and maintenance will be subject to the standards contained in the Manual on Uniform Traffic Control Devices; FDOT's Design Standards for Design, Construction, Maintenance and Utility Operation on the State highway System; FDOT's Standard Specifications for Road and Bridge Construction; and FDOT's Utility Accommodation Manual, whichever is more stringent.

It is recommended that the applicant encourage transportation demand management techniques by doing the following:

1. Placing a bulletin board on site for carpooling advertisements.
2. Requiring that heavy construction vehicles remain onsite for the duration of construction to the extent practicable.

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

III. SOUTH FLORIDA WATER MANAGEMENT DISTRICT

A. General

The following conditions are applicable only for future dewatering operations

1. If this Certification is transferred, pursuant to Section A. Condition XXVII. Transfer of Certification, from the Licensee to another party, the Licensee from whom the Certification is transferred shall remain liable for corrective actions that may be required as a result of any violations that occurred prior to the transfer.
2. This Certification is based in part on the Licensee's submitted information to the SFWMD which reasonably demonstrates that harm to the site water resources will not be caused by the authorized activities.
3. 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), 40E-3 (Water Wells), and 40E-21 (Water Shortage Plan), F.A.C.
4. 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 project.

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5. 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.

6. The Licensee shall be responsible for the construction, operation, and maintenance of all facilities installed for the proposed project.

7. SFWMD representatives shall be allowed reasonable escorted access to the site, the water withdrawal facilities and any associated facilities to 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 of Certification. 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.

8. The SFWMD may take any and all lawful actions that are necessary to enforce any condition of this Certification based on the authorizing statutes under Chapters 373 and 120, F.S., and rules of the SFWMD. Prior to initiating such action, the SFWMD shall notify the Siting Coordination Office of DEP of the proposed action.

9. At least ninety (90) days prior to the commencement of construction of any portion of the project, the Licensee shall submit to SFWMD staff, for a completeness and sufficiency review, any pertinent additional information required under Section B. Condition III. South Florida Water Management District for that portion of project. If the information is not complete or sufficient, the SFWMD shall identify what items remain to be addressed. If SFWMD staff does not issue a written request for additional information within thirty (30) days, the information shall be presumed to be complete and sufficient.

10. Within sixty (60) days of the determination by SFWMD staff that any additional information is complete and sufficient, the SFWMD shall determine and notify the Licensee in writing whether the proposed activities conform to SFWMD rules, as required by Chapters 40E-2, 40E-3, and 40E-21 (Water Shortage Plan), F.A.C., and these Conditions of Certification. No construction activities shall begin until the SFWMD has notified the Licensee in writing that the activities are in compliance with the applicable SFWMD criteria or failed to notify the Licensee in writing within sixty (60) days of finding the information to be complete and sufficient.

11. The Licensee shall submit any proposed revisions to the site-specific design authorizations specified in this Certification to the SFWMD for review and approval prior to implementation. The submittal shall include all the information necessary to support the proposed request, including detailed drawings, calculations and/or any other applicable data. Such requests may be included as part of an appropriate additional information submittal required by this Certification, provided they are clearly identified as a requested amendment or modification to the previously authorized design

B. Water Use Authorizations

The following conditions are only applicable for any future dewatering and consumptive use operations

SECTION B: SPECIFIC CONDITIONS

1. In the event of a declared water shortage, the Licensee must comply with any water withdrawal reductions ordered by the SFWMD in accordance with the Water Shortage Plan, Chapter 40E-21, F.A.C.

2. The Licensee shall mitigate interference with existing legal uses that were caused in whole or in part by the Licensee's withdrawals, consistent with the approved mitigation plan. As necessary to offset the interference, mitigation will 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:

a. Inability to draw water consistent with provisions of the certification, such as when remedial structural or operational actions not materially authorized by existing permits must be taken to address the interference; or

b. 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.

c. The inability of an existing legal user to meet its permitted demands without exceeding the permitted allocation.

3. 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 certification. 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 of Certification includes:

a. 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.);

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

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

4. 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 the conditions of Certification, includes:

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

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

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- d. Significant reduction in water levels or hydroperiod in a naturally occurring water body such as a lake or pond;
 - e. Harmful movement of contaminants in violation of state water quality standards; or
 - f. Harm to the natural system including damage to habitat for rare or endangered species.
5. 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.

C. Site Specific Design Authorizations

1. Prior to the commencement of any new construction which involve dewatering activities, the Licensee shall submit a detailed plan for the proposed dewatering activities to the SFWMD 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 or NAVD where appropriate, shall be submitted:
- a. A detailed site plan which shows the location(s) for each proposed dewatering area;
 - b. The method(s) used for each dewatering operation;
 - c. The maximum depth for each dewatering operation;
 - d. The location and specifications for all proposed wells and/or pumps associated with each dewatering operation;
 - e. The duration of each dewatering operation;
 - f. 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);
 - g. 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;
 - h. The location of any infiltration trenches and/or recharge barriers; and
 - i. All plans must be signed and sealed by a Professional Engineer or a Professional Geologist registered in the State of Florida.
2. If, during the control of these conditions of certification, any 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.
3. Prior to construction of the proposed on-site wells, the Licensee shall submit the drilling plans and other pertinent information required by Chapter 40E-3, F.A.C., to

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the SFWMD for review and approval. If the final well locations are different from those originally proposed in the site certification application, the Licensee shall also submit to the SFWMD for review and approval an evaluation of the impacts of the proposed pumpage from the alternate well location(s) on adjacent existing legal users, pollution sources, environmental features, and water bodies.

IV. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

A. *Scientific Collecting/Institutional Authorizations*

FPL shall maintain and comply with a current Scientific Collection/Institutional permit, as applicable for salvaging of non-listed wildlife species at the St. Lucie Plant, issued by the State of Florida Fish and Wildlife Conservation Commission. A copy of the required permit/authorization shall be made available at the St. Lucie plant site.

[Rules 68A-9.002, 68A-25.002, 68A-27.003-.005, F.A.C.]

B. *Special Activity License (SAL)*

1. The following conditions authorize designated personnel to temporarily possess marine organisms, included prohibited species, captured within the intake canal of the FPL St. Lucie Plant with waiver of seasonal, fishery and area closures, size and bag limits. No marine organisms shall be collected at the St. Lucie Plant without current authorization from FWC.

2. Future authorizations and/or renewals must be obtained every 3 years beginning February 1, 2011. Future authorizations and renewals are contingent upon the fulfillment by FPL of all reporting requirements listed in these conditions.

3. Purpose: Collection of marine organisms for scientific research purposes pursuant to Rule 68B-8, F A C

4. Project Title: Tag, Release and Recapture of Fish in the St Lucie Power Plant.

5. Law Enforcement Notification: The holder of a Special Activity License (SAL) must notify the nearest Commission Law Enforcement Dispatch Center not later than 24 hours prior to conducting activities under a SAL. Notification may consist of a float plan detailing locations, dates, and times of activities. Deviations from the float plan are permitted only after 24-hour advance notification to the nearest Commission Law Enforcement Dispatch Center. Float plans are valid for the duration of the SAL unless rescinded by the SAL holder.

6. Authorized Locations: Collections must occur within the intake canals of the FPL St. Lucie plant and organisms are to be released outside of intake canals within the waters of St Lucie County, with the following exceptions:

- a. This license does not authorize any activity outside of state waters,
- b. This license does not authorize any activity within any state or federal park,
- c. This license does not authorize any activity within any Manatee Limited Entry Area (No Entry or Motorboat Prohibited Zones - location maps and spatial data available at <https://myfwc.com/wildlifehabitats/wildlife/manatee/data-and-maps/>),

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7. Authorized Personnel: Those persons listed on the most recent SAL application and currently approved by FWC.

8. Authorized Activities: Authorized to temporarily possess marine organisms, included prohibited species, captured within the intake canal of the FPL St. Lucie plant with waiver of seasonal, fishery and area closures, size and bag limits. Organisms must be released alive and unharmed outside of intake canals within the waters of St. Lucie County once they have been identified, measured, catalogued, photographed and tagged.

This license does not authorize the possession of federally endangered species unless the appropriate federal permit has been obtained.

9. Authorized Gear (for use within intake canals only):

- a. Up to four (4) lobster traps, 32" x 23" x 16".
- b. Up to four (4) fish traps, 48" x 36" x 24" with openings measuring 6" x 12' See attached document regarding requirements for the construction, use, tending and marking of fish traps when used pursuant to an SAL in state waters.
- c. Up to twenty (20) Witham collectors, measuring 12" x 1" x 12" to collect post-larval (*pueruli*) lobsters.
- d. Hand-held nets.
- e. Cast nets, up to 14' stretched length.
- f. Hook and line.
- g. Hand collection.

10. Prohibited Activities:

a. The following are considered Prohibited Species and may not be harvested or possessed unless authorized by a Special Activity License issued specifically for activities involving prohibited species: Goliath Grouper (*Epinephelus itajara*), Nassau Grouper (*Epinephelus striatus*), Sawfish (*Pristis*, spp.), Basking shark (*Cetorhinus maximus*), Whale shark (*Rhincodon typus*), White shark (*Carcharodon carcharias*), Sand Tiger shark (*Odontaspis taurus*), Bigeye Sand Tiger shark (*Odontaspis noronhai*), Spiny Dogfish (*Squalus acanthias*), Spotted Eagle Ray (*Aetobatis narinari*), Manta Ray (Genus *Manta* and *Mobula*), Sturgeon (Family Acipenseridae), Longspine Urchin (*Diadema antillarum*), Bahama Starfish (*Oreaster reticulatis*), Common Sea Fan (*Gorgonia ventalina*), Venus Sea Fan (*Gorgonia flabellum*), Queen Conch (*Strombus gigas*), Fire Corals (Genus *Milliporina*), Hard and Stony Corals (Order Scleractinia), and non-aquacultured Live Rock.

b. Special Activity Licenses do not authorize the collection of marine mammals, marine turtles, or any species listed as endangered or threatened by the "Official Lists of Endangered and Potentially Endangered Fauna and Flora in Florida", maintained and published by the FWC.

c. Marine organisms harvested pursuant to a SAL may not be sold or consumed unless specified otherwise on this license.

11. General Conditions:

a. Authorized personnel conducting activities pursuant to a Special Activity License (SAL) must have the original license or a copy authenticated by the Florida

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Fish and Wildlife Conservation Commission (FWC) with all attachments specified on the license, in his/her possession while conducting any activities requiring the SAL.

b. Special Activity Licenses may be suspended or revoked if authorized personnel listed on the permit have violated FWC rules or policies, terms or conditions of the license, or have submitted false or inaccurate information on their application.

c. Special Activity Licenses are non-transferable.

12. Reporting Requirements: Future SALs and SAL renewals are contingent upon successful fulfillment of reporting requirements. In order to complete the licensing process and fulfill reporting requirements, the following documentation must be submitted to the Commission:

a. An activity report detailing all SAL-related harvest or sampling activities that resulted in the permanent retention of marine organisms. The activity report is a report other than any publications or technical, monitoring, or final reports. The activity report must include common and scientific name of the marine organisms harvested, numbers and sizes harvested, locations of harvest by county, and any mortalities that may have occurred. The activity report for a Scientific Research SAL involving prohibited species must also include the specific harvesting gear used and the current disposition of the organism. If mortality of a prohibited species occurred during harvest or subsequent possession, the report must indicate the cause of death if known and the disposition of the prohibited species. If SAL-related activities did not result in the permanent retention or mortality of any marine organism, the SAL holder must submit a statement to that effect. The activity report or statement must be submitted within 30 days of expiration of the license.

b. A copy of any publications, technical, monitoring, or final reports that were generated as a result of work conducted pursuant to the SAL. These reports must include the notation that research was conducted pursuant to the specific Commission Special Activity License and must be submitted upon completion or publication.

c. A SAL holder who is conducting biomedical research activities involving the collection of horseshoe crabs to remove blood and return the animal to the area of collection alive, must file his or her annual report pursuant to 68B-46 002(3)(b)3(e), FAC.

C. Marine Turtle Authorizations

1. Any person contracted by FPL or allowed on St. Lucie property to conduct activities dealing with marine turtles on the FPL St. Lucie Plant property shall acquire and maintain authorization through a Marine Turtle Permit as required by the FWC. Activities requiring such authorization include but are not limited to the following: (1) conducting nesting surveys, (2) conducting stranding/salvage activities, (3) relocating nests for conservation purposes, (4) conducting hand capture, (5) conducting net capture, (6) tagging turtles using external flipper tags, (7) tagging turtles using PIT tags, (8) conducting esophageal lavage, (9) conducting necropsies, (10) collecting blood samples (no more than 5ml/kg for turtles >4kg in association with Authorized Research Project #16 on Marine Turtle Permit #025, (11) conducting satellite tagging/tracking of large green turtles in association with Authorized Research Project #5, (12) collecting scute scrapings. All such required permits shall be available for inspection on plant property.

2. Any FPL employee or contractor must obtain and maintain authorization from FWC prior to conducting public turtle watches and/or maintaining and displaying preserved

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specimens. Authorized individuals must adhere to the FWC marine turtle permit guidelines developed under a Section 6 Cooperative Agreement between FWC and the U S Fish and Wildlife Service. Authorizations must be obtained annually.

[Rules 68A-9.002 and 68A-27.005, F.A.C.]

D. General Listed Species Surveys

1. For any new construction activities, 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 FPL St. Lucie Power Plant. Guidance related to species-specific survey protocols can be found in the appropriate species conservation measures and permitting guidelines at <https://myfwc.com/wildlifehabitats/wildlife/species-guidelines/>, or in the Florida Wildlife Conservation Guide 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 can be sent to ConservationPlanningServices@MyFWC.com.

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

E. Specific Listed Species Survey

1. Before any new construction activities, including land clearing within the FPL St. Lucie Power Plant, 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 or mitigation measures after consultation with the FWC. The Licensee will submit avoidance or mitigation measures to the FWC for 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 of Certification may be conducted prior to issuance of the final order of certification, in which case this Condition would be considered satisfied.

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

3. These surveys 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. Although nests and burrows may be recorded individually with GPS, FWC staff prefers that any applicable protection radii surrounding groups of nest sites and burrows be included on a site-specific basis, rather than around individual nests and burrows, and be physically marked so that clearing and construction shall avoid impacting them.

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4. These surveys shall include an estimate of the acreage and percent cover of each existing vegetation community that is contained within the FPL St. Lucie Power Plant 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, Sec. 9, Florida Constitution; Section 379.2291, F.S.; and Rules 68A-27, 68A-4, and 68A-16, F.A.C.]

F. Listed Species Locations

1. When new clearing activities occur, where any suitable habitat or evidence is found of the presence of listed species, including but not limited to those specified in paragraph G below, within the FPL St. Lucie Power Plant, the Licensee shall report those locations to, and confer with, the FWC to determine whether additional pre-clearing surveys are warranted, and to identify potential mitigation or avoidance recommendations. If additional pre-clearing surveys are required by the FWC as appropriate and as specified in these Conditions of Certification, they shall occur in the reproductive season prior to the anticipated date for the start of any construction within the FPL St. Lucie Power Plant. The Licensee shall not construct in areas where evidence of listed species was identified during the initial survey until the listed species issues have been resolved.

2. If listed wildlife species are found, their presence shall be reported to the Florida Department of Environmental Protection Siting Coordination Office, the FWC, and the USFWS (federally listed species only).

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 potential impacts. These steps shall be memorialized in a Species Management Plan and submitted to the FWC.

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

G. Gopher Tortoise

1. For any new construction activities, 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 H.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

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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.]

V. DEPARTMENT OF STATE – DIVISION OF HISTORICAL RESOURCES

A. Prior to any new construction involving ground-disturbing activities in areas not previously surveyed, the Licensee shall conduct a survey of any cultural resources, 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 evaluation defined in the work plan, the results will be compiled into a report which shall be submitted to DHR. If feasible, any sites determined to be eligible for listing on the National Register of Historical Places (NRHP) shall be avoided during construction of the project and access roads, and subsequently during maintenance. If avoidance of any discovered NRHP-eligible sites is not feasible, impacts to those sites shall be mitigated through archaeological salvage operations or other methods acceptable to DHR, as appropriate

B. If historical or archaeological artifacts or features are discovered at any time within the certified facility, the Licensee shall notify the appropriate DEP District office(s) and the DHR, R.A. Gray Building, 500 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

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.

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[Chapter 487, F.S.]

VII. ST. LUCIE COUNTY

A. Flood Control Protection

Any new facilities for the certified facilities or associated facilities shall be constructed in such a manner as to comply with the appropriate County flood protection requirements, which may include flood proofing or raising the elevation of the new or expanded facilities above the 100-year flood level. However, existing facilities are not required to be modified to comply with such flood control protection standards.

B. Noise

1. Construction noise shall not exceed noise criteria or any applicable requirements of St. Lucie County.
2. To mitigate the effects of noise produced by any steam blowout of steam boiler tubes, the licensee shall conduct reasonable public awareness campaigns prior to such activities to forewarn the public that may be affected by the noise of the estimated time and duration of the noise.

VIII. SCREENING

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

IX. FLORIDA BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

The Licensee is hereby advised that Section 253.77, F.S. states that 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 without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the licensee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.

A. Intake Pipe Easement

The Florida Board of Trustees of the Internal Improvement Trust Fund has issued a right of way easement, No. 26211(3177-56) to FPL for a subaqueous pipeline installation on, under and across sovereignty submerged lands in St. Lucie County (See Attachment D – ROW Easement).

B. Works in Navigable Waters

FPL may perform certain works in the navigable waters of the State of Florida as approved by the State of Florida Board of Trustees of the Internal Improvement Trust Fund at the meeting of March 18, 1975. The applicant is authorized to excavate and backfill two trenches 2,450 feet apart in the Atlantic Ocean; two subaqueous intake pipes to be installed in the south trench ending 1,200 feet offshore, buried 20 feet below grade at the shoreline and 13 feet below grade at the offshore end; one subaqueous discharge pipe and Y-type, diffuser to be installed in

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the north trench ending 1,200 feet offshore, buried 26 feet below grade at the shoreline and exposed at the offshore end; ocean bottom in the immediate vicinity of the discharge to be protected against scour by riprap or other appropriate material. In Sections 9 and 15, Township 36 South, Range 41 East, Hutchinson Island, Atlantic Ocean, St. Lucie County. Permit extension approved for one year subject to the stipulation that periodic hydrographic monitoring shall be performed, and the data provided to Department of Environmental Protection for review.

Approval subject to the stipulation that periodic hydrographic monitoring shall be performed, and the data provided to Department of Environmental Protection for review.

C. Environmental Resource/Sovereign Submerged Lands - General Requirements

1. No activities other than those set forth in these conditions are authorized. Any additional activities on state owned sovereignty submerged lands must receive further consent from the Governor and Cabinet, sitting as the Board of Trustees of the Internal Improvement Trust Fund (hereinafter the "Board") or their properly designated agent.
2. Licensee agrees that all title and interest to all lands lying below the historical mean high water he or ordinary high-water line are vested in the Board and shall make no claim of title or interest in said lands by reason of the occupancy or use thereof.
3. Licensee agrees to use or occupy the subject premises for those purposes specified herein, and Grantee shall not permit the premises or any part thereof to be used or occupied for any other purpose or knowingly permit or suffer any nuisances or illegal operations of any kind on the premises.
4. Licensee agrees to maintain the premises in good condition in the interest of the public health, safety and welfare. The premises are subject to inspection by the Board or its designated agent at any reasonable time.
5. Licensee agrees to indemnify, defend and hold harmless the Board and the State of Florida from all claims, actions, lawsuits and demands arising out of this consent.
6. No failure, or successive failures, on the part of the Board to enforce any provision, waiver or successive waivers on the part of the Board of any provision herein, shall operate as a discharge thereof or render the same inoperative or impair the right of the board to enforce the same in the event of subsequent breach.
7. Licensee binds itself and its successors and assigns to abide by the provisions and conditions set forth herein. In the event Grantee fails or refuses to comply with the provisions and conditions of this consent, the consent of use may be terminated by the Board after written notice to the Grantee. Upon receipt of such notice, the Grantee shall have thirty (30) days in which to correct the violations. Failure to correct the violations within this period shall result in the automatic revocation of this Consent.
8. All costs, including attorneys' fees, incurred by the Board in enforcing the terms and conditions of this consent shall be paid by the Licensee. Licensee agrees to accept service by certified mail of any notice required by Chapter 18-14, F.A.C., and further agrees to notify the Board in writing of any change of address at least ten days before the change homes effective.

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9. Grantee agrees to assume responsibility for all liabilities that accrue to the sovereignty submerged land or to the improvements thereon, including any and all drainage or special assessments or taxes of every kind and description which are now or may be hereafter lawfully assessed and levied against the property during the effective period of this consent

10. Grantee agrees any dispute arising from relating to this consent shall be governed by the laws of Florida and initiated only in St. Lucie County, Florida.

11. In the event that any part of the structure(s) consented to herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent riparian rights, Licensee agrees to either obtain written consent for the offending structure from the affected riparian owner or to remove the interference or encroachment within 60 days of the date of the adjudication. Failure to comply shall constitute a material breach of this consent and shall be grounds for its immediate termination.

12. Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.

13. Authorizations may be modified, suspended or revoked in accordance with the terms, or the remedies provided in Sections 253.04 and 258.46, F.S., or Chapter 18- 14, F.A.C.

14. Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.

15. Construction, use, or operation of the structure or activity shall not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.

16. Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.

17. Structures or activities shall not create a navigational hazard.

18. Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of Rule 18-21.405, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.

19. Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities authorized under Rule 18-2 1.004(l)(f), F.A.C., or any other applicable law.

D. Discharge Piping Y-Diffuser

1. The purpose of the project is to repair ocean scouring caused by the ocean discharge Y diffuser pipe. The project is located within the Atlantic Ocean, Class III Waters, approximately 1200 feet east of the FPL St. Lucie Plant.

SECTION B: SPECIFIC CONDITIONS

2. As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that the activity qualifies for a consent to use sovereign, submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein. Therefore, consent is hereby granted, pursuant to Chapter 253.77, F.S., to perform the activity on the specified sovereign submerged lands.

3. FPL is hereby authorized to construct the work shown on the application and approved drawing(s), plans, and other documents on file with the Department (ERP #56-0041384-001). These conditions and authorization to use sovereign submerged lands are subject to the limits, conditions, and locations of work shown in the drawings on file with the Department. Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and conditions as specifically described in the General Consent Conditions and Specific Conditions below.

4. Specific Conditions

a. After selection of the contractor to perform the authorized activities and prior to the initiation of any work authorized by these conditions, the licensee (or authorized agent) and the contractor shall attend a preconstruction conference with a representative of the Department. FPL shall contact the Department by phone or in writing to schedule the conference: Department of Environmental Protection, Southeast District Branch Office, Submerged Lands & Environmental Resources Program, Compliance Assistance Program, by email SED_Compliance@FloridaDEP.gov, or by phone (561) 681-6600

b. FPL shall comply with the standard manatee protection construction conditions Listed in the "Standard Manatee Construction Conditions, 2011."

c. At least one person shall be designated as a manatee and marine turtle observer when in-water work is being performed. That person shall have experience in manatee and marine turtle observation and be equipped with polarized sunglasses to aid in observation. The observer must be on site during all in-water construction activities and will advise personnel to cease operation upon sighting a manatee or marine turtle within 50 feet of any in-water construction activity. Movement of a work barge, other associated vessels, or any in-water work shall not be performed after sunset, when the possibility of spotting manatees is negligible.

d. The pipe will be shored with Hydro-cast units. This involves placing a fabric bag in place under the pipe, held in place with cinder blocks. When the bags are in place, concrete (2000-psi minimum) will be mixed on the barge and pumped through a hose to a diver. The Hydro-cast units will be placed beginning from the westernmost part of the void and working toward the end of the pipe. After the Hydro-cast units are in place, divers will place ports in selected areas that may still have voids remaining. These ports will be installed by cutting holes in the sheet pile wall and welding plates over the bores. The concrete pump hose will be attached to the ports, and concrete will be pumped into the remaining voids.

e. The scoured area will be stabilized using Armorflex mats. These Mats will be rigged and lowered from the deck of the barge Surface supplied divers will direct the crane operator once the units have entered the water.

SECTION B: SPECIFIC CONDITIONS

f. The leading edge of the mat (in front of the discharge pipes) will be pinned by the outermost Hydro-cast bag supporting the pipe cantilever. The perimeter of the mats will be anchored using nylon revetment cable loops tied to driven anchors (4 feet minimum) or equivalent rock anchors if 4-foot depth cannot be obtained. Factory edge mat joints shall be woven together using cable pigtails. Non-factory edge joint shall be woven together using cable pigtails and backfilled with tremie concrete.

E. Intake Defouling

1. The purpose of the project is to remove approximately 1,150 cubic yards (total) of material from three individual offshore intake pipes that supply cooling water to the St. Lucie power plant facility. Debris and organic material have accumulated within the pipes limiting intake flow to the facility. Spoil material removed from the intake pipes will be deposited in scour areas adjacent to the velocity caps. The 12 linear scour areas adjacent to the velocity caps are approximately 65-feet long by 15-feet wide and between 20-feet to 28-feet deep.

2. As staff to the Board of Trustees, the Department has reviewed the activity as described above, and has determined that there is no objection for the project being constructed on sovereign submerged lands as long as the work performed is located within the boundaries of BOT Easement # 26211(3177-56) as described herein and is consistent with the terms and conditions herein (Attachment D). Therefore, consider this to also constitute the authority sought under Section 253 .7, F.S., to perform the activity on the specified sovereign submerged lands.

3. FPL is hereby authorized to construct the work shown on the application and approved drawing(s), plans, and other documents on file with the Department (ERP #56-0041384-006). These conditions and authorization to use sovereign submerged lands is subject to the limits, conditions, and locations of work show in the drawings on file with the Department. Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and conditions General Conditions and Specific Conditions below.

4. Specific Conditions

a. If the approved drawings conflict with the specific conditions, then the specific conditions shall prevail.

b. The work authorized by this license shall not be conducted on any property, other than that owned by the licensee, without the prior written approval of the property owner.

c. After selection of the contractor to perform the authorized activities and prior to the initiation of any work authorized by these conditions, FPL (or authorized agent) and the contractor shall attend a preconstruction conference with a representative of the Department. FPL shall contact the Department by phone or in writing to schedule the conference: Department of Environmental Protection, Southeast District Branch Office, Submerged Lands & Environmental Resources Program, Compliance Assistance Program, by email SED_Compliance@FloridaDEP.gov, or by phone (561) 681-6600.

d. FPL shall be responsible for ensuring that these conditions are explained to all construction personnel working on the project, and each contractor and subcontractor are provided with a copy of these conditions before construction begins.

SECTION B: SPECIFIC CONDITIONS

e. Best management practices shall be used at all times during the debris removal activities to minimize turbidity and to ensure that turbidity levels do not exceed the State water quality standard for turbidity in Class III marine waters (29 nephelometric turbidity units (NTUs) above background levels) described in Chapter 62-302, F.A.C.

f. All debris shall be placed in the scour areas adjacent to the velocity caps. If the scour areas are not sufficient to contain all debris material at or below grade, the material shall be removed from state lands and deposited in an appropriate upland site.

g. FPL shall comply with the standard manatee protection construction conditions listed in the attachment, "Standard. Manatee Construction Conditions, 2011"

HISTORY

Limited Certification Order (site preparation and construction) issued 12/17/75; signed by Governor Askew

Full Certification Order issued 05/18/76; signed by Governor Askew

Modified 4/7/80; signed by Governor Graham

Modified 12/7/81; signed by Secretary Tschinkel

Modified 1/27/82; signed by Secretary Tschinkel

Modified 2/4/82 - correction of 1/27/82 Modification; signed by Secretary Tschinkel

Modified 4/29/86; signed by Secretary Tschinkel

Modified 9/28/87; signed by Secretary Twachtman

Modified 4/6/94; signed by Secretary Wetherell

Modified 4/24/96; signed by Secretary Wetherell

Modified 4/14/06; signed by Siting Administrator Owen

Certification Order issued 09/17/08, signed by Secretary Sole

Modified 8/28/2023; signed by Deputy Director Mulkey

ATTACHMENTS

ATTACHMENT A: MAPS

(To be inserted after issuance of Final Order)

ATTACHMENTS

ATTACHMENT B: Stormwater Management Systems (if applicable)

ATTACHMENTS

ATTACHMENT C: Mitigation Requirements/Plans (if applicable)

ATTACHMENTS

ATTACHMENT D – ROW Easement (No.26211)

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

E A S E M E N T

NO. 26211(3177-56)

WHEREAS, pursuant to application made by the Florida Power and Light Company, for a right-of-way easement over and through sovereignty lands held by the Board of Trustees of the Internal Improvement Trust Fund and said Board did on January 12, 1982, agree to the granting of same:

THEREFORE, WITNESS THIS INDENTURE, made and entered into by and between the Board of Trustees of the Internal Improvement Trust Fund, as grantor, and Florida Power and Light Company, as grantee, does hereby grant unto said grantee, its successors, and assigns, subject to the conditions hereinafter set forth, a right-of-way easement for subaqueous pipeline installation, on under and across the following described land in St. Lucie County, Florida, to-wit:

An Easement 400.00 feet in width for a subaqueous intake pipe for Florida Power and Light Company's St. Lucie Plant, the centerline of which is more particular described as follows:

Commence at the point of intersection of the North line of Section 16, Township 36 South, Range 41 East, St. Lucie County, Florida, with the centerline of State Road 1A as shown on the State of Florida State Road Department Right of Way Map Section No. 9405-107; thence South 29°06'19" East along said centerline of State Road 1A 2852.73 feet; thence North 60°53'41" East 951.15 feet for the point of beginning; thence continue North 60°53'41" East 1702.00 feet to the Point of Termination of said Easement. Containing 15.63 acres more or less.

The conditions under which this easement is granted are as follows:

1. The rights hereby conferred shall be subject to (a) any and all prior right of the United States; and (b) any

and all prior grants by the Board of Trustees of the Internal Improvement Trust Fund in and to submerged lands situated within the limits of the right-of-way hereinabove described.

2. That no title to said land is conferred by this instrument.

3. That the above described parcel of land shall be used solely as right-of-way for the construction, maintenance and use of a subaqueous pipeline. In the event that land herein described shall cease to be used for said purposes, then the easement hereby granted covering said land shall terminate without notice from the Board of Trustees of the Internal Improvement Trust Fund.

4. That the grantee herein will not, in the construction/ installation and maintenance of said pipeline, damage said lands or unduly interfere with public or private rights therein.

5. That the grantee herein shall save, protect and hold harmless the State of Florida and the Board of Trustees of the Internal Improvement Trust Fund from all damages and claims arising out of the use of said easement by the grantee or any of its agents, servants, employees or contractors.

6. That the grantee by acceptance of this agreement, binds itself, its successors and assigns, to abide by the provisions and conditions herein set forth, and said provisions and conditions shall be deemed covenants of the grantee, its successors and assigns, running with the land.

TO HAVE AND TO HOLD said easement unto said grantee, its successors and assigns, for the purposes herein set forth.

IN TESTIMONY WHEREOF, by authority granted April 1, 1980, the legally designated agent of the Board of Trustees of the

Internal Improvement Trust Fund has hereunto subscribed his name and has caused the official seal of the Board of Trustees of the Internal Improvement Trust Fund to be hereunto affixed, in the City of Tallahassee, Florida, on this 1st day of February, A. D. 19 82.

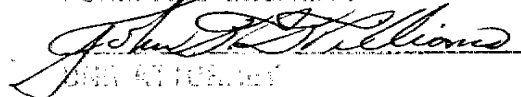
(SEAL)
BOARD OF TRUSTEES
OF THE INTERNAL
IMPROVEMENT TRUST
FUND

BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND

BY 
EXECUTIVE DIRECTOR
DEPARTMENT OF NATURAL RESOURCES

This instrument was
prepared by:
Gloria C. Watson
Department of Natural
Resources
3900 Commonwealth Blvd.
Tallahassee, Florida 32303

APPROVED AS TO
FORM AND LEGALITY


ATTORNEY