STATE OF FLORIDA

DEPARTMENT

OF

ENVIRONMENTAL PROTECTION

Conditions of Certification

Wheelabrator South Broward, Inc.

South Broward Resource Recovery Facility

PA 85-21H

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SECTION A: GENERAL CONDITIONS

I. SCOPE

A. Pursuant to the Florida Electrical Power Plant Siting Act (PPSA), Sections 403.501-518, Florida Statutes (F.S.), this certification is issued to Wheelabrator South Broward, Inc. (Wheelabrator) as owner/operator and Licensee of South Broward Resource Recovery Facility. Subject to the requirements contained in these Conditions of Certification (Conditions), Wheelabrator operates a nominal 66 MW facility consisting of three municipal solid waste combustors and auxiliary burners. These units are located on a 248-acre Site which is located in Broward County, Florida. UTM coordinates are: Zone 17; 579.54 km East; 2883.34 km North. The Department does not intend, solely by the incorporation of these General Conditions, to require the retrofitting of existing certified facilities.

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

Material Handling Systems and Treatment Systems
Lime Storage and Processing Facilities
Cooling Tower
Landfill Activities

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

D. Within 60 days after completion of construction of the electrical power plant as defined by 403.503(14), F.S., but excluding off-Site linear and non-linear associated facilities, the Licensee shall provide to the Department in .pdf format: a survey map signed by a professional land surveyor, or acceptable equivalent documentation such as an official legal description, delineating the boundaries of the site as defined by Section 403.503(28), F.S., and an aerial photograph delineating the boundaries of the site. The survey map and aerial photograph shall be identified as the Site Delineation and attached hereto as part of Attachment A.

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

E. If both certified and uncertified facilities lie within the boundaries of the Site, the Licensee shall also comply with the requirements of this paragraph. Within 60 days after completion of construction of the plant and on-Site associated facilities, but excluding off-Site linear and non-linear associated facilities, the Licensee shall provide to the Department in .pdf format: a survey map signed by a professional land surveyor, or acceptable equivalent documentation such as an official legal description, delineating the boundaries of the Certified

Areas within the Site; and an aerial photograph delineating the boundaries of the Certified Areas within the Site. The boundaries of the Certified Areas within the Site shall include both the certified electrical power plant's generating facilities as defined in Section 403.503(28), F.S. and its on-Site certified associated facilities (including on-Site linear facilities) as defined by Section 403.503(7), F.S. The survey map and the aerial photograph shall be known as the Delineation of the Certified Area of the Site and attached hereto as part of Attachment A.

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

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

Following any post-certification approvals that require a change to the boundaries of the Certified Area(s) depicted in the Delineation of Off-Site Linear Facilities in Attachment A, the Licensee shall submit an updated aerial photograph/map, survey map or legal description.

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

II. APPLICABLE DEPARTMENT RULES

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

Florida Administrative Codes:
18-2 (Management of Uplands Vested in the Board of Trustees)
18-14 (Administrative Fines for Damaging State Lands)
18-20 (Aquatic Preserves)
18-21 (Sovereign Submerged Lands Management)
62-4 (Permits)
62-17 (Electrical Power Plant Siting)
62-25 (Regulation of Stormwater Discharge)
62-40 (Water Resource Implementation Rule)
62-150 (Hazardous Substance Release Notification)
62-160 (Quality Assurance)

62-204 (Air Pollution Control-General Provisions)
62-210 (Stationary Sources-General Requirements)
62-212 (Stationary Sources-Preconstruction Review)
62-213 (Operation Permits for Major Sources of Air Pollution)
62-214 (Requirements for Sources Subject to the Federal Acid Rain Program)
62-256 (Open Burning)
62-296 (Stationary Sources-Emission Standards)
62-297 (Stationary Sources-Emission Monitoring)
62-301 (Surface Waters of the State)
62-302 (Surface Water Quality Standards)
62-304 (Total Maximum Daily Loads)
62-312 (Dredge and Fill Activities)
62-330 (Environmental Resource Permitting)
62-340 (Delineation of the Landward Extent of Wetlands and Surface Waters)
62-341 (Noticed General Environmental Resource Permits)
62-343 (Environmental Resource Permit Procedures)
62-345 (Uniform Mitigation Assessment Method)
62-520 (Groundwater Classes, Standards and Exemptions)
62-528 (Underground Injection Control)
62-531 (Water Well Contractor Licensing Requirements)
62-532 (Water Well Permitting and Construction Requirements)
62-550 (Drinking Water Standards, Monitoring and Reporting)
62-555 (Permitting, Construction, Operation, and Maintenance of Public Water Systems)
62-560 (Requirements for Public Water Systems That Are Out of Compliance)
62-600 (Domestic Wastewater Facilities)
62-601 (Domestic Wastewater Treatment Plant Monitoring)
62-604 (Collection Systems and Transmission Facilities)
62-610 (Reuse of Reclaimed Water and Land Application)
62-620 (Wastewater Facility and Activities Permitting)
62-621 (Generic Permits)
62-650 (Water Quality Based Effluent Limitations)
62-660 (Industrial Wastewater Facilities)
62-699 (Classification and Staffing of Water or Domestic Wastewater Treatment Plants and Water Distribution Systems)
62-701 (Solid Waste Management Facilities)
62-710 (Used Oil Management)
62-730 (Hazardous Waste)
62-737 (Management of Spent Mercury-Containing Lamps and Devices Destined For Recycling)
62-740 (Petroleum Contact Water)
62-761 (Underground Storage Tank Systems)
62-762 (Aboveground Storage Tank Systems)
62-769 (Florida Petroleum Liability and Restoration Insurance Program)
62-770 (Petroleum Contamination Site Clean-Up Criteria)
62-777 (Contaminant Cleanup Target Levels)

62-780 (Contaminated Site Clean-Up Criteria)
62-807 (Natural Gas Transmission Pipeline)
62-814 (Electric and Magnetic Fields)
64E-6 (Standards for Onsite Sewage Treatment and Disposal Systems)

40E-4 (Surface Water Management)
40E-40 (General Surface Water Management Permits)
40E-41 (Surface water Management Basin and Related Criteria)
Basis of Review for ERP Applications

III. REVISIONS TO DEPARTMENT STATUTES AND RULES

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

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

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

IV. DEFINITIONS

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

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

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

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

D. "Certified Facility" or "Certified Facilities" means the certified electrical power generation facilities and all on- or off-site associated structures including but not limited to: steam generating units, transformers, substations, fuel and water storage tanks, air and water pollution control equipment, storm water control ponds and facilities, cooling towers, and related

structures. This term shall also mean linear and associated facilities, including but not limited to: transmission lines, natural gas pipelines, and compressor stations.

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

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

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

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

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

J. "Emergency conditions" or "Emergency reporting" means urgent circumstances involving potential adverse consequences to human life or property as a result of weather conditions or other calamity.

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

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

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

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

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

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

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

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

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

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

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

V. DEPARTMENT PERMITS UNDER FEDERAL PROGRAMS

This certification is not a waiver of any other Department approval that may be required under federally delegated or approved programs. The provisions of the following federal permits shall be conditions of this certification to the extent the provisions of those permits apply to the Certified Facility(ies). The Licensee shall comply with the applicable provisions and limitations set forth in the permits listed below, and as those provisions may be modified, amended, or renewed in the future by the Department. The Department may consider a violation of any of these permits as a violation of this license.

A. Air

All Air Construction Permits and Title V Air Operation Permits in force for the Certified parts of facility ID 0112119 are incorporated by reference herein as part of these Conditions. The Air Construction Permits and Title V Air Operation Permits can be found at this web link using the facility ID number listed above: http://appprod.dep.state.fl.us/air/emission/apds/default.asp.

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

B. Water

1. NPDES Individual Stormwater Discharge

Licensee shall comply with all applicable provisions of NPDES Individual Stormwater permit No. FLS267562 (attached as Appendix I) as well as any subsequent modifications, amendments and/or renewals.

[Sections 403.087, 403.088 and 403.0885, Florida Statutes (F.S.).]

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

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

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

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

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

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

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

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

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

VI. DESIGN AND PERFORMANCE CRITERIA

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

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

VII. NOTIFICATION

A. If, for any reason, the Licensee does not comply with or will be unable to comply with any condition or limitation specified in this license, the Licensee shall immediately provide the appropriate DEP District and/or Branch Office with the following information:

1. A description of and cause of noncompliance; and

2. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The Licensee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this certification.

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

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

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

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

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

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

[Section 403.5112, F.S.]

VIII. REPLACEMENT FOR RESTORATION OF SYSTEM INTEGRITY AND EMERGENCY CONDITIONS

A. Replacement of all or a portion of a certified transmission line(s) or natural gas pipeline that is necessary to restore system integrity following an emergency as defined by Sections 252.34(6), (7) or (9), F.S., and requiring deviation from any condition of certification shall not be considered a modification pursuant to Section 403.5315, F.S. A verbal report of the emergency replacement for restoration of system integrity shall be made to the Department as soon as possible. Within 30 days after correction of the emergency condition requiring a replacement for system integrity, a report to the Department shall be made outlining the details of the emergency condition requiring the replacement and the steps taken for its relief. The report shall be a written description of the work performed and shall set forth any pollution control measures or mitigative measures which were utilized or are being utilized to prevent pollution of waters, harm to sensitive areas or alteration of archaeological or historical resources.

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

[Sections 403.511, F.S.]

IX. CONSTRUCTION PRACTICES

A. Local Building Codes

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

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

[Section 403.511(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. the Florida Forestry Service. Open burning shall not occur if the Division of Forestry or Broward County Fire and Rescue Department has issued a ban on burning due to fire hazard conditions.

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

C. Flood Control Protection

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

D. Vegetation

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

E. 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 Siting Office 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.]

F. Electric and Magnetic Fields (EMF)

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

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

G. Existing Wells

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

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

H. Abandonment of Existing Septic Tanks

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

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

X. RIGHT OF ENTRY

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

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

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

B. When requested by the Department, on its own behalf or on behalf of another agency with regulatory jurisdiction, the Licensee shall within 10 working days, or such longer period as may be mutually agreed upon by the Department and the Licensee, furnish any information required by law, which is needed to determine compliance with the certification. If the Licensee becomes aware that relevant facts were not submitted or were incorrect in the SCA or in any report to the Department or other agencies, such facts or information shall be promptly corrected and submitted.

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

XI. DISPUTE RESOLUTION

A. General

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

B. Modifications

If written objections are filed regarding a modification, and the objections address only a portion of a requested modification, then the department shall issue a Final Order

approving the portion of the modification to which no objections were filed, unless that portion of the requested modification is substantially related to or necessary to implement the portion to which written objections are filed.

C. Post-Certification Submittals

If it is determined, after assessment of a post-certification submittal, that compliance with the conditions will not be achieved for a particular portion of a submittal, the Department may make a separate assessment of other portions of the submittal, unless those portions of the submittal are substantially related to or necessary to implement that portion for which it has been determined that compliance with the conditions will not be achieved.

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

XII. SEVERABILITY

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

XIII. ENFORCEMENT

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

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

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

XIV. REVOCATION OR SUSPENSION

The certification shall be final unless revised, revoked or suspended pursuant to law. This certification may be suspended or revoked pursuant to Sections 403.512, F.S. This certification is valid only for the specific processes and operations identified in the Application and approved in the final order of certification and indicated in the testimony and exhibits in support of certification. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this approval may constitute grounds for revocation and enforcement action by the Department. Any enforcement action, including suspension and

revocation, shall only affect the portion(s) of the Certified Facility that are the cause of such action, and other portions of the Certified Facility shall remain unaffected by such action.

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

XV. REGULATORY COMPLIANCE

As provided in Sections 403.087(7) and 403.722(5), F.S., the issuance of this 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 certification is not a waiver of or approval of any other Department license/permit that may be required for other aspects of the Certified Facility which are not addressed in this license. This certification does not relieve the Licensee from liability for harm or injury to human health or welfare, animal, or plant life, or public or private property caused by the construction or operation of this Certified Facility, or from penalties therefore.

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

XVI. CIVIL AND CRIMINAL LIABILITY

Except to the extent a variance, exception, exemption or other relief is granted in the final order of certification, in a subsequent modification to these Conditions, or as otherwise provided under Chapter 403, F.S, this certification does not relieve the Licensee from civil or criminal penalties for noncompliance with any COC, 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. The issuance of this license conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.

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

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

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

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

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

XVIII. PROCEDURAL RIGHTS

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

[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 48
3900 Commonwealth Blvd.
Tallahassee, FL 32399-3900

Florida Department of Environmental Protection
Southeast District Office
400 North Congress Avenue, Suite 200
West Palm Beach, FL 33401

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

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

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

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

South Florida Regional Planning Council
Office of the Executive Director
3099 East Commercial Blvd., Suite 200
Ft. Lauderdale, FL 33308-4311

South Florida Water Management District
Office of General Counsel
P.O. Box 24680
West Palm Beach, FL 33416-4680

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

Broward County
Office of General Council
114 South Andrews Avenue
Ft. Lauderdale, FL 33301

[Section 403.511, F.S.]

XX. PROCEDURES FOR POST-CERTIFICATION SUBMITTALS

A. Purpose of Submittals

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

compliance pursuant to a post-certification submittal under this condition does not provide a point of entry for a third party.

B. Filings

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

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

C. Completeness

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

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

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

D. Interagency Meetings

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

E. Determination of Compliance

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

F. Commencement of Construction

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

G. Revisions to Design Previously Reviewed for Compliance

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

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

XXI. POST-CERTIFICATION SUBMITTAL REQUIREMENTS SUMMARY

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

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

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

XXII. POST CERTIFICATION AMENDMENTS

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

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

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

[Section 403.5113, F.S]

XXIII. MODIFICATION OF CERTIFICATION

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

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

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

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

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

[Section ,403.516, F.S.; Rule 62-17.211 and Chapter 62-343, F.A.C.]

XXIV. INCORPORATION OF EXISTING STATE AND LOCAL PERMITS/LICENSES

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

At any time following certification, should the Licensee become aware of any state or locally issued permit/approval not included herein, the Licensee shall promptly notify the SCO for incorporation into these Conditions. Likewise, when the Department is made aware of any separately issued permits/approvals that were inadvertently not included in the Conditions, the Conditions will be modified to incorporate the substantive provisions and limitations of any such permit/approval.

XXV. COASTAL ZONE CONSISTENCY

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

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

XXVI. FINANCIAL RESPONSIBILITY

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

[Rule 62-4.110, F.A.C.]

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. The notice of intent shall identify the intended new certification holder or Licensee and the identity of the entity responsible for compliance with the certification. Upon the filing with the Department of a written agreement from the intended Licensee/Transferee to abide by all Conditions of Certification and applicable laws and regulations, the transfer shall be approved unless the Department objects to the transfer on the grounds of the inability of the new Licensee to comply with the Conditions of Certification, specifies in writing its reasons therefore, and gives notice and opportunity to petition for a Section 120.57, F.S., administrative hearing. Upon approval, the Department will initiate a modification to the Conditions to reflect the change in ownership in accordance with Rule 62-17.211, F.A.C.

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

[Rule 62-17.211, 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. Standard Operating Procedures can be downloaded from the following website: http://www.dep.state.fl.us/labs/library/lab_sops.htm

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

XXIX. ENVIRONMENTAL RESOURCES

A. General

1. Submittals for Construction Activities

a. Prior to the commencement of construction of new facilities and/or associated facilities the Licensee shall provide to the appropriate DEP District's Environmental Resource Permitting Section(s) for review, all information necessary for a complete *Joint Application for Environmental Resource Permit* (ERP), DEP Forms 62-343.900(1), or 62-346.900(1) and 62-312.900(1), as applicable.

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

Those forms submitted as part of a site certification application, an amendment, or modification, shall be processed concurrently with, and under the respective certification, amendment, or modification procedures. Those forms submitted as a post-certification submittal (after certification, modification, or amendment and prior to construction) shall be processed in accordance with Section A. Condition XX. Procedures for Post-Certification Submittals.

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

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

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

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

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

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

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

[Sections 373.421, 403.504, F.S.]

B. Surface Water Management

1. Information regarding surface water management systems (SWMS) will be reviewed for consistency with the applicable non-procedural requirements of Part IV of Chapter 373, F.A.C. following submittal of Form 62-343.900(1) or 62-346.900(1), as applicable, to the appropriate office of the Department.

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

3. To allow for stabilization of all disturbed areas, immediately prior to construction, during construction, and for the period of time after construction of the SWMS, the Licensee shall implement and maintain erosion and sediment control best management practices, such as silt fences, erosion control blankets, mulch, sediment traps, polyacrylamide (PAM), temporary grass seed, permanent sod, and floating turbidity screens to retain sediment on-site and to prevent violations of state water quality standards. These devices shall be installed, used, and maintained at all locations where the possibility exists of transferring suspended solids into the receiving waterbody due to the licensed work, and shall remain in place at all locations until construction in that location is completed and soils are permanently stabilized. All best management practices shall be in accordance with the guidelines and specifications described in *the State of Florida Erosion and Sediment Control Designer and Reviewer Manual* (Florida Department of Transportation and Florida Department of Environmental Protection, by HydroDynamics Incorporated in cooperation with Stormwater Management Academy, June 2007) unless a project-specific erosion and sediment control plan is approved as part of this License. If project-specific conditions require additional measures during any phase of construction or operation to prevent erosion or control sediments beyond those specified in the approved erosion and sediment control plan, the Licensee shall implement additional best

management practices as necessary, in accordance with the guidelines and specifications in *the State of Florida Erosion and Sediment Control Designer and Reviewer Manual*. The Licensee shall correct any erosion or shoaling that causes adverse impacts to the water resources as soon as feasible. Once project construction is complete in an area, including the re-stabilization of all side slopes, embankments and other disturbed areas, and before conversion to the operation and maintenance phase, all silt screens and fences, temporary baffles, and other materials that are no longer required for erosion and sediment control shall be removed.

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

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

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

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

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

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

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

[Section 373.414, F.S.; Chapters 62-25, 62-302, 62-330, 62-343 62-346, and Rule 62-4.242, F.A.C.]

C. Wetland and Other Surface Water Impacts

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

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

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

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 Area. Such third party activities authorized by the Licensee may include but are not limited to mining, hunting, and timbering.

[Sections 403.506(1), 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.

[subsection 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 three (3) years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.

C. Records of monitoring information shall include:

1. the date, exact place, and time of sampling or measurements;
2. the person responsible for performing the sampling or measurements;
3. the dates analyses were performed;
4. the person responsible for performing the analyses;
5. the analytical techniques or methods used; and,
6. the results of such analyses.

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

XXXIII. WATER DISCHARGES

A. Discharges

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

2. All discharges and activities must be conducted so as to not cause a violation of the water quality standards set forth in Chapters 62-4, 62-302, 62-520, and 62-550, 62-620, F.A.C., including the provisions of Rules 62-4.243, 62-4.244, and 62-4.246, F.A.C., the antidegradation provisions of paragraphs 62-4.242(1)(a) and (b), F.A.C., subsections 62-4.242(2) and (3), F.A.C., and Rule 62-302.300, F.A.C., and any special standards for Outstanding Florida Waters and Outstanding National Resource Waters set forth in subsections 62-4.242(2) and (3), F.A.C.;

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

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

B. Wastewater Incident Reporting

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

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

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

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

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

d. Any unauthorized discharge to surface or ground waters.

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

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

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

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

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

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

e. Estimated amount of the discharge;

f. Location or address of the discharge;

g. Source and cause of the discharge;

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

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

j. Other persons or agencies contacted.

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

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

XXXIV. SOLID AND HAZARDOUS WASTE

A. Solid Waste

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

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

B. Hazardous Waste and Used Oil

The Licensee shall comply with all applicable non-procedural provisions of DEP Chapter 62-730, F.A.C., for any hazardous waste generated within the Certified Facility. An EPA identification number must be obtained before beginning hazardous waste activities unless the facility is a Conditionally Exempt Small Quantity Generators (CESQGs). CESQGs generate no more than 100 kg (220 lbs) of hazardous waste in any month. The facility is a notifier of regulated hazardous waste activities, EPA ID #FLR000169292.

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

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

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

C. Hazardous Substance Release Notification

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

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

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

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

D. Used Oil, Petroleum Contact Water and Spent Mercury

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

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

E. Contaminated Site Cleanup

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

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

F. Water Quality Reporting Requirements for the Solid Waste Program

All solid and/or hazardous waste water quality monitoring reports and all solid and/or hazardous waste ground water, surface water and leachate analytical results shall be submitted electronically. Water quality monitoring reports shall be submitted in a pdf format. The water quality data Electronic Data Deliverable (EDD) shall be provided to the Department in an electronic format consistent with requirements for importing the data into the Department's databases. Water quality monitoring reports shall be signed and sealed by a Florida registered professional geologist or professional engineer with experience in hydrogeological investigations and shall include the following:

1. Cover letter;
2. Summary of exceedances and recommendations;
3. Ground water contour maps;
4. Chain of custody forms;
5. Water levels, water elevation table;
6. Ground Water Monitoring Report Certification, using the appropriate Department form;
7. Appropriate sampling information on Form FD 9000-24 (DEP-SOP-001/01); and,
8. Laboratory and Field EDDs and error logs, as applicable.

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

Florida Department of Environmental Protection
Southeast District Office
Waste Compliance Section

400 N. Congress Avenue, Third Floor
West Palm Beach, Fl 33401-2913

And to:

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

And to:

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

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

XXXV. STORAGE TANK SYSTEMS

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

A. Incident Notification Requirements.

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

B. Discharge Reporting Requirements

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

C. Discharge Cleanup

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

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

D. Out of Service and Closure Requirements

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

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

XXXV. PROPRIETARY DOCUMENTS OR INFORMATION – CONFIDENTIALITY

Proprietary or confidential data, documents or information submitted or disclosed to any agency shall be identified as such by the Licensee and shall be maintained as such pursuant to applicable Florida law.

SECTION B. SPECIFIC CONDITIONS

I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

A. WATER

1. Wastewater Disposal

Plans, drawings, and specifications for leachate collection systems, leachate treatment systems, pumps, lift stations, sewage collection systems, and wastewater collection systems shall be furnished to the Southeast District (SED) Office for approval at least 60 days prior to start of construction for the particular construction of such component. In order to obtain SED approval, the receiving sewage treatment plant shall indicate its ability and willingness to accept the wastewater. Also plans and specifications for connections to off-site sewage and wastewater transmission systems shall be furnished to the SED Office and Broward County Environmental Quality Control Board for approval 120 days prior to construction.

2. Groundwater Monitoring Program

a. The Licensee shall comply with the requirements of the approved SBRRF Water Monitoring, Operation and Maintenance Requirements (WMOMR) (Attachment C to these Conditions). A violation of the requirements of the WMOMR shall be a violation of these Conditions.

b. The Licensee shall abide by the conditions of the approved WMOMR and any subsequent modification thereof for the continued authorized discharge of industrial waste water to ground water. Such provisions shall be fully enforceable as conditions of this certification. Any violation of such provisions, where it is determined that SBRRF is the cause, shall be a violation of these Conditions of Certification.

i. The requirements of the WMOMR shall include, but not be limited to, at least the following:

a. discharge limitations,

b. monitoring requirements,

c. monitoring well construction requirements,

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

e. sampling locations and parameters to be sampled at each monitoring well and percolation pond location,

f. monitoring frequencies,

g. reporting and recordkeeping requirements, and

h. operational requirements such as testing requirements, land application area maintenance, impoundment operation and maintenance, and impoundment integrity.

ii. The WMOMR shall be revised to comply with the provisions contained in Rules 62-620.325 and 62-620.345, F.A.C., if applicable, or to comply with any applicable effluent standard or limitation issued or approved under Section

301(b)(2)(C) and (D), 304(b)(2) and 307(a)(2) of the Clean Water Act (the Act), as amended, by change in the effluent standards, limitations, or water quality standards previously issued or approved. Revisions to the WMOMR which involve, but not limited to, the following shall be considered a modification to these Conditions and shall be processed in accordance with Section 403.516(1)(c), F.S., and Rule 62-17.211, F.A.C. as applicable.

a. New major sources or deletion of existing major sources of wastewater;

b. Improvements made to existing, or new wastewater treatment facilities including those which provide for a new or expanded land application system which will result in an increase in the permitted capacity;

c. Incorporation of newly promulgated applicable rules which are not currently reflected in the License or promulgated rules which are more stringent than the existing conditions in the License;

d. Pollutants not addressed in the WMOMR or these Conditions;

iii. All other revisions or updates to the WMOMR, not subject to modification, shall be submitted to the DEP Southwest District Solid Waste Program as appropriate for review and approval with copies to the Siting Office. Review shall be in accordance with Section A, Condition XX. Procedures for Post-Certification Submittals. Additionally, the WMOMR may be updated to adjust effluent limitations or monitoring requirements should future Water Quality Based Effluent Limitation determinations, water quality studies, DEP approved changes in water quality standards, or other information show a need for a different limitation or monitoring requirement. The Department may develop a Total Maximum Daily Load (TMDL). Once a TMDL has been established and adopted by rule, the Department shall revise the WMOMR or these Conditions to incorporate the final findings of the TMDL

iv. The licensee's discharge to ground water shall not cause a violation of water quality standards for ground waters at the boundary of the zone of discharge in accordance with Rules 62-520.400 and 62-520.420, F.A.C.

v. The licensee's discharge to ground water shall not cause a violation of the minimum criteria for ground water specified in Rule 62-520.400, F.A.C., within the zone of discharge. [62-520.400 and 62-520.420(4)]

vi. If the concentration of any constituent, listed in the WMOMR, in the natural background quality of the ground water is greater than the stated maximum, or in the case of pH is also less than the minimum, the representative background quality shall be the prevailing standard. [Chapter 62-520.420(2), F.A.C.]

vii. The licensee shall provide verbal notice to the Department as soon as practical after discovery of a sinkhole within an area for the management or application of wastewater or sludge. The licensee shall immediately implement measures appropriate to control the entry of contaminants, and shall detail these measures to the Department in a written report within 7 days of the sinkhole discovery.

3. Potable Water System

The potable water system (wells, pipes, pumps and treatment facilities) shall be designed, constructed and operated in conformance with the applicable provisions of Chapters 62-521, 62-532 and 62-550, F.A.C. Plans and specifications for these facilities shall be provided to the Southeast District Office and the Broward County Department of Planning and Environmental Protection for review and approval ninety (90) days prior to construction.

B. SOLID and HAZARDOUS WASTE

1. Operation of the associated landfill shall be done in accordance with all applicable portions of Chapter 62-701, FAC, including prohibitions, procedures for closing of the landfill, and final cover requirements, or, as provided in this Condition B.I.B in its entirety.

2. No suspected or known hazardous, toxic, or infectious wastes as defined by applicable Federal, State or local statutes, rules, regulations or ordinances shall be burned or landfilled at the site.

3. Rodent and insect control shall be provided as necessary to protect the health and safety of site employees and the public. Pesticides used to control rodents, flies, and other vectors shall be as specified by the Florida Department of Agriculture and Consumer Services.

4. Storage of putrescible waste for processing shall not exceed storage capacity of the refuse bunker and tipping floor as designed on the approved plan.

5. Ash prior to transport to the landfill shall be stored in an enclosed building on an impervious surface. Final disposal of the ash shall be into the lined landfill or other method approved by the Southeast District Office. Any leachate generated from within the building shall be collected and disposed of by a method approved by the Southeast District Office.

6. A monthly report shall be prepared detailing the amount and type (putrescible, special wastes, boiler residue, etc.) of materials processed at the site (see Condition B.I.B.2 above). These reports shall be furnished to the Southeast District Office quarterly.

7. If a temporary hazardous waste storage and transfer facility is developed at the Facility for the isolated temporary handling of suspected hazardous wastes, the storage and transfer facility shall be designed, constructed and operated in conformance with Chapter 62-730, F.A.C. The design of the temporary storage and transfer facility's operational procedures, personnel training program, contingency plans and closure plans shall be submitted to the Department and SFWMD for review and approval.

8. Unless approved by the Department with subsequent modification of conditions, this facility shall not accept materials defined by applicable Federal, State or local statutes, rules, regulations or ordinances as "Hazardous Wastes."

9. All future cells that will be constructed to promote leachate drainage to a low end of the cell; all leachate formed at the low end of active or inactive cells containing waste materials shall be pumped or transported to the leachate collection system for transmission to a permitted treatment system.

10. If the nature of the materials received at the facility becomes altered, either due to modification of conditions, i.e., the facility is allowed to incinerate already known hazardous wastes such as pesticides, or if groundwater monitoring reveals abnormal groundwater

conditions which may be attributable to the landfilling of this residue, then a subsequent analysis may be required at that time.

11. There shall be no discharge to waters of the State of polychlorinated biphenyl compounds.

12. The Licensee shall provide the Southeast District Office with a set of full-sized engineering plans signed and sealed by an engineer registered in the state of Florida for the operational and closure phases of the landfill for review and approval at least 90 days prior to implementation of those phases. Within 90 days after completion of the closure phase of the project, the Licensee shall submit certified as-built plans signed and sealed by a Florida registered Professional Engineer.

13. To ensure that the bottom liners are continuous throughout the cell, the liners will be installed either by the manufacturer or by a competent experienced lining contractor according to the manufacturer's specifications. In addition, as part of quality control measures, field seams between in-place liner and newly installed liner will be tested according to ASTM specifications to insure integrity between materials and certified, in writing, by the liner manufacturer, liner contractor and Licensee's engineer of record, to the Southeast District Office. Top liners, if required, shall be installed in accordance with closure plans approved by the Southeast District Office and SFWMD.

14. Upon or immediately prior to completion of construction of the resource recovery facility or a phase thereof and upon or immediately prior to completion of all necessary preparation for the operation of each landfill cell, the Southeast District Office will be notified of a date on which a site or facility inspection should be performed in accordance with Condition A.X, and the inspection shall be performed within fourteen (14) days of the date of notification by the Licensee.

15. On or before January 31 of each year, the Licensee shall submit an annual elevation survey of the site that is prepared by a land surveyor registered in the State of Florida. This survey shall clearly show the horizontal and vertical dimensions of the landfilled areas. Along with this survey, the Licensee shall estimate the remaining life and capacity in cubic yards of the existing landfill. The annual estimate shall be based upon a summary of the heights, lengths, and widths of the solid waste disposal facility.

16. The Licensee shall demonstrate that the leachate collection system is functioning and operating as designed. This annual demonstration can include surveys of the leachate collection system utilizing video equipment, or other method approved by the Department. A video survey shall provide the date, time, and description of the section of the leachate collection system, and shall include a drawing showing the areas surveyed. The Licensee shall provide the Department with ten (10) days prior notification of the method to be utilized for demonstration. This demonstration shall be submitted no later than January 31 of each year.

17. The Licensee shall submit a Leachate Collection System Solids Disposal Plan in accordance with Condition B.I.A.1. detailing the process of managing solids from the leachate treatment system. This plan shall include but is not limited to operational processes, hazardous waste determination for the solids from the leachate treatment system, solids management, and solids disposal.

[Rule 62-701.500(2), F.A.C]

C. OPERATIONAL CONTINGENCY PLANS

1. Operating Procedures

The Licensee shall develop and furnish the Southeast District a copy of written operating instructions for all aspects of the operation which are critical to keeping the facility working properly. The instruction shall also include procedures for the handling of suspected hazardous, toxic and infectious wastes.

2. Contingency Plans

The Licensee shall develop and furnish the Southeast District Office written contingency plans for the continued operation of the system in event of breakdown. Stoppages which compromise the integrity of the operations must have appropriate contingency plans. Such contingency plans should identify critical spare parts to be maintained on site.

3. Current Engineering Plans

The Licensee shall maintain a complete current set of modified engineering plans, equipment data books, catalogs, and documents in order to facilitate the smooth acquisition or fabrication of spare parts or mechanical modifications.

D. CONTROL MEASURES

1. Restoration/Revegetation

Within sixty (60) days of certification issuance, Broward County shall submit a restoration/revegetation plan for the wetlands areas identified in section 3.2.3 of the application to the Southeast District Office and SFWMD for evaluation and approval. The plan shall include the commencement and completion dates of all anticipated restoration/revegetation work, dredge and fill volumes, elevations, methods of construction and planting schedules, pumping schedules and methods to ensure vegetative survival for each area.

2. Conservation Easement

Subject to the approval of the Trustees of the Internal Improvement Trust Fund and Governing Board of the SFWMD, if required, and before the commencement of any construction herein authorized, the County shall file and have recorded to the extent legally possible, in the same manner as any other instrument affecting the title to real property, a conservation easement pursuant to Section 704.06, Florida Statutes, in the office of the Clerk of the Circuit Court, Broward County for the following areas:

a. Site No. 1, 18 acres in Section 30, Township 50 South, Range 42 East;

b. Site No. 2, 15 acres in Section 19, Township 50 South, Range 42 East;

c. Site No. 3, 16 acres (Hacienda Flores), Section 19, Township 50 South, Range 42 East;

d. Site No. 4, 15 acres (Tree Tops Park), Section 29, Township 50 South, Range 41 East;

e. Site No. 5, 74 acres, Section 26, Township 50 South, Range 39 East and;

f. The 15 acre riverine restoration area adjacent to the resource recovery facility in Section 25, Township 50 South, Range 41 East, Broward County.

The County shall pay all recording fees. The conservation easement shall be in favor of the Department of Environmental Protection and shall restrict any activity including dredging and filling of land, cutting, eradicating or pruning of endemic vegetation beyond the scope of the approved restoration plan indicated in Condition Now Condition B.I.D.1. A draft conservation easement and a certified survey with a legal description shall be submitted to DEP's Southeast District Office for review and approval before it is filed (by the County) with the Clerk of the Circuit Court, Broward County. Review and final action of the Trustees and Governing Board, as noted above, shall be acted upon within the time frame set forth in Section 403.509(1), Florida Statutes, if not already granted by the Certification order of the Power Plant Siting Board or at the next Governing Board of the SFWMD, if required.

3. Written Notice

Written notice from the Department indicating that Conditions Now Condition B.I.D.1 and 2 have been satisfied shall be obtained by Broward County prior to the beginning of any construction. All work in the restoration sites shall be completed within one year of commencement of construction on the landfill site.

4. Time Limitations

If the proposed construction of the Resource Recovery Facility within the jurisdictional area has not been completed within five (5) years of the date of certification, a permit application shall be resubmitted to the Department for evaluation and shall be accompanied by the appropriate fee.

II. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

A. Listed Species Survey.

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

1. This survey shall be conducted in accordance with USFWS/FWC guidelines and methodologies by a person or firm that is knowledgeable and experienced in conducting flora and fauna surveys for listed species.

2. This survey shall identify any wading bird colonies within the project that may be affected.

3. This survey shall identify locations of breeding locations, nests, and burrows for listed wildlife species. Nests and burrows may be recorded with GPS coordinates, identified on an aerial photograph, and submitted with the final listed species report. Although nests and burrows may be recorded individually with GPS, the FWC prefers that a protection radius surrounding nest sites and burrows be included, rather than individual nests and burrows, and be physically marked so that clearing and construction will avoid impacting them.

4. This survey shall include an estimate of the acreage and percent cover of each existing vegetation community (Florida Land Use, Cover and Forms Classification System, or FLUCFCS, at the third degree of detail) including a wildlife-based habitat classification scheme such as the Comprehensive Wildlife Conservation Strategy (FWC 2005), Descriptions of Vegetation and Land Cover Types (FWC 2004), or Natural Communities Guide (FNAI 1990) of each community that is contained within the Certified Facility prior to land clearing and construction activities using GIS.

B. Listed Species Locations

Where any suitable habitat and evidence is found of the presence of listed species within the Certified Facility, the Licensee will report those locations to, and confer with, the appropriate regulatory agencies for possible additional pre-clearing surveys and to identify potential mitigation, or avoidance recommendations. If pre-clearing surveys are required, they shall be timed to be reasonably compatible with the construction schedule, considering the in-service date specified in the Public Service Commission's need determination. The Licensee will not construct in areas where evidence of listed species was identified during the initial survey until the particular listed species issues have been resolved.

1. *Listed Wildlife Species*: If listed wildlife species are found, their presence shall be reported to the DEP Siting Coordination Office, the appropriate DEP District Office(s), the FWC's Office of Policy and Stakeholder Coordination, the appropriate WMD, the appropriate local government(s) and the USFWS.

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

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

[Chapter 379, F.S.]

III. DEPARTMENT OF STATE – DIVISION OF HISTORICAL RESOURCES

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

the Certified Facility. Prior to beginning any field work, the work plan will be reviewed in consultation with DHR. Upon completion of the survey, the results will be compiled into a report which shall be submitted to DHR. If feasible, sites considered to be eligible for the National Register shall be avoided during construction of the project and access roads, and subsequently during maintenance. If avoidance of any discovered sites is not feasible, impact shall be mitigated through archaeological salvage operations or other methods acceptable to DHR, as appropriate.

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

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

IV. DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

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

[Chapter 487, F.S.]

V. SOUTH FLORIDA WATER MANAGEMENT DISTRICT

A. General

1. The Licensee shall secure a well construction permit prior to construction, repair, or abandonment of any wells as described in Chapter 40E-3, F.A.C.

2. In the event of a declared shortage, water use reductions may be ordered by the SFWMD in accordance with the Water Shortage Plan, Chapter 40E-21, FAC.

3. This project must be constructed and operated in compliance with and meet all requirements set forth in Chapter 373, Florida Statutes, and Chapters 40E-2, 40E-3, and 40E-4, F.A.C.

4. The Licensee shall hold and save the SFWMD harmless and indemnify the SFWMD from any and all damages, claims, or liabilities caused by the Licensee's negligence which may arise by reason of the construction, operation, maintenance or use of any facility authorized by this Certification.

5. Authorized representatives of the SFWMD shall be allowed to enter the premises to inspect and observe the operation of the surface water management system in order to determine compliance with the conditions of this Certification.

VI. SOUTH FLORIDA WATER MANAGEMENT DISTRICT

A. Prior to construction of any phase of either the Solid Waste Energy Resource Recovery Facility or the ash residue/unprocessable materials landfill, a complete set of paving,

grading, and drainage plans with supporting calculations for that phase must be submitted to the SFWMD, for a determination of compliance of each phase with Chapter 40E-2 and 40E-4, F.A.C. Said plans shall include the following:

1. Paving, grading and drainage plans with special attention to perimeter site grading; and

2. Drainage calculations including:

a. Design storms used including depth, duration and distribution;

b. Off-site inflows;

c. Stage-storage computations for the project and stage-discharge computations for the outfall structure(s);

d. Acreages and percentages of property proposed as:

(1) impervious surfaces (excluding water bodies;

(2) pervious surfaces (green areas);

(3) lakes, canals, retention areas, etc.;

(4) total acreage of the project;

e. Runoff routing calculations showing discharges, elevations, and volumes detained during applicable storm events; and

f. Calculations required for determination of minimum floor and road elevations.

B Subsequent modifications to the drawings and supporting calculations submitted to the SFWMD which alters the quantity or quality of the discharge of water off-site shall be pursuant to Section 403.516, F.S., and Rule 62-17.211, F.A.C., and shall be submitted to the SFWMD for a determination that the modifications are in compliance with Chapters 40E-2 and 40E-4, F.A.C.

C. Depending on the calculations submitted, water quality assurances must be provided for stormwater runoff from all portions of the landfill(s) which do not have final cover.

D Off-site discharges during construction and development shall be made only through the discharge structures authorized by this Certification.

E. If the applicant proposes to use, connect to, or cross over SFWMD Right-of-Way, such use, connection, or crossing must meet the SFWMD's criteria for the issuance of a right-of-way permit, found in Chapter 40E-6, F.A.C.

F. There shall be no on-site withdrawal of groundwater or dewatering, unless the following conditions are met:

1. Withdrawal rates, well construction details, well locations, and the data from the long-term groundwater monitoring network are provided to the SFWMD;

2. The impacts of the proposed withdrawals are assessed and provided to the SFWMD;

3. No dewatering discharge shall be allowed to drain to tidal waters; and

4. The SFWMD concurs that there will be no adverse impacts as a result of the proposed withdrawals under Sections 373.223(a)-(c) of the Florida Statutes.

G. If not provided pursuant to Condition BVI.B. of this section, the retention/detention requirements contained in the Basis of Review for Surface Water Management Systems, 40E-4.091(1)(a), for water quality enhancement must be provided to the SFWMD prior to the construction of Landfill Cell II.

H. Additional filtration for enhancement of stormwater should be provided by discharging through spreader mechanisms into the on-site wetland mitigation areas.

I. Discharge structures shall include a baffle, skimmer, or other mechanism suitable for preventing oil, grease, or other floatable materials from discharging to and/or from retention/detention areas.

J. The Licensee shall install screw gates on water control structures capable of restricting discharge of poor quality surface water prior to construction. The Licensee shall submit the location of these screw gates to the SFWMD.

K. The Licensee shall stabilize critical areas, including the conveyance and perimeter swales, and areas adjacent to the let down pipes or conduits to prevent erosion.

L. Energy dissipators shall be used whenever let down pipes or conduits discharge into perimeter swales, or the let down pipes or conduits meet the terraces.

M. Water quality samples shall be taken at the surface water discharge structure locations of the water management system during periods of discharge according to the schedule below. Flow shall be measured at the time of sample collection and the surface elevation of the water shall be provided. A laboratory certified by the State of Florida shall be responsible for all water quality sampling and analyses. Report shall be submitted to this District on a semi-annual basis. Monitoring requirements will be evaluated by the SFWMD following two years of data collection.

Monitoring	
Type Schedule	**Parameters**
A. General	Total Organic Carbon, Dissolved Oxygen, pH, Turbidity, Specific Conductance, Chemical Oxygen Demand, Alkalinity, Total Suspended Solids.
B. Organics	Trichloroethylene, Tetrachloro-Ethylene, Carbon Tetrachloride, Vinyl Chloride, 1,1,1 Trichloroethane, 1,2-Dechloro-ethane , Benzene, Ethylene Dibromide.
C. Metals	Aluminum, Antimony, Beryllium, Cadmium, Copper, Cyanide, Iron, Lead, Mercury, Nickel, Selenium, Silver, and Zinc

N. Prior to the commencement of construction, the SFWMD staff must have received and reviewed any pertinent additional information required to be submitted under the SFWMD's site specific standards and the conditions of certification, and must issue a written approval for the desired constructions.

O. The County shall hold and save the SFWMD harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, operation, maintenance or use of any facility authorized by this Certification the extent permitted under Florida law.

VII. BROWARD COUNTY

A. Noise

The Licensee shall comply with applicable local noise ordinances, if any, during construction and operation of the Certified Facility.

B. Screening

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

C. Environmental Resources

1. All roads shall be set at or above the elevation acceptable to Broward County, per Ordinance 81-16, as it may be amended.

2. All building floors shall be set at or above elevations required by Broward County, per Ordinance 81-16, as it may be amended.

3. No construction authorized herein shall commence until the County has agreed, in writing, by letter of resolution, that it will be responsible for the construction, operation, and perpetual maintenance of the entire surface water management system, both during operation of the facility and following the closure of the whole or any part of the facility.

VIII. HISTORY

Certified 06/03/86; signed by Governor Graham
Modified 06/24/88; signed by Secretary Twachtmann
Modified 04/17/91; signed by Secretary Browner
Modified 08/01/00; signed by Deputy Secretary Green
Modified 08/06/01; signed by Deputy Secretary Bedwell
Modified 06/13/02; signed by Deputy Secretary Bedwell
Modified 05/20/05; signed by Siting Administrator Oven
Modified 07/09/13; signed by Siting Administrator Mulkey