

**STATE OF FLORIDA
DEPARTMENT
OF
ENVIRONMENTAL PROTECTION**



Conditions of Certification

**CBCP/Smurfit-Stone Container Corp.
Cedar Bay Cogeneration Project**

PA 88-24I

Modified 3/3/10

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PSD-FL-137F

Air Permit 0310337-008-AC

Air Permit 0310337-011-AC

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Appendix III – Industrial Wastewater Facility Permit FL0061204

Attachment A – Ground Water Monitoring Forms

I. GENERAL

A. *Applicability*

When a condition is intended to refer to Cedar Bay Generating Company, L.P. (CBGC) and Smurfit-Stone Container Corp. (SSCC), the term “CBGC/SSCC” or “licensees” will be used. When a condition is intended to refer to the “Cedar Bay Cogeneration Project” the terms “Cedar Bay Cogeneration Project”, “CBCP”, or “Project” will be used.

Where a condition applies only to Cedar Bay Generating Company, L.P. the term Cedar Bay Generating Company, L.P. (CBGC) or the term “licensee”, where it is clear that “(CBGC)” is the intended responsible party, will be used. Similarly, where a condition applies only to Smurfit-Stone Container Corp., the term “Smurfit-Stone Container Corp.” or the abbreviation “SSCC” or the term “licensee”, where it is clear that SSCC is the intended responsible party, will be used. The Department of Environmental Protection may be referred to as DEP or the Department. The City of Jacksonville, Environmental Resource Management-Environmental Quality Division will be referred to as “the City”, SJRWMD represents the St. Johns River Water Management District.

B. *Applicable Rules*

The construction and operation of CBCP shall be in accordance with all applicable provisions of at least the following regulations of the Department: Chapters 62-210 through 62-297, 62-302, 62-4, 62-601, 62-702, 62-312, 62-532, 62-550, 62-555, 62-25, 62-610, 62-660 and 62-772, Florida Administrative Code (F.A.C.) or their successors as they are renumbered.

II. AIR

A. *Requirements*

The construction and operation of CBCP shall be in accordance with all applicable provisions of Chapters 62-210 through 62-297, F.A.C. Title V Air Operation Permit 0310337-016-AV and PSD-FL-137 are incorporated by reference herein as part of this Certification attached as Appendix I and-Appendix -II respectively. The provisions of the aforementioned permits shall be conditions of this certification. The licensee shall comply with the substantive provisions and limitations set forth in Title V Air Operation Permit Number 0310337-016-AV and PSD-FL-137, as part of these Conditions of Certification, and as those provisions may be modified, amended, or renewed in the future by the Department. Such provisions shall be fully enforceable as conditions of this certification. Any violation of such provisions shall be a violation of these Conditions of Certification.

B. *SSCC Steam Boiler Emissions*

1. This certification and any individual air permits issued by the Department subsequent to the Final Order of the Board certifying the power plant site under Section 403.509, F.S., shall incorporate the following limitations on the total tonnage of the specified criteria pollutants allowed to be emitted annually by any natural gas-fired boiler or combination of boilers constructed and operated by SSCC to provide up to 450,000 lbs/hr of

steam for use in its recycled paper process:

Tons Per Year	
CO	553
NO _x	310
SO ₂	25, except as provided in (2) below

2. In the event that the ceiling for SO₂ is expected to be exceeded due to unavailability of natural gas caused by factors beyond the control of SSCC, SSCC may notify the Department that it must exceed the ceiling as provided herein; and emissions of SO₂ during the period of such curtailment shall not be counted against the yearly emissions ceiling of 25 tons unless administrative proceedings result in a finding that the exceedance was within SSCC's control. In no event shall the annual emissions of SO₂ from the steam boilers referenced above exceed a ceiling of 41 tons per year.

3. The notice shall include a statement or reasons for the request and supporting documentation, and shall be published by SSCC, without supporting documents, in a newspaper of general circulation in Jacksonville, as defined in Section 403.5115(2), F.S. The filing and publication of the notice no later than 7 days following the date of exceedance, shall preclude any finding of violation by DEP until final disposition of any administrative proceedings.

III. WATER DISCHARGES

Any discharges into any waters of the State during construction and operation of CBGC shall be in accordance with all applicable provisions of Chapters 62-301, 62-302 and 62-660, F.A.C., and 40 CFR, Part 423, Effluent Guidelines and Standards for Steam Electric Power Generating Point Source Category, except as provided herein and with NPDES Permit FL 0061204 (attached as Appendix III) and any subsequent modifications, amendments or revisions to this permit. Also, CBGC shall comply with the following conditions of certification:

A. *Plant Effluents and Receiving Body of Water*

For discharges made from the CBCP power plant the following conditions shall apply:

1. CBCP shall not discharge any cooling system, demineralizer regeneration, floor drainage or other process wastewaters from the operation of the CBCP facility into any waters of the State. CBCP shall install a closed-loop cooling water system in accordance with technical specifications set forth in the Zero Discharge Plan submitted by CBCP to the Department.

2. Pursuant to the Zero Discharge Plan, CBCP shall make available to SSCC up to 500 gpm of reclaimed water that has been treated to a quality satisfactory for use in SSCC's cooling tower.

3. Receiving Body of Water - The receiving bodies of water for storm water discharge have been determined by the Department to be those waters of the St. John's River (during construction only) or Broward River and any other waters affected which are considered to be waters of the State within the definition of Chapter 403, Florida Statutes.

4. Point of Discharge (POD) - The point of discharge has been determined by the Department to be where the effluent physically enters the waters of the State in the St. John's River (during construction) via outfall OSN 001 and Broward River (during construction and operation) via outfall D-001 and D-002.

5. Chemical Wastes from CBCP - All low volume wastes (demineralizer regeneration, floor drainage, labs drains, and similar wastes) and chemical metal cleaning wastes shall be collected and treated in the zero discharge treatment system or disposed of off-site.

6. SSCC Corporation (SSCC) shall shut down the mill's once through cooling system within 10 days after written notification by DEP of the successful completion of the initial compliance tests on the CBCP boilers conducted pursuant to Condition II.A.7. SSCC shall inform the DEP Northeast District Office of the shutdown and surrender all applicable operating permits for that facility within 21 days of such notification.

7. Storm Water Runoff

a. Construction - During construction there shall be no discharges from the storm water basins for storms less than the ten-year, twenty-four hour storm event. Any discharge from the storm water runoff collection system from a storm event less than the once in ten year, twenty-four hour storm shall meet the following limits and shall be monitored at D-001 and D-002 by a grab sample once per discharge, but not more often than once per week:

Effluent Characteristic Flow (MGD)	Discharge Limits Instantaneous Maximum Report
TSS (mg/l)	50
pH	6.0-9.0

All applicable discharge limitations described in part I of the NPDES permit (FL0061204) for stormwater discharges during the period of construction from this facility shall apply under this permit and be reported to the Department as part of the Monthly Operation Report.

b. Operation

(1) Yard Area Runoff - During normal plant operation, necessary measures shall be used to settle, filter, treat or absorb silt-containing or pollutant-laden storm water runoff to limit the suspended solids to 50 mg/l or less at D-001 during rainfall periods less than the 22-year, 24-hour rainfall. During periods of operation when the CBCP is off-line, these necessary measures, as specified above, shall be used during rainfall periods greater than a 12-year, 24 -hour storm.

(2) Storage Area Runoff - During operation there shall be no discharges from the stormwater basins for storms less than the fifty-five year, twenty four-hour storm event. Any discharge from the storm water runoff collection system from a storm event less than the once in 50 year, twenty four-hour storm shall meet the limits in 7.a. above and shall be monitored at D-002 by a grab sample once per discharge, but not more than once per week.

c. Control measures shall consist at the minimum of filters, sediment traps, barriers, berms or vegetative planting. Exposed or disturbed soil shall be protected as soon as possible to minimize silt, and sediment-laden runoff. The pH shall be kept within the range of 6.0 to 9.0 in the discharge to the St Johns River and 6.5 to 8.5 in the Broward River.

d. Special consideration must be given to the control of sediment laden runoff resulting from storm events during the construction phase. Best management practices erosion controls should be installed early during the construction period so as to prevent the transport of sediment into surface waters which could result in water quality violations and Departmental enforcement action. Revegetation and stabilization of disturbed areas should be accomplished as soon as possible to reduce the potential for further soil erosion.

Should construction phase runoff pose a threat to the water quality of state waters, additional measures such as treatment of impounded runoff or the use of turbidity curtains (screens) in on-site impoundments shall be immediately implemented with any releases to state waters to be controlled.

e. It is necessary that there be an entity responsible for maintenance of the system pursuant to Section 62-25.027 and Chapter 40C-4.381(k), FAC.

f. Correctional action or modification of the system will be necessary should mosquito problems occur.

g. CBGC shall submit to DEP with copy to the City, erosion control plans for the entire construction project (or discrete phases of the project) detailing measures to be taken to prevent the offsite discharge of turbid waters during construction. These plans must also be provided to the construction contractor prior to the initiation of construction.

h. All swale and retention basin side slopes shall be seeded and mulched or sodded within thirty days following their completion and a substantial vegetative cover must be established within ninety days of seeding.

8. Sanitary wastes from CBCP shall be collected and routed for treatment to the SSCC domestic wastewater treatment plant.

B. Water Monitoring Programs

1. Necessity and extent of continuation, and may be modified in accordance with Condition No. XXI, Modification of Conditions.

2. Chemical Stormwater Monitoring - The parameters described in Condition III.A. shall be monitored during discharge as described in Condition III A. commencing with the start of construction or operation of the CFBs and reported quarterly to the Northeast District Office:

3. The ground water levels shall be monitored continuously at selected wells as approved by the SJRWMD. Chemical analyses shall be made on samples from all monitored wells identified in Condition IV.F. and IV.G. below. The location, frequency and selected chemical analyses shall be as given in Condition IV.F and IV.G. The ground water monitoring program shall be implemented at least one year prior to operation of the CFBs. The chemical analyses shall be in accord with the latest edition of *Standard Methods for the Analysis of Water and Wastewater*. The data shall be submitted within 30 days of collection/analysis to the SJRWMD.

4. The reclaimed water transferred to SSCC for cooling tower make-up water shall be monitored for the following parameters:

Flow (gallons per minute)	Continuous/Flow Meter
pH (standard units)	Weekly/Meter or Grab
Iron (mg/L)	Monthly/Grab
Total Copper (µg/L)	Monthly/Grab
Zinc (mg/L)	Monthly/Grab
Mercury (µg/L)	Monthly/Grab
Silver (µg/L)	Monthly/Grab
Aluminum (mg/L)	Monthly/Grab
Cadmium (mg/L)	Monthly/Grab
Arsenic (µg/L)	Monthly/Grab

Antimony (mg/L)	Monthly/Grab
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IV. GROUND WATER

A. *Water Well Construction Permit*

Prior to the construction, modification, or abandonment of a production well for the SSCC paper mill, the SSCC must obtain a Water Well Construction Permit from the SJRWMD pursuant to Chapter 40C-3, F.A.C. Construction, modification, or abandonment of a production well will require modification of the SSCC consumptive use permit when such construction, modification or abandonment is other than that specified and described on SSCC's consumptive use permit application form. The construction, modification, or abandonment of a monitor well specified in condition IV.H. will require the prior approval of the Department. All monitor wells intended for use over thirty days must be noticed to the City prior to construction or change of status from temporary to permanent.

B. *Well Criteria, Tagging and Wellfield Operating Plan*

Leaking or inoperative well casings, valves, or controls must be repaired or replaced by SSCC as required to eliminate the leak or make the system fully operational. Failure to make such repairs will be cause for deeming the well abandoned in accordance with Chapter 62-532.200(1), F.A.C., Chapter 373.309, Florida Statutes, and Chapter 366.301 (b), and .307 (a), Jacksonville Ordinance Code. Wells deemed abandoned will require plugging according to state and local regulations.

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

SSCC must develop and implement a Well Field Operating Program within six (6) months after construction of wells or start-up of the CBCP. This program must describe which wells are primary, secondary, and standby (reserve); the order of preference for using the wells; criteria for shutting down and restarting wells; describe CBCP and SSCC responsibilities in the operation of the well field, and any other aspects of well field management operation, such as who the well field operator is and any other aspects of Well Field management operation. This program must be submitted to the SJRWMD and a copy to the City within six (6) months of certification and receive SJRWMD approval before the wells may be used to supply water for the CBCP Cedar Bay Cogeneration plant.

C. *Maximum Annual Withdrawals*

CBCP's maximum annual use from the Floridan aquifer must not exceed 530.7 million gallons. Maximum daily use from the Floridan aquifer for the CBCP may not exceed 1.45 million gallons. The use of Floridan aquifer potable water for the sole purpose of waste stream dilution is prohibited. The use of potable water from the Floridan aquifer for control of fugitive dust emissions is prohibited when alternative water sources are available, such as treated wastewater, shallow water aquifer wells or stormwater. The use of Floridan aquifer potable water for the sole purpose of waste stream dilution is prohibited.

D. Water Use Transfer

The SJRWMD must be notified, in writing, within 90 days of the transfer of this certification. All transfers are subject to the provisions of Section 40C-2.351, F.A.C., which state that all terms and conditions of the permit shall be binding of the transferee.

E. Emergency Shortages

Nothing in this certification is to be construed to limit the authority of the SJRWMD to declare a water shortage and issue orders pursuant to Section 373.175, Florida Statutes, or to formulate a plan for implementation during periods of water shortage, pursuant to Section 373.246, Florida Statutes. In the event of a water shortage is declared by the District Governing Board, the CBCP shall adhere to reductions in water withdrawals as specified by the SJRWMD to the extent the restrictions apply to all other similar users.

F. Monitoring and Reporting

1. a. The licensee shall maintain records of total daily use by the CBCP on a monthly basis for each year ending on December 31st. These records shall be submitted to the SJRWMD on Form EN-3 by January 31st of each year.
 - b. Prior to beginning water usage, all points where water is delivered from the SSCC water supply or wastewater system for use at CBCP must be equipped with totalizing flow meters. Such meters must maintain a 95% accuracy, be verifiable and be installed according to the manufacturer's specifications.
 - c. CBCP must maintain the required flow meter(s). In case of failure or breakdown of any meter or other flow-measuring device, the SJRWMD must be notified in writing within 5 days of its discovery. A defective meter must be repaired or replaced within 30 days of its discovery.
 - d. Total withdrawals from each monitored source must be recorded continuously, totaled monthly, and reported to the SJRWMD at least every six months from the initiation of the monitoring using SJRWMD Form No. EN-50.
 - e. CBCP must have all flow meters checked for accuracy once every 3 years within 30 days of the anniversary date of commencement of operation of the CBCP, and recalibrated if the difference between the actual flow and the meter reading is greater than 5%. SJRWMD Form No. EN-51 must be submitted to the SJRWMD within 10 days of meter inspection and calibration.
2. Water quality samples shall be taken by SSCC in May and October of each year from each SSCC production well. The samples shall be analyzed by a DEP certified laboratory for the following parameters:

Magnesium	Sulfate
Sodium	Carbonate
Potassium	Bicarbonate (or alkalinity if pH is 6.9 or lower)
Chloride	Calcium

All major ion analyses shall be checked for anion/cation balance and must balance within 5 percent prior to submission. It is recommended that duplicates be taken to allow for laboratory problems or loss. The sample analyses shall be submitted to the SJRWMD by May 30 and October 30 of each year.
3. Legal uses of water existing at the time of certification application may not be significantly adversely impacted by the consumptive use for the CBCP. If unanticipated

significant adverse impacts occur, the consumptive use shall be subject to modification in whole or in part to curtail or abate the adverse impacts, unless the impacts can be mitigated by CBCP.

4. Off-site land uses existing at the time of certification application may not be significantly adversely impacted as a result of the consumptive use for the CBCP. If unanticipated significant adverse impacts occur, the consumptive use shall be subject to revocation or modification in whole or in part to curtail or abate the adverse impacts, unless the impacts can be mitigated by CBCP.

5. During the seventh year following issuance of this certification order, CBCP shall submit a report to SJRWMD, DEP, and the City demonstrating compliance with these conditions of certification, Chapter 373, Florida Statutes, and the Rules of SJRWMD and DEP, applicable to the consumptive use of water. Compliance shall be demonstrated with rules and statutory provisions in effect at that time.

SJRWMD shall evaluate the report and notify DEP in a report of any issues regarding compliance with this certification and applicable rules and statutory provisions, including whether the consumptive use of water for the CBCP complies with those provisions of Chapter 373, Florida statutes, and DEP's and SJRWMD's rules applicable to consumptive use and whether any conditions of certification must be amended, added, or deleted in order to insure that the referenced rules and statutory provisions are complied with. SJRWMD shall respond within 30 days of receipt of CBCP's report as to whether or not it contains information sufficient to make a determination as to compliance with the referenced rules and statutory provisions.

Thereafter, DEP shall notify CBCP and the City within ninety (90) days after DEP's determination that CBCP's report is sufficient. Section 40C-1.610, F.A.C., shall apply. An opportunity for hearing pursuant to Section 120.57, Florida Statutes, shall be afforded any party.

In any hearing requested pursuant to this condition of certification, the burden of demonstrating compliance shall be on CBCP. The continued consumptive use of water for the CBCP shall be dependent upon CBCP demonstrating and presenting sufficient data to establish that its consumptive use meets the referenced rules or statutory provisions. The Board hereby delegates to the Secretary the authority to enter final orders regarding this condition in the event an administrative hearing is requested.

G. Ground Water Monitoring Requirements

The Licensee shall install a ground water monitoring well network to monitor the water quality of the surficial aquifer both horizontally and vertically above the Hawthorn Formation.

1. The Licensee shall conduct ground water monitoring at the pelletized ash storage area, coal storage area, storage area runoff pond(s), sedimentation ponds, unlined disposal ponds, and the re-located lime mud storage area within Smurfit-Stone Container Corporation's landfill site.

2. The Licensee shall give at least 72-hours notice to the DEP's Northeast District Office, prior to the installation of any monitoring well(s).

3. Prior to construction of any monitoring well(s), a soil boring shall be made at each monitoring well location in order to properly determine the well depth and screen interval.

4. All monitoring wells shall be constructed and developed in accordance with the DEP's guidelines and installed by a licensed water well contractor.

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

6. All piezometers and monitoring wells not part of the approved ground water monitoring plan are to be plugged and abandoned in accordance with Chapter 62-532.500(4), F.A.C., unless future use is intended.

7. For land application sites, all ground water quality criteria specified in Chapter 62-520, F.A.C., shall be met at the edge of the zone of discharge. The zone of discharge for this project shall extend horizontally 200 feet from the application site, or to the Licensee's property lines, whichever comes first, and vertically to the base of the Surficial Aquifer.

8. During the period of operation, the Licensee shall sample ground water at the monitoring wells identified in Condition IV.G.10. below in accordance with this site certification and the approved ground water monitoring plan prepared in accordance with Chapter 62-520.600, F.A.C.

9. The following monitoring wells shall be sampled at the pelletized ash storage area, coal storage area, storage area runoff pond(s), sedimentation ponds, unlined discharge ponds, and the re-located lime mud storage area within Smurfit-Stone Container Corporation's landfill site.

Monitor Well ID	Alternate Well Name and/or Description of Monitoring Location	Depth (Feet)	Aquifer Monitored	New or Existing
MWC-1	CBLM-1 / 30 feet east of railroad tracks, northwest of unlined Lime Mud Storage Area.	25	Surficial	Existing
MWC-2	CBLM-2 / 30 feet east of railroad tracks, southwest of unlined Lime Mud Storage Area.	25	Surficial	Existing
MWB-3	CBLM-3 / 120 feet north of unlined Lime Mud Storage Area.	25	Surficial	Existing
MWB-4	CBLM-4 / 78 feet west of fence along Eastport Rd., and east of unlined Lime Mud Storage Area.	25	Surficial	Existing
MWC-5	CBLM-5 / 50 feet south of unlined Lime Mud Storage Area.	20	Surficial	Existing
MWB-1A	MW-1A / 25 feet southeast of lined Coal Storage Area.	20	Surficial	Existing
MWB-1B	MW-1B / 25 feet southeast of lined Coal Storage Area.	50	Surficial	Existing
MWC-2A	MW-2A / 25 feet west of lined Coal Storage Area.	20	Surficial	Existing
MWC-2B	MW-2B / 25 feet west of lined Coal Storage Area.	50	Surficial	Existing
MWB-3A	MW-3A / 5 feet east of the Fire Water Tank.	20	Surficial	Existing
MWB-3B	MW-3B / 5 feet east of the Fire Water Tank.	50	Surficial	Existing

Monitor Well ID	Alternate Well Name and/or Description of Monitoring Location	Depth (Feet)	Aquifer Monitored	New or Existing
MWC-4A	MW-4A / 5 feet west of lined Pellet Storage Area.	20	Surficial	Existing
MWC-4B	MW-4B / 5 feet west of lined Pellet Storage Area.	50	Surficial	Existing
MWC-5A	MW-5A / 20 feet west of lined Storage Area Runoff Pond 1.	20	Surficial	Existing
MWC-5B	MW-5B / 20 feet west of lined Storage Area Runoff Pond 1.	50	Surficial	Existing
MWC-6A	MW-6A / 20 feet west of unlined Yard Area Runoff Pond 2.	20	Surficial	Existing
MWC-6B	Mw-6B / 20 feet west of unlined Yard Area Runoff Pond 2.	50	Surficial	Existing

MWB = Background; MWC = Compliance





10. The following parameters shall be analyzed for each monitoring well identified in Condition IV.G.10.

Parameter	Units	Sample Type	Monitoring Frequency
Water Level (NGVD)	Feet	In-situ	Quarterly
pH (field)	SU	In-situ	Quarterly
Specific Conductance (field)	umhos/cm	In-situ	Quarterly
Aluminum, Total Recoverable	ug/L	Grab	Quarterly
Arsenic, Total Recoverable	ug/L	Grab	Quarterly
Barium, Total Recoverable	ug/L	Grab	Quarterly
Beryllium, Total Recoverable	ug/L	Grab	Quarterly
Cadmium, Total Recoverable	ug/L	Grab	Quarterly
Chromium, Total Recoverable	ug/L	Grab	Quarterly
Copper, Total Recoverable	ug/L	Grab	Quarterly
Iron, Total Recoverable	ug/L	Grab	Quarterly
Lead, Total Recoverable	ug/L	Grab	Quarterly
Mercury, Total Recoverable	ug/L	Grab	Quarterly
Nickel, Total Recoverable	ug/L	Grab	Quarterly
Selenium, Total Recoverable	ug/L	Grab	Quarterly
Zinc, Total Recoverable	ug/L	Grab	Quarterly
Gross Alpha	pCi/L	Grab	Quarterly

Parameter	Units	Sample Type	Monitoring Frequency
Chloride	mg/L	Grab	Quarterly
Turbidity	NTU	In-situ	Quarterly
Sulfate	mg/L	Grab	Quarterly
Total Dissolved Solids	mg/L	Grab	Quarterly

12. Water levels shall be recorded before evacuating each well for sample collection. Elevation references shall include the top of the well casing and land surface at each well site (NAVD allowable) at a precision of plus or minus 0.01 foot.

13. Ground water monitoring wells shall be purged before sampling to obtain representative samples.

14. The ground water minimum criteria specified in Chapter 62-520.400 F.A.C., shall be met within the zone of discharge.

15. If the concentration for any constituent listed in Condition IV.G.11. 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.

16. Analyses shall be conducted on unfiltered samples, unless filtered samples have been approved by the DEP's Northeast District Office as being more representative of ground water conditions.

17. If any monitoring well becomes damaged or inoperable, the Licensee shall notify the DEP's Northeast District Office immediately and a detailed written report shall follow within seven days. The written report shall detail what problem has occurred and remedial measures that have been taken to prevent recurrence. All monitoring well design and replacement shall be approved by the DEP's Northeast District Office prior to installation.

18. The Licensee shall ensure that all monitor well sampling is performed in accordance with the DEP's Standard Operating Procedures Manual for Field Sampling, and shall conform to the applicable Quality Assurance/Quality Control requirements of Chapter 62-160, F.A.C.

19. The Licensee shall ensure that all monitor well samples are analyzed by a certified laboratory that meets the requirements of Chapter 62-160, F.A.C. Minimum detection limits shall be at or below the ground water standards and/or criteria.

20. Ground water sampling and reporting shall conform to the schedule set forth below with monitoring results submitted on DEP Form 62-620.910(10) (attached as Attachment A), or such other format as approved by the DEP. If the Licensee elects to enter the monitoring results into the DEP's electronic system, a hard copy of the report is not required to be submitted to the DEP for that monitoring period, but shall be printed out for the Licensee's records.

Sample Period	Quarterly	Report Deadline
(January-March)	X	April 28 th
(April-June)	X	July 28 th
(July-September)	X	October 28 th
(October-December)	X	January 28 th

21. All correspondence, reports, plans and summaries pertaining to ground water monitoring shall be submitted to the Ground Water Section of the DEP's Northeast District Office with copies to the DEP's Siting Office in Tallahassee, the DEP's Wastewater Compliance Evaluation Section in Tallahassee, and the local City of Jacksonville's Environmental Division.

22. When the ground water monitoring system shows a potential for this facility to cause or contribute to a violation of the ground water quality standards of Chapter 62-520, F.A.C., at the boundary of the zone of discharge, the appropriate ponds or coal pile shall be bottom sealed, relocated, or the operation of the affected facility shall be altered in such a manner as to assure the Department that no violation of the ground water standards will occur beyond the boundary of the zone of discharge.

H. Water Use Audit

At the end of the second year of production withdrawals, CBCP must have conducted an audit of the amount of water used in the various operational processes, landscaping practices and domestic facilities. If the audit results indicate losses of water due to leakage, a leak detection analysis must be conducted and submitted to the SJRWMD and a leak repair program must be implemented.

I. Water Conservation Awareness Program

Prior to beginning water usage, CBCP must implement and submit to the SJRWMD an employee awareness program (including such measures as posting signs regarding water conservation and reporting leaks) concerning water conservation.

V. CONTROL MEASURES DURING CONSTRUCTION

A. Storm Water Runoff

During construction, appropriate measures shall be used to settle, filter, treat or absorb silt-containing or pollutant-laden storm water runoff to limit the total suspended solids to 50 mg/l or less and pH to 6.0 to 9.0 at OSN 003 during rainfall events that are lesser in intensity than the 10-year, 24-hour rainfall, and to prevent an increase in turbidity of more than 29 NTU above background in waters of the State.

Control measures shall consist at the minimum of sediment traps, barriers, berms or vegetative planting. Exposed or disturbed soil shall be protected as soon as possible to minimize silt-and sediment-laden runoff. The pH shall be kept within the range of 6.0 to 9.0 at OSN.003. Stormwater drainage to the Broward River shall be monitored as indicated below:

Monitoring Point	Parameters	Frequency	Sample Type
*Storm water drainage to the Broward River from the runoff treatment pond	BOD5, TOC, suspended solids, turbidity, dissolved oxygen, pH, TKN, Total phosphorus, Fecal Coliform, Total Coliform, Oil and grease	**	**

*Monitoring shall be conducted at suitable points for allowing a comparison of the characteristics of preconstruction and construction phase drainage and receiving waters.

**The frequency and sample type shall be as outlined in a sampling program prepared by the

applicant and submitted at least ninety days prior to start of construction for review and approval by the DEP Northeast District Office. The District Office will furnish copies of the sampling program to the City and SJRWMD and shall indicate approval or disapproval within 60 days of submittal.

B. *Sanitary Wastes*

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

C. *Environmental Control Program*

CBCP shall establish an environmental control program under the supervision of a qualified person to assure that all construction activities conform to good environmental practices and the applicable conditions of certification. A written plan for controlling pollution during construction shall be submitted to DEP and the City within sixty days of issuance of the Certification. The plan shall identify and describe all pollutants and waste generated during construction and the methods for control, treatment and disposal. CBCP shall notify the Department's Northeast District Office and the City by telephone within 24 hours if possible if unexpected harmful effects or evidence of irreversible environmental damage are detected by it during construction, shall immediately report in writing to the Department, and shall within two weeks provide an analysis of the problem and a plan to eliminate or significantly reduce the harmful effects or damage and a plan to prevent reoccurrence.

D. *Construction Dewatering Effluent*

There shall be no discharge of construction dewatering effluent.

VI. SAFETY

The overall design, layout, and operation of the facilities shall be such as to minimize hazards to humans and the environment. Security control measures shall be utilized to prevent exposure of the public to hazardous conditions. The Federal Occupational Safety and Health Standards will be complied with during construction and operation. The Safety Standards specified under Section 440.56, F.S., by the Industrial Safety Section of the Florida Department of Commerce will also be complied with.

VII. SCREENING

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

VIII. TOXIC, DELETERIOUS, OR HAZARDOUS MATERIALS

The spill of any toxic, deleterious, or hazardous materials shall be reported in the manner specified by Condition XI, Noncompliance Notification.

IX. SOLID WASTE STORAGE AND DISPOSAL

CBCP shall be responsible for arranging for the proper storage, handling, disposal, or reuse of any solid waste generated by the CBCP facility. Solid waste produced by the operation

of the CBCP facility shall be removed from site and disposed of in a permitted disposal facility, with the exception of bottom ash and fly ash. Bottom ash and fly ash may be shipped by rail or truck to a permitted disposal area outside Duval County. Ash may be shipped offsite to companies specializing in the marketing and utilization of combustion by-products. Fugitive emissions from storage and handling of ash materials will be controlled in accordance with these conditions and Department rules. Open rail cars used to ship dry ash will be sealed to prevent leaks of ash during transport. The bottom ash and fly ash shall not be disposed of in a landfill within Duval County. If the CBCP decides to dispose of the bottom ash or fly ash by other than returning it to the mine site or a permitted disposal site outside Duval County, they shall notify the City and DEP. Prior to removal and disposal of spent lime mud and pond tailings, the CBCP shall determine whether those wastes are hazardous under 40 CFR 26 and 62-730, F.A.C. If wastes are determined to be hazardous, they shall be disposed of in accordance with Chapter 62-730, F.A.C., after consultation with the DEP and the City. If not hazardous, disposal shall be to a landfill designed to ensure compliance with groundwater quality criteria as contained in Chapters 62-520, and 62-730 F.A.C. All solid wastes disposed of on site shall comply with the provisions of Chapter 62-701, F.A.C. Ground water monitoring in accordance with 62-522, F.A.C., shall be implemented at the lime mud disposal site.

At least ninety (90) days prior to disposal or use of any sludge generated by pretreatment of reclaimed SSCC wastewater or zero wastewater discharge system, CBCP shall report to DEP and the City concerning the chemical characterization of any such sludge. DEP reserves the right to require additional sampling and analysis as necessary to ensure that the above-cited regulations are complied with. Prior to any such sludge disposal, CBCP shall obtain a letter of acceptance from a permitted disposal site. On or before the last day of the first year of commercial operation, and each year of commercial operation thereafter, CBCP shall report to DEP and the City concerning the composition and quantity of sludge generated by the zero water discharge system and the method of disposal, including name and location of facilities handling, treating, storing, and/or disposing of said sludge waste.

X. CHANGE IN DISCHARGE

All discharges or emissions authorized herein to CBCP shall be consistent with the terms and conditions of this certification. The discharge of any pollutant not identified in the application or any discharge more frequent than, or at a level in excess of, that authorized herein shall constitute a violation of this certification. Any anticipated facility expansions, production increases, or process modification which will result in new, different or increased discharges or expansion in steam generating capacity will require a submission of new or supplemental application to DEP's Siting Coordination Office pursuant to Chapter 403, F.S.

XI. NONCOMPLIANCE NOTIFICATION

If, for any reason, either licensee does not comply with or will be unable to comply with any limitation specified in this certification, the licensee shall notify the Deputy Assistant Secretary of DEP's Northeast District and the City office by telephone as soon as possible but not later than the first DEP working day after the licensee becomes aware of said noncompliance, and shall confirm the reported situation in writing within seventy-two (72) hours supplying the following information:

- A. A description and cause of noncompliance; and
- B. The period of noncompliance, including exact 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 noncomplying event.

XII. FACILITIES OPERATION

Each licensee shall at all times maintain good working order and operate as efficiently as possible all of its treatment or control facilities or systems installed or used by the licensee to achieve compliance with the terms and conditions of this certification. Such systems are not to be bypassed without prior Department (Northeast District) after approval and after notice to the City except where otherwise authorized by applicable regulations.

XIII. ADVERSE IMPACT

Each licensee shall take all reasonable steps to minimize any adverse impact resulting from its noncompliance with any limitation specified in this certification, including, but not limited to, such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying event.

XIV. RIGHT OF ENTRY

The licensees shall allow the Secretary of the Florida Department of Environmental Protection and/or authorized DEP representatives, and representatives of the City and SJRWMD, upon the presentation of credentials:

- A. To enter upon the licensee's premises where an effluent source is located or in which records are required to be kept under the terms and conditions of this permit; and
- B. To have access to and copy all records required to be kept under the conditions of this certification; and
- C. To inspect and test any monitoring equipment or monitoring method required in this certification and to sample any discharge or emission of pollutants; and
- D. To assess any damage to the environment or violation of ambient standards.
- E. SJRWMD authorized staff, upon proper identification, will have permission to enter, inspect, and observe permitted and related CBCP facilities in order to determine compliance with the approved plans, specifications, and conditions of this certification.
- F. The City authorized staff, upon proper identification, will have permission to enter, inspect, sample any discharge, and observe permitted and related facilities in order to determine compliance with the approved plans, specifications, and conditions of this certification.

XV. REVOCATION OR SUSPENSION

This certification may be suspended, or revoked pursuant to Section 403.512, Florida Statutes, or for violations of any Condition of Certification.

XVI. CIVIL AND CRIMINAL LIABILITY

This certification does not relieve either licensee from civil or criminal responsibility or liability for noncompliance with any conditions of this certification, applicable rules or regulations of the Department, or Chapter 403, Florida Statutes, or regulations thereunder.

Subject to Section 403.511, Florida Statutes, this certification shall not preclude the institution of any legal action or relieve either licensee from any responsibilities or penalties

established pursuant to any other applicable State Statutes or regulations.

XVII. PROPERTY RIGHTS

The issuance of this certification does not convey any property rights in either real or personal property, tangible or intangible, or any exclusive privileges, nor 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. The licensees shall obtain title, lease or right of use to any sovereign submerged lands occupied by the plant, transmission line structures, or appurtenant facilities from the State of Florida.

XVIII. 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 circumstances is held invalid, the application of such provision to other circumstances and the remainder of the certification shall not be affected thereby.

XIV. DEFINITIONS

The meaning of terms used herein shall be governed by the definitions contained in Chapter 403, Florida Statutes, and any regulation adopted pursuant thereto. In the event of any dispute over the meaning of a term used in these general or special 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 determined by the Department.

XX. REVIEW OF SITE CERTIFICATION

A. The certification shall be final unless revised, revoked, or suspended pursuant to law. At least every five years from the date of issuance of this certification or any National Pollutant Discharge Elimination Control Act Amendments of 1972 for the plant units, the Department shall review all monitoring data that has been submitted to it or its agent(s) during the preceding five-year period for the purpose of determining the extent of the licensee's compliance with the conditions of this certification of the environmental impact of this facility. The Department shall submit the results of its review and recommendations to the licensees. Such review will be repeated at least every five years thereafter.

XXI. MODIFICATION OF CONDITIONS

The conditions of this certification may be modified in the following manner:

A. The Board hereby delegates to the Secretary the authority to modify, after notice and opportunity for hearing, any conditions pertaining to consumptive use of water, reclaimed water, monitoring, sampling, ground water, surface water, mixing zones, or variances to water quality standards, zones of discharge, leachate control programs, effluent limitations, air emission limitations, fuel, or solid waste disposal, right of entry, railroad spur, transmission line, access road, pipelines, or designation of agents for the purpose of enforcing the conditions of this certification.

B. Subject to the notice requirements of 403.516(1), F.S., the certification shall be automatically modified to conform to subsequent DEP issued amendments, modifications, or

renewals of any separately issued Prevention of Significant Deterioration (PSD) permit, Title V Air Operation Permit, or National Pollution Discharge Elimination System (NPDES) permit for the project. In the event of a conflict, the conditions of those permits shall be controlling over these Conditions of Certification.

C. All other modifications shall be made in accordance with Section 403.516, Florida Statutes.

XXII. FLOOD CONTROL PROTECTION

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

XXIII. EFFECT OF CERTIFICATION

Certification and conditions of certification are predicated upon design and performance criteria indicated in the application. Conformance to those criteria, unless specifically amended, modified, or as the Department and parties are otherwise notified, is binding upon the applicants in the preparation, construction, and maintenance of the certified project. In those instances where a conflict occurs between the application's design criteria and the conditions of certification, the conditions shall prevail.

XXIV. NOISE

To mitigate the effects of noise produced by the steam blowout of steam boiler tubes, each licensee shall conduct public awareness campaigns prior to such activities to forewarn the public of the estimated time and duration of the noise. The licensees shall comply with the applicable noise limitations specified in Environmental Protection Board Rules or The City of Jacksonville Noise Ordinance.

XXV. USE OF WATER FOR COOLING PURPOSES

The CBCP shall use reclaimed water provided by the SSCC paper mill (in addition to any wastewater generated by the CBCP that is suitable for reuse for that purpose) for cooling water supply. In the event of disruption of SSCC reclaimed wastewater as the cooling water makeup sources for Cedar Bay, Inc., Cedar Bay, Inc. will utilize the water retained in SSCC's holding basins or other non-potable sources of water as cooling water makeup.

At least 90 days prior to beginning commercial operation, Cedar Bay Generating Company, L.P shall submit to the Department a report concerning the actual measured pollutant characteristics of reclaimed water to be obtained from the SSCC paper mill. Such report shall be based on approved analytical results from four monthly samples obtained directly from the SSCC waste stream to be tied in with the CBCP cooling system, and shall include the concentrations of BOD5, COD, total organic carbon, total suspended solids, ammonia, pH, oil and grease, calcium, magnesium, sodium, potassium, alkalinity as mg of CaCO₃, sulfate, chloride, nitrate, fluoride, silica, chlorine, phosphate (total) as P, cyanide, iron, manganese, aluminum, nickel, zinc, copper, cadmium, chromium, beryllium, arsenic, selenium, antimony, mercury, barium, silver, lead, thallium, phosphorus, and TKN. Where applicable, wastewater sampling and analyses conducted by SSCC under the terms of operation permit number I016-200147 may be used to meet the terms of this condition. Any other sampling and analyses submitted under the terms of this permit shall be in accordance with a Department-approved Quality Assurance Plan. Results of all testing and sampling specified above shall be submitted

to the Department within 30 days of testing.

SSCC's generation, treatment, or discharge of its wastewater is not covered by this site certification, and the permitting of SSCC's generation, treatment, or discharge of its wastewater does not require Siting Board approval.

XXVI. ENFORCEMENT

A. The Secretary may take any and all lawful actions as he or she deems appropriate to enforce any condition of this certification.

B. Any participating agency (federal, state, local) may take any and all lawful actions to enforce any condition of this certification that is based on the rules of that agency. Prior to initiating such action the agency head shall notify the Secretary of that agency's proposed action.

C. The City may initiate any and all lawful actions to enforce the conditions of this certification that are based on the Department's rules, after obtaining the Secretary's written permission to so process on behalf of the Department.

XXVII. ENDANGERED AND THREATENED SPECIES

Prior to start of construction, CBCP shall survey the site for endangered and threatened species of animal and plant life. Plant species on the endangered or threatened list shall be transplanted to an appropriate area if practicable. Gopher Tortoises and any commensals on the rare or endangered species list shall be relocated after consultation with the Florida Game and Fresh Water Fish Commission. A relocation program, as approved by the FGFWFC, shall be followed.

XXVIII. ENVIRONMENTALLY SENSITIVE LAND ACQUISITION

A. *Periodic Payments*

1. As a condition of this certification, CBCP shall be required to make periodic monetary contributions for the purpose of funding a program for the acquisition and management of environmentally sensitive lands in Duval County, Florida. These payments shall be made to The Nature Conservancy, Inc., in trust for the State of Florida, to be used as provided in Section B below; and to the City of Jacksonville Environmental Land Acquisition Trust Fund, to be used as provided in Section C below.

2. The two million dollar payment made by or on behalf of the CBCP Corporation to The Nature Conservancy, Inc., (TNC) on or about June 16, 1992, shall be deemed to be the first of two periodic payments, totaling 4.5 million dollars, which the CBCP is obligated to make to TNC under this condition. The second periodic payment, 2.5 million dollars, shall be transmitted within 48 hours of the date on which CBCP commences commercial operation. TNC shall hold all funds received from CBCP or on behalf of CBCP in trust for the State of Florida.

3. Commencing on the anniversary of the second payment required by subsection (2) above, and continuing each year for 30 years thereafter, a payment of \$300,000 shall be submitted to the City of Jacksonville for each year that the CBCP remains in commercial operation. Each annual payment shall be transmitted within 48 hours of the anniversary of the date on which commercial commenced at CBCP, and shall be deposited in the Jacksonville Environmental Land Acquisition Trust Fund (JELSTF) established by section 110.362 of the

Jacksonville Ordinance Code.

4. Any failure to achieve timely transmission of a periodic payment required by this condition shall be grounds for revocation of the certification.

5. All funds attributable to the periodic payments required by this condition shall be received, held, disbursed, and expended in conformance with the applicable provisions of this Condition.

6. The express intent of this Condition is to assure that these periodic payments fund the acquisition of lands possessing substantial ecological value to the ecosystem of the St. Johns River watershed; and that lands acquired with funds provided under this condition be managed to retain or enhance the ecological values for which they were acquired. Funds made available under this Condition shall not be used for the development of urban recreational facilities which conflict with the natural resource values of a site. Prohibited facilities include ball fields or courts, playgrounds, and other developed amenities which are not dependent on ecological conditions for their existence and which are not ancillary to public access for recreational enjoyment of the available natural resources.

7. Properly managed natural resource-based recreation which does not degrade the ecological values of a site shall be encouraged through the development of appropriate management plans which shall be approved by the Department for any tract purchased under this condition. Management of any site shall be consistent with the acquisition criteria specified in this condition and shall be coordinated with other managers of natural lands in the region, such as the Department, the St. Johns River Water Management District, the National Park Service, the Division of Forestry, and the Florida Game and Fresh Water Fish Commission.

8. Funds made available under this condition may be used to participate in existing public and private environmental land acquisition programs such as the Conservation and Recreational Lands Program (CARL), Save Our Rivers (SOR), Florida Communities Trust (FCT), Land Acquisition Trust Fund (LATF), Preservation 2000, The Nature Conservancy, and other similar programs with the intent behind this condition.

B. Land Acquisition Process: State of Florida

1. All land acquisition and management activities funded by the certification for the use and benefit of the State of Florida or its designees shall be undertaken in accordance with the process established by this section.

2. The Nature Conservancy (TNC) shall serve as the agent for acquisition of any parcel of land purchased with funds made available under this condition. The Department and TNC shall enter into an agreement which incorporates the provisions of this condition and such other provisions not inconsistent with this condition that the Department finds necessary to assure that this section is properly implemented in the public interest. The agreement shall specify the duties and responsibilities of the parties with respect to the retention and disbursement of funds received to assure an accurate accounting and audit trail.

3. There shall be a six member Land Acquisition and Management Advisory Council (LAMAC) comprising two representatives appointed by each of the following governmental entities: the Department, the St. Johns River Water Management District, and the City of Jacksonville. TNC shall appoint a representative to serve as chair of the LAMAC. The LAMAC shall hold one or more public hearings for the purpose of receiving public input as to lands potentially suitable for acquisition under this section. Following appropriate public input,

the LAMAC shall report its findings to the Department.

4. After review of the LAMAC report, TNC shall identify and list as many land acquisition options as it deems practicable. A copy of the list shall be submitted to each of the entities represented on the LAMAC. In establishing this list, TNC shall consider:

- a. The regional environmental importance of each parcel of property, taking into account its proximity to water bodies and other publicly-held land;
- b. The extent of wildlife habitat and diversity on each parcel and the effect of its acquisition on regional efforts towards wildlife conservation; and
- c. The potential of each parcel for environmental enhancement, restoration, and natural resource-based recreational uses.

The LAMAC shall review and approve the land acquisition options list before any parcels are acquired under this condition.

5. Following approval of the list, TNC shall initiate selection of parcels to be acquired. In selecting parcels for acquisition, preference shall be given to parcels located near the CBCP site, including parcels within or adjacent to the Timucuan Ecological and Historical Preserve managed by the National Park Service. Preference shall also be given to the selection of larger parcels which can be purchased using contributions from other entities to supplement funds available under this condition. After approval by the Secretary of the Department of a proposed acquisition, the parcel shall be purchased by TNC in trust for the State of Florida.

6. Title to any parcel purchased under this condition shall ultimately vest in a governmental entity following a determination by the Secretary of the Department, after consultation with the LAMAC, as to how the property can be managed most appropriately in the public interest. It is understood that title to a newly-purchased parcel may initially vest in TNC pending this determination and transfer of the title to an appropriate government entity or entities for management. The Siting Board hereby delegates to the Secretary of the Department the authority to select the governmental entity or entities most suitable to hold title and manage any property purchased under this condition. Upon notification from the Department that the selection has occurred, TNC shall forthwith execute a transfer of title to the designated entity or entities.

7. TNC shall be entitled to receive reimbursement from funds held by it under this Condition for any costs related to the performance of an acquisition under this Section. TNC may expend on an annual basis up to two per cent of the purchase price of a parcel to which it holds interim title to defray expenses associated with management of that parcel until title can be transferred as specified in subsection (6).

8. TNC is hereby authorized to explore and enter into financing arrangements which will allow the expected proceeds of the periodic payments required under this condition to be capitalized for immediate utilization in land acquisition or for appropriate installment payments in the that it is possible to defer full payment for a parcel over a number of years. CBCP shall cooperate to the maximum extent in assisting TNC to achieve such alternate financing arrangements for the benefit of the public as may be practicable.

C. Land Acquisition Process: City of Jacksonville

1. All land acquisition and management activities funded by Section A.3 of this Condition for the use and benefit of the City of Jacksonville or its designee shall be undertaken in accordance with the process established by this Section.

2. The Real Estate Division of the City of Jacksonville Public Works Department or another appropriate governmental entity shall serve as the agent for acquisition of

any parcel of land purchased with funds made available under this Condition. The Department and the City of Jacksonville shall enter into an agreement which incorporates the provisions of this Condition and such other provisions not inconsistent with this Condition that the Department finds necessary to assure that this Section is properly implemented in the public interest. The agreement shall specify the duties and responsibilities of the parties with respect to the retention and disbursement of funds received to assure an accurate accounting and audit trail.

3. The City of Jacksonville, acting through the Jacksonville Environmental Land Selection Committee (JELSC) established by Mayoral Executive Order 85-81, as amended by Executive Order 91-147, pursuant to Section 110.362 of the Jacksonville Ordinance Code, shall identify and list as many land acquisition options as it deems practicable. In establishing its list, JELSC shall consider:

- a. The regional environmental importance of each parcel of property, taking into account its proximity to water bodies and other publicly-held land;
- b. The extent of wildlife habitat and diversity on each parcel and the effect of its acquisition on regional efforts toward wildlife conservation; and
- c. The potential of each parcel for environmental enhancement, restoration, and natural resource-based recreational uses.
- d. The goals, objectives, and policies of the Conservation/Coastal Management element of the City's Comprehensive Plan, as amended.

A copy of the JELSC list, as it may be amended from time to time, shall be supplied to the Department and to the St. Johns River Water Management District. JELSC shall furnish a copy of the list upon its initial preparation and after any subsequent amendment thereto.

4. Lands to be acquired under this Section with funds made available in whole or in part under this Condition may be acquired only with the concurrence of the Jacksonville City Council and the Department. In selecting parcels for acquisition, preference shall be given to parcels located near the CBCP site, including parcels within or adjacent to the Timucuan Ecological and Historical Preserve managed by the National Park Service. Preference shall also be given to the selection of larger parcels which can be purchased using contributions from other entities to supplement funds available under this condition. After approval by the Department and the City Council of a proposed acquisition, the parcel shall be purchased by the City.

5. With the approval of the Department and the city council, title to land acquired under this Section may be sold or transferred to a governmental entity to facilitate effective and beneficial management of the parcel. Any funds received by the City as a result of sale or transfer of property previously acquired under this Section shall be deposited in the JELATF and remain subject to the provisions of this Condition.

6. Any funds paid by CBCP to the JELATF in fulfillment of this Condition or in accordance with any other Condition of Certification may be used for the purpose of managing lands acquired under this Section.

7. The City of Jacksonville is hereby authorized to explore and enter into financing arrangements which will allow the expected proceeds of the periodic payments available under this Section to be capitalized for immediate utilization in land acquisition and management or for appropriate installment payments in the event that it is possible to defer full payment for a parcel over a number of years. CBCP shall cooperate to the maximum extent in assisting the City to achieve such alternate financing arrangements for the benefit of the public

as may be practicable.

8. Sale or transfer of any parcel acquired under this Section shall be subject to a reversionary interest retained by the Board of Trustees of the Internal Improvement Trust Fund. In the event that the property ever ceases to be used and managed for environmental purposes consistent with this Condition, ownership of the property shall immediately revert to the State of Florida.

XXIX. TRANSFER OF CERTIFICATION

If the Cedar Bay Cogeneration Project is sold or legally transferred to another owner, notice of such sale or transfer shall immediately be submitted to the Florida Department of Environmental Protection and the agency parties to this certification by the previous certification holder (licensee) and the assignee. Included in the notice shall be the identification of the entity responsible for compliance with the Certification. Any assignment or transfer shall carry with it the full responsibility for the limitations and conditions of this Certification.

History.

Certified 02/20/1991; signed by Governor Chiles
Ordered modified 06/19/1992; signed by Governor Chiles
Modified 05/14/1993; signed by Governor Chiles
Modified 10/09/1995; signed by Secretary Wetherell
Modified 07/25/1996; signed by Secretary Wetherell
Modified 05/31/2001; signed by Deputy Secretary Green
Modified 08/14/2006; signed by Siting Administrator Owen
Modified 12/20/2006, signed by Siting Administrator Owen
Modified 08/17/07, signed by Siting Administrator Halpin
Modified 03/03/10; signed by Siting Administrator Halpin