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ATTACHMENTS & APPENDICES

Appendix I.	NPDES Permit No. FL0044229-007-IWB
Appendix II.	Air Operation (Title V) Permit No. 0490340-006-AV
Appendix III.	Air Construction Permit No. PSD-FL-214A
Appendix IV.	Air Construction Permit No. PSD-FL-214C
Appendix V.	Air Construction Permit No. PSD-FL-344
Appendix VI.	Air Construction Permit No. PSD-FL-344A
Appendix VII.	Air Construction Permit No. PSD-FL-214E & 344B

CONDITIONS OF CERTIFICATION

I. GENERAL

A. Definitions

The meaning of the terms used herein shall be governed by the definitions contained in Chapters 403, 378, 373, 372, and 253, Florida Statutes, and any regulation adopted pursuant thereto and the statutes and regulations of any agency. 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 determined by the department. As used herein:

1. "Application" shall mean the Site Certification Application for the Richard J. Midulla Generating Station (MGS), as supplemented.
2. "CFRPC" shall mean the Central Florida Regional Planning Council.
3. "DEP" shall mean the Florida Department of Environmental Protection.
4. "DHR" shall mean the Florida Department of State, Division of Historical Resources.
5. "Emergency conditions" shall mean urgent circumstances involving potential adverse consequences to human life or property as a result of weather conditions or other calamity, and necessitating new or replacement gas pipeline, transmission lines, or access facilities.
6. "Feasible" or "practicable" shall mean reasonably achievable considering a balance of land use impacts, environmental impacts, engineering constraints, and costs.
7. "FWCC" shall mean the Florida Fish and Wildlife Conservation Commission.
8. "HPPL" shall mean Hardee Power Partners Limited.
9. "MGS" shall mean the Richard J. Midulla Generating Station Site within which the project will be located. Also located contiguous to the site are existing generating units operated by Hardee Power Partners Limited.
10. "M/C" shall mean mitigation/compensation.

11. "Licensee" shall mean Seminole Electric Cooperative, Inc. (SECI).
12. "Power plant" shall mean the electric power generating equipment and appurtenances to be constructed on a site in Hardee County and Polk County, as generally depicted in the Application.
13. "Project" shall mean the Richard J. Midulla Generating Station and all associated facilities, including: The power plant and related facilities; the cooling reservoir and related facilities
14. "SWFRPC" shall mean the Southwest Florida Regional Planning Council.
15. "SWFWMD" shall mean the Southwest Florida Water Management District.
16. "USFWS" shall mean the United States Fish and Wildlife Service.
17. "WMD" shall mean water management district.
18. "ISO" shall mean International Organization for Standardization, ISO 3977-1978(E) standard conditions for gas turbines = 14.7 psia, 15⁰C, relative humidity 60%.

B. Identification of Licensee Responsible for Compliance

These conditions are intended to apply to Seminole Electric Cooperative Incorporated (SECI) as the owner and operator of Payne Creek Generating Station. However, these conditions do not relieve SECI of obligations imposed by Conditions of Certification for certification PA 89-25 unless these conditions are specific to Phase 3 (Richard J. Midulla Generating Station) construction and operation.

C. Applicable Rules

The construction and operation of the Richard J. Midulla Generating Station shall be in accordance with all applicable provisions of at least the following regulations of the Department: Chapters 62-3, 62-4, 62-6, 62-12, 62-21, 62-22, 62-25, 62-210 through 62-297, 62-302, 62-650, and 62-660, Florida Administrative Code (F.A.C.) or their successors as they are renumbered.

II. AIR

A. Existing Units

The construction and operation of the existing certified units shall be in accordance with all applicable provisions of Chapters 62-210 through 62-297 and 62-4, Florida Administrative Code (F.A.C.), the approved Title V Permit program where applicable and 40 CFR 60, Subpart GG, Appendix A, Appendix B, and Appendix F, and the respective PSD Permits and their subsequent modifications, amendments, or renewals. The PSD Permits; PSD-FL-214A, PSD-FL-214C, PSD-FL-344, PSD-FL-344A, and PSD-FL-214E & 344B are incorporated by reference herein as part of this Certification and are attached as Appendix III, IV, V, VI, and VII, respectively. The current Title V Air Operation Permit (0490340-006-AV) is incorporated by reference herein as part of this Certification and is attached as Appendix II. The provisions of the respective PSD Permits and the Title V Air Operation Permit shall be conditions of the certification and shall be fully enforceable as such.

B. New Units (Reserved)

III. SURFACE WATER DISCHARGES

A. Industrial Wastewater Permit Number

Industrial Wastewater Permit Number FL0044229, which is attached as Appendix I, is incorporated by reference herein as part of this Certification. The provisions of Industrial Wastewater Permit Number FL0044229 shall be conditions of this certification. The licensee shall comply with the substantive provisions and limitations set forth in Industrial Wastewater Permit Number FL0044229 as part of these Conditions of Certification, and as those provisions may be modified 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. Outfall

The outfall from the cooling reservoir to waters of the state (OSN 001) shall be used in common by all power generating facilities certified under certification Order No. 89-25 and this certification. Discharges from OSN 001 are regulated by these certifications and by separate NPDES Permits issued to SECI for Unit 3 (NPDES Permit No. FL0044229 or as subsequently revised) and to HPPL (NPDES Permit No. FL0041571 or as subsequently revised). Both Licensees (SECI and HPPL) are authorized to discharge from the cooling reservoir to Payne Creek via OSN 001. Both Licensees are joint operators of the cooling reservoir with respect to discharges from OSN 001. In any civil action (judicial or administrative), EPA or DEP may allege that the joint operators are jointly and severally liable for penalties, damages, costs and expenses, or corrective actions for violations at OSN 001, and neither Licensee shall assert as an affirmative defense any violations at OSN 001 were caused by the conduct of the other Licensee. This provision shall not limit or affect the rights, liability, claims, or defenses that the separate Licensees may have in actions between themselves or with other parties, or in any criminal action arising out of the separate permits.

IV. GROUND WATER

A. *Water Use*

This certificate is issued based on information provided by SECI demonstrating that the use of water is reasonable and beneficial, consistent with the public interest, and will not interfere with any existing legal use of water. If it is determined by the SWFWMD that the use is not reasonable and beneficial, in the public interest, or does impact an existing legal use of water, the SWFWMD may initiate action for modification, suspension or revocation of Certification.

B. *Water Well Construction*

Prior to the construction, modification, or abandonment of a production well for the MGS, SECI must notify the SWFWMD pursuant to Chapter 40D-3, Florida Administrative Code. Construction, modification, or abandonment of a production well will require modification of the MGS consumptive use conditions when such construction, modification or abandonment is other than that specified and described on MGS consumptive use information as addressed in the application. The construction, modification, or abandonment of a monitor well specified in Condition IV.I. will require the prior approval of the Department.

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

Leaking or inoperative well casings, valves, or controls must be repaired or replaced as required to put the system back in an operative condition acceptable to the SWFWMD. Failure to make such repairs will be cause for deeming the well abandoned in accordance with Chapter 62-532.200, Florida Administrative Code, Chapter 373.309, Florida Statutes. Wells deemed abandoned will require plugging according to applicable regulations.

A SWFWMD-issued identification tag must be prominently displayed at each withdrawal site by permanently affixing such tag to the pump, headgate, valve or other withdrawal facility as provided by Section 40D-2, Florida Administrative Code. SECI must notify the SWFWMD in the event that a replacement tag is needed.

D. *Maximum Annual Withdrawals*

The combined use of groundwater for all power generating facilities at the MGS site from the wellfield shall not exceed 3.8 million gallons per day (mgd) annual

average daily and 8.64 mgd peak month daily.

The use of the Floridan aquifer potable water for control of fugitive dust emissions is prohibited when alternatives are available, such as treated discharges, shallow aquifer wells, or stormwater. The use of Floridan aquifer potable water for the sole purpose of waste stream dilution is prohibited.

E. Water Use Transfer

The SWFWMD must be notified, in writing, within 90 days of the transfer of this certification. All transfers are subject to the provisions of Chapter 40D-2, Florida Administrative Code, which state that all terms and conditions of the permit shall be binding of the transferee.

F. Emergency Shortages

Nothing in this certification is to be construed to limit the authority of the SWFWMD 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, as declared by the District Governing Board, Richard J. Midulla Generating Station shall adhere to reductions in water withdrawals as specified by the SWFWMD.

In the event SWFWMD declares that a water shortage exists pursuant to Chapter 40D-21, F.A.C., SWFWMD may alter, modify, or declare inactive all or parts of this certification as necessary to address the water shortage, after notice and a reasonable opportunity for compliance.

G. Monitoring and Reporting

1. Report Submission

All required reports of data shall be submitted to SWFWMD on or before the tenth day of each month and shall be addressed to:

Permits Data Section
Southwest Florida Water Management District
2379 Broad Street
Brooksville, Florida 34609-6899

Unless otherwise indicated, three copies of each plan or report, with the exception of pumpage, rainfall, evapotranspiration, water level or water quality data which require one copy, are required by the permit.

2. Flow Meters

The Licensee shall continue to maintain and operate the existing nonresettable, totalizing flow meter(s), or other flow measuring device(s) as approved by the Permitting Department Director, Resource Regulation, for SWFWMD ID Nos. 1, 2, & 3, Licensee ID Nos. 1, 2, & 3. Such devices shall maintain an accuracy within five percent of the actual flow as installed.

3. Withdrawal Records

Total withdrawal and meter readings from each metered withdrawal shall be recorded on a monthly basis and reported to the Permits Data Section (using District forms) on or before the tenth day of the following month. If a metered withdrawal is not utilized during a given month, a report shall be submitted to the Permits Data Section indicating zero gallons.

H. Sampling and Analysis Report

Water quality samples shall be collected and analyzed, for parameter(s), and frequency(ies) specified below. Water quality samples from production wells shall be collected whether or not the well is being used, unless infeasible. If sampling is infeasible SECI shall indicate the reason for not sampling on the water quality data form. Water quality samples shall be analyzed by a Department of Health and Rehabilitative Services (DHRS) certified laboratory under Environmental Laboratory Certification General Category "1". At a minimum, water quality samples shall be collected after pumping the well at its normal rate for a pumping time specified in the table below, or to a constant temperature, pH, and conductivity. In addition, SECI's sampling procedure shall follow the handling and chain of custody procedures designated by the certified laboratory which will undertake the analysis. Any variance in sampling and/or analytical methods shall have prior approval of the Permitting Department Director, Resource Regulation. Reports of the analyses shall be submitted to the Permits Data Section (using District forms) on or before the tenth day of the following month, and shall include the signature of an authorized representative and certification number of the certified laboratory which undertook the analysis. The parameters and frequency of sampling and analysis may be modified by the Permitting Department Director, Resource Regulation, as necessary to ensure the protection of the resource.

SWFWMD ID No.	SECI ID No.	Minimum Pumping Time (minutes)	Parameter	Sampling Frequency
1	1	45 minutes	Chlorides, Sulfates, TDS	Feb., May, Aug, & Nov.

Water quality samples shall be collected during the same week of the months specified.

Analyses shall be performed according to procedures outlined in the current edition of *Standard Methods for the Examination of Water and Wastewater* by the American Public Health Association-American Water Works Association- Water Pollution Control Federation (APHA-AWWA-WPCF) or *Methods for Chemical Analyses of Water and Wastes* by the U.S. Environmental Protection Agency (EPA)

I. Ground Water Monitoring Requirements

1. In accordance with Section 62-5222.600(3), F.A.C., the groundwater monitoring system shall be constructed by SECI no later than 60 days prior to commercial operation.

2. The groundwater monitoring system shall be constructed by SECI in accordance with the plans submitted pursuant to this certification.

3. The Ground Water Monitoring System for Richard J. Midulla Generating Station shall consist of 4 monitoring wells and shall be tentatively located as listed below. All wells are to be clearly labeled and easily visible at all times.

WELL NUMBER	AQUIFER	LOCATION
HU 3-1 shallow	unconfined	Per SCA 10.5.2, Figure 1
HU 3-2 shallow	unconfined	Per SCA 10.5.2, Figure 1
HU 3-3 shallow	unconfined	Per SCA 10.5.2, Figure 1
HU 3-4 shallow	unconfined	Per SCA 10.5.2, Figure 1

4. A surveyed drawing shall be submitted showing the location of all monitoring wells (active and abandoned) which will be horizontally located by metes and bounds or equivalent surveying techniques. The surveyed drawing shall include the monitor well identification number as well as location and elevation of all permanent benchmark(s) and/or corner monument marker(s) at the site. The survey shall be conducted by a Florida Registered Surveyor.

5. Within 30 days of completion of construction of the ground water monitor wells, the Licensee shall submit the following information for each monitor well:

- a. A complete FDEP Monitor Well Completion Report;
- b. A copy of the Southwest Florida Water Management District (SWFWMD) Application to Construct a Well, SWFWMD Form SF 306(3) Rev. 9/92; or other SWFWMD approval, and
- c. A copy of the SWFWMD Well Completion Report, SWFWMD Form 25-18-3/90.

The information shall be sent to the Technical Services Section

Department of Environmental Protection, 3804 Coconut Palm Drive, Tampa, Florida 33619-8318.

6. Within 60 days of startup of the new facility the Ground Water Monitoring System and every 5 years thereafter, the SECI shall sample all ground water monitor wells for the Primary and Secondary Drinking Water parameters included in Chapter 62-550, F.A.C., Public Drinking Water Systems (excluding asbestos, acrylamide and epichlorohydrin). The results shall be sent to the Industrial Wastewater Section, Southwest District Office, Department of Environmental Protection, 3804 Coconut Palm Drive, Tampa, Florida 33619-8318.

7. Within 6 months of startup for new facilities, and every 5 years thereafter, the SECI shall provide a waste stream characterizations for the discharges to the Cooling Water Pond. The waste streams shall be analyzed for the Primary and Secondary Drinking Water Standards (Chapter 62-550, F.A.C. excluding asbestos, acrylamide and epichlorohydrin). The results shall be sent to the Industrial Wastewater Section, Southwest District office.

8. The wells shall be sampled **QUARTERLY** for the parameters listed below. Additional samples, wells and parameters may be required based upon subsequent analyses.

PARAMETER	UNITS
Total Dissolved Solids	mg/L
Redox	volts
Sulfates	mg/L
Sulfites	mg/L
Color	c.u.
Chlorides	mg/L
Iron	mg/L
Aluminum	mg/L
Cadmium	mg/L
Zinc	mg/L
Copper	mg/L
Nickel	mg/L
Selenium	mg/L
Chromium	mg/L
Arsenic	mg/L
Beryllium	mg/L
Mercury	mg/L
Lead	mg/L
Gross Alpha	pC/L
Specific Conductance*	□mho/cm
pH*	s.u.
Water Level*	feet related to MSL
Temperature*	□C

[*] Field measurement.

The results shall be sent to Industrial Wastewater Section, Southwest District office.

9. After eight consecutive quarters of data (after the startup of Unit 3) the SECI may request a reduction in sampling frequency or specific parameters of the ground water monitoring program. The request shall be considered reasonable when a trend analysis of the parameter indicates no significant or substantial change in the parameter. Specific parameters that are key indicators of the domestic or industrial processes or field measured parameters may not be reduced or eliminated from the ground water monitoring plan.

10. Following the initial analysis of the ground water monitor wells, all monitoring wells shall be sampled, analyzed and results reported in accordance with the following schedule:

SAMPLE PERIOD	REPORT DUE DATE
1st Quarter (January-March)	April 15
2nd Quarter (April-June)	July 15
3rd Quarter (July-September)	October 15
4th Quarter (October-December)	January 15

The SECI shall submit the results of the water quality analyses no later than the 15th day of the month immediately following the end of the sampling period. The results shall be sent to the Industrial Wastewater Section, Southwest District office.

11. Ground water sampling shall be reported on the Monitoring Report Forms (DEP Form 62-522.900(2)). In order to facilitate entry of this data into the State computer system, these forms or an exact replica must be used and must not be altered as to content. The original copies should be retained so that the necessary information is available to properly complete future reports. The report forms received from the laboratory must be submitted along with the DEP Parameter Monitoring Report Forms described above.

12. If, at any time, background ground water standards are exceeded at the edge of the zone of discharge, the SECI will have 15 days from receipt of the laboratory analyses in which to resample the monitor well(s) to verify the original analyses. The monitoring test results must be submitted to the Department within 15 days of receipt of the reanalyses from the laboratory. Should the SECI choose not to resample, the Department will, then, consider the water quality analysis as representative of current ground water conditions at the facility.

13. The field testing, sample collection, preservation and laboratory testing, including quality control procedures, shall be in accordance with methods approved by the Department in accordance with F.A.C. Chapter 62-160, and Rules 62-4.246 and 62-

520.300, F.A.C. Approved methods for chemical analyses are summarized in the Federal Register, December 1, 1976 (41FR52780) except that turbidity shall be measured by the Nephelometric Method.

14. If any monitor well becomes damaged or inoperable, the SECI shall notify the Department immediately and a detailed written report shall follow within 7 days. The written report shall detail what problem has occurred and remedial measures that have been taken to prevent the recurrence. All monitoring well design and replacement shall be approved by the Technical Services Section of the Southwest District prior to installation of the replacement well.

15. Within 60 days of certification, all piezometers and wells not a part of the approved Ground Water Monitoring Plan or monitoring wells required by SWFWMD are to be plugged and abandoned in accordance with Rule 62-532.500(4), F.A.C. and the SWFWMD. The SECI shall submit a written report to the Department providing verification of the plugging program. A written request for exemption to the plugging of a well must be submitted to the Department's Southwest District Technical Services Section for prior approval.

16. The SECI shall ensure that only properly decontaminated sampling or measuring devices will be introduced into any ground water monitoring wells that are incorporated in this ground water monitoring system. Any deviation from this accepted method shall have prior written authorization from the Department. At no time shall any fluids be introduced into a ground water monitoring well, otherwise it will be considered a violation of this certification.

J. Zone of Discharge

The MGS shall meet the groundwater criteria of Chapter 62-250, F.A.C. at the boundary of a zone of discharge extending 100 feet from the outside toe of the cooling reservoir. A ground water monitoring program as described in Condition IV.L. shall be implemented to verify compliance with these requirements.

K. Water Samples

SWFWMD may collect water samples from any withdrawal point listed in the certificate or may require SECI to submit water samples when SWFWMD determines there is a potential for adverse impacts to water quality.

L. SWFWMD Access

SECI shall provide access to an authorized SWFWMD representative to enter the property at any reasonable time to inspect the facility and make environmental or hydrologic assessments. SECI shall either accompany SWFWMD staff onto the property or

make provision for access onto the property.

M. Conservation

1. SECI shall cease or reduce withdrawal as directed by SWFWMD if water levels in aquifers fall below the minimum levels established by the SWFWMD Governing Board.

SECI shall practice water conservation to increase the efficiency of transport, application, and use, as well as to decrease waste and to minimize runoff from the property. At such time as the SWFWMD Governing Board adopts specific conservation requirements for SECI's water use classification, SECI shall be subject to those requirements upon notice and after a reasonable period for compliance.

2. Any wells not in use, and in which pumping equipment is not installed shall be capped or valved in a water tight manner in accordance with Rule 62- 532.500(3)(a)4, F.A.C.

3. By June 1, 2004, SECI shall submit for approval by the Permitting Department Director, Resource Regulation, a water conservation plan for the purposes of documenting the current groundwater use for Richard J. Midulla Generating Station's water use operations, and the existing and proposed water conservation programs which are, or will be implemented to conserve groundwater at the plant. The plan shall address the following:

a. Current Plant Operation

(1) For groundwater and recycled surface water sources, document the processes which use water, and the magnitude of the use.

(2) For groundwater and recycled surface water sources, document the range in water use.

(3) Groundwater and recycled surface water sources, document the factors which contribute to fluctuations in water use.

(4) Describe the methods used to determine the water use and the methods used to determine the factors which contribute to the water use fluctuations.

b. Future Plant Operation

(1) Determine processes which can be modified to reduce groundwater dependency.

(2) Propose conservation measures for reducing groundwater use and provide implementation dates.

(3) Propose methods for calculating the effectiveness of water conservation methods in item b.ii. above.

4. If the District finds that certain conservation measures are technically and economically feasible, and SECI refuses to implement them, then the District may seek to modify this certification to require SECI to undertake the conservation measures and to reduce its permitted water use quantities accordingly.

N. Special Regulations

SWFWMD may establish special regulations for Water-Use Caution Areas. At such time as the SWFWMD Governing Board adopts such provisions, SECI shall be subject to them upon notice and after a reasonable period for compliance.

O. Legal Use Impacts Mitigation

SECI shall mitigate, to the satisfaction of SWFWMD, any adverse impact to existing legal uses caused by withdrawals. When adverse impacts occur or are imminent, SWFWMD may require SECI to mitigate the impacts. Adverse impacts include:

1. A reduction in water levels which impairs the ability of a well to produce water;
2. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams or other watercourses; or
3. Significant inducement of natural or manmade contaminants into a water supply or into a usable portion of an aquifer or water body.

P. Environmental Impact Mitigation

1. SECI shall mitigate to the satisfaction of SWFWMD any adverse impact to environmental features or offsite land uses as a result of withdrawals. When adverse impacts occur or are imminent, SWFWMD may require SECI to mitigate the impacts. Adverse impacts include the following:

- a. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams, or other watercourses;
- b. Sinkholes or subsidence caused by reduction in water levels;
- c. Damage to crops and other vegetation causing financial harm to the owner; and

d. Damage to the habitat of endangered or threatened species.

2. Prior to dewatering within 300 feet of a property boundary, SECI shall comply with one of the following two alternatives:

a. Secure written consent from all adjacent property users for lowering the water table below their lands. Three copies of the consent shall be submitted in writing to the Permitting Department Director, Resource Regulation prior to dewatering within the specified distance. This alternative cannot be used if adjacent lands contain wetlands or other water bodies within 300 feet of SECI's dewatering activity.

b. Implement a procedure to mitigate impacts by maintaining the water table at historic levels at the property boundary. SECI must obtain approval from the Permitting Department Director, Resource Regulation. The procedure shall include:

(1) A water table monitoring well network, approved by the Permitting Department Director, Resource Regulation, designed to demonstrate that water table drawdown does not exceed one foot under on-site wetlands that will not be disturbed.

(2) Collection of water table level data after construction of the approved monitoring well network for at least six months prior to the initiation of dewatering in the area, to obtain background data. During this time period, water level data shall be recorded on a weekly basis and submitted monthly.

(3) If a rim-ditch system is proposed to recharge the water table near on-site wetlands that will not be disturbed, design and operation details must be submitted to demonstrate that the water table will be maintained at appropriate levels based on the background data collected. Rim-ditch systems must also be accompanied by a monitoring well network to verify water table maintenance.

(4) At least one month prior to the anticipated date of dewatering an area within the setback distance, water level data shall be recorded and submitted on a weekly basis.

(5) Data collection shall continue for six months following completion of dewatering and reclamation or until SWFWMD staff determines that background or steady-state levels are attained. During this time period, water level data shall be recorded on a weekly basis and reported monthly. Water levels shall be reported in feet relative to the National Geodetic Vertical Datum (N.G.V.D.)

Q. Alternative Source Investigation

SECI shall continue to investigate the feasibility of using reclaimed water as a water source and submit an updated report describing the feasibility to the Permits Data Section of the District by June 1, 2004. The report shall contain an analysis of reclaimed

water sources for the area, including the relative location of these sources to SECI's property, the quantity of reclaimed water available, the projected date(s) of availability, costs associated with obtaining the reclaimed water, and an implementation schedule for reuse, if feasible. Infeasibility shall be supported with a detailed explanation.

If the use of reclaimed water as a water source is determined to be feasible by SECI and the District, SECI shall submit an implementation plan to the Permits Data Section for review and approval, within 30 days after the feasibility report is approved in writing by the Permitting Department Director, Resource Regulation. The District will require the implementation of the approved plan within a period of time agreed upon by the District and SECI. A modification of the water use quantities authorized in the certification may be required based upon the implementation plan.

V. WETLANDS

A. Semi-annual narrative progress reports shall be submitted to the Siting Coordination Office, the Bureau of Submerged Lands and Environmental Resources, the Department's Southwest District office in Tampa, and the SWFWMD indicating the status of the project. The first semi-annual progress report is due six months from the date of certification. The cover page shall indicate the certification number, project name and SECI's name. The report shall include the following information:

1. Date permitted activity was begun; if work has not begun on-site, please so indicate.
2. Brief description and extent of work (dredge, fill, wetland restoration/mitigation, and maintenance) completed since the previous report or since certification was issued. Indicate on copies of the certification drawings those areas where work has been completed. Also indicate any areas in which the actual impacts were less than the scope of the certified work.
3. Brief description and extent of work (dredge, fill, wetland restoration/mitigation, and maintenance) anticipated in the next six months. Indicate on copies of the certification drawings those areas where it is anticipated that work will be done.
4. Reports detailing the progress of the restoration/mitigation program. The reports shall include: photographs taken from the same permanent stations (some of which must be in the vegetation sampling areas), a description of problems encountered and solutions undertaken, and anticipated work for the next six months.
5. This report shall include on the first page, just below the title, the certification of the following statement by the individual who supervised preparation of the report: "This report represents a true and accurate description of the activities conducted during the six month period covered by this report."

B. The construction and mitigation shall proceed in accordance with the final

drawings and information approved during the certification process. Any alterations to the construction design that impacts wetlands or any alterations to the mitigation design shall require prior approval from the Department.

C. Best management practices for erosion control shall be implemented and maintained at all times during construction to prevent siltation and turbid discharges in excess of State water quality standards pursuant to Rule 62-302, F.A.C. Methods shall include, but are not limited to the use of staked hay bales; staked filter cloth; sodding, seeding, and mulching; staged construction; and the deployment of turbidity screens around the immediate project site.

SECI shall be responsible for ensuring that erosion control devices and procedures are inspected and maintained daily during all phases of construction authorized by the certification until all areas that were disturbed during construction are sufficiently stabilized to prevent erosion, siltation, and turbid discharges.

The following measures shall be taken immediately by SECI whenever turbidity levels within waters of the State surrounding the project site exceed State water quality standards established pursuant to Rule 62-302, F.A.C.:

1. Immediately cease all work contributing to the water quality violation.
2. Stabilize all exposed soils contributing to the violation. Modify the work procedures that were responsible for the violation, and install more turbidity containment devices and repair any non-functioning turbidity containment devices.
3. Notify the Siting Coordination Office, Bureau of Submerged Lands and Environmental Resources at (904)488-0130 and the DEP Southwest District office within 24 hrs. of the time the violation is first detected.

D. The wetland mitigation program shall be conducted prior to or concurrent with the dredging/filling authorized by the certification and shall be completed, including the planting of tree species, within one year of the commencement of the dredging/filling. The mitigation program shall be conducted in accordance with the design details in the final approved construction drawings and plans submitted to the Department and SWFWMD during the certification proceedings. Subsequent field changes to wetland impacts shall be approved by the Department and SWFWMD prior to execution of the changes and shall be mitigated at the ratios for the approved mitigation plan.

E. Organic soil deposits excavated on the construction site shall be transported to the mitigation area to mulch the mitigation area as practicable.

F. Within 30 days of achieving final grade, the wetland restoration and creation areas shall be surveyed and a topographic map shall be prepared. A topographic map shall be submitted to the Siting Coordination Office, and the Department's Southwest District office in Tampa within 60 days of achievement of final grade. The topographic map shall meet the following criteria:

1. It shall clearly depict the wetland topography in such a way as to unambiguously show how the site will retain, detain, shed, or otherwise influence the flow and detention of water at the site;
2. It shall show six in. contour intervals based on a 50 ft., or finer, resolution grid;
3. It shall be certified by a registered land surveyor;
4. It shall show any hydrologic connections between the created and adjacent, existing wetlands; and
5. It shall show the variations of topographic relief within the graded areas, which may require showing topographic intervals or spot elevations as finer than six in., in some portions of the site.

G. The trees in the mitigation area shall be planted in staggered manner so as to avoid the establishment of straight rows of trees and to result in a more natural spatial distribution of the trees.

H. Freshwater herbaceous species restoration of the pipeline construction area shall be considered successful when the following conditions are met:

1. Percent cover by non-nuisance, non-exotic wetland species shall be 80% or more. Percent covers for the aggregate of those wetland species, and of non-wetland species, bare ground and water shall be reported relative to the total area. A list of the wetland species included in the aggregate shall be included. Wetland species shall be those listed in Florida Administrative Code Rule 62-301.400;
2. Nuisance species, such as Mikania scandens (climbing hempvine), Typha sp. (cattail) and Ludwigia peruviana (primrose willow), and exotic species are limited to 1% or less of the total cover;
3. Not less than 0.06 ac. of freshwater herbaceous wetlands are determined by Department staff to be jurisdictional pursuant to Section 403.817, F.S.; and
4. The wetlands are restored in accordance with the conditions of certification.

I. Forested wetland creation shall be considered successful when the following conditions are met:

1. An average of at least 400 wetland trees per acre shall be growing above the herbaceous stratum, with canopy cover of at least 35 percent;
2. The wetland species tree cover shall exceed 35% of the total area

and in no area of an acre in size shall the tree cover be less than 20% total cover. Cover measurement shall be restricted to (1) those trees exceeding the herbaceous stratum in height and (2) those indigenous species that contribute to the overstory of the mature forest of the Payne Creek and its tributaries and that are wetland vegetation listed in Florida Administrative Code Rule 62-301.400;

3. At least 80% of obligate groundcover (herbaceous) and obligate shrub (non-canopy woody species) vegetation shall among be those species listed in Florida Administrative Code Rule 62-301.400, and shall be reproducing naturally, either normal, healthy, vegetative spread (in ways that would be normal for each wetland species) or through seedling establishment, growth and survival. Nuisance species such as Mikania scandens (climbing hempvine), Typha sp. (cattail) and Ludwigia peruviana (primrose willow) and all exotic species, shall be limited to 1% or less of the total cover.

SECI shall undertake required maintenance activities within the wetland compensation area in accordance with the approved Maintenance Plan submitted on October 14, 1994, as needed throughout the monitoring period. Maintenance shall include the manual removal (with sufficient frequency) of all nuisance and exotic plant species, such that their combined coverage at no time exceeds the criteria within the Wetland Compensation Success Criteria. SECI may use state approved herbicides with the prior approval of the SWFWMD and the Department, if it encounters problems with the removal of nuisance and exotic plant species.;

4. At least 80 percent non-canopy cover of desirable plant species;

5. Not less than 0.26 ac. of forested wetlands are determined by the Department to be jurisdictional pursuant to Rule 62-301, F.A.C.; and

6. The mitigation wetlands are constructed in accordance with the conditions of certification.

J. SECI shall furnish to the Siting Coordination Office, Bureau of Submerged Lands and Environmental Resources and the Department's Southwest District office in Tampa annual statistical reports of vegetational sampling of the restored and created wetlands done by any mutually agreed-upon method. Acceptable methods may be found in Daubenmire (1968), Green (1979), Grieg-Smith (1983), Mueller-Dombois and Ellenberg (1974), Oosting (1956), Poole (1974), and Southwood (1978). It is the responsibility of SECI to ensure that the monitoring report provides a qualitative and quantitative depiction of the site that is representative of the conditions at the entire restoration and creation site. This report shall include on the cover page, just below the title, the certification of the following statement by the individual who supervised preparation of the report: "This report represents a true, accurate, and representative description of the site conditions present at the time of monitoring."

1. A monitoring plan describing sampling methods and report format and map of sampling locations and photographic stations shall be submitted to the Department for review and approval within 60 days prior to construction of the mitigation

area. If this plan differs from the plan previously approved by the SWFWMD, a copy will be submitted to the SWFWMD for approval.

2. Annual statistical reports shall describe as appropriate for each restoration and creation area: (1) the density and percent cover of listed trees, (2) percent cover of listed and non-listed herbaceous species, bare ground and water. For forested wetlands, canopy cover shall be submitted for not less than the third, fifth, and any subsequent years after planting until a determination of a successful creation has been made. Data for listed nuisance or exotic species shall be tabulated separately from the remaining data. A listed species is one listed in Florida Administrative Code Rule 62-301.400. Reports shall also include an assessment of the jurisdictional status of each restoration and mitigation areas. Data shall be taken during the summer growing season. Reports shall be submitted annually within 60 days of data collection until a determination of a successful wetland restoration and creation has been made. The first annual statistical report data gathering shall occur not later than one year after planting.

3. Following implementation of the mitigation and restoration plan, described in the application for certification, monitoring of mitigation and restoration wetlands to assess the effectiveness of the mitigation and restoration projects, in accordance with the methods established in the monitoring section, shall be performed until a determination of success is obtained. At the end of the first three years of monitoring, SECI may request in writing that the monitoring program be reviewed by the Bureau of Submerged Lands and Environmental Resources to determine whether or not the frequency or parameters of the monitoring program should be changed.

4. If it is determined by Department staff, based on visual inspection and review of the monitoring reports that the restoration or mitigation effort is not successful pursuant to Specific Condition Nos. H and I above, SECI shall present methods and proposals to be reviewed and approved by the Department within 30 days of the Department's notification to ensure success of the effort. The plan of corrective actions shall be implemented within 90 days of written approval by the Department.

K. Prior to dewatering within 300 feet of an on- or off-site wetland that is greater than 0.5 acre in size and will not be disturbed in association with this certification, SECI shall implement a procedure to mitigate impacts by maintaining the water table at historic levels beneath such wetlands or at the property boundary for off-site wetlands. Prior to implementation, SECI must obtain approval, in writing, from the Permitting Department Director, Resource Regulation at the SWFWMD. The procedure may include:

1. A water table monitoring well network, approved by the Permitting Department Director, Resource Regulation, designed to demonstrate that water table drawdown does not exceed one foot under on-site wetlands that will not be disturbed.

2. Collection of water table level data after construction of the approved monitoring well network for at least six months prior to the initiation of dewatering in the area, to obtain background data. During this time period, water level data shall be recorded on a weekly basis and submitted monthly.

3. If a rim-ditch system is proposed to recharge the water table near on-site wetlands that will not be disturbed, design and operation details must be submitted to demonstrate that the water table will be maintained at appropriate levels based on the background data collected. Rim-ditch systems must also be accompanied by a monitoring well network to verify water table maintenance.

4. At least one month prior to the anticipated date of dewatering an area within the setback distance, water level data shall be recorded and submitted on a weekly basis.

5. Data collection shall continue for six months following completion of dewatering and reclamation or until SWFWMD staff determines that background or steady-state levels are attained. During this time period, water level data shall be recorded on a weekly basis and reported monthly. Water levels shall be reported in feet relative to the National Geodetic Vertical Datum (N.G.V.D.)

L. SECI shall replace at least 5.16 acres of functional habitat by not mowing at least a 37.5 foot wide band of vegetation along either side of the unnamed tributary's upper and lower extensions to the extent practicable.

References cited in V. are the following:

Daubenmire, R. 1968. *Plant Communities: A Textbook of Synecology*. Harper & Row, New York. 300 pp.

Green, R. H. 1979. *Sampling Design and Statistical Methods for Environmental Biologists*. John Wiley & Sons, New York. 257 pp.

Grieg-Smith, P. 1983, 3rd Ed. *Quantitative Plant Ecology*. University of California Press, Berkeley.

Mueller-Dombois, D. and H. Ellenberg. 1974. *Aims and Methods of Vegetation Ecology*. John Wiley, New York. 547 pp.

Oosting, H. J. 1956. *The Study of Plant Communities: An Introduction to Plant Ecology*. W. H. Freeman, San Francisco. 440 pp.

Poole, R. W. 1974. *An Introduction to Quantitative Ecology*. McGraw-Hill, New York.

Southwood, T. R. E. 1978. *Ecological Methods*. Chapman & Hall, London.

VI. INDUSTRIAL WASTE

A. Standard Criteria

1. Drawings, plans, documents or specifications of the industrial wastewater treatment system comprising the neutralization basin submitted by SECI, not attached hereto, but retained on file at the Department, are made a part hereof.
2. SECI 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. SECI 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 Section 62-520.420, 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.
3. If historical or archaeological artifacts, such as Indian canoes, are discovered at any time within the project site, SECI shall immediately notify the District Office and the Bureau of Historic Preservation, Division of Archives, History and Records Management, R. A. Gray Building, Tallahassee, Florida 32301.
4. Where required by Chapter 471 (P.E.) or Chapter 492 (P.G.), Florida Statutes, applicable portions of post-certification submittals and supporting documents for the industrial wastewater treatment system which are submitted to the Department for public record shall be signed and sealed by the professional(s) who prepared them.
5. SECI shall ensure that the construction/operation of this facility is as described in the Site Certification application and supporting documents. Any proposed change to this Certification shall be submitted in writing to the Department for review and clearance prior to implementation. Changes of negligible impact to the environment and requiring minimal staff time will be reviewed by the Department, cleared when appropriate and incorporated into this permit. Changes or modifications other than those described above will require submission of a completed application and the appropriate processing fee.
6. SECI shall report all critical (having potential to significantly pollute surface or ground waters) spills of liquid or liquid-solid materials, not confined to a building or similar containment structure, to the Department by telephone within 24 hours after discovery and submit a written report within seventy-two hours, excluding weekends, from the original notification. The telephonic report shall be submitted by calling the Southwest District Industrial Wastewater Compliance/Enforcement Section under telephone number (813)744-6100. After normal business hours, contact the State Warning Point by calling (904)413-9911 or (904)413-9912. The written report shall include, but not be limited to, a detailed description of how the spill occurred, the name and chemical make-up (include any MSDS sheets) of the substance, the amount spilled, the time and date of the spill, the name and title of the person who first reported the spill, the areal size of the spill and surface types (impervious, ground, water bodies, etc.) it impacted, the cleanup procedures used and status of completion, and include a map or aerial photograph showing the extent and paths of the material flow. Any

deviation from this requirement must receive prior approval from the Department.

7. SECI shall ensure that all laboratory analytical data submitted to the Department, as required by this Certification, is from a laboratory which has a currently valid and Department-approved comprehensive Quality Assurance Plan (QAP) [or a QAP pending approval] for all parameters being reported as required by Chapter 62-160, Florida Administrative Code.

8. When a contract laboratory is used to analyze samples required pursuant to this Certification, SECI is required to have the samples taken by qualified personnel following EPA- and Department-approved sampling procedures and chain-of-custody requirements. All chain-of-custody records must be retained by the contract laboratory for at least three (3) years and made available to the Department immediately upon request.

9. When an in-house laboratory is used to analyze samples required pursuant to this Certification, SECI is required to have the samples taken by a qualified technician following EPA- and Department-approved sampling procedures and chain-of-custody requirements. All chain-of-custody records must be retained on-site for at least three (3) years and made available to the Department immediately upon request.

10. SECI shall notify the Department immediately of any problems that may seriously hinder compliance of the industrial wastewater system with this Certification by calling the Southwest District Industrial Wastewater Compliance/Enforcement Section under telephone number (813)744-6100. After normal business hours, report any condition that poses a public health threat to the State Warning Point under telephone number (904)413-9911 or (904)413-9912. The Department may require a detailed written report describing the problem, remedial measures taken to assure compliance and measures taken to prevent recurrence of the problem.

11. SECI shall not deliberately allow any wastewater to bypass the pollution control facility without prior approval from the Department.

B. Construction

1. No earlier than 24 months nor later than four months prior to construction of any unit or device for the treatment of industrial wastewater generated by this facility, appropriate design information plans and specifications for such unit or device shall be submitted to the Department for approval; All information shall be submitted as specified in DER Form 62-1.204(2). No industrial wastewater treatment unit shall be operated without prior Department approval.

2. Upon completion of construction of the Richard J. Midulla Generating Station Project, SECI shall submit to the Department's Southwest District Office a completed "Certificate of Completion of Construction" form signed and sealed by the Professional Engineer of record.

3. SECI shall submit to the Department, within thirty (30) days from completion of construction of industrial wastewater system, a set of "record" drawings, signed and sealed by a Professional Engineer registered in the State of Florida showing the construction details as well as any deviations from the approved preconstruction design. All deviations not previously reported to the Department shall be described in detail and the reasons therefor enumerated.

4. SECI shall ensure that operation of the reservoir (cooling pond) and its internal dike system shall be in accordance with the provisions of Section 62-672.400, F.A.C.

5. SECI shall ensure that the reservoir (cooling pond) will be operated to maintain a surge capacity equal to the runoff from the 10-year, 24-hour rainfall event, in addition to all process wastewater diverted from the power plant operation.

VII. DOMESTIC WASTE

A. No portion of the domestic wastewater collection and transmission system, treatment plant or reuse/disposal - system, excluding the cooling pond, may be constructed without prior written approval from the Department. Construction of any portion of the domestic wastewater facility without the prior written approval of the Department will be considered a violation of the Conditions of Certification.

B. In order to obtain approval to construct a domestic wastewater treatment plant and reuse/disposal system, excluding the cooling pond, the following forms, reports, plans and data as applicable, appropriately signed and sealed by an engineer registered in the State of Florida, must be submitted to the Department at least one hundred twenty (120) days prior to proposed date for commencement of construction to demonstrate the consistency of that system with these conditions.

1. The preliminary design report in accordance with Rule 62-600.715, F.A.C., and the Engineering Report required by Rule 62-610.310, F.A.C. Minimum Class III Reliability features must be indicated. A Reduced Pressure Zone Back flow Preventer must be designated for potable water isolation.;

2. DEP Form 62-604.300(7)(a), Application to Construct a Domestic Wastewater Collection System, with documentation;

3. DEP Forms 62-620.910(1) and (2), Application to Construct a Domestic Wastewater Facility, with documentation;

4. DEP Forms 62-620.910(1) and (2), Application to Construct a Reuse/Land Application System, with documentation;

5. DEP Form 62-640.210(2)(a), Agricultural Use Plan, with

documentation;

6. 8-1/2" x 11" copies of:
 - a. WWTP and effluent disposal site locations;
 - b. Residuals disposal site, indicating all public or private drinking water wells within 0.5 miles;
 - c. Road map, or drawing of roads leading to the WWTP; and,
 - d. Flow process diagram, showing all piping (air and liquid), as well as planar and volumetric data.

C. Department approval for construction of this domestic wastewater facility must be requested no earlier than 24 months nor later than four months prior to construction of that facility.

D. The approval is subject to the non-procedural provisions of Chapter 403, F.S., and F.A.C. Chapters 62-3, 62-4, and pertinent chapters within the 62-300, 62-500 and 62-600 Series. SECI will be approved to perform the work or operate the facility shown on the application(s) and approved drawing(s), plans, and other documents, attached thereto or on file with the Department and made a part thereof and specifically described in the application(s).

E. Operation staffing will be in accordance with Chapter 62-699, F.A.C.

F. The discharge from the chlorine contact chamber shall be sampled in accordance with Chapter 62-601, F.A.C. and shall meet the limitations designated by the Department when the facility is approved to be placed into service. They will include, but are not limited to, the following parameters: pH, CBOD₅, TSS, CL₂, FC and Flow.

G. Direct discharge from the reuse/disposal system to area surface waters of the state is not allowed. Surface discharge to such waters shall be considered a violation of this approval and SECI shall immediately report any such discharge to the Southwest District office of the Department of Environmental Protection.

H. SECI shall comply with all applicable provisions of Chapter 62-640, F.A.C. and shall report any non-compliance or changes from the approved site plan to the Department. At the time the wastewater treatment plant is placed into service, SECI shall provide an update to the Agricultural Use Plan(s) detailing the classification of residuals stabilization to be achieved, the methodology to be used and new or expanded application site information. Additional updates of these plans, as well as landspreading summaries, are required to be submitted to the Department annually thereafter.

I. Upon completion of construction of the wastewater collection system, SECI shall submit two (2) copies of the Domestic Wastewater Collection/Transmission Systems

Certificate of Completion of Construction [DEP Form 62-604.300(7)(b)], and a copy of the record drawings for the system, signed and sealed by a registered engineer, to the DEP Southwest District office. Upon completion of construction and prior to placing the treatment plant or effluent reuse/disposal system into operation for any purpose other than testing for leaks and equipment operation, SECI shall submit a Notification That a Domestic Wastewater Facility Will Be Placed Into Operation [DER Form 17-600.910(3)] and a Completion of Construction Notification for a Reuse/land Application System [DEP form 62-620.910(12)], signed and sealed by a Registered Engineer, to the DEP Southwest District office.

J. SECI shall provide an approved flow measurement device on the wastewater treatment plant to monitor the influent (ahead of any return flows) and/or effluent flow, as appropriate. The flow measurement device shall be calibrated at least annually, with evidence of calibration kept at the site of flow measurement, and submitted to the Department upon request.

K. SECI shall furnish a weatherproof location at the plant site for the operator log. SECI shall ensure that the certified operator keeps an on-site log current to the last operation and maintenance performed which shall include at a minimum: plant name; signature and certification number of the operator; date and time in and out; specific operation and maintenance performed; tests performed and samples taken and major repairs made. The log shall contain information for at least the preceding 12 months. The SECI or a designated representative shall report to the Department within 24 hours of discovery any occurrence that causes a violation of permit conditions. Occurrences such as equipment breakdown, power outage, destruction by fire, wind or other cause, or any occurrence which causes or is likely to cause serious plant breakdowns, inefficient or unsafe treatment plant operation, or a discharge of water or wastewater in a manner not authorized by the SCA shall be reported. The SECI is responsible for maintaining communication with the operator to become aware of such abnormal events.

L. SECI shall maintain all audible and visual alarm systems on the lift station(s) in operating condition at all times. Wastewater overflows must be immediately reported, along with clean-up and disinfection methodology.

M. A reduced pressure zone (RPZ) back flow preventer shall be installed on any potable water supply to the treatment facility. No potable water outlet intended for human contact shall be located down-line of the back low preventer. Annual checks of the RPZ by a certified back flow technician are required. The certifications shall be kept at the plant as a part of the operational records and shall be submitted to the Department upon request. As an alternative, the SECI may disconnect and cap all potable water sources to the plant and install a pump in the chlorine contact chamber in order to provide effluent for plant maintenance.

N. The disinfection system shall be operated to maintain a minimum chlorine residual of 0.5 mg/L at the outfall from the chlorine contact chamber. A metering device for dosing chlorine to the effluent shall be utilized and the chlorine supply tank shall be inspected regularly to ensure proper operation.

O. Daily checks of the plant shall be performed by SECI or supplier, or its representative or agent five (5) days per week for all Class C and D plants pursuant to Rule 62-699.311(1), F.A.C.

P. SECI shall ensure that the construction and operation of this facility shall be as described in the application and supporting documents. Any change to this approval shall be submitted in writing to the Domestic Wastewater Program Manager for review and clearance prior to implementation. Changes of negligible impact to the environment and staff time will be reviewed by the Program Manager, cleared when appropriate and incorporated into this approval. Changes or modifications other than those described above and those addressed in a supplemental application or modification of site certification will require submission of a completed application and appropriate processing fee per Rule 62-4.050, F.A.C.

Q. In accordance with Rule 62-601.400(3), F.A.C., any laboratory test required by this approval shall be performed by a laboratory that has been certified by DHRS in accordance with Rule 10D41.100-113, F.A.C., to perform the test. On-site tests for dissolved oxygen, pH, and total chlorine residual shall be performed by a laboratory certified to test for dissolved oxygen, pH, and total chlorine residual or under the direction of an operator certified in accordance with Chapter 6E12-41, F.A.C.

R. In accordance with Rule 62-160.300(6), F.A.C., sample collection shall be performed by following the protocols outlined in "DEP Standard Operating Procedures for Laboratory Operations and Sample Collection Activities" (DEP-QA-001/92). Alternatively, sample collection may be performed by an organization which has an approved Comprehensive Quality Assurance Plan (CompQAP) on file with DEP. This CompQAP shall be approved for collection of samples from the required matrices and for the required tests.

S. Any condition at this facility that causes a violation of these Conditions shall be reported to the Department within twenty-four (24) hours of occurrence by calling the Domestic Wastewater Section, Water Facilities, FDEP Southwest District at **(813) 744-6100**. After normal business hours, any condition that poses a serious health threat shall immediately be reported by calling **(850) 488-1320**.

VIII. POTABLE WATER

A. Prior Approval

1. No portion of the potable water supply system or any portion of a water supply system that will be or is intended to be converted to potable water use at a later date may be constructed without prior written approval from the Department. Construction of any portion of the potable water supply system without the prior written approval of the Department will be considered a violation of the conditions of certification.

2. In order to obtain approval to construct a potable water supply system which includes an on-site water treatment facility and distribution system (if applicable), the following information must be submitted to the Department no earlier than one (1) year prior to the date that the water supply system is proposed for construction:

a. A completed "Application to Construct a Public Drinking Water System" form which complies with the requirements of the rules and regulations of the Department in effect as of the date that the request for approval to commence construction of the system is made to the Department.

b. Copy of the well driller's well completion report for any new well to be used as a potable water supply well.

c. Complete water quality analysis of the raw water from each individual new well to be used as a potable water supply well. Analysis of composite samples will not be accepted. The analysis must include all water quality parameters required for the classification of the water supply system being proposed pursuant to the rules and regulations of the Department in effect as of the date that the request for approval to construct the system is made to the Department. Each individual analysis must have been performed by a laboratory certified by the state to perform that particular potable water quality analysis and must have an analysis date within one (1) year of the date that the request for approval to construct the water supply system is made to the Department.

d. Complete specifications for the material and workmanship for the entire potable water supply system for which the request for approval to construct is being made. The specifications must be signed and sealed by an engineer registered in the state of Florida and must provide documentation that the material and workmanship will comply with all applicable rules and regulations of the Department in effect as of the date that the request for approval to construct is made to the Department.

e. Complete engineering drawings of the entire proposed potable water supply system for which approval to construct is being requested. The drawings must demonstrate full compliance with all applicable rules and regulations of the Department in effect as of the date that the request is made to the Department for approval to construct the system. The drawings must be signed and sealed by an engineer registered in the state of Florida.

f. Site plan showing the location of each new potable water supply well. The site plan must include all proposed and existing, above and below grade, facilities, natural formations (e.g., streams, creeks, etc.), structures, etc. within a minimum of a complete five hundred (500) foot radius of each wellhead; however, if any facility, natural formation, structure, etc., is located outside of the five hundred (500) foot radius and that facility, natural formation, structure, etc., has a setback distance from the wellhead greater than five hundred (500) feet established in applicable rules of the Department in effect as of the date that the request for approval to construct is made, then that facility, natural formation, structure, etc., must also be shown on the site plan requested here. The site plan must be certified for accuracy by the professional engineer registered in the state of Florida

responsible for design of the potable water supply system.

g. Signed and sealed comprehensive engineering report on the proposed potable water supply system which fully describes the project and basis of design. The report must include design data and such pertinent data to give an accurate understanding of the work to be undertaken and must provide supporting documentation that the potable water system as proposed will comply with all applicable rules and regulations of the Department in effect as of the date that the request for approval to construct the water supply system is made to the Department.

3. Construction of potable water lines for the purpose of obtaining potable water from an off-site public water supply system is not covered by the conditions of certification. To obtain permission to connect to such a potable water system, SECI shall submit a modification request pursuant to 403.516, F.S., in accordance with the requirements of Chapter 62-555, F.A.C.

4. Prior to submitting any information to the Department for review of the proposed potable water supply system, all new wells that are proposed for use as potable water supply wells and that will be included in the request for approval to construct the water supply system must have been constructed and fully developed. Once the well has been fully developed and the water samples collected, the well must be properly capped (or isolated from the potable water system) until written approval to construct the potable water supply system has been issued by the Department.

5. Should SECI request approval to construct a water treatment system which produces a waste stream (e.g., softening, electrodialysis, reverse osmosis, etc.) other than the conventional water treatment system for groundwater sources, SECI must submit as part of its request for approval to construct that water supply system documentation that the disposal of that waste stream has been approved by the appropriate agency or section of the Department.

B. Construction

1. SECI must retain the services of a project engineer registered in the state of Florida to observe that the construction of the water supply system is in accordance with the plans and specifications approved by the Department. The project engineer will be responsible for certifying to the Department that he/she observed the construction and that the construction conformed to the plans and specifications approved by the Department.

2. The approval to construct the potable water supply system will be in effect for three (3) years from the date of issuance. All construction of the potable water supply system must be completed within this three (3) year period unless a written request for an extension of this date is made to the Department at least sixty (60) days prior to the expiration of the construction approval, and written approval for an extension of the expiration date is issued by the Department. The expiration date of the construction approval may be extended on a year-by-year basis; however, under no circumstances will the approval to

construct the water supply system be extended beyond three (3) years from the date of the earliest water quality analysis of any new wells. The request for an extension of the expiration date must be accompanied by an analysis of the raw water from each new potable water well for each water quality parameter required pursuant to the requirements of the rules and regulations of the Department in effect as of the date that the request for the extension is made. Such an analysis and a request for approval shall be submitted and approved prior to constructing and operating any portion of the appurtenances necessary to connect and operate that new well to the existing system for each new well added to the potable water system after the initial system is constructed and approved. The water quality analysis report submitted with this request must have an analysis date no earlier than one (1) year from the date that the request for an extension of the expiration date is made, must have been performed by a laboratory certified by the state to perform the analysis, and must contain no water quality violations other than those for which the water supply system was originally designed to address. The maximum length of time that the approval or each subsequent approval for the construction of the potable water system may be in effect is five (5) years from the date of the original approval or for subsequent approvals from the date of issuance of each approval. Should the construction of the water supply system not be completed within that five (5) year period, should SECI have failed to request a timely extension of the approval expiration date, or should any water quality analysis submitted with the request for an extension of the expiration date demonstrate the presence of a contaminant for which the water treatment plant was not originally designed to handle, or as additional wells are installed on-site and proposed for connection to the potable water system, SECI will have to make a new request to the Department for approval to construct the potable water system. That request must meet the submittal and approval requirements of the rules of the Department in effect as of the date that the request for approval is submitted and will be subject to the same review schedule as the original request.

C. *Operation*

1. No portion of the potable water supply system may be placed into service without the prior written approval of the Department. Placing any portion of the potable water supply system into service prior to receipt of this written approval will be considered as a violation of the conditions of certification.
2. The Department will not issue approval to place the potable water supply system or any portion of that system into service unless the construction of the system or portion thereof had been approved for construction by the Department prior to the commencement of that construction.
3. In order to obtain approval to place the potable water supply system into service, SECI must make a written request for clearance to the Department. The request must be in the form and/or manner stipulated in the letter authorizing construction of the potable water supply system and must include all information stipulated in that letter as being required to be submitted with the request for clearance, as well as any information required for clearance of a potable water supply system contained in applicable rules and regulations of the Department in effect as of the date that the request for clearance is made.

4. The Department will issue a letter of clearance to place the water supply system into service within thirty (30) days of receipt of a written request for clearance, provided that the request is accompanied by all necessary supporting documentation and meets the criteria for clearance contained in the applicable rules and regulations of the Department in effect as of the date that the request for clearance was made.

5. All construction or activities taking place in the vicinity of the potable water supply well must conform with the minimum setback distances from a potable water supply well that are applicable to the activity under Chapter 62-555, F.A.C., as in effect on the date of certification and/or as subsequently adopted by the Department pursuant to Section 403.511(5)(a), F.S.

6. SECI must provide, in accordance with applicable state rules, a certified water treatment plant operator who meets the staffing requirements for the type and capacity of the water treatment system cleared for service.

7. The potable water treatment plant flow meters shall be read and recorded in the plant log at those times when the certified operator is required by the Department's rules, Chapter 62-699, F.A.C., to visit the facility for the type and size of the water treatment plant constructed to serve the facility.

8. The certified water treatment plant operator must submit a report on the operation of the water treatment plant(s) to the Department monthly in the manner required by the rules and regulations of the Department.

9. The drinking water must be analyzed for all applicable water quality parameters to the degree and frequency required by the rules and regulations of the Department. The analysis must be performed in accordance with these rules and regulations and submitted to the Department in the format required by these rules and regulations.

10. The one-day maximum day demand for the period of time covering the most recent twelve (12) months of operation of the water treatment plant may not exceed the capacity of the water treatment plant approved for construction and cleared for use by the Department. Should the demand on any one day during a twelve (12) month period exceed the capacity of the water treatment plant without sufficient justification, SECI shall submit a request for any expansion of the potable water system for review and approval.

11. SECI must plan, design, obtain approval for, and construct all necessary modifications to its water supply system in a timely manner in order to provide sufficient capacity to meet the potable water demands of its system.

12. SECI must operate the water supply system in such a manner as to comply with the provisions of Chapter 403, F.S., and all the rules of the Department.

IX. SURFACE WATER AND STORMWATER MANAGEMENT FACILITIES

SECI shall construct all aspects of the surface water management system in accordance with the construction plans received by the SWFWMD on August 29, 1994, and October 14 and 18, 1994. This certification for the surface water management system is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or Conditions of Certification may constitute grounds for revocation and enforcement action.

A. General

1. SECI Confirmation

The operational phases of the surface water management systems authorized under this certification shall not become effective until SECI confirms in writing, upon completion of each phase, that these facilities have been constructed consistent with the conditions of certification. Such confirmation shall include a certification by an engineer (practicing in the State of Florida, having the appropriate experience in surface water management design and construction, and in compliance with Chapter 471, Florida Statutes, unless exempt thereunder), that the facilities have been constructed in accordance with the approved project design. Within 30 days after completion of construction of the surface water management system, SECI shall submit the confirmation, including "as-built" construction drawings with the engineer's certification and a description of any deviations; and notify the water management district that the facilities are ready for inspection for consistency with the conditions of certification and information submitted hereunder.

2. Discharge

The discharges from the surface water management system shall meet state water quality standards as set forth in Chapter 62-302, F.A.C. for class waters equivalent to the receiving waters.

3. Minimum Standards

This certification is predicated on SECI's submitted information to SWFWMD which reasonably demonstrates that adverse off-site water resource related impacts will not be caused by the authorized activities. The plans, drawings, and design specifications submitted shall be considered minimum standards for compliance.

4. Post-Certification Information Submittal

Information submitted to the water management districts subsequent to certification, in compliance with the conditions of this certification, shall be for the purpose of water management district monitoring and confirming compliance with the conditions of certification and the criteria contained in 40D-4 (Surface Water Management), Florida Administrative Code, as applicable, prior to the commencement of the subject construction, operation and/or maintenance activity, covered thereunder.

5. Liability

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

6. Enforcement

Authorized representatives of the SWFWMD shall be allowed reasonable escorted access to the project site and any authorized off-site mitigation/compensation areas to inspect and observe any activities associated with the project construction and/or the operation and/or maintenance of the surface water management systems(s) and stormwater facilities in order to determine compliance with the conditions of this certification.

7. Monitoring.

Post-certification monitoring requirements may be determined and specified as a result of technical review of construction information, where necessary, to demonstrate compliance with water management district regulations. If monitoring data is required by SWFWMD in conjunction with post-certification review, it shall be submitted to the SWFWMD and the DEP. Parameters to be monitored may include those listed in Chapter 62-302, Florida Administrative Code. SECI also shall, if required, provide data to SWFWMD regarding: Construction, operation, and maintenance of surface water management systems; NGVD levels; volumes and timing of water discharged, including total volume discharged during period of sampling and total discharges from the property. Environmental monitoring may also be required in conjunction with wetlands compensation/mitigation.

B. Construction Conditions

1. This project must be constructed in compliance with and meet all applicable requirements set forth in Chapter 373, Florida Statutes, and Chapter 40D-4,

Florida Administrative Code.

2. Any surface water discharged from the site during construction of the project shall meet State water quality standards at the property boundary or point of discharge to wetlands or State waters. If the discharge does not meet these standards, the discharge will be immediately stopped and the SWFWMD shall be notified of corrective action taken to correct the violation. Turbidity shall not exceed 29 NTU above background level. Turbidity shall be monitored at least once during discharge, or more often as determined by the project engineer or SWFWMD if needed, to ensure compliance.

3. Except as authorized by this certification for the surface water management system, any further land development, wetlands disturbance or other construction within the total land area of this site will require additional certifications in accordance with the SWFWMD's rules (Chapter 40D-4 F.A.C.)

4. All rights-of-way and easement locations necessary to construct, operate and maintain all facilities, including uplands conservation/buffer areas and wetlands, which constitute the certified surface water management system, shall be reserved for water management purposes.

5. Construction of the discharge control and water quality treatment facilities which are part of the certified surface water management system shall be completed and operational prior to beneficial occupancy and use of the project development being served.

6. Establishment and survival of littoral areas provided for stormwater quality treatment in wet detention systems shall be assured by proper and continuing maintenance procedures designed to promote viable wetlands plant growth of natural diversity and character. As-built drawings depicting the established wet detention treatment areas shall be submitted to the SWFWMD for inspection and approval upon completion of construction. Following as-built approval, perpetual maintenance shall be provided for the certified system.

7. Any existing wells in the path of construction shall be properly plugged and abandoned by a licensed water well contractor in accordance with Chapter 40D-3 and Rule 62-532.500(4), F.A.C.

8. All retention/detention pond side slopes shall be sodded and staked as necessary, to prevent erosion.

9. Any system alteration, including for augmentation into or withdrawal of water from the certified surface water management system, other than as specifically authorized by this certification, will require additional District certification consideration. The water level of stormwater detention ponds shall not be augmented by pumping or diversion of water into the ponds to artificially control their level above the design normal or beginning storage level.

10. The SECI shall perform the construction authorized in a manner so as to minimize any adverse impact of the system on fish, wildlife, natural environmental values, and water quality. The SECI shall institute necessary measures during the construction period, including full compaction of any fill material placed around newly installed structures, to reduce erosion, turbidity, nutrient loading and sedimentation in the receiving waters.

11. Off-site discharges of surface water during construction and development shall be made only through the facilities authorized by this certificate.

12. In order to insure that the person who will construct the proposed work is identified as required by 373.413(2)(f), F.S., once the contract is awarded, the name, address, and telephone number of the contractor will be submitted to the SWFWMD prior to construction.

13. SECI shall immediately provide written notification to the SWFWMD upon beginning any construction authorized by this certificate.

14. SECI shall retain the design engineer, or other Professional Engineer registered in Florida, to conduct on-site observations of construction and assist with the as-built certification requirements of this project. SECI shall inform the SWFWMD in writing and prior to beginning construction of the name, address, and telephone number of the Professional Engineer so employed by SECI.

15. The operation and maintenance entity shall submit inspection reports for the surface water management system in the form required by the SWFWMD, in accordance with the following schedule:

For systems utilizing wet detention the inspections shall be performed two (2) years after operation is authorized and every two (2) years thereafter.

16. The SWFWMD verified wetland boundaries shall be clearly delineated on the site prior to initial clearing and grading activities. The delineation shall endure throughout the construction period and be readily discernable to construction personnel and SWFWMD staff.

X. TOXIC, DELETERIOUS OR HAZARDOUS MATERIALS

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

XI. SOLID WASTE STORAGE AND DISPOSAL

A. *Recycling*

The Licensee shall make all feasible efforts to recycle project wastes during plant operation.

B. *Disposal*

Solid waste produced by the operation of the Richard J. Midulla Generating Station shall be removed from site and disposed of in a permitted disposal facility.

XII. NOISE

To mitigate the effects of noise produced by the steam blowout of steam boiler tubes, the SECI shall conduct public awareness campaigns prior to such activities to forewarn the public of the estimated time and duration of the noise.

XIII. FLOOD CONTROL PROTECTION

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

XIV. CONTROL MEASURES DURING CONSTRUCTION

A. *Sanitary Wastes*

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

B. *Environmental Control Program*

SECI 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 sixty days prior to commencement of construction. The plan shall identify and describe all pollutants and waste generated during construction and the methods for control, treatment and disposal. SECI shall notify the Department's Southwest District Office 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.

C. Construction Dewatering Effluent

Should SECI's dewatering operation create shoaling in adjacent water bodies, SECI is responsible for removing such shoaling.

All offsite discharges resulting from dewatering activities must be in compliance with water quality standards required by DEP Chapters 62-3, 62-4, and 62-302, F.A.C., or such standards as issued through a variance by DEP.

XV. SAFETY

A. Facility Design and Operation

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.

B. Radon

The Licensee's office/administration buildings at the Project site shall be included in the Department of Community Affairs' radon-related Construction Standards and Development Activities, specifically the Department of Community Affairs' Study of Large Buildings. Additionally, the Licensee shall conduct a preconstruction, site-specific soil gas radon test in accordance with the protocols used by the Department of Community Affairs to identify the radon potential of the construction site for the office/administration buildings. If the test results indicate that the construction site has high radon potential, the Licensee shall -- (1) integrate improved slabs and subslab depressurization systems construction design criteria developed by the Department of Community Affairs in the office/administration building; (2) conduct postconstruction tests in accordance with the Department of Community Affairs' protocols to evaluate the proposed designed criteria, and (3) make test results available to the Department of Community Affairs.

XVI. SCREENING

SECI 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.

XVII. CHANGE IN DISCHARGE

All discharges or emissions authorized herein to the MGS shall be consistent with the terms and conditions of this certification. The discharge of any regulated pollutant not identified in the application or any regulated 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 a request for modification of certification or a new or supplemental application to the Siting Coordination Office pursuant to Chapter 403, F.S.

XVIII. NONCOMPLIANCE NOTIFICATION

If, for any reason, SECI does not comply with or will be unable to comply with any limitation specified in this certification, SECI shall notify the Director of DEP's Southwest District office by telephone as soon as possible but not later than the first DEP working day after SECI 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.

XIX. FACILITIES OPERATION

Unless granted an exception by a specific condition herein, SECI shall at all times maintain in good working order and operate as efficiently as possible all of its treatment or control facilities or systems installed or used by SECI to achieve compliance with the terms and conditions of this certification. Such systems are not to be bypassed without prior notice to the Department and approval, except where otherwise authorized by applicable regulations.

XX. ADVERSE IMPACT

SECI shall take all reasonable steps to minimize any adverse impact resulting from 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.

XXI. RIGHT OF ENTRY

SECI shall allow DEP and other authorized representatives, upon the presentation of credentials:

- A. To enter upon the MGS premises where an effluent source is located or, during business hours, in which records are required to be kept under the terms and conditions of this permit;
- B. To have access to and to make copies of all records required to be kept under the conditions of this certification;
- C. To inspect any monitoring equipment or monitoring method required in this certification and to sample any discharge or pollutants; and
- D. To assess any damage to the environment or violation of ambient standards.
- E. SWFWMD authorized staff, upon proper identification, will have permission to enter, inspect, and observe surface water management facilities and water use facilities in order to determine compliance with the approved plans, specifications, and conditions of this certification.
- F. Moreover, SECI shall allow authorized representatives of DEP and other appropriate agencies, acting within the scope of their jurisdiction and authority, upon the presentation of credentials:
 - 1. To enter upon the project site or mitigation area, or during business hours to enter the Richard J. Midulla Generating Station premises in which records are required to be kept under the terms and conditions of this certification; and
 - 2. To have access to and copy all records required to be kept under the conditions of this certification.

XXII. 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.

XXIII. CIVIL AND CRIMINAL LIABILITY

This certification does not relieve SECI 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 SECI from any responsibilities or penalties established pursuant to any other applicable State Statutes or regulations.

XXIV. PROPERTY RIGHTS

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

XXV. 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.

XXVI. CERTIFIED SITE

The site of the certified power plant is generally depicted in the application.

XXVII. REVIEW OF SITE CERTIFICATION

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, including groundwater quality 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 SECI's compliance with the conditions of this certification and the environmental impact of this facility. The Department shall submit the results of its review and recommendations to SECI. Such review will be repeated at least every five years thereafter.

XXVIII. MODIFICATION OF CONDITIONS

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

A. The Siting Board pursuant to 403.516(1), Florida Statutes, hereby delegates to the Secretary of DEP the authority to modify, upon application by SECI and after notice and opportunity for hearing, any conditions pertaining to monitoring; sampling; mixing zone; zone of discharge; surface water, groundwater, and air effluent or emission limitations; and variances or exemptions to water quality standards.

B. All other modifications shall be made in accordance with Sections 403.516, Florida Statutes.

C. The Certification shall be automatically modified to conform to any subsequent DEP issued amendments, modifications, or renewals of the separately issued Prevention of Significant Deterioration (PSD) permit or the National Pollutant Discharge Elimination System permit (NPDES) for the project and the conditions of such permits shall be controlling over these Conditions of Certification.

XXIX. EFFECT OF CERTIFICATION

Certification and conditions of certification are predicated upon design and performance criteria indicated in the application and explained at the certification hearing. Thus, 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.

XXX. 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.

XXXI. DESIGN AND PERFORMANCE CRITERIA

Each combustion turbine may be operated at up to 115% of the maximum electrical output at ISO conditions projected from design information without the need for modifying these conditions. Treatment or control facilities or systems installed or used to achieve compliance with the terms and conditions of this certification are not to be bypassed without prior DEP approval. Moreover, SECI shall take all reasonable steps to minimize any

adverse impacts resulting from 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.

XXXII. COMPLIANCE

Except as otherwise provided herein and in the certification order, and subject to Section 403.511(5), Florida Statutes, construction, maintenance, and operation of the permitted facility shall comply with the applicable nonprocedural rules of all agencies, unless a variance or waiver was obtained as part of the certification process.

XXXIII. DISPUTE RESOLUTION

If a situation arises in which mutual agreement cannot be reached between SECI and an agency exercising its regulatory jurisdiction, then the matter shall be immediately referred to the Division of Administrative Hearings (DOAH) for disposition in accordance with the provisions of Chapter 120, Florida Statutes. A hearing under Section 120.57, Florida Statutes, shall be held as soon as possible after its referral to DOAH.

Petitions for dispute resolution shall be disposed of in the same manner as an application, but with time periods established by the Administrative Law Judge commensurate with the significance of the dispute.

XXXIV. POST-CERTIFICATION SUBMITTAL

A. Purpose of Submittals

Conditions of Certification which provide for the post-certification submittal of information to DEP by SECI are for the purpose of facilitating DEP's and other agencies' monitoring of the effects arising from construction, operation and maintenance of the certified project. This monitoring is for DEP to assure, in consultation with other agencies with applicable regulatory jurisdiction, continued compliance with the Conditions of Certification and applicable nonprocedural agency requirements, without any further agency action.

B. Filings

All post-certification submittals of information by SECI are to be filed with DEP. Copies of each submittal shall be simultaneously submitted to any other agency indicated in the Specific Condition requiring the post-certification submittal.

C. Completeness

The DEP shall promptly review each post-certification submittal for

completeness. This review shall include consultation with the other agencies receiving the post-certification submittal. For the purposes of this condition, completeness shall mean that the information submitted is both complete and sufficient. If found to be incomplete, SECI shall be so notified. Failure to issue such notice within 45 days after filing of the submittal shall constitute a finding of completeness.

D. Interagency Meetings

Within 60 days of the filing of a complete post-certification submittal, DEP may conduct an interagency meeting with other agencies which received a copy of the 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 reasonable assurance of compliance with the Conditions of Certification has been provided. 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 time frames for review established by these conditions.

E. Reasonable Assurance of Compliance

Within 90 days of the filing of a complete post-certification submittal, DEP shall give written notification to SECI and the agencies to which the post-certification information was submitted of its determination whether there is reasonable assurance of compliance with the Conditions of Certification. If it is determined that reasonable assurance has not been provided, SECI shall be notified with particularity and possible corrective measures suggested. Failure to notify SECI in writing within 90 days of receipt of a complete post-certification submittal shall constitute a compliance determination.

F. Commencement of Construction

When SECI has submitted all preconstruction post-certification information required by the Conditions of Certification and DEP has notified SECI that there is reasonable assurance of compliance with the Conditions of Certification, SECI may begin construction pursuant to the terms of the Conditions of Certification and the subsequently submitted construction details.

XXXV. TRANSPORTATION

Monitoring of the intersection of State Road 37/County Road 630 is to commence at such time as the total number of construction employees reaches 344 persons or June 1, 1997, whichever occurs first. Monitoring on an annual basis shall continue to February 1998, or until the number of employees is again below 344, whichever occurs last. Should the monitoring identify needed improvements to maintain an acceptable level of service, SECI shall be responsible for the proportion of the improvements which can be attributed to the impact of the Richard J. Midulla Generating Station facility (Section 9J-5.0055, F.A.C.).

XXXVI. EMERGENCY RESPONSE

A. *Violent Weather*

The Licensee shall prepare a violent weather component of the Facility's emergency response plan and submit it to Hardee and Polk Counties, DEP, and DCA for approval prior to start of commercial operation. This plan shall include measures to coordinate with local emergency management authorities in the event of violent weather or a berm breach. Hardee and Polk County emergency response personnel shall be invited to participate in safety drills and exercises conducted by the plant operator.

B. *Fire*

The Licensee shall prepare a fire emergency component of the emergency response plan and submit it to Hardee and Polk Counties for approval prior to the start of commercial operation. This plan shall include measures to coordinate with local fire, police and emergency management authorities in the event of a fire.

C. *Spill Response*

The facility's emergency response plan and spill prevention, containment and contingency plan shall be reviewed and updated regularly by the Licensee to include the names and telephone numbers of state and local emergency response contact persons.

History

Certification Issued 08/15/95; signed by Governor Chiles
Modified 12/21/99; signed by Deputy Secretary Green
Modified 07/08/03; signed by Siting Program Administrator Oven
Modified 07/05/05; signed by Siting Administrator Oven
Modified 10/06/05; signed by Siting Administrator Oven
Modified 07/25/06; signed by Siting Administrator Oven
Modified 12/07/09; signed by Siting Administrator Halpin