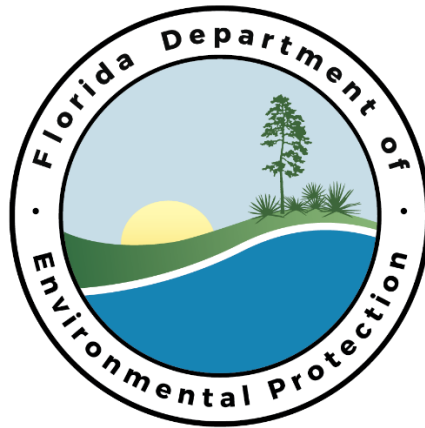


**STATE OF FLORIDA
DEPARTMENT
OF
ENVIRONMENTAL PROTECTION**



Conditions of Certification

**Florida Power & Light Company
Lauderdale Plant
Dania Beach Energy Center**

PA 89-26A2

12/13/18

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SECTION A: GENERAL CONDITIONS

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I. SCOPE

A. Pursuant to the Florida Electrical Power Plant Siting Act (PPSA), Sections 403.501-518, Florida Statutes (F.S.), and Chapter 62-17, Florida Administrative Code (F.A.C.), this certification is issued to Florida Power & Light Company (FPL) as owner/operator and Licensee of the Lauderdale Repowering Plant (LRP) and Unit 7 - Dania Beach Energy Center (DBEC). Subject to the requirements contained in these Conditions of Certification (Conditions), FPL will operate; Units 4 and 5 which are two nominal 430 megawatt (MW) oil/natural gas-fired combine cycle units ; Unit 6 consisting of five nominal 200 MW combustion turbines (peaking units); DBEC a 1,200 MW nominal 2 on 1 oil/natural gas-fired combined-cycle unit; and associated facilities as described in the site certification applications (SCAs. The electric generating units and associated facilities are located on a 392-acre site at 4300 SW 42nd Avenue in the City of Dania Beach and City of Hollywood, Broward County, Florida. The UTM coordinates are: Zone 17,580.2 km East, 2883.3 km North; and the latitude/longitude coordinates are: 26°04'05" North/80°11'54" West. The Department does not intend, solely by the incorporation of these General Conditions, to require the retrofitting of existing Certified Facilities.

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

- Units 4 & 5 - each consisting of two combustion turbines and two heat recovery steam generators (HRSGs) and one single-reheat turbine generator (Combustion Turbines 4a, 4b, 5a, 5b and associated building
 - o Water Treatment Plant, including Acid & Caustic Tanks, Reverse Osmosis equipment and Neutralization Tank, demineralized water tanks, and the condensate and service water tanks
 - o Wastewater Treatment Plant including Equalization Basin, Oily Basin, Acid and Caustic Tanks and water treatment equipment including Oil-water Separator, Flocculation Tank, Monoscour Tanks
- Storm water runoff/retention pond on south side of the plant
- Unit 6 - 5 nominal 200 MW combustion turbines (peaking units)
- Unit 7 (DBEC) - including two nominal 400 MW combustion turbine generators, two HRSGs, and a single nominal 400 MW steam turbine generator

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

D. Within 60 days after completion of construction of the electrical power plant as defined by 403.503(14), F.S., but excluding off-site linear and non-linear associated facilities, the Licensee shall provide to the Department in pdf format: a survey map signed by a professional land surveyor, or acceptable equivalent documentation such as an official legal

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description, delineating the boundaries of the site as defined by Section 403.503(28), F.S., and an aerial photograph delineating the boundaries of the site. The survey map and aerial photograph shall be identified as the Site Delineation and attached hereto as part of Attachment A (Maps).

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

E. If both certified and un-certified Facilities lie within the boundaries of the site, the Licensee shall also comply with the requirements of this paragraph. Within 60 days after completion of construction of the plant and on-site associated facilities, but excluding off-site linear and non-linear associated facilities, the Licensee shall provide to the Department in pdf format: an acceptable documentation delineating the boundaries of the certified areas within the site such as an aerial photograph delineating these areas. The boundaries of the certified areas within the site shall include both the certified electrical power plant's generating facilities as defined in Section 403.503(28), F.S., and its on-site certified associated facilities (including on-site linear facilities) as defined by Section 403.503(7), F.S. The document shall be known as the Delineation of the Certified Area of the Site and attached hereto as part of Attachment A (Maps).

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

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

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

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

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II. APPLICABLE DEPARTMENT RULES

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

Florida Administrative Code:

- 18-2 (Management of Uplands Vested in the Board of Trustees)
- 18-14 (Administrative Fines for Damaging State Lands)
- 18-20 (Aquatic Preserves)
- 18-21 (Sovereign Submerged Lands Management)
- 62-4 (Permits)
- 62-17 (Electrical Power Plant Siting)
- 62-25 (Regulation of Stormwater Discharge)
- 62-40 (Water Resource Implementation Rule)
- 62-150 (Hazardous Substance Release Notification)
- 62-160 (Quality Assurance)
- 62-204 (Air Pollution Control-General Provisions)
- 62-210 (Stationary Sources-General Requirements)
- 62-212 (Stationary Sources-Preconstruction Review)
- 62-213 (Operation Permits for Major Sources of Air Pollution)
- 62-214 (Requirements for Sources Subject to the Federal Acid Rain Program)
- 62-256 (Open Burning)
- 62-296 (Stationary Sources-Emission Standards)
- 62-297 (Stationary Sources-Emission Monitoring)

- 62-302 (Surface Water Quality Standards)
- 62-303 (Identification of Impaired Surface Waters)
- 62-304 (Total Maximum Daily Loads)
- 62-330 (Environmental Resource Permitting)
- 62-340 (Delineation of the Landward Extent of Wetlands and Surface Waters)
- 62-342 (Mitigation Banks)
- 62-345 (Uniform Mitigation Assessment Method)

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- 62-520 (Groundwater Classes, Standards and Exemptions)
- 62-531 (Water Well Contractor Licensing Requirements)
- 62-532 (Water Well Permitting and Construction Requirements)
- 62-550 (Drinking Water Standards, Monitoring and Reporting)
- 62-555 (Permitting, Construction, Operation, and Maintenance of Public Water Systems)
- 62-560 (Requirements for Public Water Systems That Are Out of Compliance)
- 62-600 (Domestic Wastewater Facilities)
- 62-601 (Domestic Wastewater Treatment Plant Monitoring)
- 62-604 (Collection Systems and Transmission Facilities)
- 62-610 (Reuse of Reclaimed Water and Land Application)
- 62-620 (Wastewater Facility and Activities Permitting)
- 62-621 (Generic Permits)
- 62-650 (Water Quality Based Effluent Limitations)
- 62-660 (Industrial Wastewater Facilities)
- 62-699 (Classification and Staffing of Water or Domestic Wastewater Treatment Plants and Water Distribution Systems)
- 62-701 (Solid Waste Management Facilities)
- 62-710 (Used Oil Management)
- 62-730 (Hazardous Waste)
- 62-737 (Management of Spent Mercury-Containing Lamps and Devices Destined For Recycling)
- 62-740 (Petroleum Contact Water)
- 62-761 (Underground Storage Tank Systems)
- 62-762 (Aboveground Storage Tank Systems)
- 62-769 (Florida Petroleum Liability and Restoration Insurance Program)
- 62-777 (Contaminant Cleanup Target Levels)
- 62-780 (Contaminated Site Clean-Up Criteria)
- 62-814 (Electric and Magnetic Fields)

III. REVISIONS TO DEPARTMENT STATUTES AND RULES

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

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rules which prescribe new or stricter criteria shall operate as automatic modifications to the certification.

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

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

IV. DEFINITIONS

The meaning of terms used herein shall be governed by the applicable definitions contained in Chapters 253, 373, 379 and 403, F.S., and any regulation adopted pursuant thereto. In the event of any dispute over the meaning of a term used in these Conditions which is not defined in such statutes or regulations, such dispute shall be resolved by reference to the most relevant definitions contained in any other state or federal statute or regulation or, in the alternative by the use of the commonly accepted meaning. As used herein, the following shall apply:

A. “Application” or “SCA” as defined in Section 403.503(6), F.S. For purposes of this license, “Application” shall also include materials submitted for post-certification amendments and petitions for modification to the Conditions of Certification, as well as supplemental applications.

B. “Associated Facilities” as defined by Section 403.503(7), F.S.

C. “Certified Area” means the area within the site in which the Certified Facilities are located. For off-site non-linear associated facilities this shall mean the area within which the certified off-site associated facility is located. For off-site linear facilities this term shall mean the area encompassed by the boundaries of the certified corridors, until such time as all property interests required for ROWs haven been acquired, after which time the term will include only the area within the final ROWs in accordance with Section 403.503(11), F.S.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

S. “Site” as defined in Section 403.503(28).

T. “SFWMD” means the South Florida Water Management District.

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

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

W. “Title V permit” means a federal permit issued by DEP in accordance with Title V provisions of the federal Clean Air Act.

X. “Wetlands” shall mean those areas meeting the definition set forth in Section 373.019(27), F.S., as delineated pursuant to Chapter 62-340, F.A.C.

V. DEPARTMENT PERMITS UNDER FEDERAL PROGRAMS

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

A. Air

All Air Construction Permits and Title V Air Operation Permits in force for the Certified Facilities are incorporated by reference herein as part of these Conditions. The [Air Construction Permits and Title V Air Operation Permits](#) can be found using the facility ID number 0110037.

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

B. Water

1. National Pollutant Discharge Elimination System (NPDES) Industrial Wastewater Discharge

All NPDES Permits in force for the Certified Facilities are incorporated by reference herein as part of these Conditions. The [NPDES Permit\(s\)](#) can be found using the facility ID number 0001503.

[Chapter 62-620, F.A.C.]

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

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

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

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

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

3. NPDES Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity.

Any storm water discharges associated with industrial activity in a certified area shall be in accordance with all applicable provisions of Chapter 62-621, F.A.C. For industrial activities at the site that result in a discharge of stormwater to surface waters of the State or into a municipal separate storm sewer system, and fall under any one of the 11 categories of industrial activities identified in 40 CFR § 122.26(b)(14), a Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity shall be obtained as applicable.

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

4. NPDES Generic Permits for Discharges from Petroleum Contaminated Sites.

Prior to discharge of produced ground water from any non-contaminated site activity which discharges by a point source to surface waters of the State, as defined in Chapter 62-620, F.A.C., the Licensee must first obtain coverage under the Generic Permit for Discharge of Produced Ground Water From any Non-Contaminated Site Activity. If an activity involves a point source discharge of ground water from a petroleum contaminated site, the Licensee must obtain coverage under the Generic Permit for discharge from petroleum contaminated sites. Before discharge of ground water can occur from such sites, analytical tests

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on samples of the proposed untreated discharge water shall be performed as required by Rule 62-621.300, F.A.C., to determine if the activity can be covered by this permit.

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

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

5. NPDES Generic Permit for Discharge of Ground Water from Dewatering Operations.

Prior to discharge of ground water from dewatering operations to surface waters of the State, provided all applicable criteria specified in 62-621, F.A.C. are met, the Licensee must first obtain coverage under the Generic Permit for Discharges of Ground Water From Dewatering Activities. The Licensee shall meet the effluent limitations and requirements specified in the generic permit. Dewatering operations seeking coverage under the NPDES Generic Permit for Stormwater Discharges from Large and Small Construction Activities under 62-621.300(4), F.A.C., are not required to obtain separate coverage under this permit.

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

VI. DESIGN AND PERFORMANCE CRITERIA

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

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

VII. NOTIFICATION

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

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

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

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

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

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

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

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

[Section 403.5112, F.S.]

VIII. EMERGENCY CONDITION NOTIFICATION AND RESTORATION

If the Licensee is temporarily unable to comply with any of the conditions of the License due to breakdown of equipment or destruction by hazard of fire, wind or following an emergency as defined by Sections 252.34(3), (6), (7) or (9), F.S., the Licensee shall immediately notify the Department. Notification shall include pertinent information as to the cause of the problem, and what steps are being taken to correct the problem and to prevent its recurrence, and where applicable, the owner's intent toward reconstruction of destroyed facilities. Such notification does not release the Licensee from any liability for failure to comply with Department rules. Any exceedances and/or violations recorded during emergency conditions shall be reported as such, but the Department acknowledges that it intends to use its enforcement discretion during this timeframe. This acknowledgement by the Department does not constitute a waiver or variance from any requirements of any federal permit. Relief from any federal agency must be separately sought.

[Section 62-4.130, F.A.C.]

IX. CONSTRUCTION PRACTICES

A. *Local Building Codes*

Subject to the conditions set forth herein, this certification constitutes the sole license of the state and any agency as to the approval of the location of the site and any associated facility and the construction and operation of any Certified Facility. The Licensee is not required to obtain building permits for Certified Facilities. However, this certification shall not affect in any way the right of any local government to charge appropriate fees or require that construction of installations used by the electric utility that are not an integral part of a generating plant, substation, or control center (such as, office buildings, warehouses, garages, machine shops, and recreational buildings) be in compliance with applicable building construction codes.

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

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B. Open Burning

Prior to open burning in connection with land clearing, the Licensee shall seek authorization from the Florida Forest Service in accordance with the requirements of Chapters 62-256 and 5I-2, F.A.C.

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

C. Vegetation

For areas located in any Florida Department of Transportation (DOT) ROW, Chapter 4.6 of the [Florida DOT Utility Accommodation Manual](#) shall serve as guidelines for best management practices.

D. Existing Underground Utilities

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

[Chapter 556, F.S.]

E. Electric and Magnetic Fields (EMF)

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

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

F. Existing Wells

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

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

G. Abandonment of Existing Septic Tanks

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

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

X. RIGHT OF ENTRY

A. Upon presentation of credentials or other documents as may be required by law, the Licensee shall allow authorized representatives of the Department or other agencies with jurisdiction over a portion of the Certified Facility and any authorized off-site mitigation/compensation or otherwise associated areas:

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

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

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

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

XI. DISPUTE RESOLUTION

A. General

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

B. Modifications

If written objections are filed regarding a modification, and the objections address only a portion of a requested modification, then the Department shall issue a Final Order approving the portion of the modification to which no objections were filed, unless that portion of the requested modification is substantially related to or necessary to implement the portion to which written objections are filed.

C. Post-Certification Submittals

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

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

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XII. SEVERABILITY

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

XIII. ENFORCEMENT

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

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

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

XIV. REVOCATION OR SUSPENSION

The certification shall be final unless revised, revoked or suspended pursuant to law. This certification may be suspended or revoked pursuant to Sections 403.512, F.S. This certification is valid only for the specific processes and operations identified in the SCA and approved in the final order of certification and indicated in the testimony and exhibits in support of certification, or approved in a subsequent amendment or modification of the certification. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this approval may constitute grounds for revocation and enforcement action by the Department. Any enforcement action, including suspension and revocation, shall only affect the portion(s) of the Certified Facility that are the cause of such action, and other portions of the Certified Facility shall remain unaffected by such action.

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

XV. REGULATORY COMPLIANCE

As provided in Sections 403.087(7) and 403.722(5), F.S., except as specifically provided in the final order of certification, a subsequent modification or amendment, or these conditions, the issuance of this license does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This license is not a waiver of or approval of any other Department license/permit that may be required for other aspects of the

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Certified Facility which are not addressed in this license. This license does not relieve the Licensee from liability for harm or injury to human health or welfare, animal, or plant life, or public or private property caused by the construction or operation of the Certified Facility, or from penalties therefore.

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

XVI. CIVIL AND CRIMINAL LIABILITY

Except to the extent a variance, exception, exemption or other relief is granted in the final order of certification, in a subsequent modification to these Conditions, or as otherwise provided under Chapter 403, F.S, this certification does not relieve the Licensee from civil or criminal penalties for noncompliance with any condition of certification, applicable rules or regulations of the Department, or any other state statutes or regulations which may apply.

[Sections 403.141, 403.161, and 403.511, F.S.]

XVII. USE OF STATE LANDS

A. Except as specifically provided in the final order of certification or these conditions, the issuance of this license conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.

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

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

D. The Licensee is hereby advised that Florida law states: “A person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the board of trustees of the Internal Improvement Trust Fund under this chapter, until the person has received the required lease, license, easement, or other form of consent authorizing the proposed use.” Pursuant to Chapter 18-14, F.A.C., if such work is done without consent, or if a person otherwise damages state land or products of state land, the Board of Trustees may levy administrative fines of up to \$10,000 per offense.

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

[Chapters 253 and 258, F.S.; Chapters 18-2, 18-14, 18-21, 62-340, and subsections 62-330.060(1) and 62-4.160(4), F.A.C.]

XVIII. PROCEDURAL RIGHTS

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

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

XIX. AGENCY ADDRESSES FOR POST-CERTIFICATION SUBMITTALS AND NOTICES

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

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

Florida Department of Environmental Protection
Southeast District Office
3301 Gun Club Road, MSC 7210-1
West Palm Beach, Florida 33406-3007

Florida Department of Economic Development
Bureau of Community Planning and Growth
107 East Madison St.
Tallahassee, FL 32399-2100

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

Florida Department of Transportation
Senior Policy Advisor

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605 Suwannee Street
Tallahassee, FL 32399-0450

Florida Department of Agriculture and Consumer Services
Office of General Counsel
407 S. Calhoun St.
Tallahassee, FL 32399-1650

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

Florida Department of State
R.A. Gray Building, 4th Floor
Division of Historical Resources
500 S. Bronough Street
Tallahassee, FL 32399-0250

Broward County
Office of the County Attorney
115 S. Andrews Ave., Room 423
Ft. Lauderdale, Florida 33301

City of Dania Beach
Community Development Director
100 W Dania Beach Boulevard
Dania Beach, FL 33004

City of Hollywood
City Attorney
2600 Hollywood Boulevard
Suite 407
Hollywood, Florida 33020

[Section 403.511, F.S.]

XX. PROCEDURES FOR POST-CERTIFICATION SUBMITTALS

A. *Purpose of Submittals*

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

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B. Filings

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

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

C. Completeness

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

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

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

D. Interagency Meetings

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

E. Determination of Compliance

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

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F. Commencement of Construction

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

G. Revisions to Design Previously Reviewed for Compliance

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

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

XXI. POST-CERTIFICATION SUBMITTAL REQUIREMENTS SUMMARY

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

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

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

XXII. POST CERTIFICATION AMENDMENTS

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

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

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

[Section 403.5113, F.S.]

XXIII. MODIFICATION OF CERTIFICATION

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

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

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

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

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

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

XXIV. COASTAL ZONE CONSISTENCY

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

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

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XXV. WATER QUALITY CERTIFICATION

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

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

XXVI. TRANSFER OF CERTIFICATION

A. This certification is transferable in whole or in part, upon Department approval, to an entity determined to be able to comply with these Conditions. A transfer of certification of all or part of the Certified Facility may be initiated by the Licensee’s filing of a Notice of Intent to Transfer Certification with the Department’s Siting Coordination Office. The notice of intent shall: identify the intended new certification holder or Licensee; identify current, and new entity responsible for compliance with the certification; and include a written agreement from the intended Licensee/Transferee to abide by all Conditions of Certification, as well as, applicable laws and regulations. Upon receiving a complete notice of intent, the transfer shall be approved by the Department unless the Department objects to the transfer on the grounds that the new Licensee will be unable to comply with the Conditions of Certification, specifies in writing its reasons for its objections, and gives notice and an opportunity to petition and administrative hearing pursuant to Section 120.57, F.S. Upon approval, the Department will initiate a modification to the Conditions to reflect the change in ownership in accordance with Rule 62-17.211, F.A.C.

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

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

XXVII. LABORATORIES AND QUALITY ASSURANCE

Chemical, physical, biological, microbiological and toxicological data collected as a requirement of these Conditions must be reliable and collected and analyzed by scientifically sound procedures. Unless otherwise specified in these Conditions, the Licensee shall adhere to the minimum field and laboratory quality assurance, methodological and reporting requirements of the Department as set forth in Chapter 62-160, F.A.C.

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

XXVIII. ENVIRONMENTAL RESOURCES

A. General

1. Submittals for Construction Activities

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a. Prior to the commencement of construction of new facilities and/or associated facilities the Licensee shall provide to the SED for review, all information necessary for a complete *Joint Application for Environmental Resource Permit* (ERP), DEP Forms 62-330.060, F.A.C. A copy of the submittal shall also be provided to the SCO.

This form may: a) be submitted concurrently with a SCA; b) be submitted as part of an amendment request or a petition for modification; or c) be submitted as a post-certification submittal following approval of a project through certification, modification, or amendment. Information submitted for a post-certification review may be submitted for discrete portions of the Certified Facilities for a determination of compliance with these COC. Such ERP submittals, once received, shall be reviewed in accordance with the non-procedural standards and criteria for issuance of an ERP, including all the provisions related to reduction and elimination of impacts, conditions for issuance, additional conditions for issuance, and mitigation contained in Chapters 62-330, F.A.C., as applicable unless otherwise stated in these Conditions. While the information is provided for review via submittal of the Environmental Resources Permit form, pursuant to section 403.511, Florida Statutes, issuance of a separate Environmental Resources Permit is not required for certified facilities.

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

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

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

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

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

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

3. Any delineation of the extent of a wetland or other surface water submitted as part of the DEP ERP Application Form required by Subparagraph A.1.a. above, including plans or other supporting documentation, shall not be considered binding on the

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

[Sections 373.421, 403.504, F.S.]

B. Surface Water Management Systems

1. Information regarding surface water management systems (SWMS) will be reviewed for consistency with the applicable non-procedural requirements of Part IV of Chapter 373, F.S., following submittal of Form 62-330.060(1), F.A.C., to the SED.

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

3. To allow for stabilization of all disturbed areas, immediately prior to construction, during construction of the SWMS, and for the period of time after construction of the SWMS, the Licensee shall implement and maintain erosion and sediment control best management practices, such as silt fences, erosion control blankets, mulch, sediment traps, polyacrylamide (PAM), temporary grass seed, permanent sod, and floating turbidity screens to retain sediment on-site and to prevent violations of state water quality standards. These devices shall be installed, used, and maintained at all locations where the possibility exists of transferring suspended solids into the receiving waterbody due to the licensed work, and shall remain in place at all locations until construction in that location is completed and soils are permanently stabilized. All best management practices shall be in accordance with the guidelines and specifications described in the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Transportation and Florida Department of Environmental Protection, by HydroDynamics Incorporated in cooperation with Stormwater Management Academy, June 2007) unless a project-specific erosion and sediment control plan is approved as part of this License. If project-specific Conditions require additional measures during any phase of construction or operation to prevent erosion or control sediments beyond those specified in the approved erosion and sediment control plan, the Licensee shall implement additional best management practices as necessary, in accordance with the guidelines and specifications in the State of Florida Erosion and Sediment Control Designer and Reviewer Manual. The Licensee shall correct any erosion or shoaling that causes adverse impacts to the water resources as soon as feasible. Once project construction is complete in an area, including the re-stabilization of all side slopes, embankments and other disturbed areas, and before conversion to the operation and maintenance phase, all silt screens and fences, temporary baffles, and other materials that are no longer required for erosion and sediment control shall be removed.

4. The Licensee shall complete construction of all aspects of the SWMS described in the ERP Application Form, submitted as part of a post-certification submittal, amendment, modification, or certification application including water quality treatment features,

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and discharge control facilities prior to use of the portion of the Certified Facility being served by the SWMS.

5. At least 48 hours prior to the commencement of construction of any new SWMS for any part of a Certified Facility authorized by this certification, the Licensee shall submit to the Department a written notification of commencement using an “Environmental Resource Permit Construction Commencement Notice” (DEP Form 62-330.350(1), F.A.C.), indicating the actual start date and the expected completion date.

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

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

8. Any substantial deviation from the approved drawings, exhibits, specifications or Conditions, may constitute grounds for revocation or enforcement action by the Department.

9. The operation phase of any new SWMS approved by the Department shall not become effective until the Licensee has complied with the requirements of the conditions herein, the Department determines the system to be in compliance with the approved plans, and the entity approved by the Department accepts responsibility for operation and maintenance of the system.

10. The SED must be notified in advance of any proposed construction dewatering. If the dewatering activity is likely to result in off-site discharge or sediment transport into wetlands or surface waters, a written dewatering plan must be submitted to and approved by the Department prior to the dewatering event.

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

C. Wetland and Other Surface Water Impacts

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

2. Proposed mitigation plans submitted with the DEP ERP Application forms required in Condition XXVIII. A.1.a. above, or submitted and approved as part of an

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amendment, modification, or certification, and that are deemed acceptable by DEP, shall include applicable construction conditions, success criteria and monitoring plans, and shall be incorporated into these Conditions as Attachment C (Wetland Mitigation Plans).

3. Works within any conservation easement, including but not limited to staging or storage of construction equipment or materials, and/or dredge and fill activities shall require prior written authorization from the Department.

4. For projects where wetland impacts are offset with the purchase of mitigation bank credits, the Licensee shall provide DEP with documentation that the required mitigation bank credits have been deducted from the credit ledger of the respective mitigation bank. The required documentation shall be submitted to DEP prior to impacting wetlands authorized by this certification.

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

XXIX. THIRD PARTY IMPACTS

The Licensee is responsible for maintaining compliance with these Conditions even when third party activities authorized by the Licensee occur in or on the certified site/area.

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

XXX. FACILITY OPERATION

The Licensee shall properly operate and maintain the certified facility and systems of treatment and control (and related appurtenances) that are installed and used by the Licensee to achieve compliance with these Conditions, as required by the final order of certification, these Conditions, or a post-certification amendment or modification. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the final order of certification, these Conditions, or a post-certification amendment or modification. Further, the Licensee shall take all reasonable steps to minimize any adverse impact resulting from noncompliance with any limitation specified in this certification, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying event.

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

XXXI. RECORDS MAINTAINED AT THE FACILITY

A. These Conditions or a copy thereof shall be kept at the site.

B. The Licensee shall hold at the site, or other location designated by these Conditions, records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation required by these Conditions, copies of all reports required by these Conditions, and records of all data used to complete the SCA for this approval. These materials shall be retained at least three (3) years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.

C. Records of monitoring information shall include:

1. the date, exact place, and time of sampling or measurements;

SECTION A: GENERAL CONDITIONS

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

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

XXXII. WATER DISCHARGES

A. Except as otherwise authorized by a permit issued by the Department under a federally approved or delegated program or to the extent a variance, exception, exemption or other relief is granted or authorized by these Conditions, the Licensee shall not discharge to surface or ground waters of the State wastes in concentrations, which, alone or in combinations with other substances or components of discharges (whether thermal or non-thermal), are carcinogenic, mutagenic, or teratogenic to human beings (unless specific criteria are established for such components in Rule 62-520.400, F.A.C.) or are acutely toxic to indigenous species of significance to the aquatic community within surface waters affected by the ground water at the point of contact with surface waters.

B. Except as otherwise authorized by a permit issued by the Department under a federally approved or delegated program or to the extent a variance, exception, exemption or other relief is granted or authorized by these Conditions, all discharges and activities must be conducted so as to not cause a violation of the water quality standards set forth in Chapters 62-4, 62-302, 62-520, 62-550, and 62-620, F.A.C., including the provisions of Rules 62-4.243, 62-4.244, and 62-4.246, F.A.C., the antidegradation provisions of paragraphs 62-4.242(1)(a) and (b), F.A.C., and Rule 62-302.300, F.A.C., and any special standards for Outstanding Florida Waters and Outstanding National Resource Waters set forth in subsections 62-4.242(2) and (3), F.A.C.

C. Except as otherwise authorized by a permit issued by the Department under a federally approved or delegated program or to the extent a variance, exception, exemption or other relief is granted or authorized by these Conditions, all dewatering discharges must be in compliance with Rule 62-621.300, F.A.C.

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

XXXIII. SOLID AND HAZARDOUS WASTE

A. Solid Waste

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

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

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

The Licensee shall comply with all applicable non-procedural provisions of DEP Chapter 62-730, F.A.C., for any hazardous waste generated within the Certified Facility. An EPA identification number must be obtained before beginning hazardous waste activities unless

SECTION A: GENERAL CONDITIONS

the facility is a Conditionally Exempt Small Quantity Generators (CESQGs). CESQGs generate no more than 100 kg (220 lbs) of hazardous waste in any month.

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

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

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

[Chapters 62-710, 62-730, 62-737, and 62-740, F.A.C.]

C. Hazardous Substance Release Notification

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

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

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

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

D. Contaminated Site Cleanup

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

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

XXXIV. STORAGE TANK SYSTEMS

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

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A. Incident Notification Requirements.

Notification of the discovery of the loss from a storage tank system of a regulated substance exceeding 100 gallons on impervious surfaces, other than secondary containment, such as driveways, airport runways, or other similar asphalt or concrete surfaces, provided that the loss does not come in contact with pervious surfaces or of the discovery of any other incident listed in subsections 62-761.450(2) or 62-762.450(2), F.A.C., shall be made to the County on Incident Notification Form 62-761.900(6) within 24 hours or before the close of the County's next business day.

B. Discharge Reporting Requirements

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

C. Discharge Cleanup

If a discharge of a regulated substance occurs at a certified facility, actions shall be taken immediately to contain, remove, and abate the discharge under all applicable Department rules. The Licensee is advised that other federal, state, or local requirements may apply to these activities. If the contamination present is subject to the provisions of Chapter 62-780, F.A.C., corrective action, including free product recovery, shall be performed in accordance with that Chapter.

D. Out of Service and Closure Requirements

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

[Chapters 62-761, 62-762, and 62-780, F.A.C.]

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SECTION B. SPECIFIC CONDITIONS

The following conditions, unless otherwise specified, apply to all certified facilities.

I. VARIANCES

A. FPL is granted a variance from the maximum permissible sound levels from the specified Sound Level limits in Table 1 of the City of Dania Beach Code of Ordinances, Chapter 17, Article IV Noise, Section 17-86 for:

1. Noise due to emergency or upset conditions for all time periods and all receiving land use categories; and,
2. Noise due to transient conditions associated with unit startup and shutdown shall be limited to 70 dB(A) for all time periods and all receiving land use categories, except for Industrial land uses which shall retain the limit of 75 dB(A).

[403.507(5)(d), F.S. and Chapter 17, Article IV Noise, Section 17-86, City of Dania Beach Code]

II. DEPARTMENT OF ENVIRONMENTAL PROTECTION

A. *Lauderdale Plant – Units 4 and 5*

Units 4 and 5 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.

III. SOUTH FLORIDA WATER MANAGEMENT DISTRICT

A. *Applicable General Agency Standards*

1. Minimum Standards

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

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

2. Compliance Requirements.

Information submitted to SFWMD subsequent to certification, in compliance with the conditions of this certification, shall be for the purpose of SFWMD determining the Licensee's compliance with the conditions of certification and the non-procedural, criteria contained in Chapters 40E-2 (Consumptive Use), 40E-3 (Water Wells), and 40E-6 (Utilization of District Works), F.A.C., as applicable, prior to the commencement of the subject construction, operation and/or maintenance activity, covered thereunder.

[373.219, 373.223, 373.229, 373.308, and F.S.: 40E-2.041, 40E-2.301, 40E-2.381, 40E-3.051, 40E-3.301, and 40E-3.411, F.A.C.]

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3. Liability

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

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

4. Access

With advance notice to the Licensee, SFWMD staff with proper identification shall have permission to enter, inspect, observe, collect samples, and take measurements of licensed facilities to determine compliance with the conditions of certification and approved plans and specifications. The Licensee shall either accompany SFWMD staff onto the property or make provision for access onto the property..

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

5. Construction, Operation, and Maintenance Responsibilities

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

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

6. Non-interference with SFWMD Operations

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

- (1) discharging pollutants, debris or aquatic weeds into SFWMD works;
- (2) causing erosion or shoaling within SFWMD works;
- (3) planting trees or shrubs or erecting structures which limit or prohibit access by SFWMD equipment and vehicles.

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

[373.016, 373.085, 373.086, 373.117, 471.003 FS., 40E-6.221 F.A.C.]

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7. Enforcement

The SFWMD 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, SFWMD may confer with DEP. SFWMD shall seek modification of this certification for any change in any activity resulting from the SFWMD's enforcement of this certification which change will have a duration longer than 60 days.

[373.223, 373.319, 373.603, and 403.514, F.S.; Rules 40E-2.091, 40E-2.301, 40E-2.381, and 40E-3.461, F.A.C.]

8. Revisions to Site Specific Design Authorizations

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

[373.085, 373.219, 373.223, 373.313, and 373.342, F.S.; 40E-2.091, 40E-2.301, and 40E-3.461, F.A.C.]

9. Changes to Information Requirements

The SFWMD and the Licensee may jointly agree to vary the informational requirements.[373.085 and 373.229, F.S.; Rules 40E-2.101(1) and 40E-3.101(2), F.A.C.]

B. Water Use

1. General

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

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

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

SECTION B: SPECIFIC CONDITIONS

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

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

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

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

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

(2) Damage to agriculture, including damage resulting from reduction in soil moisture resulting from consumptive use; or,

(3) Land collapse or subsidence caused by reduction in water levels associated with consumptive use.

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

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

(1) Reduction in ground or surface water levels that results in harmful lateral movement of the fresh water/salt water interface;

(2) Reduction in water levels that harm the hydroperiod of wetlands;

(3) Significant reduction in water levels or hydroperiod in a naturally occurring water body such as a lake or pond;

(4) Harmful movement of contaminants in violation of state water quality standards; or

(5) Harm to the natural system including damage to habitat for rare or endangered species.

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

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2. Site Specific Design Authorizations/Requirements

a. Water Use

(1) This certification authorizes a maximum monthly withdrawal of 11,427.84 MG from the Dania Cut-off Canal for an industrial use.

(2) This Certification authorizes a maximum annual withdrawal of 134,922.2 MG from the Dania Cut-off Canal for an industrial use.

(3) Authorized withdrawal facilities for the existing Lauderdale Plant are:

i. 4 - 300 HP X 12,000 GPM surface water pumps with an intake elevation of -5.0' NGVD

ii. 4 - 450 HP X 58,000 GPM surface water pumps with an intake elevation of -14.0' NGVD

iii. 2 - 60 HP X 600 GPM surface water pumps with an intake elevation of -10.5 ft. NGVD

iv. 2 - 100 HP X 3,000 GPM surface water pumps with an intake elevation of -10.5 ft. NGVD.

(4) For Unit 7, the Licensee may remove and replace the existing authorized surface water pumps. The Licensee shall submit to SFWMD an updated "Summary of Surface Water (Pump) Facilities" ("Section IV – Sources of Water", Water Use Permit Application Form 1379), within 90 days of installation of the proposed pumps, identifying: the surface water source, local drainage district (if applicable), pump diameter, capacity and horsepower, referenced intake elevation, and water use accounting method.

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

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

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

(6) Monthly withdrawals for each withdrawal facility shall be reported to the SFWMD semi-annually. The water accounting method and means of calibration shall be stated on each report.

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

(7) Every five years from the date of last calibration, the Licensee shall submit recalibration data for each withdrawal facility.

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

(8) The Licensee shall submit all data as required by the implementation schedule for each of the above conditions to: SFWMD at www.sfwmd.gov/ePermitting, or Regulatory Support, 3301 Gun Club Road, West Palm Beach, FL 33406.

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

(9) SFWMD may request that the Department modify the maximum annual withdrawal of surface water for consumptive use authorized by this certification, in accordance with the provisions of Section 403.516, F.S. Any request for an increase in water withdrawals by the licensee shall be made pursuant to the provisions of Section 403.516, F.S.

[373.223, and 403.516, F.S.; Rules 40E-2.091, 40E-2.301 and 40E-2.381, F.A.C.]

b. Dewatering Activities. Prior to commencement of construction of those portions of the project that involve dewatering activities, the Licensee shall submit a detailed plan for any such activities to the SFWMD for a determination of compliance with the applicable non-procedural requirements of Chapters 40E-2, F.A.C., in effect at the time of certification. The following information, referenced to NGVD or NAVD where appropriate, shall be submitted:

(1) A detailed site plan which shows the location(s) for each proposed dewatering area;

(2) The method(s) used for each dewatering operation;

(3) The maximum depth for each dewatering operation;

(4) The location and specifications for all proposed wells and/or pumps associated with each dewatering operation;

(5) The duration of each dewatering operation;

(6) The discharge method, route, and location of receiving waters generated by each dewatering operation, including the measures (Best Management Practices) that will be taken to prevent water quality problems in the receiving water(s);

(7) An analysis of the impacts of the proposed dewatering operations on any existing on and/or off-site legal users, wetlands, or existing groundwater contamination plumes;

(8) The location of any infiltration trench(es) and/or recharge barriers; and

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

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

c. Alternative Water Supplies

(1) Upon notification of the availability of reclaimed water pursuant to Section 373.250, F.S., the Licensee shall investigate the feasibility of obtaining reclaimed water and actively participate in discussions and negotiations with potential suppliers of reclaimed water when the supplies become available.

(2) If reclaimed water becomes available and is deemed to be feasible, the Licensee shall apply for a modification to reflect that portion of the allocation which

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is to be provided for by reclaimed water. The Licensee is required to request a modification when an agreement has been executed between both parties.

[373.250, F.S.]

d. Water Conservation Plan. Within six months of commercial operation for Unit 7 (DBEC), the Licensee shall:

(1) Conduct an audit of the amount of water needed in the Licensee's operational processes. The following measures shall be implemented within one year of audit completion if found to be cost effective in the audit:

i. Implementation of a leak detection and repair program;

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

iii. Use of processes to decrease water consumption.

(2) Develop and implement an employee awareness program concerning water conservation.

(3) Provide to SFWMD the procedures, time-frames for implementation, and results of (1) and (2) above.

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

e. SFWMD Lands

(1) The Licensee shall undertake any activities associated with the Lauderdale Plant, which use, connect to or cross the properties or works of SFWMD in accordance with SFWMD Right-of-Way Permit No. 9234, issued September 13, 1990

(2) This certification does not affect the Licensee's obligation to obtain, modify or otherwise receive approvals from SFWMD for activities which are not associated with the Lauderdale Plant or Dania Beach Energy Center, which use, connect to or cross properties and works of the SFWMD.

[373.085, 373.086, 380.06(9)(b), 373.118 FS., 40E-6.041, F.A.C.]

(3) If, in the future, the Licensee proposes modifications and/or additions to any existing facilities that are located within the SFWMD's rights-of-way that were not anticipated in the Site Certification Application, complete drawings showing the proposed and/or modified facility(ies) shall be submitted for review by the SFWMD for a determination of compliance with Chapter 40E-6, Florida Administrative Code, prior to the commencement of construction of any facilities which will cross over, on, under, or otherwise use the SFWMD's right-of-way. These drawings shall depict the proposed use in both plan and profile views and shall show, as a minimum:

i. For aerial electrical transmission/distribution crossings:

1. The canal right-of-way lines;
2. The top of the canal bank and its elevation;

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3. The centerline of the levee and its elevation;
 4. The canal maintenance berm and its elevation at its highest point;
 5. The location at of any poles towers, access roads, pipelines, etc., located with the SFWMD's right-of-way;
 6. The location of any anchor downguys or spanguys within the SFWMD's right-of-way;
 7. The elevation of the lowest line, wire, or cable crossing over the SFWMD's right-of-way, given at the lowest point of sag in the span within the SFWMD's right-of-way;
 8. The location and elevation of any buried facilities;
 9. The location of the facilities in relation to a section line, major road, or other prominent well-known landmark by which the facilities have been located in the field.
- ii. For bridges and other pile supported crossings and arch, free span and subaqueous crossings (such as gas, fuel oil, water, sewage, communications lines, etc.)
1. The canal right-of-way lines;
 2. The top of the canal bank and its elevation;
 3. The width and elevation of any berms or levees;
 4. The existing cross section of the canal taken at the centerline of the point of crossing plus one cross section each taken 50' upstream and 50' downstream of the faces of the proposed crossing. The cross sections will be taken at 10' intervals from top of bank to top of bank and shall be plotted on standard cross section paper to the same horizontal and vertical scale using NGVD datum, if applicable, the ultimate design section for the canal shall also be plotted on the cross sections submitted;
 5. If applicable, the locations at which the crossing shall enter and emerge from the banks or berms.
 6. If applicable, the pile spacings measured center to center for any and all approach spans and measured face to face for the pile bents of the center span.
 7. If applicable, the burial depth below the bank, berm and bottom elevation;
 8. If applicable, the elevation of the bottom and top of any pipe, conduit or casing;
 9. If applicable, the wall thickness or "schedule" of the pipe;
 10. If applicable, any appurtenances such as fences, guardrails, security enclosures, paving, meters, valves, blow-off line, cathodic protection systems (whether buried or exposed), etc.;
 11. The location of the proposed facilities in relation to a section line, major road or other prominent well-known landmark by which the facilities have been located in the field;

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12. If applicable, the locations of any existing facilities located within the SFWMD's right-of-way at proposed project site;

13. If applicable, the manner in which the SFWMD will be provided access to bridge approaches, including drop curbing, reinforced sidewalk section, guardrail openings, stabilized berm ramps having minimum top width of 15 feet with a maximum slope of 1 vertical to 10 horizontal.

iii. For general short-term construction activities on SFWMD right-of-way or where the use of the right-of-way is proposed for short or long-term access to the site including the use of barges in the Dania Cut-Off Canal:

1. If applicable, any work areas, spoil disposal or drying areas, materials storage areas, temporary construction or office trailer sites;

2. If applicable, any temporary or permanent ingress/egress routes to the work site;

3. The location of the proposed facilities in relation to a section line, major road or other prominent well-known landmark by which the facilities have been located in the field.

[373.085, 373.086, 403.0877 FS., 40E-6.091, F.A.C.]

IV. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

A. *Listed Species*

The following table contains state and federally listed species that occur in the State of Florida and may be located, and be potentially impacted, at the Lauderdale and/or the Dania Beach Energy Center site (DBEC).

Table 1

Common Name	Scientific Name	Status
Little blue heron	<i>Egretta caerulea</i>	State Threatened
Tricolored heron	<i>Egretta tricolor</i>	State Threatened
Least tern	<i>Sternula antillarum</i>	State Threatened
Wood stork	<i>Mycteria americana</i>	Federally Threatened
Florida burrowing owl	<i>Athene cunicularia floridana</i>	State Threatened
West Indian manatee	<i>Trichechus manatus</i>	Federally Threatened

[Article IV, Sec. 9, Florida Constitution; Chapters 68A-27 and 68A-16, Florida Administrative Code (F.A.C.)]

B. *General Listed Species Survey*

1. The Licensee shall coordinate with the FWC to obtain and follow the current survey protocols for all listed species that may occur within the DBEC site and associated supporting facilities, as well as accessible appropriate buffers within the FPL property or rights-of-way as defined by the listed species' survey protocols, prior to conducting detailed surveys. Guidance related to species-specific survey protocols can be found in the FWC's Imperiled Species Management Plan at <http://myfwc.com/wildlifehabitats/imperiled/plan/> or the Florida Wildlife Conservation Guide at <http://myfwc.com/conservation/value/fwcg/>.

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2. Surveys shall be conducted for the species listed in Table 1 above prior to clearing and construction in accordance with the survey protocols. The results of those detailed surveys shall be provided to the FWC in a report, and coordination shall occur within the FWC on appropriate impact avoidance, minimization, or mitigation methodologies.

[Article IV, Sec. 9, Florida Constitution; Sections 379.2291, 403.507, 403.526, and 403.5113(2), Florida Statutes (F.S.); and Rule 68A-27, F.A.C.]

C. Specific Listed Species Surveys

Before land clearing and construction activities within the Lauderdale and/or DBEC site and associated supporting facilities, the Licensee shall conduct an assessment for all terrestrial listed species and shall note all habitat, occurrence or evidence of listed species. Wildlife surveys shall be conducted during the reproductive or “active” season for each species that falls before the projected clearing activity schedule unless otherwise approved by the FWC. For species that are difficult to detect, the Licensee may assume that the species is present and plan appropriate avoidance/mitigation measure for FWC post-certification review and approval at least 60 days prior to commencing clearing or construction activities within the surveyed area. The surveys required by these conditions of certification may be conducted prior to issuance of the final order of certification, in which case this condition would be considered satisfied.

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

2. This survey shall identify locations of breeding sites, nest, and burrows for listed wildlife species. Nest and burrows shall be recorded with global positioning system (GPS) coordinates, identified on an aerial photograph, and submitted with the final listed species report. Although nests and burrows may be recorded individually with GPS, the FWC prefers that any applicable protection radii surrounding groups of nest sites and burrows be included on a site-specific basis, rather than around individual nests and burrows, and be physically marked so that clearing and construction shall avoid impacting them.

3. This survey shall include an estimate of the acreage and percent cover of each existing vegetation community (Florida Land Use, Cover and Forms Classification System, or FLUCFCS, at the third degree of detail) that is contained within the DBEC Project prior to land clearing and construction activities using geographic information system (GIS). Examples of such wildlife-based habitat classification schemes include Florida’s State Wildlife Action Plan (FWC 2012), Descriptions of Vegetation and Land Cover Types (FWC 2004), or Natural Communities Guide (Florida Natural Areas Inventory 2010)

[Article IV, Sec. 9, Florida Constitution; Sections 379.2291 F.S.; and Rules 68A-27, 68A-4, and 68A-16, F.A.C.]

D. Listed Species Locations

Where any suitable habitat or evidence is found of the presence of listed species, including but not limited to those specified in A above, within the Lauderdale and DBEC site, the Licensee shall report those location to, and confer with, the FWC to determine whether additional pre-clearing surveys are warranted, and to identify potential mitigation or avoidance recommendations. If additional pre-clearing surveys are required by the FWC as appropriate and

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as specified in these conditions of certification, they shall occur in the reproductive season prior to the anticipated date for the start of construction within the DBEC Project. The Licensee shall not construct in areas where evidence of listed species was identified during the initial survey until the particular listed species issues have been resolved as follows:

1. Listed Wildlife Species: If listed wildlife species are found, their presence shall be reported to the DEP Siting Coordination Office, the FWC, and the USFWS.
2. Species Management Plan: If total avoidance of state-listed wildlife species is not feasible, the Licensee shall consult with the FWC to determine the steps appropriate for the species potentially impacted to avoid, minimize, mitigate, or otherwise appropriately address potential impacts. For wildlife species, these steps shall be memorialized in a Species Management Plan and submitted to the FWC for review and approval.

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

E. Florida Manatee

1. Interim Warm-Water Refuge Heating System

In order to prevent an increased risk of manatee cold stress death during the DBEC construction period, a warm-water refuge will be created by an interim heating system. Adaptive management protocols for the interim warm-water refuge heating system shall be included in the Environmental and Biological Monitoring Plans. If existing Environmental and Biological Monitoring Plans are already in place, and have been previously reviewed and approved by FWC, FPL shall continue to adhere to those plans and will not need to resubmit new plans. The Environmental and Biological Plans shall include the following provisions:

a. Monitoring and evaluation of the interim heating system shall take place pursuant to the conditions found in Sections 2 Environmental Monitoring and Section 3 Biological Monitoring.

b. The Environmental Monitoring Plan shall include the trigger temperature and operational details agreed upon by the FWC in consultation with the USFWS and FPL. The interim heating system shall be maintained and operated to achieve the results specified in the Environmental Monitoring Plan in accordance with best management practices (BMP) established by Licensee, unless otherwise authorized by FWC and USFWS, or unless the safety of employees or reliability of the electric power system would be compromised. The Licensee's BMP manual for the interim heating system shall include details related to maintenance, operations, agency notifications, logbooks requirements and troubleshooting plans.

c. A copy of the Licensee's BMP manual for the interim heating system shall be maintained at all times while the heaters are present at the DBEC site and shall be made available upon request to authorized representatives of FWC and DEP.

d. If through the biological monitoring or daily visual assessments of manatee health, or scientific data, it is indicated that the interim heating system's operational trigger protocol should be modified to maintain a sufficient warm-water refuge, then FWC will consult with DEP, USFWS, and FPL to assess the information and develop a new strategy that can be agreed upon by the Licensee, FWC, DEP and USFWS and amended in the Environmental Monitoring Plan.

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e. The location, configuration and dimensions of the interim warm-water refuge will be illustrated in the Environmental Monitoring Plan.

f. The Licensee may request modification of applicable FWC conditions upon issuance by the DEP, in consultation with the FWC, of final NPDES permit modification No. FL0001503 if such requested modifications to the conditions herein have been adopted into the final NPDES permit.

[Section 403.507, F.S.; Section 379.1025, F.S.; Section 379.2291, F.S.; Section 379.2431 (2), F.S.; Section 20.331, F.S.]

2. Environmental Monitoring

The following monitoring requirements are applicable to the operation of the interim heating system during the DBEC construction phase.

a. The final Environmental Monitoring Plan developed for the period beginning with the start of construction of the new DBEC unit 7, shall be reviewed and approved by FWC and the Licensee shall submit the final Environmental Monitoring Plan to FWC and the DEP Siting Office. The Environmental Monitoring Plan shall include, at a minimum, the following components:

(1) Monitoring of the interim heating system and warm-water refuge during the modernization process (as described in Interim Heating System and Environmental Monitoring conditions and the Licensee's Thermal Modeling Study) shall take place during the winter months of 1 December through 31 March.

(2) Monitoring of the DBEC's interim warm-water refuge during construction shall consist of ambient air and water temperatures measured at multiple locations within the interim warm-water refuge. The number and configuration of temperature monitoring stations must be sufficient to provide a three-dimensional view, over time, of the thermal refuge.

(3) As part of this Environmental Monitoring Plan the Licensee shall include a plan to convey the data from the temperature monitoring stations to the appropriate agencies on a daily basis when the trigger is on and the heaters are running, and on a weekly basis when the trigger protocols have not been met.

(4) Specific locations for the temperature monitoring station(s), sampling frequencies, station depths, data collection methods, and reporting frequencies must be identified and may be subject to further revision depending on receipt of any required permits, licenses and approvals.

b. The Licensee will prepare an Environmental Monitoring Report that includes all data (made available in electronic form) and statistical analyses completed as a result of the requirements set forth in the Environmental Monitoring Plan. This report will be submitted yearly by the date designated in the Environmental Monitoring Plan, while the interim warm-water system is in operation during the construction period of the DBEC. A summary report including information collected throughout the modernization process shall be completed and submitted to the FWC and DEP Siting Office for review. All annual reports shall be submitted as directed in the Environmental Monitoring Plan.

[Section 403.507, F.S.; Section 379.1025, F.S.; Section 379.2291, F.S.; Section 379.2431 (2), F.S.; Section 20.331, F.S.]

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3. Biological Monitoring

The following monitoring requirements for manatee distribution and abundance are applicable to the operation of the interim heating system during the DBEC construction:

a. The Biological Monitoring Plan, developed for the period beginning with the start of construction of the new DBEC unit 7, shall be reviewed and approved by FWC and the Licensee shall submit the final Biological Monitoring Plan to FWC and the DEP Siting Office. The Biological Monitoring Plan shall include at a minimum the following components:

(1) Monitor the winter months of 1 December through 31 March distribution and abundance of manatees during the time frame that includes the operation of the interim warm-water heating system.

(2) Biological monitoring shall be conducted through aerial surveys during the winter months of 1 December through 31 March beginning the first winter of the plant's modernization and continuing through the completion of the DBEC construction and 2 years post-commercial operation of DBEC. After the first year of post modernization aerial survey monitoring, FWC will discuss the results with the Licensee and the parties will determine if the second year's monitoring can be eliminated. FPL will consult with FWC to determine the status of other aerial survey data collection efforts to determine if FPL will need to conduct any of the surveys (i.e., either during or post-modernization).

(3) Specific aerial survey paths, sampling frequencies, and methodologies for aerial surveys must be identified and described in the Biological Monitoring Plan. Aerial survey flight paths will be consistent with those established by the Broward County Environmental Resource Management Office and shall encompass the winter months as established in the Biological Monitoring Plan.

(4) Aerial survey data shall be analyzed and summarized after each winter season to provide an evaluation of manatee abundance and distributional changes within the survey area.

(5) The Licensee shall provide one or more manatee observers who have been trained by an approved FWC trainer so they can detect indications of cold stress in manatees. The monitoring protocols and information requirements will be described in the Biological Monitoring Plan.

(6) The manatee observer will be required to conduct a daily visual assessment of the condition and general distribution of manatees using the interim warm water refuge during the winter months of 1 December through 31 March. The visual assessments shall be conducted for a sufficient length of time to assess most of the manatees present at the plant and accessible to the observer on that day.

(7) Additional manatee behavior or habitat monitoring that will be determined by FWC, USFWS, and FPL is required and shall be accomplished by the Licensee through the use of an entity with experience in manatee ecology and data analysis in Florida. This condition will coincide with the use of the interim heating system and 2 years post-commercial operation of DBEC. After the first year of post modernization behavior or habitat monitoring, FWC will discuss the results with the Licensee and the parties will determine if the second year's monitoring can be eliminated. The details of the additional manatee behavior or habitat monitoring effort and required reports will be provided in the Biological Monitoring Plan.

(8) The Licensee will prepare a Biological Monitoring Report that includes all data (made available in electronic form) and statistical analyses completed as a

SECTION B: SPECIFIC CONDITIONS

result of the requirements set forth in the Biological Monitoring Plan. This report will be submitted yearly by the date designated in the Biological Monitoring Plan. A summary report including information collected throughout the modernization process shall be completed and submitted to the FWC and DEP Siting Office for review. All annual reports shall be submitted as directed in the Biological Monitoring Plan.

[Section 403.507, F.S.; Section 379.1025, F.S.; Section 379.2291, F.S.; Section 379.2431 (2), F.S.; Section 20.331, F.S.]

4. Standard Environmental and Biological Monitoring Plan Conditions

a. The Biological and Environmental Monitoring Plans, including the proposed monitoring techniques and monitoring locations that will be used to assess manatee health, distribution and habitat during the modernization process, shall be approved by FWC.

b. If, in the review of the annual biological or environmental monitoring reports, FWC, in consultation with the DEP and USFWS, determines the need to modify the Biological or Environmental Monitoring Plans, FWC will notify the Licensee to discuss the findings. At that time, FWC, in consultation with the DEP, USFWS and the Licensee, will determine what, if any, modifications need to be made to the Biological or Environmental Monitoring Plans.

c. If the Licensee determines the Biological or Environmental Monitoring Plans are in need of modifications during the operation of the interim heating system, the Licensee will contact the agencies to discuss the proposed modifications. At that time, FWC, in consultation with the DEP, USFWS and the Licensee, will determine what if any modifications need to be made.

d. The Licensee will provide personnel from the FWC, USFWS, USGS Sirenia Project, or a designee of these agencies, access to the DBEC property to conduct manatee monitoring activities. Reasonable notice shall be given to the Licensee by the agencies. Access would be limited to normal weekday business hours (8:00 a.m. - 5:00 p.m.) unless arrangements are made in advance with the Licensee.

e. All visitors to DBEC will be required to comply with FPL's safety and security requirements. Personnel will receive an orientation from FPL or its contractor prior to commencing observations or other activities.

[Section 403.507, F.S.; Section 379.1025, F.S.; Section 379.2291, F.S.; Section 379.2431 (2), F.S.; Section 20.331, F.S.]

5. Contingency Plan

FWC and USFWS' Letter of Authorization (LOA) network responders will be responsible for all efforts related to manatee rescues, rehabilitation activities, and carcass recovery during the DBEC modernization. In order to effectively implement contingency plans during the plant modernization and to address manatee health-related issues, the following conditions are required:

a. If the observer (pursuant to Biological Monitoring Plan) identifies manatees with apparent signs of cold stress disease, digital photographs should be taken of the animal(s) and the FWC shall be called as soon as possible on the day of the observations through the protocols described in the Biological Monitoring Plan

b. The Licensee will notify FWC and USFWS immediately if there is a mechanical failure of the interim heating system, or if, for any other reason the interim heating

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system is not operating in a manner that will provide warm-water sufficient to keep the warm-water refuge at a temperature of 68° F or greater.

c. The Licensee shall provide in-kind services and financial assistance, not to exceed \$100,000 in total value, to FWC for manatee rescue or recovery in the event that there is a failure of the interim heating system resulting from Licensee's failure to comply with these requirements that causes death or identifiable cold stress to manatees in Broward County. This condition would apply during the winter months of 1 December through 31 March. The in-kind assistance and funds would only be used to address manatee-related cold stress issues in the area that the interim system affects.

[Sections 403.507 F.S., Section 379.1025 F.S., Section 379.2291, F.S., Section 379.2431 (2) F.S., Section 20.331 F.S.]

6. Development of a Long-Term Manatee Strategy

In the future, the warm-water habitat created by the DBEC will diminish or be terminated; in that event the FWC and USFWS believes it is in the best interest of the Licensee, FWC, USFWS, DEP, and the Florida manatee population to begin strategic long-term planning to reduce the adverse effects to the Florida manatee population before this occurs.

a. Within two years of the FWC and USFWS developing a Warm-Water Action Plan (Plan) that has been endorsed by both agencies and that is inclusive of a future-oriented Management Policy for Warm-Water Manatee Habitat, the Licensee shall host and chair a workshop that is designed to: (a) articulate a strategy for achieving the goals of that Plan, (b) develop a timetable for implementing the strategy, (c) review progress to date in achieving the strategy, and (d) identify impediments and solutions.

b. Within one year of the workshop held pursuant to Final Order # PA 89-26A2, the Licensee shall provide the FWC with a formal report of the workshop, including findings, conclusions, and recommendations.

c. Over the course of the operating life span of the DBEC, the Licensee shall develop an exit strategy for the DBEC that prevents significant losses to the manatee population when the Licensee determines to reduce or eliminate the DBEC's thermal discharge to the extent that a dependable warm-water refuge is no longer present. The Licensee's strategy shall consider FWC and USFWS's statewide Warm-Water Action Plan approved by FWC and USFWS.

d. The Licensee shall work closely with the FWC and USFWS to evaluate progress toward achieving the vision and goals of the Warm-Water Action Plan and to develop adaptive changes to the Plan as needed to promote manatee recovery through participation in periodic workshops and/or conferences designed to accomplish such evaluation and adaptive changes.

e. The FWC must be notified, in writing, within 30 days of any sale, conveyance, or other transfer of the facility.

[Section 403.507, F.S.; Section 379.1025, F.S.; Section 379.2291, F.S.; Section 379.2431 (2), F.S.; Section 20.331, F.S.]

7. Manatee Construction Conditions for In-Water Work

a. The current Standard Manatee Conditions for In-Water Work are required for all in-water work in or adjacent to waters accessible to manatees. If the licensee is unsure if a certain activity qualifies as in-water work, it will contact the FWC to discuss and

SECTION B: SPECIFIC CONDITIONS

determine applicability of these conditions for the proposed activity. Blasting or pile hammering activities to break rock shall be prohibited in waters accessible to manatees. If no other alternative exists, a modification of these conservation measures can be requested. An adequate Blast and Protected Species Watch Plan must be submitted to and approved by the Imperiled Species Management Section of the FWC prior to these methodologies being used.

b. To reduce the possibility of injuring or killing a manatee during construction, in-water work shall not be performed between November 15 and March 31 unless essential to support the DBEC project's schedule or the safety of employees or reliability of the electric power system would be compromised. If in-water work during the winter cannot be avoided, the Licensee will contact the agencies to determine alternative conditions that will be implemented to address the proposed activity.

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

d. The Licensee will include as part of its safety orientation manatee awareness training for full-time permanent construction personnel at the DBEC site. This training will be designed to educate the construction work force about the legal requirements to avoid manatees and to provide them with contact information if they should spot an injured manatee.

e. To reduce the risk of entrapment and drowning of manatees, grating shall be installed over any proposed pipes or culverts greater than 8 inches, but smaller than 8 feet in diameter that are submerged or partially submerged and reasonably accessible to manatees. Bars or grates no more than 8 inches apart shall be placed on the accessible end(s) during all phases of the construction process and as a final design element to restrict manatee access.

[Section 403.507, F.S.; Section 379.1025, F.S.; Section 379.2291, F.S.; Section 379.2431 (2), F.S.; Section 20.331, F.S.]

8. Force Majeure

If there is an act of God, terrorism, or war that prevents Licensee from providing the requisite warm water conditions, Licensee will notify FWC expeditiously and coordinate efforts to resume compliance with the certification conditions.

[Sections 403.507, F.S.; Article IV, Sec. 9, Fla. Const.; Section 20.331, F.S.]

V. DEPARTMENT OF TRANSPORTATION

A. Access Management to the State Highway System

Any access to the State Highway System will be subject to the requirements of Rule Chapters 14-96, State Highway System Connection Permits, and 14-97, Access Management Classification System and Standards, Florida Administrative Code, which may require a right of way access permit from FDOT.

[Chapters 14-96 and 14-97, F.A.C.]

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B. Overweight or Overdimensional Loads

Operation of overweight or overdimensional loads by the applicant on State transportation facilities during construction and operation of the utility facility will be subject to safety and permitting requirements of Chapter 316, Florida Statutes, and Rule Chapter 14-26, Safety Regulations and Permit Fees for Overweight and Overdimensional Vehicles, Florida Administrative Code.

[Chapter 316, F. S.; Chapter 14-26, F.A.C.]

C. Use of State of Florida Right of Way or Transportation Facilities

All usage and crossing of State of Florida right of way or transportation facilities will be subject to Rule Chapter 14-46, Utilities Installation or Adjustment, Florida Administrative Code; Florida Department of Transportation's Utility Accommodation Manual (Document 710-020-001); Design Standards for Design, Construction, Maintenance and Utility Operation on the State Highway System; Standard Specifications for Road and Bridge Construction; and pertinent sections of the Florida Department of Transportation's Project Development and Environmental Manual.

[Sections 337.403 and 337.404, F.S.; Chapters 14-15 and 14-46, F.A.C.]

D. Standards

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

[Chapter 14-15, F.A.C.]

E. Drainage

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

[Chapter 14-86, F.A.C.]

F. Use of Air Space

Any newly proposed structure or alteration of an existing structure will be subject to the requirements of Chapter 333, Florida Statutes, and Rule 14-60.009, Florida Administrative Code. Additionally, notification to the Federal Aviation Administration (FAA) is required prior to beginning construction, if the structure exceeds notification requirements of 14 CFR Part 77, Objects Affecting Navigable Airspace, Subpart B, Notice of Construction or Alteration. Notification will be provided to FAA Southern Region Headquarters using FAA Form 7460-1, Notice of Proposed Construction or Alteration in accordance with instructions therein. A subsequent determination by the FAA stating that the structure exceeds any federal obstruction standard of 14 CFR Part 77, Subpart C, for any structure that is located within a 10-nautical-mile radius of the geographical center of a public-use airport or military airfield in Florida will be

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required to submit information for an Airspace Obstruction Permit from the Florida Department of Transportation or variance from local government depending on the entity with jurisdictional authority over the site of the proposed structure. The FAA Determination regarding the structure serves only as a review of its impact on federal airspace and is not an authorization to proceed with any construction. However, FAA recommendations for marking and/or lighting of the proposed structure are made mandatory by Florida law. For a site under Florida Department of Transportation jurisdiction, application will be made by submitting Florida Department Transportation Form 725-040-11, Airspace Obstruction Permit Application, in accordance with the instructions therein.

[Chapter 333, F.S.; Rule 14-60.009, F.A.C.]

G. Best Management Practices

Traffic control during facility construction and maintenance will be subject to the standards contained in the Manual on Uniform Traffic Control Devices; Rule Chapter 14-94, Statewide Minimum Level of Service Standards, Florida Administrative Code; Florida Department of Transportation's Design Standards for Design, Construction, Maintenance and Utility Operation on the State Highway; Florida Department of Transportation's Standard Specifications for Road and Bridge Construction; and Florida Department of Transportation's Utility Accommodation Manual, whichever is more stringent.

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

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

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

[Chapter 316, F.S.; Chapter 14-26, F.A.C.]

VI. DEPARTMENT OF STATE – DIVISION OF HISTORICAL RESOURCES

A. Any alterations, in areas not previously surveyed, associated with the reconfiguration of this plant may need to have a survey as determined in consultation with the Department of State, Division of Historical Resources (DHR). A qualified cultural resources consultant will identify an appropriate work plan for this project based on a thorough review of the certified facility. Prior to beginning any field work, the work plan will be reviewed in consultation with DHR. Upon completion of the survey, the results will be compiled into a report which shall be submitted to DHR. If feasible, sites considered to be eligible for the National Register shall be avoided during construction of the project and access roads, and subsequently during maintenance. If avoidance of any discovered sites is not feasible, impact shall be mitigated through archaeological salvage operations or other methods acceptable to DHR, as appropriate.

B. Any proposed projects occurring within the bounds of site 8BD4153 will need to be reviewed in consultation with DHR.

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C. If historical or archaeological artifacts or features are discovered at any time within the Certified Facility, the Licensee shall notify the appropriate DEP District office (s) and the DHR, R.A. Gray Building, 500 S. Bronough Street, Rm 423, Tallahassee, Florida 32399-0250, telephone number (850) 245-6333, and the Licensee shall consult with DHR to determine appropriate action.

[Sections 267.061, 403.531, and Chapter 872, F.S.]

VII. DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

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

[Chapter 487, F.S.]

VIII. BROWARD COUNTY

A. Lauderdale Plant (Units 4, 5 and 6)

1. FPL shall comply with the nonprocedural provisions of Chapter 27, Article XIV of the Broward County Code of Ordinances (BCC or Code), as may be amended, regarding removal and protection of trees on the Repowering Project site.

2. The Licensee shall undertake the Lauderdale Repowering Project in accordance with the Final Site Plan as submitted to Broward County by the Licensee on August 30, 1990, (and as that plan may be lawfully amended in the future) and determined by Broward County to be in compliance with the Broward County Land Development and the nonprocedural requirements therein.

3. FPL shall provide to Broward County copies of the regularly scheduled annual compliance tests as submitted to DEP.

4. If in the opinion of Broward County, Broward County believes that the Conditions of Certification regarding NOx emissions are not being complied with as set forth in these Conditions, Broward County shall have the right to seek a modification of the certification pursuant to Section 403.516, Florida Statutes.

5. FPL shall comply with the following conditions to implement the site alterations contained in the August 18, 1992 modification request and shall comply with the provisions of the Broward County staff memos incorporated herein as Attachment D:

The proposed alteration of the Administration Building shall not substantially increase the number of employees from the current level. However, if the future use of the Administration Building is changed in such a manner so as to substantially increase the number of permanent employees, FPL and County agree to meet in order to determine whether the change of use has created a material negative impact on S.W. 42nd Avenue. If FPL and the County cannot agree on whether S.W. 42nd Avenue has suffered such a negative impact, FPL shall conduct a traffic count in accordance with Broward County standard procedures. The traffic count shall be conducted at a location acceptable to FPL and the County and shall be

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conducted for a continuous seven-day period. If the traffic count demonstrates that the FPL related traffic on S.W. 42nd Avenue is more than 10% in excess of 400 vehicles per day, based on the average of the seven-day period, the County administration and FPL shall meet to determine appropriate and reasonable remedial measures to mitigate the negative impact. If the County administration and FPL are unable to agree as to the mitigation measures, FPL shall have the right to an administrative appeal to the County Commission. The County Commission may then require such mitigation measures which are appropriate and reasonable based upon the impacts on the road caused by FPL's increased usage and the Broward County Land Development Code.

6. In the event congestion becomes a problem, FPL should cooperate with local traffic control personnel to keep traffic flowing.

7. The Licensee 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.

8. To mitigate the effects of noise produced by the steam blowout of steam boiler tubes, the Licensee shall conduct public awareness campaigns prior to such activities to forewarn the public of the estimated time and duration of the noise. Steam blowout shall be limited to the hours of 7:00 a.m. to 7:00 p.m. unless any steam blows conducted after 7:00 p.m. otherwise comply with these conditions of certification and the applicable Broward County noise regulations.

9. The plant and associated facilities shall be constructed in such a manner as to comply with the Broward County flood protection requirements, either by floodproofing or by raising the elevation of the facilities above the 100-year flood level.

B. Dania Beach Energy Center (Unit 7)

1. General

a. Compliance Requirements

The DBEC Project must be constructed, operated and maintained in compliance with and meet all applicable non-procedural requirements set forth in the Broward County Code.

b. Off-site Impacts

It is the responsibility of FPL to ensure that off-site impacts including pollution or harm to natural resources do not occur as a result of construction or operation of the DBEC project, other than as authorized herein.

[Sections 27-53, 27-54, and 27-55, BCC]

c. Notifications

FPL shall provide Broward County notice contemporaneously with notices provided to the Department under Sections A. VII, NOTIFICATION, and VIII. EMERGENCY CONDITION NOTIFICATION AND RESTORATION.

d. FPL shall provide to Broward County copies of the regularly scheduled annual compliance tests as submitted to DEP.

[Section 27-58(b)(3), BCC]

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2. Surface Water Management

FPL shall comply with the applicable non-procedural requirements of Section 27-199(c), BCC and in accordance with the SCA. FPL must provide final stormwater management system design and drawings as a post-certification submittal to Broward County, in accordance with Section A. XX. PROCEDURES FOR POST-CERTIFICATION SUBMITTALS.
[Section 27-199(c), BCC]

3. Non-Domestic Wastewater

The non-domestic wastewater discharge at "Outfall D001" shall not be increased in quantity or decreased in quality, unless approved through a Modification of the Conditions of Certification as provided for in Section A. XXIII. MODIFICATION.
[Applicant Agreement]

4. Aquatic and Wetland Resource Protection

a. Except as authorized by the appropriate regulatory authority, project-generated spoil material shall be disposed of in a suitable manner at an upland location.
[Section 27-339(2)c., Section 27-215, and Section 27-353, BCC]

b. Turbidity screens or equivalent shall be properly employed and maintained as necessary during construction activities so that turbidity levels do not exceed twenty-nine (29) NTU's above natural background fifty (50) feet downstream of project.
[Section 27-339(2)d., BCC]

c. There shall be no impacts to existing wetland mitigation areas with the FPL property from this project.
[Section 27-339(1)(l), BCC and DBEC PPSA No. PA89-26A2, Response to Completeness Questions and comments, October 5, 2017, Page 2]

d. Unavoidable permanent and temporary impacts to wetlands as described in the SCA shall be offset through the purchase of freshwater herbaceous mitigation credits from the FPL/Everglades Mitigation Bank (EMB) and restoration in-situ of temporary secondary impacts as described in Section A. Condition XXVIII and Attachment C.
[Section 27-337(d)(l), BCC and DBEC PPSA No. PA89-26A2, Response to Completeness Questions and comments, October 5, 2017, Page 2]

e. Off-site mitigation for the authorized wetland impacts shall be documented via a post-certification submittal to FDEP and the County.
[Section 27-337(d)(l), BCC]

f. Broward County and FPL do not waive the rights and responsibilities of each party in the "Agreement between (Florida Power & Light Company) and Broward County concerning the "South Dade (Everglades) Mitigation Bank", dated August 6, 1996 and any amendments thereto.
[Section 27-337(d)(l), BCC]

g. Prior to impacting wetlands, FPL shall submit verification from EMB that the appropriate credits have been debited from the bank's credit ledger as mitigation for impacts associated with this project.
[Section 27-337(d)(l), BCC]

SECTION B: SPECIFIC CONDITIONS

5. Solid Wastes

FPL shall comply with all applicable nonprocedural provisions of Chapter 27, Article VI, BCC, for any solid waste generated within the Certified Facility during construction, operation, and maintenance.

[Section 27 Article VI, BCC]

6. Environmental Assessment and Remediation

a. If any previously undocumented contamination is identified, it must be reported to Broward County in accordance with the applicable non-procedural requirements of Section 27-355 and 27-356, BCC, and FPL shall comply with the March 8, 2018 Lauderdale Power Plant Site Assessment and Remediation Plan as may be amended.

[Applicant Agreement, Sections 27-355 and 27-356, BCC]

b. Because the facility is currently a known contaminated site, prior to any dewatering or the pumping of groundwater as a remedial action, FPL must provide a plan as a post-certification submittal to Broward County in accordance with Section A. XX.

PROCEDURES FOR POST-CERTIFICATION SUBMITTALS.

[Applicant Agreement, Sections 27-353 and 27-355, BCC]

c. Continued access to contaminated areas must be ensured so that assessment and remediation can continue during and after construction. The construction also cannot enhance or spread the contamination.

[Applicant Agreement, Section 27-353(b), BCC]

d. If contaminated soil is encountered during construction activities, such soil must be properly handled and disposed of in accordance with Chapter 27 of the Broward County Code. Stockpiled impacted soil must be covered and secured so that contamination is not spread to previously uncontaminated or less contaminated areas or off-site.

[Applicant Agreement, Section 27-353(b), BCC]

e. All groundwater monitoring wells should be protected from damage during demolition and construction. Any groundwater wells that are damaged or otherwise not useable must be properly abandoned in accordance with Chapter 62-532, FAC, and replaced at FPL's expense.

[Applicant Agreement, Section 27-353(b), BCC]

7. Storage Tanks Requirements – Pre-construction

A facility that is intended to store hazardous material, unless otherwise exempted in Chapter 27, BCC, or when routine maintenance is being done, shall be built, erected, operated, modified, maintain in out-of-service status, closed, or replaced in accordance with all applicable nonprocedural requirements of Article X of Chapter 27, BCC, Storage Tanks. Certified contractors are required to perform certain construction activities in accordance with section 27-302(a)(11), BCC.

[Applicant Agreement, Article X, Chapter 27 BCC]

8. Hazardous Material Facility Requirements

a. If (a) Any extremely hazardous substance in excess of the threshold planning quantity as defined by the most current version of the Emergency Planning

SECTION B: SPECIFIC CONDITIONS

and Community Right-to-Know Act, (42 U.S.C. Section 11001, et seq., is present, or (b) Within a one (1) month period of time, an aggregate amount of twenty-five (25) gallons or more or an equivalent dry volume of hazardous material are stored, handled, generated, used, processed, manufactured, disposed of, or are otherwise present, the DBEC is a hazardous material facility and the nonprocedural requirements of Chapter 27, Article XII, BCC, shall be complied with at all times.

b. Advanced notification shall be provided as requested before the installation or closure of a storage tank system or system component storing regulated substances. Hazardous materials will be stored within secondary containment, and any discarded hazardous material or hazardous waste shall be properly stored, managed and disposed of by a licensed waste hauler.

[Applicant Agreement, Section 27-356. BCC and FPL Completeness Response p. 30.]

9. Manatee Protection Plan

FPL must coordinate with Broward County regarding manatee surveys.

10. Planning and Development Management

a. FPL shall comply with all applicable nonprocedural requirements of Chapter 5, BCC, and the Broward County Land Use Plan necessary to obtain plat review approval for the FPL Unit 7 Plat, record the approved plat, and make all such post-certification submittals required to obtain such approval.

[Applicant Agreement, Chapter 5, BCC]

b. FPL shall obtain the approval of the Broward County Board of County Commissioners prior to recordation of the Florida Power & Light Unit 7 Plat.

[Applicant Agreement, Article IX, Division 3, Broward County Charter]

IX. CITY OF DANIA BEACH

FPL shall comply with the applicable requirements contained within Development Orders (Site Plan, Variance, and Special Exception) issued by the City of Dania Beach for the Project.

[Ch. 28, Part 6, Article 680, Code of Ordinances, City of Dania Beach]

X. CITY OF HOLLYWOOD

FPL shall work with the City of Hollywood to station a police officer at the intersection of SW 42nd Street and 30th Avenue to minimize traffic during peak AM and PM hours throughout DBEC construction if a traffic signal cannot be installed by the City of Hollywood prior to construction. If the City of Hollywood is able to install a traffic signal at the intersection of Southwest 42nd Street and 30th Avenue prior to construction of DBEC, then FPL shall contribute the equivalent cost of providing a police officer for the peak AM and PM hours at the intersection for two years of construction towards the installation of the traffic signal.

[FPL Agreement]

HISTORY

Certification Issued 01/10/91; signed by Governor Chiles
Modification (A) 11/25/92; signed by Secretary Browner

SECTION B: SPECIFIC CONDITIONS

Modification (B) 08/02/93; signed by Secretary Wetherell
Modification (C) 09/14/94; signed by Secretary Wetherell
Modification (D) 04/24/96; signed by Secretary Wetherell
Modification (E) 03/18/05; signed by Program Administrator Oven
Modification (F) 07/24/06; signed by Program Administrator Oven
Modification (G) 01/18/13; signed by Program Administrator Mulkey
Modification (H) 08/25/15; signed by Program Administrator Mulkey
Certification Issued 12/13/19; signed by Governor Scott

ATTACHMENTS

ATTACHMENT A: Certified Site/Areas/Facilities Delineation Map(s)

ATTACHMENT B: Surface Water Management System Operation and Maintenance Requirements

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

ATTACHMENTS

- (3) Inspection of stormwater berms, if applicable,
 - (4) Inspection of pipes for evidence of lateral seepage,
 - (5) Inspection of flapgates for excessive backflow or deterioration, if applicable,
 - (6) Removal of sediments when the storage volume or conveyance capacity of the surface water management system is below design levels,
 - (7) Stabilization and restoration of eroded areas,
 - (8) Inspection of pump stations for structural integrity and leakage of fuel or oil to the ground or surface water, if applicable, and
 - (9) Inspection of monitoring equipment, including pump hour meters and staff gauges, for damage and operational status, if applicable.
8. In addition to the practices listed above, specific operational maintenance activities are required, if applicable, depending on the type of approved system, as follows:
- (1) Overland flow systems shall include provisions for:
 - a. Mowing and removal of clippings, and
 - b. Maintenance of spreader swales and overland flow areas to prevent channelization.
 - (2) Spray irrigation systems for reuse/disposal shall include provisions for:
 - a. Inspection of the dispersal system, including the sprayheads or perforated pipe for damage or clogging, and
 - b. Maintenance of the sprayfield to prevent channelization.
 - (3) Treatment systems which incorporate isolated wetlands shall include provisions for:
 - a. Stabilization and restoration of channelized areas, and
 - b. Removal of sediments which interfere with the function of the wetland or treatment system.

ATTACHMENTS

ATTACHMENT C: Mitigation Plans

1. Submittals required herein shall include the Licensee's name and Siting Certification Tracking Number PA89-26 and SED tracking number, and shall be directed by e-mail to the FDEP Siting Office at: sco@dep.state.fl.us with a subject line of permitting/compliance PA No. 89-26/132637449/13262249, or by mail to:

Department of Environmental Protection Southeast District
Southeast District (WB)
3301 Gun Club Road, MSC7210-1
West Palm Beach, FL 33406

2. Wetland Impacts and Mitigation

Project Phase	Date	SED Tracking #	Wetland Impacts	Mitigation	Completed
Mod H	08/2015	132637449/13262249	12.5 freshwater forested impacts	Purchase 12.5 freshwater forested credits from the Everglades Mitigation Bank. Prior to any construction or impacts authorized by the certification, FPL shall provide the Department with documentation that the credits have been deducted from the credit ledgers of the Everglades Wetland Mitigation Bank, USCOE Permit Number SAJ-1990-04805 (SP-LCK)	
DBEC SCA	07/2017 <u>revised</u> <u>06/2019</u>	132637449.	18.67 <u>17.65</u> acres direct impact and .12 acres of secondary impact to low-quality wetlands	Purchase 11.82 credits from the Everglades Mitigation Bank	

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FPL shall comply with the following prior to construction of the associated with the peaker and DBEC project:

3. No later than 180 days prior to construction of associated linear facilities within the linear facilities corridor, FPL shall provide to FDEP SCO and the SED:

a. Detailed construction drawings depicting the location of each typical pipeline trench cross-section, pipe elevations, and existing grade elevations; and

b. Detailed construction drawings depicting the location and impact footprint of any new transmission line support structures that were not provided in the site certification application or during the site certification hearing. If these drawings include fill or substantial structure impacts, FPL shall provide updated wetland impact drawing and UMAM tables and score sheets prior to beginning construction of the new transmission line support structures.

FPL shall comply with conditions 4 and 5 prior to commercial operation of the Peaker and DBEC Project:

4. All areas identified by the Applicant in the SCA as “temporary” wetland impact areas shall be restored to pre-construction site conditions, including contours and elevations, within 15 days of completion of construction. For trench construction in wetland areas, FPL shall segregate and return the upper 12-inches of wetland topsoil to the top of the trench during backfilling.

5. A "Time Zero" Wetland Monitoring Report shall be submitted within 45 days of completion of the re-grading activities within the temporary wetland impact areas and shall include the following:

a. Date the re-grading was completed;

b. Color photographs to provide an accurate representation of each re-graded area. The photographs shall be taken from fixed reference points and directions which are shown on a scaled plan-view.

Time Zero Wetland Monitoring Reports may be submitted separately for individual facilities or segments of linear facilities.

FPL shall comply with the following conditions post-construction:

6. Subsequent Wetland Monitoring Reports shall be submitted to the District office semiannually for the first year and annually thereafter until the success criteria outlined in Condition No. 7 are achieved. If separate Time Zero Monitoring Reports are submitted for individual facilities or segments of linear facilities, the subsequent semiannual Restoration Reports shall consolidate those facilities into one semiannual Restoration Report.

The Restoration Monitoring Reports shall include the following for each restoration area:

a. Color photographs taken from the reference points established in the Time Zero Monitoring Report.

b. Plant species composition with estimates of the contribution of each species to percent cover.

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7. The restoration of temporarily impacted areas shall be deemed successful when the following criterion has been continuously met for a period of six months, without intervention in the form of irrigation, removal of undesirable vegetation, or replanting of desirable vegetation:

a. Native wetland species have achieved a minimum of 80% coverage.

8. FPL shall meet the restoration success criteria as defined in Condition No. 7. The responsibility to assess if the restoration areas are meeting the success criteria shall not fall solely on the Department. In the event FPL becomes aware the restoration areas are not meeting the success criteria (based on either site observations or review of monitoring reports) after two years of monitoring, FPL shall be responsible to submit an alternative restoration plan to the Department for review and approval.

ATTACHMENTS

ATTACHMENT D: Broward County Memos

ATTACHMENTS



Office of Planning
115 S. Andrews Avenue, Room 329
Fort Lauderdale, FL 33301
(305) 357-6666 • FAX (305) 357-6692

MEMORANDUM

TO: David Danovitz, Senior Planner
Office of Planning

FROM: Donald Stone, Senior Environmental Planner
Donald Burgess, Special Projects Coordinator III
Office of Planning

DATE: September 1, 1992

SUBJECT: FPL Lauderdale Site Refurbishing Project

We have reviewed the documents for the above-mentioned project and have the following comments:

- o manatees do utilize the Dania Cut-off Canal and the South Fork New River as travel corridors from the Intracoastal Waterway to the salinity control structures west of the FPL plant. Bridge removal and construction activities should therefore be subject to the full complement of manatee protection measures (see attached).
- o there is a concern for runoff from the reconstruction of SW 42 Avenue discharging sediment into the FDOT mitigation area to the east of this roadway. The text indicates that a berm will be established between the roadway and the mitigation area to prevent this from happening. Additionally, a dry retention area will be developed to contain this runoff. Proper monitoring of these activities is necessary to prevent breaching of the berm and allowing the subsequent sedimentation of the mitigation area.
- o all palm trees that are present within the proposed construction areas should be relocated within the new landscape areas of the project.
- o it was stated that deeper wells may be necessary to supply the water for cooling of the power units. The water within the lakes and canals is presently brackish. The pumping of water from deeper wells, tapping into the intruding saltwater, will increase the salinity within this area and may cause further damage to the remnant freshwater vegetative communities areas of the Pond Apple Slough and the South Fork New River Urban Wilderness Area to the north of the plant. The county is presently devising a plan to improve the conditions within the Pond Apple Slough, and increased salinity may counter these efforts.
- o if an archaeological site is uncovered during the construction period, FPL should also contact the Broward County Office of Planning (357-6644) and the Broward County Historical Commission (765-4670).

Thank you for the opportunity to review and comment on this project.

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Office of Natural Resource Protection
Laboratory/Licensing/Enforcement
500 S.W. 14th Court
Fort Lauderdale, FL 33316
(305) 766-4900

MEMORANDUM

DATE: September 14, 1992
TO: Dave Danovitz, Office of Planning
FROM: Joanne MacGregor-Hanifa, Associate Planner
SUBJECT: FPL Site Refurbishing Project at the Lauderdale
Repowering Site (025-SP-9)

ONRP has reviewed the submitted document and has the following comments and/or concerns:

1. ONRP is concerned about new or additional consumptive use of water that may effect nearby Pond Apple Slough and the efforts of the interagency Pond Apple Slough Work Group. Any potential for impact on Pond Apple Slough due to increased or new water use should be addressed prior to issuance of new or modified permits.
2. ONRP is concerned that FPL comply with the requirements of Chapter 27 in the construction of the site access bridge over the Dania Cutoff Canal. We are concerned about construction and dewatering activities that may increase water turbidity and the potential impacts to the West Indian manatee during construction activities. Precautions need to be taken by FPL to prevent any increase in water turbidity and to inform construction personnel of the requirements for protecting the manatee.
3. ONRP's surface water management concerns would be met by FPL compliance with South Florida Water Management District requirements. The site is not in a well field.
4. ONRP's concerns regarding surface water management sub-basin 7 along the access road have been met via additional information provided by FPL and FDOT personnel. We have been assured that the wetland mitigation area and the surface water management area will be separated by a berm and that runoff water from the roadway will not be directed into the wetland mitigation area.

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STANDARD MANATEE CONDITIONS

The permittee shall ensure that:

1. The contractor instructs all personnel associated with the project of the potential presence of manatees and the need to avoid collisions with manatees.
2. All construction personnel will be advised that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act of 1972, the Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act of 1978. The permittee and/or contractor may be held responsible for any manatee harmed, harassed, or killed as a result of construction activities.
3. Siltation barriers will be made of material in which manatees cannot become entangled, are properly secured, and are regularly monitored to avoid manatee entrapment. Barriers must not block manatee entry to or exit from essential habitat.
4. All vessels associated with the project will operate at "no wake/idle" speeds at all times while in water where the draft of the vessel provides less than four feet clearance from the bottom and that vessels will follow routes of deep water whenever possible.
5. If a manatee is sighted within 100 yards of the project area, all appropriate precautions shall be implemented by the permittee/contractor to ensure protection of the manatee. These precautions shall include ceasing construction activities if appropriate.
6. Any collision with and/or injury to a manatee will be reported immediately to the "Manatee Hotline" (1-800-DIAL FMP) and to the U.S. Fish and Wildlife Service, Jacksonville Field Office (904-791-2580) for north Florida and to the Vero Beach Field Office (407-562-3909) for south Florida.
7. A minimum of 3-foot by 4-foot temporary manatee awareness construction signs labeled "Manatee Habitat - Idle Speed In Construction Area" shall be installed and maintained at prominent locations within the construction area/docking facility prior to initiation of construction. One temporary sign will be located prominently adjacent to the construction permit and, if required, a second temporary construction sign will be installed in a location prominently visible to water related construction crews. A temporary construction sign criteria sheet is enclosed. Temporary signs will be removed by the permittee upon completion of construction.
8. The contractor will maintain a log detailing sightings,

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