

**STATE OF FLORIDA
DEPARTMENT
OF
ENVIRONMENTAL PROTECTION**



Conditions of Certification

**Indiantown Cogeneration L.P.
Indiantown Cogeneration Plant**

PA90-31J

7/26/19

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FIGURES

Figure 1	Location of Monitoring Wells
Figure 2	Upland/Wetland Preserve Areas Map

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 Indiantown Cogeneration L.P. (ICL) as owner/operator and Licensee of Indiantown Cogeneration Plant. Subject to the requirements contained in these Conditions of Certification (Conditions), ICL will operate a nominal 330 megawatts (MW) facility consisting of, and associated facilities as described in the Site Certification Application (SCA). The electrical generating unit are located at the intersection of Silver Fox Lane and State Road 710, Indiantown, Martin County on a 232-acre site. UTM Coordinates are: Zone 17, 17, 422.3 km East and 2952.9 km North. Latitude is: 27° 02' 20" North; and, Longitude is: 80° 30' 45" 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:

- 330 MW pulverized coal-fired steam electrical generating unit consisting of:
 - one high-pressure pulverized coal main boiler (PC boiler)
 - two natural gas (or propane) fired identical auxiliary boilers
 - turbine generator
 - air pollution control equipment
 - cooling tower and cooling water storage
- a coal handling and storage system
- a lime handling system
- administration building
- maintenance building
- water treatment facilities
- switchyard
- an emergency diesel generator
- an emergency diesel water pump
- Pipeline and intake structure from Site to Nubbin Slough (within ROW of

existing CSX Railroad)

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

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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 acceptable documentation identifying the certified facilities within the Site such as an aerial photograph identifying these. Certified facilities identified 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 Certified Facilities Identification 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 Site 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.; Rules 62-4.160(1), (2), and 62-17.205(2), F.A.C.]

II. APPLICABLE DEPARTMENT RULES

The construction, operation, and maintenance of the Certified Facility shall be in accordance with all applicable non-procedural provisions of Florida Statutes and Florida Administrative Code, including, but not limited to, the applicable non-procedural portions of the following regulations, except to the extent a variance, exception, exemption or other relief is

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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, F.S.:

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)
- 62-520 (Groundwater Classes, Standards and Exemptions)
- 62-528 (Underground Injection Control)
- 62-531 (Water Well Contractor Licensing Requirements)
- 62-532 (Water Well Permitting and Construction Requirements)
- 62-550 (Drinking Water Standards, Monitoring and Reporting)
- 62-555 (Permitting, Construction, Operation, and Maintenance of Public Water Systems)
- 62-560 (Requirements for Public Water Systems That Are Out of Compliance)
- 62-600 (Domestic Wastewater Facilities)
- 62-601 (Domestic Wastewater Treatment Plant Monitoring)
- 62-604 (Collection Systems and Transmission Facilities)
- 62-610 (Reuse of Reclaimed Water and Land Application)
- 62-620 (Wastewater Facility and Activities Permitting)
- 62-621 (Generic Permits)
- 62-650 (Water Quality Based Effluent Limitations)
- 62-660 (Industrial Wastewater Facilities)
- 62-699 (Classification and Staffing of Water or Domestic Wastewater Treatment Plants and Water Distribution Systems)

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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 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; Rule 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 Facility” or “Certified Facilities” means the certified electrical power generation facilities and all certified 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.

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

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- E. “DEM” shall mean the Florida Division of Emergency Management.
- F. “DEP” or “Department” means the Florida Department of Environmental Protection.
- G. “DHR” means the Florida Department of State, Division of Historical Resources.
- H. “DOT” means the Florida Department of Transportation.
- I. “Emergency conditions” or “Emergency reporting” means urgent circumstances involving potential adverse consequences to human life or property as a result of weather conditions or other calamity.
- J. “Feasible” or “practicable” means reasonably achievable considering a balance of land use impacts, environmental impacts, engineering constraints, and costs.
- K. “FWC” means the Florida Fish and Wildlife Conservation Commission.
- L. “Licensee” means an applicant that has obtained a Certification order for the subject project.
- M. “NPDES permit” means a federal National Pollutant Discharge Elimination System permit issued by DEP in accordance with the federal Clean Water Act.
- N. “Post-Certification submittal” shall mean a submittal made by the Licensee pursuant to a Condition of Certification.
- O. “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.
- P. “Site” as defined in Section 403.503(28).
- Q. “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.
- R. “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.
- S. “SED” shall mean the DEP Southeast District office.
- T. “SFWMD” means the South Florida Water Management District.
- U. “Wetlands” shall mean those areas meeting the definition set forth in Section 373.019(27), F.S., as delineated pursuant to Chapter 62-340, F.A.C.

V. FEDERALLY DELEGATED OR APPROVED PERMIT PROGRAMS

Subject to the conditions set forth herein, this Certification shall constitute the sole license of the state and any agency as to the approval of the location of the Site and any associated facility and the construction and operation of the proposed electrical power plant, except for the issuance of Department Licenses required under any federally delegated or approved permit program. This Certification is not a waiver of any other Department approval that may be required under federally delegated or approved programs. In the event of a conflict

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between the Certification process and federally required procedures, the applicable federal requirements shall control.

[Sections 403.5055, 403.508(8), and 403.511(1), F.S.]

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 appropriate DEP District and/or Branch Office with the following information:

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

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

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

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

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

C. 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.

[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

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emergency as defined by Sections 252.34(4), (7), (8) or (10), F.S., the Licensee shall immediately notify the Department. Notification shall include pertinent information as to the cause of the problem, and what steps are being taken to correct the problem and to prevent its recurrence, and where applicable, the owner's intent toward reconstruction of destroyed facilities. Such notification does not release the Licensee from any liability for failure to comply with Department rules. Any exceedances and/or violations recorded during emergency conditions shall be reported as such, but the Department acknowledges that it intends to use its enforcement discretion during this timeframe. This acknowledgement by the Department does not constitute a waiver or variance from any requirements of any federal permit. Relief from any federal agency must be separately sought.

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

IX. CONSTRUCTION PRACTICES

A. Local Building Codes

Subject to the conditions set forth herein, this Certification constitutes the sole license of the state and any agency as to the approval of the location of the Site and any associated facility and the construction and operation of any Certified Facility. The Licensee is not required to obtain building permits for Certified Facilities. However, this Certification shall not affect in any way the right of any local government to charge appropriate fees or require that construction of 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.]

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.]

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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 Rule 62-532.500(5), F.A.C., or with the rules of the authorizing agency, or consistent with these Conditions.

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

G. Abandonment of Existing Septic Tanks

Any existing septic tanks 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:

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 Rule 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

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such meetings, a mutual agreement cannot be reached between the parties, then the matter shall be referred to the Division of Administrative Hearings (DOAH) for disposition in accordance with the provisions of Chapter 120, F.S. The Licensee or the Department may request DOAH to establish an expedited schedule for the processing of such a dispute. Any filing with DOAH shall state with particularity the specific project and geographic location to which the dispute relates. Work unrelated to the specific project and in areas other than the location to which the dispute relates will not be affected by the dispute.

B. Modifications

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

C. Post-Certification Submittals

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

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

XII. SEVERABILITY

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

XIII. ENFORCEMENT

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

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

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[Sections 403.121, 403.131, 403.141, 403.151, 403.161, 403.514, F.S.; Rules 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.; Rule 62-4.160(2), F.A.C.]

XV. REGULATORY COMPLIANCE

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

[Rules 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, 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.

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B. If any portion of the Certified Facility is located on sovereign submerged lands, state-owned uplands, or within an aquatic preserve, then the Licensee must comply with the applicable portions of Chapters 18-2, 18-20, and 18-21, F.A.C., and Chapters 253 and 258, F.S., except as specifically provided in the final order of Certification or these conditions. If any portion of the Certified Facility is located on sovereign submerged lands, the Licensee must submit section F of Form 62-330.060(1), *Application for Individual and Conceptual Approval Environmental Resource Permit* (State 404 Program Permit) and *Authorization to Use State-Owned Submerged Lands* to the Department prior to construction. If any portion of the Certified Facility is located on state-owned uplands, the Licensee must submit an Upland Easement Application to the Department prior to construction.

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

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 Rules 62-330.060(1) and 62-4.160(4), F.A.C.]

XVIII. PROCEDURAL RIGHTS

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

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

XIX. AGENCY ADDRESSES FOR POST-CERTIFICATION SUBMITTALS AND NOTICES

Where a condition requires post-Certification submittals and/or notices to be sent to a specific agency, the following agency addresses shall be used unless the Conditions specify

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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, FL 33406

Florida Department of Economic Development
Bureau of 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
District Administration
605 Suwannee Street
Tallahassee, FL 32399-0450

Florida Department of Agriculture and Consumer Services
Office of General Counsel
407 S. Calhoun St.
Tallahassee, FL 32399-0800

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

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

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Martin County
Office of General Counsel
2401 SE Monterey Road
Stuart, FL 34996

Okeechobee County
Office of General Counsel
304 NW 2nd Street
Okeechobee, FL 34972

[Section 403.511, F.S.]

XX. PROFESSIONAL CERTIFICATION

To ensure protection of public health, safety, and welfare, any construction, modification, or operation of an installation which may be a source of pollution, or of a public drinking water supply, shall be in accordance with sound professional engineering practices pursuant to Chapter 471, F.S.; and all final geological papers or documents involving the practice of the profession of geology shall be in accordance with sound professional geological practices pursuant to Chapter 492, F.S. Where required by Chapter 471 or 492, F.S., applicable portions of amendment requests, petitions for modifications, post Certification submittals, and supporting documents which are submitted to the Department for public record shall be signed and sealed by the professional(s) who prepared or approved them.

[62-4.050, F.A.C.]

XXI. PROCEDURES FOR POST-CERTIFICATION SUBMITTALS

A. Purpose of Submittals

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

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., Rule 62-17.191(3), F.A.C.]

C. Completeness

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

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

[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 agency(ies) 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.

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.]

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XXII. POST-CERTIFICATION SUBMITTAL REQUIREMENTS SUMMARY

Within 90 days after Certification, and within 90 days after any subsequent modification or Certification, the Licensee shall provide the SCO a complete summary of those post-Certification submittals that are identified in these Conditions when due-dates for the information required of the Licensee have been identified. A summary shall be provided as a separate document for each transmission line, if any. Such submittals shall include, but are not limited to, monitoring reports, management plans, wildlife surveys, etc. The summary shall be provided to the SCO, in a sortable spreadsheet, electronically, in the format shown below or equivalent. For subsequent modifications and Certifications, a Post-Certification Submittal Requirements Summary shall be required 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.; Rule 62-17.191(3), F.A.C.]

XXIII. POST-CERTIFICATION AMENDMENTS

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

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.]

XXIV. MODIFICATION OF CERTIFICATION

A. Pursuant to Subsection 403.516 (1), F.S., the Board hereby delegates the authority to the Secretary to modify any condition of this Certification dealing with sampling,

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monitoring, reporting, specification of control equipment, related time schedules, emission limitations, conservation easements, transfer or assignment of the Certification or related federally delegated permits, or any special studies conducted, as necessary to attain the objectives of Chapter 403, F.S.

B. Subject to the notice requirements of 403.516(1), F.S., the Certification shall be automatically modified to conform to subsequent DEP-issued amendments, modifications, or renewals of any separately-issued Prevention of Significant Deterioration (PSD) permit, Title V Air Operation permit, or National Pollutant Discharge Elimination system (NPDES) permit for the Indiantown Cogeneration Project and the conditions of such permits shall be controlling over these Conditions of Certification.

C. All other modifications to these conditions shall be made in accordance with Section 403.516, F.S.

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 62-17.21, F.A.C.]

XXV. COASTAL ZONE CONSISTENCY

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

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

XXVI. 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)]

XXVII. TRANSFER OF CERTIFICATION

A. This Certification is transferable in whole or in part, upon Department approval, to an entity determined to be able to comply with these Conditions. A transfer of Certification of all or part of the Certified Facility may be initiated by the Licensee's filing of a Notice of Intent to Transfer Certification with the Department's SCO. The notice of intent shall: identify the intended new Certification holder or Licensee; identify current, and new entity responsible for

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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.]

XXVIII. LABORATORIES AND QUALITY ASSURANCE

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

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

XXIX. ENVIRONMENTAL RESOURCES

A. General

1. Submittals for Construction Activities

a. Prior to the commencement of construction of new facilities and/or 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 as a post-Certification may be submitted by discrete portions of the Certified Facilities for a determination of compliance with these Conditions of Certification. 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, F.S., issuance of a separate Environmental Resources Permit is not required for certified facilities.

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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 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 under 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.

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

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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, 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 Subparagraph A.1., above.

2. Proposed mitigation plans submitted with the DEP ERP Application forms required in Subparagraph A.1.a., above, or submitted and approved as part of an amendment, modification, or Certification, and that are deemed acceptable by DEP, shall include applicable construction conditions, success criteria and monitoring plans, and shall be incorporated into these Conditions as Attachment C (Wetland Mitigation Plans).

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

XXX. THIRD PARTY IMPACTS

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

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

XXXI. FACILITY OPERATION

The Licensee shall properly operate and maintain the certified facility and systems of treatment and control (and related appurtenances) that are installed and used by the Licensee to achieve compliance with these Conditions, as required by the final order of Certification, these Conditions, or a post-Certification amendment or modification. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the final order of Certification, these Conditions, or a post-Certification

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amendment or modification. Further, the Licensee shall take all reasonable steps to minimize any adverse impact resulting from noncompliance with any limitation specified in this Certification, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying event.

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

XXXII. RECORDS MAINTAINED AT THE FACILITY

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

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

C. Records of monitoring information shall include:

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

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

XXXIII. 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 Rules 62-4.242(2) and (3), F.A.C.

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

XXXIV. SOLID AND HAZARDOUS WASTE

A. Solid Waste

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

[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 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.,

SECTION A: GENERAL CONDITIONS

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. If groundwater is encountered during excavation activities, a temporary monitor well(s) shall be installed and sampled for contaminants of concern with the area(s) of excavation. Well placement should be sufficient to characterize the area(s) of impact.

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

XXXV. STORAGE TANK SYSTEMS

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

A. Incident Notification Requirements.

Notification of 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 Rules 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 overflow 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.]

SECTION B. SPECIFIC CONDITIONS

I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

A. Groundwater Monitoring Requirements

1. The Licensee shall comply with the requirements of the approved Groundwater Monitoring, Operation and Maintenance Requirements (GWMOMR) that is attached hereto and incorporated as Attachment D. Any violation of the requirements in the GWMOMR is a violation of this license. Figure 1 is a map showing location of the monitoring wells included in the GWMOMR.

2. Revisions or updates to the GWMOMR shall be submitted to the Siting Coordination Office for review and approval by the DEP Southeast District Office Industrial Wastewater Program and/or the DEP Solid Waste Program as appropriate. Review shall be in accordance with Section A, Condition XX. Procedures for Post-Certification Submittals unless otherwise determined by the Department that a modification or amendment pursuant to s. 403.516, F.S., is necessary. Additionally, the GWMOMR may be updated to adjust effluent limitations or monitoring requirements should future Water Quality Based Effluent Limitation determinations, water quality studies, DEP approved changes in water quality standards, or other information show a need for a different limitation or monitoring requirement. The Department may develop a Total Maximum Daily Load (TMDL). Once a TMDL has been established and adopted by rule, the Department shall revise the GWMOMR or these Conditions to incorporate the final findings of the TMDL.

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

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

[Chapters 62-520.400 and 62-520.420(4)]

5. If the concentration of any constituent listed in Attachment D - in the natural background quality of the ground water is greater than the stated maximum, or in the case of pH is also less than the minimum, the representative background quality shall be the prevailing standard.

[Chapter 62-520.420(2), F.A.C.]

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

B. Use of Treated Wastewater

Treated domestic wastewater may be used as makeup water to the Project's cooling water system upon receipt of permission from the Department and the South Florida

SECTION B: SPECIFIC CONDITIONS

Water Management District. Such approval may be obtained by submission of the following information:

1. The name and address of the domestic treatment system to supply the treated effluent.
2. The DEP permit number for the supplying treatment system.
3. Plans and specifications for the proposed connecting pipeline and pumps necessary to transmit the treated effluent to the Project.
4. An analysis of the characteristics of the treated effluent.
5. Demonstration that the treated effluent is treated to meet the following requirements prior to use in the cooling system:
 - a. Maintenance of a minimum of a 1.0 mg/liter free chlorine residual after a 15-minute contact time.
 - b. Turbidity not to exceed 5 NTU.
 - c. Continuous chlorine monitoring.
 - d. The Department may approve a lower level of chlorination upon demonstration that a viral concentration of less than one PFU per 25 gallons can be achieved at a lower level of concentration and that satisfactory control of biological growth in the cooling tower can be maintained.

C. Solid Wastes Operation

1. Bottom ash, fly ash, spent acid gas control media, wastewater treatment sludges, or other types of solid waste generated on-site shall be disposed of in a permitted off-site landfill in accordance with applicable portions of Chapter 62-701, F.A.C.
2. No suspected or known hazardous, toxic, or infectious wastes as defined by Federal, State or local statutes, rules, regulations or ordinances shall be burned or disposed of on-site.
3. Bottom ash, fly ash, and FGD waste that is generated by the facility shall be stored in an enclosed building with an impervious surface prior to transport to a permitted off-site disposal facility.
4. A report shall be prepared which details the amount and type of solid wastes produced at the facility (such as ash, FGD material, boiler residue, etc), and along with identification of the disposal method and facility. These reports shall be submitted to the Department annually.
5. Pursuant to the Department's letter dated July 3, 2014, the Licensee may provide fly ash to the N-Viro Facility located in Bradley Florida for beneficial use.

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

D. Proprietary Documents or Information

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

SECTION B: SPECIFIC CONDITIONS

[Original Certification, 1992]

E. Dam Construction, Inspection and Reporting

1. Dike Designs for Minor Impoundments

Dike designs for minor impoundments shall be in accordance with commonly acceptable engineering principles and state laws. Outer side slopes shall be no steeper than 2.5:1 and inner slopes no steeper than 2:1 (horizontal to vertical) and top widths no less than five feet.

2. Minimum Freeboard for Minor Impoundments

The minimum freeboard for minor impoundments above the maximum water depth shall be equal to the maximum water depth dimensions for a 25 year, 72 but not less than two feet nor more than three feet.

3. Upon completion of construction, or upon determination of any deficiencies, the Licensee shall submit a report to the Department on the engineering adequacy of all above ground dikes, levees and berms behind which water will be contained and where failure could impact off-site areas. Such reports shall include proposed techniques and a schedule for repairing any deficiencies noted and shall be signed and sealed by a Florida Registered Professional Engineer.

4. On an annual basis, in May of each year, beginning no later than one year after construction is completed and certified, the Licensee shall submit a report to the Department on the engineering adequacy of all above ground dikes, levees and berms behind which water will be contained and where failures could impact off-site areas. The reports shall address the following items:

- (a) An assessment of vegetative conditions in all impoundments and on all dikes;
- (b) An assessment of the structural condition of all dikes, which address any erosion, settlement, cracking, and stability impacts.
- (c) An assessment of the operational and structural conditions of any structures and pumps that are an integral part of the dike's operation;
- (d) Any evidence of encroachment or misuse of land, and
- (e) Recommendations for short term repairs and permanent modifications, if necessary.

5. The Licensee shall submit Interim or more detailed Annual Reports when emergencies or major problems arise that require immediate modifications to the design and/ or operation of the dike and/ or its structures.

[62-672, F.A.C.]

F. Stormwater

Stormwater will be collected from the bermed area around the storage tanks and pumped back to the plant for treatment and use.

G. Ditch Relocation

The Licensee shall be responsible for correcting in a timely manner any adverse on-site or off-site impacts to water quality, water quantity and/or the environment which may

SECTION B: SPECIFIC CONDITIONS

occur as a result of the relocation of the existing on-site drainage ditch and the installation of additional culverts.

[Sections 373.413 and 373.414, F.S.; Rules 40E-091, 40E.301 and 40E-4.381, F.A.C.]

H. Sanitary Wastes

A complete submittal of plans, drawings and specifications for waste pumps, lift stations, sewage collection systems, and wastewater collection systems in accordance with appropriate DEP rules shall be furnished to the Southeast District Office for approval at least 180 days prior to start of construction for the particular of such component. In order to obtain approval, the receiving sewage treatment plant shall indicate it has available capacity and its acceptance of the proposed connection of the wastewater collection system. Also plans and specifications for connections to off-site sewage and wastewater transmission systems shall be furnished to the Southeast District Office for review in accordance with Section A. Condition XXI. Post-Certification Submittal Procedures. Department approval shall be obtained prior to the start of construction.

I. Pipeline Access Roads

The Licensee shall, whenever available, utilize adjacent existing roads for access to the water transmission pipeline for construction, operation and/or maintenance purposes. Access roads which must be constructed in areas where an existing road is not available shall be constructed in a manner which does not impede natural drainage flows and minimizes impacts to on-site and adjacent wetlands.

J. Closure of Plant Operation

Within 90 days following the receipt of the Indiantown Cogeneration Plant Asset Retirement Declaration, FPL shall submit a schedule and a plan for decommissioning the certified facilities that will include the following:

- A plan for closure of Wastewater Pond #4 that will include determining the vertical and horizontal extent of contamination
- A plan for the removal and proper disposal of the liner as well as sampling and disposal of soils beneath the liner.
- A schedule for when the Site Assessment Report (SAR) pursuant to the requirements of Rule 62-780.600, F.A.C., will be performed and submitted. The SAR shall include the vertical delineation of chloride and gross alpha for all areas of potential contamination.

II. DEPARTMENT OF TRANSPORTATION

A. Prior to the delivery of coal to the Site, a constant warning time device shall be installed to control the existing railroad warning devices and gates at the crossing of the Plant Access Road and the CSX railroad. The device shall be operated to provide a constant warning time at this crossing for trains or varying speeds.

B. The Licensee shall construct and maintain the access road to the pump intake structure in Okeechobee County as a private access road for purposes of crossing the CSX

SECTION B: SPECIFIC CONDITIONS

Railroad at this location. The Licensee shall take appropriate measures to prevent public use of this private access road, which may include signs, fencing and cables across the access road.

C. The Licensee shall construct the connection of the intake structure access road to State Road 710 in Okeechobee County at its own expense and shall conform to DOT Design Standards. The Department agrees to process the permit application for this connection within 30 days of submittal.

D. The Licensee shall maintain safe and adequate access to the Site during Project construction. During construction, the Licensee shall provide law enforcement officials, at its expense, to monitor left turn traffic from State Road 710 into the Plant Access Road during the AM and PM peak hours to determine if waiting left turning traffic during Project construction impedes north bound traffic on State Road 710. If such traffic is impeded, the Licensee shall provide, at its own expense, law enforcement personnel to direct traffic at the intersection during the AM and PM peak hours. If the Licensee is unable to provide officials to control traffic at this intersection, the Licensee will use other measures at its expense acceptable to DOT to maintain safe turning movements at this intersection. These measures shall be provided until no longer justified by Project construction traffic.

E. During Project construction, the Licensee shall provide public information to the local media as to its construction schedule, the expected level of traffic and any expected traffic delays or interference on local roads.

F. The Licensee is required to construct, at its own expense, a south bound right-turn lane from State Road 710 at the Plant Access Road, conforming to DOT Design Standards, as approved by the District Traffic Engineer. The Licensee shall obtain all necessary approvals and property interests from adjacent property owners, including CSX Railroad, to comply with DOT Design Standards. The design of the right turn lane shall be compatible with any other planned or permitted improvements at the intersection. The Department agrees to process the permit application within 30 days of submittal of a sufficient application.

G. ICL shall construct at its own expense an additional right-turn lane with increased radius at the intersection of State Road 710 and the existing outlet of the new Plant Access Road. This improvement shall consist of additional paving along the eastbound lane of the Plant Access Road between State Road 710 and the railroad track to allow storage of additional right-turning traffic. These improvements shall conform to DOT Design Standards and the intent of this condition. A "Do Not Stop on Tracks" sign shall be erected at ICL's expense and as per the Manual of Uniform Traffic Control Devices (MUTCD) on the Plant Access Road south of the railroad crossing. The Department agrees to process the permit application for this connection improvement within 30 days of submittal.

H. The Licensee shall obtain approval from the Department of Transportation, pursuant to Rule 14-46.003(2), F.A.C., for any public railroad-highway grade crossings associated with the rail spur the licensee selects to connect the Site to the CSX Railroad.

I. No new access to the State Highway System is proposed in the Site Certification modification proposed for calendar year 2000. If new access or modification of current access to the State Highway System is proposed at a later date, such as related to the borrow pit sites when they are identified, access will be subject to the requirements of Rule Chapters 14-96, State

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Highway System Access Management Classification System and Standards, F.A.C., will be required.

J. If any overweight or over dimensional vehicles are operated by the applicant, permitting requirements of Chapter 316, Florida Statutes, and Rule Chapter 14-26, Safety Regulations and Permit Fees for Overweight and Over Dimensional Vehicles, F.A.C., must be adhered to.

K. No new use of State of Florida right of way or transportation facilities, including any new or relocated transmission lines, is proposed via the calendar year 2000 modification. If any use of State of Florida right of way or transportation facilities is later proposed, such usage will be subject to the requirements of the Department of Transportation's Utility Accommodation Manual and Rule Chapter 14-46.001, Utilities Installation or Adjustment, F.A.C.

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 the SFWMD which reasonably demonstrates that harm to the resources will not be caused by the authorized activities. The plans, drawings and design specifications submitted shall be considered the minimum standards for compliance.

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

2. Compliance Requirements

Information submitted 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.]

3. Liability

The Licensee shall hold and save the SFWMD harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, operation, maintenance 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

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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.]

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.]

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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

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:

(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.

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[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.]

2. Site Specific Design Authorizations/Requirements

a. Water Use

(1) This Certification authorizes the following withdrawals:

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Source	Maximum Annual Allocation (MGY)	Maximum Daily Allocation (MGD)
L-63N Canal	1942.00	5.32
Upper Floridan Aquifer	369.00	4.92
Surficial aquifer	3.0	0.04

(2) Limitations on Authorized Withdrawals:

(a) Withdrawals from the L-63N Canal shall only occur when the water level in the L-63N Canal is at or above 17.50 feet NGVD, except as provided for in subsection (7) below.

(b) Withdrawals from the Floridan aquifer and the Surficial aquifer shall only occur when the water level in the L-63N Canal is below 17.50 feet NVGD or during tests and maintenance on the wells. Maintenance is defined as one hour of operation per week for each well or the minimum operation of the pump necessary to maintain mechanical integrity as specified by the pump manufacturer.

(c) Withdrawals from the L-63N Canal shall be used for cooling, plant processing and irrigation purposes.

(d) Any withdrawals from the L-63N Canal, the Floridan aquifer or the Surficial aquifer in excess of the amounts specified herein (or during conditions other than specified herein) shall require prior SFWMD approval. Any withdrawals of water from alternative supply sources under emergency conditions shall require prior SFWMD approval. The SFWMD may grant such approval for any withdrawal less than 180 days in duration without modifying these Conditions of Certification. The SFWMD's approval shall be based on the non-procedural requirements of Chapter 40E-2, F.A.C.

(e) The withdrawals from the Floridan aquifer and the Surficial aquifer are authorized for a period not to exceed 75 days at the specified maximum daily allocation or 90 days at an allocation not to exceed the maximum annual allocation. The licensee shall not exceed a total of 90 withdrawal days from the Floridan aquifer during any consecutive 365-day period without prior approval from the SFWMD.

(f) When operation of the SFWMD's S-191 control structure during flood events results in a water elevation of less than 17.50 feet NGVD in the L-63N Canal, withdrawals from the L-63N Canal may continue subject to the licensee obtaining prior confirmation from the SFWMD's Okeechobee Field Station (7:00 a.m. to 4:00 p.m., Monday through Friday) or the SFWMD's West Palm Beach Operations Control Center that the SFWMD is in a flood control operations mode.

(g) The licensee shall provide documentation of SFWMD approval of withdrawals from the L-63N Canal below 17.50 feet NGVD when the SFWMD is in a flood control operations mode. The documentation shall be in the form of a letter or email to the SFWMD's West Palm Beach Operations Control Center within 24 hours of the

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verbal request to continue withdrawals and shall indicate the date and approximate time of approval and the name of the SFWMD employee granting the approval.

(3) Authorized Withdrawal Facilities

2 - 3,700 GPM Surface Water Pumps in L 63N
1 - 10" x 1340' Floridan Aquifer Well cased to 500'

(existing well)

1 - 10" x 1265' Floridan Aquifer Well cased to 750'
2 - 15" x 1350' Floridan Aquifer Wells cased to 750'
2 - 15" x 1650' Floridan Aquifer Wells cased to 1487'
2 - 14" x 1330' Upper Floridan cased to 730'
1 - 8" x 118' Surficial Aquifer Well cased to 78'

(4) Artesian Floridan Wells

The maximum installed capacity of any authorized Floridan aquifer well shall be that capacity at which the well is capable of flowing in a free-flowing mode relative to the existing land elevation at the well site. Pumping equipment shall not be installed on any well as a means to retain or increase capacity unless otherwise allowed by SFWMD regulations.

[373.236(4), 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) Daily withdrawals for each withdrawal facility shall be reported to the SFWMD monthly. 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.

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

F.A.C.]

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(9) At any time, if there is an indication that the well casing, valves, or controls associated with the on-site well system leak or have become inoperative, the Licensee shall be responsible for making the necessary repairs or replacement to restore the well system to an operating condition acceptable to the SFWMD. Failure to make such repairs shall be the cause for requiring that the well(s) be filled and abandoned in accordance with the procedures outlined in Chapter 40E-3, F.A.C.

[Sections 373.308 and 373.316, F.S.; Rules 40E-3.41, 40E-3.101, 40E-3.41 I, and 40E-3.500-531, F.A.C.]

(10) The Licensee shall submit to the SFWMD an updated "Summary of Groundwater (Well) Facilities" table ("Section IV - Sources of Water", Water Use Permit Application Form 1379) within 90 days of completion of the proposed wells identifying the actual total and cased depths, pump manufacturer and model numbers, pump types, intake depths and type of meters.

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

(11) The Licensee shall continue with the following monitoring program:

(a) The Licensee shall collect water samples for analysis of dissolved chloride concentrations from the productions zones of the Upper Floridan Aquifer and the Lower Floridan Aquifer in April and October of every year and on a monthly basis during periods of withdrawals (exclusive of withdrawals conducted for maintenance and testing purposes.

(b) The Licensee shall collect and submit monthly water level data for the Cooling Water Pond and the Wastewater Pond. The water level data should be submitted to the SFWMD quarterly and referenced to feet NGVD.

b. Dewatering Operations

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;

SECTION B: SPECIFIC CONDITIONS

(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) If additional 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 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.

(2) Licensees, who are dependent on other sources of water supply such as reclaimed water or water sale agreements to meet a portion of their demands, shall include the monthly volumes from all other sources in the report to the SFWMD. The water accounting method and means of calibration shall be stated on each report.

[373.250, F.S.]

d. Water Conservation Plan

The licensee shall continue to implement the Water Conservation Plan, dated July 16, 2002, incorporated herein by reference as Attachment E. A violation of the requirements of the Water Conservation Plan (WCP) shall be a violation of these Conditions. The Licensee shall abide by the conditions of the approved WCP and any subsequent modification thereof and such provisions shall be fully enforceable as conditions of this Certification.

The WCP incorporates the following components:

(1) Implementation of a leak detector and repair program;

(2) Implementation of an employee awareness program concerning water conservation.

(3) Landscaping improvements with Florida Friendly plant material where practical.

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

e. SFWMD Lands

(1) This Certification authorizes the installation, operation and maintenance of dual 30" water withdrawal lines, screens, and an appurtenant intake facility to be

SECTION B: SPECIFIC CONDITIONS

located on the L-63N northeasterly Right-of-Way (ROW) at the confluence of L-63N, L-63S and C-59.

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

(2) If, in the future, the Licensee proposes modifications and/or additions to any existing facilities that are located within the SFWMD's ROWs 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 ROW.

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

C. Surface Water Management System

1. Site Specific Design Authorizations

a. Allowable Discharge

The surface water management system for the proposed project is designed such that peak post-development discharges from the developed area of the project Site meet the following allowable discharges:

BASIN NO.	ALLOWABLE DISCHARGE (CFS)	RECEIVING BODY OR USE
1	0	Used in Plant Process
2	1	Discharge into Wetland #6
3	1	Discharge into Wetland #4
4	0	Used in Plant Process
5	0	Used in Plant Process
6	9	Discharges into On-Site Toe Ditch

b. Authorized Discharge Facilities

BASIN 2:	1-0.25' diameter circular orifice with the invert at elevation 33.5' NGV 1- 20ø V-notch with the invert at elevation 35.5' NGVD. 1-4.0' wide weir with the crest at elevation 36.5' NGVD and a length of 18" diameter culvert discharging into 20' of rip-rapped spreader swale.
BASIN 3:	1-0.25' diameter circular orifice with the invert at elevation 32.7' NGVD 1- 20ø V-notch with the invert at elevation 34.6' NGVD 1-4.0' wide weir with the crest at elevation 36.0' NGVD and a length of 18" diameter culvert discharging into a 20' of rip-rapped spreader swale.
BASIN 6:	1-12' wide weir consisting of a 3-sided drop inlet with the crest at 37.75' NGVD.

c. Authorized Receiving Wells

C-44 Canal via existing ditch system

SECTION B: SPECIFIC CONDITIONS

d. Authorized Design Elevations

CONTROL BASIN NO	MINIMUM ROAD ELEVATION	MINIMUM FINISHED CROWN ELEVATION	FLOOR ELEVATION
1	N/A (Lined Basin)	35.7' NGVD	37.3' NGVD
2	33.5' NGVD	35.5' NGVD	36.8' NGVD
3	32.7' NGVD	34.9' NGVD	37.7' NGVD
4	N/A (Lined Basin)	34.4' NGVD	36/2' NGVD
5	N/A (Lined Basin)	N/A	N/A
6	N/A (Lined Basin)	N/A	N/A

e. Revision to Site Specific Design Authorizations

Any revisions to the above site-specific design authorizations proposed by the Licensee subsequent to the issuance of this Certification shall be submitted to the SFWMD for review and approval at least 90 days prior to implementation. The submittal shall include all the information necessary to support the proposed request, including detailed drawings, topographic maps, average wet season water table elevations, calculations and/or any other applicable data. Such requests may be included as part of the surface water management system construction plan submittals required by this Certification provided they are clearly identified as a requested revision to the previously authorized design.

IV. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

A. No more than 60 days prior to commencement of any clearing activities on the Site or in the pipeline right-of-way, respectively, a wildlife survey shall be conducted of the Site or the pipeline right-of-way, whichever is applicable, the purpose of which is to update and supplement the survey results presented in the Site Certification Application concerning the presences of listed species (endangered or threatened species, or species of special concern) likely to occur on the Site or in the right-of-way based on range and habitat. This survey shall be consistent with methodologies established or accepted by the Florida Fish and Wildlife Conservation Commission (FWC). Results of said survey(s) shall be submitted to the FWC (FWCConservationPlanningServices@MyFWC.com) and the United States Fish and Wildlife Service within seven days of completion thereof. If the survey indicates that any listed species will be affected by construction of the Project or pipeline, the Licensee and the FWC, shall, within 15 days of receipt of the survey by the FWC, consult and determine the appropriate measures necessary to avoid, minimize, mitigate, or otherwise appropriately address such impacts.

B. ICL shall place or consult culverts or similar structures to facilitate movement of wildlife across or beneath the perimeter access road to and from upland preserve areas of the Site. The structures shall be located, in reference to the Project's Site layout, as follows:

1. One structure under the road in the area of the cooling water storage pond;
2. One structure under the road in the area of Wetland No. 3; and
3. One structure under the road in the area of Wetland No. 1.

These structures shall be designed to remain dry during a two-year storm event and shall be approximately 3 feet high and 5 feet wide.

SECTION B: SPECIFIC CONDITIONS

ICL shall submit detailed designs of the structures and their location to the GFWFC for review and approval 60 days prior to construction of the portions of the access road being culverted.

C. Existing wetlands shall not be used as stormwater retention areas for run-off from developed areas of the Site.

D. At least 60 days before commencement of on-site construction, ICP shall submit an upland preserve and wetland management plan to the FWC and to Martin County for review and approval. This plan shall present management practices for the seven wetlands and the PUD planned unit development (industrial) zoning agreement of Martin County and illustrated on Figure 2. At a minimum, this plan shall include a statement of preserve management objectives; a statement of what habitat functions the preserves are expected to provide;

1. a description of how habitat values will be maintained, including measures such as perimeter staking, and vegetation control; if controlled burning is proposed to control vegetation, a schedule of fire management through an certified burn specialist and including, but not limited to burn conditions, burn frequency, and measures taken to avoid spread of wildfire; measures to be taken to remove exotic vegetation from both uplands and wetlands; legal instrument (s) by which preserve areas and wetlands have been reserved from future developmental uses; and the entity responsible for management.

[Chapter 379, F.S.]

V. DEPARTMENT OF STATE – DIVISION OF HISTORICAL RESOURCES

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

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

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

VI. DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Only herbicides registered by the U.S. Environmental Protection Agency and the Florida Department of Agriculture and Consumer Services shall be used at Certified Facilities. Herbicide applications will be in accordance with label directions and will be carried out by a licensed applicator, in compliance with all federal, state and local regulations. Herbicide

SECTION B: SPECIFIC CONDITIONS

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.]

VII. MARTIN COUNTY

A. *Planned Unit Development Agreement*

Construction and operation of the Indiantown Cogeneration Project shall be undertaken in accordance with the planned unit development (industrial) agreement ("PUD Agreement") between the Licensee and Martin County, Florida, dated July 24, 1991 as amended on July 28, 1992. Said agreement is incorporated into these Conditions of Certification by this reference and shall be complied with and enforced as if the provisions of that agreement were contained in these Conditions. An amendment of the PUD Agreement which is adopted in accordance with the laws and ordinances of Martin County then in effect shall be deemed incorporated into these Conditions of Certification for purposes of compliance and enforcement. If an amendment of the PUD Agreement conflicts with any other Condition of Certification, with an applicable nonprocedural requirement within the regulatory authority of an agency other than Martin County, or with a material statement of fact or study of the Licensee in the record on which Certifications based, then such an amendment to the PUD Agreement shall also require modification of Certification pursuant to Section 403.516, F.S., before that amendment to the PUD agreement may become enforceable under this Certification. Upon submittal to Martin County of an amendment to the PUD Agreement, the licensee shall provide a copy of the proposed PUD amendment to all agency parties to this Certification for review for consistency with this Condition.

B. *Roads*

In constructing the new Site access road, the Licensee shall comply with the standards of Martin County as set forth in Chapter 30 1/2, Article II, Subdivision Regulations, Code of Laws and Ordinances of Martin County, Florida, for roads to be dedicated to Martin County for maintenance. Martin County shall issue a permit for the interconnection of the access road with any road maintained by Martin County within 30 days of the submission of a complete application for such interconnection.

C. *Vegetation Buffer*

The Licensee shall develop the Site so as to retain a buffer of trees or shall plant a buffer of trees sufficient to minimize the aesthetic and noise impacts of the facility. The buffer, as far as practicable, shall be of sufficient height and width suitable for the purpose of mitigating both construction and operational impacts of the facility.

D. *Wetland Management Plan*

At least 60 days prior to construction, ICP shall submit and upland preserve and wetland management plan to the Florida Fish and Wildlife Conservation Commission and to Martin County for review and approval. This plan shall present management practices for the seven wetlands and the upland preserve areas, as designated in the Application and the PUD planned unit development (industrial) zoning agreement of Martin County and illustrated of Figure 2. At a minimum, this plan shall include: a statement of preserve management objectives; a statement of what habitat functions the preserves are expected to provide; a description of how

SECTION B: SPECIFIC CONDITIONS

habitat values will be maintained, including measures such as perimeter staking, and vegetation control if controlled burning is proposed to control vegetation, a schedule of fire management through a certified burn specialist and including, but not limited to, burn conditions, burn frequency, and measures taken to avoid spread of wildfire; measures taken to remove exotic vegetation from both uplands and wetlands; legal instrument by which preserve areas and wetlands have been reserved from future developmental uses; and the entity responsible for management.

F. Noise

The Licensee shall take steps to minimize the impact of noise generated during operation and construction which exceeds a day/night weighted average of 55 dBA at the nearest existing residential areas. These steps may include the use of quiet equipment, erection of noise barriers, notification to nearby landowners and daytime scheduling of particularly noisy events, and other measures as feasible.

G. Sanitary Waste

Disposal of sanitary wastes from construction toilet facilities shall be in accordance with applicable regulations of appropriate local health agency.

[Original Certification, 2/92]

VIII. OKEECHOBEE COUNTY

In constructing the water pipeline across roads under the jurisdiction of Okeechobee County, the Licensee shall comply with the standards of Okeechobee County as set forth in Okeechobee County ordinance 86-1, for crossing of county roads. Okeechobee County shall issue a permit for the crossing of any road maintained by Okeechobee County as set forth therein.

[Original Certification, 2/92]

IX. TREASURE COAST REGIONAL PLANNING COUNCIL

A. The Licensee shall implement a program to assist the citizens of the Region to become more energy efficient and reduce their reliance on fossil fuels. The program shall emphasize the use of the latest energy conservation techniques and make available the latest information on producing electricity by means other than burning fossil fuels. The program shall be designed to offer the public assistance in the design, construction, and use of energy saving products and systems. The intent of the program shall be to work toward the reduction of the demand for fossil fuel derived electricity over time by the same amount as that generated by this facility. A plan for the program shall be developed in consultation with Treasure Coast Regional Planning Council (TCRPC). The program will be implemented prior to operation of the Indiantown Cogeneration Project. The Licensee shall submit annually to TCRPC a report on the program's progress and on expected activities for the following year

B. All Brazilian pepper, Australian pine, and Melaleuca shall be removed from the entire project Site, as well as within the water pipeline right-of-way. Removal shall be in a manner that minimizes seed dispersal. The maintenance of these areas shall include continual removal of these species.

SECTION B: SPECIFIC CONDITIONS

C. The Licensee shall use water-saving plumbing fixtures and other water conserving devices in restrooms and employee locker rooms, as specified in the Water Conservation Act, Section 553.14, F.S.

[Applicant Agreement, Original Certification 2/92]

X. DEPARTMENT OF ECONOMIC OPPORTUNITY

A. The Licensee shall assist unemployed and economically disadvantaged persons in the Indiantown area in finding employment during construction and operation of the Project.

B. The Licensee shall seek to provide innovative arrangements such as referrals to local day care facilities to increase the access of working parents to employment at the Project.

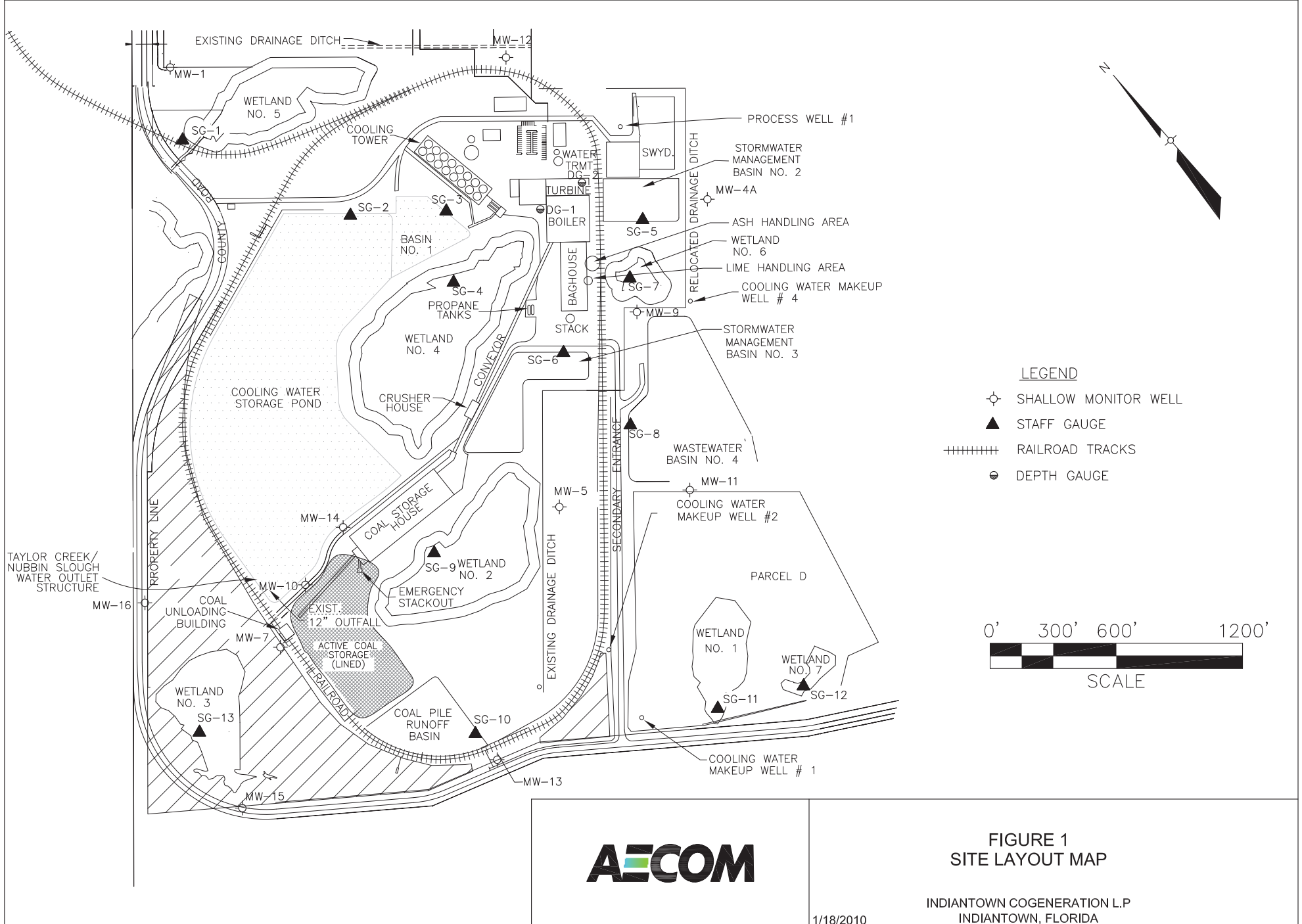
[Applicant Agreement, Original Certification 2/92]

HISTORY

Certification Issued 02/07/92; signed by Governor Chiles
Modification 07/21/92; signed by Secretary Browner
Modification 04/03/95; signed by Secretary Wetherell
Modification 07/26/00; signed by Deputy Secretary Green
Modification 03/15/01; signed by Deputy Secretary Green
Modification 10/09/02; signed by Siting Administrator Oven
Modification 04/20/04; signed by Siting Administrator Oven
Modification 07/07/06; signed by Siting Administrator Oven
Modification 03/07/07; signed by Siting Administrator Halpin
Modification 12/10/09; signed by Siting Administrator Halpin
Modification 07/26/19; signed by Siting Administrator Mulkey

ATTACHMENTS

ATTACHMENT A: Maps



1/18/2010



SITE PLAN

INDIANTOWN COGENERATION
POWER PLANT (ICLP)

LEGEND:

◆ MONITORING WELL

SCALE:

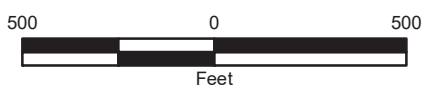


FIGURE 1



ATTACHMENTS

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 Indiantown Plant 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 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 Indiantown Plant must either replace the systems or construct an alternative design.
5. The Indiantown Plant 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 Indiantown Plant 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:
 - (a) Removal of trash and debris from the surface water management systems,
 - (b) Inspection of culverts, culvert risers, pipes and screwgates for damage, blockage, excessive leakage or deterioration, if applicable,

ATTACHMENTS

- (c) Inspection of stormwater berms, if applicable,
- (d) Inspection of pipes for evidence of lateral seepage,
- (e) Inspection of flapgates for excessive backflow or deterioration, if applicable,
- (f) Removal of sediments when the storage volume or conveyance capacity of the surface water management system is below design levels,
- (g) Stabilization and restoration of eroded areas,
- (h) Inspection of pump stations for structural integrity and leakage of fuel or oil to the ground or surface water, if applicable, and
- (i) 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:

- (a) Overland flow systems shall include provisions for:
 - i. Mowing and removal of clippings, and
 - ii. Maintenance of spreader swales and overland flow areas to prevent channelization.
- (b) Spray irrigation systems for reuse/disposal shall include provisions for:
 - i. Inspection of the dispersal system, including the sprayheads or perforated pipe for damage or clogging, and
 - ii. Maintenance of the sprayfield to prevent channelization.
- (c) Treatment systems which incorporate isolated wetlands shall include provisions for:
 - i. Stabilization and restoration of channelized areas, and
 - ii. Removal of sediments which interfere with the function of the wetland or treatment system.

9. Stormwater will be collected from the bermed area around the tanks and pumped back to the plant for treatment and use.

ATTACHMENTS

ATTACHMENT C: Mitigation Plans (if applicable)

Indiantown Cogeneration, L.P.

Document Control No. 3990
File No. 6.3.8.8

October 6, 1995

Ms. Susan Coughanour, AICP
Senior Planner, Regulation Department
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, FL 33406

Re: Revised Operational Wetlands Monitoring Plan

Dear Susan:

Enclosed are 2 copies of the revised Operational Wetlands monitoring Plan for you review and approval. As per your request to me in your letter of October 17, 1994, I asked our consultant Environmental Consulting & Technology, Inc.) to revise the plan to be consistent with SFWMD's Environmental Monitoring Report Guidelines Handbook.

As you know, the plant is still in the startup tuning process and we hope to be commercial soon. We anticipate our first annual report detailing results from the field monitoring studies will be sent to you in April 1996. If you have questions, please call me.

Sincerely,


Michelle Golden Griffin
Environmental Compliance Specialist

MG/tmk

Enclosures

cc: Hamilton S. Oven, FDEP
Susan Adams, Martin County
Michael Busha, TRCPC
Linda McCarthy, FDEP-WPB

DEPARTMENT OF
ENVIRONMENTAL PROTECTION

OCT 10 1995

SITING COORDINATION



M.S. 48
2600 Blairstone Rd.
32399-2400

October 6, 1995

Indiantown Cogeneration, L.P.

Document Control No. 3990

File No. 6.3.8.8

DEPARTMENT OF
ENVIRONMENTAL PROTECTION

OCT 17 1995

SITING COORDINATION

Ms. Susan Coughanour, AICP
Senior Planner, Regulation Department
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, FL 33406

RECEIVED OCT 16 1995

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Sincerely,


Michelle Golden Griffin
Environmental Compliance Specialist

MG/tmk

Enclosures

cc: Hamilton S. Oven, FDEP
Susan Adams, Martin County
Michael Busha, TRCPC
Linda McCarthy, FDEP-WPB

DEPARTMENT OF
ENVIRONMENTAL PROTECTION

OCT 10 1995

SITING COORDINATION



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INDIANTOWN COGENERATION, L.P.

**WETLANDS MONITORING PLAN:
OPERATIONAL PHASE**

PREPARED FOR:

**South Florida Water Management District
and
Florida Department of Environmental Protection**

September 1995

PREPARED BY:

**U.S. Generating Company
and
Environmental Consulting & Technology, Inc.**

RECEIVED OCT 16 1995

I. INTRODUCTION

A Preserve Area Management Plan (Plan), designed to protect and enhance existing habitat and water management values of upland and wetland preserve areas within the Indiantown cogeneration project site, was submitted in May 1992 to the South Florida Water Management District (SFWMD), Martin County, the Florida Freshwater Fish and Game Commission (FFFGC), the Treasure Coast Regional Planning Commission (TCRPC), and the Department of Community Affairs (DCA) in compliance with Martin County's PUD Agreement and various Conditions of Certification. In that Plan, Indiantown Cogeneration, Ltd. (ICL) committed to monitor the wetlands during both construction and operations. The purpose of the monitoring is to detect any changes to the ecological status of the wetlands, assessing biotic and hydrological components.

The construction monitoring was initiated in the summer of 1992, and has been performed annually since then. Throughout this period, monitoring has focused on those wetlands most closely associated with construction activities (Wetlands 2, 4, 5, and 6). Photographic records, and wetland survey information (including wildlife utilization, condition of vegetation, and water level measurements) gathered during the construction period serve not only to ensure any potential concerns would be detected, but to establish details regarding the existing wetland conditions. Over the construction surveying period, no significant changes in wetland character have been noted to date.

Construction efforts will be completed this fall; therefore, operational wetland monitoring is proposed to begin September 1995. This report outlines the components of the operational monitoring plan for review and approval by the SFWMD.

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II. PROJECT LOCATION

The Indiantown cogeneration property is located approximately 3 miles northwest of Indiantown, south of Caulkins Citrus Processing Facility, in Martin County, Florida. The 220-acre site includes seven depressional wet prairies totaling 23.4 acres. The location of the wetlands is shown in Figure 1. The proposed monitoring program is designed to document the condition of these wetlands at the ICL site after the power plant becomes operational on or about September 1995.

III. PROPOSED OPERATIONS MONITORING PLAN

Monitoring will be conducted for a five-year period (September 1995 - September 2000). This period of time should enable potential project effects to be noted, while allowing for yearly variations in weather patterns. The majority of monitoring plan components will be performed twice yearly, to reflect rainy season (July through September) and dry season (March through May) conditions. The program shall consist of the following:

- Vegetative sampling;
- Photographic documentation
- Wildlife observations;
- Aquatic macrofauna sampling;
- Monthly water level readings; and
- An annual report.

Each is discussed in more detail below.

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Vegetative Sampling

Quantitative vegetation sampling will be undertaken by a qualified biologist in wetlands 4 and 6, and in wetland 3, twice yearly. The sampling is designed to provide enough information such that any changes to wetlands (such as an unexpected shift in species diversity or abundance) can be identified. Based upon

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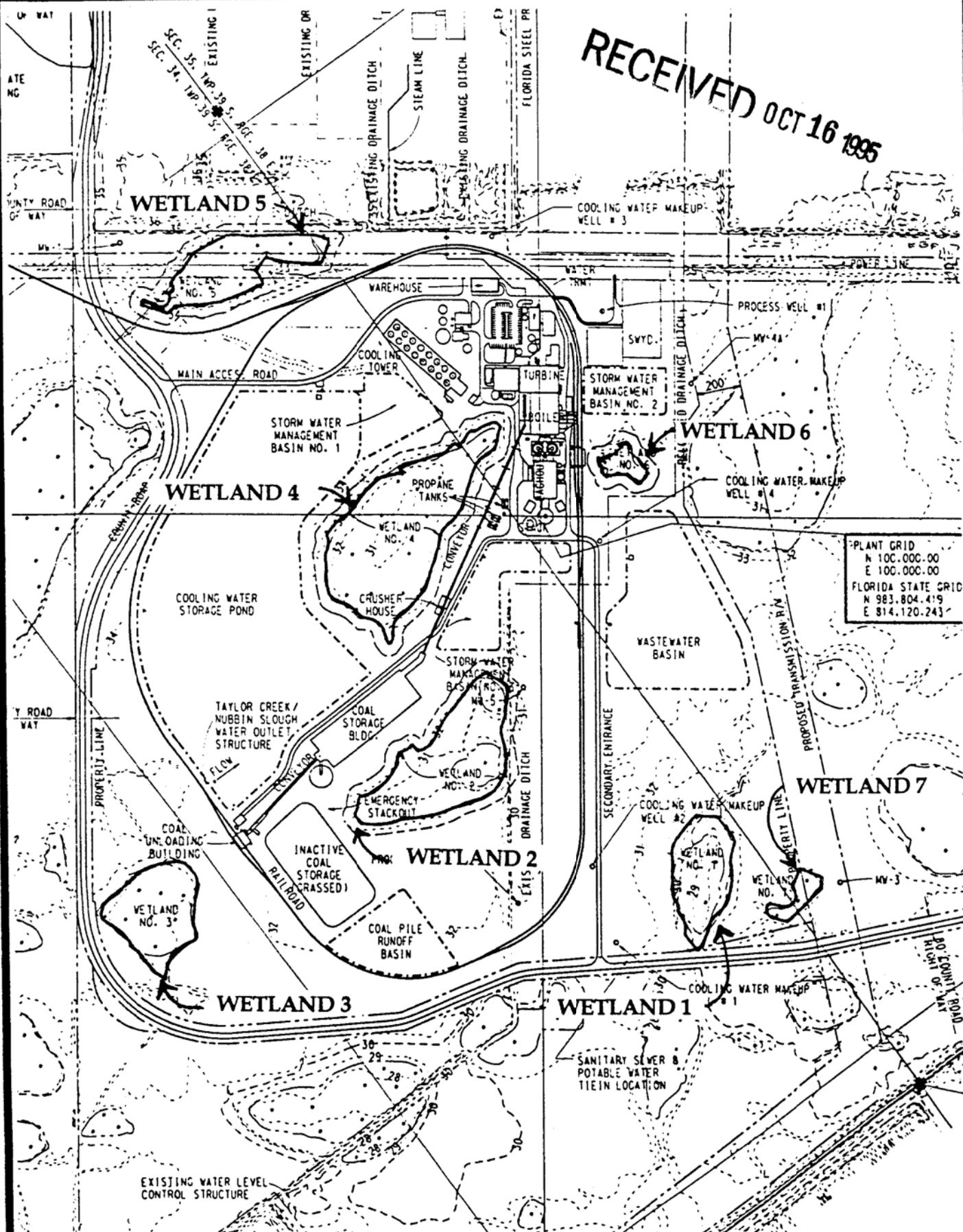


FIGURE 1

LOCATION OF WETLANDS IN RELATION TO COGENERATION FACILITY

observation of potential changes, the need for further investigation can be assessed. The two marshes nearest the plant facilities (Wetlands 4 and 6) were selected since they are most likely to exhibit changes due to any plant operational effects. Because even in a natural setting an ecosystem would be expected to change, Wetland 3 will also be sampled as a control; it is farthest from active facilities and well buffered by an undisturbed pine flatwoods community.

For each wetland, the sampling sites will be chosen as part of the first sampling effort so as to best depict zonation and/or spatial heterogeneity. Sampling quadrats of one and four square meters will be established at locations along a transect for sampling of herbs and shrubs, respectively. Figure 2 shows the location of the proposed transects. The number of quadrats needed to adequately sample each site will be determined by a species/area curve plot. This methodology generally results in a minimum of 20 quadrat stations within each wetland; once the species/area curve indicates that meaningful differences do not result from additional quadrats, no further stations are identified.

Each quadrat location will be permanently staked and will be monitored throughout the proposed five-year monitoring period. This sampling methodology will allow assessment of vascular plant species composition and relative abundance as well as percent coverage. In addition, natural ground elevation will be measured at each quadrat station; the elevation along the transect will be presented in a graphic included in the annual report.

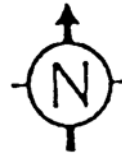
For each quadrat, species composition and percent cover will be documented. Species composition data for all quadrats will be utilized to calculate frequency which will be used as a measure of abundance. Percent cover data will be used to calculate dominance for each taxon encountered.

Figure 2
VEGETATION/LAND USE MAP
OF THE ICL PROJECT SITE

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KEY

- FEPF - PINE FLATWOODS
WP - WET PRAIRIE
UTTL - MAJOR TRANSMISSION LINE
—|— Vegetation Transect
■ Photo Reference Point



0 500 1000

SCALE IN FEET



SOURCE: SOUTH FLORIDA WATER
MANAGEMENT DISTRICT LAND USE AND
LAND COVER CLASSIFICATION, n.d.;
ENVIRONMENTAL CONSULTING &
TECHNOLOGY, INC., 1990

INDIANTOWN
COGENERATION
PROJECT

Indiantown Cogeneration, L.P.

Collectively, relative frequency and dominance values will be summed to calculate the overall Importance Value for each species (Relative Frequency plus Relative Dominance = Importance Value). The Importance Value calculation allows a ranking of species giving an indication of the "importance" of a particular species to the community as a whole.

A comparison of Importance Values for all species sampled in each wetland over the five-year monitoring period will document shifts in a particular species' ranking. If a shift in the top five most important species in any wetlands occurs, explanations for the change will be sought. Natural causes (such as drought, for example) as well as possible facility impacts (such as excessive storm water runoff or salt drift) will be considered.

Photographic Documentation

Photographs will be taken twice a year at each of the seven wetlands in order to document their physical appearance. The photographs will be taken at fixed point stations within each wetland. These will provide a permanent record of wetland condition over the five-year monitoring period. For wetlands 3, 4, and 6, the photo stations will be placed perpendicular to the transects as shown on Figure 2. Other biannual surveys will be performed during the same general time period. The collected information regarding condition of each wetland, wildlife species observed, vigor of the vegetation, and any signs of stress to the vegetation will therefore correlate with the photographic record taken.

Wildlife Observations

Qualitative observation of wildlife utilization will be performed by a qualified biologist during the wet and dry seasons at all wetlands. During each sampling event, a wildlife biologist will record wildlife usage at each wetland and in surrounding uplands for both morning and evening hours over a two-day period. Direct wildlife

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observations, and indirect indications by sign, will be noted as an indication of wildlife utilization.

Aquatic Macrofauna Sampling

Qualitative sampling for small forage fishes and aquatic macroinvertebrates will be done in wetlands 3, 4, and 6 twice yearly at the time of the quantitative vegetation sampling events. A dip net will be used; a minimum of 15 sweeps will be done along each transect. In addition, two grab samples of sediment will be taken in wetlands 3, 4, and 6, if flooded, to qualitatively document infaunal invertebrates. Fishes and invertebrates will be separated and fixed in formalin for subsequent identification in the laboratory. Taxa will be identified to the lowest practical level (species for fish, genus for macroinvertebrates).

Water Level Readings

Monthly water level readings will be taken at wetlands 4 and 6, measured at the same locations throughout the study period. These wetlands are closest to the power block and would therefore be expected to experience the greatest potential effect from facility operations. At the time of sampling, an informal observation of the wetland condition will also be recorded. Any changes in the appearance of the vegetation or water level changes will be communicated to a wetlands biologist for investigation. Staff gauges will be set to National Geodetic Vertical Datum. Rainfall will be recorded on a weekly basis from a gauge placed in an open area on the plant site. Water levels will also be measured at each fixed vegetation quadrat location along the transects in wetlands 3, 4, and 6. This will be done twice yearly and represented graphically in the annual report.

Annual Report

An annual report will be prepared for each of the five years, containing the information gathered from monitoring efforts within the previous year. This report

will be circulated to the SFWMD, Martin County, the FFFGC, the TCRPC, and DCA for informational purposes. Copies of the reports will be maintained on file at the cogeneration facility throughout the monitoring period. Report format and style will follow that presented in SFWMD's Environmental Monitoring Report Guidelines handbook.

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ATTACHMENTS

ATTACHMENT D: Groundwater Monitoring Requirements

ATTACHMENT D – Groundwater Monitoring, Operation and Maintenance Requirements

Indiantown Cogeneration Plant
13303 SW Silver Fox Lane
Indiantown, FL 34956
Martin County
Site ID No. PA 90-31, COM_314321

Latitude: 27° 02' 28.8692" N Longitude: 80° 30' 49.1544" W

These Groundwater Monitoring, Operation and Maintenance Requirements (GWMOMR) were developed by the Licensee, Indiantown Cogeneration, L.P., in conjunction with the Florida Department of Environmental Protection Southeast District's Industrial Wastewater (IWW) Section and Waste Cleanup Sections (WCU) Section to incorporate the groundwater (GW) monitoring requirements into the Licensee's Conditions of Certification (COC or License). The GWMOMR incorporates the following:

- at the power block, coal storage / handling areas, inactive coal storage area, ash handling areas, cooling water storage ponds, wastewater storage basin, and,
- Wastewater Pond #4 and,
- the cooling pond (which is lined with a 60 mil HDPE membrane, and was repaired in 2017).

All revisions to this document will be in accordance with Section B. Condition I., paragraph A of the Conditions of Certification. Procedures for Post-Certification Submittals is included in Section A. Condition XXI.

The Indiantown Cogeneration facility is a coal-fired combined cycle capable of generating 330 net megawatts (MW) of power from a PC boiler-based generating plant. During the period from November to June 225,000 lb/hr of process steam was supplied to Luis Dreyfus Citrus (formerly Caulkins Citrus Processing), and during these periods the plant supplied approximately a nominal 310 MW of electrical power to the local utility grid.

Major equipment for the facility consists of a pulverized coal boiler, an extraction-condensing, turbine electrical power generator, air pollution control equipment, a water-cooled surface condenser, boiler feedwater systems (including condensate and feedwater pumps, feedwater heaters and a deaerator), a circulating water system (including circulating water pumps, a mechanically-induced draft cooling tower, a water supply pipeline, and a water storage pond), coal unloading and storage facilities, ash handling equipment, water treatment facilities, an auxiliary fuel-oil or natural gas fired boiler, as well as plant support equipment (including HVAC, fire protection, plant air, potable water and sanitary sewer lines).

Noncontact stormwater runoff will be collected and routed to the stormwater detention ponds. No industrial waste discharges to groundwater are authorized by this license.

New sources or deletion of existing sources of wastewater with changes to water quality standards, applications for a new Water Quality Criteria exemption pursuant to Rule 62-520.500 F.A.C., and

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ATTACHMENT D – Groundwater Monitoring, Operation and Maintenance Requirements

improvements made at a treatment facility to provide for a new or expanded system with increase in the permitted capacity are considered modifications to the existing license. The licensee shall submit a petition for modification to the Conditions of Certification to the Department for review and approval in accordance with Section 403.516, F.S. and 62-17.211, F.A.C.

I. SITE GROUNDWATER MONITORING

A. Construction Requirements

1. New monitoring well. If a new monitoring well approved by the Department is constructed, a revision of this attachment will then be prepared to incorporate the well with proper well designation. *[62-4.070, F.A.C.]*

2. The licensee shall give at least 72-hour notice to the Department's Southeast District Office, prior to the installation of any monitoring wells detailed in this license including the GWMOMR. *[62-520.600(6)(h), F.A.C.]*

3. All field work done in connection with this GWMOMR regarding the collection of ground water samples shall be conducted in accordance with the Standard Operating Procedures (SOPs) (<http://www.dep.state.fl.us/water/sas/sop/sops.htm>). All laboratory analyses done in connection with this GWMOMR shall be conducted by firms that hold certification from the Department of Health, Environmental Laboratory Certification Program under Chapter 64E-1, F.A.C. *[62-160.300(1), F.A.C.]*

4. Before construction of new groundwater monitoring wells, a soil boring shall be made at each new monitoring well location to properly determine monitoring well specifications such as well depth, screen interval, screen slot, and filter pack. *[62-520.600(6)(g), F.A.C.]*

5. Location Requirements. Within 60 days after completion of construction of new ground water monitoring wells, the following information shall be submitted.

a. A properly scaled figure depicting monitor well locations (active and abandoned) with identification numbers shall be submitted to the Southeast District. The figure shall also include (or attach) the monitoring well, top of casing, and ground surface elevations referenced to National Geodetic Vertical Datum (NGVD) of 1929 to the nearest 0.01 foot, along with monitor well location latitude and longitude to the nearest 0.1 second. *[62-520.600(6) (i), F.A.C.]*

6. Well Construction Detail Requirements. Within 30 days after completion of construction or abandonment of ground water monitoring wells, the following information shall be submitted.

a. A copy of the State of Florida Permit Application to Construct, Repair, Modify, or Abandon a Well DEP Form 62-532.900(1), F.A.C., effective October 7, 2010.

7. Initial Sampling Requirements. Within 30 days of installation of a new well, the licensee shall conduct initial ground water sampling events as follows:

a. Sample the new well for the Primary and Secondary Drinking Water parameters included in Rule 62-550, Florida Administrative Code, Public Drinking Water

ATTACHMENT D – Groundwater Monitoring, Operation and Maintenance Requirements

Systems (excluding asbestos, acrylamide, Dioxin, butachlor, epichlorohydrin, pesticides, and PCBs, unless reasonably expected to be a constituent of the discharge or an artifact of the site). In addition, volatile organics and extractable semi-volatile organics shall be analyzed. Results of this initial sampling shall be submitted to the Southeast District and the SCO within 60 days after sampling. [62-520.600(5)(a)2, F.A.C.]

8. All piezometers and monitoring wells not part of this GWMOMR are to be plugged and abandoned in accordance with Rule 62-532.500(5), F.A.C., unless future use is intended. [62-532.500(5), F.A.C.]

B. Operational Requirements

1. During the period of operation authorized by this Certification the licensee shall continue to sample ground water at the existing monitoring wells identified in 2. below, and as identified in the attached well location map, in accordance with the COC and GWMOMR prepared in accordance with Rule 62-520.600, F.A.C. and Chapter 62-780, F.A.C.

2. The following monitoring wells shall be sampled Semi-annually for Groundwater Monitoring requirements:

Monitoring Well ID	Alternate Well Name and/or Description of Monitoring Location	Depth (Feet)	Aquifer Monitored	New or Existing	Unit Monitored
MW-1	Background Well Upgradient	32.20	Surficial	Existing	Site background well
MW-4A	Background Well	31.70	Surficial	Existing	Background
MW-5	Historical	17.25	Surficial	Existing	Historical
MW-7	Downgradient of Coal Unloading Building	25.10	Surficial	Existing	Downgradient of Coal Unloading Building
MW-9	Background Upgradient Wastewater Pond #4	15.95	Surficial	Existing	Upgradient of Wastewater Pond #4
MW-10	Upgradient Inactive Coal Pile	19.30	Surficial	Existing	Upgradient Inactive Coal Pile
MW-11	Compliance Monitoring Well	15.90	Surficial	Existing	Downgradient of Wastewater Pond #4
MW-12	Background Well	16.25	Surficial	Existing	Site Background well
MW-13	Compliance Monitor Well Downgradient of Inactive Coal Pile	13.90	Surficial	Existing	South Downgradient of Facility

ATTACHMENT D – Groundwater Monitoring, Operation and Maintenance Requirements

Monitoring Well ID	Alternate Well Name and/or Description of Monitoring Location	Depth (Feet)	Aquifer Monitored	New or Existing	Unit Monitored
MW-14	Downgradient Cooling Water Pond	17.70	Surficial	Existing	Downgradient of Cooling Water Pond
MW-15	Compliance Monitor Well Southwestern Downgradient	32.00	Surficial	Existing	Southwest Downgradient of Facility
MW-16	Compliance Monitor Well Western Downgradient	32.68	Surficial	Existing	West Downgradient of Facility
MW-17	Compliance Monitor Well	15.15	Surficial	Existing	Downgradient of Wastewater Pond #4
MW-18	Compliance Monitor Well	15.10	Surficial	Existing	Downgradient of Wastewater Pond #4
MW-19	Compliance Monitor Well	15.20	Surficial	Existing	Downgradient of Wastewater Pond #4
MW-20	Compliance Monitor Well	15.15	Surficial	Existing	Downgradient of Wastewater Pond #4

3. Monitor wells specified in the Groundwater Monitoring Plan, and identified in attached location map, shall be sampled for the parameters listed below:

** The field parameters shall be sampled per DEP–SOP-001/01, FS 2200 Ground Water Sampling, Figure FS 2200-2 Ground Water Purging Procedure (<http://www.dep.state.fl.us/water/sas/sop/sops.htm>) and recorded on Form FD 9000-24, Ground Water Sampling Log (<http://www.dep.state.fl.us/water/sas/qa/forms.htm>). [62-520.600(11)(b), F.A.C.]

Parameter Name	Compliance Well Limit	Units	Sample Type	Monitoring Frequency
Chloride (as Cl)	250	mg/L	Grab	Semi-annually, June and December
Iron, Total Recoverable	0.3	mg/L	Grab	Semi-annually, June and December
pH**	6.5 – 8.5	SU	In-situ	Semi-annually, June and December

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ATTACHMENT D – Groundwater Monitoring, Operation and Maintenance Requirements

Parameter Name	Compliance Well Limit	Units	Sample Type	Monitoring Frequency
Specific Conductance**	Report	uS/cm	In-situ	Semi-annually, June and December
Turbidity**	Report	NTU	In-situ	Semi-annually, June and December
Water Level Relative to NGVD	Report	FEET	In-situ	Semi-annually, June and December
Ammonia as N	2.8	mg/L	Grab	Semi-annually, June and December
Dissolved Oxygen (DO)**	Report	mg/L	In-situ	Semi-annually, June and December
Temperature, Water**	Report	°F	In-situ	Semi-annually, June and December
Gross Alpha	15	pCi/L	Grab	Semi-annually, June and December
Cyanide, Total	0.2	mg/L	Grab	Semi-annually, June and December
Fluoride	2.0	mg/L	Grab	Semi-annually, June and December
Sulfate	250	mg/L	Grab	Semi-annually, June and December
Sulfide	--	mg/L	Grab	Semi-annually, June and December
Antimony	0.006	mg/L	Grab	Semi-annually, June and December
Arsenic	0.010	mg/L	Grab	Semi-annually, June and December
Beryllium	0.004	mg/L	Grab	Semi-annually, June and December
Cadmium	0.005	mg/L	Grab	Semi-annually, June and December
Chromium	0.1	mg/L	Grab	Semi-annually, June and December
Copper	1	mg/L	Grab	Semi-annually, June and December
Lead	0.015	mg/L	Grab	Semi-annually, June and December
Manganese	0.050	mg/L	Grab	Semi-annually, June and December
Mercury	0.002	mg/L	Grab	Semi-annually, June and December
Nickel	0.1	mg/L	Grab	Semi-annually, June and December

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ATTACHMENT D – Groundwater Monitoring, Operation and Maintenance Requirements

Parameter Name	Compliance Well Limit	Units	Sample Type	Monitoring Frequency
Selenium	0.05	mg/L	Grab	Semi-annually, June and December
Silver	0.1	mg/L	Grab	Semi-annually, June and December
Thallium	0.002	mg/L	Grab	Semi-annually, June and December
Vanadium, Total Recoverable	0.049	mg/L	Grab	Semi-annually, June and December
Zinc	5	mg/L	Grab	Semi-annually, June and December

4. If the concentration for any constituent listed in Requirement I.B.3 above in the natural background quality of the ground water is greater than the stated maximum, or in the case of pH is also less than the minimum, the representative background quality shall be the prevailing standard. *[62-520.420(2), F.A.C.]*

5. Water levels shall be recorded prior to evacuating the well for sample collection. Elevation references shall include the top of the well casing and land surface at each well site (NGVD allowable) at a precision of plus or minus 0.01 feet. *[62-520.600(11)(c), F.A.C.]*

6. Ground water monitoring wells shall be purged prior to sampling to obtain a representative sample. *[62-160.210, F.A.C.]*

7. Analyses shall be conducted on un-filtered samples, unless filtered samples have been approved by the Department as being more representative of ground water conditions. *[62-520.310(5), F.A.C.]*

8. If any monitoring well becomes inoperable or damaged to the extent that sampling or well integrity may be affected, the licensee shall notify the Department's Southeast District office within two business days from discovery, and a detailed written report shall follow within ten days after notification to the Department. The written report shall detail what problem has occurred and remedial measures that have been taken to prevent recurrence or request approval for replacement of the monitoring well. All monitoring well design and replacement shall be approved by the Department before installation. *[62-520.600(6)(l), F.A.C.]*

9. All monitor wells and piezometers are to be clearly labeled and easily visible at all times. Bollards or other devices shall be installed to protect the monitor wells located in areas of high traffic flow within the facility. The permittee shall keep all monitor wells locked to minimize unauthorized access. *[62-520, F.A.C.]*

10. There shall be no discharge of industrial wastewater from this facility to ground or surface waters, except as authorized by the COC including this GWMOMR.

11. The sample collection, analytical test methods, and method detection limits (MDLs) shall be conducted using a sufficiently sensitive method to ensure compliance with applicable water quality standards and effluent limitations and shall be in accordance with Rule 62-

ATTACHMENT D – Groundwater Monitoring, Operation and Maintenance Requirements

4.246, Chapters 62-160 and 62-600, F.A.C., and 40 CFR 136, as appropriate. The list of Department established analytical methods, and corresponding MDLs (method detection limits) and PQLs (practical quantitation limits), which is titled "FAC 62-4 MDL/PQL Table (April 26, 2006)" is available at <http://www.dep.state.fl.us/labs/library/index.htm>. The MDLs and PQLs as described in this list shall constitute the minimum acceptable MDL/PQL values and the Department shall not accept results for which the laboratory's MDLs or PQLs are greater than those described above unless alternate MDLs and/or PQLs have been specifically approved by the Department for this attachment. Any method included in the list may be used for reporting as long as it meets the following requirements:

a. The laboratory's reported MDL and PQL values for the particular method must be equal or less than the corresponding method values specified in the Department's approved MDL and PQL list;

b. The laboratory reported MDL for the specific parameter is less than or equal to the attachment limit or the applicable water quality criteria, if any, stated in Chapter 62-302, F.A.C. Parameters that are listed as "report only" in the attachment shall use methods that provide an MDL, which is equal to or less than the applicable water quality criteria stated in 62-302, F.A.C.; and

c. If the MDLs for all methods available in the approved list are above the stated attachment limit or applicable water quality criteria for that parameter, then the method with the lowest stated MDL shall be used.

12. When the analytical results are below method detection or practical quantitation limits, the permittee shall report the actual laboratory MDL and/or PQL values for the analyses that were performed following the instructions on the applicable discharge monitoring report.

13. Where necessary, the permittee may request approval of alternate methods or for alternative MDLs or PQLs for any approved analytical method. Approval of alternate laboratory MDLs or PQLs are not necessary if the laboratory reported MDLs and PQLs are less than or equal to the attachment limit or the applicable water quality criteria, if any, stated in Chapter 62-302, F.A.C. Approval of an analytical method not included in the above-referenced list is not necessary if the analytical method is approved in accordance with 40 CFR 136 or deemed acceptable by the Department. [62-4.246, 62-160, F.A.C.]

14. Unless specified otherwise in this GWMOMR, all reports and notifications required by this GWMOMR shall be submitted to or reported to the Southwest District Office at the address specified below:

Florida Department of Environmental Protection
Southeast District Office
3301 Gun Club Road, MSC 7210-1
West Palm Beach, FL 33406-3007
Phone Number – 561- 681-6600
Electronic copy to: SED_Permitting@floridadep.gov

ATTACHMENT D – Groundwater Monitoring, Operation and Maintenance Requirements

An Electronic copy of all submittals required by this Plan shall also be sent to the Siting Coordination Office by email to SCO@dep.state.fl.us. If electronic copies are not available, copies can be mailed to:

Siting Coordination Office
2600 Blair Stone Rd.
Tallahassee, FL 32399
Phone Number- (850) 717-9000

[62-601.300(1), (2), and (3), and 62-620.610(18), F.A.C.]

II. DESIGN, CONSTRUCTION, OPERATION AND MAINTENANCE OF WASTEWATER FACILITIES REQUIREMENTS

A. General Operation and Maintenance Requirements

1. During the period of operation authorized by this license, the wastewater facilities shall be operated under the supervision of a person who is qualified by formal training and/or practical experience in the field of water pollution control. *[62-620.320(6), F.A.C.]*

2. The licensee shall maintain the following records and make them available for inspection on the site of the licensed facility.

a. Records of all compliance monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, including, if applicable, a copy of the laboratory certification showing the certification number of the laboratory, for at least three years from the date the sample or measurement was taken;

b. Copies of all reports required by the license for at least three years from the date the report was prepared;

c. Records of all data, including reports and documents, used to complete the application for at least three years from the date the application was filed;

d. A copy of the current license;

e. A copy of any required record drawings; and

f. Copies of the logs and schedules showing plant operations and equipment maintenance for three years from the date of the logs or schedules.

[62-620.350, F.A.C.]

B. Wastewater Impoundment Operation and Maintenance

1. All impoundments used to hold or treat wastewater and other associated wastes shall be operated and maintained to prevent the discharge of pollutants to waters of the State, except as authorized.

2. Operation and maintenance of any impoundment shall be in accordance with all applicable State regulations. When practicable, piezometers or other instrumentation shall be used as a means to aid monitoring of impoundment integrity.

ATTACHMENT D – Groundwater Monitoring, Operation and Maintenance Requirements

C. Impoundment Integrity Inspections

1. All impoundments shall be inspected annually by qualified personnel with knowledge and training in impoundment integrity. Annual inspections shall include observations of dike and toe areas for erosion, cracks or bulges, seepage, wet or soft soil, changes in geometry, the depth and elevation of the impounded water, sediment or slurry, freeboard, changes in vegetation such as overly lush, dead or unnaturally tilted vegetation, and any other changes which may indicate a potential compromise to impoundment integrity.

2. Within 30 days after the annual inspection, a qualified, responsible officer shall certify to the Department that no breaches or structural defects resulting in the discharges to surface waters of the State and that no changes were observed which may indicate a potential compromise to impoundment integrity during the previous calendar year.

3. The certification shall also include a statement that the impoundments provide the necessary minimum wet weather detention volume to contain the combined volume for all direct rainfall and all rainfall runoff to the pond resulting from the 25-year, 24-hour rainfall event and maximum dry weather plant waste flows which could occur during a 24-hour period.

4. The licensee shall conduct follow-up inspections within 7 days after large (i.e., 25-year, 24-hour precipitation event or greater rainfall) or extended rain events.

5. In the event that the impoundment integrity is compromised and may result in a potential discharge to surface or groundwaters of the State, the licensee shall notify the Department within twenty-four (24) hours of becoming aware of the situation and provide a proposed course of corrective action and implementation schedule within fifteen (15) days after notifying the Department. Observed changes such as significant increases in seepage or seepage carrying sediment may be signs of imminent impoundment failure and should be addressed immediately.

D. Reporting and Recordkeeping Requirements for Impoundments

1. The summarized findings of all monitoring activities, inspections, and corrective actions pertaining to the impoundment integrity, and operation and maintenance of all impoundments shall be documented and kept on-site and made available to Department inspectors upon request.

2. All pertinent impoundment permits, design, construction, operation, and maintenance information, including but not limited to: plans, geotechnical and structural integrity studies, copies of permits, associated certifications by qualified, Florida-registered professional engineer, and regulatory approvals, shall be kept on site in accordance and made available to Department inspectors upon request.

ATTACHMENTS

ATTACHMENT E: Water Conservation Plan

Indiantown Cogeneration, L.P.

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Indiantown Cogeneration, L.P.
P.O. Box 1799
13303 SW Silver Fox Lane
Indiantown, FL 34956
Tel: 561.597.6500
Fax: 561.597.6210

July 16, 2002

Mr. Jim Golden
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, FL 33406-4680

VIA FEDERAL EXPRESS

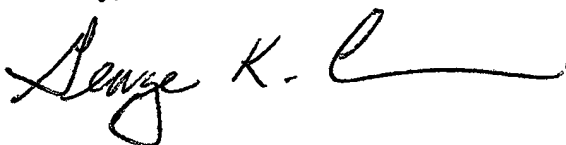
Re: Indiantown Cogeneration, L.P.'s Water Conservation Plan

Dear Jim:

Pursuant to Conditions IV. B.3.f. of Indiantown Cogeneration, L.P.'s Conditions of Certification and your conversation with Mr. Laryea, Indiantown Cogeneration, L.P. is submitting a Water Conservation Plan for your review.

Please contact Nick Laryea if you need any further information at 772-597-6500 ext. 19.

Sincerely,



George K. "Chip" Allen
General Manager

cc: Hamilton S. Oven, Jr., DEP
A.J. Jablanowski
Tomm Fromm
Nicholas Laryea
David Dee
File

SCANNED

Water Conservation Plan for the Indiantown Cogeneration Facility

June 2002

Indiantown Cogeneration, L.P.
P.O. Box 1799
13303 SW Silver Fox Lane
Indiantown, FL 34956

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APPENDIX A

Water and Waste Water Treatment System Process Flow Diagram

ATTACHMENT B

ICLP Water Conservation Policy

1.0 INTRODUCTION

Indiantown Cogeneration, L.P. (ICLP) is the owner and operator of the Indiantown Cogeneration Facility (the Facility) located at 13303 SW Silver Fox Lane, in Indiantown Florida.

The Conditions of Certification for the Facility, as revised July 26, 2000, require ICLP to prepare a Water Conservation Plan (Plan). The specific requirements are listed below:

f. Water Conservation Plan

Within two (2) years of issuance of the modified Certification Order, the Permittee shall submit a Water Conservation Plan required by Chapter 40E-2, F.A.C., in effect at that time, for review and approval by SFWMD staff. The plan shall, at a minimum, incorporate the following components:

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

(a) Implementation of a leak detection and repair program;

(b) Implementation of a recovery/recycling or other program providing for technological, procedural or programmatic improvements to the Permittee's facilities; and

(c) Use of processes to decrease water consumption.

(2) Development and implementation of an employee awareness program concerning water conservation.

This Plan has been developed to meet the requirements listed above, and the guidance on water conservation measures for commercial/industrial users posted by the South Florida Water Management District at www.sfwmd.gov/org/pld/prog/wsp/wcm.htm.

2. Water Use Audit

2.1 Water Use Description

The Facility is an electric power plant that uses pulverized coal as its primary fuel. Water is used for heat rejection, for makeup to the Facility's closed-loop steam system, and for steam supply to Louis Dreyfus Citrus.

ICLP uses water from Taylor Creek/Nubbin Slough as the primary water source for the Facility. This is a low-quality water resource, because it drains agricultural areas and carries a high nutrient load. Also, ICLP operates a zero-discharge facility, which means that all process water is re-used through the water treatment system. ICLP has a flexible approach to water treatment system operations, as described herein.

Operating a zero discharge system using a low quality primary water source requires a great deal of operating flexibility, as well as a shift in outlook from normal water

treatment system operation. In operation of a zero-discharge system, each water stream is viewed as a resource. To utilize every available water resource, system operators must be free to choose from a set of tools: treatment equipment, treatment chemicals, and storage locations. Flows are redirected, water streams are combined, and equipment and chemicals are used as needed to use the water resources available.

The original site certification application documented the initial water treatment system design and its expected operation. Through construction, startup, and debugging, changes were made to handle the actual quality found for the water resources, as well as the plant's actual water quality needs. Changes continue to be made to the system to respond to changes in incoming water quality, and changes to water quality needs for ICLP operations. Changes are also made as part of a process of continuous system improvement.

Typical water use is shown in the water balance drawing in Appendix A. This is a simplified drawing based on *Indiantown Cogeneration Project Water and Waste Water Treatment System Process Flow Diagram* (M73-PF01 and M73-PF02); this simplified drawing has been updated to reflect current conditions. Drawings M73-PF01 and M73-PF02 are available on-site.

2.2 Water Use Details

ICLP uses water in the following ways:

2.2.1 Process Water

As shown on the water balance drawing in Appendix A, all process water is re-used (zero discharge). Any leaks, etc. are returned to the system. Significant final consumptive uses of water are:

- Evaporation in the cooling tower This usage is tied directly to electric generating capacity. ICLP operates a modern, efficient plant that maximizes generation of useful energy while minimizing fuel and water consumption.
- Flue gas cleaning system The Plant has been designed to use low-quality (high solids) water as influent to the spray dryer absorber, which controls sulfur dioxide and other air emissions. Reducing water use would affect ICLP's ability to control air pollution, and would affect ICLP's ability to avoid discharging low-quality water to the environment.
- Lime slaking ICLP uses lime in its flue gas cleaning system to control sulfur dioxide and other air emissions. The lime must be wetted (slaked) before use. Reducing water use would greatly increase maintenance problems (plugging).

2.2.2 Potable Water Uses

Potable water is used for typical employee water needs (toilets, sinks, showers). These facilities already utilize low water use equipment .

2.2.3 Grounds keeping

The facility grounds are in their natural state – wetlands and related wildlife habitat. Landscaping is only performed on a small area near the administration building and parking lot. Dusting is minimized using a street sweeper. Overall, water used in grounds keeping is minimal.

2.3 Water Use Audit

In addition to the audit activities presented here, in March of 2001, ICLP contracted with G.S. Coats, P.E. & Associates, LLC to analyze facility water use and strategies to operate during drought. This analysis addressed the normal operating case, as well as backup water supplies (wells) and strategies to mitigate problems caused by high salt concentrations of the wells water and high organic concentration of the primary water source. The results of this analysis indicates ICLP is efficiently using all the water it brings into the facility by the utilization of Zero water discharge technology.

Mr. Coats report contained mostly information and strategies on what type of chemistry to use when operating on the backup water supply. The report also recommended equipment that will help ICLP handle water with high salt and high organic concentration .

3. IMPLEMENTATION OF COST-EFFECTIVE CONSERVATION MEASURES

The plant operates as a zero-discharge facility, and already uses water efficiently. The facility is designed with water conservation in mind. Through the audit, we looked at the following additional methods to conserve water:

- minimizing evaporative cooling requirements of cooling tower
- preventing evaporation from storage ponds
- leak detection and repair
- limiting washing/improving wash procedures
- improving landscaping procedures
- improving potable water conservation

The cost-effectiveness of each method is discussed below, along with the methods of implementation where appropriate

3.1 Cooling Tower

As discussed above, this usage is tied directly to electric generating capacity. The Cooling Tower was designed with low drift eliminators to minimize water loss through drift. ICLP identified no cost-effective measures, because efforts to minimize evaporation would limit power production. That power production would need to occur elsewhere in the electric distribution system, quite possibly at a facility that uses more water than ICLP.

3.2 Storage Ponds

ICLP identified no cost-effective method to minimize evaporation from the ponds. There is no significant agitation of the ponds, and covers would be expensive, difficult to handle, only marginally effective, and problematic during storms.

3.3 Leak Detection and Repair

ICLP has procedures in-place to identify and correct leaks. For water leaks on-site, water that leaks would be returned into the zero-discharge system and reused. Also, fire protection systems are frequently checked for leaks, through pressure readings. The pipeline that brings water from Taylor Creek to the facility is checked for leaks using pressure gauges. ICLP concludes that the current leak checks are adequate.

3.4 Washing

ICLP already minimizes water loss from washing as follows:

- No truck-washing operations are conducted
- Paved surfaces are cleaned using a street sweeper
- Equipment wash-downs typically occur during dusty periods only

ICLP will implement improvements to equipment wash-down procedures to ensure that they occur only when necessary.

3.5 Landscaping

ICLP has reviewed current landscaping techniques relative to xeriscape techniques as described in the document *Waterwise Florida Landscapes* (2/01) and related documents from Florida's water management districts. Most plants currently used are xeriscape plants.

ICLP will implement landscaping improvements over the next several years. These improvements will include the replacement of plants with xeriscape plants where practical.

3.6 Potable Water Conservation

ICLP will implement potable water conservation techniques, through the water conservation awareness program described in Section 4 and through retrofit of automatic faucets in restrooms.

4. EMPLOYEE WATER CONSERVATION AWARENESS PROGRAM

ICLP has implemented an employee water conservation awareness program. This program includes the following elements:

- Distribution and posting of the following conservation awareness materials:
 - SFWMD publication JW12/00, *50 Ways To Be Water Smart*
 - SFWMD publication KR4/18/01, *Xeriscape*
 - ICLP Water Conservation Policy (See Appendix B)
- Discussion of the importance of water conservation and water conservation techniques applicable to Facility operations during scheduled staff meetings
- Posting of "Please Conserve Water" stickers at lavatories, sinks, and hose spigots

5. PROCEDURES AND TIME FRAMES FOR IMPLEMENTATION

New landscaping, facility washdown, and potable water conservation procedures will be implemented by the end of calendar year 2003.

6. FEASIBILITY OF USING RECLAIMED WATER

Gray Water from Municipalities The option of using treated wastewater as makeup water to the Project's cooling water system was added to the Conditions of Certification on April 6, 1995. Specifically, Part II Condition 9 states "Treated domestic wastewater may be used as makeup water to the Project's cooling water system upon receipt of permission from the Department and the South Florida Water Management District."

The quantity of treated wastewater available is insufficient to operate the facility. ICLP will discuss the use of treated wastewater with the Town of Indiantown. Based on prior evaluations, the amount of available water is insufficient to justify the cost and impact of a dedicated pipeline from the wastewater treatment plant to the Facility. Trucking the water is not cost-effective.

At this point all treated wastewater is reused by the local utility, Indiantown Water Company, and therefore is not available for ICLP's use.

ICLP has reviewed the option to use reclaimed water to provide a portion of the Plant's water needs.

7. CONCLUSION

The Plant was designed with water conservation in mind. The Zero water discharge technology was the best available water conservation technology available to the designers. In fulfillment of SFWMD's request for a water conservation plan, ICLP believes that the only meaningful way the facility can conserve water are:

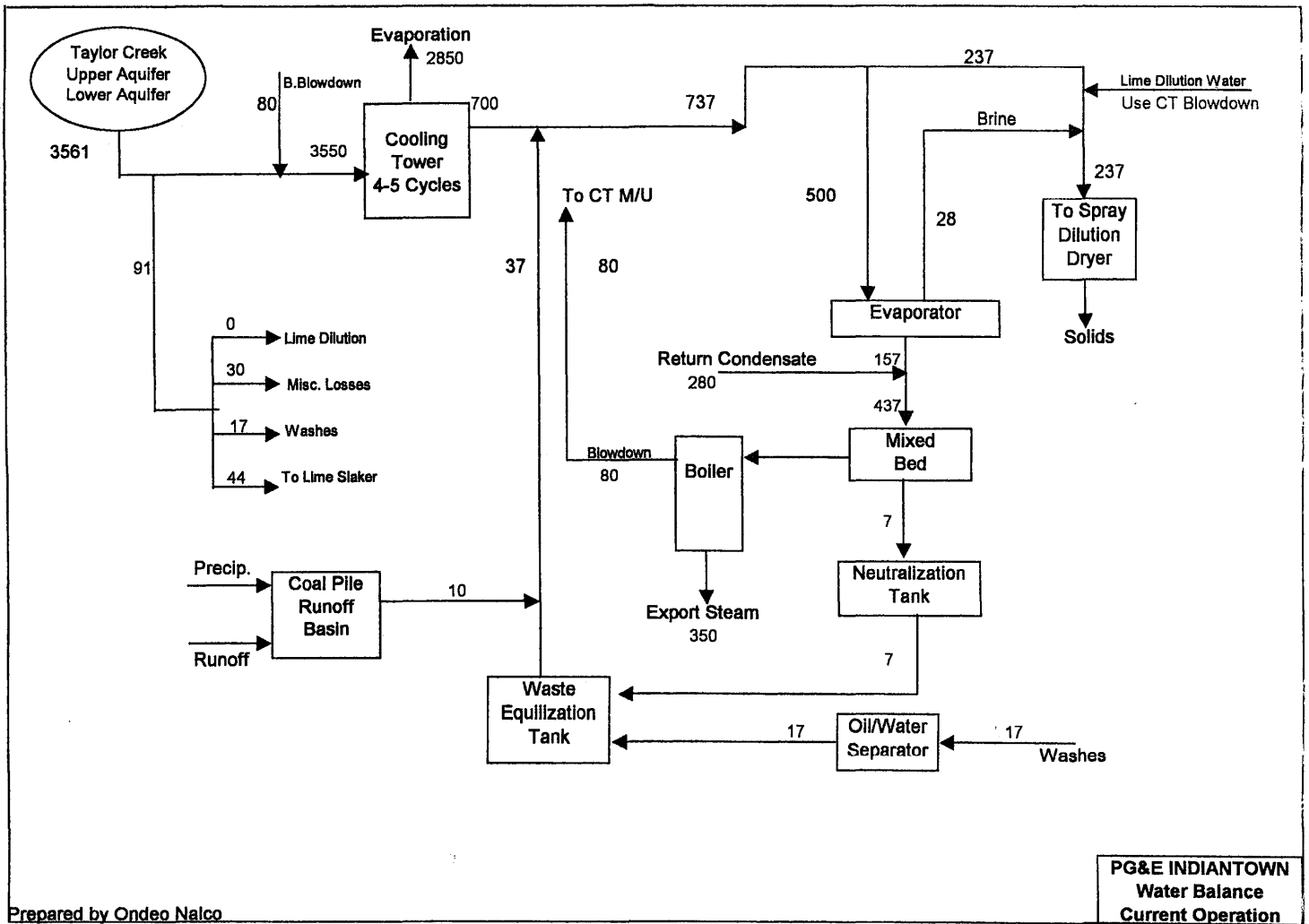
- ✓ Upgrade portable water use equipments.(install automatic facets etc.)
- ✓ Replacements of plants with Xeriscape plants and
- ✓ The implementation of a water conservation awareness program.

07/29/02

Appendix A

Water and Waste Water Treatment System Process Flow Diagram

SCANNED



PG&E INDIANTOWN
Water Balance
Current Operation

Prepared by Ondo Nalco

SCANNED

Attachment B

ICLP Water Conservation Policy

INDIANTOWN COGENERATION, LP
WATER CONSERVATION

Indiantown Cogeneration is committed to conserving water. Our plant is a zero-discharge facility; we use all the water we get.

- Please contact your supervisor or the Environmental Manager (Nick Laryea) if you see any breaks, drips, or leaks in water lines
- Please conserve water during wash-down and other water-using activities
- Please conserve drinking (potable) water when using sinks, showers, toilets
- Comments or suggestions to improve water conservation are welcome

ATTACHMENTS

FIGURES

Figure 1: Location of Monitoring Wells



ATTACHMENTS

Figure 2: Upland and Wetland Preserve Areas on Site



SILVER FOX LANE

SILVER FOX LANE

FIGURE 2

INDIANTOWN COGENERATION POWER PLANT

LEGEND:

 Transmission Lines

 Wet Prairie

 Pine Flatwoods

SCALE:

