STATE OF FLORIDA

DEPARTMENT

OF

ENVIRONMENTAL PROTECTION

Conditions of Certification

Duke Energy Florida, LLC

Tiger Bay Cogeneration Facility

PA97-37F

05/25/2022

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SECTION A: GENERAL CONDITIONS

I. SCOPE

A. Pursuant to the Florida Electrical Power Plant Siting Act (PPSA), Sections 403.501-.518, Florida Statutes (F.S.), and Chapter 62-17, Florida Administrative Code (F.A.C.), this Certification is issued to Duke Energy Florida, LLC (DEF) as owner/operator and Licensee of the Tiger Bay Cogeneration Facility (Tiger Bay). Subject to the requirements contained in these Conditions of Certification (Conditions), DEF will construct, operate, and maintain a nominal 278-Megawatt (MW) facility consisting of one combustion turbine generator (Nameplate 195 MW), one heat recovery steam turbine generator (Nameplate 83 MW), and Associated facilities as described in the Site Certification Application (SCA). The electric generating units and are located on approximately six acres at 3219 State Road 630 West near Fort Meade in Polk County, Florida. The UTM coordinates are: Zone 17, 416.2 kilometers (km) East and 3069.22 km North; Latitude: 27° 44' 46.5" North and Longitude: 81° 50'58.5" West.

B. The certified facility includes but is not limited to the following major associated facilities:

Combustion turbine
Steam turbine generator
Heat recovery Steam generator
Fuel storage tank
Cooling Tower
Potable water system
Septic Tank system
Switchyard
Wastewater process system (includes 1.4 m gallon holding tank)

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 labelled as the "Site Delineation Map" and attached hereto as part of Attachment A.

E. The Licensee shall notify the Department of any change to the site boundary depicted in the Site Delineation Map in Attachment A. The notification shall be accompanied by an updated survey map or legal description and aerial photograph delineating the new boundaries of the site for review by the Department. Such changes may constitute a modification and may require additional land use and zoning reviews by the local government. If a modification is required, it will be processed pursuant to Section 403.516, F.S.

F. If both certified and uncertified facilities lie within the boundaries of the site, the Licensee shall also comply with the requirements of this paragraph. Within 60 days after completion of construction of the plant and on-site associated facilities, but excluding off-site linear and non-linear associated facilities, the Licensee shall provide to the Department in .pdf format acceptable documentation identifying the certified and non-certified facilities within the site such as an aerial photograph. Certified facilities identified within the site shall include both the certified electrical power plant's generating 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 labelled as the "Certified Facilities Identification Map" and attached hereto as part of Attachment A.

G. Within 120 days after completion of construction of any certified off-site 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 site boundaries for each off-site non-linear associated facility. The survey map or other documents shall be labelled as the "Delineation of the Boundaries of the Certified Off-Site Non-Linear Facilities" and attached hereto as part of Attachment A.

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

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

[Sections 403.511, 403.5113, F.S.; 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 Department regulations, except to the extent a variance, exception, exemption, or other relief is granted in the final order of certification or in a subsequent modification to the Conditions, or under a 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 (Florida Aquatic Preserves)
18-21 (Sovereignty Submerged Lands Management)
62-4 (Permits)

62-17 (Electrical Power Plant Siting)
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)
62-256 (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 (Ground Water 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)
62-604 (Collection Systems and Transmission Facilities)
62-610 (Reuse of Reclaimed Water and Land Application)
62-620 (Wastewater Facilities and Activities Permitting)
62-621 (Generic Permits)
62-650 (Water Quality Based Effluent Limitations)
62-660 (Industrial Wastewater Facilities)
62-699 (Treatment Plan Classification and Staffing)
62-701 (Solid Waste Management Facilities)
62-709 (Criteria for Organics Processing and Recycling Facilities)
62-710 (Used Oil Management)
62-730 (Hazardous Waste)
62-737 (The 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)
62-777 (Contaminant Cleanup Target Levels)
62-780 (Contaminated Site Cleanup 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 a variance, exception, exemption, or other relief has been granted, subsequently adopted Department rules which prescribe new or stricter criteria shall operate as automatic modifications to this 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.

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

IV. DEFINITIONS

Unless otherwise indicated herein, 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" is 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 , as well as supplemental applications.

B. "Associated facility" or "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 facilities and structures identified or 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.

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. "Post-certification submittal" shall mean a submittal made by the Licensee pursuant to a Condition of certification.

N. "Right-of-Way" or "ROW" is defined in Section 403.503(27), F.S.

O. "SCA" means the Site certification Application (i.e., the Application)

P. "SCO" means the Department's Siting Coordination Office.

Q. "Site" is defined in Section 403.503(28), F.S.

R. "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.

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

T. "NED, NWD, CD, SED, SWD, SD" shall mean the Northeast, Northwest, Central, Southeast, Southwest, and South DEP district offices, respectively.

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

V. "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 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 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. The final engineering design of the certified facilities 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 provide the DEP District 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.

3. All notifications which are made in writing shall additionally be provided to the 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. Any owner or operator of a facility who has knowledge of any incident reportable to the State Watch Office regarding a certified facility shall notify the State Watch Office at (800) 320-0519 as soon as possible, but not later than 24 hours after discovery of the incident.

D. Any owner or operator of a facility who has knowledge of any reportable pollution release shall submit a Public Notice of Pollution by following the instructions at https://prodenv.dep.state.fl.us/DepPNP/user/pnpRequest, as soon as possible, but not later than 24 hours after discovery of the release.

[Section 403.077, F.S.]

E. Within 60 days after certification of a linear Associated facility the Licensee shall file a notice of the certified route with the Department's clerk (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 other cause, such as an 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 structures used by the electrical power plant 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 3.18 of the 2017 Florida DOT *Utility Accommodation Manual* available on the DOT website at https://www.fdot.gov/programmanagement/utilities/default.shtm shall serve as guidelines for best management practices.

D. Existing Underground Utilities

The Licensee must follow all applicable portions of the Underground Facility Damage Prevention and Safety Act, Chapter 556, F.S. The Licensee shall provide the affected local government and the SCO with copies of valid tickets obtained from Sunshine State One

Call of Florida upon request. Tickets shall be available for request until the underground work is completed for the affected area.

[Chapter 556, F.S.]

E. Electric and Magnetic Fields (EMF)

Any transmission lines and electrical substations that are associated facilities 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 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, any authorized off-site mitigation/compensation area or Associated facility:

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

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

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

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

XI. DISPUTE RESOLUTION

A. General

If a situation arises in which mutual agreement cannot be reached between the Department and the Licensee, and/or, an agency with substantive regulatory jurisdiction over a matter, the Department may act as a facilitator in an attempt to resolve the issue. If the dispute is

not resolved informally in this manner, Licensee may request one or more meetings in which both Licensee and the agency with substantive regulatory jurisdiction over the matter can participate and attempt to resolve the issue informally. If, after such meetings, a mutual agreement cannot be reached between the parties, then the matter shall be referred to the Division of Administrative Hearings (DOAH) for disposition in accordance with the provisions of Chapter 120, F.S. The Licensee or the Department may request DOAH to establish an expedited schedule for processing the 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 requested modification, and the objections address only a portion of a requested modification, 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.

[Section 120.57, F.S.; 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, which may result in license termination, license revocation, or license revision. The Licensee is placed on notice that the Department may review this certification periodically and may initiate enforcement action for any violation of these Conditions.

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

be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

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

XIV. REVOCATION OR SUSPENSION

This 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 or 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 or permit that may be required for other aspects of the certified facility that 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 (5), F.A.C.]

XVI. CIVIL AND CRIMINAL LIABILITY

Except to the extent a variance, exception, exemption, or other relief is granted in a 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, 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.

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 Rule 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 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 Road
Tallahassee, Florida 32399-3000
SCO@dep.state.fl.us

Florida Department of Environmental Protection
Southwest District Office
13051 N. Telecom Parkway, Suite 101
Temple Terrace, Florida 33637-0926

Florida Department of Economic Opportunity
Bureau of Community Planning and Growth
107 East Madison Street
Tallahassee, Florida 32399-2100

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

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

Florida Department of Agriculture and Consumer Services
Office of General Counsel
407 South Calhoun Street
Tallahassee, Florida 32399-0800

Southwest Florida Water Management District
Water Use Permit Compliance
2379 Broad Street,
Brooksville, FL 34604

Florida Department of State
Division of Historical Resources
500 South Bronough Street

Tallahassee, Florida 32399-0250
CompliancePermits@DOS.MyFlorida.com

Polk County
County Attorney
330 West Church Street
Bartow, Florida 33831-9005

[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.

[Rule 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 agency or office that requires the submittal pursuant to these Conditions. The SCO shall be copied on all post-certification submittals in electronic .pdf format (unless other formats are 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.

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

D. Interagency Meetings

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

E. Determination of Compliance

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

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.

H. Variation to Submittal Requirements

DEP, in consultation with the appropriate agencies that have regulatory authority over a matter to be addressed in a post-certification submittal, and Licensee may jointly

agree to vary any of the post-certification submittal requirements, provided the information submitted is no less stringent than the original post-certification requirement, is sufficient to provide reasonable assurances of compliance with these Conditions and is consistent with agency regulations.

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

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 only for 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 Section 403.516, F.S.

[Section 403.5113, F.S.]

XXIV. MODIFICATION OF CERTIFICATION

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

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

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

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

E. Any anticipated facility change that results in a change to the Site Delineation Map, attached hereto as part of Attachment A, may be considered a modification, and must be accompanied by a map or aerial photograph showing the proposed new boundaries of the site. 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, G, H, or I, as appropriate.

[Section 403.516, F.S.; Rule 62-17.211, 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 the current and the new entity responsible for compliance with the certification; and include a written agreement from the intended new Licensee/Transferee to abide by all Conditions, 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, specifies in writing its reasons for its objections, and gives notice and an opportunity to petition for an 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 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 new Associated facilities the Licensee shall provide to the DEP XXX District for review, all information necessary for a complete *Application for Individual and Conceptual Approval Environmental Resource Permit and Authorization to Use State-Owned Lands* (ERP), DEP Form 62-330.060(1), F.A.C., or other applicable ERP authorization form. 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. 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 Chapter 62-330, F.A.C., as applicable, unless otherwise stated in these Conditions. While the information is provided for review via submittal of the ERP form, consistent with Section 403.511, F.S., a separate ERP is not required for certified facilities, and therefore, a separate ERP will not be issued.

Those forms submitted as part of a SCA, an amendment, or modification, shall be processed concurrently with the respective SCA, amendment, or modification, in compliance with the applicable PPSA 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 XXI., Procedures for Post-Certification Submittals. Post-certification submittal information may be submitted for discrete portions of the certified facilities for a determination of compliance with these Conditions.

No construction shall commence on a project feature, or in a particular segment of 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 XXI, 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. Formal DEP-approved wetland and surface water delineations are valid only for a period of five years.

[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 DEP District.

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 Operation and Maintenance Requirements for that system and included in Attachment B (Surface Water Management System Requirements). Any alteration or modification to the SWMS Plan or the SWMS as certified requires prior approval from the Department.

3. To allow for stabilization of all disturbed areas, 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 SCA 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 beginning the authorized activities, the Licensee shall submit to the DEP District a fully executed Form 62-330.350(1), "Construction Commencement Notice," (October 1, 2013), (http://www.flrules.org/Gateway/reference.asp?No=Ref-02505), indicating the expected start and completion dates. A copy of this form may be obtained from the Department, as described in subsection 62-330.010(5), F.A.C., and shall be submitted electronically. However, for activities involving more than one acre of construction that also require a NPDES stormwater construction general permit, submittal of the Notice of Intent to Use Generic Permit for Stormwater Discharge from Large and Small Construction Activities, DEP Form 62-

621.300(4)(b), shall also serve as notice of commencement of construction and, in such a case, submittal of Form 62-330.350(1) is not required.

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 DEP District, and copy the SCO, a written statement of completion and certification by a registered professional engineer (P.E.), or other appropriate registered professional, as authorized by law, utilizing the required "As-Built Certification and Request for Conversion to Operation Phase" (DEP Form 62-330.310(1), F.A.C.). Additionally, if deviations from the approved drawings are discovered, the As-Built Certification must be accompanied by a copy of the approved drawings with deviations noted.

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

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

10. The DEP District 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 62-302, 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 the Department's substantive criteria for elimination or reduction of such impacts. 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 such impacts under the ERP review process pursuant to subparagraph A.1., above.

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

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

XXXI. 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.]

XXXII. FACILITY OPERATION

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

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

XXXIII. 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.

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

XXXIV. WATER DISCHARGES

A. Discharges

1. 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.

2. 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 Rules 62-4.242(1)(a), (1)(b), and 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.

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

[Chapters 62-4, 62-302, 62-520, 62-550, 62-620, and 62-621, F.A.C.]

B. Wastewater Incident Reporting

The Licensee shall report to the Department any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the Licensee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Licensee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; clean up actions taken and status; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. For noncompliance events related to sanitary sewer overflows, bypass events, or unauthorized discharges, these reports must include the data described above (with the exception of time of discovery) as well as the type of event (e.g., sanitary sewer overflow, bypass, unauthorized discharge); type of sanitary sewer overflow structure (e.g., manhole); the discharge location address and latitude/longitude; type of water discharged; discharge volumes and volumes recovered; volume discharged to surface waters and receiving waterbody name; types of human health and environmental impacts of the sanitary sewer overflow, bypass event, or unauthorized discharge (e.g., beach closure); whether the noncompliance was caused by a third party; and whether the noncompliance was related to wet weather. The written submission may be provided electronically using the Department's Business Portal at http://www.fldepportal.com/go/ (via "Submit" followed by "Report" or

"Registration/Notification"). Notice required for public notice of pollution under paragraph (d) may be provided together with the written submission using the Business Portal. All noncompliance events related to sanitary sewer overflows or bypass events submitted after (September 14, 2021), shall be submitted electronically.

1. The following shall be included as information which must be reported within 24 hours under this condition:

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

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

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

d. Any unauthorized discharge to surface or ground waters, except for discharges to ground water of reclaimed water meeting Part III or Part V treatment standards under Chapter 62-610, F.A.C.

2. Oral reports as required by this subsection shall be provided as follows:

a. For unauthorized releases or spills of treated or untreated wastewater reported pursuant to subparagraph 1.d. above, that are in excess of 1,000 gallons per incident, or where information indicates that public health or the environment will be endangered, oral reports shall be provided to the Department by calling the State WATCH OFFICE toll free number (800)320-0519, as soon as practicable, but no later than 24 hours from the time the Licensee becomes aware of the discharge. The Licensee, to the extent known, shall provide the following information to the State Watch Office:

(1) Name, address, and telephone number of person reporting,

(2) Name, address, and telephone number of Licensee or responsible person for the discharge,

(3) Date and time of the discharge and status of discharge (ongoing or ceased),

(4) Characteristics of the wastewater spilled or released (untreated or treated, industrial or domestic wastewater),

(5) Estimated amount of the discharge,

(6) Location or address of the discharge,

(7) Source and cause of the discharge,

(8) Whether the discharge was contained on-site, and cleanup actions taken to date,

(9) Description of area affected by the discharge, including name of water body affected, if any; and,

(10) Other persons or agencies contacted.

b. Oral reports, not otherwise required to be provided pursuant to

subparagraph 2.a., above, shall be provided to the Department within 24 hours from the time the Licensee becomes aware of the circumstances.

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

4. In accordance with Section 403.077, F.S., unauthorized releases or spills reportable to the State Watch Office pursuant to subparagraph 2.a. above shall also be reported to the Department within 24 hours from the time the Licensee becomes aware of the discharge. The Licensee shall provide to the Department information reported to the State Watch Office. Notice of unauthorized releases or spills may be provided to the Department through the Department's Public Notice of Pollution web page at https://floridadep.gov/pollutionnotice or by reporting electronically using the Department's Business Portal at http://www.fldepportal.com/go/ (via "Submit" followed by "Report" or "Registration/Notification").

a. If, after providing notice pursuant to paragraph (d) above, the Licensee determines that a reportable unauthorized release or spill did not occur or that an amendment to the notice is warranted, the Licensee may submit a letter to the Department documenting such determination at pollution.notice@floridadep.gov.

b. If, after providing notice pursuant to paragraph 4. above, the Licensee discovers that a reportable unauthorized release or spill has migrated outside the property boundaries of the installation, the Licensee must provide an additional notice to the Department that the release has migrated outside the property boundaries within 24 hours after its discovery of the migration outside of the property boundaries.

5. Unless discharged to surface waters, a spill, release, discharge, upset or bypass involving reclaimed water meeting Part III or Part V treatment standards under Chapter 62-610, F.A.C., shall not be considered to endanger health or the environment and shall be reported under subsection (21) of Rule 62-610, F.A.C..

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

C. Bypass Provisions

1. Bypass is prohibited, and the Department may take enforcement action against a Licensee for bypass, unless the Licensee affirmatively demonstrates that:

a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and,

b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,

c. The Licensee submitted notices as required under Condition XXXIV. Water Discharges, paragraph C.2.

2. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Department, if possible at least 10 days before the date of the bypass. The permittee shall submit notice of an unanticipated bypass within 24 hours of learning about the bypass as required in Condition XXXIV. Water Discharges, paragraph B, above. A notice shall include a description of the bypass and its cause; the period of the bypass, including exact dates and times; if the bypass has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.

3. The Department shall approve an anticipated bypass, after considering its adverse effect, if the Licensee demonstrates that it will meet the three conditions listed in Condition XXXIV. Water Discharges, paragraph C.1., above.

4. A Licensee may allow any bypass to occur which does not cause reclaimed water or effluent limitations to be exceeded if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of Condition XXXIV. Water Discharges, paragraph C.1., above.

[Chapter 403, F.S.; Rule 62-620.610(22), F.A.C.]

D. Upset Provisions

1. A Licensee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

a. An upset occurred and that the Licensee can identify the cause(s) of the upset,

b. The certified facility was at the time being properly operated,

c. The License submitted notice of the upset as required in Condition XXXIV. Water Discharges, paragraph B.; and,

d. The Licensee complied with any remedial measures required.

2. In any enforcement proceeding, the burden of proof for establishing the occurrence of an upset rests with the Licensee.

3. Before an enforcement proceeding is instituted, no representation made during the Department review of a claim that noncompliance was caused by an upset is final agency action subject to judicial review.

[Chapter 403, F.S.; Rule 62-620.610(23), F.A.C.]

XXXV. 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.

[Chapter 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 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 Very Small Quantity Generator (VSQG). VSQGs 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 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 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 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. 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 public by submitting a Public Notice of Pollution, https://prodenv.dep.state.fl.us/DepPNP/user/pnpRequest, as soon as possible, but not later than 24 hours after discovery of the release.

3. 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.

4. 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 Chapters 376 or 403, F.S., that result in legal responsibility for site rehabilitation pursuant to those chapters. This responsibility for site rehabilitation does not affect any activity or discharge permitted or exempted pursuant to Chapters 376 or 403, F.S., or rules promulgated pursuant to Chapters 376 or 403, F.S.

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

XXXVI. 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 any condition or situation indicating that a release or discharge may have occurred from a storage tank system or system component shall be made to the County in writing or electronic format on Form 62-761.900(6), Incident Notification Form (INF), within 72 hours of discovery or before the close of the County's next business day.

B. Discharge Reporting Requirements

Notification of the discovery of a discharge of a regulated substance shall be made to the county in writing or electronic format on Form 62-761.900(1), Discharge Report Form (DRF) within 24 hours of the discovery or before the close of the County's next business day, unless the discovery is a non-petroleum, de minimis discharge referenced in Rule 62-780.550, F.A.C., or a petroleum or petroleum product de minimis discharge referenced in Rule 62-780.580(1), F.A.C. A de minimis discharge is exempt from the notification requirements as long as discharge is removed and properly treated or properly disposed, or otherwise remediated pursuant to the applicable provisions of Chapter 62-780, F.A.C.

C. Discharge Cleanup

If a discharge of a regulated substance occurs at the 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. On-Site Sewage Treatment and Disposal

1. The approval to operate the existing septic tank system is subject to the non-procedural provisions of Chapter 403, F.S., as well as applicable portions of §381.0065, F.S., and Chapter 62-6, F.A.C. The Licensee is approved to continue to operate the existing, permitted septic tank system as shown on any previously submitted and approved drawings, plans, and other documents attached thereto or on file with the DEP or the Polk County Health Department and made a part thereof. The system, as approved, is sized for 22 employees at 35 gallons per day (gpd) for a total of 770 gpd.

2. All septage material removed from the septic tank system will be disposed of offsite in an authorized manner. No septage is to be disposed of onsite.

3. As the facility is an industrial-equivalent zoned activity an annual inspection by a representative of the Polk County Department of Health will be required to verify ongoing compliance with the requirements of §381.0065(4)(i), F.S., along with payment of the associated annual operating fee under Rule 62-6, F.A.C., (currently $150.00 per year as of March 2022). Pursuant to §403.511(1), F.S., this shall not be construed as requiring DEF to obtain separate permits for operation of the on-site sewage treatment and disposal system.

[Section 381.0065(4)(i)3, F.S.; Applicant Agreement]

4. Should the on-site sewage treatment and disposal system require repair, replacement, modification, or abandonment, such action shall be taken in accordance with the non-procedural requirements of Chapter 62-6, F.A.C., and §381.0065, F.S. Such requests will be processed in accordance with Section A. General Conditions, Condition XXI. Procedures for Post-Certification Submittals, unless the Department determines that either an amendment or a modification to the Conditions will be required. In such a case the amendment request will be processed in accordance with Section A. Condition XXIII. Post-Certification Amendments, and a modification request will be processed in accordance with Section A. Condition XXIV. Modification of Certification.

[Section 381.0065(4), F.S.; Rule 62-6, F.A.C.]

B. Potable Water Supply

1. The approval to operate the existing potable water distribution system is subject to the non-procedural provisions of Chapter 403, F.S., and applicable portions of Chapters 62-500 and 62-699, F.A.C. The Licensee is approved to continue to operate the existing, permitted potable water system as shown on any previously submitted and approved drawings, plans, and other documents attached thereto or on file with the DEP or the Polk County Department of Health and made a part thereof.

2. A Department of Health and Rehabilitative Services certified laboratory shall test the potable water system water quality annually for coliform bacteria and submit the results to the Polk County Health Department. The system shall otherwise be operated in accordance with section 381.0062, F.S. and Rule 10D-4, F.A.C.

3. Pursuant to Rule 62-555.540, F.A.C., any proposed extension of the potable water system may be undertaken following the filing with the DEP a completed copy of DEP Form 62-555.910(1), F.A.C. Such form shall be submitted no later than 90 days prior to beginning work on the extension of the distribution system to serve the new connections. This activity shall be subject to the requirements of Rules 62-555.540, F.A.C. and 62-17.211, F.A.C.

[Chapter 403, F.S.; Chapter 62-555 and Rule 62-17.211, F.A.C.]

C. Industrial Wastewater

1. Contact stormwater (rainfall that has come in contact with industrial equipment or processes) runoff is to be completely contained and recycled as process water or entered into the process wastewater stream directly.

[Original Certification, 6/24/1998]

2. Stormwater and industrial wastewater may be transferred to DEF's Hines Energy Complex by way of connecting pipeline.

[Site Certification Application Modification B Final Order, 4/26/2004]

D. Waste Management

1. No solid or hazardous waste is to be permanently stored onsite.

2. Salt cake from the industrial wastewater treatment and cooling water systems is to be sent off-site for disposal.

3. Sanitary waste septage from the septic tank system is to be collected and delivered off-site for disposal.

[Original Certification, 6/24/1998]

E. Wastewater Facility

The Licensee shall give the Department written notice at least 60 days before inactivation or abandonment of a wastewater facility and shall specify what steps will be taken to safeguard public health and safety during and following inactivation or abandonment.

[Rule 62-620.610(15), F.A.C.]

II. SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT(S)

A. Authorized Groundwater Withdrawal Amount

1. The total quantity of groundwater withdrawal authorized for this facility is:

AVERAGE: 1,700,000 gpd
PEAK MONTHLY: 2,100,000 gpd

2. Authorized groundwater withdrawal points:

I.D. No. (Licensee/WMDs)	Location	Diameter	Depth (total/cased)	Use[1]	MGD Average	Per Day Peak Monthly
P1/1	Lat: 27 44 43 Long: 81 50 59	16 in	800 ft / 360 ft	I/C	1.7[2]	2.1[2]
P2/2	Lat: 27 44 43 Long: 81 50 58	16 in	800 ft / 360 ft	I/C	1.7[2]	2.1[2]
P1/1 and P2/2 Combined					1.7	2.1

P3/3	Lat: 27 44 43 Long: 81 50 58	4 in	500 ft / 360 ft	I/C	0.001	0.002

[1] I/C=Industrial or Commercial

[2] Note that the total withdrawals can all be from either well or partially from both, but the total from both wells cannot exceed the combined value.

B. Reporting Requirements

All reports required by these Conditions to be submitted to the Southwest Florida Water Management District shall be submitted to the District on or before the tenth day of the month following data collection and shall be addressed to:

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

Unless otherwise indicated, three copies of each plan or report are required by these Conditions except reports of pumpage, rainfall, evapotranspiration, water level or water quality data, which require one copy.

C. Meter Readings

Within 90 days of Certification issuance, completion of construction of the withdrawal facility or prior to activation of a stand-by source, District ID Nos. 1 and 2, Licensee ID Nos. P1 and P2, shall be equipped with non-resetable, totalizing flow meter(s), or other measuring device(s) as approved in writing by the Water Use Permit Bureau Chief, unless an extension is granted by the Chief. Such device(s) shall have and maintain an accuracy within five percent of the actual flow as installed. Total withdrawal and meter readings from each metered withdrawal shall be recorded on a monthly basis and reported to the Permits Data Section (using District forms) on or before the tenth day of the following month. If a metered withdrawal is not utilized during a given month, a report shall be submitted to the Permits Data Section indicating zero gallons. Prior to meter installation, non-use shall be documented with monthly pumpage reports indicating zero gallons withdrawn.

D. Water Quality Sampling

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

District ID No.	Licensee ID No.	Minimum Pumping Time (minutes)	Parameter	Sampling Frequency
1	P1	30	TDS, Chlorides, Sulfates	February, May, August, November

2. Water quality samples shall be collected based on the following timetable:

Weekly:	Same day of each week
Monthly:	Same week of each month
Quarterly:	Same week of months specified
Semi-annually:	Same week of months specified

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

3. The SWFWMD shall collect water samples from any withdrawal point listed in these Conditions or shall require the Licensee to submit water samples when the District determines there is a potential for adverse impacts to water quality.

E. Well Construction

The Licensee shall construct the Certified wells according to the surface diameter and casing depth specifications below. The casing depth specified is to prevent the unauthorized interchange of water between different water bearing zones. If a total depth is listed below, this is an estimate, based on best available information, of the depth that at which high producing zones are encountered. However, it is the Licensee‘s responsibility to have the water in the well sampled, during well construction, before reaching the estimated total depth. Such sampling is necessary to ensure that the well does not encounter water quality that cannot be utilized by the Licensee and to ensure that withdrawals from the well will not cause salt-water intrusion.

District ID No.	Licensee ID No.	Surface Diameter	Minimum Casing Depth	Estimated Total Depth
1	P1	16 in.	360 ft.	800 ft.
2	P2	16 in.	360 ft.	800 ft.
3	P3	4 in.	360 ft.	500 ft.

NOTE *The casing shall be continuous from land surface to the minimum depth stated above.*

All well casing (including liner; and/or pipe) must be sealed with neat cement to the depth specified above.

The wells shall be constructed of materials that are resistant to degradation of the casing/grout due to interaction with the water of lesser quality. A minimum grout thickness of two (2) inches is required on wells four (4) inches or more in diameter.

A minimum of twenty (20) feet overlap and two (2) centralizers is required for Public Supply wells, and all wells six (6) inches or more in diameter.

The finished well casing depth shall not vary from these specifications by greater than ten (10) percent unless advance approval is granted by the Water Use Permit Bureau Chief, or the Supervisor of the Well Construction Permitting Section in Brooksville.

Advance approval from the Water Use Permit Bureau Chief is necessary should the Licensee propose to change the well location or casing diameter.

F. Other Specific Conditions

1. For the purpose of determining site-specific transmissivity, a step drawdown and constant rate specific capacity test shall be performed on District ID No. 1, Licensee ID No. P1, after the well has been fully developed. The test shall be performed in accordance with the specifications set forth in Design Aid 3.B, Water Use Permit Information Manual, SWFWMD. The recorded raw data shall be submitted to the Permits Data Section within thirty days of completion of the well.

2. In the event the SWFWMD declares that a Water Shortage exists pursuant to Chapter 40D-21, the Department shall alter, modify, or declare inactive all or parts of these Conditions as necessary to address the water shortage.

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

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

5. The Licensee shall mitigate any adverse impact to existing legal uses caused by withdrawals. When adverse impacts occur or are imminent, the District may require the Licensee to mitigate the impacts. Adverse impacts include:

a. A reduction in water levels which impairs the ability of a well to produce water;

b. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams or other watercourses; or

c. Significant inducement of natural or manmade contaminants into a water supply or into a usable portion of an aquifer or water body.

6. The District may establish special regulations for Water-Use Caution Areas. At such time as the District's Governing Board adopts such provisions, this certification shall be subject to them upon notice and after a reasonable period for compliance.

G. Transfer of authorized Upper Floridan aquifer groundwater withdrawal to DEF's Hines Energy Complex.

1. An interim water supply shortage shall mean a shortage of previously authorized process and cooling water sources which results in the inability of PEF to prevent the operational water level of the Hines cooling pond from being lowered below an elevation of 158.5 feet National Geodetic Vertical Datum (NGVD). If the water level becomes less than 158.5 feet NGVD, despite all reasonable efforts by PEF to prevent such lowering of water level by utilizing all previously authorized water sources to the greatest extent practicable, DEF is authorized until November 30, 2035, to transfer Upper Floridan aquifer groundwater authorized to be used at DEF's Tiger Bay facility to the Hines cooling pond. When the water level in the Hines cooling pond rises to an elevation of 158.5 feet NGVD, and DEF is able to successfully maintain the water level at or above 158.5 feet NGVD for seven (7) consecutive days, the water supply shortage shall be considered to have ended and DEF shall discontinue the use of transferred groundwater from Tiger Bay.

2. The quantity of groundwater authorized for use at the Tiger Bay facility shall be reduced by the amount of that source being transferred to the Hines cooling pond during the water

supply shortage. At no time will the groundwater quantities produced at the Tiger Bay facility exceed the permitted quantities for the facility.

3. The monthly groundwater pumpage reports required to be submitted to SWFWMD, per Section B. Condition II. Southwest Florida Water Management District, paragraph C., shall include a breakdown of quantities produced for use at the Tiger Bay facility, water shortage transfer to the Cooling Pond at the Hines Energy Complex, and for flushing the pipelines associated with water conveyance to the Hines Energy Complex.

III. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

A. General Listed Species Surveys

1. The Licensee shall follow the current survey protocols for all listed species that may occur within the Certified facility area to be impacted, as well as accessible appropriate buffers within the Licensee property or rights-of-way as defined by the listed species survey protocols, prior to conducting detailed surveys. Guidance related to general and species-specific survey protocols can be found in FWC's Florida Wildlife Conservation Guide (FWCG) at http://myfwc.com/conservation/value/fwcg/.

2. Surveys shall be conducted prior to clearing and construction in accordance with the survey protocols. The results of those surveys shall be provided to the FWC in a report and coordination shall occur with the FWC on appropriate impact avoidance, minimization, or mitigation methodologies. Reports may be sent to: ConservationPlanningServices@MyFWC.com.

[Article IV, Section 9, Florida Constitution; Sections 379.2291, 403.507, F.S.; Chapter 68A-27 and Rule 62-17.191, F.A.C.]

B. Specific Listed Species Surveys

For any new construction, or associated land clearing within a Certified facility(ies) area to be impacted, the Licensee shall conduct an assessment for terrestrial listed species and shall note all habitat, occurrence, or evidence of listed species. Wildlife surveys shall be conducted during the reproductive or "Active" season for each species that falls before the projected clearing activity schedule unless otherwise approved by the FWC. For species that are difficult to detect, the Licensee may make the assumption that the species is present and plan appropriate avoidance/mitigation measures for FWC post-Certification review and approval at least 60 days prior to commencing clearing or construction activities within the surveyed area. The surveys required by these Conditions of Certification may also be conducted prior to issuance of the final order of certification, in which case this Condition would be considered satisfied.

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

2. FWC's survey protocols may be downloaded from https://myfwc.com/wildlifehabitats/wildlife/species-guidelines/.

3. FWC's permitting guidelines for the gopher tortoise may be downloaded from https://myfwc.com/media/11854/gt-permitting-guidelines.pdf.

4. This survey shall identify locations of breeding sites, nests, and burrows for listed wildlife species. Nests and burrows shall be recorded with global positioning system (GPS) coordinates, identified on an aerial photograph, and submitted with the final listed species report. Location should be physically marked so that clearing and construction shall avoid impacting them.

5. This survey shall include an estimate of the acreage and percent cover of each existing vegetation community that is contained within the Certified Site area to be impacted prior to land clearing and construction activities using a geographic information system (GIS). Examples of such wildlife-based habitat classification schemes include Florida's State Wildlife Action Plan[1] (FWC 2019) or the Natural Communities Guide[2] (Florida Natural Areas Inventory 2010).

[Article IV, Section 9, Florida Constitution; Sections 379.2291, F.S.; Chapters 68A-4, 68A-16, 68A-27, and Rule 62-17.191, F.A.C.]

1 Florida Fish and Wildlife Conservation Commission (FWC). 2019. Florida's Wildlife Legacy Initiative: Florida's State Wildlife Action Plan. Tallahassee, Florida.
2 Florida Natural Areas Inventory. 2010. Guide to the Natural Communities of Florida: 2010 edition. Florida Natural Areas Inventory, Tallahassee, Florida.

C. Listed Species Locations

1. Where any suitable habitat or evidence is found of the presence of listed species, including but not limited to those specified in Paragraph D., below, within the Certified Site to be impacted, the Licensee shall report those locations to and confer with the FWC regarding the need for additional pre-clearing surveys, and to identify potential avoidance, minimization, or mitigation recommendations. If additional pre-clearing surveys are required by the FWC as appropriate and as specified in these Conditions of Certification, they shall occur in the reproductive season prior to the anticipated date for the start of construction within the Certified Site to be impacted. The Licensee shall not construct in areas where evidence of listed species was identified during the initial survey until the particular listed species issues have been resolved.

2. If listed wildlife species are found, their presence shall be reported to the DEP Siting Coordination Office, the appropriate DEP District Office(s), the FWC, USFWS, and other agencies as appropriate.

3. If avoidance of state-listed wildlife species is not feasible, the Licensee shall consult with the FWC to determine the steps appropriate for the species potentially impacted to avoid, minimize, mitigate, or otherwise appropriately address the potential impacts. These steps shall be memorialized in a Wildlife Species Management Plan and submitted to the FWC.

[Article IV, Section 9, Florida Constitution; Section 379.2291, F.S.; Chapter 68A-27and Rule 62-17.191, F.A.C.]

D. Gopher Tortoise

1. The Licensee shall conduct surveys for gopher tortoise (*Gopherus polyphemus*), in accordance with the FWC-approved Gopher Tortoise Management Plan (as revised) and the FWC-approved Gopher Tortoise Permitting Guidelines, or subsequent FWC-approved versions of the Plan or Guidelines. A burrow survey covering a minimum of 15 percent of the potential gopher tortoise habitat to be impacted is required. Immediately prior to capturing tortoises for relocation, a 100 percent survey is required to effectively locate and mark all potentially occupied tortoise burrows and to subsequently remove the tortoises. Burrow survey methods are outlined in Appendix 4 of the Gopher Tortoise Permitting Guidelines, "Methods for Locating Gopher Tortoise Burrows on Sites Slated for Development." Surveys must be conducted as described in Paragraph D.3., below. All surveys completed by authorized agents or other licensees are subject to field verification by FWC.

2. The Licensee is not required to provide a monitoring compliance assessment for activities that occur more than 25 feet from a gopher tortoise burrow entrance, provided that such activities do not harm gopher tortoises or violate rules protecting gopher tortoises. Examples of such

violations noted in the past by the FWC include, but are not limited to, killing or injuring a tortoise more than 25 feet away from its burrow, harassing a tortoise by blocking access to its burrow, and altering gopher tortoise habitat to such an extent that resident tortoises are taken.

3. The Licensee shall coordinate with and provide the FWC detailed gopher tortoise relocation information in accordance with the FWC-approved Gopher Tortoise Management Plan and Gopher Tortoise Permitting Guidelines as a post-Certification submittal. This information shall provide details on the location for on-site recipient areas and any off-site FWC-approved temporary contiguous habitat, as well as appropriate mitigation contributions per tortoise, as outlined in the Gopher Tortoise Permitting Guidelines.

4. Any commensal species observed during the burrow excavations that are listed by the FWC shall be relocated in accordance with the applicable guidelines for that species in accordance with Appendix 9 of the Gopher Tortoise Permitting Guidelines.

5. To the maximum extent practicable or feasible, all staging, and storage areas shall be sited to avoid impacts to gopher tortoise burrows and habitat.

[Article IV, Sec. 9, Florida Constitution; Sections 379.2291, 403.507, 403.526, and 403.5113, F.S.; Chapter 68A-27 and Rule 62-17.191, FA.C.]

IV. 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.]

V. DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

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

[Chapter 487, F.S.]

HISTORY

Certification issued 06/24/98; signed by Governor Chiles

Modification A issued 03/17/03; signed by Siting Administrator Oven
Modification B issued 04/26/04; signed by Siting Administrator Oven
Modification C issued 07/10/06; signed by Siting Administrator Oven
Modification D issued 11/29/06; signed by Siting Administrator Oven
Modification E issued 02/09/10; signed by Siting Administrator Halpin
Modification F issued 05/25/2022; signed by Siting Administrator Mulkey

ATTACHMENT A: Maps

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 Tiger Bay 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 Tiger Bay Plant must either replace the systems or construct an alternative design.

5. The Tiger Bay 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 Tiger Bay Plant shall immediately notify the Department by telephone whenever a serious problem occurs at this facility. Notification shall be made to the Southwest District Office at (813)470-5700. Within 7 days of telephone notification, a report shall be submitted electronically or in writing to the Department using Form 62-330.311(1), "Operation and Maintenance Inspection Certification," describing the extent of the problem, its cause, the remedial actions taken to resolve the problem.

7. The following operational maintenance activities shall be performed on approved systems on a regular basis or as needed:

(1) Removal of trash and debris from the surface water management systems,

(2) Inspection of culverts, culvert risers, pipes and screwgates for damage, blockage, excessive leakage or deterioration, if applicable,

(3) Inspection of stormwater berms, if applicable,

(4) Inspection of pipes for evidence of lateral seepage,

(5) Inspection of flapgates for excessive backflow or deterioration, if applicable,

(6) Removal of sediments when the storage volume or conveyance capacity of the surface water management system is below design levels,

(7) Stabilization and restoration of eroded areas,

(8) Inspection of pump stations for structural integrity and leakage of fuel or oil to the ground or surface water, if applicable, and

(9) Inspection of monitoring equipment, including pump hour meters and staff gauges, for damage and operational status, if applicable.

8. In addition to the practices listed above, specific operational maintenance activities are required, if applicable, depending on the type of approved system, as follows:

(1) Overland flow systems shall include provisions for:

a. Mowing and removal of clippings, and

b. Maintenance of spreader swales and overland flow areas to prevent channelization.

(2) Spray irrigation systems for reuse/disposal shall include provisions for:

a. Inspection of the dispersal system, including the sprayheads or perforated pipe for damage or clogging, and

b. Maintenance of the sprayfield to prevent channelization.

(3) Treatment systems which incorporate isolated wetlands shall include provisions for:

a. Stabilization and restoration of channelized areas, and

b. Removal of sediments which interfere with the function of the wetland or treatment system.

ATTACHMENT C: Mitigation Requirements/Plans (if applicable)

ATTACHMENT D: Groundwater Monitoring Requirements (if applicable)