

**BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

|                                      |   |                      |
|--------------------------------------|---|----------------------|
| In Re: Hardee Power Partners Limited | ) |                      |
| Hardee Power Station Unit 2B         | ) |                      |
| Modification of Conditions           | ) | OGC Case No. 99-1050 |
| of Certification, PA 89-25C          | ) |                      |
| Hardee County, Florida               | ) |                      |
| _____                                | ) |                      |

**FINAL ORDER MODIFYING  
CONDITIONS OF CERTIFICATION**

By a Final Order dated November 27, 1990, the Governor and Cabinet, sitting as the Siting Board, granted certification to co-applicants TECO Power Services Corporation, Tampa Electric Company, and Seminole Electric Cooperative, Inc., for the construction and operation of a combined-cycle power station known as the Hardee Power Station, including directly associated electrical transmission lines, a natural gas pipeline, and other directly associated facilities. The Hardee Power Station is an existing electric power generating plant with a nominal capacity of 295 megawatts (MW) located approximately 3.5 miles north of State Road 62 on County Road 663 in Fort Green Springs, at the Polk and Hardee County lines in Florida. The plant presently consists of a combined-cycle unit, a simple-cycle unit, fuel oil storage, and ancillary support equipment. The combined-cycle unit includes two General Electric Model 7EA combustion turbines with electrical generators, two unfired heat recovery steam generators (HRSG), and a common steam turbine. The simple-cycle unit is also a General Electric Model 7EA combustion turbine with electrical generator. Each combustion turbine is fired primarily with natural gas. Low sulfur distillate oil is fired as a backup fuel.

The Conditions of Certification were modified on August 12, 1991, to substitute Hardee Power Partners Limited for TECO Power Services Corporation as a responsible party under the conditions. The conditions were modified on October 28, 1991, to allow the use of steel instead of wood for transmission line structures in the Cecil M. Webb Wildlife Management Area in Charlotte County, Florida.

On June 18, 1999, Hardee Power Partners Limited filed a request to modify the Conditions of Certification pursuant to Section 403.516, Florida Statutes, and Condition XXI of the Conditions of Certification, which delegates authority to the Department to modify conditions. Hardee Power Partners Limited requested that the conditions be modified to allow the construction and operation of one additional General Electric Model No. PG7121 (7EA) dual-fuel, simple-cycle, combustion turbine with electrical generator set to produce a nominal 75 MW of electricity. The addition of this unit also required a modification of Prevention of Significant Deterioration (PSD) permit number PSD-FL-140A. The final PSD permit with the modification addressing the addition of the new unit was issued on October 8, 1999. The new unit will use the existing infrastructure, including oil storage and support equipment. Dry low-NOx (DLN) combustion technology will be used to control nitrogen oxide emissions when firing

the primary fuel of natural gas. Water injection will be used to control nitrogen oxide emissions when firing low sulfur distillate oil as a backup fuel for up to 876 hours per year. Combustion design and clean fuels will be used to minimize emissions of carbon monoxide, particulate matter, sulfuric acid mist, sulfur dioxide, and volatile organic compounds. Emissions will exit the combustion turbine through a rectangular stack that is 85 feet in height. The applicant identifies the new combustion turbine as Unit 2B.

On July 12, 1999, all parties to the original proceeding were sent a Notice of Receipt of Proposed Modification of Power Plant Certification. On May 4, 2000, all parties to the original proceeding were furnished copies of the Notice of Intent to Issue Proposed Modification of Power Plant Certification and a copy of the proposed final order. On May 12, 2000, a Notice of Intent to Issue Proposed Modification of Power Plant Certification was published in the Florida Administrative Weekly. The notices specified that all parties to the original certification proceeding have 45 days from the issuance of the notice by mail to such party's last address of record in which to object to the requested modification. Failure of any of the parties to file a response constitutes a waiver of objection to the requested modification. The notices further specified that any person who is not already a party to the certification proceeding and whose substantial interest is affected by the requested modification has 30 days from the date of publication of the public notice to object in writing. If no objections are received, then a Final Order approving the modification shall be issued by the Department. If objections are raised and agreement cannot be subsequently reached, then pursuant to § 403.516(1)(c), F.S., the applicant may file a petition for modification seeking approval for those portions of the request for modification to which written objections were timely filed. No written objections to the proposed modifications have been received by the Department. Accordingly, in the absence of any timely objection,

#### **IT IS ORDERED:**

The proposed changes to the Hardee Power Station Conditions of Certification as described in the Department's May 4, 2000, Notice of Intent to Issue Proposed Modifications to Power Plant Certification are **APPROVED**. Pursuant to Section 403.516(1)(b), Florida Statutes, the Conditions of Certification for the Hardee Power Station are **MODIFIED** as follows:

#### **I. GENERAL**

##### **A. Definitions**

1. through 2. - No change.
3. "DEPR" shall mean the Florida Department of Environmental Protection Regulation.
4. No change.
5. ~~"DNR" shall mean the Florida Department of Natural Resources.~~

6. through 7. Renumber to 5. through 6.

7.8."GFWFC" "FWCC" shall mean the Florida ~~Game and Freshwater Fish~~ and Wildlife Conservation Commission.

9. through 23. Renumber to 8. through 22.

B. No change.

C. Applicable Rules

The construction and operation of the HPS shall be in accordance with these Conditions of Certification, the Florida Statutes, and all applicable provisions of at least the following regulations of the Department: Chapters ~~17-2, 17-3, 17-4, 17-5, 17-6, 17-7, 17-12, 17-21, 17-22, 17-25, 17-274, 17-302, and 17-610,~~ 62-4, 62-17, 62-25, 62-256, 62-296, 62-297, 62-301, 62-302, 62-531, 62-532, 62-550, 62-555, 62-560, 62-600, 62-601, 62-604, 62-610, 62-620, 62-621, 62-650, 62-699, 62-660, 62-701, 62-762, 62-767, 62-769, 62-770, and 62-814, Florida Administrative Code (F.A.C.) or their successors as they are renumbered.

AIR (HPPL)

A. Emission Limitations for HPS Unit 1 and Unit 2A

The construction and operation of HPS shall be in accordance with all applicable provisions of Chapters ~~17-2~~ 62-204, 62-210, 62-256, 62-296, 62-701, and 62-704, F.A.C. In addition to the foregoing, HPS shall comply with the following Conditions of Certification as indicated.

1. through 7. - No change.

8. a. through h- No change.

i. ASTM D 1072-80, D 3031-81, D 4084-82 or D 3246-81 for sulfur content of natural gas (I, and A if deemed necessary by ~~DER~~ DEP)

Other ~~DER~~ DEP approved methods may be used for compliance testing after prior Departmental approval.

9. through 11. - No change.

12. The project shall comply with all the applicable requirements of Chapter ~~17-2~~ 62-204, 62-210, 62-256, 62-296, 62-701, and 62-704, Florida Administrative Code (F.A.C.) and the July 1, 1988, version of 40 CFR 60 Subpart GG, Gas Turbines.

13. Any change in the method of operation, fuels, equipment, or phase design, shall be submitted for approval to ~~DER~~ DEP's Bureau of Air Regulation.

14. through 15. - No change.

16. If construction does not commence on the first three units within 18 months of issuance of this certification/permit, then the permittee shall obtain from ~~DER~~ DEP a review and, if necessary, a modification of the control technology and allowable emissions for the unit(s) on which construction has not commenced [40 CFR 52.21(r)(2)]. Units to be constructed in later phases of the project will be reviewed and limitations established under the supplementary review process of the Power Plant Siting Act.

17. Quarterly excess emission reports, in accordance with the July 1, 1988, version of 40 CFR 60.7 and 60.334 shall be submitted to ~~DER~~ DEP's Southwest District office. Annual reports shall be submitted to the District office in accordance with Section 62-297.310(8), F.A.C. Rule 17-2.700(7).

18. Literature of equipment selected shall be submitted as it becomes available. A CT-specific graph of the relationship between NO<sub>x</sub> emissions and water injection, and also another of ambient temperature and heat inputs to the CT shall be submitted to ~~DER~~ DEP's Southwest District Office and the Bureau of Air Regulation.

19. and 20. - No change.

B. Emissions Limits for Unit 2B

1. Performance Restrictions

a. Permitted Capacity: The combustion turbine shall operate only in simple-cycle mode and generate a nominal 75 MW of electrical power. Operation of this unit shall not exceed 880 mmBTU per hour of heat input from firing natural gas nor 950 mmBTU per hour of heat input from firing low sulfur distillate oil. The maximum heat inputs are based on the lower heating value (LHV) of each fuel, an inlet air supply cooled to 59°F, a relative humidity of 60%, an ambient air pressure of 14.7 psi, and 100% of base load. Therefore, maximum heat input rates will vary depending upon ambient conditions and the combustion turbine characteristics. Manufacturer's performance curves, corrected for site conditions or equations for correction to other ambient conditions, shall be provided to the Permitting and Compliance Authorities within 45 days of completing the initial compliance testing. [Design, Rule 62-210.200, F.A.C. (Definition - Potential Emissions)]

b. Allowable Fuels: The combustion turbine shall be fired by pipeline natural gas containing no more than 2 grains of sulfur per 100 dry standard cubic feet of gas. As a backup fuel, the combustion turbine may be fired with No. 2 distillate oil (or a superior grade) containing no more than 0.05% sulfur by weight. Compliance with limits on fuel sulfur content shall be demonstrated by the record keeping requirements and/or the conditions of the Alternate Monitoring Plan specified in this permit. It is noted that these limitations are much more stringent than the NSPS sulfur dioxide limitation and assure compliance with 40 CFR

60.333 and 60.334. [Applicant Request, Rule 62-210.200, F.A.C. (Definition - Potential Emissions)]

c. Hours of Operation: The hours of operation of the combustion turbine are not limited when firing natural gas (8760 hours per year). The combustion turbine shall not fire low sulfur distillate oil for more than 876 hours during any consecutive 12 months. Operation below 50% of baseline operation shall be limited to two (2) hours per unit cycle (breaker open to breaker closed). The permittee shall install, calibrate, operate and maintain fuel flow meters to measure and accumulate the amount of each fuel fired in the combustion turbine. [Applicant Request; Rule 62-212.400, F.A.C. (BACT); Rule 62-210.200, F.A.C. (Definitions - Potential Emissions)]

d. Plant Operation - Problems: If temporarily unable to comply with any of the conditions of the permit due to breakdown of equipment or destruction by fire, wind or other cause, the owner or operator shall notify the Department's Southwest District Office (SWDEP), 3804 Coconut Palm Drive, Tampa, FL 33619-8218, as soon as possible, but at least within one (1) working day, excluding weekends and holidays. The notification shall include: pertinent information as to the cause of the problem; the steps being taken to correct the problem and prevent future recurrence; and where applicable, the owner's intent toward reconstruction of destroyed facilities. Such notification does not release the permittee from any liability for failure to comply with the conditions of this permit and the regulations. [Rule 62-4.130, F.A.C.]

## 2. Emissions Controls

a. Automated Control System: In accordance with the manufacturer's recommendations, the permittee shall install, calibrate, tune, operate, and maintain the General Electric Speedtronic<sup>TM</sup> Gas Turbine Control System. This system shall be designed and operated to monitor and control the gas turbine combustion process and operating parameters including, but not limited to: fuel distribution and staging, turbine speed, load conditions, combustion temperatures, water injection, and fully automated startup, shutdown, and cool-down. [Design; Rule 62-4.070(3); Rule 62-212.400, F.A.C. (BACT)]

b. Combustion Controls: The owner and operators shall employ "good operating practices" in accordance with the manufacturer's recommended operating procedures to control CO, NOx, and VOC emissions. Prior to the required initial emissions performance testing, the combustion turbine, dry low-NOx (DLN) combustors, and Speedtronic<sup>TM</sup> control system shall be tuned to optimize the reduction of CO, NOx, and VOC emissions. Thereafter, these systems shall be maintained and tuned in accordance with the manufacturer's recommendations. [Design, Rules 62-4.070 and 62-212.400, F.A.C.]

c. DLN Combustion Technology: To control NOx emissions when firing natural gas, the permittee shall install, tune, operate and maintain dry low-NOx (DLN) combustors on the combustion turbine. The permittee shall provide manufacturer's emissions performance versus load diagrams for the specific DLN system prior to commencement of operation. [Design, Rules 62-4.070 and 62-212.400, F.A.C.]

d. Water Injection: To control NOx emissions when firing low sulfur distillate oil, the permittee shall install, calibrate and operate an automated water injection system. This system shall be maintained and adjusted to provide the minimum NOx emissions possible by water injection. The permittee shall provide manufacturer's emissions performance versus load diagrams for the specific water injection system prior to commencement of operation. [Design, Rules 62-4.070 and 62-212.400, F.A.C.]

e. Circumvention: The permittee shall not circumvent the air pollution control equipment or allow the emission of air pollutants without this equipment operating properly. [Rule 62-210.650, F.A.C.]

f. Unconfined Particulate Emissions: During the construction period, unconfined particulate matter emissions shall be minimized by dust suppressing techniques such as covering and/or application of water or chemicals to the affected areas, as necessary. [Rule 62-296.320(4)(c), F.A.C.]

### 3. Emissions Standards

a. Emissions Standards Summary: The following table summarizes the emissions standards determined by the Department.

| <u>EU-004: GE Model 7EA Combustion Turbine</u> |                                                                      |                                                                                      |
|------------------------------------------------|----------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| <u>Pollutant</u>                               | <u>Controls<sup>b</sup></u>                                          | <u>Emission Standard</u>                                                             |
| <u>CO</u>                                      | <u>Gas Firing W/DLN, First 12 Months After Initial Startup</u>       | <u>25.0 ppmvd @ 15% oxygen</u><br><u>54.0 pounds per hour</u>                        |
|                                                | <u>Gas Firing W/DLN, After First 12 Months After Initial Startup</u> | <u>20.0 ppmvd @ 15% oxygen</u><br><u>43.0 pounds per hour</u>                        |
|                                                | <u>Oil Firing W/Wet Injection</u>                                    | <u>20.0 ppmvd @ 15% oxygen</u><br><u>43.0 pounds per hour</u>                        |
| <u>NOx</u>                                     | <u>Gas Firing W/DLN</u>                                              | <u>9.0 ppmvd @ 15% oxygen</u><br><u>32.0 pounds per hour</u>                         |
|                                                | <u>Oil Firing W/Wet Injection</u>                                    | <u>42.0 ppmvd @ 15% oxygen</u><br><u>167.0 pounds per hour</u>                       |
| <u>PM/PM10</u>                                 | <u>Fuel Sulfur Specifications and Combustion Design</u>              | <u>Visible emissions ≤ 10% opacity</u><br><u>(PM estimated at 0.002 grains/dscf)</u> |
| <u>SAM<sup>a</sup>/SO2</u>                     | <u>Natural Gas Sulfur Specification</u>                              | <u>2 grain per 100 SCF of gas</u>                                                    |
|                                                | <u>Low Sulfur Distillate Oil Sulfur Specification</u>                | <u>0.05% sulfur by weight</u>                                                        |
| <u>VOC<sup>a</sup></u>                         | <u>Gas Firing W/Combustion Design</u>                                | <u>2.0 ppmvd as methane</u><br><u>2.0 pounds per hour</u>                            |
|                                                | <u>Oil Firing W/Combustion Design</u>                                | <u>4.0 ppmvd as methane</u><br><u>5.0 pounds per hour</u>                            |

a The VOC and SAM standards are synthetic (PSD) minor limits - not BACT limits.

b. DLN means dry low-NO<sub>x</sub> controls. Oil firing is limited to 876 hours during any consecutive 12 months.

b. Carbon Monoxide (CO)

(1) Gas Firing: During the first 12 months after initial startup, CO emissions shall not exceed 54.0 pounds per hour nor 25.0 ppmvd corrected to 15% oxygen based on a 3-hour test average when firing natural gas in the combustion turbine. Thereafter, CO emissions shall not exceed 43.0 pounds per hour nor 20.0 ppmvd corrected to 15% oxygen based on a 3-hour test average when firing natural gas in the combustion turbine.

(2) Oil Firing: When firing low sulfur distillate oil in the combustion turbine, CO emissions shall not exceed 43.0 pounds per hour nor 20.0 ppmvd corrected to 15% oxygen based on a 3-hour test average.

(3) The permittee shall demonstrate compliance with these standards by conducting tests in accordance with EPA Method 10 and the performance testing requirements of this permit. [Rule 62-212.400, F.A.C. (BACT)]

c. Nitrogen Oxides (NO<sub>x</sub>)

(1) Gas Firing: When firing natural gas in the combustion turbine, NO<sub>x</sub> emissions shall not exceed 32.0 pounds per hour nor 9.0 ppmvd corrected to 15% oxygen based on a 3-hour test average. In addition, NO<sub>x</sub> emissions shall not exceed 9.0 ppmvd corrected to 15% oxygen based on a 24-hour block average for data collected from the continuous emissions monitor.

(2) Oil Firing: When firing low sulfur distillate oil in the combustion turbine, NO<sub>x</sub> emissions shall not exceed 167.0 pounds per hour nor 42.0 ppmvd corrected to 15% oxygen based on a 3-hour test average. In addition, NO<sub>x</sub> emissions shall not exceed 42.0 ppmvd corrected to 15% oxygen based on a 3-hour block average for data collected from the continuous emissions monitor.

(3) NO<sub>x</sub> emissions are defined as emissions of oxides of nitrogen measured as NO<sub>2</sub>. The permittee shall demonstrate compliance by conducting tests in accordance with EPA Methods 7E and 20 and the performance testing requirements of this permit. Compliance with the 3-hour and 24-hour block averages shall be demonstrated by collecting and reporting data in accordance with the conditions for the NO<sub>x</sub> continuous emissions monitor specified by this permit. [Rule 62-212.400, F.A.C. (BACT)]

d. Particulate Matter (PM/PM<sub>10</sub>), Sulfuric Acid Mist (SAM) and Sulfur Dioxides (SO<sub>2</sub>).

(1) Fuel Specifications: Emissions of PM, PM<sub>10</sub>, SAM, and SO<sub>2</sub> shall be limited by the good combustion techniques and the fuel sulfur limitations specified in this permit. The permittee shall demonstrate compliance with the fuel sulfur limits

by maintaining records of the sampling and analysis required by this permit and/or as specified in the provisions of the Alternate Monitoring Plan. [Rule 62-212.400, F.A.C. (BACT)]

(2) VE Standard: As a surrogate for PM/PM<sub>10</sub> emissions, visible emissions from the operation of the combustion turbine shall not exceed 10% opacity, based on a 6-minute average. The permittee shall demonstrate compliance with this standard by conducting tests in accordance with EPA Method 9 and the performance testing requirements of this permit. [Rule 62-212.400, F.A.C. (BACT)]

e. Volatile Organic Compounds (VOC)

(1) Gas Firing: When firing natural gas in the combustion turbine, VOC emissions shall not exceed 2.0 pounds per hour nor 2.0 ppmvd based on a 3-hour test average.

(2) Oil Firing: When firing low sulfur distillate oil in the combustion turbine, VOC emissions shall not exceed 5.0 pounds per hour nor 4.0 ppmvd based on a 3-hour test average.

(3) The VOC emissions shall be measured and reported in terms of methane. The permittee shall demonstrate compliance with these standards by conducting tests in accordance with EPA Methods 18, 25, and/or 25A and the performance testing requirements of this permit. [Application, Design, Rule 62-4.070(3), F.A.C.]

4. Excess Emissions

a. Excess Emissions Prohibited: Excess emissions caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure that may reasonably be prevented during startup, shutdown, or malfunction shall be prohibited. These emissions shall be included in the calculation of the 24-hour NO<sub>x</sub> averages for compliance determinations. [Rule 62-210.700, F.A.C.]

b. Excess Emissions Allowed: Excess emissions resulting from startup, shutdown, or malfunction of the combustion turbine shall be permitted provided that best operational practices are adhered to and the duration of excess emissions shall be minimized. Excess emissions resulting from startup to simple-cycle mode shall not exceed one (1) hour. In no case shall excess emissions from startup, shutdown, and malfunction exceed two hours in any 24-hour period. If excess emissions occur due to malfunction, the owner or operator shall notify the SWDEP within one (1) working day of: the nature, extent, and duration of the excess emissions; the cause of the excess emissions; and the actions taken to correct the problem. [Applicant Request, Vendor Data and Rule 62-210.700, F.A.C.]

5. Emissions Performance Testing

a. Combustion Turbine Testing Capacity: Testing of emissions shall be conducted with the combustion turbine operating at permitted capacity. Permitted

capacity is defined as 90-100 percent of the maximum heat input rate allowed by the permit, corrected for the average ambient air temperature during the test (with 100 percent represented by a curve depicting heat input vs. ambient temperature). If it is impracticable to test at permitted capacity, the source may be tested at less than permitted capacity. However, subsequent operation is limited by adjusting the entire heat input vs. ambient temperature curve downward by an increment equal to the difference between the maximum permitted heat input (corrected for ambient temperature) and 110 percent of the value reached during the test until a new test is conducted. Once the unit is so limited, operation at higher capacities is allowed for no more than 15 consecutive days for the purposes of additional compliance testing to regain the permitted capacity. Emissions performance tests shall meet all applicable requirements of Chapters 62-204 and 62-297, F.A.C. [Rule 62-297.310(2), F.A.C.]

b. Calculation of Emission Rate: The indicated emission rate or concentration shall be the arithmetic average of the emission rate or concentration determined by each of the three separate test runs unless otherwise specified in a particular test method or applicable rule. [Rule 62-297.310(3), F.A.C.]

c. Applicable Test Procedures

(1) Required Sampling Time.

(a) Unless otherwise specified in the applicable rule, the required sampling time for each test run shall be no less than one hour and no greater than four hours, and the sampling time at each sampling point shall be of equal intervals of at least two minutes. [Rule 62-297.310(4)(a)1., F.A.C.]

(b) The minimum observation period for a visible emissions compliance test shall be sixty (60) minutes. The observation period shall include the period during which the highest opacity can reasonably be expected to occur. [Rule 62-297.310(4)(a)2., F.A.C.]

(2) Minimum Sample Volume. Unless otherwise specified in the applicable rule or test method, the minimum sample volume per run shall be 25 dry standard cubic feet. [Rule 62-297.310(4)(b), F.A.C.]

(3) Calibration of Sampling Equipment. Calibration of the sampling train equipment shall be conducted in accordance with the schedule shown in Table 297.310-1, F.A.C. [Rule 62-297.310(4)(d), F.A.C.]

d. Determination of Process Variables

(1) Required Equipment. The owner or operator of an emissions unit for which compliance tests are required shall install, operate, and maintain equipment or instruments necessary to determine process variables, such as process weight input or heat input, when such data are needed in conjunction with emissions data to determine the

compliance of the emissions unit with applicable emission limiting standards. [Rule 62-297.310(5)(a), F.A.C.]

(2) Accuracy of Equipment. Equipment or instruments used to directly or indirectly determine process variables, including devices such as belt scales, weight hoppers, flow meters, and tank scales, shall be calibrated and adjusted to indicate the true value of the parameter being measured with sufficient accuracy to allow the applicable process variable to be determined within 10% of its true value. [Rule 62-297.310(5)(b), F.A.C.]

e. Sampling Facilities: The permittee shall design the combustion turbine stack to accommodate adequate testing and sampling locations in order to determine compliance with the applicable emission limits specified by this permit. Permanent stack sampling facilities shall be installed in accordance with Rule 62-297.310(6), F.A.C. [Rules 62-4.070 and 62-204.800, F.A.C., and 40 CFR 60.40a(b)]

f. Performance Test Methods: Compliance tests shall be performed in accordance with the following reference methods as described in 40 CFR 60, Appendix A, and adopted by reference in Chapter 62-204.800, F.A.C.

(1) EPA Method 7E, "Determination of Nitrogen Oxide Emissions from Stationary Sources". This method may be used to determine compliance with the annual 3-hour NO<sub>x</sub> limit.

(2) EPA Method 9, "Visual Determination of the Opacity of Emissions from Stationary Sources".

(3) EPA Method 10, "Determination of Carbon Monoxide Emissions from Stationary Sources". All CO tests shall be conducted concurrently with NO<sub>x</sub> emissions tests.

(4) EPA Method 20, "Determination of Oxides of Nitrogen Oxide, Sulfur Dioxide and Diluent Emissions from Stationary Gas Turbines." This test shall be used to determine compliance for the initial performance tests and may be used to determine compliance with the annual 3-hour NO<sub>x</sub> limit.

(5) EPA Methods 18, 25 and/or 25A, "Determination of Volatile Organic Concentrations."

(6) No other test methods may be used for compliance testing unless prior DEP approval is received, in writing, from the DEP Emissions Monitoring Section Administrator in accordance with an alternate sampling procedure pursuant to 62-297.620, F.A.C.

g. Test Notification: The permittee shall notify the SWDEP in writing at least 30 days prior to initial performance tests and at least 15 days prior to any other required tests. [Rule 62-297.310(7)(a)9., F.A.C. and 40 CFR 60.7, 60.8]

h. Initial Tests Required: Initial compliance with the allowable emission standards specified in this permit shall be determined within 60 days after achieving the maximum production rate, but not later than 180 days after initial operation of the emissions unit. Initial tests for emissions from the combustion turbine shall be conducted for CO, NOx, VOC, and visible emissions individually for the firing of natural gas and low sulfur distillate oil. Initial NOx performance test data shall also be converted into the units of the corresponding NSPS Subpart GG emissions standards to demonstrate compliance (see Appendix GG). [Rule 62-297.310(7)(a)1., F.A.C.]

i. Annual Performance Tests: Annual performance tests for CO, NOx, and visible emissions from the combustion turbine shall be conducted individually for the firing of natural gas and low sulfur distillate oil. Tests required on an annual basis shall be conducted at least once during each federal fiscal year (October 1<sup>st</sup> to September 30<sup>th</sup>). When conducted at permitted capacity, the annual NOx continuous monitor RATA required pursuant to 40 CFR 75 may be substituted for the annual compliance stack test. [Rule 62-297.310(7)(a)4., F.A.C.]

j. Tests Prior to Permit Renewal: During the federal fiscal year (October 1<sup>st</sup> to September 30<sup>th</sup>) prior to renewing the air operation permit, the permittee shall also conduct individual performance tests for VOC emissions for firing natural gas and low sulfur distillate oil. [Rule 62-297.310(7)(a)3., F.A.C.]

k. Tests After Substantial Modifications: All performance tests required for initial startup shall also be conducted after any substantial modification and appropriate shake-down period of air pollution control equipment including the replacement of dry low-NOx combustors. Shakedown periods shall not exceed 100 days after re-starting the combustion turbine. [Rule 62-297.310(7)(a)4., F.A.C.]

l. VE Tests After Shutdown: Any combustion turbine that does not operate for more than 400 hours per year shall conduct a visible emissions (VE) compliance test once per each five-year period, coinciding with the term of its air operation permit. [Rule 62-297.310(7)(a)8., F.A.C.]

m. Special Compliance Tests: When the Department, after investigation, has good reason (such as complaints, increased visible emissions or questionable maintenance of control equipment) to believe that any applicable emission standard contained in a Department rule or in a permit issued pursuant to those rules is being violated, it shall require the owner or operator of the emissions unit to conduct compliance tests which identify the nature and quantity of pollutant emissions from the emissions unit and to provide a report on the results of said tests to the Department. [Rule 62-297.310(7)(b), F.A.C.]

## 6. Continuous Monitoring Requirements

a. NOx CEM: The permittee shall install, calibrate, operate, and maintain a continuous emission monitoring system (CEMS) to measure and record NOx and

oxygen concentrations in the combustion turbine exhaust stack. A monitor for carbon dioxide may be used in place of the oxygen monitor, but the system shall be capable of correcting the emissions to 15% oxygen. NOx data collected by the CEMS shall be used to demonstrate compliance with the 3-hour and 24-hour block emissions standards for NOx. The block averages shall be determined by calculating the arithmetic average of all hourly emission rates for the respective averaging period. Each 1-hour average shall be expressed in units of ppmvd corrected to 15% oxygen and calculated using at least two valid data points at least 15 minutes apart. Valid hourly emission rates shall not include periods of start up, shutdown, or malfunction unless prohibited by 62-210.700 F.A.C. When NOx monitoring data is not available, substitution for missing data shall be handled as required by Title IV (40 CFR 75) to calculate any specified averaging period.

(1) The monitoring devices shall comply with the certification and quality assurance, and any other applicable requirements of: Rule 62-297.520, F.A.C., including certification of each device in accordance with 40 CFR 60, Appendix B, Performance Specifications 2 and 3; 40 CFR 60.7(a)(5); 40 CFR 60.13; 40 CFR 60, Appendix F; and 40 CFR Part 75. A monitoring plan shall be provided to the DEP Emissions Monitoring Section Administrator, EPA and the SWDEP for review no later than 45 days prior to the first scheduled certification test pursuant to 40 CFR 75.62. The plan shall consist of data on CEM equipment specifications, manufacturer, type, calibration and maintenance needs, and its proposed location.

(2) Continuous emission monitoring data required by this permit shall be collected and recorded during all periods of operation including startup, shutdown, and malfunction, except for continuous monitoring system breakdowns, repairs, calibration checks, and zero and span adjustments. Although recorded, emissions during periods of startup, shutdown and malfunction are subject to the excess emission conditions specified in this permit. When the CEMS reports NOx emissions in excess of the standards allowed by this permit, the owner or operator shall notify the SWDEP within one (1) working day of: the nature, extent, and duration of the excess emissions; the cause of the excess emissions; and the actions taken to correct the problem. The Department may request a written report summarizing the excess emissions incident.  
[Rules 62-204.800, 62-210.700, 62-4.130, 62-4.160(8), F.A.C and 40 CFR 60.7].

## 7. Compliance Demonstrations

a. Records Duration: All measurements, records, and other data required by this permit shall be documented in a permanent, legible format and retained for at least five (5) years following the date on which such measurements, records, or data are recorded. Records shall be made available to DEP representatives upon request. [Rules 62-4.160(14) and 62-213.440(1)(b)2., F.A.C.]

### b. Fuel Records

(1) Natural Gas: The permittee shall demonstrate compliance with the fuel sulfur limit for natural gas specified in this permit by maintaining

records of the sulfur content of the natural gas being supplied for each month of operation. Methods for determining the sulfur content of the natural gas shall be ASTM methods D4084-82, D3246-81 or equivalent methods. These methods shall be used to determine the sulfur content of the natural gas fired in accordance with any EPA-approved custom fuel monitoring schedule (see Alternate Monitoring Plan) or natural gas supplier data or the natural gas sulfur content referenced in 40 CFR 75 Appendix D. The analysis may be performed by the owner or operator, a service contractor retained by the owner or operator, the fuel vendor, or any other qualified agency pursuant to 40 CFR 60.335(e). However, the permittee is responsible for ensuring that the procedures in 40 CFR 60.335 or 40 CFR 75 are used to determine the fuel sulfur content for compliance with the 40 CFR 60.333 SO<sub>2</sub> standard.

(2) Low Sulfur Distillate Oil: For all bulk shipments of low sulfur distillate oil received at this facility, the permittee shall obtain from the fuel vendor an analysis identifying the sulfur content. Methods for determining the sulfur content of the distillate oil shall be ASTM D129-91, D2622-94, or D4294-90 or equivalent methods. Records shall specify the test method used and shall comply with the requirements of 40 CFR 60.335(d). [Rules 62-4.070(3) and 62-4.160(15), F.A.C.]

c. Alternate Monitoring Plan: Subject to EPA approval, the following alternate monitoring may be used to demonstrate compliance.

(1) The NO<sub>x</sub> CEM data may be used in lieu of the monitoring system for water-to-fuel ratio and the reporting of excess emissions in accordance with 40 CFR 60.334(c)(1), Subpart GG. Subject to EPA approval, the calibration of the water-to-fuel ratio-monitoring device required in 40 CFR 60.335(c)(2) will be replaced by the 40 CFR 75 certification tests of the NO<sub>x</sub> CEMS.

(2) The NO<sub>x</sub> CEM data shall be used in lieu of the requirement for reporting excess emissions in accordance with 40 CFR 60.334(c)(1), Subpart GG.

(3) When requested by the Department, the CEMS emission rates for NO<sub>x</sub> on this unit shall be corrected to ISO conditions to demonstrate compliance with the NO<sub>x</sub> standard established in 40 CFR 60.332.

(4) A custom fuel monitoring schedule pursuant to 40 CFR 75 Appendix D for natural gas may be used in lieu of the daily sampling requirements of 40 CFR 60.334 (b)(2) provided the following conditions are met.

(a) The permittee shall apply for an Acid Rain permit within the deadlines specified in 40 CFR 72.30.

(b) The permittee shall submit a monitoring plan, certified by signature of the Authorized Representative, that commits to using a primary fuel of pipeline supplied natural gas containing no more than 2 grains of sulfur per 100 SCF of gas pursuant to 40 CFR 75.11(d)(2);

(c) Each unit shall be monitored for SO<sub>2</sub> emissions using methods consistent with the requirements of 40 CFR 75 and certified by the USEPA.

(d) This custom fuel-monitoring schedule will only be valid when pipeline natural gas is used as a primary fuel. If the primary fuel for these units is changed to a higher sulfur fuel, SO<sub>2</sub> emissions must be accounted for as required pursuant to 40 CFR 75.11(d).

[40 CFR 60, Subpart GG, Applicant Request]

d. Monthly Operations Summary: By the fifth calendar day of each month, the owner or operator shall record the following information in a written (or electronic) log for the previous month of operation: the amount of hours each fuel was fired; the quantity of each fuel fired; the calculated average heat input of each fuel fired in mmBTU per hour, based on the lower heating value; and the average sulfur content of each fuel. In addition, the owner or operator shall record the hours of oil firing for the previous 12 months of operation. The Monthly Operations Summary shall be maintained on site in a legible format available for inspection or printed at the Department's request. [Rule 62-4.160(15), F.A.C.]

#### 8. Reports

a. Emissions Performance Test Reports: A report indicating the results of the required emissions performance tests shall be submitted to the SWDEP no later than 45 days after completion of the last test run. The test report shall provide sufficient detail on the tested emission unit and the procedures used to allow the Department to determine if the test was properly conducted and if the test results were properly computed. At a minimum, the test report shall provide the applicable information listed in Rule 62-297.310(8)(c), F.A.C. [Rule 62-297.310(8), F.A.C.].

b. Excess Emissions Reporting: If excess emissions occur due to malfunction, the owner or operator shall notify the SWDEP within (1) working day of: the nature, extent, and duration of the excess emissions; the cause of the excess emissions; and the actions taken to correct the problem. In addition, the Department may request a written summary report of the incident. Following the NSPS format (40 CFR 60.7, Subpart A) periods of startup, shutdown, malfunction, shall be monitored, recorded, and reported as excess emissions when emission levels exceed the standards specified in this permit. Within thirty (30) days following each calendar quarter, the permittee shall submit a report on any periods of excess emissions that occurred during the previous calendar quarter to the SWDEP. [Rules 62-4.130, 62-204.800, 62-210.700(6), F.A.C., and 40 CFR 60.7]

c. Annual Operating Report: The permittee shall submit an annual report that summarizes the actual operating rates and emissions from this facility. Annual operating reports shall be submitted to the SWDEP by March 1st of each year. [Rule 62-210.370(2), F.A.C.]

### III. SURFACE WATER DISCHARGES (HPPL)

Discharges into surface waters of the state during construction and operation of the project shall be in accordance with applicable provisions of Chapters ~~17-3, 17-4, 17-302, 17-650, and 17-660~~, 62-4, 62-302, 62-650, and 62-660, Florida Administrative Code, and the following Conditions of Certification:

A. Plant Effluents and Receiving Body of Water

1. through 6. - No Change.

7. During the first 18 months, the Permittees shall monitor the cooling reservoir at the condenser cooling water intake for the following parameters in the manner prescribed. Upon completion of the 18 month monitoring period, the monitoring frequency may be decreased to once per year.

| Parameter              | Monitoring Requirements |             |
|------------------------|-------------------------|-------------|
|                        | Measurement Frequency   | Sample Type |
| Total Dissolved Solids | 1/month                 | grab        |
| Turbidity (NTU)        | 1/month                 | grab        |
| Ammonia Nitrogen       | 1/quarter               | grab        |
| Ammonia (un-ionized)   | 1/quarter               | grab        |
| Beryllium              | 1/quarter               | grab        |
| Cadmium                | 1/quarter               | grab        |
| Chlorophyll A          | 1/quarter               | grab        |
| Copper                 | 1/quarter               | grab        |
| Cyanide                | 1/quarter               | grab        |
| Iron                   | 1/quarter               | grab        |
| Lead                   | 1/quarter               | grab        |
| Nitrogen, Total        | 1/quarter               | grab        |
| Nitrogen, Organic      | 1/quarter               | grab        |
| Mercury mg/L           | 1/quarter               | grab        |
| pH                     | 1/quarter               | grab        |
| Silver                 | 1/quarter               | grab        |
| Zinc                   | 1/quarter               | grab        |
| Temperature            | 1/quarter               | grab        |
| TKN                    | 1/quarter               | grab        |
| Ortho-phosphorus       | 1/quarter               | grab        |
| Total Phosphorus       | 1/quarter               | grab        |

The results of the monitoring shall be submitted to the ~~DER~~ DEP Southwest District Office in Tampa within 45 days of collection. The Permittees shall maintain a summary of the results in the form of a yearly average for the life of the project. If any of the above parameters should reach 80% of the water quality criteria as contained in Chapter ~~17-302~~ 62-302, F.A.C., the Permittees shall notify the department. The department may then require

sampling on a monthly basis in the reservoir and in Payne Creek and may approve mixing zones for parameters that exceed criteria.

8. through 9. - No change.

10. a. through 10.c. - No change.

d. It is necessary that there be an entity responsible for maintenance of the system pursuant to ~~Section 17-25.027, FAC.~~

10. e. through 10f. - No change.

11. No change.

12. a. No change.

12. b. Project discharge descriptions - Dewatering water, outfalls 001 or 002, includes all surficial groundwater extracted during all excavation construction on site for the purpose of installing structures, equipment, etc. Discharges to the storm water runoff sedimentation pond at a location to be depicted on an appropriate engineering drawing to be submitted to ~~DER~~ DEP and SWFWMD. Final discharge after treatment is to Payne Creek. The permittee shall report to ~~DER~~ DEP the date that construction dewatering is expected to begin at least one week prior to the commencement of dewatering.

12. c. No change.

13. Mixing Zones - The discharge of the following pollutants shall not violate the Water Quality Standards of Chapter ~~17-302~~ 62-302, F.A.C., beyond the edge of the designated mixing zones, which shall be 200 feet from the point of discharge (POD). For purposes of compliance monitoring, the following limitations shall apply at the POD.

| Parameter   | Limit at POD |
|-------------|--------------|
| Cadmium     | 2.6 ug/l     |
| Cyanide     | 0.01 mg/l    |
| Mercury     | 0.5 ug/l     |
| Selenium    | 32.0 ug/l    |
| Silver      | 0.8 ug/l     |
| Gross alpha | 22.2 pC/l    |
| Radium 226  | 6.2 pC/l     |
| Turbidity   | 31 NTU       |
| Iron        | ---          |
| Lead        | ---          |
| Zinc        | ---          |

The Secretary of ~~DER~~ DEP may authorize alternative mixing zones for the above parameters in accordance with Condition XXI upon a demonstration that such mixing zone would not interfere with beneficial use of the creek.

14. Sanitary wastes from the HPS shall be collected and treated in an appropriately designed domestic wastewater treatment plant. The Permittee shall fill out the appropriate ~~DER~~ DEP application for a domestic wastewater treatment facility including the design specifications for the proposed facility and shall submit such application and specifications to the ~~DER~~ DEP Southwest District Office for approval at least 90 days prior to start of construction of that facility.

B. Water Monitoring Programs

1. No change.

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

IV. Ground Water

A. No change.

B. Well Criteria, Tagging and Wellfield Operating Plan

Leaking or inoperative well casings, valves, or controls must be repaired or replaced as required to put the system back in an operative condition acceptable to the SWFWMD. Failure to make such repairs will be cause for deeming the well abandoned in accordance with Chapter ~~17.21.532.200~~ 62-232, Florida Administrative Code, Chapter 373.309, Florida Statutes. Wells deemed abandoned will require plugging according to applicable regulations.

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

C. through G. - No change.

H. Ground Water Monitoring Requirements

After consultation with the ~~DER~~ DEP and SWFWMD, the permittee shall install a monitoring well network to monitor ground water quality horizontally and vertically through the aquifer above the Hawthorn Formation. Ground water quantity and flow directions will be determined seasonally at the site through the preparation of seasonal water table contour maps, based upon water level data obtained during the applicant's preoperational monitoring

program. From these maps and the results of the detailed subsurface investigation of site stratigraphy, the water quality monitoring well network will be located. A ground water monitoring plan that meets the requirements of ~~Section 17-28.700(d)~~ Chapter 62-522, F.A.C., shall be submitted to the Department's Southwest District Office for review. Approval or disapproval of the ground water monitoring plan shall be given within 60 days of receipt. Ground water monitoring shall be required at HPS's sedimentation pond. Insofar as possible, the monitoring wells may be selected from the existing wells and piezometers used in the Permittee's preoperational monitoring program, provided that the wells' construction will not preclude their use. Existing wells will be properly sealed in accordance with Chapter ~~17-21~~ 62-532, F.A.C., whenever they are abandoned due to construction of facilities. The water samples collected from each of the monitor wells shall be collected immediately after removal by pumping of a quantity of water equal to at least three casing volumes. The water quality analyses shall be performed monthly during the year prior to commercial operation and quarterly thereafter. No sampling or analysis is to be initiated until receipt of written approval of a site-specific quality assurance project plan (QAPP) by the Department. Results shall be submitted to the ~~DER~~ DEP by the fifteenth (15th) day of the month following the month during which such analyses were performed. Testing for the following constituents is required around unlined ponds or storage areas:

|             |          |          |             |
|-------------|----------|----------|-------------|
| TDS         | Color    | Cadmium  | Arsenic     |
| Conductance | Zinc     | Chloride | Beryllium   |
| pH          | Copper   | Iron     | Radium 226  |
| Redox       | Nickel   | Aluminum | Gross Alpha |
| Sulfate     | Selenium | Chromium |             |
| Sulfite     | Lead     | Mercury  |             |

I. Zone of Discharge

The HPS shall meet the groundwater criteria of Chapter ~~17-3~~ 62-520, F.A.C. at the boundary of a mixing zone extending 100 feet from the outside toe of the cooling reservoir. A ground water monitoring program, as described in Condition IV.H, shall be implemented to verify compliance with these requirements. Such sampling program shall commence at least 12 months prior to start of commercial operation of the HPS.

J. through Q. - No change.

V. Control Measures During Construction

A. No change

B. Environmental Control Program

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

C. Construction Dewatering Effluent

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

All offsite discharges resulting from dewatering activities must be in compliance with water quality standards required by ~~DER~~ DEP Chapters 17-3, 17-4, and 17-302 62-302 and 62-4, F.A.C., or such standards as issued through a variance by ~~DER~~ DEP.

VI. through IX. - No change.

X. CHANGE IN DISCHARGE (HPPL)

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

XI. NONCOMPLIANCE NOTIFICATION (HPPL)

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

XI. A. through XIII. - No change.

XIV. RIGHT OF ENTRY (HPPL)

The Permittees shall allow ~~DER~~ DEP authorized representatives, upon the presentation of credentials:

A. through F. - No change.

G. Moreover, the Permittees shall allow authorized representatives of ~~DER~~ DEP and other appropriate agencies, acting within the scope of their jurisdiction and authority, upon the presentation of credentials:

G. 1. through G.2. - No change.

XV. through XIX. - No change.

XX. REVIEW OF SITE CERTIFICATION (HPS)

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

XXI. MODIFICATION OF CONDITIONS (HPS)

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

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

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

Replacement of any portion of the gas pipeline, transmission lines, or access roads constructed under this certification necessitated by emergency conditions shall not be considered a modification. A verbal report of any such emergency shall be made to ~~DER~~ DEP as soon as possible. Within 14 calendar days after correction of an emergency which would require the Permittees to perform an activity not in accordance with the Conditions of Certification, a report to the ~~DER~~ DEP shall be made outlining the details of the emergency and the steps taken for its temporary relief. The report shall be a written description of all of the work performed

and shall set forth any pollution control measures or mitigative measures which were utilized or are being utilized to prevent pollution of waters, harm to sensitive areas, or alteration of archaeological or historical resources.

XXII. through XXV. - No change.

XXVI. ENDANGERED AND THREATENED SPECIES (HPS)

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

XXVII. DESIGN AND PERFORMANCE CRITERIA (HPS)

The power plant may be operated at up to 115% of the maximum electrical output at ISO conditions projected from design information without the need for modifying these conditions. Treatment or control facilities or systems installed or used to achieve compliance with the terms and conditions of this certification are not to be bypassed without prior ~~DER~~ DEP approval. Moreover, the Permittees shall take all reasonable steps to minimize any adverse impacts resulting from noncompliance with any limitation specified in this certification, including, but not limited to, such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying event.

XXVIII. No change.

XXIX. ROW DELINEATION AND COMPLIANCE VERIFICATION (HPS)

TPS is responsible for compliance with this General Condition with respect to the natural gas pipeline. TEC is responsible for compliance with this condition with respect to the Pebbledale transmission line. SECI is responsible for complying with this condition with respect to the Vandolah and Lee transmission lines.

At least 90 days prior to commencement of construction, three copies of blue-line reproductions of aerial photographs of at least 1:400 scale shall be submitted to ~~DER~~ DEP and one copy to each water management district (insofar as an area within its jurisdiction is involved) delineating the ROW routes selected, boundaries, preliminary pole and pad locations, and access roads. The Permittees shall notify all parties of such filing. These photographs shall be submitted prior to commencement of construction on the various segments of the linear facility; it is recommended that this information be submitted in segments rather than waiting until the entire ROW is acquired. ~~DER~~ DEP, the water management districts, and any other party who requests to do so shall have 30 days from receipt of notice to review the photographs and to call any apparent conflicts with the requirements of the Conditions of Certification to the Permittees'

attention. However, this paragraph shall not operate to avoid the need for post-certification submittals and compliance reviews otherwise required by the Conditions of Certification.

If ~~DER~~ DEP or any substantially affected party has reason to believe that the construction of the linear facility and access roads within the Permittees' designated ROW cannot be accomplished in compliance with the Conditions of Certification, the Permittees shall be so notified in writing. Failure of such a notice to be served on Permittees within 30 days from the notice of filing of the various segments in the aerial photographs with ~~DER~~ DEP constitutes acknowledgment that construction of the linear facility and access roads can be accomplished in compliance with the Conditions of Certification within the designated ROW or the various segments of ROW submitted for review.

The acquisition of a particular ROW or the expenditure of funds toward acquisition of a particular ROW prior to post-certification review pursuant to this condition will be at the Permittees' risk, and no party will be estopped by such acquisition to seek disapproval of the construction of the linear facility or access roads within the ROW in accordance with these Conditions of Certification.

XXX. through XXXI. - No change.

XXXII. Transmission Line and Pipeline ROWs

A. Construction

1. through 2. - No change.

3. The Permittee shall consult with the Bureau of Wetland Resource Management prior to final determination of the access road locations, (including those not located on the ROW), tower locations, and construction techniques which are to be reflected on any post-certification review information submittals. At ~~DER~~ DEP's request, the Permittee shall conduct field inspection with staff of this agency.

4. Prior to clearing activities within any of the ROW associated with the various linear facilities, an ecological survey shall be conducted to identify the presence of threatened or endangered species (plant and animals) as defined in the application, likely to occur in the ROW based on range and habitat. This survey shall also identify the location of any wading bird colonies. Results of this survey shall be submitted to the ~~DER~~ DEP and the ~~Florida Game and Freshwater Fish Commission (FGFWFC FWCC)~~ and the United States Fish and Wildlife Service (USFWS). If any clearing activity will take place in or otherwise adversely affect jurisdictional wetlands, survey results will also be submitted to the appropriate water management district. If it is determined that any of these species will be affected by the construction of any of the linear facilities, the Permittee shall consult with ~~DER~~ DEP and ~~FGFWFC~~ FWCC to determine the appropriate steps to be taken to avoid, minimize, mitigate or otherwise appropriately deal with, any adverse impacts within each agency's respective jurisdiction.

5. No change.

6. All materials used for any purpose related to the construction of the transmission lines or other linear facilities shall come from fill sources in compliance with applicable local ordinances. No fill materials shall be obtained from excavated wetlands within the ROW unless authorized by ~~DER~~ DEP and appropriate water management district in accordance with a mitigation plan submitted in compliance with certification.

7. The Permittee shall provide mitigation/compensation (M/C) for any wetland or open water habitat within the jurisdiction of ~~DER~~ DEP or WMD which is degraded or destroyed as a result of the construction of any portion of the transmission lines, natural gas pipelines or power plant facilities. M/C may include the creation of new wetland or open water habitat, the restoration of degraded habitat, the enhancement of functions and values provided by existing wetland or open water habitats, removal of exotics, or other activities found by the relevant agencies and appropriate local government to be in compliance with their applicable regulations. Prior to the elimination or degradation of any such wetland or open water habitat, the Permittee shall concurrently submit mitigation plans to ~~DER~~ DEP, Bureau of ~~Wetland Resources Management~~ Submerged Lands and Environmental Resources and the appropriate water management district and receive approval of such plans. These mitigation plans shall, at a minimum, include the following:

a. No change.

b. A discussion and a detailed set of plan-view and cross-sectional drawings of the proposed M/C activities to be undertaken, including the location of all M/C areas and a description of the manner in which these areas will be created, restored or otherwise enhanced. Success standards will be determined based on the functional values of wetlands impacted and created. The Permittees will work with the appropriate agency staff to establish success criteria. The M/C plans proposed by Permittees shall be submitted concurrently to ~~DER~~ DEP and the appropriate water management district for review and compliance monitoring.

c. through d. - No change.

8. M/C plans must be found to fully compensate for the functions and values provided by wetlands that will be degraded or eliminated. ~~DER~~ DEP and WMDs will work with the Permittee in the development of acceptable mitigation plans. The mitigation plans proposed by the Permittee shall be submitted for review and compliance monitoring to ~~DER~~ DEP and the appropriate water management district and such review shall be subject to the time constraints set forth in specific conditions XXXII.9, and XXXV. C, below, as appropriate.

9. For all construction activities in waters of the State where ~~DER~~ DEP has wetland resource protection jurisdiction pursuant to Chapter ~~402~~ 403, Florida Statutes, the Permittees shall file with ~~DER~~ DEP, Office of Siting Coordination and Bureau of Wetland Resource Management the information described in Florida Administrative Code Rule ~~17-17.665~~ and 17-1.212(1), Section 3.2.2 62-17.665.

a. ~~DER~~ DEP shall promptly review the submittal for completeness and sufficiency. If the submittal is found to be incomplete or insufficient, Permittee shall be so notified. Failure to issue such a notice within 30 days after filing of the submittal shall constitute a finding of completeness and sufficiency.

b. Within 90 days filing complete and sufficient information, ~~DER~~ DEP shall determine whether there is reasonable assurance of compliance with applicable substantive agency regulations as required by the Conditions of Certification if the plans are executed as filed. If it is determined that reasonable assurance has not been provided, the Permittee shall be notified with particularity and possible corrective measures suggested. Failure to notify Permittee in writing within 90 days of receipt of a complete information submittal shall constitute a compliance verification.

c. If ~~DER~~ DEP does not object within the time period specified, Permittee may begin construction pursuant to the terms of the Conditions of Certification and the subsequently submitted construction details and ~~DER~~ DEP shall provide to the Corps of Engineers a letter indicating that the full requirements of this condition have been met and the water quality certification for the purposes of 33 USC Section 1341 is thereby conveyed.

d. Permittee, at its option, may submit information for different wetlands modification activities at different time intervals. Each submittal shall be processed by ~~DER~~ DEP separately.

10. Semi-annual narrative reports shall be submitted to ~~DER~~ DEP's Bureau of Wetlands Resource Management in Tallahassee and ~~DER~~ DEP's Southwest District Office, indicating the status of all construction activities within waters of the State. These reports shall be submitted until all construction in that respective area is complete. The reports include the following information:

a. through c. - No change.

11. Upon completion of construction, the Permittee shall provide ~~DER~~ DEP with detailed engineering drawings which depict the pre and post construction contours in all areas in which construction occurred in waters of the State.

12. During construction all Brazilian Pepper, Australian Pine, and melaleuca in each ROW shall be removed or the trees cut and the stumps treated with an approved herbicide consistent with these conditions. A plan for removal and disposal of such exotic species which minimizes seed dispersal shall be developed by the Permittee in consultation with ~~DER~~ DEP. The Permittee shall abide by the plan.

13. Following construction, a plan for maintenance and control of Brazilian Pepper, Australian pine, and melaleuca within the ROWs shall be developed by the Permittee in consultation with ~~DER~~ DEP. The Permittee shall abide by the plan.

14. through 15. - No change.

16. The Permittee shall be responsible for the correction of any water quality problems that result from the construction, operation and/or maintenance of works authorized under this certification. The Permittee will work with ~~DER~~ DEP to determine additional methods necessary to ensure that State Water Quality Standards are not violated as a result of construction.

17. Where necessary to prevent secondary impacts to adjacent wetlands during construction, adjacent wetland areas outside of the limits of construction shall be isolated from the construction area by silt fences. These silt containment devices shall be maintained and remain in place until all construction is complete and all associated side slopes or areas denuded of vegetation have been adequately stabilized. The Permittee shall use turbidity control as necessary so that turbidity levels in adjacent areas do not exceed 29 N.T.U.'s above natural background. Any placement of fill or encroachment into jurisdictional wetlands or water bodies outside the limits of construction shall be immediately reported to ~~DER~~ DEP, Southwest District Office in Tampa, and the Bureau of ~~Wetland Resource Management Submerged Lands and Environmental Resources~~ in Tallahassee. Appropriate remedial action to restore the affected area shall be immediately undertaken.

18. No change.

19. No dewatering operation shall be allowed unless the Permittee can provide reasonable assurances to ~~DER~~ DEP that no adverse, off-site water resource impacts will occur as a result of the construction, operation, and/or maintenance of the project.

B. Operation

1. No change.

2. Only EPA approved herbicides may be used in waters of the State, or the use of other herbicides in any areas of the ROW shall only be allowed with the concurrence of ~~DER~~ DEP.

XXXIII. Mine Reclamation

A. General Conditions

1. No change.

2. In restoring drainage patterns, the ~~DNR~~ DEP and Agrico and its successors reserve the right to reexamine, in each stage of reclamation and restoration program application, the placement and configuration of the lakes, streams, wetlands, and watersheds which have been proposed in the conceptual plan, to assure that the natural functions of the lakes, streams, and wetlands are restored in accordance with the provisions of the then-existing standards and criteria of Chapter 16C-16, F.A.C.

B. through C. No change.

XXXIV. No change.

XXXV. Project Surface Water and Stormwater Management Facilities

A. General

1. through 5. - No change.

6. Monitoring

Post-certification monitoring requirements may be determined and specified as a result of technical review of construction information, where necessary, to demonstrate compliance with water management district regulations. If monitoring data is required by SWFWMD or SFWMD in conjunction with post-certification review, it shall be submitted to the respective water management district and the ~~DER~~ DEP. Parameters to be monitored may include those listed in Chapter ~~1762~~-302, Florida Administrative Code. Permittees also shall, if required, provide data to SWFWMD or SFWMD regarding: construction, operation, and maintenance of surface water management systems; NGVD levels; volumes and timing of water discharged, including total volume discharged during period of sampling and total discharges from the property. Environmental monitoring may also be required in conjunction with wetlands compensation/mitigation.

B. No change.

C. Project Information Requirements

1. through 3. No change.

4. The Permittee shall employ culverts or other appropriate techniques and implement suitable maintenance practices where necessary to comply with the applicable regulation of the applicable WMD or ~~DER~~ DEP and to maintain existing drainage patterns, hydroperiods, and sheetflow along the ROWs. The exact number, spacing, diameter, orientation, and length of culvert necessary to maintain existing hydrologic conditions and to maintain surface water flow conditions in the area shall be determined by the Permittees in consultation with applicable WMD or ~~DER~~ DEP based on site-specific information. This information shall be submitted to SFWMD or SWFWMD as applicable for approval prior to construction to ensure that the culverting or other appropriate techniques meets applicable standards within all affected wetlands areas.

XXXVI. Webb Wildlife Management Area

A. Parties to Agreement

Florida ~~Game and Fresh Water Fish~~ Fish and Wildlife Conservation Commission (Commission) and Seminole Electric Cooperative, Inc. (Seminole) are parties to the following agreement relating to the location of a ROW in the Cecil M. Webb Wildlife Management Area as generally depicted in Exhibit A.

B. through D. No change.

E. Joint Conditions

1. through 10. - No change.

11. Seminole shall coordinate with the ~~FGFWFC~~ FWCC to assure that construction and maintenance of the transmission line and its right-of-way on the Webb Wildlife Management Area shall, to the extent practicable, be conducted in a manner which does not interfere with public hunting or other recreational use of the area. Activities occurring during established hunting seasons for construction and maintenance shall be coordinated in order to avoid interference with public use or hazards to area users or Seminole employees or agents.

12. No change.

XXXVII. through XLII. - No change.

#### **NOTICE OF RIGHTS**

Any party to this Notice has the right to seek judicial review of the Order pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department of Environmental Protection, M. S. 35, Office of General Counsel, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, and by filing a copy of the Notice of Appeal, accompanied by the applicable filing fee, with the appropriate district court of appeal. The Notice of Appeal must be filed within 30 days from the date that the Final Order is filed with the Department of Environmental Protection.

**DONE AND ENTERED** this \_\_\_\_\_ day of \_\_\_\_\_ 2000, in  
Tallahassee, Florida.

**STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION**

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KIRBY B. GREEN, III  
DEPUTY SECRETARY  
Douglas Building

3900 Commonwealth Boulevard  
Tallahassee, FL 32399-3000  
Telephone: (850) 488-7131

**FILING AND ACKNOWLEDGMENT:** FILED ON THIS DATE, PURSUANT TO §120.52, FLORIDA  
STATUTES, WITH THE DESIGNATED DEPARTMENT CLERK, RECEIPT OF WHICH IS HEREBY  
ACKNOWLEDGED.

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CLERK

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DATE

## **CERTIFICATE OF SERVICE**

I CERTIFY that a true and correct copy of the foregoing Final Order Modifying Conditions of Certification was mailed to the following on this \_\_\_\_\_ day of August, 2000:

Lawrence N. Curtin, Esquire  
Holland & Knight, L.L.P.  
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Hopping Green Sams & Smith, P.A.  
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(For Seminole Electric Cooperative, Inc.)

Michael P. Haymans, Esquire  
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(For Slack and Katzen and Schmid)

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Hardee Power Partners, Ltd.  
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STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

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