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MEMORANDUM

TO: Party Representatives and Counsel

FROM: Gary P. Sams, Attorney for Florida Power Corporation

RE: FPC Polk County Site Certification Order

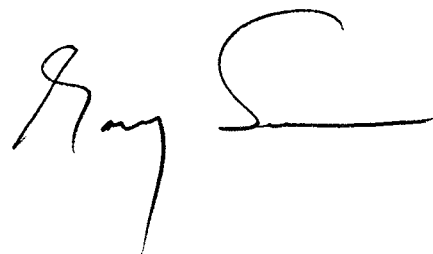
DATE: April 13, 1994

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Various copies of the FPC Polk County Site Certification Order, including conditions, are illegible or contain clerical and typographical errors and omissions. Therefore, we forwarded the attached document to Richard Donelan and Buck Oven of DEP for their review of its completeness and accuracy. They have determined that it is complete and accurate.

Accordingly, I am providing the enclosure for your records as a complete, accurate copy of the FPC Polk County Site Certification Order. Please notify me by May 13, 1994, if you find any incompleteness or clerical or typographical inaccuracy. In the absence of such notice, FPC intends to rely on this document as the official site certification order for its Polk County site.

Thank you for your review and cooperation.



GPS/gs
Encls.

cc: Attached Certificate of Service List
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Kathy Small

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STATE OF FLORIDA
BEFORE THE GOVERNOR AND CABINET
SITTING AS THE SITING BOARD

IN RE:	APPLICATION FOR	) DOAH CASE NO. 92-5308 EPP
	POWER PLANT CERTIFICATION	)
	FLORIDA POWER CORPORATION	)
	POLK COUNTY SITE	)
	PA 92-33	)

FINAL ORDER APPROVING CERTIFICATION

FOR

FLORIDA POWER CORPORATION

ISSUED: January 27, 1994

STATE OF FLORIDA
BEFORE THE GOVERNOR AND CABINET
SITTING AS THE SITING BOARD

IN RE: APPLICATION FOR
POWER PLANT CERTIFICATION OF
FLORIDA POWER CORPORATION
POLK COUNTY SITE
PA 92-33

DOAH CASE NO. 92-5308 EPP
OGC CASE NO. 92-1494

RECEIVED

FEB 09 1994

Hopping Boyd
Green & Sams

FINAL ORDER APPROVING CERTIFICATION

On January 25, 1994, this matter came before the Governor and Cabinet, sitting as the Siting Board, pursuant to the Florida Electrical Power Plant Siting Act (PPSA), Section 403.501 et seq., Florida Statutes (1993), for final agency action concerning a recommended order dated December 3, 1993, attached as Exhibit 1, which recommends site certification for the Florida Power Corporation Polk County site. By order dated February 26, 1993, the Board found the Polk site to be consistent and in compliance with existing land use plans and zoning ordinances. On February 25, 1993, the Public Service Commission certified the need for 470 MW of natural gas-fired combined cycle generating capacity at the site.

No party has filed exceptions to the Recommended Order. On January 5, 1994, Florida Power Corporation (FPC) filed an uncontested Motion for Correction of Scrivener's Error. FPC's motion suggests that an inadvertent omission of the word "steam" from proposed Condition II as recommended creates an arguable ambiguity concerning when supplemental site certification must be sought for expansion of the site's generating capacity.

Upon consideration, the motion is GRANTED. The Siting Board ORDERS that, in accordance with past practice, the word "steam" be inserted at the appropriate location in Condition II to avoid any future uncertainty as to the applicability of supplemental certification proceedings under Section 403.517, Florida Statutes. FPC shall be required to utilize the supplemental site certification procedure whenever, in accordance with Section 403.519, Florida Statutes, it desires permission to expand the steam electric generating capacity of the Polk site beyond that authorized by this Order.

Having reviewed the recommended order and otherwise being fully advised, it is ORDERED:

1. Pursuant to Section 120.57 (1)(b)(10), Florida Statutes (1993), the Recommended Order dated December 3, 1993, (Exhibit 1) is APPROVED and ADOPTED by the Board.

2. The Board APPROVES certification for the location, construction and operation of 470 MW of natural gas-fired combined cycle generating capacity at the FPC Polk County Site as proposed in the Site Certification Application, subject to the Conditions of Certification contained in Appendix A to Exhibit 1, as modified by this Order.

3. The FPC Polk County Site is certified for an ultimate site capacity of 3000 MW fueled by coal gas, natural gas, and fuel oil, subject to need determination by the Florida Public Service Commission as required by law, supplemental application review and approval by the Board pursuant to Section 403. 517, Florida Statutes, and compliance with the Conditions of

Certification contained in Appendix A to Exhibit 1, as modified by this Order.

4. Condition of Certification II shall read as follows:

Any anticipated facility expansions beyond the certified initial nameplate capacity of 470 MW, production increases, or process modifications which may result in new, different, or increased discharges of pollutants, change in the type of fuel as described in XIII.A., or expansion in the steam electric generating capacity shall be reported by submission of a supplemental application pursuant to Chapter 403, F.S.

54. The Board DELEGATES to the Department of Environmental Protection the authority to assure and enforce compliance by Florida Power Corporation and its agents with all of the Conditions of Certification imposed by this Order.

NOTICE OF RIGHTS

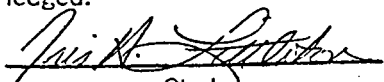
Any party to this certification proceeding has the right to seek judicial review of this Order under Section 120.68, Florida Statutes, by the filing of a notice of appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department of Environmental Protection, Office of General Counsel, 2600 Blair Stone Road, Tallahassee, FL 32399-2400; and by filing a copy with the appropriate District Court of Appeal. The notice of appeal must be filed within 30 days from the date this Order is filed with the Clerk of the Siting Board.

DONE and ORDERED this 27th day of January, 1994, at Tallahassee, Florida, pursuant to a vote of the Governor and Cabinet sitting as the Siting Board, at a duly-noticed and constituted Cabinet meeting on January 25, 1994.

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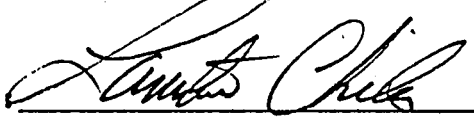
FILING AND ACKNOWLEDGEMENT

FILED, on this date, pursuant to S120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.


Clerk

1/27/94
Date

THE GOVERNOR AND CABINET
SITTING AS THE SITING BOARD

BY 
THE HONORABLE LAWTON CHILES

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent by U.S. Mail, to the following listed persons:

Hamilton S. Oven
Office of Siting Coordination
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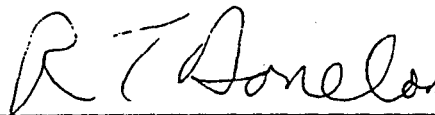
Certificate of Service (continued)

Sara Fotopulos, Chief Counsel
Environmental Protection Commission
of Hillsborough County
1900 9th Ave
Tampa FL 33605

Joseph L. Valenti, Director
Tampa Port Authority
P O Box 2192
Tampa FL 33601

this 27th day of January, 1994.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



RICHARD T. DONELAN, JR.
Assistant General Counsel

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State of Florida
Division of Administrative Hearings
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Tallahassee, FL 32399-1550
(904) 488-9675 • SunCom: 278-9675

Sharyn L. Smith
Director

Ann Cole
Clerk

December 3, 1993

Honorable Lawton Chiles
Governor
State of Florida
The Capitol
Tallahassee, FL 32399

Honorable Jim Smith
Secretary of State
State of Florida
The Capitol, PL-02
Tallahassee, FL 32399-0250

Honorable Robert A. Butterworth
Attorney General
State of Florida
The Capitol
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Honorable Tom Gallagher
Treasurer and Insurance
Commissioner
State of Florida
The Capitol
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Honorable Bob Crawford
Commissioner of Agriculture
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The Capitol
Tallahassee, FL 32399-0810

Honorable Gerald A. Lewis
Comptroller
State of Florida
The Capitol, Plaza Level
Tallahassee, FL 32399-0350

Honorable Betty Castor
Commissioner of Education
State of Florida
The Capitol
Tallahassee, FL 32399

Re: Florida Power Corporation Polk County Power
Station Application PA 92-33
DOAH Case No. 92-5308EPP

Dear Siting Board:

Enclosed is my Recommended Order in the referenced case. Exhibits received in evidence and the transcript of the hearing have been delivered to Richard T. Donelan, Jr., at the Department of Environmental Regulation.

As required by Section 120.58(5), Florida Statutes, please provide the Division of Administrative Hearings a copy of your final order in this case within 15 days of rendition.

Sincerely,

Diene K. Kiesling
DIANE K. KIESLING
Hearing Officer

DKK:smc

Enclosure as noted

Copies furnished:

Gary P. Sams
Richard W. Moore
Pamela I. Smith
Richard Donelan
Hamilton S. Oven, Jr.
Lucky T. Osho
Karen Brodeen
Michael Palecki
M. B. Adelson
Carolyn S. Holifield
Doug Leonard
Julia Greene
John J. Dingfelder
Mark Carpanini
Martin D. Hernandez
Richard Tschantz
James Antista
Sara M. Fotopulos
Joseph L. Valenti
Don E. Duden

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

IN RE: APPLICATION FOR	)	
POWER PLANT CERTIFICATION OF	)	DOAH CASE NO. 92-5308EPP
FLORIDA POWER CORPORATION	)	OGC CASE NO. 92-1494
POLK COUNTY SITE	)	
PA 92-33	)	

RECOMMENDED ORDER

Pursuant to notice, a certification hearing was held on October 26, 1993, in Bartow, Florida and on November 2, 1993, in Tallahassee, Florida, before the Division of Administrative Hearings, by its duly designated Hearing Officer, Diane K. Kiesling.

APPEARANCES

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Polk County, Florida:

Beth Harlan
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Parties

In addition to the parties which appeared at the hearing, the Department of Community Affairs (DCA), the Trustees of the Internal Improvement Trust Fund, the Department of Transportation (DOT), the Central Florida Regional Planning Council (CFRPC), the Florida Game and Fresh Water Fish Commission (FGFWFC), Hillsborough County, the Environmental Protection Commission of Hillsborough County, and Tampa Port Authority have party status in this proceeding but did not appear at the certification hearing.

Other parties to this certification proceeding include Estech, Incorporated and C&G Citrus L.P. (collectively, Estech), IMC Fertilizer, Inc., (IMC), and U.S. Agri-Chemical Corporation (USAC). These parties are the mining companies which currently own and/or operate mines on the proposed Polk County Site. They are admitted as parties for the limited purpose of accepting the conditions of certification which are specifically applicable to them.

STATEMENT OF THE ISSUE

In this proceeding, Florida Power Corporation (FPC) seeks approval to construct and operate 470 MW of natural gas-fired advanced design combined cycle (NGCC) generating capacity at its proposed Polk County Site. Additionally, FPC seeks a determination that the Polk County Site has the environmental resources necessary to support an ultimate capacity of 3,000 MW of combined cycle generating capacity fueled by a combination of

natural gas, coal-derived gas and distillate fuel oil. Such an ultimate site capacity certification may be granted pursuant to Section 403.517, Florida Statutes and Rule 17-17.231, Florida Administrative Code.

PRELIMINARY STATEMENT

This proceeding was held pursuant to the Florida Electrical Power Plant Siting Act, Chapter 403, Part II, Florida Statutes, and Chapter 17-17, Florida Administrative Code, to consider FPC's application for power plant site and ultimate site capacity certification of the Polk County Site. The ultimate site capacity would consist of 3,000 MW of generating capacity, including 1,000 MW of NGCC capacity and 2,000 MW of coal gas-fired combined cycle (CGCC) capacity, plus any later-identified linear facilities. The Polk County Site initially will include three linear facilities: an upgraded transmission line, a backup natural gas pipeline, and a reclaimed water pipeline from the City of Bartow.

Pursuant to Section 403.519, Florida Statutes, the PSC issued a determination of need for the first 470 MW of combined cycle generating capacity at FPC's proposed Polk County Site on February 25, 1992.

As required by subsections 403.508(1) and (2), Florida Statutes, a land use hearing was held before the undersigned hearing officer on December 7, 1992. By Order dated February 26, 1993, the Governor and Cabinet, sitting as the Siting Board, adopted the Recommended Order in toto, holding that the proposed project is consistent and in compliance with existing land use

plans and zoning ordinances of Polk County and Hillsborough County, Florida.

After proper notice, a certification hearing as required by Section 403.508(3), Florida Statutes, was held in Bartow, Florida on October 26, 1993, and in Tallahassee, Florida, on November 2, 1993.

FPC presented the oral or written testimony of 15 witnesses and its Exhibits FPC-1 through FPC-23 were received into evidence.

Testifying on behalf of FPC were Kathleen Small, Eric Major, George Fantozzi, Harold Frediani, Dale Williams, Tom Adams, Charles Gupton, Phillip Murdock, Christopher Squires, Doug Coomer, Analee Moore, Fred Shanholtzer, John Cochran, Stephen Niles, and Doug Fulle.

No other party presented witnesses during the hearing. Exhibits DEP-1 through DEP-3 of the Department of Environmental Protection (DEP) were received into evidence. Additionally, one person testified at the public hearing held on October 26, 1993, in Bartow, Florida.

The transcript of the proceedings was filed on November 29, 1993. The parties timely filed a joint proposed order. The proposed findings of fact are adopted in substance as modified in this Recommended Order.

FINDINGS OF FACT

Project Site and Vicinity

1. FPC's proposed Polk County Site is located on approximately 8,200 acres in southwest Polk County, Florida, in

an area dominated by phosphate mining activities. The Polk County Site is approximately 40 miles east of Tampa, 3 miles south of Bartow and 3.5 miles northwest of Fort Meade. Homeland, the nearest unincorporated community, lies about one mile to the northeast of the site boundary.

2. The Polk County Site is bounded on the north by County Road (CR) 640 and along the southeast and south by a U.S. Agricultural Chemical Corporation (USAC) mine. CR 555 runs north-south through the site.

3. The Polk County Site is comprised of land in four different phases of mining activity: mine pits, clay settling ponds associated with phosphate mining, land which has been mined and reclaimed, and land which has yet to be mined. Approximately one-half of the Polk County Site is subject to mandatory reclamation.

4. Land uses adjacent to the Polk County Site consist almost entirely of phosphate mining activities. One mobile home is located at the intersection of CR 640 and CR 555 approximately 2 miles from the proposed location of the principal generating facilities.

General Project Description

5. The initial generating capacity at the Polk County Site will be NGCC units. Under what has been designated as the Case A' scenario, ultimate site development will consist of 1,000 MW of NGCC and 2,000 MW of CGCC generating capacity, for a total of 3,000 MW. Under the alternative Case C scenario, the ultimate site capacity would consist of 3,000 MW of all NGCC

capacity. The Case C scenario was initially developed as the worst case scenario for the socioeconomic impact analysis (i.e., the one that would produce the least amount of economic benefit.) The combined cycle units which initially burn natural gas can be modified to burn coal gas if necessary to meet changes in fuel supply or pricing. However, under the proposed ultimate site capacity, CGCC generating capacity will be limited to a maximum of 2,000 MW out of the total of 3,000 MW.

6. At ultimate buildout the major facilities at the Polk County Site will include the plant island, cooling pond, solid waste disposal areas, and brine pond.

7. The plant island will be located on mining parcels SA-11, SA-13 and the northerly portion of SA-12. The plant island ultimately will contain the combined cycle power block, oil storage tanks, water and sewage treatment facilities, coal gasification facilities, coal pile and rail loop, and coal handling facilities. The cooling pond at ultimate buildout will be located in mining parcels N-16, N-15 and N-11B, with a channel through N-11C. Mining parcels N-11C, P-3, Phosphoria, Triangle Lakes and P-2, if not used as a solid waste disposal area, will be used as water crop areas to collect rainfall for supplying the cooling pond. The brine pond will receive wastewater reject from the reverse osmosis (RO) water treatment system and will be located on mining parcel SA-9. Two solid waste disposal areas (SWDA) are planned for ultimate development of the Polk County Site. The SWDAs will be mining parcel SA-8 initially and mining parcel P-2 in later phases, if necessary.

Coal gasification slag will be the predominant solid waste to be disposed of in the SWDAs.

8. Other areas included within the Polk County Site are mine parcels N-11A, N-13, N-9B, Tiger Bay East, Tiger Bay, the northerly 80 acres of N-9, SA-10 and the southerly 225 acres of SA-12. Along with providing a buffer for the Polk County Site facilities, these parcels also will provide drainage to Camp Branch and McCullough Creek.

9. Linear facilities associated with the initial 470 MW of generating capacity at the Polk County Site will include a 230 kilovolt (kV) transmission line upgrade, a reclaimed water pipeline, and a backup natural gas pipeline.

Site Selection

10. A comprehensive process was used to select the Polk County Site. The goal of that process was to identify a site which could accommodate 3,000 MW of generating capacity and offer characteristics including: (1) multi-unit and clean coal capability; (2) technology and fuel flexibility; (3) cost effectiveness; (4) compatibility with FPC's commitment to environmental protection; (5) ability to comply with all government regulations; and (6) consistency with state land use objectives.

11. The site selection process included the entire State of Florida. Participants in the site selection process included a variety of FPC departments, environmental and engineering consultants, and an eight-member Environmental Advisory Group (EAG) composed of environmental, educational, and community

leaders. In October, 1990, with the concurrence of the EAG, the Polk County Site was selected.

12. The ultimate basis for the selection of the Polk County Site was the disturbed nature of the site as a result of extensive phosphate mining activities. The Polk County Site also is compatible with FPC's load center and transmission line network, and is accessible to rail and highway transportation systems.

PSC Need Determination

13. On February 25, 1992, the PSC issued Order No. 25805 determining the need for the first 470 MW of generating capacity at the Polk County Site. The PSC concluded in its order that the first two combined cycle units (470 MW) at the Polk County Site will contribute to FPC's electric system reliability and integrity. It also concluded that the first two units would enable FPC to meet winter reserve margin criteria and to withstand an outage of its largest unit at the time of system peak demand. The PSC stated that it was important for FPC to secure a site to meet future needs and that the first two units would contribute toward this goal.

Basis for Ultimate Site Capacity

14. The Site Certification Application (SCA), including the Sufficiency Responses, addressed the impacts associated with 3,000 to 3,200 MW of generating capacity under several scenarios. FPC eliminated or modified several of the scenarios by filing a Notice of Limitations which addressed the capacity and environmental effects of 1,000 MW of NGCC and 2,000 MW of

CGCC generating capacity at the Polk County Site. Throughout the SCA, Sufficiency Responses and Notice of Limitations, the capacity constraints and environmental effects were analyzed under a worst case scenario, i.e., the maximum environmental effects that could be expected at ultimate site capacity.

15. An ultimate site capacity determination will significantly reduce the time and expense associated with processing supplemental applications for future units at the Polk County Site under the expedited statutory procedures of the Power Plant Siting Act. This will allow FPC to respond more quickly to changes in growth and demand. An ultimate site capacity determination also provides FPC the assurance that the Polk County Site has the land, air and water resources to support future coal gas-fired generating capacity.

Project Schedule and Costs

16. Construction of the initial 470 MW of NGCC generating capacity is scheduled to begin in 1994. These units will go into operation in 1998 and 1999. Based on current load forecasts, it is expected that approximately one 250 MW unit will be added every other year to the Polk County Site. Under this schedule, ultimate site development of 3,000 MW would occur about 2018.

17. Capital investment for the Polk County Site is expected to be approximately \$3.4 billion for the 1,000 MW NGCC/2000 MW CGCC Case A' scenario and approximately \$1.7 billion for the all NGCC Case C scenario.

Project Design

18. Generating units for the Polk County Site will be advanced design combined cycle units firing natural gas and/or coal gas, with low sulfur fuel oil as backup. Each combined cycle unit will consist of one or two combustion turbines (CT), a heat recovery steam generator (HRSG) for each CT and one or two steam turbines (ST). The first 470 MW of generating capacity will consist of two CTs firing natural gas, two HRSGs and one or two STs. At ultimate site capacity, the Polk County Site will consist of 12 CTs, 12 HRSGs, and 6 to 12 STs.

19. A combined cycle unit is a generating system that consists of two sequential generating stages. In the first stage, the natural gas, coal gas or fuel oil is burned to operate the CT. Hot exhaust gas from the CT is passed through the HRSG to produce steam to operate the ST. The CT and steam from the HRSG can be arranged to drive individual generators or a single generator.

20. In later phases of the Polk County Site, up to 2,000 MW of combined cycle generation may be fired on coal gas. The combined cycle units that were initially constructed to operate on natural gas can be modified to operate on coal gas. Under the 'Case A' scenario, two coal gasification plants would be built to produce coal gas for the combined cycle units.

21. Associated with the coal gasification phase of the project will be the expansion of the plant island to accommodate the storage and handling of coal. Coal will be transported onsite by railroad. A rail loop for coal trains will be

constructed on the plant island. It will be sized to accommodate a 100-car coal train. The coal storage area and limestone stockout will be located within the coal loop. Limestone is used in the coal gasification process as a fluxing agent to improve the viscosity of the coal slag, a by-product of the coal gasification process. The coal storage area, including the coal piles and emergency coal stockout system, will be lined with an impervious liner, and runoff from the coal storage area will be recycled to the coal gasification plants.

22. The cooling pond for the Polk County Site will be located north and east of the plant island. Water from the cooling pond will be used for producing steam and condenser cooling. The cooling pond will be constructed initially in mining parcel N-16 and then in parcels N-15 and N-11B for later phases. These areas are mined-out pits which are surrounded by earthen dams. These dams will be upgraded where required to provide stability equivalent to the requirements of Chapter 17-672, Florida Administrative Code, for phosphate dams.

Soil and Foundation Stability

23. To evaluate the existing soil conditions at the Polk County Site, more than 165 test borings were made. The plant island is an existing mine pit which has been partially filled with sand tailings from phosphate mining operations. Underlying the sand is the Hawthorn formation which is often used as the base for deep load bearing foundations. Foundations for the heavier loads of power plant facilities will require pile foundations or similar types of deep foundations that will extend into the Hawthorn formation.

24. The potential for sinkhole development at the Polk County Site was investigated by reviewing historic sinkhole records, aerial photographs, well drillers' logs, and by drilling three deep borings at the site. The investigation demonstrated that the potential for sinkhole development at the Polk County Site is low and acceptable for this type of construction.

Construction Activities

25. Construction of the Polk County Site will be phased over an approximately 25-year period beginning in 1994. The development of the Polk County Site is expected to take place in seven phases. Changes in the scope or sequence of the individual phases may occur depending on capacity needs over time.

26. During Phase I, the initial earthwork and dewatering activities required for the construction of the plant island and cooling pond will take place. The initial cooling pond and plant island area will be dewatered and fill will be placed in SA-11 and SA-13 for the initial power plant construction. Water from the dewatering activities will be conserved by storage in mining parcels SA-8, SA-9, SA-10, N-15 and the northerly part of SA-12, except for quantities used in IMC's recirculation system. Clay consolidation will commence for other parcels, such as N-11A, N-11B, N-11C, N-13 and N-9B. Phosphate mining and related operations will still function in parcels P-2, P-3, Phosphoria, Triangle Lakes, and N-9.

27. The initial vertical power plant construction for the first 470 MW of generating capacity will take place in Phase II.

Water stored in Phase I, along with reclaimed water from the City of Bartow, will be used to fill the cooling pond in parcel N-16. Any excess reclaimed water from the City of Bartow, if necessary, will be stored in the eastern portion of N-16. Mining parcels SA-10, the southerly part of SA-12, and a portion of the offsite Estech Silver City plant site will be configured for drainage enhancement to McCullough Creek. Mining parcel SA-8 will be prepared to receive solid waste and parcel SA-9 will be prepared to receive wastewater from the RO system and neutralization basin. Wildlife habitat creation and enhancement will begin in parcels N-9B and N-13.

28. Phase III of the Polk County Site represents the operation of the power plant from 235 MW to 1,500 MW, currently projected as NGCC capacity. The plant island, which will contain the generating units, will be located on mining parcels SA-11 and SA-13. The cooling pond will be located in N-16 and will receive reclaimed water from the City of Bartow and water crop from mining parcels P-3, Phosphoria, P-2, Triangle Lakes, N-15, N-11B, N-11C, the northerly end of SA-12 and the east end of N-16.

29. Phase IV will encompass the development of the Polk County Site from 1,500 MW to 2,000 MW, currently projected as NGCC capacity. In conjunction with the additional generating units onsite, the cooling pond in N-16 will be enlarged to 1,219 acres. Other portions of the Polk County Site would remain the same as in Phase III.

30. During Phase V, coal gasification is projected to be introduced to the Polk County Site. Generating capacity will be

increased to 2,250 MW of which 1,000 MW are projected to be NGCC and the remaining 1,250 MW will be CGCC. To accommodate the coal gasification facilities, the northerly portion of SA-12 would be filled. The balance of the site would remain as described in Phase IV.

31. During Phase VI, the generating capacity at the Polk County Site is projected to increase from 2,250 MW to 3,000 MW. This generating capacity will be a combination of 1,000 MW on NGCC and 2,000 MW on CGCC. During this phase, the cooling pond will be enlarged to 2,260 acres and will include parcels N-16, N-15 and N-11B, and a channel through N-11C. Earthwork will be required in N-15 and N-11B to repair and improve dams, and add slope protection on the dam inner faces and seeding on the exterior faces.

32. Phase VII will be the final phase of the Polk County Site. During this phase, if the solid waste disposal area in mining parcel SA-8 were to become full it would be closed and mining parcel P-2 would be prepared to receive solid waste from the power plant operations. Parcels P-3 and Phosphoria will be available for mitigation, if necessary, as a result of activities in parcel P-2. This phase might not occur if coal slag is successfully recycled.

Fuel Supply

33. Fuel for the initial 470 MW of combined cycle generation will consist primarily of natural gas, with light distillate fuel oil as backup. Natural gas will be delivered by pipeline to the Polk County Site at a rate of 3.75 million cubic

feet per hour. FPC currently plans to receive natural gas from the proposed Sunshine Pipeline for which certification is being sought in a separate proceeding. The Application for the Sunshine Pipeline was filed with DEP in August 1993. The other source for natural gas will be the backup natural gas pipeline which is being certified in this proceeding as an associated linear facility.

34. Fuel oil will be delivered to the site by tanker truck, and enough fuel oil will be stored onsite for three days of operation for each combined cycle unit. At ultimate development, three 4-million gallon oil tanks will be located on the Polk County Site. All fuel handling and storage facilities, including unloading areas, pump areas, piping system, storage tanks, and tank containment areas will meet the requirements of DEP Chapter 17-762, Florida Administrative Code, and applicable National Fire Prevention Association Codes.

35. At ultimate site development, the combined cycle units would use both natural gas and coal gas as primary fuels, and fuel oil as a backup fuel. As with the initial phase of operation, natural gas will be supplied by pipeline. At 1,000 MW of NGCC capacity, six to eight million cubic feet per hour of natural gas will be required. Coal for the coal gasification units will be delivered by railroad. For 2,000 MW of CGCC generating capacity, approximately 15,000 to 20,000 tons of coal a day will be required.

Linear Facilities

36. The initial 470 MW of NGCC generation includes three associated linear facilities: a 230-kV transmission line

upgrade, a reclaimed water pipeline, and a backup natural gas pipeline.

230-kV Transmission Line

37. The 230-kV transmission line will be routed from the existing FPC Barcola Substation within the Polk County Site to the FPC Ft. Meade Substation adjacent to CR 630. The transmission line corridor is approximately 1,000 feet wide within the Polk County Site boundary and narrows to 500 feet as the corridor leaves the site. The transmission line corridor follows several linear facilities including an existing transmission line right-of-way, CR 555 and CR 630. Land uses along the corridor are primarily phosphate mining, agricultural and industrial. Wetlands within the transmission line corridor are minimal and are associated primarily with roadside ditches. Where the transmission line crosses McCullough Creek, the creek will be spanned.

38. The 230-kV transmission line will be constructed using single shaft tubular steel poles with a double circuit configuration for two 230-kV circuits. The transmission line structures will range in height from 110 feet to 145 feet. The conductor for the transmission line is a 1590 ACSR conductor that is approximately 1.54 inches in diameter. Conductor span lengths between structures will range from 500 to 900 feet.

39. The transmission line will be constructed in six phases. During the first phase, the right-of-way will be cleared. Clearing in upland areas will be done using mowers and other power equipment. Clearing in wetlands, if necessary, will

be accomplished by restrictive clearing techniques. After the right-of-way has been cleared, existing structures which will be replaced with new transmission line structures will be removed by unbolting them from their foundations and removing the structures with a crane. Foundations for new transmission line structures will be vibrated into the ground using a vibratory hammer or placed into an augured hole and backfilled. After the foundations are in place, new structures will be assembled on the foundations using a crane. Insulation and pole hardware will be mounted on the structures after erection. In the fifth phase of construction, conductors will be placed on a structure by pulling the conductors through a stringing block attached to the structure. During the final phase of construction, the structures will be grounded and any construction debris will be removed from the right-of-way. The construction of the 230-kv transmission line is estimated to require approximately 17 weeks. Construction of the transmission line will meet or exceed standards of the National Electrical Safety Code; FPC transmission design standards; Chapter 17-814, Florida Administrative Code; and the Florida Department of Transportation Utility Accommodation Guide, where applicable.

40. Electric and magnetic fields from the 230-kv transmission line will comply with the standards set forth in Chapter 17-814, Florida Administrative Code. Audible noise from the transmission line should occur only during rainy weather and will not exceed 39.1 dBA at the edge of the right-of-way. Since the transmission line is not located near many residences,

interference to television and AM radio reception should be minimal. If interference does occur, it can be identified easily and corrected on an individual basis.

Backup Natural Gas Pipeline

41. The backup natural gas pipeline will originate at the Florida Gas Transmission pipeline in Hillsborough County at CR 39. The backup pipeline corridor runs generally east for 18 miles until it enters the Polk County Site at the western boundary of the plant island. The pipeline corridor is 1,000 feet wide and it generally follows linear facilities such as Jameson Road, a Tampa Electric Company transmission line, the CSX Railroad, Durrance Road, and Agricola Road. Several subalternate corridors are proposed in Polk County where the backup natural gas pipeline crosses phosphate mining land. The subalternate corridors, all of which are proposed for certification, are necessary to maintain flexibility in routing the backup natural gas pipeline around active mining operations.

42. The uses of land crossed by the backup natural gas pipeline corridor consist primarily of phosphate mining and some agriculture. There are only two areas of residential land use along the corridor, one along Jameson Road in Hillsborough County, and the other near Bradley Junction along Old Highway 37 in Polk County. Ecological areas crossed by the natural gas pipeline corridor include a portion of Hookers Prairie in Polk County, some isolated wetlands associated with phosphate mining activities, and the South Prong Alafia River near CR 39 in Hillsborough County.

43. The backup natural gas pipeline will consist of a metering facility, a scraper trap for pipeline cleaning, a maximum 30-inch buried pipeline made of high strength steel, a pressure regulating station, a cathodic protection system for corrosion control, and a Supervisory Control and Data Acquisition (SCADA) system to monitor and operate the pipeline. The pipe to be used for the natural gas pipeline will be manufactured in accordance with standards specified in 49 CFR 192 and the industrial standards referenced therein. Pipe thickness will vary depending on the population of the area crossed. External corrosion control for the pipe will be provided by an external coating around the pipe and a cathodic protection system designed to prevent electrochemical corrosion of the pipe. Pipeline sections will be hydrostatically tested before leaving the factory to 125 percent of the design pressure.

44. Activities associated with the construction of the backup natural gas pipeline will include survey and staking of the right-of-way, right-of-way preparation, stringing of the pipe, bending, lineup welding and nondestructive testing, ditching, lowering in of pipeline sections, backfilling, tying in pipeline sections, testing and right-of-way restoration. Construction of the pipeline will take place typically within a 75 foot-wide right-of-way. A wider right-of-way may be required where specialized construction activities, such as jack and bore methods, are used. After construction, the natural gas pipeline will have a permanent 50-foot right-of-way. Where the pipeline

crosses federal and state highways or water courses, directional drilling or jack and bore construction methods will be used to minimize disturbance. Where the pipeline crosses the South Prong Alafia River, directional drilling will be used to locate the pipeline underneath the river bed.

45. Pipeline welding will be done by highly skilled personnel who have been qualified in accordance with 49 CFR 192. Pipeline welds will be visually inspected and a percentage of the welds will be x-rayed for analysis.

46. Once the pipeline is constructed, buried and tie-in welds completed, the pipeline will be hydrostatically tested. Hydrostatic testing will use water with a minimum test pressure of 125 percent of maximum operating pressure. Water for hydrostatic testing will be pumped from and returned to the Polk County Site cooling pond.

47. Construction of the pipeline will comply with Title 49 CFR Part 192, Transportation of Natural and Other Gas by Pipelines: Minimum Federal Safety Standards; Chapter 25-12, Florida Administrative Code; Safety of Gas Transportation by Pipeline; and the FDOT Utility Accommodation Guide.

48. After construction of the backup natural gas pipeline, the right-of-way will be restored and a 50-foot-wide permanent right-of-way will be maintained. Line markers will be located along the pipeline at regular intervals and warning signs will be posted where the pipeline crosses roads, railroads, or stream crossings.

49. The estimated cost for the pipeline construction is \$611,100 per mile, or \$11.2 million for the 18.2 mile pipeline route.

Reclaimed Water Pipeline

50. The reclaimed water pipeline will run from the City of Bartow to the cooling pond near the eastern side of the Polk County Site. The reclaimed water pipeline corridor follows the CSX Railroad and U.S. Highway 17/98 south from the southerly Bartow city limit turning west toward the Polk County Site just south of Homeland. Land uses along the corridor include phosphate mining, commercial sites, rural residences and recreation. The corridor does not cross any environmentally sensitive habitats.

51. The reclaimed water pipeline consists of a buried pipe, 24 to 36 inches in diameter, butterfly valves about every mile along the pipeline, and a flow meter. Pumping of reclaimed water will be provided by the Bartow Sewage Treatment Plant. Construction of the reclaimed water pipeline is similar to that of the natural gas pipeline and includes the following activities: survey and staking of the right-of-way, right-of-way preparation, ditching or trenching construction, stringing of the pipe and pipe installation, back filling, hydrostatic testing, and right-of-way restoration. Where the pipeline crosses state or federal highways or railroads, the pipe will be installed by using jack and bore construction. Construction of the reclaimed water pipeline is estimated to cost \$500,000 per mile or \$5,000,000 for the total length of the pipeline.

52. Construction of the reclaimed water pipeline will comply with the standards in Chapter 17-610, Florida Administrative Code, the Florida Department of Transportation Utility Accommodation Guide, and the EPA Guidelines for Water Reuse Manual. The pipeline will be hydrostatically tested prior to operation. Corrosion control of the pipeline will depend on the material used for the pipeline and the soil conditions. If a polyethylene or a polyvinylchloride material is used, no corrosion control will be necessary. If ductile iron is used, the soil will be tested for corrosive properties and, if necessary, the pipeline will be protected from corrosion with a poly wrap material.

Solid Waste Disposal

53. Various types of solid waste will be generated by the operation of the Polk County Site. Depending upon the type of solid waste, disposal may be made in the onsite solid waste disposal areas or it may be disposed of offsite.

54. Waste inlet air filters from the combustion turbines and general waste, such as office waste, yard waste and circulating water system screenings, will be recycled or disposed of offsite at the Polk County North Central Landfill. Solid waste from the well water pretreatment and blowdown pretreatment will be disposed of onsite in the solid waste disposal area to be constructed in mining parcel SA-8. Sulfur, a by-product of coal gasification, will be of marketable grade and will be stored in a molten state onsite and delivered to buyers by rail car or tanker truck. Slag, a by-product of coal

gasification, will be the largest volume of solid waste generated at the Polk County Site. Slag is potentially marketable and FPC will make efforts to recycle this by-product as construction aggregate. If slag is not marketable, it will be disposed of in the onsite solid waste disposal areas initially in mining parcel SA-8 and later, if necessary, in parcel P-2. Low volume spent acidic and basic solutions produced in the regeneration of demineralizer resin bed ion exchanges during operation of the facility will be treated in an elementary neutralization unit to render them non-hazardous. Other potentially hazardous waste will be tested and if determined hazardous will be disposed of in accordance with all applicable federal and state laws.

55. Onsite disposal of slag, and well water and blowdown pretreatment solids will be made in the solid waste disposal areas to be constructed in parcels SA-8 and later, if necessary, P-2. These parcels are clay lined impoundments that have clays generally 20 to 40 feet thick. Prior to disposal of any solid waste in a clay settling area, that area will be drained and the clays consolidated. The clays will be probed and if the clay thickness is less than 10 feet it will be refurbished or patched with a synthetic liner. Additionally, a geotextile net will be installed to provide tensile strength to the upper layer of clay. Perimeter leachate collection piping will be installed. Leachate in the interior of the solid waste disposal areas will be monitored and collected by the use of well points to maintain the leachate head at no greater than 4 feet. The solid waste

disposal area in parcel SA-8 will be closed by installing a two-foot thick soil cover which will be seeded and graded to provide water crop to parcel N-16. At closure, the leachate level will be pumped down to minimize the residual leachate head.

56. The clay which lines the base of the solid waste disposal areas decreases in permeability as it consolidates and the solids content of the clay increases. In the first 20 to 50 years of consolidation, the hydraulic gradient of the clay is reversed and water will drain upward. Analysis of the clay shows that it would take 60 to 100 years for leachate to seep through the clay liner. After closure and capping of the solid waste disposal area occurs and the leachate residual head is pumped out, leachate is not expected to break through the liner. Based on the design of the solid waste disposal areas and the analysis of the clay, the solid waste disposal areas in parcels SA-8, and later P-2, should provide equivalent or superior protection to that of a Class I landfill under Chapter 17-7.01, Florida Administrative Code.

Industrial Wastewater

57. The Polk County Site is designed to be a zero discharge facility. There will be no offsite surface water discharge of contaminated stormwater or cooling pond blowdown. Cooling pond blowdown will be treated first by a lime/soda ash softening pretreatment system. A portion of the softened effluent will be routed to the cooling pond and a portion will be treated further by reverse osmosis (RO). High quality water from the RO system will be reused in the power plant as process

water. The reject wastewater from the RO system will be sent to the brine pond for evaporation. In later stages of the Polk County Site operation, the RO reject wastewater will be concentrated prior to disposal in the brine pond.

58. The brine pond will be constructed in parcel SA-9, a waste clay settling pond. Parcel SA-9 has thick waste clay deposits which will act as a liner. A synthetic liner will be placed along the interior perimeter of the brine pond out to a point where the clay is at least 10 feet thick. The synthetic liner will prevent seepage of the brine through the embankment of the brine pond and will provide added protection near the perimeter of the brine pond where the clay liner is thinner.

Groundwater Impacts/Zone of Discharge

59. The brine pond and solid waste disposal areas will be located in waste clay settling ponds with thick clay liners. They will be constructed to minimize, if not eliminate, seepage of brine and leachate to groundwater. If brine or leachate should seep through the clay liner, dispersion and dilution will reduce chemical concentrations so that neither primary nor secondary groundwater quality standards will be exceeded at the boundary of the zone of discharge.

60. A zone of discharge has been established for the solid waste disposal area in parcel SA-8, the brine pond in parcel SA-9, and the cooling pond in parcels N-11B, N-15 and N-16. The zone of discharge will extend horizontally 100 feet out from the outside toe of the earthen dam along a consolidated boundary surrounding these facilities and vertically downward to

the top of the Tampa member of the Hawthorn Group. A groundwater monitoring plan will be implemented to monitor compliance with groundwater standards at the boundary of the zone of discharge.

Surficial Hydrology and Water Quality Impacts

61. The Polk County Site is located along the divide between the Peace River Drainage Basin and the Alafia River Drainage Basin. Water bodies near the site include McCullough Creek, Camp Branch, Six Mile Creek, Barber Branch, and South Prong Alafia River. Mining has disrupted or eliminated natural drainage patterns from the Polk County Site to these water bodies. Currently the only drainage from the Polk County Site to these water bodies is through federally permitted National Pollutant Discharge Elimination System (NPDES) outfalls to McCullough Creek and Camp Branch.

62. To assess the impact to the surficial hydrology of the Polk County Site and surrounding water bodies, the baseline condition was assumed to be the surficial hydrology which would be present under current mandatory reclamation plans for the mining parcels onsite and offsite. The baseline for non-mandatory parcels was assumed to be the minimum reclamation standards under the DEP/Bureau of Mine Reclamation (BOMR) (formerly within the Department of Natural Resources) Old Lands Program and the baseline for non-mandatory offsite parcels was considered to be the existing condition. The one water body onsite for which the baseline condition presently exists is Tiger Bay, which has been reclaimed and released. The baseline

condition for the Polk County Site ultimately would include elimination of seepage from N-16 to Tiger Bay and removal of the NPDES outfall weir from Tiger Bay to Camp Branch. These conditions will result in a lowering of the water table in Tiger Bay and the drying out of wetlands in that area. Under current reclamation plans, water bodies also will be created in parcels SA-12 and SA-11. Other than the reclaimed Tiger Bay and Tiger Bay East, DEP, Southwest Florida Water Management District (SWFWMD) and Polk County have not claimed jurisdiction over any of the water bodies onsite within areas in which phosphate mining activities have been or will be conducted.

63. The major construction activities which may impact offsite surface water bodies are the dewatering activities associated with the initial phase of construction. During this period, parcels SA-11, SA-13 and N-16 will be dewatered to allow earth-moving activities to take place. Dewatering effluent will be stored onsite, reused in IMC's recirculation system, or discharged in the event of above-average rainfall. After the earthwork is complete, the water will be returned to N-16. Based on this construction scenario, no adverse impact to offsite surface water bodies is expected from the construction activities associated with the Polk County Site.

64. The Polk County Site has been designed to function as a "zero discharge" facility. No surface water will be withdrawn from or discharged to any offsite surface water body as a result of plant operations. Certain non-industrial areas within the Polk County Site will be designed, however, to provide offsite

drainage to enhance flows to McCullough Creek and Camp Branch. Flow to McCullough Creek will be enhanced by drainage from parcel SA-10, an offsite portion of the Estech Silver City Plant Site, and the southerly portion of parcel SA-12. Drainage from parcels N-11A, N-13, N-9B, Tiger Bay East and Tiger Bay will enhance flows to Camp Branch. Additionally, FPC has agreed to explore the possibility of restoring drainage to Six Mile Creek if onsite water cropping produces more water than FPC needs for power plant operations and if such drainage can be accomplished without additional permits. The net effect of the drainage enhancement plans will be to equal or improve flows to McCullough Creek and Camp Branch over the baseline condition for the site.

65. There are several types of surface water systems to be developed on the Polk County Site. Surface water runoff from the plant island, other than that from the coal and limestone storage areas, will be routed to the site runoff pond and then used in the cooling pond as makeup water. Surface water runoff from the coal and limestone storage areas, as well as runoff from the active solid waste disposal area, will be routed to a lined recycle basin and will be used as process makeup water for the coal gasification plant. Surface water runoff from mining parcels N-11C, Triangle Lakes, N-11B and N-15 prior to its use as part of the cooling pond, P-3, Phosphoria, P-2 prior to its use as a solid waste disposal area, and SA-8 after it has been closed as a solid waste disposal area, will be directed to the cooling pond as makeup water. All of the surface water

management systems will meet the requirements of the SWFWMD Management and Storage of Surface Water rules.

Subsurface Hydrology and Impacts from Water Withdrawal

66. The Polk County Site will use a cooling pond for process water and for cooling water for the combined cycle units and the coal gasification facilities. For the initial 940 MW of generating capacity, makeup water for the cooling pond will come from onsite water cropping and reclaimed water from the City of Bartow. FPC has negotiated an agreement with the City of Bartow for 3.5 or more million gallons per day (mgd) of reclaimed water from its wastewater treatment facility.

67. At ultimate site capacity, the Polk County Site will require up to 23.6 mgd from a combination of offsite sources and groundwater for the operation of the power plant. FPC has agreed with the SWFWMD to obtain at least 6.1 mgd from reclaimed water and other offsite non-potable water sources, including the City of Bartow, for use as makeup water for the cooling pond. The additional 17.5 mgd of water may be withdrawn from the Upper Floridan Aquifer if additional sources of reclaimed water are not available. FPC has identified substantial amounts of reclaimed water that may be available.

68. A limited quantity of potable water from the Upper Floridan Aquifer will be needed to supply drinking water and other potable water needs for power plant employees. Well water from the Upper Floridan Aquifer will be treated, filtered and chlorinated in an onsite potable water treatment system prior to consumption. At ultimate site development, potable water

consumption is estimated to average 19,000 gallons per day, with a peak consumption of 36,000 gallons per day. As an alternative, FPC may connect with the City of Bartow or the City of Fort Meade potable water system.

69. The subsurface hydrology of the Polk County Site consists of three aquifer systems. The uppermost system is the surficial aquifer which is located in the upper 20 to 30 feet of soil. Due to mining operations, the surficial aquifer has been removed from the site except beneath highway rights-of-way and portions of some dams. Below the surficial aquifer lies the intermediate aquifer which is comprised of an upper confining layer approximately 120 feet thick, a middle water bearing unit about 60 feet thick, and a lower confining unit about 80 to 100 feet thick. This aquifer system provides potable water to some small quantity users in the area. Below the intermediate aquifer is the Floridan Aquifer, which consists of the Upper Floridan Aquifer, a discontinuous intermediate confining unit, and the Lower Floridan Aquifer. The Upper Floridan Aquifer provides a larger source of potable water for the area. The Lower Floridan Aquifer is characterized by poorer quality water and has not been used generally for water supply.

70. The principal impact to groundwater from construction of the Polk County Site will be from the dewatering activities in parcels N-16, SA-11 and SA-13. This impact, if not mitigated, could result in the lowering of groundwater levels in the surficial aquifer in adjacent wetlands. During construction, recharge trenches will be constructed in certain

locations near wetlands. Modeling analysis demonstrates that the recharge trenches will adequately mitigate any offsite groundwater impacts that otherwise would be caused by construction dewatering.

71. The principal groundwater impact from the operation of the Polk County Site will be the withdrawal of water from the Upper Floridan Aquifer for process water and cooling pond makeup. Water from the Upper Floridan Aquifer is the lowest quality of groundwater that can be used for the Polk County Site while maintaining the cooling pond as a zero discharge facility. The withdrawal of 17.5 mgd from the Upper Floridan Aquifer at ultimate site development will not adversely impact offsite legal users of groundwater and will comply with the SWFWMD consumptive use criteria for groundwater withdrawal.

Ecological Resources

72. The baseline for the ecological resources at the Polk County Site was established as the site condition that would exist following (i) mandatory reclamation under reclamation plans approved by the DEP/BOMR, and (ii) non-mandatory reclamation normally carried out by the mining companies. In the cases of Tiger Bay, which has been reclaimed and released by DEP/BOMR, and Tiger Bay East, which has revegetated naturally without reclamation, the ecological baseline was represented by the current condition of these parcels. This baseline methodology was proposed by FPC in a Plan of Study which was accepted by DEP in a Binding Written Agreement.

73. The predominant land cover that would occur under the baseline condition at the Polk County Site would be agriculture.

Approximately 70 percent of the Polk County Site, or approximately 5,678 acres, would be developed as crop land, citrus or pasture. The remaining 30 percent of the site would be reclaimed as non-agricultural uplands, wetlands and open water bodies. Tiger Bay already has been reclaimed and released by DEP/BOMR and Tiger Bay East has revegetated naturally. These two parcels represent one-fourth (524 acres) of the natural habitat under the ecological baseline condition. The quality of the baseline land cover and vegetation was established by surveying several onsite and offsite areas which have been reclaimed and released.

74. Baseline aquatic resources at the Polk County Site consist of Tiger Bay and the aquatic resources which would have been developed under existing reclamation plans. This baseline would include open water bodies and forested wetlands in parcels SA- 11 and SA-12, and forested and herbaceous wetlands in parcel N-16. Both Estech and IMC have exceeded their mine-wide wetlands mitigation obligations even without those wetlands. The quality of the baseline open water bodies on the Polk County Site was evaluated by surveying parcel N-16, which currently consists of open water habitat. The quality of wetlands was determined by surveying Tiger Bay, which contains wetlands that have been reclaimed and released. The baseline aquatic resources were found to have significant fluctuations of dissolved oxygen, and were characterized by encroachment of cattail, water hyacinth and other nuisance species. All of the aquatic areas sampled as representative of baseline conditions

showed significant eutrophication. No DEP or SWFWMD jurisdictional wetlands currently exist onsite, within areas in which phosphate mining activities have been or will be conducted, except in the reclaimed Tiger Bay and Tiger Bay East.

75. Baseline evaluation of threatened and endangered species, and species of special concern (listed species) was conducted by collecting information regarding regional habitat descriptions; plant species lists and ecological reports for the area; lists and ecological reports of birds, mammals, reptiles and amphibians common to the area; species checklists; reports of sightings or abundance estimates; interspecific relationships and food chains of important species; location of rare, threatened or endangered species or critical habitat for these species in the region; and occurrence of potential preexisting stresses. Information from the Florida Natural Areas Inventory and approved mine reclamation plans was reviewed. Visits were made to nearby reclaimed sites by land and low-flying helicopters. No listed plant species were found at the site or offsite study areas. Existing reclamation plans, and consequently the ecological baseline condition, do not require the planting of such species. Listed animal species which were observed at the Polk County Site and are expected under the baseline conditions include the American alligator, woodstork, southeastern kestrel, osprey, little blue heron, snowy egret and tricolored heron. The baseline conditions would provide suitable feeding habitat for these species, but only limited areas of suitable nesting habitat. Both the current condition

of the site and baseline condition provide feeding habitat for the American bald eagle, however, the nesting potential for this species will be greater after the implementation of the baseline condition.

76. Impacts to the baseline ecological resources from the construction and operation of the Polk County Site will be more than compensated by habitat creation and enhancement programs proposed by FPC. The primary impacts to the baseline ecological resources will occur when power plant facilities, such as the plant island, cooling pond, brine pond and solid waste disposal area are constructed, eliminating these parcels from the baseline ecological resources. Without development of the Polk County Site, these parcels would represent approximately 2,268 acres of viable lakes and upland and wetland habitats. FPC has proposed a total of 3,713 acres of viable wildlife habitat as part of the ultimate development of the Polk County Site. Accordingly, the available wildlife habitat after construction of the Polk County Site represents a net increase of 1,445 acres over the baseline ecological resource conditions. This increase in habitat, particularly in the buffer area, will be a net benefit for protected species.

77. In providing more wildlife habitat than baseline conditions, FPC has agreed to certain enhancement activities that will specifically offset any impact to baseline ecological resources. These enhancement programs include habitat and wetland creation in parcels N-9B and N-13; habitat creation and offsite drainage enhancement in parcel SA-10; implementation of

a wildlife habitat management plan and exotic vegetation control in parcels SA-10, N-9B and N-13; drainage enhancement to McCullough Creek and Camp Branch; and funding the acquisition of a 425 acre offsite area to serve as part of a wildlife corridor.

Air Pollution Control

78. Polk County has been designated by the U.S. Environmental Protection Agency (EPA) and DEP as an attainment area for all six criteria air pollutants.

79. Federal and state Prevention of Significant Deterioration (PSD) regulations provide that the project will be subject to "new source review." This review generally requires that the project comply with all applicable state and federal emission limiting standards, including New Source Performance Standards (NSPS), and that Best Available Control Technology (BACT) be applied to control emissions of PSD pollutants emitted in excess of applicable PSD significant emission rates. The project will limit emission rates to levels far below NSPS requirements. For the initial 470 MW phase of the Project, BACT must be applied for the following pollutants: sulfur dioxide (SO_2), nitrogen oxides (NO_x), particulates (PM and PM_{10}), volatile organic compounds (VOCs), carbon monoxide (CO), beryllium, inorganic arsenic, and benzene. For the ultimate site capacity, BACT is required for each of these pollutants, and sulfuric acid mist (H_2SO_4), mercury, and lead as well.

80. BACT is defined in DEP Rule 17-212.200(16), Florida Administrative Code, as:

An emission limitation, including a visible emission standard, based on the maximum

degree of reduction of each pollutant emitted which the Department, on a case-by-case basis, taking into account energy, environmental and economic impacts, and other costs, determines is achievable through application of production processes and available methods, systems and techniques (including fuel cleaning or treatment or innovative fuel combustion techniques) for control of each such pollutant.

The primary purpose of a BACT analysis is to minimize the allowable increases in air pollutants and thereby increase the potential for future economic growth without significantly degrading air quality. Such an analysis is intended to insure that the air emissions control systems for the project reflect the latest control technologies used in a particular industry and is to take into consideration existing and future air quality in the vicinity of the project. The BACT analysis for the project therefore evaluated technical, economic, and environmental considerations of available control technologies and examined BACT determinations for other similar facilities across the United States.

81. For the first 470 MW of NGCC units, BACT for SO₂ emissions from the CTs is the use of natural gas as the primary fuel and the use of low sulfur oil for a limited number of hours per year.

82. For the first 470 MW of NGCC units, BACT for CO, VOCs, PM, beryllium, arsenic, and benzene emissions from the CTs is efficient design and operation of the CTs, the inherent quality of natural gas (the primary fuel), and a limitation on the annual use of fuel oil.

83. For the first 470 MW of combined cycle units, BACT for NO_x emissions from the CTs is the use of advanced dry low NO_x combustors capable of achieving emissions of 12 parts per million by volume dry (ppmvd) at 15 percent oxygen when burning natural gas, water/steam injection to achieve 42 ppmvd at 15 percent oxygen when burning fuel oil, and limited annual fuel oil use.

84. For the first 470 MW of NGCC units, the DEP staff initially proposed BACT for NO_x emissions from the CTs as 9 ppmvd at 15 percent oxygen when burning natural gas, using dry low NO_x combustor technology. However, after careful consideration, it was determined that, because of the lack of proven technology to achieve such emission rate, it would be more appropriate to establish BACT at 73 lb/hour/CT (24-hour average, based on 12 ppmvd at 15 percent oxygen and 59° F) using dry low NO_x combustor technology and to require FPC to make every practicable effort to achieve the lowest possible NO_x emission rate with those CTs when firing natural gas. FPC also is required to conduct an engineering study to determine the lowest emission rate consistently achievable with a reasonable operating margin taking into account long-term performance expectations and assuming good operating and maintenance practices. Based on the results of that study, DEP may adjust the NO_x emission limit downward, but not lower than 55 lb/hour/CT (24-hour average, based on 9 ppmvd at 15 percent oxygen and 59° F.).

85. For the 99 MBtu/hour auxiliary boiler that is part of the initial phase of the project, BACT for NO_x emissions is low

NO_x burners, limited annual fuel oil use, and limited hours of annual operation. BACT for NO_x emissions from the 1300 kW diesel generator is combustion timing retardation with limited hours of annual operation.

86. For the 99 MBtu/hour auxiliary boiler and the diesel generator as part of the initial phase of the project, BACT for CO, VOC, SO₂, PM, benzene, beryllium, and arsenic emissions consists of good combustion controls, the inherent quality of the fuels burned, the use of low-sulfur fuel oil, and limited hours of operation.

87. For the fuel oil storage tank as part of the initial phase of the project, BACT is submerged filling of the tank.

88. For the coal gasification and other facilities to be built during later phases of the project, a preliminary BACT review was undertaken by FPC to support the demonstration that the Polk County Site has the ultimate capacity and resources available to support the full phased project.

Air Quality Impact Analysis

89. Air emissions from the project also must comply with Ambient Air Quality Standards for six criteria pollutants and Prevention of Significant Deterioration increments for three pollutants. Polk County and the contiguous counties are classified as Class II areas for PSD purposes; the nearest Class I area is the Chassahowitzka National Wilderness Area, located approximately 120 km. from the Site. An air quality analysis, undertaken in accordance with monitoring and computer modeling procedures approved in advance by EPA and DEP, demonstrated that

the project at ultimate capacity utilizing worst-case assumptions will comply with all state and federal ambient air quality standards as well as PSD Class I and II increments. For nitrogen dioxide, sulfur dioxide and particulate matter, air quality modeling was based on conservative assumptions, including background concentrations based upon the highest long-term and second highest short-term measured values (established through an onsite one-year air quality monitoring program and regional data), existing major sources at their maximum emissions, the estimated maximum emissions from certain other proposed projects, and the impacts of the proposed FPC project at ultimate site capacity. For other pollutants, detailed analyses were not performed because offsite impacts were predicted to be insignificant.

90. Impacts of the project's estimated emissions of certain hazardous air pollutants (antimony, arsenic, barium, beryllium, benzene, boron, cadmium, calcium, chromium, cobalt, copper, formaldehyde, magnesium, manganese, nickel, selenium, vanadium, and zinc) at ultimate capacity were compared to the DEP draft no-threat levels under DEP's draft "Air Toxics Permitting Strategy." All pollutants except arsenic were projected to be below the corresponding draft no-threat level. Because of the conservatism of DEP's draft no-threat levels, it was concluded that arsenic impacts would not pose a significant health risk to the population in the surrounding area.

91. Impacts on vegetation, soils, and wildlife in both the site area and the vicinity of the Chassahowitzka National

Wilderness Area, the nearest PSD Class I area, will be minimal. Visibility in the vicinity of the Chassahowitzka National Wilderness Area will not be impaired significantly by the project's emissions. Air quality impacts from commercial, industrial, and residential growth induced by the project are expected to be small and well-distributed throughout the area.

92. Impacts from the initial phase of the Project (470 MW) will comply with all State and federal ambient air quality standards as well as PSD Class I and II increments. The impacts from the initial phase of the Project are also well below the draft no-threat levels. The initial phase of the Project will not significantly impair visibility in the vicinity of the Chassahowitzka National Wilderness Area, and the impact on vegetation, soils, and wildlife in both the site area and the vicinity of the Chassahowitzka National Wilderness Area will be minimal. The air quality impacts due to commercial, industrial, and residential growth from the initial phase of the Project will be small, and are not expected to impact air quality.

Land Use Planning/Socioeconomic Impacts
of Construction and Operation

93. The proposed site is an appropriate location for the Polk County Site project. The Polk County Site has adequate access to highway and rail networks, including CR 555, a major collector road, and the CSX railroad. The Polk County Site is located away from major residential areas in a location already heavily disturbed by mining activity. The site is located in reasonable proximity to major metropolitan areas that can supply an adequate work force for construction. Development of the

Polk County Site in a mined-out phosphate area is a beneficial use of land and will provide an economic benefit for Polk County. The Polk County Site also is close to existing facilities, such as existing transmission line corridors and reclaimed water facilities, which will benefit the operation of the site while minimizing the impact of the project.

94. The linear facilities associated with the Polk County Site are sited in appropriate locations. The 230-kV transmission line upgrade, reclaimed water pipeline and backup natural gas pipeline corridors: (i) are located adjacent to other linear facilities, such as existing roads and transmission lines, (ii) avoid major residential areas, and (iii) minimally disrupt existing land uses.

95. The Polk County Site is compatible with the State Comprehensive Plan, the CFRPC Regional Policy Plan, and will meet the requirements of the Polk County Conditional Use Permit. The portion of the backup natural gas pipeline located in Hillsborough County is consistent with the Hillsborough County Comprehensive Plan and the policies of the TBRPC Regional Policy Plan.

96. Construction of the Polk County Site will occur over an approximately 25-year period beginning in 1994. If the Polk County Site is developed only for NGCC capacity, construction employment will average 153 jobs per year with a peak employment of 350. The average annual payroll for construction of the Polk County Site on all NGCC is expected to be \$7.1 million per year. If 1,000 MW of NGCC and 2,000 MW of CGCC units are built at the

Polk County Site, peak construction employment will be 1,000 with an average annual construction employment of 315 over the approximate 25-year period. Average annual payroll under this scenario would be \$14.6 million per year. Indirect jobs created as a result of buildout of the Polk County Site will average 231 jobs for all NGCC and 477 jobs if 2,000 MW of CGCC is added to the Polk County Site.

97. After completion of the construction of the Polk County Site at ultimate capacity, 110 permanent direct jobs will be created if the site uses all NGCC and 410 jobs will be created if coal gasification is added to the Polk County Site. The operation of the Polk County Site will have a multiplier effect on the Polk County economy. The all NGCC scenario will create 272 indirect jobs and the Case A' scenario with CGCC will create 1,013 indirect jobs. After buildout, property taxes generated by the Polk County Site are estimated to be \$24.3 million per year for the all NGCC scenario and \$37.4 million per year if CGCC capacity is constructed at the site.

Noise Impacts

98. The ambient noise, or baseline noise condition at the Polk County Site was measured in five locations. These measurements show that the baseline noise condition for the site ranges between 30 dBA and 65 dBA at the nearest residential location. The higher noise levels are caused by truck traffic associated with the phosphate mining industry.

99. Noise impacts from construction will be loudest during initial site preparation and steel erection stages.

Earth moving equipment will produce noise levels of 45 to 50 dBA at the nearest residence in Homeland. During final phases of construction, steam blowout activity to clean steam lines will produce short duration noise levels of 69 dBA at the nearest residence. This activity will take place only during daylight hours.

100. Noise levels from the operation of the Polk County Site were calculated using a computer program specifically designed for assessing noise impacts associated with power plant operation. The highest predicted continuous noise level will be 41 dBA at several houses 2.9 miles south of the site and 47 dBA at the nearest church. Noise impacts from fuel delivery trucks and coal trains will not significantly increase the noise levels over existing conditions. The continuous noise level from the operation of the Polk County Site at the nearest residence or church will be below the 55 dBA level recommended by the U.S. Environmental Protection Agency.

Traffic

101. Traffic analyses were made for impacts to highway traffic which will result from the construction and operation of the Polk County Site. These analyses included impacts at rail crossings caused by the delivery of coal to the Polk County Site under the Case A' scenario.

102. A highway traffic analysis was made to determine if the existing roadway network in the vicinity of the Polk County Site would operate at acceptable levels of service based upon increased volumes of traffic associated with the construction

and operation employment at the Polk County Site. Methodologies for evaluating traffic impact complied with Polk County, FDOT and CFRPC criteria. County roads were evaluated using Polk County criteria and state roads were evaluated using both Polk County and FDOT criteria. Traffic volumes were evaluated for peak construction traffic in 2010 and full plant operations, estimated in 2018. The traffic evaluation included analysis of existing traffic conditions, increased traffic volume associated with growth in the area not associated with the Polk County Site, and increased traffic associated with construction and operation employment at the Polk County Site.

103. During peak construction employment under the Case A' scenario, 1,000 employees are expected at the Polk County Site. Under this scenario, the expected trip generation of the Polk County Site is expected to be 1,792 trips per day, with a morning peak of 717 trips and an afternoon peak of 717 trips. Based on this analysis, all roadways are expected to operate at acceptable levels of service with currently planned improvements to the roadways. Intersection levels of service were found acceptable for 7 out of 11 intersections. FPC has recommended improvements to four intersections at U.S. 98 and SR 60A, SR 60 and CR 555, SR 37 and CR 640, and CR 555 and CR 640 at specified traffic levels.

104. Peak operation employment under the Case A' scenario is expected to be 410 employees in 2018. Based upon this employment figure, the expected trip generation of the Polk County Site is 964 trips per day with a morning peak of 195

trips and an afternoon peak of 154 trips. At peak operation employment, all roadways evaluated were found to operate at acceptable levels of service. All intersections, except the intersection at SR 60 and CR 555, were found to operate at acceptable levels. FPC has recommended a protected/permissive westbound left turn lane at this intersection.

105. With FPC's recommended improvements, which have been incorporated as conditions of certification, and those improvements currently planned by FDOT, the existing roadway network will meet Polk County and FDOT approved levels of service at peak employment during the construction and operation of the Polk County Site to its ultimate capacity.

106. In addition to the highway traffic impact analysis, FPC evaluated the impact on rail/highway crossings from the transportation of coal by rail under the Case A' scenario. It was assumed that all coal for the Polk County Site will be delivered by rail over existing CSX transportation lines. It is expected that at full operation two 90-car trains per day will be required for the delivery of coal, resulting in four train trips per day. It was also assumed that trains will travel at speeds averaging 35 to 45 miles per hour.

107. Evaluation of the impacts at rail crossings found an increase of .5 second per vehicle per day at urban rail crossings and .3 second per vehicle per day at rural rail crossings. Based on the 1985 Highway Capacity Manual, the total delay at rail crossing intersections caused by the increased train traffic to and from the Polk County Site will not cause a

significant delay and the rail crossing intersections will maintain level of service A.

Archaeological and Historic Sites

108. The Florida Department of State, Division of Historical Resources, has stated that because of the location of the Polk County Site, it is unlikely that any significant archaeological or historical sites will be affected.

Mandatory Reclamation of Mining Parcels

109. The Polk County Site is comprised of phosphate mining parcels, portions of which are subject to mandatory reclamation under the jurisdiction of DEP/BOMR. The mandatory mining parcels are currently owned by Estech, IMC, and USAC. FPC has entered into stipulations with each mining company agreeing to reclamation of the mandatory mining parcels in accordance with the conditions of certification proposed by DEP/BOMR. In those conditions, DEP has proposed to incorporate the reclamation conceptual plan modifications included in Appendix 10.9 of the SCA into the certification proceeding for the Polk County Site and has redesignated those conceptual plan modifications as EST-SC-CPH and IMC-NP-FPC. The portions of the site which will be developed by FPC will be released from mandatory reclamation requirements when FPC purchases the Polk County Site.

Variances

110. FPC has requested variances from certain reclamation standards set forth in Rule 16C-16.0051, Florida Administrative Code, which will be necessary until the affected mining parcels

on the Polk County Site are released from reclamation. FPC has requested a variance from Rule 16C-16.0051(5)(a), which requires artificial water bodies to have an annual zone of fluctuation, and Rule 16C-16.0051(5)(b), which requires submerged vegetation and fish bedding in artificially-created water bodies. The criteria in these rules are inappropriate for a cooling pond, because it is an industrial wastewater treatment facility which cannot be efficiently or safely operated with fluctuating water levels and aquatic vegetation zones. With regard to the construction of dams for the cooling pond, brine pond and solid waste disposal areas, FPC will need a variance from Rule 16C-16.0051(2)(a), which requires a 4:1 slope for dam embankments and Rule 16C-16.0051(9)(b) and (c), which requires vegetation of upland areas, which may include dam embankments. Dams for the cooling pond, brine pond and solid waste disposal areas will have steeper slopes and the interiors of the dams will be concrete blanket revetments, synthetic liners or solid waste consistent with the industrial purposes for which these facilities have been constructed. Access to these areas will be controlled to prevent any potential safety hazard. Finally, FPC will need a variance from Rule 16C-16.0051(11)(b)(4), which requires reclamation to be completed within two years after mining operations are completed. Construction of the Polk County Site requires extensive dewatering and earthwork which cannot be completed within this timeframe.

111. Applications for variances from mining reclamation criteria were included in Appendix 10.9 of the SCA and have been

incorporated into the certification proceeding for the Polk County Site. DEP has redesignated these variance applications as EST-SC-FPC-V and IMC-NP-FPC-V. These variances are appropriate and should be granted.

Agency Positions and Stipulations

112. The Department of Environmental Protection, Southwest Florida Water Management District, and Polk County have recommended certification for the construction and operation of the initial 470 MW of natural gas combined cycle generating capacity and have recommended the determination that the Polk County Site has the ultimate capacity for 3,000 MW of natural gas and coal gas combined cycle generating capacity, subject to appropriate conditions of certification. No other state, regional or local agency that is a party to the certification proceeding has recommended denial of the certification for the construction of the initial 470 MW of generating capacity or determination of ultimate site capacity. Several agencies which expressed initial concern regarding certification of the Polk County Site have resolved those concerns with FPC and have entered into stipulations with FPC as discussed below.

113. The Florida Department of Transportation, the Game and Fresh Water Fish Commission, and the Department of Community Affairs have entered into stipulations with FPC recommending certification of the Polk County Site and a determination that the Polk County Site has the ultimate site capacity to support 3,000 MW of NGCC and CGCC generating capacity subject to

proposed conditions of certification. Hillsborough County, the Environmental Protection Commission of Hillsborough County, and the Tampa Port Authority have entered into a stipulation and agreement with FPC recommending certification of the backup natural gas pipeline corridor subject to proposed conditions of certification.

114. FPC and the agency parties have agreed on a set of conditions of certification for the Polk County Site. Those conditions are attached as Appendix A to this Recommended Order.

CONCLUSIONS OF LAW

115. The Division of Administrative Hearings has jurisdiction over the parties and subject matter of this proceeding. Section 403.508 (3), Florida Statutes (1991).

116. This proceeding was held pursuant to the Florida Electrical Power Plant Siting Act, Chapter 403, Part II, Florida Statutes.

117. In accordance with Chapter 403 and 120, Florida Statutes, and Chapter 17-17, Florida Administrative Code, proper notice was given to all persons and parties entitled thereto as well as to the general public. All necessary and required governmental agencies were parties to this proceeding, and required reports and studies were completed and presented.

118. The State of Florida Department of Environment Protection and other participating agencies either have recommended, or do not object to, certification of the construction and operation for the first 470 MW of generating capacity and certification of the FPC Polk County Site as having

the capacity to accommodate 3,000 MW of natural gas and coal gas-fired combined cycle generating capacity, subject to this Order and the attached Conditions of Certification.

119. The Applicant (FPC) has met its burden of proving that the Polk County Site project is entitled to certification, subject to the Conditions of Certification attached as Appendix A. The construction and operational safeguards for the Polk County Site are technically sufficient for the welfare and protection of the citizens of Florida, and are reasonable and available methods to achieve that protection. The proposed Polk County Site, if constructed, maintained, and operated in accordance with this Order and the attached Conditions of Certification, will produce minimal adverse affects on human health, the environment, the ecology of the land and its wildlife, and the ecology of State waters and their aquatic wildlife. Certification for the construction and operation of the first 470 MW of generating capacity is consistent with the goal of abundant, low cost electrical energy and will effect a reasonable balance between those minimal environmental impacts which will occur and the PSC-determined need for the first 470 MW of generating capacity at the Polk County Site.

120. The FPC Polk County Site, if constructed and operated in accordance with this Order and the attached Conditions of Certification, is compatible with the State Comprehensive Plan, Chapter 187, Florida Statutes, the Central Florida Regional Planning Council Comprehensive Regional Policy Plan, the Tampa Bay Regional Planning Council Regional Policy

Plan, the Hillsborough County Comprehensive Plan and the Polk County Comprehensive Plan.

121. The FPC Polk County Site, if constructed and operated in accordance with this Order and the attached Conditions of Certification, will comply with the applicable nonprocedural requirements of all agencies with jurisdiction over the Polk County Site.

122. A zone of discharge for discharges into groundwater is necessary for the operation of the Polk County Site and should be granted in accordance with the recommended Conditions of Certification.

123. The conceptual plan modifications for the mandatory phosphate mining reclamation plans and the variances from phosphate mining reclamation standards are necessary and appropriate based on the construction plans for the Polk County Site and should be granted subject to the attached Conditions of Certification.

RECOMMENDATION

Based on the foregoing Findings of Facts and Conclusions of Law, it is RECOMMENDED that:

1. Florida Power Corporation be granted certification pursuant to Chapter 403, Part II, Florida Statutes, for the location, construction and operation of 470 MW of combined cycle generating capacity as proposed in the Site Certification Application and in accordance with the attached Conditions of Certification.

2. Florida Power Corporation's Polk County Site be certified for an ultimate site capacity of 3,000 MW fueled by

coal gas, natural gas, and fuel oil subject to supplemental application review pursuant to 403.517, Florida Statutes, and Rule 17-17.231, Florida Administrative Code, and the attached Conditions of Certification.

3. A zone of discharge be granted in accordance with the attached Conditions of Certification.

4. The conceptual plan modifications (EST-SC-CPH and IMC-NP-FPC) for the mandatory phosphate mining reclamation plans be granted subject to the attached Conditions of Certification.

5. The variances from reclamation standards (EST-SC-FPC-V and IMC-NP-FPC-V) as described herein be granted subject to the attached Conditions of Certification.

DONE AND ENTERED this 3rd day of December, 1993, in Tallahassee, Florida.


DIANE K. KIESLING, Hearing Officer
Division of Administrative Hearings
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Filed with the Clerk of the Division
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NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit written exceptions to this Recommended Order. All agencies allow each party at least 10 days in which to submit written exceptions. Some agencies allow a larger period within which to submit written exceptions. You should contact the agency that will issue the final order in this case concerning agency rules on the deadline for filing exceptions to this Recommended Order. Any exceptions to this Recommended Order should be filed with the agency that will issue the final order in this case.

Case No. 92-5308EPP

APPENDIX A TO THE RECOMMENDED ORDER
IN CASE NO. 92-5308EPP

RECOMMENDED CONDITIONS OF CERTIFICATION

BEFORE THE GOVERNOR AND CABINET
STATE OF FLORIDA
SITTING AS THE SITING BOARD

IN RE:
APPLICATION FOR POWER PLANT
SITE CERTIFICATION OF
FLORIDA POWER CORPORATION
POLK COUNTY SITE,
PA 92-33

DOAH CASE NO. 92-5308EPP
OGC NO. 92-1494

FINAL ORDER

On January 26, 1993, this matter came before the Governor and Cabinet, sitting as the Siting Board, pursuant to the Florida Electrical Power Plant Siting Act (PPSA), Section 403.501, et seq., Florida Statutes (1991), for final agency action concerning a Recommended Order dated January 5, 1993, attached as Exhibit 1, which recommends that the proposed site for the Florida Power Corporation Polk County site is consistent with all applicable zoning ordinances and land use plans.

No exceptions to the Recommended Order have been filed. Having reviewed the Recommended Order and having otherwise been fully advised, it is ORDERED:

Pursuant to Section 120.57(1)(b)10, Florida Statutes (1991), the Recommended Order dated January 5, 1993, (Exhibit 1) is APPROVED and ADOPTED by the Board.

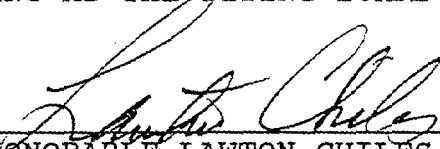
NOTICE OF RIGHTS

Any party to this certification proceeding has the right to seek judicial review of this 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 Siting Board in the Department of Environmental Regulation Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; and by filing a copy with the appropriate District Court of Appeal. The notice of appeal must be filed within 30 days from the date this Final Order is filed with the Clerk of the Siting Board.

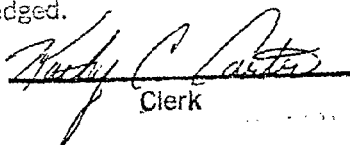
DONE and ORDERED this 26th day of January, 1993, in Tallahassee, Florida, pursuant to the vote of the Governor and Cabinet sitting as the Siting Board, at a duly-noticed and constituted Cabinet meeting on January 26, 1993.

THE GOVERNOR AND CABINET
SITTING AS THE SITING BOARD

BY: 
THE HONORABLE LAWTON CHILES

FILING AND ACKNOWLEDGEMENT

FILED, on this date, pursuant to §120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

 2-24-93
Clerk Date

I hereby certify that the foregoing was sent to the following list of parties on February 24, 1993.

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STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

IN RE: APPLICATION FOR
POWER PLANT CERTIFICATION OF
FLORIDA POWER CORPORATION
POLK COUNTY SITE
PA 92-33

)
) DOAH CASE NO. 92-5308EPP
) OGC CASE NO. 92-1494
)
)
)

LAND USE RECOMMENDED ORDER

Pursuant to notice, a formal hearing was held on the land use portion of this case on December 7, 1992, in Bartow, Florida, before the Division of Administrative Hearings, by its designated Hearing Officer, Diane K. Kiesling.

APPEARANCES

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Corporation:

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STATEMENT OF THE ISSUES

The issue for determination is whether the proposed Florida Power Corporation (FPC) Polk County Site, including its associated linear facilities, is consistent and in compliance with the existing land use plans and zoning ordinances of Polk County and Hillsborough County, Florida, pursuant to 403.508(2), Florida Statutes (1991).

PRELIMINARY STATEMENT

Pursuant to the Florida Electrical Power Plant Siting Act (PPSA), Sections 403.501-403.519, Florida Statutes, on August 24, 1992, FPC filed an application for a power plant site certification (Application) for the initial construction and operation of 470 megawatts (MW) of combined cycle electric generation and ultimate site capacity of up to 3,200 MW on a site in southwest Polk County. This project is known as the Polk County Site.

At the hearing, FPC called Kathleen L. Small, Eric G. Major and Analee Moore. FPC's Exhibits 1 through 23 were admitted into evidence. No other parties called any witnesses or offered any exhibits at the hearing.

The transcript of the proceedings was filed on December 21, 1992, together with the Joint Proposed Recommended Order of FPC and DER. All proposed findings of fact and conclusions of law have been considered. A specific ruling on each proposed finding of fact is made in the Appendix attached hereto and made a part of this Recommended Order.

FINDINGS OF FACT

1. FPC published notices of this land use hearing on October 23, 1992, in the Lakeland Ledger and the Tampa Tribune, and published revised notices of the hearing on November 14, 1992, in the Lakeland Ledger and the Tampa Tribune. Copies of the original notice and the revised notice for the land use hearing were posted at the project site. The Department of Environmental Regulation (DER) published a notice of this hearing in the Florida Administrative Weekly on October 16, 1992. DER mailed notice of this hearing to the chief executives of the local and regional authorities with responsibility for zoning and land use planning and whose jurisdictions include the Polk County Site. DER also issued a news release concerning the land use hearing portion of the certification process.

2. On November 17, 1992, FPC filed a Notice of Amendment to the Application. This amendment added three corridor segments to the natural gas pipeline corridor associated with the Polk County Site. Information supporting this amendment to the Application was included as DER Exhibit 82-B in FPC's Responses to Sufficiency Comments filed by FPC on November 30, 1992.

The Polk County Site

3. The Polk County Site is a multi-phased electrical power plant project scheduled to begin operation in 1998. The initial phase of the project will be natural gas combined cycle generating units with additional generating units being brought on line sequentially to match the estimated growth of demand through the ultimate site capacity of up to 3,200 megawatts. The ultimate site capacity for the proposed Polk County Site includes five key areas. These are:

- (a) plant island, 964 acres;
- (b) cooling ponds, 2,600 acres;
- (c) brine pond, 311 acres;
- (d) solid waste disposal areas, 2,179 acres; and
- (e) buffer areas, 1,649 acres.

4. Two scenarios are proposed for the ultimate site capacity of the Polk County Site. These scenarios are:

Case A -- total site capacity of approximately 3,000 megawatts based on advanced combustion turbine technology and fueled by coal gasification; and

Case B -- total site capacity of approximately 3,200 megawatts based on two pulverized coal units of 1,200 megawatts and 2,000 megawatts of coal gasification combined cycle units.

5. Three associated linear facilities are proposed for the initial phase of the Polk County Site. These associated facilities include a 230 kV transmission line upgrade, a natural gas pipeline lateral, and a reclaimed water pipeline.

Selection of Polk County Site and Associated Facilities

6. In January of 1989, FPC initiated the site selection process for a primary and alternate site for new power plant facilities. The new site had to be capable of accommodating approximately 3,000 megawatts of new electrical generation capacity while meeting several criteria, including multi-unit and clean-coal capability, cost-effectiveness, compliance with all government regulations, compatibility with FPC's commitment to environmental responsibility, and consistency with state land use objectives.

7. FPC used a systematic, five-phase site selection process for identifying the Polk County Site. This process began by screening potential areas throughout Florida and parts of Georgia and Alabama. Through a series of screenings, rankings, and evaluations, FPC narrowed the number of potential sites from 172 to five. The final phase of the selection process included evaluation of field data and other analytical information. The site selection process concluded with the selection of the Polk County Site as the primary site.

8. During each site selection phase, FPC evaluated environmental, socio-economic, and engineering criteria in order to select a site which would maximize environmental suitability, socio-economic compatibility, and engineering feasibility.

9. As part of the site selection process, FPC organized an independent Environmental Advisory Group (EAG) which was composed of environmentalists, educators, and community leaders.

The EAG reviewed FPC's selection process and the potential generating sites selected by FPC.

10. In October of 1990, FPC selected the Polk County Site as the appropriate site for the new electric power plant generating site. The EAG concurred with FPC's selection of the Polk County Site.

Location of the Polk County Site

11. The FPC Polk County Site is located on approximately 8,000 acres of mined-out phosphate lands located in southwest Polk County approximately 40 miles east of Tampa, 3 miles south of Bartow, and 3.5 miles northwest of Fort Meade. The Polk County Site is bounded on the north by County Road (CR) 640, and CR 555 runs through the site. The land uses surrounding the Polk County Site consist almost entirely of phosphate mining operations with the exception of one mobile home on the corner of CR 640 and CR 555.

12. The Polk County Site is composed of four different types of phosphate mining areas. The majority of the Polk County Site is comprised of areas which have been mined and converted into clay settling areas. The second area consists of mine cuts which have been mined but have not received clays. This area is located on the southern portion of the Polk County Site. In the western portion of the Polk County Site, known as Phosphoria, is land that has not been mined, but is scheduled for mining. Finally, there is one parcel of land, Tiger Bay, which has been mined, reclaimed, and released under the Florida Department of Natural Resources' mine reclamation program.

13. Three linear facilities are associated with certification of the first phase of the Polk County Site. A 230 kV transmission line corridor runs from the Barcola Substation, which is located in the northern portion of the Polk County Site, to the Fort Meade Substation, located on CR 630. A backup natural gas pipeline corridor runs from a Florida Gas Transmission pipeline at CR 39 in Hillsborough County east to the Polk County Site. The natural gas pipeline corridor includes a metering station site at CR 39. A reclaimed water pipeline corridor runs from the Bartow city limits south along a CSX Railroad line and U.S. Highway 17, then west to the Polk County Site. On December 1, 1992, FPC amended its Application by narrowing the width of the reclaimed water pipeline along the southern portion of U.S. Highway 17 to exclude a recently annexed portion of the City of Fort Meade. The excluded portion is no longer part of this proceeding.

**Consistency and Compliance of the Polk County Site
With the Polk County Land Use Plan, Zoning Ordinance, and
Conditional Use Permit**

14. As indicated on the Polk County Comprehensive Plan Future Land Use Map, the Polk County Site is located within the Rural Development Area in the Phosphate Mining (PM) land use category. Policy 2.114-A3 of the Future Land Use Element expressly permits construction, operation, and maintenance of electric power generation facilities, and ancillary uses and facilities required to be certified pursuant to the PPSA, in the Phosphate Mining land use category. The Polk County Planning Division staff expressly found that the "FPC proposed power

plant facility is consistent with the land use designation for the subject parcel."

15. The Polk County Site is located in the Rural Conservation (RC) zoning district. Under the Polk County Zoning Ordinance, Class III essential services, including generation facilities such as power plants, are allowed in the RC zoning district as a conditional use.

16. On January 24, 1992, FPC filed a Conditional Use Permit application with Polk County. FPC made presentations to the Zoning Advisory Board and the Board of County Commissioners for Polk County, and a public hearing on the Conditional Use Permit was held in May, 1992. On June 2, 1992, the Board of County Commissioners unanimously approved the issuance of Conditional Use Permit 92-06 to FPC for the Polk County Site. Copies of the Conditional Use Permit and staff report are included in Appendix 10.2 of the Application.

17. Exhibit D, Sheet 1, of the Conditional Use Permit depicts the Polk County Site layout and is consistent with the Site Plan in the Application. The Plant Island depicted in Exhibit D, Sheet 2, of the Conditional Use Permit is consistent with the Plant Island layouts for Case A and Case B in the Application.

18. The Polk County Conditional Use Permit set forth a Timetable of Development for the Polk County Site. The Timetable of Development requires FPC to begin site preparation within 12 months after certification of the Polk County Site and to complete the initial combined cycle generating units 48

months after compliance with the applicable building construction codes has been determined. FPC can comply with the timetable set forth in the Conditional Use Permit.

19. The FPC Polk County Conditional Use Permit also included several Special Conditions of Approval requiring that certain information be included in the Application. As indicated below, the required information has been included in the Application.

(a) Special Condition 6 requires that a landscape plan be included for a buffer area along CR 555. That landscape plan is included in Figure 3.2.1-4 of the Application.

(b) Special Condition 9 requires that FPC demonstrate that the clays underlying the Polk County Site solid waste disposal areas can be consolidated to have the same protective values as required for clay liners under the applicable DER rules. Information offered to demonstrate compliance with this condition is included in Section 3.7.1.3 of the Application.

(c) Special Condition 12 requires that FPC submit a stormwater management plan with the Application which meets Polk County standards. This plan is included in Section 3.8 of the Application.

(d) Special Condition 17 requires that the Application include a site plan showing compliance with zoning district setback and building separation regulations. FPC has demonstrated compliance with these regulations in Figure 3.2.1-1 for Case A and Figure 3.2.1-2 for Case B.

(e) Special Condition 22 requires that the nondesignated areas on the site plan included in the Conditional

Use Permit as Exhibit D remain undeveloped. Figure 2.1.3-1 of the Application shows the nondesignated areas as being undeveloped.

20. Other Special Conditions in the Conditional Use Permit require FPC to file plans and documents after certification or require FPC to perform other post-certification activities. For example, these Special Conditions include requirements for a fire protection plan, an emergency management plan, a spill prevention containment and control plan, a wildlife management plan, and an annual report on water use and conservation. Special Condition 9 requires FPC to monitor groundwater in relationship to the solid waste disposal areas. FPC is committed to complying with these and all other conditions of the Polk County Conditional Use Permit.

21. The Polk County Site, including the associated linear facilities, as designed, located and proposed in the Application, is consistent and in compliance with the Polk County Comprehensive Plan, Zoning Ordinance, and Polk County Conditional Use Permit 92-06.

**Consistency and Compliance of the Natural Gas Pipeline,
230 kV Transmission Line, and Reclaimed Water Pipeline
with the Polk County Land Use Plan and Zoning Ordinance**

22. The Polk County Land Use Plan provides that utility facilities are allowed in all land use designations. The natural gas pipeline, transmission line, and reclaimed water pipeline are included within the enumerated list of utility facilities. The location of these associated facilities in the unincorporated portions of Polk County is consistent and in compliance with the Land Use Plan of Polk County.

23. Article V of the Polk County Zoning Ordinance permits Class I Essential Services in all zoning districts as a permitted use. The 230kV transmission line, natural gas pipeline, and reclaimed water line are included within the definition of Class I Essential Services. The locations of the Polk County Site associated linear facilities are consistent and in compliance with the Polk County Zoning Ordinance.

**Consistency and Compliance of the Natural Gas Pipeline
and Metering Station Site with the
Hillsborough County Land Use Plan and Zoning Ordinance**

24. The Hillsborough County Comprehensive Plan defines public facilities as including, but not limited to, transportation, sanitary sewers, potable water, drainage, solid waste, and parks. The natural gas pipeline and metering station site are similar to these types of facilities.

25. Policy A-5.6 of the Land Use Element of the Hillsborough County Comprehensive Plan requires that public facilities and utilities be located to maximize the efficiency of the services provided, minimize their cost, and minimize their impacts on the natural environment. Furthermore, Policy A-5.10 of the Land Use Element states that public facilities may be considered in any land use plan designation.

26. FPC considered the efficiency, cost, and impact on the natural environment in locating the natural gas pipeline corridor and metering station site in Hillsborough County. In correspondence with FPC, Hillsborough County staff has indicated that the location of the pipeline in the land use categories of agriculture and agricultural/mining would not be incompatible with the uses allowed in those land use categories.

27. Natural gas pipelines are not specifically regulated under the Hillsborough County Land Development Code; however, there is no provision in the Code which would prohibit these types of facilities. The metering station site in Hillsborough County would be considered an "other public service facility" under the Hillsborough County Land Development Code. "Other public service facilities" are allowed as limited uses in the Agricultural Rural (AR) zoning district where the metering station will be located.

28. During the course of the land use hearing, Hillsborough County and FPC entered into a stipulation addressing the consistency and compliance of the natural gas pipeline corridor and metering station site with the Hillsborough County Land Use Plan and zoning regulations. Hillsborough County agreed that the natural gas pipeline corridor and metering station site were consistent and in compliance with the Land Use Plan and zoning regulations of Hillsborough County. FPC agreed that Hillsborough County, in so stipulating to the consistency and compliance of the natural gas pipeline corridor and metering station site with the applicable land use plans and zoning regulations, did not waive its right to recommend that certification of the Polk County Site be subject to appropriate conditions of certification that may be reasonably necessary to satisfy performance criteria contained in County regulations, including the Hillsborough County Land Development Code.

CONCLUSIONS OF LAW

29. The Division of Administrative Hearings has jurisdiction over the parties to and the subject matter of these proceedings. Section 403.508(1), Florida Statutes (1991).

30. The sole issue for determination in this land use portion of the certification process is whether the FPC Polk County Site is consistent and in compliance with existing land use plans and zoning ordinances of Polk County and Hillsborough County. Section 403.508(2), Florida Statutes (1991).

31. FPC timely published notice of the land use hearing in newspapers of general circulation in Polk County and Hillsborough County. FPC published the revised notice of hearing approximately 23 days prior to the land use hearing. FPC and DER stipulated to the alteration of time limits for the publishing of the revised notice of hearing. In an Order dated December 3, 1992, the Hearing Officer approved the alteration of time limits for publishing the revised notice of hearing. All other notice requirements for the land use hearing specified in Rule 17-17.151, Florida Administrative Code, were complied with by FPC and DER.

32. The applicable land use plans and zoning ordinances for the Polk County Site are those which were adopted by Polk County and Hillsborough County and in effect at the time the Polk County Site Application was filed on August 24, 1992..

33. FPC established by competent, substantial evidence that the Polk County Site, including the associated 230 kV transmission line corridor, natural gas pipeline corridor and

reclaimed water pipeline corridor, is consistent and in compliance with the Polk County Land Use Plan, other applicable Comprehensive Plan provisions, and the Polk County Zoning Ordinance. No party presented any evidence to the contrary.

34. Pursuant to the provisions of the Polk County Comprehensive Plan and Zoning Ordinance, Polk County issued FPC Conditional Use Permit No. 92-06 for the development of the Polk County Site. FPC demonstrated by competent, substantial evidence that the Polk County Site as proposed in the Application will comply with Conditional Use Permit 92-06.

35. FPC presented competent, substantial evidence which demonstrated that the natural gas pipeline corridor and metering station site associated with the Polk County Site are consistent and in compliance with the Hillsborough County Land Use Plan and zoning regulations. No party presented any evidence to the contrary. FPC and Hillsborough County also stipulated that the natural gas pipeline and metering site are consistent and in compliance with the Hillsborough County Land Use Plan and zoning regulations. This stipulation does not waive Hillsborough County's right to recommend conditions which may be included in the certification of the Polk County Site.

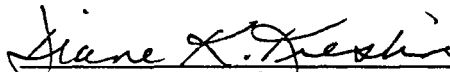
RECOMMENDATION

Based on the foregoing, Findings of Fact and Conslusions of Law it is hereby

RECOMMENDED that the Governor and Cabinet, sitting as the Siting Board, enter a final order finding that the proposed FPC Polk County Site, including the associated 230 kV transmission

line, natural gas pipeline and metering station, and reclaimed water pipeline, as proposed in the Site Certification Application, is consistent and in compliance with the land use plans and zoning ordinances of the Polk County and Hillsborough County.

DONE and ENTERED this 5th day of January, 1993, in Tallahassee, Leon County, Florida.


DIANE K. KIESLING, Hearing Officer
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Filed with the Clerk of the Division
of Administrative Hearings this 5th
day of January, 1993.

APPENDIX TO THE RECOMMENDED ORDER
IN CASE NO. 92-5308EPP

The following constitutes my specific rulings pursuant to Section 120.59(2), Florida Statutes, on the proposed findings of fact submitted by the parties in this case.

Specific Rulings on Proposed Findings of Fact
Submitted by FPC and DER

1. Each of the following proposed findings of fact is adopted in substance as modified in the Recommended Order. The number in parentheses is the Finding of Fact which so adopts the proposed finding of fact: 1-28(1-28).

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NOTICE OF RIGHT TO SUBMIT EXCEPTIONS: All parties have the right to submit written exceptions to this Recommended Order. All agencies allow each party at least 10 days in which to submit written exceptions. Some agencies allow a larger period within

which to submit written exceptions. You should contact the agency that will issue the final order in this case concerning agency rules on the deadline for filing exceptions to this Recommended Order. Any exceptions to this Recommended Order should be filed with the agency that will issue the final order in this case.

DOAH Case No. 92-5308EPP

CONDITIONS OF CERTIFICATIONN

FOR

FLORIDA POWER CORPORATION

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
FLORIDA POWER CORPORATION
POLK COUNTY SITE
CASE NO. PA 92-33

11/29/93

CONDITIONS OF CERTIFICATION

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11/29/93

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
FLORIDA POWER CORPORATION
POLK COUNTY SITE
PA 92-33

CONDITIONS OF CERTIFICATION

I. GENERAL

A. Definitions

The meaning of the terms used herein shall be governed by the definitions contained in Chapters 403, 378, 373, 372, and 253, Florida Statutes (F.S.), and any regulation adopted pursuant thereto and the statutes and regulations of any agency. In the event of any dispute over the meaning of a term used in these conditions which is not defined in such statutes or regulations, such dispute shall be resolved by reference to the most relevant definitions contained in any other state or federal statute or regulation or, in the alternative, by the use of the commonly accepted meaning as determined by the Department. As used herein:

1. "Application" shall mean the Site Certification Application (SCA) for the Polk County Site Project, as supplemented.

2. "DEP" shall mean the Florida Department of Environmental Protection.

3. "DHR" shall mean the Florida Department of State, Division of Historical Resources.

4. "Emergency conditions" shall mean urgent circumstances involving potential adverse consequences to human life or property as a result of weather conditions or other calamity, and necessitating new or replacement power plant, fuel facilities, gas pipeline, reclaimed water pipeline, transmission lines, or access facilities.

5. "Feasible" or "practicable" shall mean reasonably achievable considering a balance of land use impacts, environmental impacts, engineering constraints, and costs.

6. "GFWFC" shall mean the Florida Game and Fresh Water Fish Commission.

7. "FPC" shall mean Florida Power Corporation (FPC).

8. "Power plant" shall mean the electric power generating equipment and appurtenances to be constructed on the Polk County Site in Polk County, as generally depicted in the Application.

9. "Project" shall mean the FPC Polk County Site (PCS) and all associated facilities, including: the power plant, gas pipeline, transmission lines and related facilities; and the cooling reservoir and related facilities.

10. "SWFWMD" shall mean the Southwest Florida Water Management District.

11. "ISO" shall mean International Organization for Standardization, ISO 3977-1978(E) standard conditions for gas turbines = 14.7 psia, 15°C, relative humidity 60 percent.

B. Applicable Rules

The construction and operation of the PCS shall be in accordance with all applicable provisions of at least the following regulations of DEP: Chapters 17-2, 17-4, 17-814, 17-256, 17-296, 17-297, 17-301, 17-302, 17-531, 17-532, 17-520, 17-522, 17-550, 17-555, 17-560, 17-610, 17-650, 17-660, 17-701, 17-730, and 17-814, Florida Administrative Code (F.A.C.), or their successors as they are renumbered.

II. CHANGE IN DISCHARGE

All discharges or emissions authorized herein shall be consistent with the terms and conditions of this certification. The discharge of any regulated pollutant not identified in the application, or more frequent than, or at a level in excess of that authorized herein, shall constitute a violation of the certification. Any anticipated facility expansions beyond the certified initial nameplate capacity of 470 MW, production increases, or process modifications which may result in new, different, or increased discharges of pollutants, change in type of fuel as described in XIII.A., or expansion in electric generation capacity shall be reported by submission of a supplemental application pursuant to Chapter 403, F.S.

III. GENERAL CONDITIONS

A. Facilities Operation

1. FPC shall at all times maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by FPC to achieve compliance with the terms and conditions of this certification. In the event of a malfunction of an electric generating unit's pollution control system, that unit's load shall be shifted to any or all of the remaining units having a properly functioning pollution control system, and the malfunctioning unit shall be promptly shut down.

2. In the event of a prolonged [thirty (30) days or more] equipment malfunction or shutdown of air pollution control equipment during plant operations, operation may be allowed to resume and continue to take place under an appropriate Department order, provided that FPC demonstrates that such operation will be in compliance with all applicable ambient air quality standards and PSD increments, solid waste rules, domestic waste rules and industrial waste rules. During such malfunction or shutdown, the operation of the Polk County Site (PCS) shall comply with all other requirements of this certification and all applicable state and federal emission standards not affected by the malfunction or shutdown which is the subject of the Department's order. Operational stoppages exceeding two hours for air pollution control systems or four hours for other systems or operational malfunctions as defined in the operational contingency plans as specified in Conditions XIII.B.6 and XXI.B.10 are to be reported as specified in Condition III.B. Identified operational malfunctions which do not stop operation but do compromise the integrity of the operation shall be reported to the Southwest District office as specified in Condition III.B.

3. FPC shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by FPC to achieve compliance with the conditions of this Certification, and are required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the approval and when required by Department rules.

B. Noncompliance Notification

If, for any reason, FPC (defined as the Applicant or its successors and/or assigns) does not comply with or will be unable to comply with any limitation specified in this certification, FPC shall notify the Southwest District office of the Department of Environmental Protection by telephone within a working day that said noncompliance occurs and shall confirm this in writing at 3804 Coconut Palm Drive, Tampa, Florida 33619-8318 within seventy-two (72) hours of becoming aware of such conditions, and shall supply the following information:

1. A description of any discharge and cause of noncompliance; and,

2. The period of noncompliance, including exact dates and times; or if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the noncomplying event.

C. Safety

The overall design, layout, and operation of the facilities shall be such as to minimize hazards to humans and the environment. Security control measures shall be utilized to prevent exposure of the public to hazardous conditions. The Federal Occupational Safety and Health Standards will be complied with during construction and operation. The Safety Standards specified under Section 440.56, F.S., by the Industrial Safety Section of the Florida Department of Commerce will also be complied with.

D. Enforcement

1. The Department may take any and all lawful actions as it deems appropriate to enforce any condition of this certification.

2. Any participating agency party (federal, state, local) may take any and all lawful actions to enforce any condition of this certification that is based on the rules of that agency. Prior to initiating such action the agency head shall notify the Secretary of that agency's proposed action.

E. Design and Performance Criteria

The power plant may be operated at up to 120 percent of the maximum electrical output at ISO conditions projected from design information without the need for modifying these conditions. Treatment or control facilities or systems installed or used to achieve compliance with the terms and conditions of this certification are not to be bypassed without prior DEP approval.

F. Certification

1. The terms, conditions, requirements, limitations and restrictions set forth in these conditions of certification are binding and enforceable pursuant to Sections 403.141, 403.161, 403.514, 403.727, or 403.859 through 403.861, F.S. FPC is placed on notice that the Department will review this approval periodically and may initiate enforcement action for any violation of these conditions.

2. This approval is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this approval may constitute grounds for revocation and enforcement action by the Department.

3. As provided in Subsections 403.087(6), 403.511, and 403.722(5), F.S., the issuance of this approval 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 approval is not a waiver of or approval of any other Department approval that may be required for other aspects of the total project under federally delegated programs which are not addressed in this certification.

4. This certification does not relieve FPC from a liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this approved source, or from penalties therefore; nor does it allow FPC to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.

5. In accepting this certification, FPC understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this approved source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the approved source arising under the Florida Statutes or Department rules, except where such use is proscribed by Sections 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

6. FPC agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, FPC does not waive any other rights granted by Florida Statutes or Department rules.

7. This certification is transferable only upon Department approval in accordance with Section 403.516, F.S., Rules 17-4.120 and 17-730.300, F.A.C., as applicable. FPC shall be liable for any noncompliance of the approved activity until the transfer is approved by the Department.

8. These conditions of certification, or a copy thereof, shall be kept at the work site of the approved activity.

9. FPC shall comply with the following:

a. Upon request, FPC shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.

b. FPC shall hold at the facility, corporate headquarters, or other location designated by this approval records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the approval, copies of all reports required by this approval, and records of all data used to complete the application for this approval. These materials shall be retained at least three 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.

10. When requested by the Department, FPC shall within a reasonable time furnish any information required by law which is needed to determine compliance with the certification. If FPC becomes aware that the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

G. Laboratories and Quality Assurance

1. FPC shall ensure that all laboratory analytical data submitted to the Department, as required by this permit, must be from a laboratory which has a currently valid and Department approved comprehensive Quality Assurance Plan (QAP) [or a QAP pending approval] for all parameters being reported, as required by Chapter 17-160, F.A.C.

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

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

H. Post-Certification Submittals

1. Purpose of Submittals

Conditions of certification which provide for the post-certification submittal of information to DEP by FPC are for the purpose of facilitating DEP's monitoring of the effects arising from the location of the pipeline ROWs, transmission line ROW and the construction and maintenance of the transmission line and plant site. This monitoring is for DEP to assure, in consultation with other agencies with applicable regulatory jurisdiction, continued compliance with the conditions of certification, without any further agency action.

2. Filings

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

3. Completeness

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

4. Interagency Meetings

Within 60 days of the filing of a complete post-certification submittal, DEP may conduct an interagency meeting with other agencies which received copies of the submittal. The purpose of such an interagency meeting shall be for the agencies with regulatory jurisdiction over the matters addressed in the post-certification submittal to discuss whether reasonable assurance of compliance with the conditions of certification has been provided. Failure of any agency to attend an interagency meeting shall not be grounds for DEP to withhold a determination of compliance with these conditions nor to delay the time frames for review established by these conditions.

5. Reasonable Assurance of Compliance

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

6. Commencement of Construction

If DEP does not object within the time period specified in paragraph 5. above, FPC may begin construction pursuant to the terms of the conditions of certification and the subsequently submitted construction details.

IV. ADVERSE IMPACT

FPC 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 discharge.

V. RIGHT OF ENTRY

FPC shall allow during operational or business hours authorized representatives of the Florida Department of Environmental Protection and representatives of the SWFWMD and Polk County upon the presentation of credentials:

1. To enter upon FPC's premises where an effluent source is located or in which records are required to be kept under the terms and conditions of this certification;
2. To have access during normal business hours (Monday - Friday, 9:00 a.m. to 5:00 p.m.) to any records required to be kept under the conditions of this certification for examination and copying;
3. To inspect and test any monitoring equipment or monitoring method required in this certification and to sample any discharge or pollutants, or monitor any substances or parameters at any location reasonably necessary to assure compliance with this certification or Department rules;
4. To assess any damage to the environment or violation of ambient standards; and,
5. Reasonable time may depend on the nature of the concern being investigated.

VI. REVOCATION OR SUSPENSION

This certification may be suspended or revoked for violations of any of its conditions pursuant to Section 403.512, F.S.

VII. CIVIL AND CRIMINAL LIABILITY

This certification does not relieve FPC from civil or criminal penalties for noncompliance with any conditions of this certification, applicable rules or regulations of the Department or Chapter 403, F.S., or regulations thereunder.

Subject to Section 403.511, F.S., this certification shall not preclude the institution of any legal action or relieve FPC from any responsibilities or penalties established pursuant to any other applicable state statutes, or regulations.

VIII. PROPERTY RIGHTS

The issuance of this certification does not convey any property rights in either real or personal property, nor any exclusive privileges, nor does it authorize any injury to public or private property or any invasion of personal rights nor any infringement of federal, state or local laws or regulations.

This certification 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 herein provided and 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.

IX. SEVERABILITY

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

X. REVIEW OF SITE CERTIFICATION

The certification shall be final unless revised, revoked, or suspended pursuant to law. At least every five years from the date of issuance of certification the Department may review these conditions of certification and propose any required changes.

XI. MODIFICATION OF CONDITIONS

Pursuant to Subsection 403.516(1), F.S., the Board hereby delegates the authority to the Department to modify any condition of this certification.

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

XII. CONSTRUCTION

A. Standards and Review of Plans

1. The facility shall be constructed pursuant to the design standards presented in the application and the standards or plans and drawings submitted and signed by an engineer registered in the state of Florida. The Applicant shall present specific facility plans, as developed, for review by the Southwest District office at least 120 days prior to construction of those portions of the facility for which the plans are then being submitted, unless other time limits are specified in the following conditions herein. Specific Southwest District office acceptance of plans will be required based upon a determination of consistency with approved design concepts, regulations and these Conditions prior to initiation of construction of any: industrial waste treatment facilities; domestic waste treatment facilities; potable water treatment and supply systems; ground water monitoring systems, off-site water and wastewater pipelines; transmission lines; stormwater control systems; solid waste disposal areas; and hazardous, or toxic material handling facilities or areas. Review and action by the Southwest District office on said plans shall be accomplished pursuant to the post-certification procedure in Condition III. in a timely fashion in accordance with Chapter 120, F.S., from the date of a complete submittal of such plans and any action may be subject to review pursuant to Chapter 120, F.S.

2. Ninety (90) days prior to the anticipated date of first commercial operation, FPC shall provide the Department with an itemized list of any changes made to the facility design and operation plans since the time of the approval of these conditions. This pre-operational review of the final design and operation shall demonstrate continued compliance with Department rules and standards.

B. Control Measures

1. Stormwater Run-off

To control run-off during construction which may reach and thereby pollute waters of the state, necessary measures shall be utilized to settle, filter, treat or absorb silt-containing or pollutant-laden stormwater to ensure against

spillage or discharge of excavated material that may cause turbidity in excess of 29 Nephelometric Turbidity Units above background in waters of the state. Control measures may consist of sediment traps, barriers, berms, and vegetation plantings. Exposed or disturbed soil shall be protected and stabilized as soon as possible to minimize silt and sediment laden run-off. The pH of the run-off shall be kept within the range of 6.0 to 8.5. FPC shall comply with Florida Administrative Code Chapters 17-25, and 40D-4. FPC shall complete the forms required by 40D-4 and submit those forms and the required information to the SWFWMD for any modifications that might occur.

2. Open Burning

Open burning in connection with initial land clearing may be conducted in accordance with Chapter 17-256, F.A.C., Chapter 5I-2, F.A.C., Uniform Fire Code Section 33.101 Addendum, and any other applicable county regulation.

Any burning of construction generated material, after initial land clearing that is allowed to be burned in accordance with Chapter 17-256, F.A.C., shall be approved by the Southwest District office in conjunction with the Division of Forestry and any other county regulations that may apply. Burning shall not occur unless approved by the appropriate agency or if the Department or the Division of Forestry has issued a ban on burning due to fire safety conditions or due to air pollution conditions.

3. Sanitary Wastes

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

4. Solid Wastes

Solid wastes resulting from construction shall be disposed of in accordance with the applicable regulations of Chapter 17-701, F.A.C.

5. Noise

Construction noise shall not exceed either local noise ordinance specifications, or those noise standards imposed by zoning.

6. Dust and Odors

FPC shall employ proper odor and dust-control techniques to minimize odor and fugitive dust emissions. The applicant shall employ control techniques sufficient to prevent nuisance conditions on adjoining property.

7. Dewatering Operations

The dewatering operations during construction shall be carried out according to final dewatering and surface water management plans approved by SWFWMD.

8. Historical or Archaeological Finds

If historical or archaeological artifacts, such as Indian canoes, are discovered at any time within the project site, FPC shall notify the DEP Southwest District office and the Bureau of Historic Preservation, Division of Archives, History and Records Management, R.A. Gray Building, Tallahassee, Florida 32399, telephone number (904) 487-2073.

C. Environmental Control Program

An environmental control program shall be established under the supervision of a Florida registered professional engineer to assure that all construction activities conform to applicable environmental regulations and the applicable Conditions of Certification. If a violation of standards, harmful effects or irreversible environmental damage not anticipated by the application or the evidence presented at the certification hearing are detected during construction, FPC shall notify the Southwest District office as required by Condition III.B.

D. Reporting

1. Notice of commencement of construction shall be submitted to the Southwest District office within 15 days after initiation. Starting three (3) months after construction commences, a quarterly construction status report shall be submitted to the Southwest District office. The report shall be a short narrative describing the progress of construction.

2. Upon or immediately prior to completion of construction of the facility or a certified phase thereof and upon or immediately prior to completion of all necessary preparation for the operation of the onsite potable water supply, domestic or industrial waste treatment facility, ground water monitoring system, brine pond, or solid waste disposal areas, the Southwest District office will be notified of certification of construction completion and a date on which a site or facility inspection can be performed in accordance with Condition V.

XIII. AIR

The construction and operation of Polk County Site (Project) shall be in accordance with all applicable provisions of Chapters 17-210 to 297, F.A.C. The following emission limitations and conditions reflect BACT determinations for the Phase IA - 470 MW (two combined cycle combustion turbines and auxiliary equipment) of generating capacity for which the need has been determined. BACT determinations for the remaining phases will be made upon review of supplemental applications. In addition to the foregoing, the Project shall comply with the following conditions of certification as indicated.

A. General Requirements

1. The maximum heat input to each combustion turbine (CT) at an ambient temperature of 59° F shall neither exceed 1,510 MMBtu/hr while firing natural gas, nor 1,730 MMBtu/hr while firing fuel oil. Heat input may vary depending on ambient conditions and the CT characteristics. Manufacturer's curves or equations for correction to other temperatures shall be provided to DEP for review 90 days after selection of the CT. Subject to approval by the Department for technical validity applying sound engineering principles, the manufacturer's curves shall be used to establish heat input rates over a range of temperatures for the purpose of compliance determination.
2. Each of the two CTs in Phase IA may operate continuously, i.e., 8,760 hrs/year.
3. Only natural gas (NG) or low sulfur fuel oil shall be fired in each combustion turbine and the auxiliary boiler. Only low sulfur fuel oil shall be fired in the diesel generator. The maximum sulfur content of the low sulfur fuel oil shall not exceed 0.05 percent, by weight.
4. The maximum heat input to the auxiliary boiler shall not exceed 99 MM Btu/hr when firing NG or No. 2 fuel oil with 0.05 percent maximum sulfur content (by weight). All fuel consumption must be continuously measured and recorded for the auxiliary boiler.
5. The maximum allowable fuel oil consumption for the two turbines is 13,762,806 gallons per year, which is equivalent to an aggregate of 1,000 hours per year of operation at full load.
6. FPC shall have the option of installing duct module(s) suitable for possible future installation of an oxidation catalyst and/or SCR equipment on each combined cycle generating unit. In the event that the module(s) are not installed in the Heat Recovery Steam Generator (HRSG), the retrofit costs associated with not making provisions for such technology (initially) shall not be considered in any future

economic evaluation to justify not installing SCR or an oxidation catalyst.

7. Fugitive dust emissions during the construction period shall be minimized by covering or watering dust generation areas.

8. If site construction does not commence on Phase IA (470 MW) within 18 months of issuance of this certification, then FPC may request an extension of the 18-month period, provided that such request is received by the Department's Bureau of Air Regulation at least 90 days prior to the expiration date. Such a request shall identify the progress made toward commencement of the construction of the site and the expected time required to start and complete construction of the initial phase. The Department may grant the extension upon a satisfactory showing that the extension is justified.

Units to be constructed or modified in later phases of the project will be reviewed under the supplementary review process of the Power Plant Siting Act. If site construction has not commenced within 18 months of issuance of this certification, then FPC shall obtain from DEP a review and, if necessary, a modification of the BACT determination and allowable emissions for the unit(s) on which construction has not commenced [40 CFR 52.21(r)(2)].

B. Emission Limits

1. The maximum allowable emissions from two CTs, when firing natural gas or low sulfur fuel oil, in accordance with the BACT determination, shall not exceed the following, at 59° F (except during periods of start up, shutdown, malfunction and load change):

<u>POLLUTANT</u>	<u>FUEL</u>	<u>EMISSIONS LIMITATIONS</u>		
		<u>BASIS(g)</u>	<u>LB/HR/CT(a)</u>	<u>TPY(b)</u>
NO _x	Gas	12 ppmvd(h)	73	639
	Oil	42 ppmvd(c)	305	153
VOC (d)	Gas	7 ppmvw	10.4	91
	Oil	7 ppmvw	11.2	5.6
CO	Gas	25 ppmvd	77	675
	Oil	30 ppmvd	93	47
PM/PM ₁₀	Gas		9	79
	Oil(e)		17	8.5
SO ₂	Gas		0.99	8.7
	Oil (f)		94	47
Visible Emissions	Gas	10 percent opacity		
	Oil	20 percent opacity		

a. Emission limitations in LB/HR/CT are blocked 24-hour averages (midnight to midnight). Pollutant emission rates may vary depending on ambient conditions and the CT characteristics. Manufacturer's curves for the emission rate correction to other temperatures at different loads shall be provided to DEP for review 90 days after selection of the CT. Subject to approval by the Department for technical validity applying sound engineering principles, the manufacturer's curves shall be used to establish pollutant emission rates over a range of temperatures for the purpose of compliance determination.

b. Annual emission limits (TPY) for natural gas are based on a total of two CTs operating at full load 8,760 hours per year (i.e., NO_x - 73 lbs/hr X 2 CTs X 8,760 hrs/yr X 1 ton/2,000 lbs = 639 TPY). Annual emission limits (TPY) for fuel oil are based on full load operation for a total of 1,000 hours per year for the two CTs (i.e., NO_x - 305 lbs/hr X 1,000 hrs/yr X 1 ton/2,000 lbs = 153 TPY).

c. Fuel oil NO_x emissions are based on full load operation at ISO conditions and 15 percent oxygen. For fuel oil firing, NO_x levels of 42 ppmvd at 15 percent O_2 are based on a fuel bound nitrogen content of 0.015 percent or less. The emission limit for NO_x is adjusted as follows for higher fuel nitrogen contents up to a maximum of 0.030 percent by weight:

<u>FUEL BOUND NITROGEN</u> <u>(% BY WEIGHT)</u>	<u>NOX LEVELS</u> <u>(PPMVD @ 15%O_2)</u>	<u>NOX EMISSIONS</u> <u>LB/HR/CT</u>	<u>NOX EMISSIONS</u> <u>TPY</u>
0.015 or less	42	305	153
0.020	44	320	160
0.025	46	334	167
0.030	48	349	175

using the formula $\text{STD} = 0.0042 + F$ where:

STD = allowable NO_x emissions (percent by volume at 15 percent O_2 and on a dry basis).

F = NO_x emission allowance for fuel-bound nitrogen defined by the following table:

FUEL-BOUND NITROGEN (% BY WEIGHT)

F (NOX % BY VOLUME)

0 < N < 0.015

0

0.015 < N < 0.03

0.04(N-0.015)

where: N = the nitrogen content of the fuel (% by weight).

NO_x emissions limits are preliminary for the fuel oil specified in Specific Condition No. A.3. FPC shall submit fuel bound nitrogen content data for the low sulfur fuel oil prior to commercial operation.

d. Exclusive of background concentrations.

e. PM/PM₁₀ emission limitations are exclusive of sulfuric acid mist.

f. SO₂ emissions are based on a maximum of 0.05 percent sulfur in the fuel oil.

g. The values are the computational basis for the lb/hr numbers, which are the actual emission limitations. Once a combustion turbine manufacturer has been selected, it may be necessary to modify this basis. If this basis is to be modified, a professional engineer-certified equivalency analysis by the manufacturer must be submitted to the Department. The equivalency analysis will recommend an emissions normalizing basis (i.e., lb/hr, lb/MMBtu, lb/MWh, or ppmvd) and associated emissions appropriate for the specific manufacturer's equipment. If the equivalency analysis demonstrates an impact equal to or less than the current lb/hr limit, the Department shall amend the conditions to reflect the alternate basis. The characteristics and parameters of the CT selected will be reflected in other permit conditions, where appropriate.

h. 12 ppmvd at 15 percent O₂, not ISO corrected. The ISO corrected value is 15 ppmvd at 15 percent O₂. Compliance will be determined through the initial and annual compliance tests required in Condition XIII.C.1.

2. The following CT emissions, determined by BACT, are tabulated for PSD:

ESTIMATED EMISSIONS

<u>POLLUTANT</u>	<u>METHOD OF CONTROL</u>	<u>Basis(b)</u>
Benzene	Natural Gas	BACT

Inorganic Arsenic	No. 2 Fuel Oil(a)	BACT
Beryllium	No. 2 Fuel Oil(a)	BACT
Mercury	No. 2 Fuel Oil(a)	(c)
Pb	No. 2 Fuel Oil(a)	(c)

a. The No. 2 fuel oil shall have a maximum sulfur content of 0.05 percent.

b. Since these pollutants are inherent constituents in the fuel, the basis for control will be by specifying that only natural gas and No. 2 fuel oil can be fired at the facility.

c. Below PSD significant emission levels.

3. FPC will install a dry low NO_x combustion turbine (CT). FPC shall make every practicable effort to achieve with that CT the lowest possible NO_x emission rate but must not exceed 73 lbs/hr (based on 12 ppmvd at 15 percent O₂ and 59° F) per CT (24-hour average, not including down time) on a continuous basis when firing natural gas.

4. After the initial compliance tests on the CTs (estimated to be in January, 1999), FPC shall operate a certified continuous emissions monitor for NO_x emissions, and collect 12 months of monitoring data. The monitor will at a minimum meet the requirements of 40 CFR 60 Appendix F quality assurance procedures. Within 17 months after the initial compliance test FPC shall prepare and submit for the Department's review an engineering report regarding the collection and the analysis of the data gathered from the monitor. In addition, this report shall include a conclusion regarding the lowest NO_x emission rate which can be consistently achieved with a reasonable operating margin taking into account long-term performance expectations and assuming good operating and maintenance practices. The report shall also include results of the testing requirements of Appendix F procedures and the actual CEM data for the period of the study in an acceptable format.

5. One month after submittal of the engineering report (estimated to be by June 2000), the Department will make a determination based on the engineering report submitted by FPC on the revised NO_x emission limits. If the data demonstrate that a NO_x emission rate of less than 73 lb/hr (based on 12 ppmvd at 15 percent O₂ and 59°F) is consistently achievable, the NO_x emission limits may be adjusted accordingly, but not lower than 55 lb/hr (based on 9 ppm at 15 percent O₂ and 59°F).

6. Excess emissions from a turbine resulting from start up, shutdown, malfunction, or load change shall be acceptable providing (1) best operational practices to minimize emissions are adhered to and (2) the duration of excess emissions shall be minimized but in no case exceed two hours in any 24 hour period unless specifically authorized by the Department for a longer duration. FPC shall provide a general description of the procedures to be followed during periods of start up, shutdown, malfunction, or load change to ensure that the best operational practices to minimize emissions will be adhered to and the duration of any excess emissions will be minimized. The description should be submitted to the Department along with the initial compliance test data. The description may be updated as needed by submitting such update to the Department within thirty (30) days of implementation.

7. Operation of the auxiliary steam boiler shall be limited to a maximum of 100 hours per year and only during periods of cold CT startup, when no other source of steam is available or during periodic testing. The following emission limitations shall apply:

a. NO_x emissions shall not exceed 0.1 lb/MMBtu for natural gas firing or 0.2 lb/MMBtu for oil firing.

b. Sulfur dioxide emissions shall be limited by firing natural gas or low sulfur fuel oil with a maximum sulfur content of 0.05 percent by weight.

c. Visible emissions shall not exceed 10 percent opacity while burning natural gas, or 20 percent opacity (except for one six-minute period per hour during which opacity shall not exceed 27 percent), while burning low sulfur fuel oil.

8. Operation of the emergency diesel generator shall be limited to a maximum of 100 hours per year and only during periods of on site emergency power needs (when no other power source is available) or during periodic testing. The following emission limitations shall apply:

a. NO_x emissions shall not exceed 9.82 grams/hp-hr.

b. Sulfur dioxide emissions shall be limited by firing only low sulfur fuel oil with maximum sulfur content of 0.05 percent by weight.

c. Visible emissions shall not exceed 20 percent opacity.

C. Performance Testing

1. Initial (I) compliance tests shall be performed on each CT using both fuels. Testing of emissions shall be conducted with the source operating at capacity (maximum heat

input rate for the tested operating temperature). Capacity is defined as 90 - 100 percent of rated capacity. If it is impracticable to test at capacity, then sources may be tested at less than capacity; in this case subsequent source operation is limited to 110 percent of the test load until a new test is conducted. Once the unit is so limited, then operation at higher capacities is allowed for no more than fifteen days for purposes of additional compliance testing to regain the rated capacity in the permit, with prior notification to the Department. Annual (A) compliance tests shall be performed on each CT with the fuel(s) used for more than 400 hours in the preceding 12-month period. Tests shall be conducted using EPA reference methods in accordance with 40 CFR 60, Appendix A, as adopted by reference in Rule 17-297, F.A.C.:

- a. Reference Method 5B for PM (I, A, for oil only).
- b. Reference Method 9 for VE (I, A).
- c. Reference Method 10 for CO (I, A).
- d. Reference Method 20 for NOx (I, A).
- e. Reference Method 18 for VOC (I, A).
- f. Trace elements of Beryllium (Be) and Arsenic (As) shall be tested (I, for oil only) using EMTIC Interim Test Methods. As an alternative, Method 104 for Beryllium (Be) may be used; or Be and As may be determined from fuel analysis using either Method 7090 or 7091, and sample extraction using Method 3040 as described in the EPA solid waste regulations SW 846.
- g. ASTM D 4294 (or equivalent) for sulfur content of distillate oil (I,A), which can be used for determining SO₂ emissions annually.
- h. ASTM D 1072-80, D 3031-81, D 4084-82, or D 3246-81 (or equivalent) for sulfur content of natural gas (I, and A if deemed necessary by DEP).

Other DEP approved methods may be used for compliance testing after prior departmental approval.

2. The maximum sulfur content of the low sulfur fuel oil shall not exceed 0.05 percent by weight. Compliance shall be demonstrated in accordance with the requirements of 40 CFR 60.334 testing for sulfur content of the fuel oil in the storage tanks on each occasion that fuel is transferred to the storage tanks from any other source. Testing for fuel bound nitrogen content and for fuel oil lower heating value, shall also be conducted on the same schedule.

D. Monitoring Requirements

For each combined cycle unit, FPC shall install, operate, and maintain a continuous emission monitoring system (CEMS) (in accordance with 40 CFR 60, Appendix F) or use other approved alternate methods to monitor nitrogen oxides and, if necessary, a diluent gas (CO₂ or O₂). The Federal Acid Rain Program requirements of 40 CFR 75 shall apply when those requirements become effective within the state.

1. Each CEMS shall meet performance specifications of 40 CFR 60, Appendix B.

2. CEMS data shall be recorded and reported in accordance with Chapter 17-297.500, F.A.C., 40 CFR 60 and 40 CFR 75. The record shall include periods of start up, shutdown, and malfunction. Continuous compliance with condition XIII B.1. for NO_x shall be determined on a mass emission rate basis (LB/HR).

3. A malfunction means any sudden and unavoidable failure of air pollution control equipment or process equipment to operate in a normal or usual manner. Failures that are caused entirely or in part by poor maintenance, careless operation or any other preventable upset condition or preventable equipment breakdown shall not be considered malfunctions.

4. The procedures under 40 CFR 60.13 and 40 CFR 75 shall be followed for installation, evaluation, and operation of all CEMS.

5. For purposes of the reports required under this permit, excess emissions are defined as any calculated average emission rate, as determined pursuant to Condition XIII.B.6. herein, which exceeds the applicable emission limits in Condition XIII.B.1.

E. Notification, Reporting and Recordkeeping

1. To determine compliance with the natural gas and fuel oil firing heat input limitation, FPC shall maintain daily records of natural gas and fuel oil consumption for each turbine and the heating value for each fuel. All records shall be maintained for a minimum of two years after the date of each record and shall be made available to representatives of the Department upon request.

2. The project shall comply with all the applicable requirements of Chapter 17, F.A.C., and 40 CFR 60 Subparts A and GG. The requirements shall include:

a. 40 CFR 60.7(a)(1) - By postmarking or delivering notification of the start of construction no more than 30 days after such date.

b. 40 CFR 60.7(a)(2) - By postmarking or delivering notification of the anticipated date of the initial start up of each CT and the auxiliary steam boiler not less than 30 days prior to such date.

c. 40 CFR 60.7(a)(3) - By postmarking or delivering notification of the actual start up of each turbine and the auxiliary steam boiler within 15 days after such date.

d. 40 CFR 60.7(a)(5) - By postmarking or delivering notification of the date for demonstrating the CEMS performance, no less than 30 days prior to such date.

e. 40 CFR 60.7(a)(6) - By postmarking or delivering notification of the anticipated date for conducting the opacity observations no less than 30 days prior to such date.

f. 40 CFR 60.7(b) - By initiating a recordkeeping system to record the occurrence and duration of any start up, shutdown or malfunction of a turbine and the auxiliary steam boiler, of any malfunction of the air pollution control equipment, and the periods when the CEMS is inoperable.

g. 40 CFR 60.7(c) - By postmarking or delivering a quarterly excess emissions and monitoring system performance report within 30 days after the end of each calendar quarter. This report shall contain the information specified in 40 CFR 60.7(c) and (d).

h. 40 CFR 60.8(a) - By conducting all performance tests within 60 days after achieving the maximum turbine and boiler firing rates, but not more than 180 days after the initial start up of each CT and the auxiliary boiler.

i. 40 CFR 60.8(d) - By postmarking or delivering notification of the date of each performance test required by this permit at least 30 days prior to the test date; and,

j. 17-297.345 - By providing stack sampling facilities for each turbine and the auxiliary steam boiler.

All notifications and reports required by this specific condition shall be submitted to the Department's Air Program, within the Southwest District office. Performance test results shall be submitted within 45 days of completion of such test.

3. The following information shall be submitted to the Department's Bureau of Air Regulation within 90 days after selection of each, respectively:

a. Description of the final selection of the turbines, the auxiliary steam boiler and diesel generator for installation at the facility. Descriptions shall include the specific make and model numbers, any changes in the proposed method of operation, fuels, emissions or equipment.

b. Description of the CEMS selected. Description shall include the type of sensors, the manufacturer and model number of the equipment.

4. The following protocols shall be submitted to the Department's Air Program, within the Southwest District office for approval;

a. CEMS Protocol - Within 60 days after selection of the CEMS, but prior to the initial startup, a CEMS protocol describing the system, its installation, operating and maintenance characteristics and requirements. The protocol shall meet the requirements of 40 CFR 60.13, Appendix B and Appendix F. The Federal Acid Rain Program requirements of 40 CFR 75 shall apply when those requirements become effective within the state.

b. Performance Test Protocol - At least 90 days prior to conducting the initial performance tests required by this permit, FPC shall submit to the Department's Air Program, within the Southwest District office, a protocol outlining the procedures to be followed, the test methods and any differences between the reference methods and the test methods proposed to be used to verify compliance with the conditions of this permit. The Department shall approve the testing protocol provided that it meets the requirements of this permit.

F. Modifications

FPC shall give written notification to the Department when there is any modification to this facility. This notice shall be submitted sufficiently in advance of any critical date involved to allow sufficient time for review, discussion, and revision of plans, if necessary. Such notice shall include, but not be limited to, information describing the precise nature of the change; modifications to any emission control system; production capacity of the facility before and after the change; and the anticipated completion date of the change.

XIV. SURFACE WATER DISCHARGES

A. Plant Effluents

FPC shall not discharge any cooling system, demineralizer regeneration, floor drainage, treated sewage, or other process wastewaters resulting from the operation of the FPC facility into any surface waters of the state.

B. Reporting of Critical Spills

FPC shall report all critical (having potential to significantly pollute surface or ground waters) spills of regulated liquid or regulated liquid-solid materials, not confined to a building, curbed impervious surface, or similar containment structure, to the Department by phone immediately after the discovery and submit a written report within 48 hours, excluding weekends, from the original notification. The written report shall include, but not be limited to, a detailed description of how the spill occurred, the name and chemical make-up (include any MSDS sheets) of the substance, the amount spilled, the time and date of the spill, the name and title of the person who first reported the spill, the areal size of the spill and surface types (impervious, ground, waterbodies, etc.) it impacted, the cleanup procedures taken and status of completion, and include a map or aerial photograph showing the extent and paths of the material flow. Any deviation from this requirement must receive prior approval from the Department.

XV. DOMESTIC WASTEWATER

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

2. In order to obtain approval to construct a domestic wastewater treatment plant and reuse/disposal system, excluding the cooling pond, the following forms, reports, plans and data as applicable, properly executed and appropriately signed and sealed by an engineer registered in the state of Florida must be submitted to the Department at least one hundred eighty (180) days prior to proposed date for commencement of construction:

a. The preliminary design report in accordance with Rule 17-600.715, F.A.C., and the Engineering Report required by Rule 17-610.310, F.A.C. (Minimum Class III Reliability features must be indicated. A Reduced Pressure Zone Backflow Preventer must be designated for potable water isolation.);

b. DER Form 17-604.900(1), Application to Construct a Domestic Wastewater Collection System, with supporting documents;

c. DER Form 17-600.910(1), Application to Construct a Domestic Wastewater Facility, with documentation;

d. DER Form 17-610.910(1), Application to Construct a Reuse/Land Application System, with documentation;

e. DER Form 17-640(1), Agricultural Use Plan, or DER Form 17-640(2), Dedicated Disposal Site Plan, with documentation;

f. 8-1/2" x 11" copies of:

1) WWTP and effluent site locations;

2) sludge disposal site, indicating all public or private drinking water wells within 0.5 miles;

3) roadmap, or drawing of roads leading to the WWTP; and,

4) flow process diagram, showing all piping, and planar and volumetric data.

g. Ground water monitoring plan proposal, i.e., to proposed reuse/disposal plan.

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

4. This approval is subject to the non-procedural provisions of Chapter 403, F.S., and F.A.C. Rules 17-3, 17-4, 17-300, 17-500 and 17-600 Series. FPC will be approved to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents, attached thereto or on file with the Department and made a part thereof and specifically described in the application.

5. The zone of discharge boundary and water quality compliance requirements are as specified in Condition of Certification XVIII.

6. Operation staffing will be in accordance with Chapter 17-699, F.A.C.

7. The discharge from the chlorine contact chamber shall be sampled in accordance with Chapter 17-601, F.A.C. and shall meet the limitations designated by the Department. They will include the following parameters: pH, CBOD5, TSS, Nitrate (N), total chlorine residual, FC and Flow.

8. The sludge shall be sampled after final treatment in accordance with Rule 17-640.700(1)(b), F.A.C., but prior to land application for the parameters listed below every twelve (12) months. A copy of the analyses shall be submitted with the monthly operation report for the following parameters:

Total Nitrogen	-	% dry weight
Total Phosphorus	-	% dry weight
Total Potassium	-	% dry weight
Cadmium	-	mg/kg dry weight
Copper	-	mg/kg dry weight
Lead	-	mg/kg dry weight
Nickel	-	mg/kg dry weight
Zinc	-	mg/kg dry weight
pH	-	standard units
Total Solids	-	%

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

10. FPC shall comply with all provisions of Chapter 17-640, F.A.C. and shall report any noncompliance or changes from the approved site plan to the Department.

11. Upon completion of construction FPC shall submit two (2) copies of the Certificate of Completion of Construction [DER Form 17-1.205(3)] signed and sealed by a registered engineer, to the DEP Southwest District office. Upon completion of construction and prior to placing the treatment plant or effluent disposal system into operation for any purpose other than testing for leaks and equipment operation, FPC shall submit a Notification That a Domestic Wastewater Facility Will Be Placed Into Operation [DER Form 17-600.910(3)] and, if applicable, submit an Application to Place a Public Access Reuse System in Operation [DER Form 17-610.910(3)], signed and sealed by a Registered Engineer, to the DEP Southwest District office.

12. FPC shall provide an approved flow measurement device on the sewage treatment plant to monitor the influent (ahead of any return flows) and/or effluent flow, as appropriate. For plants with design flow equal to or greater than 0.100 MGD, flow measurement shall be with a flow meter equipped with a recorder and an integrator or totalizer. The flow measurement device shall be calibrated at least annually, with evidence of calibration kept at the site of flow measurement, and submitted to the Department upon request.

13. FPC shall provide a weatherproof location for an on-site log book to monitor the daily activities of the certified operator. This log book shall record sign in/out times of the certified operator, list any maintenance performed and contain the signature and certification number of the operator.

14. FPC shall maintain all audible and visual alarm systems on the lift station(s) in operating condition at all times.

15. A reduced pressure zone backflow preventer shall be installed on any potable water supply to the treatment facility. No potable water outlet intended for human contact shall be located down-line of the backflow preventer.

16. The disinfection system shall be operated to maintain a minimum chlorine residual of 1.0 mg/L at the outfall from the chlorine contact chamber. A metering device for dosing chlorine to the effluent shall be utilized and the chlorine supply tank shall be inspected regularly to ensure proper operation.

17. Daily checks of the plant shall be performed by FPC or supplier, or its representative or agent five (5) days per week for all Class C and D plants pursuant to Rule 17-699.311(1), F.A.C.

18. FPC shall ensure that the construction and operation of this facility shall be as described in the application and supporting documents. Any change to this approval shall be submitted in writing to the Domestic Wastewater Program Manager for review and clearance prior to implementation. Changes of negligible impact to the environment and staff time will be reviewed by the Program Manager, cleared when appropriate and incorporated into this approval. Changes or modifications other than those described above and those addressed in a supplemental application or modification of site certification will require submission of a completed application and appropriate processing fee as per Section 17-4.050, F.A.C.

XVI. DRINKING WATER FACILITIES

A. Prior Approval

1. No portion of the potable water supply system or any portion of a water supply system that will be or is intended to be converted to potable water use at a later date may be constructed without prior written approval from the Department. Construction of any portion of the potable water supply system without the prior written approval of the Department will be considered a violation of the Conditions of Certification. Reference: F.A.C. Rules 15-555.350, .520(1), and (2).

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

a. A completed and fully executed "Application to Construct a Public Drinking Water System" form which complies with the requirements of the nonprocedural rules and regulations of the Department in effect as of the date that the request for approval to commence construction of the system is made to the Department. Reference: F.A.C. Rules 17-4.050 and 17-555.500 and .520.

b. Copy of the well driller's well completion report for each well to be used as a potable water supply well. Reference: F.A.C. Rules 17-4.050 and 17-555.315, .520, and .530.

c. Complete water quality analysis of the raw water from each individual well to be used as a potable water supply well. Analysis of composite samples will not be accepted. The analysis must include all water quality parameters required for the classification of the water supply system being proposed pursuant to the rules and regulations of the Department in effect as of the date that the request for approval to construct the system is made to the Department. Each individual analysis must have been performed by a laboratory certified by the state to perform that particular potable water quality analysis and must have an analysis date within one (1) year of the date that the request for approval to construct the water supply system is made to the Department. Reference: F.A.C. Rules 17-4.050, 17-555.520 and .530 and 17-550.200(43), .300, .330, .400, .521(3), .550(3)(e), and .730(1) and (2).

d. Complete specifications for the material and workmanship for the entire potable water supply system for which the request for approval to construct is being made. The specifications must be signed and sealed by an engineer registered in the state of Florida and must provide

documentation that the material and workmanship will comply with all applicable rules and regulations of the Department in effect as of the date that the request for approval to construct is made to the Department. Reference: F.A.C. Rules 17-4.050, 17-555.520 and .530, and 21H-23.

e. Complete engineering drawings of the entire proposed potable water supply system for which approval to construct is being requested. The drawings must demonstrate full compliance with all applicable nonprocedural rules and regulations of the Department in effect as of the date that the request is made to the Department for approval to construct the system. The drawings must be signed and sealed by an engineer registered in the state of Florida. Reference: F.A.C. Rules 17-4.050, 17-555.520, 17-555.530, and 21H-23.

f. Site plan showing the location of each potable water supply well. The site plan must include all proposed and existing above and below grade facilities, natural formations (e.g., streams, creeks, etc.), structures, etc. within a minimum of a complete five hundred (500) foot radius of each well head; however, if any facility, natural formation, structure, etc. is located outside of the five hundred (500) foot radius and that facility, natural formation, structure, etc. has a setback distance from the well head greater than five hundred (500) feet established in applicable rules of the Department in effect as of the date that the request for approval to construct is made, then that facility, natural formation, structure, etc. must also be shown on the site plan requested here. The site plan must be certified for accuracy by the professional engineer registered in the state of Florida responsible for design of the potable water supply system. F.A.C. Rules 17-4.050, 17-555.312, .520, and .530, and 21H-23.

g. Signed and sealed comprehensive engineering report on the proposed potable water supply system which fully describes the project and basis of design. The report must include design data and such pertinent data to give an accurate understanding of the work to be undertaken and must provide supporting documentation that the potable water system as proposed will comply with all applicable nonprocedural rules and regulations of the Department in effect as of the date that the request for approval to construct the water supply system is made to the Department. Reference: F.A.C. Rules 17-4.050, 17-555.520 and .530, and 21H-23.

3. In order to obtain approval to construct an onsite water supply system where the potable water is to be supplied by an off-site public water supply system, the following information must be submitted to the Department no earlier than eighteen (18) months prior to nor later than six months prior to the date that the water supply system is proposed for construction:

a. A completed and fully executed application form which complies with the nonprocedural requirements of the rules and regulations of the Department in effect as of the date that the request for approval to construct the system is made to the Department; however, the Department will not accept "An Intent to Use a General Permit" for this project. Reference: F.A.C. Rules 17-4.050, 17-555.500, .520, and .530.

b. Complete specifications for the material and workmanship covering the entire potable water supply system for which the request for approval to construct is being made. The specifications must be signed and sealed by an engineer registered in the state of Florida and must provide documentation that the material and workmanship will comply with all applicable nonprocedural rules of the Department in effect as of the date that the request for approval to construct is made to the Department. Reference: F.A.C. Rules 17-4.050, 17-555.520, 17-555.530, and 21H-23.

c. Complete engineering drawings of the entire proposed potable water supply system for which approval to construct is being made. The drawings must demonstrate full compliance with all applicable nonprocedural rules and regulations of the Department in effect as of the date that the request for approval to construct is made to the Department. The drawings must be signed and sealed by an engineer registered in the state of Florida. Reference: F.A.C. Rules 17-4.050, 17-555.520, 17-555.530, and 21H-23.

d. Signed and sealed comprehensive engineering report on the potable water supply system which fully describes that project and basis of design. The report must include design data and such pertinent data to give an accurate understanding of the work to be undertaken and must provide supporting documentation that the potable water system as proposed will comply with all applicable nonprocedural rules and regulations of the Department in effect as of the date that the request for approval to construct the water supply system is made to the Department. Reference: F.A.C. Rules 17-4.050, 17-555.520, 17-555.530, and 21H-23.

e. Documentation that the public water supply system supplying the water has the capacity in its water treatment system to serve the project and that the existing water transmission line from that system's water treatment plant to the point of connection with water supply system FPC is proposing to construct has been designed and sized to provide sufficient water to meet the demand of the FPC project. Reference: F.A.C. Rules 17-4.050, 17-555.350, 17-555.520, and 17-555.530.

4. Prior to submitting any information to the Department for review of the proposed potable water supply system, all wells that are proposed for use as potable water supply wells and that will be included in the request for approval to construct the water supply system must have been constructed and fully developed with a temporary pump. All water samples for analysis of the water quality parameters that must be submitted with the request for approval to construct the water supply system must be collected using the temporary well pump. The temporary pump must be removed from each well once the well has been fully developed and the water samples collected. The well must be properly capped upon removal of the temporary pump until written approval to construct the potable water supply system has been issued by the Department. Reference: F.A.C. Rules 17-555.500, 17-555.520, and 17-555.530.

5. The information submitted in support of the request to construct the water supply system will be reviewed for completeness by the Department within thirty (30) days of receipt. If the submittal is determined to be incomplete, the Department will provide written notice to FPC of the deficiencies in their request. F.A.C. Rule 17-4.055 and § 120.60, F.S.

6. FPC must submit all information necessary to complete the request for approval to construct the potable water system within thirty (30) days of receipt of the Department's written notification that their submittal was incomplete. Reference: § 120.60, F.S.

7. The Department will be unable to approve for construction any water supply system that does not meet both the submittal and the reasonable assurance requirements of the nonprocedural rules and regulations of the Department in effect as of the date that the request for approval to construct was made. Reference: F.A.C. Rules 17-4.070 and 17-555.530.

8. The Department will be unable to approve for construction any water supply system which is to be served by an off-site public water supply system if that off-site system does not have the capacity in the water treatment system and/or in the water transmission system to serve the project or if there is no existing off-site system. Reference: F.A.C. Rules 17-4.070 and 17-555.530.

9. The Department will, within ninety (90) days from the date that the request for approval to construct the potable water supply system was deemed complete, either issue written approval for the construction of that system or notify FPC that their request did not meet the standards for approval pursuant to the nonprocedural rules and regulations of the Department in effect as of the date that the request for approval was submitted. Should the Department be unable to approve the

construction of the water supply system, the reason(s) for that determination will be included in the written notice to FPC. Within ninety (90) days of the receipt of the Department's notice that the proposed water supply system did not meet the standards for approval, FPC must submit all information necessary to provide the reasonable assurance necessary for approval of the original water supply system. If FPC finds that they cannot provide the reasonable assurance required pursuant to the rules and regulations of the Department for the potable water supply system as originally designed, FPC will have to submit to the Department a new request for approval to construct a system for which they are able to meet the nonprocedural submittal and reasonable assurance requirements. The new request will be subject to the nonprocedural submittal and reasonable assurance requirements established in the rules and regulations of the Department in effect as of the date that the new request is made to the Department and will be subject to the same review schedule as that for FPC's original request for approval. Reference: F.A.C. Rules 17-4.070, 17-555.530, and § 120.60, F.S.

B. Construction

1. FPC must retain the services of a project engineer registered in the state of Florida to observe that the construction of the water supply system is in accordance with the plans and specifications approved by the Department. The project engineer will be responsible for certifying to the Department that he/she observed the construction and that the construction conformed to the plans and specifications approved by the Department. Reference: F.A.C. Rule 17-555.520.

2. The Department must be notified in writing and prior written approval obtained for any changes, modification, or revision to be made to the project during construction. If there are any changes, modification, or revision made to a project approved by the Department without this prior written approval, the project will be considered to have been constructed without departmental approval, the construction will not be cleared for service, and the construction will be considered a violation of the Conditions of Certification. Reference: F.A.C. Rule 17-555.530.

3. The approval to construct the potable water supply system will be in effect for one (1) year from the date of issuance. All construction of the potable water supply system must be completed within this one (1) year period unless a written request for an extension of this date is made to the Department at least sixty (60) days prior to the expiration of the construction approval and written approval for an extension of the expiration date is issued by the Department. The expiration date of the construction approval may be extended on

a year-by-year basis; however, under no circumstances will the approval to construct the water supply system be extended beyond three (3) years from the date of the earliest water quality analysis unless the request for an extension of the expiration date is accompanied by an analysis of the raw water from each well for each water quality parameter required pursuant to the requirements of the rules and regulations of the Department in effect as of the date that the request for the extension is made. Such an analysis shall be made for each new well added to the potable water system after the initial system is constructed and approved. The water quality analysis report submitted with this request must have an analysis date no earlier than one year from the date that the request for an extension of the expiration date is made, must have been performed by a laboratory certified by the state to perform the analysis, and contain no water quality violations other than those which the water supply system was originally designed to address. The maximum length of time that the approval for the construction of the potable water system may be in effect is five (5) years from the date of the original approval. Should the construction of the water supply system not be completed within that five (5) year period, should FPC have failed to request a timely extension of the approval expiration date, or should any water quality analysis submitted with the request for an extension of the expiration date demonstrate a presence of a contaminant which the water treatment plant was not originally designed to handle, FPC will have to make a new request to the Department for approval to construct the potable water system. That request must meet the nonprocedural submittal and approval requirements of the rules of the Department in effect as of the date that the request for approval is submitted and will be subject to the same review schedule as the original request. Reference: F.A.C. Rules 17-4.050 and 17-555.530.

C. Operation

1. No portion of the potable water supply system constructed pursuant to this certification may be placed into service without the prior written approval of the Department. Placing any portion of the potable water supply system into service prior to receipt of this written approval will be considered as a violation of the Conditions of Certification. Reference: F.A.C. Rules 17-555.315, .340, and .345.

2. The Department will not issue approval to place the potable water supply system or any portion of that system into service unless the construction of the system or portion thereof had been approved for construction by the Department prior to the commencement of that construction. Reference: F.A.C. Rule 17-555.520.

3. In order to obtain approval to place the potable water supply system into service, FPC must make a written request for clearance to the Department. The request must be in

the form and/or manner stipulated in the letter authorizing construction of the potable water supply system and must include all information stipulated in that letter as being required to be submitted with the request for clearance, as well as, any information required for clearance of a potable water supply system contained in applicable rules and regulations of the Department in effect as of the date that the request for clearance is made. Reference: F.A.C. Rule 17-555.345 and .910.

4. The Department will issue a letter of clearance to place the water supply system into service within thirty (30) days of receipt of a written request for clearance provided that the request is accompanied by all necessary supporting documentation and meets the criteria for clearance contained in the applicable nonprocedural rules and regulations of the Department in effect as of the date that the request for clearance was made. Reference: § 120.60, F.S.

5. All construction or activity taking place in the vicinity of the potable water supply wells must conform with the setback distances from a potable water supply well established in the rules of the Department at the time that the construction or activity is proposed and must be coordinated with the Department. Reference: F.A.C. Rules 17-555.310 and 17-555.312.

6. FPC must provide, in accordance with applicable state rules, a certified water treatment plant operator who meets the staffing requirements for the type and capacity of the water treatment system cleared for service. Reference: F.A.C. Rules 17-555.350, 17-602.400, and 17-699.

7. The water meter at the potable water treatment plant(s) must be read at approximately the same time each day, seven days per week or continuously recorded, and both the meter reading and the gallons of water pumped to distribution recorded in the plant log. Reference: F.A.C. Rules 17-555.350, 17-555.910 and 17-602.360.

8. The certified water treatment plant operator must submit a report on the operation of the water treatment plant(s) to the Department monthly in the manner required by the rules and regulations of the Department. Reference: F.A.C. Rules 17-555.910 and 17-603.360.

9. The drinking water must be analyzed for all applicable water quality parameters to the degree and frequency required by the rules and regulations of the Department. The analysis must be performed in accordance with these rules and regulations and submitted to the Department in the format required by these rules and regulations. Reference: F.A.C. Rules 17-550 and 17-555.355.

10. The one day maximum day demand for the period of time covering the most recent twelve (12) months of operation of the water treatment plant may not exceed the capacity of the water treatment plant approved for construction and cleared for use by the Department. Should the demand on any one day during this twelve (12) month period exceed the capacity of the water treatment plant, this will be considered as a violation of both the Conditions of Certification and Chapter 403, F.S.
Reference: F.A.C. Rule 17-555.350.

11. FPC must plan, design, obtain approval for, and construct all necessary modifications to their water supply system in a timely manner in order to provide sufficient capacity to meet the potable water demands of their system.
Reference: F.A.C. Rule 17-555.350.

12. FPC must operate the water supply system in such a manner as to comply with the provisions of Chapter 403, F.S., and all the rules of the Department. Reference: F.A.C. Rules 17-555.320 and 17-555.350.

XVII. INDUSTRIAL WASTEWATER

A. Leachate Standards

FPC shall assure that the solid waste generated from the lime/soda ash softening system will meet the leachate standards established by the Toxicity Characteristic Leaching Procedure prior to disposal. A

B. Brine Solids

The solids generated at the brine concentrator, lime/soda ash pretreatment, and neutralized demineralizer regeneration system must be concentrated to contain a volume of solids greater than 50 percent prior to disposal offsite.

C. Stormwater Control

FPC is responsible for the stormwater control in the solid waste retention areas. Stormwater or other surface water which comes into contact with the disposed solid waste or mixes with leachate shall be considered leachate and is subject to the requirements of Condition XXI.B.10.

D. IWT Design Review

No earlier than 24 months nor later than six months prior to construction of any unit or device for the treatment of industrial wastewater generated by this facility, appropriate design information plans and specifications for such unit or device shall be submitted to the Department for approval; provided, however, that this information for dam repair that is scheduled within nine months after site certification may be submitted no later than two months prior to construction. All information shall be submitted as specified in DER Form 17-1.204(2). No industrial wastewater treatment unit shall be constructed or operated without prior Department approval.

E. Cooling Pond Design

FPC shall ensure that the design and construction of the pond's dams be in accordance with best engineering practices and at least of similar stability as those required under the provisions of Chapter 17-672, F.A.C.

F. Vegetative Cover

FPC shall ensure that a vegetative or nonvegetative cover adequate to inhibit wind and water erosion shall be established and maintained on all exposed dam surfaces. Vegetative covering shall be maintained by FPC sufficiently low to permit visual inspection of the soil surfaces in critical areas outlined in Section 17-672.400(1), F.A.C.

G. Brine Pond

To ensure that the brine pond will not be a source of pollution to ground and surface water, the following site-specific standards shall apply:

1. General

The brine pond shall be designed, constructed, operated, maintained, closed and monitored in accordance with the Application and these Conditions of Certification.

2. Site-Specific Standards

a. There shall be no discharge of wastewater from the brine pond to surface waters of the state.

b. A 60-mil synthetic liner will be placed along the inside dam embankment and perimeter of the brine pond up to an area where the consolidated clay is at least 10 feet thick. The thickness of the consolidated clay liner will be determined using clay probings. The synthetic liner will be keyed into the consolidated clay liner to prevent seepage of brine beneath the synthetic liner. At least ninety days prior to construction of the synthetic liner, FPC shall submit to DEP a construction quality assurance plan for the installation of the synthetic liner.

c. A program to test and evaluate the impact of the brine on the permeability of the clay liner shall be implemented. The testing shall include pre-operation and operation phase programs. The pre-operation phase program shall consist of such tests as material classification, clay mineralogy, cation exchange capacity, and selected laboratory or field permeability test. Tests will be performed to assess impacts of the movement of brine through the clay on permeability.

FPC shall submit detailed testing programs and protocols to DEP for review at least three months prior to the commencement of the testing. FPC shall submit the pre-operation test report to DEP, including all test data, analysis, and conclusions at least six months prior to the start of brine pond operations.

The operation phase program shall consist of performing laboratory and/or field tests of the clays in the brine pond for confirmation testing and comparison to the pre-operation phase program. Tests shall be taken annually for the first five years

after initiation of brine production. Testing beyond this time frame will continue only if unfavorable impact is observed. Continued testing shall be at a frequency proposed by FPC and approved by DEP.

d. No RCRA hazardous waste as defined by 40 C.F.R. § 261.3 shall be deposited in the brine pond.

e. Ground water monitoring for the brine pond will be performed in accordance with the Ground Water Monitoring Plan set forth in Conditions of Certification XVIII.

f. At least ninety days prior to construction of the brine pond liner system, a quality control plan for liner construction and testing shall be submitted to DEP for review and approval. Upon approval the quality control plan shall be implemented.

g. FPC shall prepare a comprehensive operation plan that provides written instructions for the daily operation and weekly inspection of the brine evaporation pond. The plan shall be submitted to DEP for review and approval. Upon approval, the plan shall be kept at the facility and shall be accessible to the operators. The plan shall be revised and submitted to DEP for review and approval if operational procedures change.

H. Inspection of Dams

1. Inspection of the dams shall be conducted annually by an engineer registered in Florida experienced in the field of construction and maintenance of dams. A copy of the inspection report shall be furnished, upon receipt by FPC, to the Department for review (Section 17-672.500(5), F.A.C.)

2. One Hundred Twenty (120) days prior to utilization of the cooling ponds, FPC shall submit a detailed dam inspection program plan to the Department for approval. Upon approval, the inspection plan will be implemented.

3. FPC shall ensure that the cooling pond will be designed, constructed and operated to maintain a surge capacity equal to the runoff from 100-year, 24-hour rainfall event, in addition to all process water diverted from the power plant operation.

I. Management of Waste Oil

FPC shall manage, use and dispose of all waste oil collected from the oil/water separator in accordance with all applicable state and federal rules.

J. Non-Hazardous Low Volume Wastes

Non-Hazardous low volume liquid wastes that have high solids content (demineralizer regeneration and lab drains) will be directed to the brine pond for the initial natural gas fired units and to the coal gasification plants in later phases. Relatively clean low volume wastes (boiler blowdown and floor drains after oil separation) will be sent directly to the cooling pond.

K. Characterization of Cooling Pond Water

This subject is covered in the ground water monitoring conditions.

L. Chemical Cleaning Wastes

Chemical cleaning wastes resulting from the acid cleaning wash and the first rinse will be collected and analyzed to determine if they are hazardous wastes. Based on the analytical results, the wastes will be handled in accordance with applicable state or federal rules.

XVIII. GROUND WATER

A. Ground Water Monitoring Plan

1. This Ground Water Monitoring Plan is designed for the monitoring of the following sites (as defined in Rule 17-520.200(15), F.A.C.): the Solid Waste Disposal Area (SA-8), the Cooling Pond (N-15, N-11B and N-16), and the Brine Pond (SA-9) where the toe of the outward facing portion of the site berms define the site boundary. The boundaries of the disposal sites shall be consolidated for the purpose of defining the Zone of Discharge. Monitor wells IMW-7 and IMW-8 shall be compliance wells for the Solid Waste Disposal Area and intermediate wells for the remaining disposal sites. The Zone of Discharge (as defined in Rule 17-520.200(19), F.A.C.), for the consolidated site boundary, shall be horizontally located 100 feet from the consolidated boundary, pursuant to Rule 17-522.410(2)(a), F.A.C., and vertically extend to the top of the Tampa Member of the Hawthorn Group as defined in FGS Bulletin No. 59.

2. In accordance with Rule 17-522.600(3), F.A.C., the Ground Water Monitoring System shall be constructed by FPC at least 30 days prior to the completion of construction of the disposal systems referenced in XVIII.A.1., above.

3. The Ground Water Monitoring System shall be designed and constructed by FPC in accordance with the plans and supporting documentation submitted and on file in the Southwest District office. Each monitor well shall be constructed within an individual bore hole.

4. The Ground Water Monitoring System shall consist of 9 wells and shall be tentatively located as listed below. All wells are to be clearly labeled and easily visible at all times:

WELL NUMBER	AQUIFER	LOCATION
IMW-1*	Intermediate	Per FPC Figure 1 Rev. 10/93 (attached)
IMW-2+	Intermediate	Per FPC Figure 1 Rev. 10/93 (attached)
IMW-3+	Intermediate	Per FPC Figure 1 Rev. 10/93 (attached)
IMW-4+	Intermediate	Per FPC Figure 1 Rev. 10/93 (attached)
IMW-5+	Intermediate	Per FPC Figure 1 Rev. 10/93 (attached)

IMW-6+	Intermediate	Per FPC Figure 1 Rev. 10/93 (attached)
IMW-7**	Intermediate	Per FPC Figure 1 Rev. 10/93 (attached)
IMW-8**	Intermediate	Per FPC Figure 1 Rev. 10/93 (attached)
FMW-1+	Upper Floridan	Per FPC Figure 1 Rev. 10/93 (attached)

- * background well
- ** compliance well for the Solid Waste Disposal Area (SA-8)
- + compliance well

5. Within 90 days of completion of construction of the ground water monitor wells a surveyed drawing shall be submitted showing the location of all monitoring wells (active and abandoned) which will be horizontally located by metes and bounds or equivalent surveying techniques. The surveyed drawing shall include the monitor well identification number as well as location and elevation of all permanent benchmark(s) and/or corner monument marker(s) at the site. The survey shall be conducted by a Florida Registered Surveyor. Two copies of the certified drawing shall be sent to the Technical Support Section, Southwest District Office, Department of Environmental Protection, 3804 Coconut Palm Drive, Tampa, Florida 33619-8318.

6. Within 90 days of completion of construction of each monitor well, FPC or the authorized representative shall submit the following information for each monitor well:

- a. A complete DEP Monitor Well Completion Report;
- b. A copy of the SWFWMD Well Completion Report, SWFWMD Form 25-18-3/90.

The information shall be sent to the DEP's Technical Support Section, Southwest District Office.

7. Within 60 days of completion of construction of the Ground Water Monitoring System and every 5 years thereafter, FPC shall sample IMW-1, IMW-5 and FMW-1 ground water monitor wells for the Primary and Secondary Drinking Water parameters included in Chapter 17-550, F.A.C., Public Drinking Water Systems, Fecal Coliform and EPA Methods 601 and 602 (for parameters not otherwise included in the Primary and Secondary

Drinking Water parameters). The results from the initial sampling shall be used to determine the ambient concentrations of the parameters tested and shall be sent to the DEP's Technical Support Section, Southwest District Office.

8. Within six months of startup for new facilities FPC shall provide a wastestream characterization for: reverse osmosis reject water, the plant sanitary effluent, boiler blowdown effluent, floor drain effluent, plant island stormwater effluent and a copy of the water quality results of the City of Bartow reclaimed water as received by the FPC. Thereafter, a wastestreams characterization shall be performed from a surface water sample collected from the Cooling Pond condenser intake structure within six months of the completion of coal gasification units but in no event with less frequency than every 5 years. The samples for characterization shall be analyzed for the Primary and Secondary Drinking Water Standards (Chapter 17-550, F.A.C), Fecal Coliform and the EPA Priority Pollutants. The components identified in the wastestream characterizations, and the leachate characterization pursuant to Section XXI as well as ground water indicator parameters may be used to modify the Ground Water Monitoring Plan. The results shall be sent to the Technical Support Section, Southwest District office.

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

PRIMARY STANDARDS

<u>PARAMETERS</u>	<u>UNITS</u>
Nitrate (as N)	mg/L
Nitrite (as N)	mg/L
Sodium	mg/L
Turbidity	NTU
Cyanide (as CN)	mg/L
Antimony	mg/L
Arsenic	mg/L
Barium	mg/L
Beryllium	mg/L
Cadmium	mg/L
Chromium	mg/L
Lead	mg/L
Mercury	mg/L
Nickel	mg/L
Selenium	mg/L
Thallium	mg/L
Benzene	mg/L
Fecal Coliform	cts/100 ml
Carbon tetrachloride	mg/L
1,2-Dichloroethane	mg/L

Trichloroethylene	mg/L
para-Dichlorobenzene	mg/L
1,1-Dichloroethylene	mg/L
cis-1,2-Dichloroethylene	mg/L
1,2-Dichloropropane	mg/L
Ethylbenzene	mg/L
Monochlorobenzene	mg/L
o-Dichlorobenzene	mg/L
Styrene	mg/l
Toluene	mg/L
trans-1,2-Dichloroethylene	mg/L
Xylenes (total)	mg/L
Dichloromethane	mg/L
1,2,4-Trichlorobenzene	mg/L
1,1,2-Trichlorethane	mg/L
Polychlorinated biphenyl (PCB)	mg/L
Tetrachloroethylene	mg/L
1,1,1-Trichloroethane	mg/L
Vinyl chloride	mg/L

SECONDARY STANDARDS

Foaming Agents	mg/L
Chloride	mg/L
Total Dissolved Solids (TDS)	mg/L
pH*	std. units
Color*	color units
Fluoride (as F)	mg/L
Aluminum	mg/L
Copper	mg/L
Iron	mg/L
Manganese	mg/L
Silver	mg/L
Zinc	mg/L
Sulfate	mg/L

OTHERS

Temperature*	°C
Total Organic Carbon (TOC)	mg/L
Specific Conductance*	µmhos/cm
Water Level (NGVD)*	feet
Dissolved Oxygen (minimum)	mg/L
Ammonia (as N)	mg/L
Ammonia (as NH ₄)	mg/L
Vanadium (as valence of +5)	mg/L
Calcium	mg/L
Magnesium	mg/L
Potassium	mg/L
Bicarbonate	mg/L
EPA 601/602 analytes	mg/L

ACID EXTRACTABLES

Phenols mg/L

BASE EXTRACTABLES

Butyl benzyl phthalate	mg/L
Di-n-butylphthalate	mg/L
Diethylphthalate	mg/L
Dimethylphthalate	mg/L
Diethylphthalate	mg/L

* field measurement

The results shall be sent to the DEP's Technical Support Section, Southwest District office.

10. After four consecutive quarters of data following start of commercial operation, FPC may request a reduction in sampling frequency or specific parameters of the ground water monitoring program. The request shall be considered reasonable when a trend analysis of the parameter indicates no significant or substantial change in the parameter. Specific parameters that are key indicators of the domestic or industrial processes or field measured parameters may not be reduced or eliminated from the ground water monitoring plan. The ground water indicator parameters shall be reviewed during the supplemental certification for the first coal gasification units at the proposed site.

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

SAMPLE PERIOD

REPORT DUE DATE

1st Quarter (January-March)	April 28
2nd Quarter (April-June)	July 28
3rd Quarter (July-September)	October 28
4th Quarter (October-December)	January 28

FPC shall submit to the Department the results of the water quality analyses no later than the 28th day of the month immediately following the end of the sampling period. The results shall be sent to the Technical Support Section, Southwest District office.

12. Ground water sampling shall be reported on the Monitoring Report Forms [DER Form 17-1.216(2)]. In order to facilitate entry of this data into the state computer system, these forms or an exact replica must be used and must not be altered as to content. The original copies should be retained so that the necessary information is available to properly complete future reports. The report forms received from the

laboratory must be submitted within 30 days of receipt of written request from the Department. FPC may submit the ground water sampling report in an electronic format (e.g., by telephone modem, removable disk, removable tape or removable drive) upon written authorization from the Department.

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

14. The field testing, sample collection, preservation and laboratory testing, including quality control procedures, shall be in accordance with methods approved by the Department in accordance with F.A.C. Chapter 17-160

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

16. Within 180 days of issuance of this permit, all piezometers and wells not a part of the approved Facility Ground Water Monitoring Plan, Department approved piezometers, or monitoring wells required by SWFWMD are to be plugged and abandoned in accordance with Rule 17-532.500(4), F.A.C. and the SWFWMD. FPC shall submit a written report to the Department providing verification of the plugging program. A written request for exemption to the plugging of a well must be submitted to the Department's Technical Support Section for prior approval.

17. FPC shall ensure that the water quality standards for Class G-II ground waters will not be exceeded at the boundary of the zone of discharge in accordance with Rules 17-520.400 and 17-520.420, F.A.C.

18. FPC shall ensure that the minimum criteria for ground water specified in Rule 17-520.400, F.A.C., shall not be violated within the permitted zone of discharge.

B. Underground Injection

1. Deep well injection is not addressed nor authorized in this certification and prior to implementation shall be subject to further departmental approval.

XIX. SCREENING

FPC shall provide screening of the plant island as viewed from CR 555 to the extent feasible and as required by Polk County through the use of aesthetically acceptable structures, vegetated earthen walls and/or existing or planted vegetation.

XX. TOXIC OR HAZARDOUS MATERIALS

A. Spills

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

B. Handling and Testing of Potentially Hazardous Material

At least 120 days before bringing a hazardous catalyst onsite, FPC shall provide a plan for handling and disposing of hazardous catalysts to the DEP Southwest District office.

XXI. SOLID WASTE STORAGE AND DISPOSAL

A. General

The solid waste disposal areas (SWDAs) shall be designed, constructed, operated, maintained, closed and monitored in accordance with acceptable waste disposal practices providing environmental protection equivalent to those described in F.A.C. Chapter 17-701 and these conditions of certification. The prohibitions of F.A.C. Chapter 17-701 shall not be violated.

B. Site Specific Standards

1. The solid waste disposal area clay liner system shall provide protection equivalent to a composite or double liner system in accordance with these conditions of certification.

2. The Solid Waste Disposal Area shall have a leachate collection system. Leachate collection system piping shall be established in perimeter areas near the impoundment dams such that a minimum 10-foot clay thickness exists between the collector ditch and the impoundment dam contiguous with the waste clay underlying the collector ditch. If insufficient clay thickness exists, a synthetic 60 mil HDPE liner shall be installed in localized areas of insufficient clay thickness to prevent seepage outside of the liner system.

3. At least two years prior to disposal in SWDA, FPC shall commence consolidation of the clays in such area in the manner described in the SCA and sufficiency responses.

4. At least six months prior to disposal in SWDA, FPC shall conduct test probings in the SWDA to determine the thickness of the consolidated clay. The clay probings shall be conducted as follows:

a. Clay probings will be performed on approximately 50-foot centers where the consolidated clay covers overburden piles and approximately 150-foot centers between overburden piles. Locations of overburden piles will be determined initially from post-mining aerial photography and visual observation and confirmed by probing.

b. Based on the results of the clay probings, a contour map will be developed which shows the thickness of the consolidated clay over the surface of each proposed SWDA.

5. If the clay thickness is less than a minimum of ten (10) feet in any interior area away from the perimeter dams, restoration of the clay liner shall be made. Restoration shall consist of placing additional clay in the deficient area to

achieve a ten-foot clay thickness or placing a 60 mil synthetic HDPE liner patch over the deficient area where the clay is less than 10 feet thick. The patch shall be keyed into the clay around the perimeter of the deficient area to prevent seepage beneath the synthetic liner.

6. The liner systems shall have a quality assurance plan equivalent to that for a composite or double liner system approved by the Department's Solid Waste Section of the SWSSWD prior to construction. Soil and/or synthetic liner construction quality assurance shall include a quality control plan specifying performance criteria for the liner, testing procedures and sampling frequencies.

7. All engineering plans, reports, and related information shall be provided by the engineer of record with professional certification and shall be approved by the Department's SWSSWD prior to construction. A construction certification report signed and sealed by a professional engineer, and record drawings showing all modifications to construction plans, shall be submitted for approval to the SWSSWD of the DEP prior to operation of each solid waste disposal area.

8. Water treatment plant sludge shall be segregated from the gasifier slag in a separate solid waste disposal area. The sludge disposal area shall be provided with a minimum two-foot sand or equivalent drainage blanket which drains to the perimeter leachate collection system piping.

9. The facility shall have a comprehensive operation plan that provides written, detailed instructions for the daily operation of the solid waste disposal areas. The plan shall be kept at the facility and shall be accessible to the operators. The plan shall be revised if operational procedures change. A schedule for routine maintenance of the leachate collection and removal system shall be established to ensure operation of the system. The maintenance schedule shall be a part of the operational procedures for the plan. The initial operation plan shall include the SA-8 solid waste disposal area and shall be submitted for approval to the SWSSWD of the DEP prior to operation of the solid waste disposal area.

10. FPC is responsible for leachate level monitoring, sampling, analysis of the landfill leachate, and for providing copies of the leachate analysis to the Department's SWSSWD. FPC shall have a prepared contingency plan to handle leachate collection, removal, and treatment problems such as interruptions of discharges to a treatment plant. Quantities of leachate collected by the leachate collection and removal system shall be recorded in gallons per day before on-site treatment or transport off-site. A rain gauge shall be installed, operated,

and maintained to record precipitation at the facility. Precipitation records shall be maintained and used to compare with leachate generation rates.

11. Hazardous waste or any hazardous substance shall not be accepted for disposal at this site. Hazardous waste is a solid waste identified by the Department as a hazardous waste in Chapter 17-730, F.A.C. Hazardous substances are those defined in Section 403.703, F.S., or in any other applicable state or federal law or administrative rule. A

12. FPC shall maintain a program which prohibits the disposal of bulk industrial wastes which operation personnel reasonably believe to either be or contain hazardous waste, without first obtaining a chemical analysis of the material showing the waste to be non-hazardous. The chemical analysis of any such material, along with the date of disposal, shall be kept on file at the facility.

13. A trained supervisor shall be responsible for maintaining the solid waste disposal areas in an orderly, safe, and sanitary manner. Sufficient personnel shall be employed for adequate operation. In the event of damage to any portion of the solid waste disposal area or failure of any portion of the related systems, the Department's SWSSWD shall receive notification in accordance with Condition III.B.

14. FPC shall sample leachate from each SWDA for Primary and Secondary Drinking Water Standards as listed in Chapter 17-550, F.A.C., and for the parameters listed in 40 CFR 261.24 on an annual basis. Parameters detected in the leachate at levels of concern may be included in future groundwater sampling analyses. The results of the leachate analyses shall be submitted to the SWSSWD of the DEP within 30 days of FPC's receipt of the analytical results.

15. If groundwater concentrations significantly above background concentrations due to leachate are detected, FPC shall submit a contamination assessment plan to the Department's SWSSWD within 150 days of knowledge of exceedance. The contamination assessment plan shall provide a detailed plan for evaluating the vertical and horizontal extent of affected soils and groundwater.

16. The groundwater monitoring for the solid waste disposal areas is incorporated into the Facility Groundwater Monitoring Plan as described in Section XVIII of these certification conditions. As new solid waste disposal areas are put into use, a modification of the Facility Groundwater Monitoring Plan shall be submitted by FPC to the SWSSWD of the DEP to monitor the new disposal areas.

17. Closure shall be equivalent to lined landfill closures, and shall include a barrier layer. Installation of a barrier layer shall include pumping down of the leachate head above the clay liner using a system of well points installed in depressed areas of the disposal area. Well points shall be installed to the top of the clay liner and pumped to lower leachate head levels to less than 4 feet. The well point system shall remain as a dedicated installation upon closure of the areas and shall remain accessible for future pumping if leachate heads exceeding 4 feet redevelop after closure, or if leachate quality exceeds ground water standards.

18. In the event FPC proposes to change the method of closing the solid waste disposal areas required by Condition XXI.B.17 above, the Department may require financial assurance in a manner equivalent to the requirements of Rule 17-701.630.

C. Additional Information Requirements

1. All engineering plans, reports, and related information shall be provided by the engineer of record with professional certification and shall be approved by the Department's SWSSWD prior to construction. A construction certification report signed and sealed by a professional engineer, and record drawings showing all modifications to construction plans, shall be submitted for approval to the SWSSWD of the DEP prior to operation of each solid waste disposal area.

D. Processing Additional Information

1. FPC shall send all appropriate submittals to the SWSSWD of the DEP to the following address:

Florida Department of Environmental Protection
Solid Waste Section
3804 Coconut Palm Drive
Tampa, Florida 33619

XXII. FEDERAL ANNUAL OPERATING PERMITS AND FEES

A. Department of Environmental Protection Responsibilities

The Department of Environmental Protection shall implement the provisions of Title V of the 1990 Clean Air Act for the PCS developing Conditions of Certification requiring submission of annual operating permit information and annual pollutant emission fees in accordance with federal law and federal regulations.

B. Florida Power Corporation Responsibilities

FPC shall submit the appropriate annual operating permit application information as well as the appropriate annual pollutant emission fees as required by federal law to the Department as specified in Condition C. below.

**C. Annual Operating Permit Application and Fee
(Reserved)**

XXIII. CONSTRUCTION OF LINEAR FACILITIES

A. Right of Way Selection Procedures

Prior to finalization of the ROW location, three copies of blue-line reproductions of the aerial photographs taken within the last year prior to submittal shall be submitted to DEP. The photographic reproductions shall delineate and show the corridor at a scale of 1"= 400' with wetland locations generally identified, and shall show the certified corridor, designated ROWs, structure locations and access road locations. In addition, FPC shall note on the aerial photographs new development in the corridors. FPC shall notify all parties of such filing. This information may be submitted in segments. The agencies receiving copies of the aerial photographs from FPC shall have 30 days from receipt of the photographs to review the photographs and to notify DEP of any apparent conflicts with the requirements of the conditions of certification. However, this paragraph shall not operate to avoid the need for post-certification submittals and compliance reviews otherwise required by the conditions of certification.

After review of the aerial photographs and comments from the other reviewing agencies, if DEP has reason to believe that the proposed construction within FPC's designated ROW cannot be accomplished in compliance with the conditions of certification, FPC shall be so notified in writing within 45 days from receipt of the aerial photographs. Such notice shall specify with particularity the basis for DEP's conclusion, and possible corrective measures shall be suggested. If such notice is provided, FPC may relocate the ROW within the certified corridor to address the specified concern, or FPC may proceed with design of the natural gas pipeline, reclaimed water pipeline, or transmission line on the noticed ROW at its own risk that construction can be accomplished in compliance with the conditions of certification.

B. Pipeline and Transmission Line Construction Activities

Prior to construction, FPC shall submit to DEP for review 8-1/2" x 11" plan view and cross-section drawings showing all dredge and fill, structure placement and wetland clearing necessary to construct the natural gas pipeline, reclaimed water pipeline and transmission lines. The drawings shall include the dimensions and elevations of all the structures and show the areas to be cleared to the ground and restrictively cleared.

C. Natural Gas Pipeline Location

To minimize the impacts of the natural gas pipeline to the South Prong of the Alafia River, the pipeline shall cross the river immediately adjacent to the south side of Jameson Road.

D. Off-Site Impacts

It is the responsibility of FPC to ensure that adverse off-site water resource related impacts do not occur during construction. All wetland areas or waterbodies that are outside of the specific limits of construction authorized by this certification shall be protected from erosion, siltation, scouring or excess turbidity, and dewatering. FPC shall prevent adverse off-site water resource related impacts during construction through the compaction of fill, the use of hay bales or turbidity screens, or by any other method acceptable to DEP. In determining the acceptability of other methods of control, DEP shall consult with SWFWMD. Off-site discharges during construction and development shall not violate state water quality standards.

E. Erosion/Runoff Control

FPC shall compact or otherwise stabilize any fill material placed around newly installed structures, to reduce erosion, turbidity, nutrient loading and sedimentation in the receiving waters.

Grass seed and mulch or sod must be installed and maintained on exposed slopes within 48 hours of completing final grade, and at any other time as necessary, to prevent erosion, sedimentation or turbid discharges into waters of the state.

FPC shall take additional measures when necessary to prevent turbid discharges in violation of state water quality standards and to minimize off-site damage associated with erosion or turbidity. These measures may include but are not limited to the installation of turbidity barriers at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the proposed construction. Turbidity barriers must be maintained in effective condition at all locations until construction is completed and disturbed soil areas are stabilized. FPC shall be responsible for implementing measures to address any sedimentation, turbidity, erosion, or shoaling problems that result from the construction, operation or maintenance of the works authorized under this certification. After fill material has been stabilized, FPC will be responsible for the removal of the barriers.

F. Transmission Line Wetlands Clearing

FPC shall use only restrictive clearing practices during construction and maintenance of the Barcola-Fort Meade 230 kV transmission line where it crosses wetlands. Restrictive clearing, as used in this condition, is the cutting and removal

of vegetation from the wetland by hand, usually with chain saws, or with low-ground-pressure shear or rotary machines to reduce soil compaction and damage to ground cover. These methods may be used alone or in combination, as may be appropriate for specific sites. Restrictive clearing includes the removal of vegetation from areas extending from the transmission line centerline to 20 feet on each side of the outer conductors and in work areas approximately 100 feet by 150 feet around structure sites. Also, in areas where FPC may need to create access to particular structure sites via finger roads rather than a continuous access road, a path approximately 20 to 25 feet wide may be cleared to reach the site from an existing access road. If necessary, the work area around the structure and the access areas may be destumped. Removable construction matting may be used in these areas to support equipment. The stumps shall not be removed in the portion of the ROW outside of the work area and the access areas. The remainder of the ROW in wetland areas, beyond 20 feet on either side of the outer conductors, shall not be cleared to the ground; however, these areas may be restrictively cleared in that vegetation that has an expected mature height greater than 14 feet may be removed. All cut vegetation shall be removed from the restrictively cleared areas by hand if practicable. All invasive exotic species listed in Attachment A shall be removed from the ROW. Herbicides shall not be applied to the cut stumps of native tree species during the initial clearing.

G. Herbicides

Herbicides used in the natural gas pipeline, reclaimed water pipeline or transmission line ROWs or on the certified site shall include only those registered by the U.S. Environmental Protection Agency and which have state approval. Herbicide application rates and concentrations will be in accordance with label directions and will be carried out by a licensed applicator, meeting all federal, state, and local regulations. Herbicide shall be selectively applied to targeted vegetation. Broadcast or aerial application of a non-selective herbicide shall not be used in the ROW or on the certified site unless approved in writing by DEP.

H. Mitigation for Wetland Impacts

Construction of the transmission line in the corridor shown in the application using the construction methods described in the application will not have wetland impacts that would require mitigation. However, if the corridor is modified or construction techniques other than the ones described in the application are proposed, a re-evaluation of the need for mitigation for any additional wetland impacts will be necessary.

FPC shall provide mitigation as necessary to offset the wetland loss and habitat degradation resulting from the construction of the pipelines associated with this project.

Prior to construction, FPC shall propose a mitigation plan, if necessary, and shall provide the following information to the Bureau of Wetland Resource Management to allow DEP to review the proposed mitigation plan:

1. detailed description of each wetland impact area;
2. acreage of the type and quality of wetland being impacted at each site;
3. narrative, drawings and aerial photographs showing and explaining the proposed mitigation;
4. detailed description of the existing conditions at the mitigation area;
5. acreage of the total proposed mitigation area, broken down by acreage of each mitigation type and wetland type; and,
6. documentation providing reasonable assurance that the proposed mitigation will be successful.

If the mitigation submittal is deemed by DEP to provide insufficient information for review, additional information requested by DEP shall be submitted.

If DEP, upon review of the proposed mitigation, determines that the proposed mitigation is inadequate to offset the wetland loss and habitat degradation from this project, FPC shall propose additional mitigation.

If the proposed mitigation plan is deemed acceptable by DEP, DEP shall establish construction conditions, success criteria and a monitoring plan to be carried out for the approved mitigation. These conditions, criteria and monitoring plan shall be incorporated into the certification conditions as a minor modification.

No construction within wetland areas in the pipeline ROWs shall commence until DEP approves a mitigation plan, and mitigation construction conditions, success criteria and a monitoring plan. As approved, such plans and conditions shall be implemented.

XXIV. WETLAND RECLAMATION REQUIREMENTS FOR MINING PARCELS N-9B AND N-13

A. Within six months after the purchase of the Polk County Site, FPC shall submit to DEP construction drawings showing the proposed design for the reclaimed wetlands on mining parcels N-9B and N-13. The drawings shall include plan views and cross sections showing all of the proposed structures and predicted elevations after dewatering and initial clay consolidation referenced to NGVD for the proposed wetlands.

B. At least 90 days prior to planting of vegetation in mining parcels N-9B and N-13, FPC shall submit to DEP final planting plans for all areas to be reclaimed as wetlands. The plans shall include plan views and cross sections showing the species to be planted at the various elevations. The plans shall specify the size of the plants to be planted and the source of the plants.

C. Together with the final planting plans, FPC shall submit a detailed management plan for the reclaimed wetlands to DEP for review. The approved plan shall be made part of this certification. Upon approval, the plan shall be fully implemented. The management plan shall include, but not be limited to, frequent assessment and regular removal, if present, of nuisance and invasive exotic species listed in Attachment A and supplemental plantings of wetlands species (including groundcover, shrubs and trees) to simulate a natural floristic composition in the shrub and groundcover strata in the forested wetlands. Specific details for all aspects of the plans shall be included, such as specific time intervals for nuisance species assessments and planting densities. The management and maintenance actions shall be fully described in the required annual monitoring reports.

D. In order to ensure that the wetland reclamation is correctly implemented, a qualified biological consultant shall oversee the earthmoving, mucking, grading, planting, and monitoring required for the wetland reclamation plan. Prior to the commencement of any wetland reclamation activities, FPC shall submit to DEP for review and approval the name of the biological consultant and supporting documentation that the biological consultant is qualified to oversee the work. The biological consultant must have documented experience in successful wetland reclamation. Any proposed change in biological consultant prior to the wetland areas being determined to be successful shall be submitted to DEP for review and approval.

E. The areas to be reclaimed as forested wetlands shall be planted with a mixture of woody species noted in Attachment B. This includes the initial list of candidate species. Some may be deleted and others added, depending upon

soil conditions resulting from the clay consolidation process. The woody species and the herbaceous species shall be planted at elevations within the reclaimed wetlands that will provide hydroperiods appropriate for the species. Additional or alternate species or densities may be used if approved in writing by the Department during post-certification review. The areas to be reclaimed as herbaceous wetlands shall be planted with a mixture of the herbaceous species listed in Attachment B. These herbaceous species shall be planted at elevations within the reclaimed wetlands that will provide hydroperiods appropriate for the species. Additional or alternate species or densities may be used if approved in writing by the Department during post-certification review.

F. Within ninety days of completion of dewatering, placement of any soil subsidy and grading, the wetland reclamation areas shall be surveyed and a topographic map shall be prepared and submitted to DEP. The topographic map shall meet the following criteria:

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

G. To provide for a more hospitable root zone environment and to foster better water quality in the short term, DEP encourages FPC to place organic soils, mulch or muck to a minimum depth of four inches on as much of the reclaimed wetlands on the site as possible. An alternative that would be acceptable to DEP would be to cap the wetland area with sand mixed with organic material, rather than overburden. The sand and organic mix, for purposes of the condition, is defined as a fine sand with six percent or greater organic content, if tested by the Walkley-Black method or dry weight loss ignition method.

Any fresh (not stockpiled) muck or mulch to be used for the wetlands shall be from a donor site with no or only minor presence by nuisance or exotic species. Any stockpiled muck

or mulch must have all nuisance or exotic plants removed before application to the reclaimed areas. FPC shall submit maps showing the location of specific donor site relative to the project site and a brief description of the proposed site, including the vegetation and soil type. The donor locations must be approved in writing by DEP.

H. The plants used to plant the mitigation areas shall be nursery stock. The plants shall originate from within a 50 mile radius of the site or within the same SCS hardiness zone as the mitigation site, whichever is greater. The stock of vegetation to be planted will be consistent with normal reclamation practices.

I. Freshwater herbaceous wetland reclamation shall be considered successful when the following conditions are met:

1. Percent cover by non-nuisance, non-exotic wetland species shall be 80 percent or more. Percent covers for the aggregate of those wetland species, non-wetland species, bare ground and water shall be reported relative to the total area. A list of the wetland species included in the aggregate shall be included. Wetland species shall be those listed in Florida Administrative Code Rule 17-301.400;

2. Nuisance species and exotic species listed in Attachment A are limited to 10 percent or less of the total cover with no one species being more than 5 percent of the total cover. If these species exceed 10 percent of the total cover their density must be declining over several years, which would be considered a positive indication that they are under control;

3. The reclaimed wetlands are constructed in accordance with the conditions of certification.

J. Forested wetland reclamation shall be considered successful when the following conditions are met:

1. An average of at least 400 wetland trees per acre shall be growing above the herbaceous stratum;

2. The wetland species tree cover shall exceed 33 percent of the total area and in no area of an acre in size shall the tree cover be less than 20 percent total cover. Cover measurement shall be restricted to (1) those trees exceeding the herbaceous stratum in height and (2) those indigenous species that contribute to the overstory of the mature forest of the South Prong of the Alafia River and the Peace River and its tributaries and that are wetland vegetation listed in Florida Administrative Code Rule 17-301.400;

3. At least 80 percent of obligate groundcover (herbaceous) and obligate shrub (non-canopy woody species) vegetation shall be among those species listed in Florida Administrative Code Rule 17-301.400, and shall be reproducing naturally, either normal, healthy, vegetative spread (in ways that would be normal for each wetland species) or through seedling establishment, growth and survival. Nuisance species and exotic species listed in Attachment A shall be limited to 10 percent or less of the total cover, with no one species being more than 5 percent of the total cover. If these species exceed 10 percent of the total cover their density must be declining over several years, which would be considered a positive indication that they are under control;

4. The reclaimed wetlands are constructed in accordance with the conditions of certification.

K. FPC shall furnish to DEP annual statistical reports of vegetational sampling of the reclaimed wetlands done by any mutually agreed-upon method. Acceptable methods may be found in Daubenmire (1968), Green (1979), Grieg-Smith (1983), Mueller-Dombois and Ellenberg (1974), Oosting (1956), Poole (1974), and Southwood (1978). It is the responsibility of FPC to ensure that the monitoring report provides a qualitative and quantitative depiction of the site that is representative of the conditions at the entire site.

This report shall include on the cover page, just below the title, the certification of the following statement by the individual who supervised preparation of the report: "This report represents a true, accurate, and representative description of the site conditions present at the time of monitoring."

1. A monitoring plan describing sampling methods report format, and a map of sampling locations and photographic stations shall be submitted to the Department for review and approval at least 90 days prior to the initial planting.

2. Annual statistical reports shall describe as appropriate for each reclamation area: (1) the density and percent cover of listed trees, (2) percent cover of listed and non-listed herbaceous species, bare ground and water. For forested wetlands, tree canopy cover shall be submitted for not less than the third, fifth, and any subsequent years after planting until a determination of a successful reclamation has been made. Data for listed nuisance or invasive exotic species shall be tabulated separately. A listed species is one listed in Florida Administrative Code Rule 17-301.400. Reports shall also include an assessment of the jurisdictional status of each reclamation area. Data shall be taken during the summer growing

season. Reports shall be submitted annually within 60 days of data acquisition until a determination of a successful wetland reclamation has been made. The first annual statistical report data gathering shall occur not later than one year after planting.

3. Following implementation of the reclamation plan, monitoring shall be performed, following the methods established in the monitoring section, until a determination of a successful reclamation is obtained. At the end of the first three years of monitoring, FPC may request in writing that the monitoring program be reviewed by the DEP to determine whether or not the frequency or parameters of the monitoring program should be changed.

4. If it is determined by DEP staff, based on visual inspection and review of the monitoring reports that the reclamation is not trending toward success, FPC shall present methods and proposals to be reviewed and approved by the DEP within 30 days of DEP's notification to ensure success of the effort. The plan of corrective actions shall be implemented within 90 days of written approval by DEP.

XXV. MINE RECLAMATION CONDITIONS

A. Conceptual Plan Limitations

Conceptual plan modifications (EST-SC-CPH and IMC-NP-FPC), and variance applications, (EST-SC-FPC-V and IMC-NP-FPC-V), are deemed incorporated into FPC/PCS Certification Application. Final agency action on these applications by the Governor and Cabinet, sitting as the Siting Board, is being taken under the provisions of the Florida Electric Power Plant Siting Act (FEPPSA), pursuant to sections 403.501-403.517, Florida Statutes (F.S.). Approval of Conceptual Plan Modification Applications, EST-SC-CPH and IMC-NP-CPF, and Variance Applications, EST-SC-FPC-V and IMC-NP-FPC-V, as part of the certification of the FPC/PCS, does not constitute a statement, admission, or waiver by the state of Florida concerning ownership of any interest in the subject lands within the FPC/PCS or the conceptual plan area. Approval of the conceptual plan modifications does not relieve IMC-Company and Estech, Incorporated of the obligation to comply with the standards and criteria set forth in Chapter 16C-16, Florida Administrative Code (F.A.C.). Upon the purchase of the Polk County Site by FPC, obligation to comply with Chapter 16C-16, F.A.C., and the approved variances, shall be assumed by FPC and IMC-Company with respect to the IMC mining parcels which make up the Polk County site, by FPC and Estech, Incorporated with respect to the Estech mining parcels which make up the Polk County Site, and FPC and USAC with respect to the USAC mine parcel within the Polk County Site.

B. Variance Applications

Approval of the variance applications EST-SC-FPC-V and IMC-NP-FPC-V, affecting conceptual plans EST-SC-CPH and IMC-NP-CPF, is hereby granted for a life-of-facility variance from the waterbody and wetland standards as required by Paragraphs 16C-16.0051(5)(a)-(c), F.A.C., and the drainage restoration, revegetation and reclamation time schedules standards as required by Paragraphs 16C-16.0051(2), (7), (9), and (11), F.A.C.

C. Changes in Ownership

All changes in land ownership or operators of a mine shall be reported to the Bureau of Mine Reclamation no later than thirty (30) days after the effective date of such changes pursuant to Subsection 16C-16.006(6), F.A.C. Pursuant to approval of FPC's Site Certification Application, each applicable operator (IMC, USAC, and Estech, Incorporated) shall notify the Department within thirty days of the sale or legal transfer of the land within the FPC/PCS to FPC or any other entity(ies) claiming a fee interest in the land subject to the

mandatory reclamation obligation, as defined in Section 211.32, F.S. This notification shall be in the form of a legal contract of sale or transfer agreement between each applicable operator and the entity(ies) claiming a fee interest in the affected lands. The contract/agreement shall appropriately identify the rights, duties, and responsibilities that shall be assumed and delegated by the transferee and each applicable operator, and shall be signed by the transferee and the applicable operators.

D. Complete Reclamation Work Responsibility

1. Until FPC purchases the mining parcels listed as follows, each respective mining company shall be solely responsible for completing the reclamation work in accordance with the approved reclamation program (parcel) plan currently on file with the Department of Environmental Protection.

ESTECH SILVER CITY MINE (ESTECH, INC.)

SA-8	EST-SC(2)
SA-9	EST-SC(6)
SA-10	EST-SC-SP(5)
SA-11	EST-SC-SP(4)
SA-12	EST-SC-MC(1)
SA-13	EST-SC-SP(7) and (8)

IMC NORALYN/PHOSPHORIA MINE (IMC CO.)

N-16	IMC-NP-SP(9)
P-2	IMC-P-2
P-3	IMC-NP-SMC(2)
Phosphoria	IMC-NP-SMC(5)

USAC ROCKLAND MINE

N-9	USS-R-SP(1A)
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2. After purchase by FPC, the reclamation of programs EST-SC-SP(5), IMC-NP-SMC(2), IMC-NP-SMC(5), USS-R-SP(1A) and the southern-most 225 acres of program EST-SC-MC(1) shall be conducted in accordance with the reclamation requirements, criteria, and standards as set forth in Chapter 16C-16, F.A.C.

3. After approval of the FPC-Polk County Site Certification Application, subsequent purchase by FPC, and transfer of ownership and responsibilities pursuant to these conditions, the mandatory reclamation requirements for Estech programs EST-SC(2), EST-SC(6), EST-SC-SP(4), the northern 376 acres of EST-SC-MC(1), EST-SC-SP(7), EST-SC-SP(8) and IMC program IMC-NP-SP(9) shall no longer apply. It shall be the responsibility of FPC to develop the program areas identified in

this paragraph according to the approved conceptual plan, and variances to Chapter 16C-16, F.A.C., which are incorporated in the site certification approval. These areas are intended to be developed for the following uses upon the following schedule:

<u>PARCEL</u>	<u>PARCEL</u>	<u>USE (PHASE)</u>
SA-8	EST-SC(2)	Water Storage (I), Solid Waste Disposal (III through VI), Water Crop (VII)
SA-9	EST-SC(6)	Water Storage (I), Brine Pond (III-VII)
SA-11	EST-SC-SP(4)	Generating Units & Fill Storage (III and & IV), Generating Units and Gasifiers (V-VII)
SA-12 (North)	EST-SC-MC(1)	Water Storage (I), Fill Storage, Storm Water Retention and Water Crop (III-IV), Coal Pile and Coal Handling/Rail Loop (V-VII)
SA-13	EST-SC-SP(7) and (8)	Roads/Infrastructure (III-VII)
N-16	IMC-NP-SP(9)	West - Cooling Pond (III-VII) East - Effluent Storage, Fill Storage and Water Crop (III), and Cooling Pond (IV-VII)
Phases -	I	Initial Earthwork Construction
	II	Initial Vertical Plant Construction
	III	235 to 1,500 MW
	IV	1,500 to 2,000 MW
	V	2,000 MW to 2,250 MW and add Coal
	VI	3,000 MW
	VII	P-2 as Solid Waste Disposal Area

E. Water Cropping Data

FPC shall provide water cropping data to BOMR to assist in the determination of possible enhancements to hydrology models.

F. Reclamation Compensation and Habitat Development

To compensate for the potential habitat displaced in the mining parcels released from mandatory reclamation, pursuant to Condition XXV.D.3., the following conditions shall apply:

1. Off-Site Wildlife Corridor

a. As part of mitigation, FPC shall contribute to the completion of the Integrated Habitat Network connecting the Peace River floodplain with Hookers Prairie in the following manner: Estech shall sell and convey and FPC shall arrange and fund the acquisition of good, marketable fee simple title to or, with the consent of DEP, the imposition of a permanent conservation easement on Estech mining parcels EGC-SC-A (79 acres more or less), EST-SC-SP(3) (90 acres more or less) and EGC-SC-05 (256 acres more or less) by or for the benefit of an entity other than FPC satisfactory to DEP, to be used as part of the Integrated Habitat Network connecting the Peace River Floodplain to Hooker's Prairie. Closing of this transaction shall occur within one year following FPC's purchase of the Polk County Site or within a later timeframe established by DEP. FPC shall bear no expense in connection with or otherwise be responsible for the reclamation or management of these parcels.

b. Costs to be funded by FPC for the purchase of these parcels shall not exceed \$900.00 per acre plus normal purchaser's closing costs. Costs in excess of \$ 900.00 per acre shall result in an offsetting reduction of the number of acres to be acquired.

2. Mining Parcel SA-10

a. Estech Mining Parcel SA-10 [EST-SE-SP(5)] shall be utilized as a water storage area during the initial phase of construction for the first 470 MW of electrical generation at the Polk County Site.

b. Upon the completion of construction of the initial phase of the Polk County Site, Mining Parcel SA-10 shall be reclaimed as a palmetto prairie and will be contoured to drain to a system sending runoff water ultimately to McCullough Creek.

c. The palmetto prairie habitat portion of SA-10 shall encompass 268 acres of the total 294 acre mine area. The plantings will consist of native grasses with clumps of saw palmetto (Serenoa repens) and shrubs established throughout the mine area in a density of 50 plants per acre. The remaining 26 acres of SA-10 will be planted in native grasses or shrubs.

3. Mining Parcel SA-12

FPC will leave the southern portion (approximately 225 acres) of Estech program EST-SC-MC(1) as already reclaimed except for the addition of a hydraulic connection to the headwaters of McCullough Creek to contribute to the McCullough Creek drainage basin.

4. Exotic and Nuisance Species

Exotic species listed in Attachment A shall not be considered an acceptable form of vegetative cover within N-9B, N-13, and SA-10. Nuisance species listed in Attachment A shall be controlled, and not permitted to exceed twenty-five (25) percent of the total upland vegetative cover at any given time within N-9B, N-13, and SA-10. FPC and DEP shall work together to determine appropriate measures to be implemented, such that these species listed in Attachment A will be controlled and/or eradicated.

5. IMC Parcels P-2, P-3 and Phosphoria

a. IMC parcels P-2 (IMC-P-2), P-3 (IMC-MP-SMC-2) and Phosphoria [IMC-MP-SMC(5)] shall be contoured to provide onsite water cropping for the operation of the Polk County Site cooling pond and shall otherwise be reclaimed as currently approved.

b. FPC may develop IMC parcel P-2 as a solid waste disposal area in the event that Estech mining parcel SA-8 is not capable of holding all of the solid waste generated by the coal gasification operation at the Polk County Site.

c. IMC mining parcels P-3 and Phosphoria shall be available for mitigation for any jurisdictional wetlands impacted in the event IMC mining parcel P-2 is used for solid waste disposal.

d. Mitigation plans for P-3 and Phosphoria will be developed in a supplemental certification proceeding if and when P-2 is determined by FPC to be needed as a solid waste disposal area.

6. IMC Parcel N-11C

After construction of the final phases of the Polk County Site (3,000 MW) parcel N-11C will be revegetated. Final land use and revegetation of N-11C shall be developed during the supplemental certification for the final phase of electric generation (3,000 MW) in consultation with DEP.

7. Wildlife Habitat Management Plan

FPC shall consult with DEP, FGFWFC, and the U.S. Fish and Wildlife Service in establishing the Wildlife Habitat Management Plan required by Polk County.

8. Six Mile Creek Drainage

a. FPC shall evaluate the feasibility of establishing drainage flow from the Polk County Site to Six Mile Creek if:

i. adjacent offsite parcels are developed to provide a surface hydrological connection to the Six Mile Creek system from the Polk County Site;

ii. water use data indicate an excess amount of water is available for the operation of the Polk County Site; and,

iii. no additional permit would be required in connection with such an offsite flow.

b. FPC shall provide historical and projected water use data to DEP in each supplemental application for certification to assist in the determination of possible drainage flow from the Polk County Site to the Six Mile Creek system.

9. Offsite Estech Drainage

Estech shall take all necessary action, including, but not limited to, modifying conceptual plans and amending reclamation programs, required to ensure that the reclamation of the Estech Silver City Mine Plant site (Estech Plant Site), as depicted on the map in Attachment C, will allow drainage from the Estech Parcel SA-10 and Estech Plant Site to flow to the McCullough Creek drainage basin.

XXVI. SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

A. Water Use Permitting Conditions

1. If any of the statements in the application and in the supporting data are found to be untrue and/or inaccurate, or if FPC fails to comply with all of the provisions of Chapter 373, Florida Statutes (F.S.), Chapter 40D, Florida Administrative Code (F.A.C.), or the conditions set forth herein, the Southwest Florida Water Management District (SWFWMD) shall initiate action for suspension or revocation of Certification.

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

3. FPC shall not deviate from any of the water use related terms or conditions of the Site Certificate without written approval by the SWFWMD.

4. In the event the SWFWMD declares that a Water Shortage exists pursuant to Chapter 40D-21, F.A.C., the SWFWMD shall initiate any required action to alter, modify, or declare inactive all or parts of this Certification as necessary to address the water shortage.

5. The SWFWMD shall collect water samples from any withdrawal point listed in the Certificate or shall require FPC to submit water samples when the SWFWMD determines there is a potential for adverse impacts to water quality.

6. The SWFWMD shall initiate any necessary action to require FPC to cease or reduce withdrawal if water levels in aquifers fall below the minimum levels established by the Governing Board.

7. FPC 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 Governing Board adopts specific conservation requirements for FPC's water use classification, the SWFWMD shall initiate any required action to make this certification subject to those requirements upon notice and after a reasonable period for compliance.

8. The SWFWMD may establish special regulations for permits within the regions designated a Water Use Caution Area (WUCA). If the SWFWMD has established, or establishes in the future, a WUCA for the region that encompasses this certificate, at such time as the Governing Board adopts such special regulations, the SWFWMD shall initiate any required action to make FPC subject to them upon notice and after a reasonable period for compliance.

9. FPC shall mitigate, to the satisfaction of the SWFWMD, any adverse impact to existing legal uses caused by withdrawals. When adverse impacts occur or are imminent, the SWFWMD shall require FPC to mitigate the impacts. Adverse impacts include, but are not limited to:

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

b. Significant reduction in levels or flows in waterbodies 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 any aquifer or waterbody.

10. FPC shall mitigate to the satisfaction of the SWFWMD any adverse impact to environmental features or off-site land uses as a result of withdrawals. When adverse impacts occur or are imminent, the SWFWMD shall require FPC to mitigate the impacts. Adverse impacts include the following:

a. Significant reduction in levels or flows in waterbodies such as lakes, impoundments, wetlands, springs, streams, or other watercourses;

b. Sinkholes or subsidence caused by reduction in water levels;

c. Damage to crops and other vegetation causing financial harm to the owner; and,

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

11. A SWFWMD identification tag shall be prominently displayed at each withdrawal point by permanently affixing the tag to the withdrawal facility.

12. FPC must notify the SWFWMD within 30 days of the sale or transfer of permitted water withdrawal facilities or the land on which the facilities are located.

13. All reports required by the certificate shall be submitted to the SWFWMD on or before the tenth day of the second month following data collection and shall be addressed to:

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

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

14. The water balance for ultimate site capacity (approximately 3,000 MW of generating capacity) at FPC's Polk County Site demonstrates a requirement of 23.6 MGD from offsite and Upper Floridan aquifer sources for process, cooling, domestic and sanitary purposes.

a. FPC shall obtain 6.1 MGD of this amount from a combination of treated wastewater effluent from the City of Bartow sewage plant and other offsite non-potable sources of water. To the extent that FPC obtains more than 6.1 MGD through reuse of treated wastewater effluent from offsite sources, the excess amount shall serve to reduce the use of 17.5 MGD of water from the Upper Floridan aquifer which is authorized by Condition XXVI.A.14.b. below.

b. FPC is authorized to withdraw from the Upper Floridan aquifer and use for process, cooling, domestic and sanitary purposes, in support of ultimate site capacity at its Polk County Site, an amount of water not to exceed 17.5 MGD, subject to the following conditions:

i. Except as approved by SWFWMD under circumstances constituting an emergency, no process or cooling water shall be withdrawn from the Upper Floridan aquifer in support of the first 940 MW of generating capacity. FPC is authorized to withdraw up to 19,000 gpd Annual Average Daily and 35,000 Peak Month Daily from the Upper Floridan aquifer for domestic and sanitary purposes for the life of the facility. The authorized sources of process and cooling water in support of such generating capacity shall consist of existing water on site, on-site rainwater and stormwater capture, reuse of internal wastewater streams, and reuse of treated wastewater from the City of Bartow sewage treatment plant.

ii. The total quantity of water which FPC is authorized to withdraw from the Upper Floridan aquifer shall be limited to 17.5 MGD Annual Average Daily, which amount is determined by the SWFWMD not to have an adverse effect on other legal

existing users; provided, however, that withdrawal for process or cooling purposes of any water from the Upper Floridan aquifer shall be subject to the following additional conditions, which shall be applied during review pursuant to Section 403.517, Florida Statutes, of any supplemental application for the construction and operation of a further increment of generating capacity at the Polk County Site:

1) FPC shall demonstrate that any incremental quantity of process or cooling water which it proposes to withdraw from the Upper Floridan aquifer in support of that increment of generating capacity will be minimized to the greatest extent practicable by prudent technologically and economically feasible water conservation practices consistent with those generally required within the Southern Water Use Caution Area (SWUCA) of SWFWMD, including but not limited to the following:

a) minimization of loss of water from the site during construction;

b) use of water-conserving electric generation and pollution control technologies;

c) on-site rainwater and stormwater capture and management;

d) reuse of internal wastewater streams of technologically suitable quality;

e) reuse of treated wastewater of technologically suitable quality available from other sources, such as publicly-owned sewage treatment facilities which FPC shall diligently pursue; and,

f) use of other available sources of non-potable water of technologically suitable quality.

2) To the extent that maximum total groundwater use in the SWUCA is fixed in a manner which limits the withdrawal of Upper Floridan aquifer water for FPC's Polk County Site, withdrawal by FPC from that source of any quantity greater than 5 MGD, which amount is determined not to have an adverse effect on regional water resources, must be either:

a) offset by mandatory retirement of permitted quantities which are actively used within the SWUCA, to the extent such quantities are eligible to provide offset, pursuant to agreements between FPC and other permittees which are subject to review by SWFWMD for conformity with generally applicable standards; or,

b) approved as a "competing application" under the applicable standards of Section 373.233, F.S.

3) To the extent that maximum total groundwater use in the SWUCA is not fixed in a manner which limits the withdrawal of Upper Floridan aquifer water for FPC's Polk County Site, FPC may withdraw from that source up to 17.5 MGD subject to the requirements of Condition XXVI.A.14.a., 14.b.i, and 14.b.ii. 1) but not subject to those of Condition XXVI.A.14.b.ii.2).

iii. FPC's current development schedule for ultimate site capacity at the Polk County Site estimates incremental additions of generating capacity at an approximate average rate of 275 MW (range of 200 to 350 MW) every two years for the period 1998 through 2018, both inclusive, for a total of approximately 3,000 MW. The following additional requirements shall apply in order to ensure that FPC does not unnecessarily deprive other users of groundwater:

1) In each supplemental application for the construction and operation of a further increment of generating capacity at the Polk County Site, FPC shall indicate (i) whether it has determined not to install any prior or subsequent increment of generating capacity, (ii) the basis for delay in the installation of any increment of generating capacity for more than 5 years beyond the estimated schedule, and (iii) the quantity of groundwater from the Upper Floridan aquifer which any such increment of capacity that has been eliminated or delayed would have required.

2) If FPC has determined not to install any increment of generating capacity or in the absence of a reasonable basis for a delay greater than 5 years, the quantity of groundwater which FPC is authorized to withdraw from the Upper Floridan aquifer in support of ultimate site capacity may be reduced accordingly.

c. On-site rainwater and stormwater capture and use, reuse of internal wastewater streams, reuse of available treated wastewater sources, and use of other sources (excluding the Upper Floridan aquifer and intermediate aquifers) of non-potable water shall constitute reasonable and beneficial uses of water, as such uses are set forth in the SCA and approved in the site certification process, and are hereby authorized as required in support of ultimate capacity at FPC's Polk County Site; provided, however, that use or reuse of non-potable water shall be deemed unreasonable if it will result in degradation of cooling pond water quality below the levels proposed by FPC in support of the ultimate site capacity certification or any water quality standard made applicable by federal or state law.

15. FPC shall continue to investigate the feasibility of using reclaimed water as a water source and submit a report describing the feasibility in connection with each subsequent application submitted pursuant to Condition XXVI.A.14. The report shall contain an analysis of reclaimed water sources for the area, including the relative location of these sources to FPC's property, the quantity of reclaimed water available, the projected date(s) of availability, costs associated with obtaining the reclaimed water, and an implementation schedule for reuse, if feasible. Infeasibility shall be supported with a detailed explanation.

16. Within 90 days of completion of construction of the withdrawal facility or prior to activation of a standby source, SWFWMD ID Nos. 1, 2, 3, 4, 5, & 6, (ID Nos. FPC-1, FPC-2, FPC-3, FPC-4, FPC-5, and FPCPW-1) shall be equipped with non-resettable, totalizing flow meters, or other measuring devices as approved in writing by the Permitting Department Director, Resource Regulation, unless an extension is granted by the Director. Such devices 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 SWFWMD forms) on or before the tenth day of the second month following data collection. 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.

17. 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 FPC shall indicate the reason for not sampling on the water quality data form. Water quality samples shall be analyzed by a Department of Environmental Protection certified laboratory in accordance with Chapter 17-160, F.A.C. 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, FPC's sampling procedure shall follow the handling and chain of custody procedures designated by the certified laboratory which will undertake the analysis. Any variance in sampling and/or analytical methods shall have prior approval of the Permitting Department Director, Resource Regulation. Reports of the analyses shall be submitted to the Permits Data Section (using SWFWMD) on or before the tenth day of the second month following data collection, and shall include the signature of an authorized representative and

certification number of the certified laboratory which undertook the analysis. The parameters and frequency of sampling and analysis may be modified by the Permitting Department Director, Resource Regulation, as necessary to ensure the protection of the resource.

<u>SWFWMD ID NO.</u>	<u>FPC ID NO.</u>	<u>MINIMUM PUMPING TIME (MINUTES)</u>	<u>PARAMETER</u>	<u>SAMPLING FREQUENCY</u>
1	FPC-1	30 minutes	Chlorides, Sulfates, Total Dissolved Solids (TDS)	Feb., May, Aug., & Nov.

Water quality samples shall be collected based on the following time table:

Quarterly	Same week of months specified
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Analyses shall be performed according to procedures outlined in Chapter 17-160, F.A.C.

18. During drilling of SWFWMD ID Nos. 1 and 5, (FPC ID Nos. FPC-1 and FPC-5) water quality samples shall be collected at intervals of 50 feet or less, from 300 feet to a maximum depth of five feet above the bottom of the well. Regardless of the specified sample collection interval, a sample shall be collected from the depth which corresponds to five feet above the bottom of the well. Samples shall be collected during reverse air drilling, or other appropriate method with prior approval by the Permitting Department Director, Resource Regulation, which will allow representative samples for each depth to be collected.

Samples shall be analyzed by a certified laboratory for chlorides, sulfates, and TDS. FPC's sampling procedure shall follow the handling and chain of custody procedures designated by the certified laboratory which will undertake the analysis. Reports of the analyses shall be submitted to the Permits Data Section (using SWFWMD forms) within thirty days of sampling, and shall include the signature of an authorized representative and the certification number of the DEP certified laboratory.

Analyses shall be performed according to procedures outlined in Chapter 17-160, F.A.C.

19. Within 90 days of completion of construction of the first phase power generation facility, FPC shall install and maintain a continuous recording rain gauge in the area around SWFWMD ID No. 1. Total daily rainfall shall be recorded at this station and submitted to the Permits Data Section, on

SWFWMD forms on or before the tenth day of the second month following data collection. The reporting period for these data shall begin on the first day of each month and end on the last day of each month. Final location shall be submitted plotted on an original blue-line aerial map or United States Geological Survey quadrangle map, or by providing latitude - longitude location.

20. Any wells not in use, and in which pumping equipment is not installed shall be capped or valved in a water tight manner in accordance with Chapter 17-532.500(3)(a)(4), F.A.C.

21. FPC shall construct the proposed 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 value is an estimate, based on best available information, of the depth at which high producing zones are encountered. However, it is FPC'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 FPC, and to ensure that withdrawals from the well will not cause saltwater intrusion.

<u>SWFWMD ID NO.</u>	<u>FPC ID NO.</u>	<u>SURFACE DIAMETER</u>	<u>MINIMUM CASING DEPTH</u>	<u>ESTIMATED TOTAL DEPTH</u>
1	FPC-1	20 in.	300 ft.	880 ft.
2	FPC-2	20 in.	300 ft.	880 ft.
3	FPC-3	20 in.	300 ft.	880 ft.
4	FPC-4	20 in.	300 ft.	880 ft.
5	FPC-5	20 in.	300 ft.	880 ft.
6	FPCPW-1	8 in.	300 ft.	500 ft.

a. The casing shall be continuous from land surface to the minimum depth stated above;

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

c. The proposed wells(s) 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.

d. 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.

e. The finished well casing depth shall not vary from these specifications by greater than ten (10) percent unless advance approval is granted by the Permitting Department Director, Resource Regulation, or the Supervisor of the Well Construction Permitting Section in Brooksville.

f. Advance approval from the Permitting Department Director, Resource Regulation is necessary should FPC propose to change the well location or casing diameter.

22. At least one year prior to the planned production from the first of FPC-1 through FPC-5, FPC shall submit a detailed plan for a long-term aquifer performance test (APT) for approval by the Permitting Department Director, Resource Regulation. The test shall be conducted for a sufficient period of time to determine the leakance parameter between the surficial and intermediate aquifers and the leakance parameter between the intermediate and Upper Floridan aquifers. The test shall be conducted for a minimum of seven days, and shall include collection of water quality data (see Condition XXVI.A. 17 for water quality parameters). Attempts will be made to conduct the test during a period of minimal adjacent pumpage and during a period of minimal rainfall to minimize interference with the test. This test shall take place prior to initiation of pumpage from these wells. A report of the results of the test, including all raw data and analyses, shall be provided to the Permits Data Section within 30 days of the completion of the test.

If any of the aquifer characteristics vary significantly from those used in the groundwater flow model submitted with the Certification, FPC shall submit an updated groundwater flow model upon notification by the Permitting Department Director, Resource Regulation. This model shall utilize the actual aquifer characteristics determined during the APT to predict impacts due to groundwater withdrawals at this site. If the new modeling (if required) indicates that there are adverse impacts not indicated in the SCA, FPC may be required to amend the Site Certification.

23. Prior to dewatering within 2,640 feet of a property boundary, FPC shall comply with one of the following two alternatives:

a. Secure written consent from all adjacent property users for lowering the water table below their lands. Three copies of the consent shall be submitted in writing to the Permitting Department Director, Resource Regulation prior to dewatering within the specified distance. This alternative cannot be used if adjacent lands contain wetlands or other waterbodies within 2,640 feet of FPC's dewatering activity.

b. Implement a procedure to mitigate impacts by maintaining the water table at historic levels at the property boundary. Prior to implementation of the proposed dewatering plan submitted June 28, 1993, FPC must obtain approval from the Permitting Department Director, Resource Regulation. The procedure shall include items a, b, c, d, and e under Condition XXVI.A.24.

24. Prior to dewatering within 2,640 feet of an on- or off-site SWFWMD jurisdictional wetland that will not be disturbed in association with this certification, FPC shall implement a procedure to mitigate impacts by maintaining the water table at historic levels beneath such wetlands or at the property boundary for off-site wetlands. Prior to implementation of the proposed dewatering plan submitted June 28, 1993, FPC must obtain approval, in writing, from the Permitting Department Director, Resource Regulation. The procedure shall include:

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

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

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

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

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

B. Surface Water Management

The FPC - Polk County site, excluding the buffer area, the associated linear facilities, and the offsite area (Estech plant Site) proposed for water quantity mitigation purposes will operate as a zero discharge facility. All surface water or stormwater falling within the site boundaries, excluding the buffer areas and associated offsite areas, will be contained within the Polk County site and not discharged offsite. However, the conditions of certification apply to the surface water systems both on site, and for those areas constructed in association with the facility that are located offsite. Final project design information, construction plans, and other information illustrating the surface water management system and stormwater treatment facilities for the project shall be concurrently submitted to the DEP and the SWFWMD for review prior to construction of any such systems or facilities.

1. The meaning of terms used herein shall be governed by the definitions contained in Chapters 403, 373, and 253, Florida Statutes (F.S.), and any regulation adopted pursuant thereto and the statutes and regulations of any agency. In the event of any dispute over the meaning of a term used in these general or agency-specific conditions which is not defined in such statutes or regulation, such dispute shall be resolved by reference to the most relevant definitions contained in any other state or federal statute or regulation or, in the alternative, by the use of the commonly accepted meaning as determined by law. As used herein:

a. "FDEP" shall mean the Florida Department of Environmental Protection.

b. "SWFWMD" shall mean the Southwest Florida Water Management District.

c. "Application" shall mean the Application for Certification of the Polk County Site and associated facilities.

d. "Feasible" or "practicable", as used in these conditions, shall mean reasonably achievable considering a balance of land use impacts, environmental impacts, and engineering and economic constraints.

e. "Linear facility" shall mean any transmission lines, such as natural gas pipelines, liquid fuel pipelines, railroad lines, reclaimed water pipelines or power transmission lines associated with the Polk County Site.

f. "Project" shall mean the FPC Polk County Site and all facilities, including: power plant and related facilities; the cooling reservoir, dam, and related facilities; any off-site mitigation/compensation areas, including the off-site mandatory and non-mandatory reclamation areas to be reclaimed and/or re-routed in conjunction with the Polk County Site development; and all of the linear facilities.

g. "ROW" shall mean the linear facility right-of-way to be selected by the FPC within the certified corridor in accordance with the Conditions of Certification.

2. FPC shall provide post-certification submittals to the SWFWMD to ensure that the construction, operation and maintenance of the surface water management system will be in compliance with the Conditions of Certification and the rules of Chapter 40D-4, F.A.C., in effect at the time of post-certification submittals. FPC shall consult with the SWFWMD surface water permitting staff prior to finalization of construction designs, plans, specifications and locations of project facilities to coordinate and foster mutual understanding of construction designs, techniques and regulatory objectives which are to be reflected on any post-certification review information submittals.

Three (3) sets of the post-certification submittals for the surface water management system shall be sent to the Southwest Florida Water Management District, Tampa Permitting Department, 7601 U.S. Highway 301 North, Tampa, Florida 33637. If SWFWMD staff does not issue a written request within 30 days of receipt of the information, the information will be deemed to be complete and sufficient. Within 90 days of the determination by SWFWMD staff that the additional information is complete and sufficient, the SWFWMD shall determine and notify FPC in writing whether the proposed activities conform to SWFWMD criteria, as required by Chapter 40D-4, F.A.C., and the Conditions of Certification. Construction activities which impact works of the District (Chapter 40D-6, F.A.C.), or have surface water management impacts shall not begin until the SWFWMD has determined that the activities are in compliance with the applicable SWFWMD rule criteria and Conditions of Certification, either in writing or by failure to notify FPC in writing.

The following information shall be provided to the SWFWMD by FPC for further post-certification regulatory review:

a. At least 120 days prior to commencement of construction of the linear facilities, copies of blue-line reproductions of aerial photographs of at least 1:400 scale shall be submitted to the SWFWMD delineating the ROW routes selected, boundaries, preliminary pole and pad locations and

access roads. FPC shall notify all parties of such filing. The SWFWMD 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 FPC's 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 any substantially affected party has reason to believe that the construction of the linear facilities and access roads within FPC's designated ROW cannot be accomplished in compliance with the Conditions of Certification, FPC shall be so notified in writing. Failure of such a notice to be served on FPC within 30 days from the notice of filing of the aerial photographs with SWFWMD constitutes acknowledgment that construction of the linear facilities and access roads can be accomplished within the designated ROW submitted for review.

FPC shall, where practicable, utilize adjacent existing public roads for access to the linear facility ROW for construction, operation and/or maintenance purposes. Finger roads connecting the existing roads must be constructed in a manner which minimizes alterations to natural drainage flows and adverse water resource impacts.

The acquisition of a particular ROW or the expenditure of funds toward acquisition of a particular ROW prior to post-certification review pursuant to these conditions will be at FPC's 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.

b. At least 120 days prior to the commencement of construction of any portion or phase of the project which may obstruct, divert, control, or impound waters in the state, or 120 days prior to any dewatering activity which may impact SWFWMD jurisdictional wetlands, such construction must be reviewed by the SWFWMD for a determination of compliance with Chapter 40D-4, F.A.C., and the Conditions of Certification, as appropriate. "Construction" activities for which such review is required shall include those defined in Rule 40D-4.021(13), F.A.C.; and includes, but is not limited to, installation of all surface water and stormwater management facilities, the placement of structure pads, dredging and filling, the installation of access/ maintenance roads and culverts and fill materials, wetlands mitigation/compensation and related activities in circumstances where a permit from the SWFWMD would ordinarily be required. FPC shall provide appropriate final site information and construction drawings, engineering design calculations, operating and maintenance procedures (all designed and sealed by an engineer practicing in the state of Florida,

having the appropriate experience in surface water management design and construction, and in compliance with Chapter 471, F.S.), mitigation/compensation measures and other explicit supporting information for various project phases that are applicable to surface water or stormwater management systems. The information provided shall be sufficient in scope, content and detail to demonstrate compliance with the surface water regulation requirements of Chapter 40D-4, F.A.C., and the Conditions of Certification.

For all construction activities related to linear facilities, the following information shall be provided at a minimum:

- i. A centerline profile of existing topographic features along the proposed linear facilities corridor(s) sufficient to show contours and drainage patterns;
- ii. Construction plans and designs of the proposed access/ maintenance and finger road(s) with elevations, dimensions and wetland limits shown;
- iii. Typical cross-sections of the proposed access/ maintenance and finger road(s);
- iv. Cross-sections of each wetland, stream or creek at the points to be crossed by the access/maintenance and finger road(s) or other construction;
- v. Specifications showing the location of each linear facility structure, finger and maintenance/access road (s), and culverts to be constructed, including all areas to be filled or excavated;
- vi. Specifications, including supporting assumptions and calculations, showing the type and size of water control structures (ditch, culvert, equalizer, etc.) to be used, with proposed flowline elevations marked, drainage areas identified and design capacity verified;
- vii. A cross-section of all proposed fill/excavation areas, with the exception of fill/excavation directly associated with transmission line support poles, showing the proposed depth.

For all construction activities within or adjacent to wetlands within SWFWMD jurisdiction excluding wetlands (other than those wetlands contained within Tiger Bay, Tiger Bay East, linear facilities rights-of-ways, and site buffer areas once reclaimed and released) contained within previously mined areas or clay settling areas located on the previously mined phosphate land, which shall not be subject to SWFWMD jurisdiction, the following information shall be provided as a minimum:

i. Provide a certified survey or other form of accurate and reproducible means of depicting the field verified wetland limits and clearly indicate these limits on the construction drawings.

ii. Provide a numbering system for all such on-site wetlands in Tiger Bay and Tiger Bay East (excluding those less than 0.5 acre) and for each wetland clearly indicate the index number on the construction drawings. In tabular form, please indicate for each wetland the index number, on-site acreage, impact acreage, and indicate whether the wetland has been claimed by the SWFWMD, the ACOE, and/or the DEP.

iii. Conduct a habitat assessment of each of the proposed wetland impact areas. Describe the type and function and include the dominant floral and faunal species for each distinct vegetative zone and stratum.

iv. Submit a sufficiently comprehensive wetland mitigation/compensation plan to provide reasonable assurance of the successful replacement of the proposed impact wetland's values and functions. Natural wetlands to be impacted by linear facilities or other activities may be mitigated or compensated for on the main Polk County Site with the concurrence of the SWFWMD. Include all design details of the wetland mitigation/compensation areas on the construction drawings. Details should include plan and cross-sectional views showing limits of each distinct zone in reference to proposed control elevations, proposed plantings (species, relative compensation, sizes, and densities) within each zone, mulching details, proposed water elevations (Seasonal High Water Level and Normal Pool), bottom elevations, side slopes, and schedules for wetlands compensation, grading, mulching, planting of the mitigation areas, etc.

v. Provide a monitoring and maintenance plan for the wetland mitigation/compensation areas. Sampling design and methodology must clearly demonstrate that the sampling methods and intensity are sufficient to accurately characterize each vegetative zone and stratum in a reproducible manner.

3. FPC shall avoid impacting wetlands by construction of the linear facilities wherever practicable. When necessary and feasible, the location of and span between power poles shall be varied to eliminate or reduce wetland impacts.

4. Subsequent modifications to the drawings and supporting calculations submitted to the SWFWMD which may significantly alter the quantity and/or quality of waters discharged off site shall also be submitted to the SWFWMD for determinations as to whether the modifications are in compliance with Chapters 40D-4, F.A.C., and the Conditions of Certification as appropriate, prior to the commencement of construction.

5. Authorized representatives of the SWFWMD shall be allowed reasonable escorted access to the project site and any authorized off site mitigation/compensation or otherwise associated areas such as the Estech Plant Site to inspect and observe any activities associated with the project construction and/or operation and/or maintenance of the surface water management system(s) and stormwater facilities in order to determine compliance with the Conditions of Certification.

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

7. The SWFWMD may initiate action to require additional post-certification monitoring requirements as a result of technical review of construction information, where necessary to demonstrate compliance with SWFWMD rules and the Conditions of Certification.

8. The terms, conditions, requirements, limitations, and restrictions set forth herein are Conditions of Certification for the surface water management system and as such are binding upon FPC and enforceable pursuant to the authority of Chapters 373 and 403, F.S. FPC is hereby placed on notice that the SWFWMD will review this certification periodically and may initiate enforcement action for any violation of the Conditions of Certification for the surface water management system by FPC, its agents, employees, servants or representatives.

9. This certification for the surface water management system is valid only for the specified processes and operations applied for and indicated in the approved drawings and exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or Conditions of Certification may constitute grounds for revocation and enforcement action.

10. The issuance of this certification for the surface water management system does not convey any vested rights or any exclusive privileges. Nor does it authorize any injury to public or private property or any invasion of personal rights, nor infringement of federal, state or local laws or regulations.

11. This certification for the surface water management system 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 herein provided and 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.

12. This certification for the surface water management system does not relieve FPC from liability for harm or injury to human health and welfare, animal, plant or aquatic life or property and penalties therefore caused by the construction or operation of the certified system, nor does it allow FPC to cause pollution in contravention of Florida Statutes and SWFWMD rules, unless specifically authorized by any order from the SWFWMD.

13. FPC shall at all times properly operate and maintain the systems of treatment and control (and related appurtenances) that are installed or used by FPC to achieve compliance with these Conditions of Certification for the surface water management system, as required by the SWFWMD rules (Chapter 40D-4, F.A.C.). This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the Conditions of Certification and when required by the SWFWMD rules.

14. FPC, by accepting this certification for the surface water management system, specifically agrees to allow SWFWMD personnel, upon presentation of credentials or other documents as may be required by law, access to the premises, at reasonable times, where the certified activity is located or conducted; for the purposes of inspection and testing to determine compliance with this certification for the surface water management system and SWFWMD regulation, such as:

a. having access to and copying any records that must be kept under the conditions of certification for the surface water management system;

b. inspecting the facility, equipment, practices, or operations regulated or required under this certification for the surface water management system;

c. Sampling or monitoring any substances or parameters at any location reasonably necessary to assure compliance with this certification for the surface water management system or SWFWMD rules; and,

d. Gathering of data and information.

Reasonable time may depend on the nature of the concern being investigated.

15. If, for any reason, FPC does not comply with or will be unable to comply with any condition or limitation specified in this certification for the surface water management system, FPC shall immediately notify and provide the SWFWMD with the following information:

a. A description of and cause of noncompliance; and,

b. the period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.

FPC shall be responsible for any and all damages which may result and may be subject to enforcement action for penalties or revocation of this certification.

16. In accepting this certification for the surface water management system, FPC understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this certified source, which are submitted to the SWFWMD, may be used by the SWFWMD as evidence in any enforcement case arising under the Florida Statutes or SWFWMD rules, except where such use is proscribed by Florida Statutes.

17. The SWFWMD may initiate any necessary action to require FPC to comply with any applicable changes in the SWFWMD rules and Florida Statutes after a reasonable time for compliance, provided, however, FPC does not waive any other rights granted by Florida Statutes or SWFWMD rules.

18. FPC shall comply with the following monitoring and record keeping requirements:

a. Upon request, FPC shall furnish all records and plans required under the SWFWMD rules. The retention period for all records will be extended automatically, unless otherwise stipulated by the SWFWMD, during the course of any unresolved enforcement action.

b. FPC shall retain, at the facility or other location designated by this certification, records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentations), copies of all reports required by this certification, and records of all data used to complete the application for this certification. The time period of retention shall be at least three years from the date of the sample, measurement, report or application unless otherwise specified by the SWFWMD rule.

c. Records of monitoring information shall include:

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

ii. the person responsible for performing the sampling or measurements;

iii. the date(s) analyses were performed;

iv. the person responsible for performing the analyses; and,

v. the results of such analyses.

19. When requested by the SWFWMD, FPC shall within a reasonable time furnish any information required by law which is needed to determine compliance with the certification for the surface water management system. If FPC becomes aware that relevant facts were not submitted or were incorrect in the certification application or in any report to the SWFWMD, such facts or information shall be submitted or corrected promptly.

20. Drawings, plans, calculations, specifications or other information submitted by FPC, not attached hereto, but retained on file at the SWFWMD office, are made a part of this certification.

21. A copy of this certification and a set of construction drawings depicting the certified system are required to be kept at the work site of the certified activity during the entire period of construction or operation.

22. The discharges from the surface water management system shall meet state water quality standards as set forth in Chapter 17-302 and Rule 17-302.700, F.A.C., for class waters equivalent to the receiving waters.

23. Any surface water discharged from the site during construction of the project shall meet state water quality standards at the property boundary or point of discharge to wetlands or state waters. If the discharge does not meet these

standards, the discharge will be immediately stopped and the SWFWMD shall be notified of corrective action taken to correct the violation. Turbidity shall not exceed 29 N.T.U. above background level. Turbidity shall be monitored at least daily during discharge, or more often as determined by the project engineer or SWFWMD if needed, to ensure compliance.

24. FPC and construction representatives shall assure that erosion and sediment control measures as necessary and as required by the SWFWMD's Rule 40D-4.091, F.A.C., shall be effectively implemented continuously from the beginning of project construction until completion to prevent erosion and transport and discharge of sediment to wetlands or any property other than the project area. Project retention/detention ponds and discharge control structures which are to be constructed as part of the project shall be initially built and maintained continuously during project construction to avoid adverse impact to receiving waters or off-site lands.

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

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

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

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

29. Any existing wells in the path of construction shall be properly plugged and abandoned by a licensed water well contractor in accordance with Chapter 40D-3, F.A.C., and Rule 17-532.500(4), F.A.C.

30. Any existing septic tanks on this site shall be abandoned at the beginning of the project construction in accordance with Rule 10D-6.53, F.A.C.

31. Any existing fuel storage tanks and fuel pumps on this site shall be removed at the beginning of project construction in accordance with Rule 17-61.05(3)(c), F.A.C.

32. All retention/detention pond (not including the cooling pond or other industrial wastewater ponds) side slopes shall be sodded and staked as necessary, to prevent erosion.

33. By issuance of this certification the SWFWMD, its employees and representatives assume no responsibility and/or liability in regard to either the design, construction or performance of the certified facilities.

34. Any system alteration, including for augmentation into or withdrawal of water from the certified surface water management system, other than as specifically authorized by this certification will require additional SWFWMD certification consideration. The water level of detention ponds (not including the cooling pond, other industrial wastewater ponds or water crop areas) shall not be augmented by pumping or diversion of water into the ponds to artificially control their level above the design normal or beginning storage level.

35. In addition to those reports specifically required to be sent to the Tampa Permitting Department, all information and reports required to be submitted by this certification shall be submitted to:

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

36. Construction of all surface water management facilities, excluding wetlands compensation, grading, mulching, planting of the mitigation areas, etc., must be completed prior to operation of the surface water management system.

37. FPC shall notify the SWFWMD within 30 days of the sale or transfer of ownership of land on which a surface water management system will be or is located.

38. FPC shall perform the construction authorized in a manner so as to minimize any adverse impact of the system on fish, wildlife, natural environmental values, and water quality. FPC shall institute necessary measures during the construction period, including full compaction of any fill material placed

around newly installed structures, to reduce erosion, turbidity, nutrient loading and sedimentation in the receiving waters.

39. FPC shall obtain all necessary federal permits prior to the start of any construction or alteration of works authorized by this certification.

40. The operation phase of this certification for the water management system shall not become effective until the owner or his authorized agent certifies that all facilities of the surface water management system have been constructed in accordance with the design approved by the SWFWMD. Within 30 days after completion of construction of the surface water management system, FPC shall submit the as-builts and notify the SWFWMD that the facilities are complete. The SWFWMD may inspect the system and required remedial measures.

41. Off-site discharges of surface water during construction and development shall be made only through the facilities authorized by this certificate. Water discharged from the project shall be through structures having a mechanism suitable for regulating upstream stages. Stages may be subject to operating schedules satisfactory to the SWFWMD.

42. No construction authorized herein shall commence until a responsible entity acceptable to the SWFWMD has been established and has agreed to operate and maintain the system. The entity must be provided with sufficient ownership so that it has control over all water management facilities authorized herein. Upon receipt of written evidence of the satisfaction of this condition, the SWFWMD will issue an authorization to commence construction. FPC shall be deemed an acceptable entity.

43. FPC shall hold and save the SWFWMD harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, operation, maintenance or use of any facility authorized by this certificate.

44. This certification is issued based on FPC's submitted information which reasonably demonstrates that adverse off-site water resource related impacts will not be caused by the completed surface water management system. It is also the responsibility of the FPC to ensure that adverse off-site water resource related impacts do not occur during construction.

45. All surface water management systems shall practice water conservation to maintain environmental quality and resource protection; to increase the efficiency of transport, application and use; to decrease waste; to minimize unnatural runoff from the property and to minimize dewatering of off-site

property. At such time in the future as the SWFWMD Governing Board establishes minimum water levels in aquifers or minimum rates of flow in streams, or otherwise adopts specific conservation criteria, the SWFWMD may initiate any necessary action to require FPC to undergo an alteration of the system to comply with such criteria upon notice by the SWFWMD and after a reasonable period for compliance.

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

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

48. FPC shall retain the Design Engineer, or other Professional Engineer registered in the state of Florida, to conduct on-site observations of construction and assist with the as-built certification requirements of this project. The FPC shall inform the SWFWMD in writing and prior to beginning construction of the name, address and phone number of the professional engineer so employed by the FPC for that purpose.

49. Any impacts to wetlands resulting from dewatering activities shall require mitigation/compensation and shall be reviewed by SWFWMD in accordance with the provisions of Condition XXVI.B.2.b.

50. Prior to dewatering activities conducted by FPC, or by the property owners on behalf of FPC for construction of the proposed Polk County site facilities, FPC shall submit a detailed report documenting the results of a baseline survey of off-site vegetation and associated stream flow data for McCullough Creek and Camp Branch that will be conducted at least six months prior to any construction or dewatering activities. Such survey will be completed prior to the initiation of dewatering activities conducted by FPC, or by the property owners on behalf of FPC to initiate construction activities on the site. This survey shall consist of vegetative transects in each floodplain of Camp Branch and McCullough Creek. FPC shall submit sampling methods and locations of the baseline survey to the SWFWMD for approval prior to implementation. This baseline will serve as the basis for determining any changes in vegetative communities which die due to the activities of the project. Percent cover methodology as described in the Site Certification Application on page 2.3.6-46 shall be utilized.

51. Monitoring for the dewatering activities which result in offsite discharge will be conducted in accordance with the approved dewatering plan as previously submitted by FPC in the Site Certification Application and incorporated into the Conditions of Certification. Analyses shall be performed according to procedures outlined in Chapter 17-160, F.A.C. If water quality data are required, FPC shall provide data as required on volumes of water discharged from the surface water management system, including total volume discharged during the days of sampling and total monthly discharges from the property or into surface waters of the state.

52. FPC shall submit quarterly groundwater and surface water level and water quality sampling results to the SWFWMD within 30 days following the end of each quarter from March, 1993, through one full quarter following the conclusion of dewatering, unless the SWFWMD determines at an earlier date that no further monitoring is necessary.

53. Prior to the commencement of construction, FPC shall provide to the SWFWMD documentation to ensure that the surface water management plan can be implemented as proposed at the Estech Plant Site. The mechanism of ownership, control, or other formal agreement with the off-site property owner, must be clearly defined, and the limits of such control or agreements must be fully documented.

54. As with all of the on-site areas, final grading plans for the off-site area associated with this project must be submitted prior to construction for review and approval by SWFWMD staff pursuant to Condition XXVI.B.2. These plans must document conformance with the approved conceptual plan and with the Conditions of Certification.

55. While the conceptual plan for the ultimate site capacity has been reviewed for the Site Certification Application, the scope of construction approved in this report is limited to the construction of those facilities necessary to support the first phase of construction for the 470 MW facility. If in the review of future phases it is determined that some or all of the proposed future phases will not be approved, FPC shall submit to the SWFWMD, within 180 days after such a determination becomes final, a revised surface water management plan and all necessary calculations documenting how the remaining surface water features that would have been associated with the future phases will be reclaimed in accordance with Chapter 40D-4, F.A.C., and Chapters 16C-16 and/or 16C-17, F.A.C., if applicable.

56. FPC shall provide the SWFWMD with an evaluation of the potential for utilizing some of the increased mass flows anticipated in the cooling pond to offset groundwater withdrawal

requirements. However, the amount of water diverted to the cooling pond shall not result in a mass flow discharge to either McCullough Creek or Camp Branch that is below 100 percent of the pre-mining condition mass flows for both the mean annual and the 25 year - 24 hour storm event. This information shall be submitted to the SWFWMD for review and approval prior to commencement of construction.

XXVII. FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS

1. Structures for the associated Barcola-Fort Meade 230 kV transmission line shall be designed to withstand hurricane force winds of 120 miles an hour. The lines shall be designed to de-energize if they come loose from the structures so that any lines that do fall to the ground will not be "live" and pose a hazard to the public.

2. FPC shall make all practicable efforts to market sulfur and slag by-products of coal gasification.

3. The office/administration buildings at the Polk County Site shall be included in the Department of Community Affairs' Florida Radon Research Program (FRRP) and Construction Standards Development activities, specifically the FRRP-Radon Proposed Standards Demonstration Study in Large Buildings. Additionally, FPC shall conduct a pre-construction, site-specific soil gas radon test in accordance with the FRRP protocol to identify the radon potential of the office/administration buildings construction site(s). If the test results indicate that the office/administration buildings construction site(s) have a high radon potential, FPC shall (1) integrate improved slabs and sub-slab depressurization systems, construction design criteria developed through the FRRP in the office/administration buildings; (2) conduct post-construction tests in accordance with the FRRP protocols to evaluate the proposed design criteria, and (3) make test results available to the FRRP program.

4. To the extent practicable, FPC shall locate the proposed linear facilities within existing rights-of-way.

5. FPC shall investigate all complaints and provide appropriate mitigation for all impacts to radio and television reception caused by the proposed Barcola-Fort Meade 230 kV transmission line.

6. FPC shall implement the following three conditions during construction of the natural gas pipeline lateral near residences along Jameson Road in Hillsborough County and along Agricola Road near Bradley Junction in Polk County:

a. For residences located within 50 feet of the construction easement, FPC shall avoid removal of mature trees and landscaping between the residence and the edge of the construction easement, wherever practicable, and shall immediately restore all lawn areas and landscaping within the construction easement.

b. For residences located between 25 and 50 feet from the edge of the construction easement, FPC shall temporarily fence the edge of the construction easement adjacent to the residence for a distance of 25 feet on either side of the

residence to ensure that construction equipment and materials, including the spoil pile, remain within the construction easement.

c. For residences located between 0 and 25 feet from the edge of the construction easement, FPC shall temporarily fence the edge of the construction easement and, if practicable, reduce the construction easement as necessary to maintain a minimum distance of 25 feet between the residence and the edge of the construction easement for a distance of 25 feet on either side of the residence. In no case shall the edge of the temporary construction easement be located within 10 feet of a residence unless the landowner agrees in writing. If placement of the pipeline will be within 25 feet of a residence, FPC shall ensure that the trench is not excavated until the pipe is ready for installation and the trench is backfilled immediately after pipe installation.

XXVIII. FLORIDA GAME AND FRESH WATER FISH COMMISSION

1. The Florida Game and Fresh Water Fish Commission (FGFWFC) shall be consulted in the development and implementation of reclamation plans for areas SA-10, N-9B and N-13 in the buffer area. FPC shall submit final planting plans for the buffer area to the FGFWFC.

2. FPC shall allow authorized representatives of the FGFWFC access to the site during operational or business hours upon the presentation of credentials, for the purpose of wildlife monitoring.

3. As part of the annual statistical report of vegetational sampling of the reclaimed wetlands in the buffer areas SA-10, N-9B and N-13, FPC shall report on qualitative monitoring of wildlife usage. A copy of the report shall be provided to the FGFWFC.

4. Prior to the construction of the proposed facility, or the installation or refurbishment of any associated linear facility, wildlife surveys shall be conducted for the presence of listed species (endangered, threatened, or species of special concern). The results of these surveys shall be presented to the FGFWFC and the U.S. Fish and Wildlife Service.

5. If it is determined that any listed species will be affected by the construction of the Polk County Site or the associated linear facilities, FPC shall consult with the FGFWFC and the U.S. Fish and Wildlife Service to determine the appropriate steps to be taken to avoid, minimize, mitigate, or otherwise appropriately address impacts within each agency's respective jurisdiction.

XXIX. FLORIDA DEPARTMENT OF TRANSPORTATION

1. Prior to commencing the hauling of fuel oil to the site, a specific haul route shall be submitted to the FDOT, Polk County and any other affected jurisdiction for review for compliance with generally applicable requirements. FPC may revise the haul route with notice to the affected jurisdiction(s). In the event FDOT or any county road agency approves a work program that includes a structural repair or structural improvement along the haul route, FPC shall provide its proportionate share of the cost of the repair/improvement. Proportionate share shall be defined as the average annual fuel oil truck traffic to and from the FPC Polk County Site divided by the average annual total traffic on the haul route for the most recent five-year period. FPC's proportionate share shall be calculated and paid within six months of the beginning of the fiscal year in which the repair or improvement is commenced. It shall be the responsibility of FDOT or the appropriate county road agency to notify FPC of the inclusion of the repair/improvement of the work program.

2. When the number of construction and operating employees reporting to the site at the same shift exceeds 350, FPC shall begin a traffic monitoring program at the intersection of SR 37 and CR 640 for determining the need to install a traffic signal or to make geometric improvements. Intersection monitoring shall consist of conducting turning movement counts and a signal warrant analysis. The monitoring shall be conducted once per year in January, February, or March, until the number of employees has peaked or a signal and appropriate intersection improvements are installed, whichever comes first. FPC shall provide its proportionate share of the cost of the improvements required. Proportionate share shall be defined as actual project traffic divided by actual total traffic volume at the intersection at the time the improvement is determined to be needed.

3. Prior to the time when the number of construction and operating employees reporting to the site at the same shift exceeds 150, FPC shall add a signal phase for westbound left-turns, which operates as a protected/permissive at the intersection of CR 555 and SR 60. Modifications to the transportation system must conform to the requirements of the FDOT. Geometric improvements required to accommodate this signal phase shall be part of the signal modification. This does not include the re-aligning of CR 555 at the southbound approach.

4. Prior to the time when the number of construction and operating employees reporting to the site at the same shift exceeds 700, FPC shall add a second westbound left-turn lane by restriping the existing pavement at the intersection of US 98

and SR 60A. The restriping process shall include the milling of existing pavement, repaving, and providing new pavement markings within the construction area.

5. All utility work/construction with the state right-of-ways shall conform to the minimum requirements of the Utility Accommodation Manual dated 6/93, or as may be amended. For all work normally requiring a Utility Permit, FDOT shall issue the permit within 90 days, or as may be required by the Utility Accommodation Manual, of the submission of a satisfactorily completed Utility Permit (Form #592-03, or as may be amended).

6. Modifications to existing intersections with state roads shall be in compliance with Chapters 14-96 and 14-97, F.A.C. For all modifications to existing intersections with state roads, FDOT shall issue a Connection Permit within 90 days of the submission of a satisfactorily completed Connection Permit (Form #850-040-10-a (12/89), or as may be amended.

7. Any new public rail/highway at-grade crossings which may be deemed necessary for this site by FPC must adhere to the non-procedural standards of Rule 14-46.003, F.A.C. In the event FPC determines it is necessary to create a new public rail/highway at-grade crossing, FPC shall include the crossing as part of either a modification of certification or supplemental application, which shall include notices for public hearings or stipulations of all parties as required by Chapter 403, Part II, F.S., and Chapter 17-17, F.A.C.

XXX. POLK COUNTY

1. Permits - Copies of all federal permits and the PPSA certification order required for each phase of development of the Polk County Site facility shall be provided to the Polk County Planning Division Director prior to the commencement of building construction code compliance review for that phase.

Citation: CUP 92-06 Condition No. 1.

2. Fuel - The project shall be restricted to the burning of natural gas, coal gas, coal, or oil unless a Conditional Use Permit (CUP) modification providing an analysis of the impact of any proposed change in fuel types is reviewed and approved by the Polk County Board of County Commissioners in accordance with Polk County procedures for conditional use permits.

Citation: CUP 92-06 Condition No. 2.

3. Fire Protection Plan - Following site certification, and prior to completion of building construction code compliance review, FPC shall submit an acceptable fire protection plan to the Polk County Fire Codes Inspector outlining specific measures to be taken to meet all local fire codes and regulations. As part of this plan, FPC shall install on the fuel oil tanks either subsurface foam systems or outside foam systems, and shall maintain foam on-site for operation of these systems.

Citation: CUP 92-06 Condition No. 3.

4. Emergency Management and Response Plans - Following site certification, and prior to completion of building construction code compliance review, FPC shall submit an acceptable Emergency Management and Response Plan (EMR Plan) to the Polk County Office of Public Safety. The EMR Plan will detail emergency management and response procedures for any project-related, on-site incidents, including hurricane, fire, and hazardous materials releases, so as to ensure minimum response time and maximum effectiveness and efficient response in order to protect the public's health, safety, and welfare. The plan shall be consistent with the requirements of 29CFR 1910.38. In the event of a project-related on-site incident which has the potential to result in off-site impacts, FPC shall promptly ascertain the extent of the impact and take appropriate steps to remedy the situation or mitigate such off-site impacts.

Citation: CUP 92-06 Condition No. 4.

5. Emergency Notice - FPC shall immediately contact Polk County's Office of Public Safety when it becomes aware of project related on-site incidents which have the potential for affecting the public's health, safety, and welfare.

Citation: CUP 92-06 Condition No. 5.

6. Landscape Buffer - Landscaping shall be installed in accordance with the landscape plan included in the Site Certification Application. Installation shall be completed prior to commercial operation of the first unit. FPC shall guarantee 80 percent survival of landscape plant materials for a period of one year following the completion of installation.

Citation: CUP 92-06 Condition No. 6.

7. Tall Structure Compliance - FPC shall, at the time it proposes to construct any structure over 500 feet in height at its site, comply with all regulations as imposed by the Polk County Airport Zoning Ordinance, prior to completion of building construction code compliance review for the units requiring such a structure.

Citation: CUP 92-06 Condition No. 7.

8. Transportation

a. Following certification, but prior to the completion of building code compliance review, FPC shall submit to the Polk County Planning Division Director a plan for monitoring the number of employees reporting to the site at the same shift time and reporting this information to the Polk County Planning Division. The data collected through this monitoring program shall be the basis for determining the need for transportation improvements.

Citation: CUP 92-06 Condition No. 8A.

b. Prior to the completion of building construction code compliance review, FPC shall be required to construct a Case III intersection at the main driveway connection to CR 555 in accordance with Polk County subdivision regulations, including left-turn storage and acceleration/deceleration lanes.

Citation: CUP 92-06 Condition No. 8B.

c. Prior to the completion of building construction code compliance review, FPC shall be required to construct a Case II (balanced) intersection at the secondary or northernmost driveway connection to CR 555 in accordance with Polk County's subdivision regulations.

Citation: CUP 92-06 Condition No. 8C.

d. Prior to the time when the number of construction and operating employees reporting to the site at the same shift time exceeds 150, FPC shall add a signal phase for westbound left-turns which operates as protected/permissive at the intersection of CR 555 and SR 60. Modifications to the transportation system must conform to the requirements of the FDOT.

Citation: CUP 92-06 Condition No. 8D.

e. Prior to the time when the number of construction and operating employees reporting to the site at the same shift exceeds 700, FPC shall add a second westbound left-turn lane by restripping the existing pavement at the intersection of US 98 and SR 60A. Modifications to the transportation system must conform to the requirements of the FDOT.

Citation: CUP 92-06 Condition No. 8E.

f. When the number of construction and operating employees reporting to the site at the same shift exceeds 350, FPC shall begin a traffic monitoring program at the intersection of SR 37 and CR 640 for determining the need to install a traffic signal or to make geometric improvements. Intersection monitoring shall consist of conducting turning movement counts and a signal warrant analysis. The monitoring shall be conducted once per year in January, February, or March, until the number of employees has peaked, a signal is installed, or other necessary intersection improvements are made.

Citation: CUP 92-06 Condition No. 8F.

g. When the number of construction and operating employees reporting to the site at the same shift time exceeds 350, FPC shall begin a traffic monitoring program at the intersection of CR 555 and CR 640 for determining the need to install a traffic signal or to make geometric improvements. Intersection monitoring shall consist of conducting turning movement counts and a signal warrant analysis. The monitoring shall be conducted once per year in January, February, or March, until the number of employees has peaked, a signal is installed, or other necessary intersection improvements are made.

Citation: CUP 92-06 Condition No. 8G.

h. Following site certification and prior to the completion of building construction code compliance review, FPC shall submit an acceptable Transportation Demand Management Plan to the Polk County Planning Director outlining specific measures to be taken to minimize the impacts of both construction and operations traffic on the surrounding transportation network.

Citation: CUP 92-06 Condition No. 8H.

i. The site shall be limited to the two access points on CR 555 shown on Figures 3.2.1-1 and 3.2.1-2 in the Site Certification Application. The entrances shall be built for use during the construction phase of this project. All construction traffic shall park inside the site, well away from the road right-of-way.

Citation: CUP 92-06 Condition No. 8I.

9. Solid Waste Disposal

a. FPC shall be responsible for proper disposal of slag and/or ash by-products produced in the power generation process at locations other than at Polk County landfills.

Citation: CUP 92-06 Condition No. 9A.

b. FPC shall monitor groundwater in relation to solid waste disposal areas and make available to the Polk County Water Resources Director all data produced from the groundwater monitoring system. Upon prior notice, FPC shall allow county staff members access to the site for purposes of examining the condition of the groundwater monitoring equipment, observing the sampling procedures and collection of samples as deemed necessary for Polk County.

Citation: CUP 92-06 Condition No. 9B.

10. Hazardous Materials Storage - FPC shall annually report their storage and usage of hazardous material to Polk County as required by SARA Title III and upon prior notice shall allow county staff members access to the site for purposes of determining compliance with reporting requirements. As part of the first report, FPC shall specifically address with narrative descriptions, data and maps, as appropriate, the location of the Polk County Site, as a facility at which hazardous materials may be used, handled or stored, with respect to the following:

a. access from the site to major transportation routes for ease and safety of transporting hazardous materials.

Citation: CUP 92-06 Condition No. 10A.

b. access and reasonable response time to the site for properly-trained and equipped personnel to service potential hazardous materials accidents.

Citation: CUP 92-06 Condition No. 10B.

c. the nearness and degree of sensitivity of surrounding land uses.

Citation: CUP 92-06 Condition No. 10C.

d. the compatibility of the proposed use with respect to the nature of hazardous materials stored or used on adjacent sites.

Citation: CUP 92-06 Condition No. 10D.

e. the existence of surface water features, including drainage patterns and basin characteristics.

Citation: CUP 92-06 Condition No. 10E.

f. the location of potable water supplies, private wells, public well fields, sinkholes, and other conduits for potential migration of contaminants.

Citation: CUP 92-06 Condition No. 10F.

g. atmospheric conditions, including but not limited to prevailing wind patterns.

Citation: CUP 92-06 Condition No. 10G.

11. Spill Prevention Control and Countermeasure Plan - FPC shall be required to submit a preliminary Spill Prevention Control and Countermeasure Plan (SPCC) to the Polk County Public Safety Department and the Polk County Planning Department as part of the building construction code compliance review. The final SPCC Plan shall be submitted to Polk County for compliance review six months prior to the date the first unit begins commercial operation and shall be implemented when the first unit begins commercial operation. The SPCC Plan shall be updated in the event of a change in design, construction, operation, technology, or maintenance, which materially affects the facilities potential for the discharge of oil into or upon the navigable waters of the US or adjoining shore line. This Plan shall be prepared and updated in accordance with requirements of the Clean Water Act, as in 40 CFR Part 112 and submitted to Polk County for review and comment prior to implementation.

Citation: CUP 92-06 Condition No. 11.

12. Flood Study

a. FPC shall submit a flood study to the Federal Emergency Management Agency (FEMA) in support of a Letter of Map Amendment or Revision, whichever is appropriate, in

accordance with National Flood Insurance Program Rules and Regulations, within one year of release of reclamation of the site.

Citation: CUP 92-06 Condition No. 12.

b. FPC shall construct and maintain adequate flood protection berms to assure that the Homeland area will not receive flood waters in the event of a dam failure.

Citation: Polk Ordinance 88-04.

c. FPC shall perform and provide to Polk County a detailed analysis of dam failure flood conditions including alternatives for minimizing obstruction and damage to roadways.

Citation: Polk Ordinance 88-04.

13. Stack Emissions Monitoring - FPC shall make available to the Polk County Environmental Services Director all data produced from the emissions monitoring systems for the exhaust stack(s) when requested and report on a quarterly basis any excess emissions. FPC shall allow designated county staff members access to the site for purposes of examining the condition of this equipment and the monitoring program upon prior notice.

Citation: CUP 92-06 Condition No. 13.

14. Compliance with Applicable Air Quality Regulations - FPC shall comply with applicable air quality regulations in effect at the time of filing of each site certification application or supplemental application for each phase of development of the Polk County site.

Citation: CUP 92-06 Condition No. 14.

15. Transmission Lines - FPC shall apply to Polk County for a modification to CUP 92-06 at the time it submits a supplement to or modification of their site certification application to the state regarding a defined, proposed corridor route for any new, proposed transmission lines associated with the FPC Polk County site.

Citation: CUP 92-06 Condition No. 15.

16. Wildlife Habitat Management Plan - A wildlife habitat management plan for the buffer areas shown on Site Certification Application Figure 2.1.3-1 shall be required and

must be approved by the Florida Game and Fresh Water Fish Commission and Polk County prior to commercial operation of the first unit at the Polk County site. Revegetation and planting in the buffer areas shall be in accordance with applicable approved non-mandatory reclamation plans. If no non-mandatory reclamation plans are approved for the buffer areas, revegetation and planting shall be in accordance with the plan presented in the Site Certification Application (SCA) process and with federal agency input if required. The wildlife habitat management plan shall include a map of the buffer areas and shall describe the type and objectives of habitat management activities to be performed within the buffer areas. Such management activities may include water level management, habitat diversification, and removal of exotic and unwanted vegetation (e.g., Brazilian pepper).

Citation: CUP 92-06 Condition No. 16.

17. Water Use and Conservation Reporting - Following the start of commercial operation, FPC shall:

a. supply a quarterly report on ground water use quantities, ground water level measurements, and water quality analysis results.

b. supply an annual report on methods of water conservation, and estimates of water conservation (if available).

These reports shall be submitted to the Polk County Planning and Water Resource Division Directors. The quarterly report shall be submitted 45 days after each quarter. The annual report(s) summarizing the years results shall be submitted by March 31, for the preceding calendar year.

Citation: CUP 92-06 Condition No. 17.

18. Ambient Air Quality Testing - To the extent not already provided for through the DER Title V funded statewide air quality monitoring network or other means, FPC shall provide up to two ambient air quality monitoring stations concurrent with the operation of the first unit to the Polk County site. The purpose of this condition is to provide reasonable assurance that sufficient monitoring apparatus will be put in place to determine actual air quality conditions in the area affected by FPC's Polk County site. Monitoring requirements, such as station location, parameters to be monitored, number of monitoring stations and quality assurance procedures shall be determined by the Florida Department of Environmental Regulation in consultation with the Polk County air program manager and FPC.

Citation: CUP 92-06 Condition No. 18.

19. Protection of Wells - FPC shall remediate any potable water well located on lands at the northwest corner of CR 555 and CR 640 owned by Mr. Donald Haag which has been determined by the Polk County Water Resources Director to have been adversely impacted by FPC's operation.

Citation: CUP 92-06 Condition No. 19.

20. Non-Designated Area - The non-designated area on the Generalized Project Site Plan (Site Certification Application Figure 2.1.3-1) shall be designated as undeveloped, with the exception of the existing transmission line and substation.

Citation: CUP 92-06 Condition No. 20.

21. Consumptive Use - FPC shall investigate the possible reuse of available treated municipal and county effluent, and other potential sources of water (such as deeper aquifer water) as cooling pond makeup in order to reduce the use of potable ground water. FPC shall investigate alternative methods to reduce the amount of potable water needed for use as cooling pond makeup water, such as, but not limited to conservation and treatment/ use of lower quality water. The investigation shall include all municipal and county sewage treatment facilities within Polk County. As a goal, FPC shall seek to develop and implement a program to maximize the use of alternative water sources. The results of the investigation and compliance shall be included in each supplemental application.

In subsequent applications for this site, if technically and economically feasible, FPC shall incorporate reuse of treated effluent or alternative lower quality water sources into its design. It is the intent that to the extent that it is technically and economically feasible, FPC shall in subsequent applications include in its design that reuse/ alternative water sources shall constitute an increasing proportion of the FPC total cooling water makeup requirements.

Citation: CUP 92-06 Condition No. 21.

Polk Comprehensive Plan Policy 2.306-B1, 2.306-B2, and 3.105D-2

22. Sinkhole Response and Clean-Up Plan - FPC shall develop and submit to Polk County for approval six months prior to commencing operation of the first commercial unit, a plan detailing the emergency measures to be implemented if such an event occurs, and a remedial action plan to clean-up the impacted aquifer(s) and surface water(s) if a sinkhole occurs on the FPC site.

Citation: CUP Finding 20-2

23. Inspection and Permit Compliance Fees - Polk County shall be allowed to inspect any and all construction, operating, monitoring, sampling, and remediation activities which FPC conducts on site. Polk County shall provide notice to FPC prior to performing any such inspection. FPC shall be required to pay Polk County all generally applicable Building Code compliance and inspection fees; provided, however, that such fees shall be adjusted to reasonably reflect actual cost to the County.

Citation: Polk County Building Codes

24. Building Construction Code Compliance Review Agreements - Prior to the commencement of construction, Polk County and FPC shall enter into an agreement on the following items:

a. responsibility for inspections.

b. types of inspections:

1) site preparation

2) installation of facilities

3) need for threshold inspection

c. fees to be paid by FPC to Polk County for the Building Code Compliance Review.

Citation: Polk County Building Codes and Power Plant Siting Act.

25. FPC shall submit all reports and submissions to the Director of the Polk County Community Services Department in addition to the other departments as noted in the preceding conditions.

Citation: Florida Electrical Power Plant Siting Act, Chapter 403, Part II, F.S.

**XXXI. HILLSBOROUGH ENVIRONMENTAL PROTECTION COMMISSION,
HILLSBOROUGH COUNTY AND TAMPA PORT AUTHORITY**

1. Alafia River Crossing

The crossing of the Alafia River by the natural gas pipeline lateral shall be accomplished underneath the riverbed so as not to interfere with flow or use of the river for boating, swimming or other recreational activities. No vegetation will be cleared along the banks of the Alafia River at the pipeline river crossing for a distance of 25 feet back from the stream bank.

2. Buffering and Screening

a. Landscape Buffer - A 10 foot landscape buffer, as required for a Group 1 use adjacent to a single family residential use, or such other buffer as may be appropriate based on the surrounding land use, site layout and the height and bulk of the metering station facilities, shall be provided for the metering station site. If deemed appropriate by the County, the 10-foot landscape buffer shall include screening in accordance with Section 2.5.14.2.1 of the Hillsborough County Land Development Code (dated March 4, 1992). In no case shall the buffering and screening requirements exceed those for a Group 2 use adjacent to a single family residential use, as specified in Table 2.5.3, Buffer Matrix, and Section 2.5.14.2.4 of the Hillsborough County Land Development Code. Notwithstanding this condition, provisions of Section 2.5.14.7 and 2.5.14.8 dealing with "Alternative Buffers and Screening" and "Existing Vegetation", respectively, shall also be allowed if existing site conditions are such that the provisions would be applicable. Landscaping within the buffer area shall be provided in accordance with section 3.6.3, Landscaping Standards and Guidelines, of the Hillsborough County Land Development Code.

b. Radio Tower - Any radio or other communications tower located on the metering station site whose purpose is to provide communications for the operation of the natural gas pipeline and metering station shall meet the setback requirements and height limitations of the AR zoning district and shall comply with the standards listed in Sections 2.6.4.95.1 through 2.6.4.95.5.

3. Land Alteration Review

a. General Provisions

1) Exemption - Once the right-of-way for the natural gas pipeline lateral and the specific site for the metering station have been selected, FPC shall determine, in consultation with the County and EPC, whether construction of

the pipeline or the metering station will adversely impact any environmentally sensitive area, as defined in Division 7.3 of the Hillsborough County Land Development Code (including wetlands pursuant to Chapter 1-11, Rules of the EPC). In the event FPC so determines, and the County and EPC concur, that pipeline or metering station construction will not adversely impact an environmentally sensitive area, that facility shall be exempt from land alteration review as provided in Section 3.5.1.3.3.(7) of the Hillsborough County Land Development Code. Pipeline crossings of environmentally sensitive areas accomplished by drilling or boring underneath the surface, such that the land surface or bottom of inundated portions of the environmentally sensitive area is not disturbed, shall not constitute an adverse impact on the environmentally sensitive area. For purposes of verification that environmentally sensitive areas will not be adversely impacted, FPC shall submit aerial photographs (at a scale of 1" = 400' or greater) of the pipeline right-of-way and metering station site showing the locations of proposed uses of drilling or boring construction techniques to the Hillsborough County Administrator and the Executive Director of EPC.

2) Tree Replacement - Even if the pipeline or metering station is determined exempt from land alteration review as provided in Section 3.5.1.3.3.7 of the Hillsborough County Land Development Code, FPC shall be required to comply with Section 3.5.3.3.5, requiring replacement of 50 percent of the total DBH of any tree having a DBH of 24 inches or greater or any clump of trees, as defined in Section 7.3, that is to be removed from the metering station site or the pipeline right-of-way. A tree survey shall be conducted in accordance with Section 3.5.2.2.17.5 of the Hillsborough County Land Development Code, except that it shall only identify those trees requiring replacement under this condition. The survey shall be accomplished in conjunction with the ecological survey provided for in Condition XXXI.3.b and shall be limited to the area where the pipeline right-of-way crosses Sections 5, 8 and 9 of Township 31S, Range 22E. As provided in Section 3.5.3.3.5 of the Hillsborough County Land Development Code, "total DBH removed" shall be the sum of the DBH's of all trees being removed from the metering station site or pipeline right-of-way that require replacement. DBH shall mean Diameter at Breast Height, as defined in Section 7.3 of the Hillsborough County Land Development Code. Replacement of trees in accordance with this condition may occur off-site or outside the pipeline right-of-way and shall be accomplished in accordance with Sections 3.5.3.3.6 through 3.5.3.3.10 dealing with replacing, relocating, planting and transplanting of trees. As provided in Section 3.5.4 of the Hillsborough County Land Development Code, FPC may contribute money, as approved by the County under generally applicable criteria, to the Environmental Restoration Fund in lieu of or as part of the tree replacement requirements of this condition.

3) Information Submittal for Land Alteration Review -

In the event FPC determines, in consultation with the County and EPC, that pipeline and/or metering station construction will adversely impact an environmentally sensitive area, FPC shall submit information necessary to demonstrate compliance with Hillsborough County's land alteration review standards. This information filing shall be on the form provided by the County for an application for a Land Alteration Permit. Submission requirements specified in Section 3.5.2.2 of the Hillsborough County Land Development Code shall be met, except for:

a) Item #2 - Evidence that the applicant is the authorized agent of the owner will be provided for the metering station site but not for the pipeline right-of-way. Prior to the initiation of pipeline construction, FPC shall provide the County with evidence of its legal right to construct the pipeline.

b) Item #5 - The legal description, section, township and range, folio number and street address, if any, will be provided for the metering station; however, only the section, township and range and folio numbers will be provided for the pipeline right-of-way.

c) Item #12 requiring a project compatibility plan for a development project proposed adjacent to a public or private, non-profit natural preserve is not applicable.

d) Item #14 - Soil boring obtained for purposes of detailed engineering required for the pipeline and metering station will be provided to the County.

e) Item #17 (1) through (4) and (6) through (8) shall be provided for the metering station only. Item #17 (9) (typical cross section of the area to be excavated) shall be provided for the pipeline trench and jack and bore construction.

4) Land Alteration Review Standards and Guidelines -

Land alteration standards and guidelines as listed in Section 3.5.3 shall be followed, except it is recognized that:

a) Trees having a DBH of 5 inches or greater within the area between 25 feet and 100 feet of the Alafia River bank may need to be removed for construction of the pipeline lateral and such construction in support of a certified electric power generating facility would constitute a case of overriding public interest for purposes of Section 3.5.3.3.(4).

b) Planting of replacement trees or preservation of significant or essential upland habitat, if required, may not be possible on-site, i.e., within the boundary of metering station site or the pipeline right-of-way. If required, planting of replacement trees and/or preservation of significant or essential upland habitat may be accomplished off-site in accordance with Section 3.5.3.4.2.6. As provided in Section 3.5.4 of the Hillsborough County Land Development Code, FPC may contribute money, as approved by the County under generally applicable criteria, to the Environmental Restoration Fund in lieu of or as part of the tree replacement requirements of this condition.

c) Criteria, exceptions or exemptions in Section 3.5 for utility installation or installation of utility lines, such as Section 3.5.3.4.1.2.4 concerning setbacks, Section 3.5.3.5.2 concerning retention of natural plant community vegetation, and Section 3.5.3.4.2.2.4(c) concerning protection of xeric and mesic habitats shall be applicable to the natural gas pipeline lateral.

d) For purposes of determining compliance with Section 3.5.3.4.2.2.3 concerning preservation of significant wildlife habitat, the clearing for and underground construction of the natural gas pipeline lateral shall be considered a design feature that allows for the safe passage of wildlife and shall not be considered to result in fragmentation of a wildlife corridor.

b. Ecological Survey

No later than 120 days prior to the initiation of clearing activities within the natural gas pipeline lateral right-of-way, an ecological survey shall be conducted to identify the presence of threatened or endangered species (plants and animals), as defined in the Site Certification Application in Tables 2.3.6.9 and 2.3.6.10, in the right-of-way 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 Hillsborough County Administrator and the Hillsborough County EPC at the same time the survey results are submitted to the Florida Department of Environmental Protection (DEP) and the Florida Game and Fresh Water Fish Commission (FGFWFC). If it is determined that any of those species will be adversely affected by the construction of the pipeline lateral, the FPC shall consult with DEP, the County and FGFWFC to determine the appropriate steps to be taken to avoid, minimize, mitigate or otherwise appropriately deal with, any adverse impacts to resources within those agencies' respective jurisdictions. The results of this survey shall be considered sufficient to meet the submission requirements of Hillsborough County's land alteration standards review.

c. Procedure for Review

The County shall complete review of FPC's land alteration submittal, ecological survey and affected environmentally sensitive areas within the same time frame and generally applicable procedures established for such review in the Conditions of Certification for other agencies.

d. Inspections

Per Section 3.5.2.1.2.2.9 of the Hillsborough County Land Development Code, the County Administrator may conduct periodic inspections of the metering station site and pipeline right-of-way to determine compliance with these conditions.

4. Site Plan Review

a. Information Submittal for Site Plan Review

Prior to construction, FPC shall submit information on the natural gas metering station site as appropriate for administrative review of a Limited Use. Submission of such information shall be for the purpose of determining compliance with applicable Hillsborough County review standards and criteria for approval of a Limited Use, as provided in the Hillsborough County Land Development Code, Division 2.6. Applicable Limited Use Permit submission requirements, as listed in Section 2.7.9.7.3 of the Hillsborough County Land Development Code, including completion of the Hillsborough County Limited Use application form attached as Attachment D, shall be met.

b. Procedure for Review of Site Plan

Hillsborough County shall promptly review for completeness the information submitted by FPC for a site plan review. For the purposes of this condition, completeness shall mean that the information submitted is both complete and sufficient. If the information is found to be incomplete, Hillsborough County shall notify FPC within 30 days of the date the submittal is filed. Failure to so notify FPC constitutes a finding of completeness. FPC shall send Hillsborough County a reminder notice 20 days after the submittal is filed.

Within 90 days of FPC's complete information submittal, Hillsborough County shall determine whether there is reasonable assurance of compliance with the County's site plan review standards and criteria for approval of a Limited Use. If it is determined that reasonable assurance has not been provided, FPC shall be notified with particularity and possible corrective measures suggested. Failure to notify FPC in writing within 90

days of receipt of the complete information submittal shall constitute a compliance verification. FPC shall send Hillsborough County a reminder notice 70 days after the submittal is filed.

If Hillsborough County does not object within the time period specified above, FPC may begin construction pursuant to the terms of the Conditions of Certification and the subsequently submitted construction details.

Neither the information specified in this condition, nor referral of a site plan-related issue for dispute resolution pursuant to Condition 8 shall affect other conditions or operate as a stay on the construction or other activities of FPC which are not in dispute.

5. Hillsborough County Right-of-Way Use

Hillsborough County shall authorize each natural gas pipeline road right-of-way crossing or use within 30 days of the submission of a complete use permit application for such natural gas pipeline. In construction of the natural gas pipeline lateral, FPC shall follow the standards of Hillsborough County for a right-of-way use permit unless FPC and Hillsborough County subsequently agree to the contrary.

6. Environmental Protection Commission Review

a. Pipeline crossings of jurisdictional wetlands or openwater habitat accomplished by drilling or boring underneath the surface, such that the land surface of the wetland or the bottom of the openwater habitat is not disturbed, shall not constitute destruction or degradation of the wetland or openwater habitat under EPC's regulations. EPC shall review any such crossings as identified by FPC, along with their related construction plans, and if EPC agrees and also determines that the proposed construction methods will avoid adverse impact to waters of the County, no further EPC review will be required for those crossings. Temporary clearing with restoration of natural contours and opportunity for natural revegetation shall not constitute destruction or degradation of the wetland or openwater habitat, provided the vegetation does re-establish, and shall not be subject to EPC review except to verify that the vegetation has re-established. FPC shall provide a letter of commitment to EPC to ensure re-establishment of the natural vegetation. If pipeline construction is accomplished in a different manner such that wetlands or openwater habitat may be degraded or destroyed, such pipeline construction shall be subject to full EPC review in accordance with this condition and the County's land alteration review in accordance with Condition XXXI.3. above.

b. EPC and FPC agree to abide by the approval of the corridor through the State Site Certification process and the right-of-way through the Post-Certification Process, both of which may weigh other public issues than wetlands protection. FPC may, at its own discretion, propose a right-of-way or a narrowing of the corridor prior to completion of the State Site Certification process. In that event, EPC and FPC agree to abide by the approval of the narrowed corridor or right-of-way through the State Site Certification process.

c. To initiate the EPC review process, FPC will submit to EPC the equivalent of the appropriate fee, as established in Chapter 1-6.05(10) of EPC's rules, and a request that a wetland delineation be performed by EPC for all wetlands within the corridor using EPC's aerial photographic delineation method or field delineation method. EPC shall complete the wetland delineation within 30 days of receipt of a complete wetland delineation request and payment of the fee. EPC sign-off on the wetland delineation shall be provided in writing within 30 days of satisfactory completion of the delineation survey.

d. To minimize impacts to wetlands, FPC agrees that it shall consult with EPC as a part of its selection of a right-of-way within the certified corridor, and, to the extent practicable, avoid locating the right-of-way in wetlands.

e. EPC shall review FPC's right-of-way selection and decide whether wetland impacts have been avoided to the extent possible, given environmental, land use and engineering considerations. FPC's right-of-way selection shall be depicted on the same aerial photographs as were used for the wetland delineation. If FPC elects to propose a right-of-way prior to the completion of the State Site Certification process as provided in paragraph 6B above, this review shall be completed in sufficient time to resolve through the certification hearing any wetland avoidance issues remaining between EPC and FPC. If EPC reviews FPC's right-of-way selection as part of a post-certification review process, EPC's review shall be completed within 30 days following submittal of aerial photographs showing the right-of-way location. The results of this post-certification review process shall be an agreed upon right-of-way, and, thereafter, right-of-way location shall not be an issue in the EPC review process.

f. Upon completion of the wetland delineation and review of the right-of-way by EPC, FPC will submit the equivalent of the appropriate fees, as established in Chapter 1-6.05(11) of EPC's rules for wetland mitigation, and submit a Development and Mitigation Approval package in accordance with EPC guidelines, providing a complete explanation and justification of the proposed method of construction and any

proposed mitigation to EPC asking that EPC consider all impacts within a designated right-of-way. This submittal and EPC's consideration of it may include other public issues than wetlands protection.

g. EPC will review the submittal and decide whether wetland impacts within the right-of-way have been minimized given the environmental, land use and engineering considerations. EPC shall notify FPC of its decision in writing within 30 days of receipt of a complete submittal. Such notice shall specify the basis for EPC's conclusion, and possible corrective measures shall be suggested, if considered necessary.

h. FPC shall provide construction plans for the right-of-way and suitable kind-for-kind, acre-for-acre wetland mitigation or upland mitigation, where appropriate under Chapter 1-11, for all wetland impacts. This mitigation can be proposed either on FPC's own property or by written consent of the property owner, on the property of others in a mitigation bank according to EPC's standard mitigation criteria.

i. Upon review of the mitigation proposal required by Conditions XXXI.6.f and XXXI.6.h above and any modification that may be necessary to bring any required mitigation proposal into compliance with EPC's non-procedural standards, EPC will approve (by letter) the mitigation proposal and forward the attached Mitigation Agreement (see Attachment E) to FPC for execution. Review of the mitigation proposal and any modifications shall be accomplished with 30 days of FPC's submittal of all necessary information.

j. Once the Mitigation Agreement is executed and recorded, FPC may proceed with construction.

k. EPC shall make every effort to conform as closely as possible to the procedures and timetables established in the Conditions of Certification for other wetland review agencies.

7. Submerged Lands

The Tampa Port Authority (TPA) or its staff shall issue the appropriate concurrence for a natural gas pipeline crossing of lands and waterways under the jurisdiction of the Authority within 30 days of the submission of a complete application for such natural gas pipeline crossing demonstrating compliance with applicable provisions of the Tampa Port Authority's Rules for Sovereignty Lands Management (January 4, 1984). In the construction of the natural gas pipeline lateral, FPC shall follow the applicable standards of the Tampa Port Authority's Rules for Sovereignty Lands Management (January 4, 1984), unless FPC and Tampa Port Authority subsequently agree to the contrary.

8. Dispute Resolution

It is understood that FPC, the County, EPC and TPA shall strive to resolve disputes by mutual agreement. All parties to this stipulation may take whatever position(s) they deem appropriate with respect to any dispute resolution mechanism to be incorporated in Conditions of Certification imposed by the Governor and Cabinet sitting as the Siting Board.

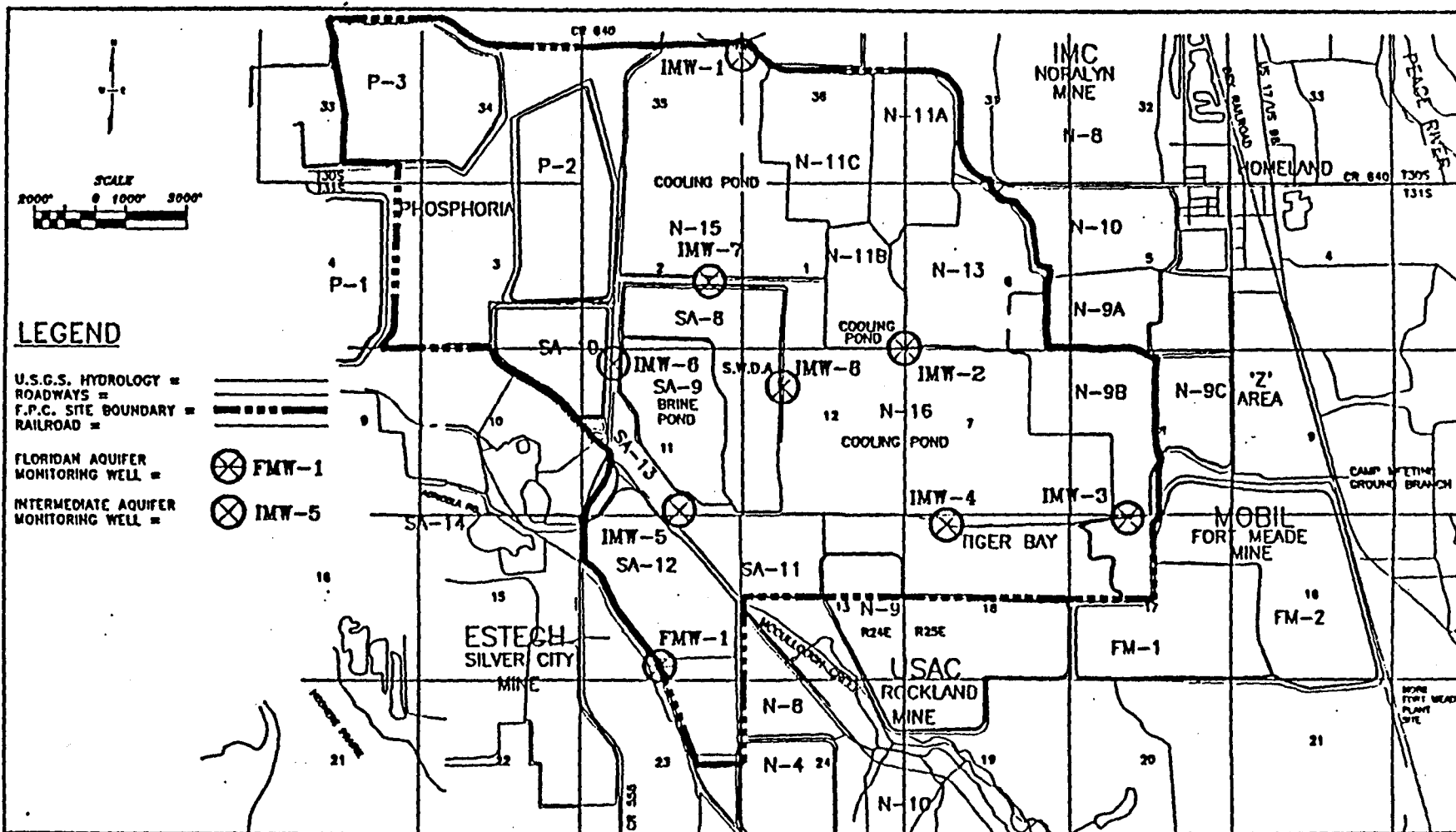


FIGURE 1
MONITORING WELL LOCATIONS



Polk County Site

MWLOC DWG
 REV. 10/93

EXOTIC AND NUISANCE PLANT LISTS	
EXOTIC PLANT LIST	A
Brazilian Pepper (<i>Schinus terebinthifolius</i>) Water Hyacinth (<i>Eichornia crassipes</i>) Water Lettuce (<i>Pistia stratiotes</i>) Cogon Grass (<i>Imperata brasiliensis & cylindrica</i>) Caeser's Weed (<i>Urena lobata</i>) Kudzu (<i>Pueraria montana</i>) Lantana (<i>Lantana camara</i>) Japanese Climbing Fern (<i>Lygodium japonicum</i>) Melaleuca quinquenervia Casuarina equisetifolia	
NUISANCE PLANT LIST	
Cattail (<i>Typha</i> spp.) Primrose Willow (<i>Ludwigia peruviana</i>) Climbing Hempvine (<i>Mikania scandens</i>)	

VEGETATION PLAN FOR N-9B, N-13 AND SA-10
WITH CANDIDATE SPECIES AND PLANTING DENSITIES

MINE AREA N-9B

1. UPLAND FOREST

ACRES OF HABITAT TO BE ESTABLISHED: 41

Trees - Total average density of 300/acre

- Slash Pine (*Pinus elliottii*)
- Laurel Oak (*Quercus laurifolia*)
- Southern Red Ceder (*Juniperus silicicola*)
- Live Oak (*Quercus virginiana*)
- Sweetgum (*Liquidambar styraciflua*)
- American Holly (*Ilex opaca*)
- Pignut Hickory (*Carya glabra*)
- Redbud (*Cercis canadensis*) - Delayed until overstory shading
- Dogwood (*Cornus florida*) - Delayed until overstory shading
- Black Cherry (*Prunus serotina*) - Natural recruitment
- Cabbage Palm (*Sabal palmetto*)

Shrubs - Total average density of 240/acre

- Saw Palmetto (*Serenoa repens*)
- Wax Myrtle (*Myrica cerifera*)
- Beautyberry (*Callicarpa americana*)
- Yaupon Holly (*Ilex vomitoria*)
- Wild Olive (*Osmanthus americanus*)
- Shining Sumac (*Rhus copallina*)
- Hawthorne (*Crataegus* spp.)
- Blueberry (*Vaccinium* spp.)
- Groundsel Tree (*Baccharis halimifolia*) - Natural recruitment

Grasses, Forbs and Vines - 80 percent of ground cover

- Eastern Gamagrass (*Tripsacum dactyloides*)
- Panicum (*Panicum* spp.)
- Blackberry (*Rubus* spp.) - Natural recruitment
- Virginia Creeper (*Parthenocissus quinquefolia*) - Natural recruitment
- Greenbriar (*Smilax* spp.) - Natural recruitment
- Wild Grape (*Vitis munsoniana*) - Natural recruitment
- Wood Fern (*Thelypteris* spp.) - Natural recruitment

2. SHRUB/BRUSHLAND

ACRES OF HABITAT TO BE ESTABLISHED: 23

Shrubs - Total average density of 240/acre

- Saw Palmetto (*Serenoa repens*)
- Wax Myrtle (*Myrica cerifera*)
- Beautyberry (*Callicarpa americana*)
- Yaupon Holly (*Ilex vomitoria*)
- Wild Olive (*Osmanthus americanus*)
- Shining Sumac (*Rhus copallina*)
- Groundsel Tree (*Baccharis halimifolia*) - Natural recruitment

Grasses, Forbs and Vines - 80 percent of ground cover

- Eastern Gamagrass (*Tripsacum dactyloides*)
- Panicum (*Panicum* spp.)
- Blackberry (*Rubus* spp.) - Natural recruitment
- Virginia Creeper (*Parthenocissus quinquefolia*) - Natural recruitment
- Greenbriar (*Smilax* spp.) - Natural recruitment
- Wild Grape (*Vitis munsoniana*) - Natural recruitment
- Wood Fern (*Thelypteris* spp.) - Natural recruitment

3. RANGELAND

ACRES OF HABITAT TO BE ESTABLISHED: 16

Grasses, Forbs and Vines - 100 percent of ground cover

- Eastern Gamagrass (*Tripsacum dactyloides*)
- Panicum (*Panicum* spp.)
- Bluestems (*Andropogon* spp.)
- Lopsided Indiangrass (*Sorghastrum secundum*)
- Blackberry (*Rubus* spp.) - Natural recruitment
- Partridge Pea (*Cassia chamaecrista*)
- Wild Grape (*Vitis munsoniana*) - Natural recruitment
- Hairy Indigo (*Indigofera hirsuta*) - Natural recruitment
- Aster (*Aster* spp.) - Natural recruitment

4. PINE FLATWOODS

ACRES OF HABITAT TO BE ESTABLISHED: 27

Trees - Total average density of 200/acre

Slash Pine (*Pinus elliottii*)
Longleaf Pine (*Pinus palustris*)
Persimmon (*Diospyros virginiana*)

Shrubs - Total average density of 200/acre

Saw Palmetto (*Serenoa repens*)
Wax Myrtle (*Myrica cerifera*)
Beautyberry (*Callicarpa americana*)
Yaupon Holly (*Ilex vomitoria*)
Gallberry (*Ilex glabra*)
Fetterbush (*Lyonia lucida*)
Blueberry (*Vaccinium* spp.)

Grasses, Forbs and Vines - 80 percent of ground surface

Eastern Gamagrass (*Tripsacum dactyloides*)
Panicum (*Panicum* spp.)
Bluestems (*Andropogon* spp.)
Lopsided Indiangrass (*Sorghastrum secundum*)
Blackberry (*Rubus* spp.) - Natural recruitment
Greenbriar (*Smilax* spp.) - Natural recruitment
Partridge Pea (*Cassia fasciculata*)
Wild Grape (*Vitis munsoniana*) - Natural recruitment
Aeschynomene (*Aeschynomene* spp.)

5. SHRUB WETLAND

ACRES OF HABITAT TO BE ESTABLISHED: 25

Shrubs - Total average density of 300/acre

Buttonbush (*Cephalanthus occidentalis*)
Dahoon Holly (*Ilex cassine*)
Elderberry (*Sambucus simpsonii*)
Swamp Dogwood (*Cornus foemina*)
Swamp Hibiscus (*Hibiscus grandiflorus*)
Groundsel Tree (*Baccharis halimifolia*) - Natural recruitment
Carolina Willow (*Salix caroliniana*) - Natural recruitment
Wax Myrtle (*Myrica cerifera*) - Natural recruitment

Grasses, Forbs and Vines - 50 percent of remaining available ground surface

- Panicum (*Panicum* spp.)
- Lizard's Tail (*Saururus cernuus*)
- Sedge (*Carex* spp. and *Cyperus* spp.)
- Royal Fern (*Osmunda regalis*)
- Cinnamon Fern (*Osmunda cinnamomea*)
- Sawgrass (*Cladium jamaicense*)
- Duck Potato (*Sagittaria* spp.)
- Golden Ragwort (*Senecio glabellus*) - Natural recruitment
- Wood Fern (*Thelypteris* spp.) - Natural recruitment
- Wild Grape (*Vitis munsoniana*) - Natural recruitment
- Camphorweed (*Pluchea* spp.) - Natural recruitment
- Cow Pea (*Vigna luteola*) - Natural recruitment

6. FRESHWATER MARSH (HERBACEOUS WETLAND)

ACRES OF HABITAT TO BE ESTABLISHED: 89

Groundcover - 50 percent of remaining available ground surface

- Panicum (*Panicum* spp.)
- Sedge (*Carex* spp. and *Cyperus* spp.)
- Sawgrass (*Cladium jamaicense*)
- St. John's Wort (*Hypericum fasciculatum*)
- Spike Rush (*Eleocharis* spp.)
- Soft Rush (*Juncus effusus*)
- Black Rush (*Juncus repens*)
- Bullrush (*Scirpus* spp.)
- Swamp Lily (*Crinum americanum*)
- Spider Lily (*Hymenocallis* spp.)
- Pickeralweed (*Pontederia cordata*)
- Arrowroot (*Thalia geniculata*)
- Canna Lily (*Canna* spp.)
- Duck Potato (*Sagittaria* spp.)
- Spatterdock (*Nuphar lutea*)
- Water Lily (*Nymphaea* spp.)

7. ISLANDS AND OVERBURDEN MOUNDS

ACRES OF HABITAT TO BE ESTABLISHED: 6

Vegetation in these areas will require minimal to no plantings. They will either be overburden mounds left intact or constructed mounds tapered into the slough.

MINE AREA N-13

1. UPLAND FOREST

ACRES OF HABITAT TO BE ESTABLISHED: 65

Trees - Total average density of 300/acre

Slash Pine (*Pinus elliotii*)
Laurel Oak (*Quercus laurifolia*)
Southern Red Ceder (*Juniperus silicicola*)
Live Oak (*Quercus virginiana*)
Sweetgum (*Liquidamber styraciflua*)
American Holly (*Ilex opaca*)
Pignut Hickory (*Carya glabra*)
Redbud (*Cercis canadensis*) - Delayed until overstory shading
Dogwood (*Cornus florida*) - Delayed until overstory shading
Black Cherry (*Prunus serotina*) - Natural recruitment
Cabbage Palm (*Sabal palmetto*)

Shrubs - Total average density of 240/acre

Saw Palmetto (*Serenoa repens*)
Wax Myrtle (*Myrica cerifera*)
Beautyberry (*Callicarpa americana*)
Yaupon Holly (*Ilex vomitoria*)
Wild Olive (*Osmanthus americanus*)
Shining Sumac (*Rhus copallina*)
Hawthorne (*Crataegus* spp.)
Blueberry (*Vaccinium* spp.)
Groundsel Tree (*Baccharis halimifolia*) - Natural recruitment

Grasses, Forbs and Vines - 80 percent of ground cover

Eastern Gamagrass (*Tripsacum dactyloides*)
Panicum (*Panicum* spp.)
Blackberry (*Rubus* spp.) - Natural recruitment
Virginia Creeper (*Parthenocissus quinquefolia*) - Natural recruitment
Greenbriar (*Smilax* spp.) - Natural recruitment
Wild Grape (*Vitis munsoniana*) - Natural recruitment
Wood Fern (*Thelypteris* spp.) - Natural recruitment

2. SHRUB/BRUSHLAND

ACRES OF HABITAT TO BE ESTABLISHED: 22

Shrubs - Total average density of 240/acre

- Saw Palmetto (*Serenoa repens*)
- Wax Myrtle (*Myrica cerifera*)
- Beautyberry (*Callicarpa americana*)
- Yaupon Holly (*Ilex vomitoria*)
- Wild Olive (*Osmanthus americanus*)
- Shining Sumac (*Rhus copallina*)
- Groundsel Tree (*Baccharis halimifolia*) - Natural recruitment

Grasses, Forbs and Vines - 80 percent of ground cover

- Eastern Gamagrass (*Tripsacum dactyloides*)
- Panicum (*Panicum* spp.)
- Blackberry (*Rubus* spp.) - Natural recruitment
- Virginia Creeper (*Parthenocissus quinquefolia*) - Natural recruitment
- Greenbriar (*Smilax* spp.) - Natural recruitment
- Wild Grape (*Vitis munsoniana*) - Natural recruitment
- Wood Fern (*Thelypteris* spp.) - Natural recruitment

3. RANGELAND

ACRES OF HABITAT TO BE ESTABLISHED: 72

Grasses, Forbs and Vines - 100 percent of ground cover

- Eastern Gamagrass (*Tripsacum dactyloides*)
- Panicum (*Panicum* spp.)
- Bluestems (*Andropogon* spp.)
- Lopsided Indiangrass (*Sorghastrum secundum*)
- Blackberry (*Rubus* spp.) - Natural recruitment
- Partridge Pea (*Cassia chamaecrista*)
- Wild Grape (*Vitis munsoniana*) - Natural recruitment
- Hairy Indigo (*Indigofera hirsuta*) - Natural recruitment
- Aster (*Aster* spp.) - Natural recruitment

4. WETLAND MIXED FOREST

ACRES OF HABITAT TO BE ESTABLISHED: 13

Trees - Total average density of 400/acre

Red Maple (*Acer rubrum*)
Sugarberry (*Celtis laevigata*)
Pop Ash (*Fraxinus caroliniana*)
Bald Cypress (*Taxodium distichum*)
Red Mulberry (*Morus rubra*)
Water Oak (*Quercus nigra*)

Shrubs - Total average density of 300/acre

Buttonbush (*Cephalanthus occidentalis*)
Dahoon Holly (*Ilex cassine*)
Elderberry (*Sambucus simpsonii*)
Swamp Dogwood (*Cornus foemina*)
Swamp Hibiscus (*Hibiscus grandiflorus*)
Wild Olive (*Osmanthus americanus*)
Groundsel Tree (*Baccharis halimifolia*) - Natural recruitment

Grasses, Forbs and Vines- 50 percent of remaining available ground surface

Panicum (*Panicum* spp.)
Lizard's Tail (*Saururus cernuus*)
Sedge (*Carex* spp.)
Royal Fern (*Osmunda regalis*)
Cinnamon Fern (*Osmunda cinnamomea*)
Wood Fern (*Thelypteris* spp.) - Natural recruitment
Wild Grape (*Vitis munsoniana*) - Natural recruitment

5. SHRUB WETLAND

ACRES OF HABITAT TO BE ESTABLISHED: 14

Shrubs - Total average density of 300/acre

Buttonbush (*Cephalanthus occidentalis*)
Dahoon Holly (*Ilex cassine*)
Elderberry (*Sambucus simpsonii*)
Swamp Dogwood (*Cornus foemina*)
Swamp Hibiscus (*Hibiscus grandiflorus*)
Groundsel Tree (*Baccharis halimifolia*) - Natural recruitment
Carolina Willow (*Salix caroliniana*) - Natural recruitment
Wax Myrtle (*Myrica cerifera*) - Natural recruitment

Grasses, Forbs and Vines - 50 percent of remaining available ground surface

- Panicum (*Panicum* spp.)
- Lizard's Tail (*Saururus cernuus*)
- Sedge (*Carex* spp. and *Cyperus* spp.)
- Royal Fern (*Osmunda regalis*)
- Cinnamon Fern (*Osmunda cinnamomea*)
- Sawgrass (*Cladium jamaicense*)
- Duck Potato (*Sagittaria* spp.)
- Golden Ragwort (*Senecio glabellus*) - Natural recruitment
- Wood Fern (*Thelypteris* spp.) - Natural recruitment
- Wild Grape (*Vitis munsoniana*) - Natural recruitment
- Camphorweed (*Pluchea* spp.) - Natural recruitment
- Cow Pea (*Vigna luteola*) - Natural recruitment

6. FRESHWATER MARSH

ACRES OF HABITAT TO BE ESTABLISHED: 79

Groundcover - 50 percent of remaining available ground surface

- Panicum (*Panicum* spp.)
- Sedge (*Carex* spp. and *Cyperus* spp.)
- Sawgrass (*Cladium jamaicense*)
- St. John's Wort (*Hypericum fasciculatum*)
- Spike Rush (*Eleocharis* spp.)
- Soft Rush (*Juncus effusus*)
- Black Rush (*Juncus repens*)
- Bullrush (*Scirpus* spp.)
- Swamp Lily (*Crinum americanum*)
- Spider Lily (*Hymenocallis* spp.)
- Pickeralweed (*Pontederia cordata*)
- Arrowroot (*Thalia geniculata*)
- Canna Lily (*Canna* spp.)
- Duck Potato (*Sagittaria* spp.)
- Spatterdock (*Nuphar lutea*)
- Water Lily (*Nymphaea* spp.)

MINE AREA SA-10

PALMETTO PRAIRIE

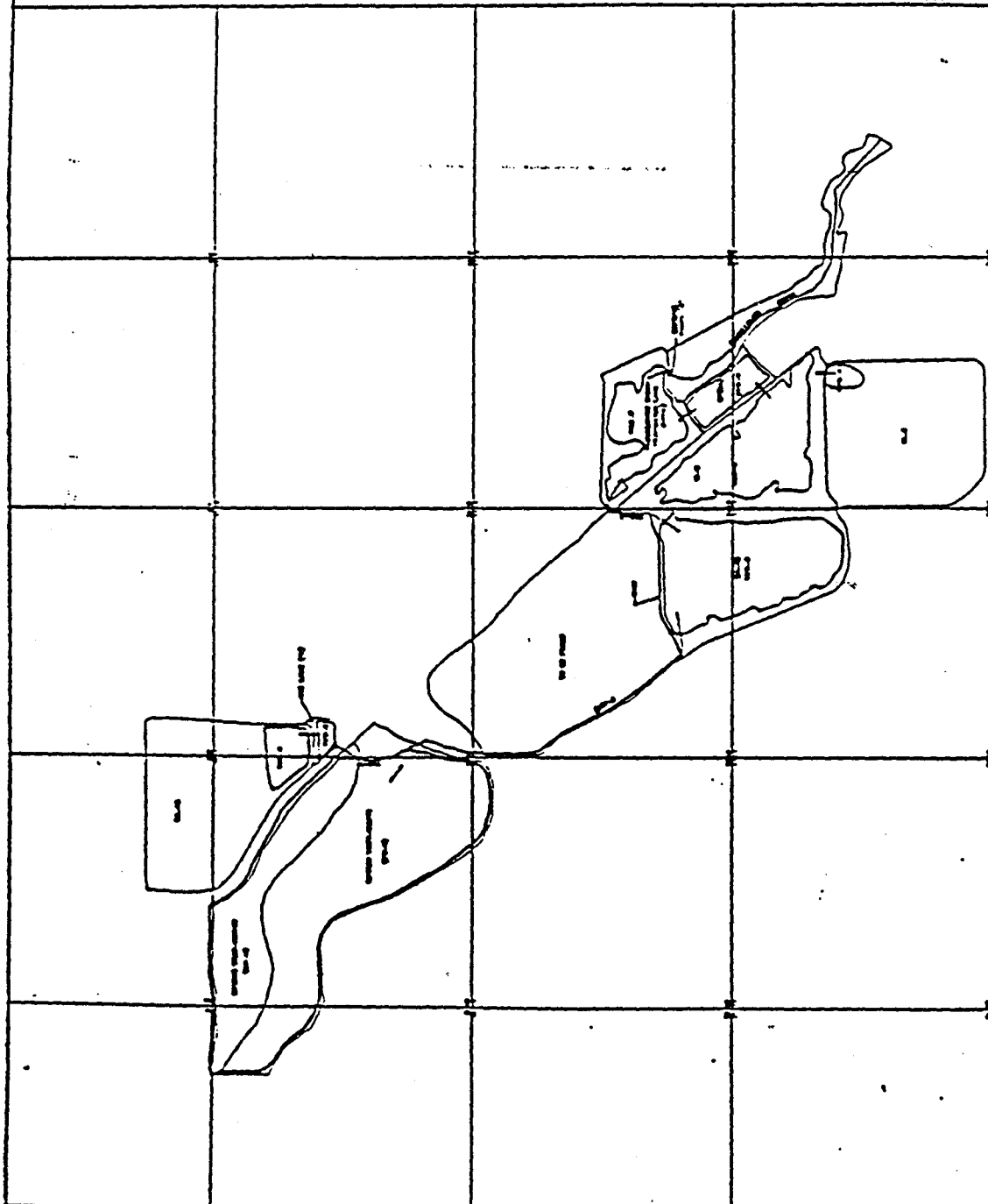
ACRES OF HABITAT TO BE ESTABLISHED: 268

Shrubs - Total average density of 50/acre

Saw Palmetto (*Serenoa repens*)
Wax Myrtle (*Myrica cerifera*)
Gallberry (*Ilex cassine*)
Fetterbush (*Lyonia lucida*)
Blueberry (*Vaccinium* spp.)

Grasses, Forbs and Vines - 100 percent of remaining ground cover

Eastern Gamagrass (*Tripsacum dactyloides*)
Panicum (*Panicum* spp.)
Bluestems (*Andropogon* spp.)
Lopsided Indiangrass (*Sorghastrum secundum*)
Blackberry (*Rubus* spp.) - Natural recruitment
Greenbriar (*Smilax* spp.) - Natural recruitment
Partridge Pea (*Cassia chamaecrista*)
Aeschynomene (*Aeschynomene* spp.) - Natural recruitment
Wild Grape (*Vitis munsoniana*) - Natural recruitment





Florida Power & Light
FLORIDA POWER CORPORATION
BIRMINGHAM OFFICE
PROPOSED DEVELOPMENT INFORMATION
DRAINAGE SURVEY MAP

DATE	10/1/84
BY	W. J. B. B. B.
CHECKED BY	
APPROVED BY	
SCALE	1" = 100'

EXHIBIT
HF-14

NO.	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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CHECKLIST OF SUBMITTAL REQUIREMENTS
FOR LIMITED USE

Petitioner's Initials	Technician's Initials	
_____	_____	1) RECORDED DEED
_____	_____	2) LEGAL DESCRIPTION
_____	_____	3) DETAILED STATEMENT
_____	_____	4) GENERAL LOCATION MAP
_____	_____	5) SITE PLAN (3 copies, if larger than 8½" x 14")
_____	_____	6) REDUCED COPY OF SITE PLAN where applicable
_____	_____	7) AREA TABULATIONS
_____	_____	8) PARKING TABULATIONS
_____	_____	9) STATEMENTS FOR PROVISION OF COMMON AREAS, if any
_____	_____	10) STORMWATER/WASTEWATER INFORMATION
_____	_____	11) ARCHITECTURAL DESCRIPTION
_____	_____	12) LANDSCAPING PLAN
_____	_____	13) AERIAL PHOTOGRAPH
_____	_____	14) FILING FEE
_____	_____	15) COMPLETED APPLICATION

NOTE: If any of the required documents or fees are not included with your Application, the application will not be accepted for processing. (See Section II of this Packet.)

APPROVAL AND MITIGATION AGREEMENT

This agreement is made and entered into by the Executive Director of the Environmental Protection Commission of Hillsborough County pursuant to Chapter 84-446, Laws of Florida, and _____, owner of the following described property (location of mitigation area(s) and/or Conservation Easement; include description, address, folio, section, township, range):

And in consideration of the Executive Director's authorization to develop or impact the wetland(s) located on (location of area(s) to be developed or impacted; include description, address, folio, section, township, range):

as described in _____, owner agrees:
(project name)

- (a) to perform or construct the mitigation on property identified first above according to the specifications of the approved plan (Plan), identified as _____ (plan name) and kept on file with the Commission;
- (b) to perform the monitoring as required and any corrections or modifications to the mitigation in order to achieve the success specifications agreed upon in the Plan;
- (c) to notify in writing the Director of the Ecosystems Management Department of the exact start and completion dates for approved disturbances and for the construction of mitigation areas;
- (d) to give actual notice of this Mitigation Agreement and any Conservation Easement to any purchaser of the mitigation area and/or area of the Conservation Easement;
- (e) to specifically retain the right to complete the terms of this Mitigation Agreement in the event of sale of the mitigation area, or to otherwise provide for the satisfactory completion of the terms of the Plan pursuant to this Mitigation Agreement, by written agreement acceptable to the Executive Director;
- (f) to provide public notice of the Commission's interest in the mitigation area at his own expense, by (i) executing and recording a Conservation Easement over the mitigation area to the Commission, (ii) recording this Mitigation Agreement, or by (iii) appropriate notation on the plat; and (please indicate which methods of public notice will be used by crossing out those not applicable)
- (g) owner agrees to provide prior to commencing the proposed impact of this project, a Irrevocable Standby Letter of Credit or equivalent financial security for the implementation term of the Plan, in the amount of \$ _____, to ensure compliance with this agreement and the Plan.

property, and in consideration of the agreement to complete the mitigation according to the specifications of the Plan and as agreed above, the Executive Director has determined that the proposed Plan would provide adequate protection of the environmental benefits and hereby gives authorization to the owner to impact the wetland as proposed, conditioned upon the specifications of that proposal and this agreement.

It is agreed that THIS AUTHORIZATION WILL EXPIRE ON _____; however, if any impact to the wetland identified above has occurred prior to that time pursuant to this authorization, the Plan shall be implemented in its entirety. Failure to comply with the terms of this agreement or to implement the Plan according to its specifications shall be a violation of Chapter 84-446, Laws of Florida and enforceable accordingly, as well as by action on the contract.

OFF. REC. 6973PM1310

Date

Owner/Agent Signature & Title
(If by agent, Power of Attorney required)

Mailing Address

(Corporate Seal)

State of _____
County of _____

The signature on the foregoing instrument was acknowledged before me this _____ (date),
by _____ (name of officer or agent, title of officer or agent), of
_____ (name of corporation), a _____ (state or place
of incorporation) corporation, on behalf of the corporation. He/she is personally known to me or produced
_____ (type of ID) as identification, and who did: _____ take an oath.

(Notary's Signature)

(Notary's Name - typed, printed or stamped)

Notary Public (Title or rank) (Notary Seal)

(Serial number, if any)

(Date Commission Expires)

Date

Roger P. Stewart, Executive Director
Environmental Protection Commission
of Hillsborough County
1900 Ninth Avenue
Tampa, Florida 33605

Prepared by: Sara M. Fotopoulos, Chief Counsel
Return to: Environmental Protection Commission
1900 9th Avenue
Tampa, Florida 33605

(corporation)