

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

IN RE: FLORIDA POWER & LIGHT COMPANY)	
MARTIN COAL GASIFICATION/)	
COMBINED CYCLE PROJECT)	DEP FILE NO. PA89-27G
<u>MARTIN COUNTY, FLORIDA</u>)	OGC CASE NO. 01-0346

**FINAL ORDER
MODIFYING CONDITIONS OF CERTIFICATION**

On February 20, 1991, the Governor and Cabinet, acting as the Siting Board, issued a final order approving certification of Florida Power & Light Company's (FPL) Martin Coal Gasification/Combined Cycle Facility (Martin CG/CC). That certification order approved the construction and operation of a natural gas/oil fired combined cycle facility and associated facilities to be located in Martin County, Florida.

On October 27, 1997, FPL applied to the Department of Environmental Protection for renewal of the facility's Industrial Wastewater Facility Permit Number FL0030988. This renewal was issued on August 25, 2000. On September 18, 2000, FPL filed a request for a modification to the conditions of certification pursuant to section 403.516(1)(b), F.S., to match the language in the recently issued Industrial Wastewater Facility Permit. Additionally, the Department proposes that the conditions should be updated to reflect current rule citations and other administrative and editorial updates.

On March 5, 2001, copies of the proposed modifications were made available for public review and all parties to the original proceeding were furnished with a copy of the Notice of Intent to Issue Proposed Modification of Power Plant Certification and with a copy of the proposed final order. On March 9, 2001, a Notice of Intent to Issue Proposed Modification of Power Plant Certification was published in the Florida Administrative Weekly. The notices specified that all parties to the original certification proceeding have 45 days from the issuance of the notice by mail to such party's last address of record in which to object to the requested modification. Failure of any of the parties to file a response constitutes a waiver of objection to the requested modification. The notices further specified that any person who is not already a party to the certification proceeding and whose substantial interests would be affected by the requested modification has 30 days from the date of publication of the public notice to object in

writing. If no objections are received, then a Final Order approving the modification shall be issued by the Department. If objections are raised and an agreement cannot be subsequently reached, then pursuant to §403.516(1)(c), F.S., the applicant or the Department may file a petition for modification seeking approval for those portions of the request for modification to which written objections were timely filed. No written objections to the proposed modifications have been received by the Department. Accordingly, in the absence of any timely objections,

IT IS ORDERED:

The proposed modifications to the conditions of certification are hereby approved. Pursuant to section 403.516(1)(b), F.S., the Department hereby modifies the conditions of certification for the Martin CG/CC Project as follows:

State of Florida Department of Environmental ~~Regulation~~ Protection
Florida Power and Light Company
Martin Coal Gasification/Combined Cycle Project
PA 89-27

CONDITIONS OF CERTIFICATION
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I. - XXXVIII. No Change

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL ~~REGULATION~~
PROTECTION
FLORIDA POWER AND LIGHT COMPANY
MARTIN COAL GASIFICATION COMBINED CYCLE PROJECT
PA 89-27

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, and 253, Florida Statutes 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 definition 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 of Environmental Regulation Protection. As used herein:

1. No change.

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

3. - 10. No change.

B. No change.

II. AIR

No change to initial paragraphs.

A. Emission Limitations for Martin CG/CC Project

1. - 9. No change

10. Initial (I) compliance tests shall be performed on each Combustion Turbine using both fuels. The stack test for each turbine shall be performed within 10% of the maximum heat rate input for the tested operating temperature. Annual (A) compliance tests shall be performed on each Combustion Turbine 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 the November 2, 1989, version of 40 CFR 60 Appendix A:

a. - h. No change.

i. 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 ~~DER~~ DEP)

j. Mercury (Hg) shall be tested using EPA Method 101 (40 CFR 61, Appendix B) (I)

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

11. - 14. No change.

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

16. No change

17. If construction does not commence on Phase I within 18 months of issuance of this certification/permit, then the Permittee shall obtain from ~~DER~~ DEP a review and, if necessary, a modification of the control technology and allowable emissions for the unit(s) on which construction has not commenced (40 CFR 5.21(r)(2)). Units to be constructed or modified in later phases of the project will be reviewed and limitations revisited under the supplementary review process of the Power Plant Siting Act.

18. Quarterly excess emission reports, in accordance with the November 2, 1989, version 40 CFR 60.7(c) and 60.334(c) shall be submitted to ~~DER=s~~ DEP's Southeast District office. Annual reports shall be submitted to the District Office in accordance with Rule ~~17-2.700(7)~~ 62-210.370(3)(c), F.A.C.

19. Literature of equipment selected shall be submitted as it becomes available. A CT-specific graph of ambient temperature and heat inputs to the CT shall be submitted to ~~DER=s~~ DEP's Southeast District Office and the Bureau of Air Regulation.

20. - 22. No change.

B. No change.

C. Materials Handling and Storage

1. - 2. No change

3. The maximum particulate matter emissions from the material handling and storage activities shall not exceed 1,566 tons per year. Emissions from these sources shall be controlled using the following measures:

FUGITIVE DUST SOURCE	CONTROL TECHNOLOGY
Coal Unloading	Enclosed with Dry Collection System
Limestone Unloading	Wet Suppression System ¹
Conveyors and Transfer Points(Coal, Limestone, Slag)	Transfer Points Enclosed with Dry Collection System, Conveyors Covered. Crusting Agent Application (60% Control)
Coal Storage (Inactive)	Surfactant Application ¹
Coal Storage (Active)	Surfactant Application
Coal Storage (Active) and Reclaiming	Crusting Agent Application ¹
Limestone Storage	Paved Road, Covered Conveyor (95% Control)
Slag Transport to By Product Storage Area	Topsoil Covered and Seeded (100% Control)
Slag By Product Storage Area (Inactive)	Compaction, Temporary Cover (Natural or Synthetic)
Slag By Product Storage Area (Active)	Stored in molten state in tanks or in crystalline slab arrangement.
Sulfur Storage	

1 Undefined rate of fugitive dust control.

The emissions from the above listed sources where baghouses are used are subject to the particulate emission limitation requirements of 0.03 gr/dscf. However, ~~DER~~ DEP will not require particulate tests in accordance with EPA Method 5 unless the VE limit of 5% opacity is exceeded for a given source, or unless ~~DER~~ DEP, based on other information, has reason to believe the particulate emission limits are being violated.

4. Visible Emissions (VE) shall not exceed 5% opacity from any source in the material handling and treatment area, in accordance with Chapter 17-2 62-210, F.A.C.

5. Initial and annual Visible Emission compliance tests for all the emission points in the material handling and treatment area, including, but not limited to, the sources specified in this permit, shall be conducted in accordance with the November 2, 1989, version of 40 CFR 60, using EPA Method 9 or ~~DER~~ DEP approved method.

6. Compliance test reports shall be submitted to ~~DER~~ DEP within 45 days of test completion in accordance with Chapter 17-2.700(7) 62-297.310(8), F.A.C.

7. Any changes in the method of operation, raw materials processed, equipment, or operating hours or any other changes pursuant to Rule 17-2.100, F.A.C., defining modification, shall be submitted for approval to ~~DER=s~~ DEP's Bureau of Air Regulation (BAR).

III. SURFACE WATER DISCHARGES

Discharges into surface waters of the state during construction and operation of the project shall be in accordance with applicable provisions of Chapters 62-4, 62-160, 62-302, 62-

601, 62-650, and 62-660, F.A.C., DEP Permit No. FL0030988-002-IW1S and the following conditions of certification:

A. Plant Effluents and Receiving Body of Water.

For discharges made from the Martin CG/CC Project, the following conditions shall apply:

1. Receiving Body of Water (RBW). The receiving body of water has been determined by ~~DER~~ DEP to be (a) those waters of the discharge canal leading to the St. Lucie Canal which are considered to be waters of the state within the definition of Chapter 403, F.S., and (b) those water of the L-65 canal receiving cooling pond seepage from culverts 003a through 003e.

2. Points of Discharge (Pod's). The points of discharge have been determine by ~~DER~~ DEP to be where the effluent physically enters the waters of the state in the discharge canal and the L-65 canal at the Outfall Serial Numbers (OSN's) 001, 002, and 003.

3. - 6. No change.

7. The permittee is authorized to discharge from Outfall D-001-Cooling Pond Overflow to the St Lucie Canal. This outfall includes, or will include at a future date, discharges from Internal Outfalls I-004, I-006, I-007, I-008, I-009, I-010, I-011, I-012, I-013 and non-contact cooling water from Units 1-6 to the Plant Intake /Discharge Canal then to St. Lucie Canal.

a. Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTIC	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS		
	Daily Maximum	Monthly Average	Measurement Frequency	Sample Type	Sample Point
Flow (Quantity and Duration), MGD	Report	N/A	1/Day of Discharge	Calculation	EFF-1
Temperature <u>EF</u> °F	92.0 See k. below	N/A	2/Day of Discharge	Grab	EFF-1
Total Residual Chlorine (TRC), mg/l	Report See l. below	N/A	1/Day of Discharge	Grab	EFF-1
Specific Conductance, mhos/cm <u>umhos/cm</u>	Report	N/A	1/Week	Grab	EFF-1
Dissolved Oxygen, mg/l	Report	N/A	1/Week	Grab	EFF-1
<u>PH pH</u> , Standard Units	Report	1/Week	Grab	EFF-1	
Total Phosphorous (as P), mg/l	Report	N/A	1/Week	Grab	EFF-1

EFFLUENT CHARACTERISTIC	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS		
	Daily Maximum	Monthly Average	Measurement Frequency	Sample Type	Sample Point
Ortho-phosphate (as P), mg/l	Report	N/A	1/Week	Grab	EFF-1
Oil & Grease, mg/l	Report	N/A	1/Week	Grab	EFF-1
Total Ammonia (as N), mg/l	Report	N/A	1/Week	Grab	EFF-1
Un-ionized Ammonia, mg/l	Report See c below	N/A	1/Week	Calculation	EFF-1
Total Nitrogen (as N), mg/l	Report	N/A	1/Week	Grab	EFF-1
Nitrite (as N), mg/l	Report	N/A	1/Week	Grab	EFF-1
Nitrate (as N), mg/l	Report	N/A	1/Week	Grab	EFF-1
Total Recoverable Arsenic, mg/l	Report	Report	1/Week	Grab	EFF-1
Total Recoverable Cadmium, $\pm$ g/l <u>μg/l</u>	Report	Report	1/Week	Grab	EFF-1
Total Recoverable Chromium, $\pm$ g/l <u>μg/l</u>	Report	Report	1/Week	Grab	EFF-1
Total Recoverable Copper, $\pm$ g/l <u>μg/l</u>	Report	Report	1/Week	Grab	EFF-1
Total Recoverable Mercury, $\pm$ g/l <u>μg/l</u>	Report	Report	1/Week	Grab	EFF-1
Total Recoverable Zinc, $\pm$ g/l <u>μg/l</u>	Report	Report	1/Week	Grab	EFF-1
Total Recoverable Lead, $\pm$ g/l <u>μg/l</u>	Report	Report	1/Week	Grab	EFF-1
Total Recoverable Iron, mg/l	Report	Report	1/Week	Grab	EFF-1
Total Recoverable Selenium, $\pm$ g/l <u>μg/l</u>	Report	Report	1/Week	Grab	EFF-1
Total Hardness (as CaCO ₃), mg/l	Report	N/A	1/Week	Grab	EFF-1
Chlorides, mg/l	Report	N/A	1/Week	Grab	EFF-1
Sodium, mg/l	Report	N/A	1/Week	Grab	EFF-1
Total Sulfate, mg/l	Report	N/A	1/Week	Grab	EFF-1
Total Suspended Solids, mg/l	Report	N/A	1/Week	Grab	EFF-1
Total Dissolved Solids, mg/l	Report	N/A	1/Week	Grab	EFF-1
Turbidity, NTU's	Report	N/A	1/Week	Grab	EFF-1

Sample Point	Description of Monitoring Location
EFF-1	Nearest accessible point after final treatment, but prior to mixing with the receiving water.
EFF-1A	At the edge of a mixing zone in the Intake/ Canal which extends 400 meters from the spillway gates and <u>from</u> that point to the intake structure.

b. - f. No change.

g. Monitoring is required only when there is a discharge from Outfall D-001, except that during spillway gate testing. Internal monitoring (see i below) is required whether or not a discharge occurs.

h. ~~There shall be no discharge of floating solids or visible foam in other than trace amounts nor shall the effluent cause a visible sheen on the waterbody. There shall be no discharge of floating debris, scum, oil or other matter in such amounts as to form nuisances or produce color, odor, taste, turbidity or other conditions to such degree as to create a nuisance or otherwise interfere with the beneficial use of the receiving waters in accordance with F.A.C. 62-302.500(1)(a) and 62-302.530(500)(b). Any such discharges to waters of the state shall be reported to the Department when submitting DMR's.~~

i. The facility will sample at least once a year and/or prior to, but not more than two weeks before, releasing cooling pond water during a spillway gate test. This data shall be provided to the Southeast District Office upon request for review and will be reported on a DMR to be submitted in January following the discharge(s). The cooling pond shall be sampled near the spillway at mid-depth for all parameters listed in part III.A.7.a. above. If any of the above parameters approach within 10% of, excluding pH and temperature, reach 90% of the Class III fresh water criteria contained in Chapter 62-302 of the Florida Administrative Code the permittee shall operate the cooling pond intake pumps in such a manner to maximize recycling of the discharged water back to the cooling pond.

j. If any of the above parameters, excluding pH and temperature, reach 80% of the Class III fresh water criteria contained in Chapter 62-302 of the Florida Administrative Code the permittee shall notify the Department within 60 days of the sampling event and submit a ~~report~~ letter within 120 days documenting the facility's ability to comply with water quality standards.

k. The cooling pond discharge shall comply with the following requirements at the edge of the approved 400 meter mixing zone. Discharge temperature shall not be more than 5.0° F higher than the ambient (~~natural~~) temperature in the St. Lucie Canal and shall not exceed 92.0 ~~EF~~ °F. At all times and under all conditions of stream flow, the discharge temperature shall be controlled so that at least two-thirds (2/3) of the width of the discharge canal's surface remains at ambient (~~natural~~) temperature. Further, no more than one-quarter (1/4) of the cross-section of the discharge canal at a traverse perpendicular to the flow shall be heated by the discharge. All thermal limits shall apply at the edge of the approved mixing zone. The permittee shall operate in accordance with the thermal monitoring plan submitted to the EPA on November 23, 1993. A copy of the plan should be kept on site for inspection by the DEP.

1. Monitoring requirements for TRC are not applicable if chlorine has not been added to the non-contact cooling water systems of any electric generating unit or to the non-contact cooling water of any coal gasification facility during the previous 30 7 days.

8. The permittee is authorized to discharge from Outfalls D-002 and D-003 – Point Sources of Cooling Pond Seepage and Surface Runoff associated with industrial activity to the East Perimeter Ditch to the Plant Intake/Discharge Canal to St. Lucie Canal and to L-65 Canal respectively.

a. Such discharges shall be limited and monitored by the permittee as specified below:

	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS		
EFFLUENT CHARACTERISTIC	Daily Maximum	Monthly Average	Measuremen t Frequency	Sample Type	Sample Point
Flow, MGD	Report	Report	1/week	Totalizer	EFF-3, 4, 5
			1/year	Totalizer	EFF-6, 7
Temperature EF °F	92.0	N/A	2/Month	Grab	EFF-3, 4, 5
			1/Month	Grab	EFF-6, 7
Specific Conductance, mhos/cm <u>µhos/cm</u>	1275	N/A	1/Month	Grab	EFF-3, 4, 5
			1/Year	Grab	EFF-6, 7
Dissolved Oxygen, mg/l	5.0 Minimum	N/A	1/Month	Grab	EFF-3, 4, 5
			1/Year	Grab	EFF-6, 7
PH <u>pH</u> , Standard Units	See b. below		1/Month	Grab	EFF-3, 4, 5, 6, 7
Total Phosphorous (as P), mg/l	Report	N/A	1/Month	Grab	EFF-3, 4, 5
			1/Year	Grab	EFF-6, 7
Ortho-phosphate (as P), mg/l	Report	N/A	1/Month	Grab	EFF-3, 4, 5
			1/Year	Grab	EFF-6, 7
Oil & Grease, mg/l	5.0	N/A	1/Month	Grab	EFF-3,4, 5,
			1/Quarter	Grab	EFF- 6, 7
Total Ammonia (as N), mg/l	Report	N/A	1/Month	Grab	EFF-3, 4, 5
			1/Quarter	Grab	EFF-6, 7
Un-ionized Ammonia, mg/l	0.02 See I.A.2.h <u>See III.A.8.h.</u>	N/A	1/Month	Grab	EFF-3, 4, 5
			1/Month	Grab	EFF-6, 7
Total Nitrogen (as N), mg/l	Report	N/A	1/Month	Grab	EFF-3, 4, 5

			1/Year	Grab	EFF-6, 7
Nitrite (as N), mg/l	Report	N/A	1/Month	Grab	EFF-3, 4, 5
			1/Year	Grab	EFF-6, 7
Total Recoverable Arsenic, mg/l	0.05	N/A	1/Month	Grab	EFF-3, 4, 5
			1/6Months	Grab	EFF-6, 7
Total Recoverable Cadmium, µg/l	See footnote below ¹	N/A	1/Month	Grab	EFF-3, 4, 5
			1/6Months	Grab	EFF-6, 7
Total Recoverable Chromium, µg/l	See footnote below ¹	N/A	1/Month	Grab	EFF-3, 4, 5
			1/6 Months	Grab	EFF-6, 7
Total Recoverable Copper, µg/l	See footnote below ¹	N/A	1/Month	Grab	EFF-3, 4, 5
			1/6 Months	Grab	EFF-6, 7
Total Recoverable Mercury, µg/l	0.012	N/A	1/Month	Grab	EFF-3, 4, 5
			1/Year	Grab	EFF-6, 7
Total Recoverable Zinc, µg/l	See footnote below ¹	N/A	1/Month	Grab	EFF-3, 4, 5
			1/Year	Grab	EFF-6, 7
Total Recoverable Lead, µg/l	See footnote below ¹	N/A	1/Month	Grab	EFF-3, 4, 5
			1/Year	Grab	EFF-6, 7
Total Recoverable Iron, mg/l	1.0 4.8 4.8 1.0	N/A	1/Month	Grab	EFF-3, 4, 5 6
			1/Quarter	Grab	EFF-6, 7
Total Recoverable Selenium, µg/l	5.0	N/A	1/Month	Grab	EFF-3, 4, 5
			1/Quarter	Grab	EFF-6, 7
Total Hardness, mg/l as CaCO ₃	Report	N/A	1/Month	Grab	EFF-3, 4, 5
			1/6 Months	Grab	EFF-6, 7
Chlorides, mg/l	Report	N/A	1/Month	Grab	EFF-3, 4, 5
			1/Year	Grab	EFF-6, 7
Sodium, mg/l	Report	N/A	1/Month	Grab	EFF-3, 4, 5
			1/Year	Grab	EFF-6, 7
Total Sulfate, mg/l	Report	N/A	1/Month	Grab	EFF-3, 4, 5
			1/Year	Grab	EFF-6, 7
Total Suspended Solids, mg/l	100.0	N/A	1/Month	Grab	EFF-3, 4, 5,
			1/6 Months	Grab	EFF-6, 7
Total Dissolved Solids, mg/l	Report	N/A	1/Month	Grab	EFF-3, 4, 5
			1/Year	Grab	EFF-6, 7
Turbidity, NTU's	Report	N/A	1/Month	Grab	EFF-3, 4, 5
			1/Year	Grab	EFF-6, 7

1. Pursuant to 62-302.510(4) 530, Florida Administrative Code all metals shall be reported as the total recoverable fraction. The maximum values are calculated based on the total hardness of the receiving stream effluent.

a. The allowable daily maximum limit for cadmium shall be calculated as follows: $Cd \leq e^{(.07852[\ln H]-3.49)}$ µg/l.

b. The allowable daily maximum limit for copper shall be calculated as follows: $Cu \leq e^{(0.8545[\ln H]-1.465)}$ ~~g/l~~
μg/l.

c. The allowable daily maximum limit for lead shall be calculated as follows: $Pb \leq e^{(1.273[\ln H]-4.705)}$ ~~g/l~~
μg/l.

d. The allowable daily maximum limit for zinc shall be calculated as follows: $Zn \leq e^{(0.8473[\ln H]+0.7614)}$ ~~g/l~~
μg/l.

e. The allowable daily maximum limit for chromium shall be calculated as follows: $Cr \leq e^{(0.819[\ln H]-1.561)}$ ~~g/l~~
μg/l.

b. No change.

c. ~~There shall be no discharge of floating solids or visible foam in other than trace amounts nor shall the effluent cause a visible sheen on the waterbody. There shall be no discharge of floating debris, scum, oil or other matter in such amounts as to form nuisances or produce color, odor, taste, turbidity or other conditions to such degree as to create a nuisance or otherwise interfere with the beneficial use of the receiving waters in accordance with F.A.C. 62-302.500(1)(a) and 62-302.530(500)(b). Any such discharges to waters of the state shall be reported to the Department when submitting DMR's.~~

d. - e. No change.

f. For Outfall D-003, flow shall be a weekly totalized value from sumps 15 through 20 and 24 through 26. Temperature and pH shall be a summary of individual values from D-03D (sump 18 only), and D-03E (sump 25 only) when discharging to the Northwest Mitigation Area. ~~pH shall be a summary of individual values from D-03D (sump 18 only), and E sump 24 and combined discharge from sumps 25 and 26.~~ Additional monitoring shall be at sumps 18 and 25 with the exception of iron which will be monitored at sump 17 (when discharging) and sump 25. If sump 17 is not discharging sump 18 and 25 will be monitored. Flow data from each sump also shall be maintained in a form so that cumulative flow to D-03D (sum of sumps 15 through 20), and D-03E (sum of sumps 24 through 26) can be reported individually (monthly, quarterly, and annual basis), if so requested.

g. - i. No change.

9. The permittee is authorized to discharge from Internal Outfall I-004 – Units 1 and 2 Wastewater Treatment System Effluent (includes low volume wastes and nonchemical metal cleaning waste) to cooling Pond.

a. - c. No change

d. ~~There shall be no discharge of floating solids or visible foam in other than trace amounts nor shall the effluent cause a visible sheen on the waterbody.~~

e. d. In order to provide continued assurance that the Plant Waste Treatment System (PWTS), in conjunction with further treatment in the cooling pond, is providing equivalent treatment for total iron, total copper, and other pollutants in Nonchemical Metal Cleaning Waste (NCMCW), the permittee shall annually evaluate the treatment provided by the PWTS during a typical NCMCW treatment period. Each analysis shall be representative of one or more of the various NCMCW components (i.e. economizer hopper wash, dust collector wash, boiler fireside wash air preheater wash, or stack wash). Analyses shall include soluble and total copper, manganese, iron and zinc in the final effluent and the total quantity and average concentration of each of the above metals (both soluble and total) produced in the final effluent. Sampling, analysis and evaluation at internal points in the treatment process may be included at the permittee's discretion. Results shall be submitted annually, no later than December 31st of each year. In the event that the Department finds that the data do not support continuation of the equivalency determination, the Department may require additional testing or appropriately modify the permit.

Sample Point	Description of Monitoring Location
INT-8	Wastewater treatment system discharge prior to combination with any other waste stream or to the cooling pond.

10. No change.

11. The permittee is authorized to discharge from internal outfalls I-06A AND I-06B domestic waste treatment plant effluents to the Cooling Pond from Units 1 and 2 and from Units 3-6, respectively.

a. Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTIC	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS		
	Average	Single Sample	Measurement Frequency	Sample Type	Sample Point
Flow (MGD)	0.01 Annual Avg.	N/A	5 days/week	Flow meters	INT - 13
	0.005 Annual Avg.				INT - 14
5 Day Carbonaceous Biochemical Oxygen Demand, 20EC, (CBOD5), mg/l	20 Annual Avg. 25 Monthly Avg. 40 Weekly Avg.	60 Max	Monthly	Grab	INT- 13, 14
Total Suspended Solids, mg/l	20 Annual Avg. 30 Monthly Avg. 45 Weekly Avg.	60 Max	Monthly	Grab	INT- 13, 14
Fecal Coliform Bacteria	See condition e. below		Monthly	Grab	INT- 13, 14

EFFLUENT CHARACTERISTIC	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS		
	Average	Single Sample	Measurement Frequency	Sample Type	Sample Point
Total Residual Chlorine (TRC), mg/l	N/A	0.5 Min	5 days/week	Grab	INT- 13, 14
pH, Standard Units	See condition c below		5 days/week	Grab	INT- 13, 14

b. Additionally the influent to the sewage plant shall be monitored as specified below:

EFFLUENT CHARACTERISTIC	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS		
	Annual Average	Monthly Average	Measurement Frequency	Sample Type	Sample Point
Flow (MGD)	0.01	N/A	5 days/week	Elapsed time meter or pumps	INF- 1,2
5 Day Carbonaceous Biochemical Oxygen Demand, 20°C (CBOD5), mg/l	N/A	Report	Monthly	Grab	INF- 1, 2
Total Suspended Solids, mg/l	N/A	Report	Monthly	Grab	INF- 1, 2

Sample Point	Description Of Monitoring Location
INF- 1	Influent to sewage plant (For Units 1 and 2). The influent pump station of the newly constructed treatment plant.
INF- 2	Influent to sewage plant (For Units 3 and 4). The influent pump station of the treatment plant.
INT-13	Effluent holding tank after filtration in the treatment plant(for units 1 and 2).
INT-14	Effluent pipe to the cooling pond exiting from the existing treatment plant (for Units 3 and 4).

c. -j. No change.

k. The application to renew the domestic wastewater portion of ~~this the Industrial Wastewater~~ permit shall include a detailed operation and maintenance performance report prepared in accordance with Rule 62-600.735, F.A.C. [62-600.735(1), 12/24/96]

12. The permittee is authorized to discharge from Internal Outfall I-007- Combined Cycle Wastewater Treatment System Effluent (includes ~~only~~ combined cycle process wastewater and equipment area stormwater from simple cycle Units 8A and 8B) to cooling Pond.

a. - c. No change.

d. ~~There shall be no discharge of floating solids or visible foam in other than trace amounts.~~

e. d. Discharge of hydrazine in Heat Recovery Steam Generator (HRSG) blowdown and in plant lay-up waters is authorized without limitations or monitoring requirements.

f. e. There shall be no discharge of wastes from the coal gasification facilities via this outfall.

Sample Point	Description of Monitoring Location
INT-15	Wastewater treatment system effluent discharge prior to combination with any other waste stream discharge to the cooling pond.

13. The permittee is authorized to discharge from Internal OUTFALL I-008 - Metal Cleaning Waste Pretreatment Facility (Units 3-6 and A and B) effluent to the Cooling Pond via Internal Outfall I-007.

a. - e. No change.

f. Except for chemical cleaning operations in which CITRO-SOLV, EDTA or an equivalent cleaner is used and the Chemical Metal Cleaning Waste (CMCW) is burned in an operating unit, there shall be no discharge of CMCW to any waste stream which ultimately discharges to waters of the State.

After the initial use of each cleaning product (including CITRO-SOLV), the permittee shall determine the flow of CMCW produced and monitor the effluent for a range of heavy metals, including total and dissolved iron, copper, nickel, and zinc, prior to and during discharge. Samples shall be taken after final treatment but prior to mixing with any other waste stream. This is to assure that metals are not being discharged in excess of the guideline limitations and the previous equivalency determination.

This assessment shall occur once during the term of the Industrial Wastewater permit. Results shall be submitted with the next DMR following the month in which the analysis was conducted.

g. No change.

14. The permittee is authorized to discharge from Internal Outfall I-009 - Coal, Limestone and Sulfur Handling Area Runoff and Outfall I-010 - Slag Handling Storage Area Runoff (includes; Outfall I-011 - Slag Test Cell Leachate; and Outfall I-012 - Slag Test Cell Runoff) to the Cooling Pond.

a. Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTIC	DISCHARGE LIMITATIONS		Measurement Frequency	MONITORING REQUIREMENTS	
	Daily Maximum	Monthly Average		Sample Type	Sample Point
Flow, MGD	Report	N/A	1/Week	Recorder or calculation	INT-17, 18
Oil & Grease, mg/l	Report	N/A	1/Month	Grab	INT-17, 18
Total Suspended Solids, mg/l	50.0 ²¹	N/A	1/Week	Grab	INT-17, 18
pH, Std. Units	See item b. below.		1/Week	Grab	INT-17, 18

1 Applicable to any discharge up to the flow resulting from a 24-hr. rainfall event with a probable recurrence interval of once in ten years (10Y24H). However, this exclusion for rainfall in excess of the 10Y24H is applicable only if the individual pond (1) has no low-level discharge point which allows discharge during filling, and (2) volume is adequate to contain the total quantity of rainfall water equal to the 10Y24H on the total area (including the area of the pond itself) tributary to the pond using a run-off coefficient of 1.0 plus all accumulated silt. Records to demonstrate compliance with these requirements shall be maintained on site. Rainfall data shall be reported for any period(s) of discharge in excess of the 10Y24H if the exclusion is invoked.

b. - c. No change.

d. Not less than two years prior to the expected first receipt of coal on site or the last reapplication for this the Industrial Wastewater permit prior to expected first receipt of coal on site, whichever is earlier, the permittee shall submit a revised estimate of effluent characteristics for all rainfall related runoff and leachate sources included in part III.A.8-14., based on most recent information relating to specific coal gasification technology and coal supply planned for use at this site. Expected changes to cooling pond and seepage water (D-001, D-002 and D-003) characteristics from those presently estimated shall also be provided. Additional or revised limitations and/or monitoring requirements may be imposed for each runoff related waste source, treatment facility discharges, and/or Outfalls D-001, D-002, and/or D-003, subsequent to July 1, 2000 this submittal.

e. No change.

15. No change.

16. The water quality monitoring requirements above may be modified by ~~DER DEP~~ to resolve any conflicts with water quality monitoring requirements of the final NPDES Industrial Wastewater permit.

B. Exemptions and Mixing Zones

1. Exemptions. Pursuant to Rule ~~17-28-700(8)(h)~~ 62-520.520(8), F.A.C., the existing Martin cooling pond is exempt from secondary drinking water standards for chloride, sulfate and total dissolved solids.

2. **Mixing Zones.** A zone of mixing has been determined under the provisions of Rule ~~17-4.244~~ 62-4.244, F.A.C., for the parameters arsenic, copper, lead, mercury, zinc, iron and temperature. Upon commencement of operation of Unit 3, the zone of mixing shall commence at OSN 001 and extend a distance of 400 meters in the discharge canal. The named water quality parameters shall meet their appropriate criteria contained in Chapter ~~17-302~~ 62-302, F.A.C., at the boundary of the mixing zone.

Appropriate monitoring shall be conducted during periods of discharge and calculations submitted to ~~DER DEP~~ to ensure that parameters exceeding standards at the boundary of the mixing zone due to background conditions do not cause or contribute to new violations of standards in violation of Rule ~~17-302.300(5)~~ 62-302.300, F.A.C.

C. Ground Water

1. **Ground Water Monitoring Plan.** Within six months of issuance of the certification of the applicable phase, the Permittee shall develop and implement a new ground water monitoring plan: a) acceptable to ~~DER DEP~~; b) detailed according to the criteria of Rule ~~17-28.700(6)~~, 62-522.600, F.A.C., and c)-specifically addressing seepage from the cooling pond, the area expected to be affected by seepage, and leachate from the byproduct test cell and storage area. A zone of discharge is granted within the applicant's property.

2. **Sodium Exemption.** Upon demonstration via the approved monitoring program that relief for sodium is needed outside the permitted zone of discharge, FPL may obtain such relief upon a demonstration of compliance with all criteria of Rule ~~17-28.130(7)(b)~~ 62-520.500, F.A.C.

3. **Test Cell/Ground Water Leachate Study.** Within six months of issuance of the certification of the applicable phase, the Permittee shall develop a separate detailed ground water monitoring study acceptable to the Department that will definitively show, upon implementation, that the proposed slag management program (see pages 77 - 79 of the ~~DER DEP~~ Staff Analysis Report dated September 27, 1990) at the solid waste test cell area will or will not constitute a source of ground water pollution.

4. **Surface Water Monitoring.** The surface water monitoring program in Condition III.A.8. will include monitoring in the cooling pond for parameters discussed under secondary drinking water standards. This monitoring will satisfy the water quality characterization requirements under Rule ~~17-28.700(8)(e)~~ 62-520.520(8), F.A.C.

IV. SOUTH FLORIDA WATER MANAGEMENT DISTRICT

A. Legal/Administrative Conditions

1. General

a. - i. No change.

j. Enforcement. SFWMD may take any and all lawful actions to enforce any condition of this Certification that is based on the rules of that agency. Prior to initiating such action, SFWMD shall notify the Secretary of ~~DER~~ DEP of the proposed action. SFWMD shall seek modification of this Certification for any change in any activity resulting from SFWMD's enforcement of this Certification which change will have a duration longer than 60 days.

2. Processing of Informational Requests.

a. - d. No change.

e. Subsequent modifications to the drawings and supporting calculations submitted to the SFWMD which may alter the quantity and/or quality of waters discharged off site shall be made pursuant to Section 403.516, F.S., and Rule ~~17-17.211~~ 62-17.211, F.A.C. They shall also be submitted to SFWMD for a determination that the modifications are in compliance with the non-procedural provisions of Chapters 40E-2, 40E-3, 40E-4, and 40E-6, F.A.C., prior to the commencement of construction.

f. No change.

B. - E. No change.

V. CONTROL MEASURES DURING CONSTRUCTION

A. No change.

B. Environmental Control Program

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

C. Construction Dewatering Effluent

Should the Permittee's dewatering operation create shoaling in adjacent water bodies, the Permittee is responsible for removing such shoaling. All offsite discharges resulting from dewatering activities must be in compliance with water quality standards required by ~~DER~~ DEP.

Chapters ~~17-3, 17-4 and 17-302~~ 62-4 and 62-302, F.A.C., or such standards as issued through a variance by ~~DER~~ DEP.

VI. - IX. No change.

X. CHANGE IN DISCHARGE

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

XI. NONCOMPLIANCE NOTIFICATION

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

A. - B. No change.

XII. FACILITIES OPERATION

Unless granted an exception by a specific condition herein, Permittee shall at all times maintain in good working order and operate as efficiently as possible all of its treatment or control facilities or systems installed or used by the Permittee to achieve compliance with the terms and conditions of this certification. Such systems are not to be bypassed without prior notice to ~~DER's~~ DEP's Southeast District and approval, except where otherwise authorized by applicable regulations.

XIII. No change.

XIV. RIGHT OF ENTRY

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

A. - D. No change.

XV. No change.

XVI. CIVIL AND CRIMINAL LIABILITY

This certification does not relieve the Permittee from civil or criminal responsibility or liability for noncompliance with any conditions of this certification, applicable rules or regulation of ~~DER~~ DEP, 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 the Permittee from any responsibilities or penalties established pursuant to any other state statute or regulation.

XVII. - XIX. No change.

XX. 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 this certification or any National Pollutant Discharge Elimination System permit for the plant, ~~DER~~ DEP shall review all monitoring data, including groundwater quality monitoring data, that has been submitted to it or its agent(s) during the preceding five year period for the purpose of determining the extent of the Permittee's compliance with the conditions of this certification and the environmental impact of this facility. ~~DER~~ DEP shall submit the results of its review and recommendations to the Permittee. Such review will be repeated at least every five years thereafter.

XXI. MODIFICATION OF CONDITIONS

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

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

B. This certification shall be automatically modified to conform to any subsequent amendments, modifications, or renewals made by ~~DER~~ DEP under a federally delegated or approved program to any separately issued Prevention of Significant Deterioration (PSD) permit, Title V Air Permit, or National Pollutant Discharge Elimination (NPDES) permit for the certified facility. FPL shall send each party to the original certification proceedings (at the party's last known address as shown in the record of such proceeding) notice of requests submitted by FPL for modifications or renewals of the above listed permits if the request involves a relief mechanism (e.g., mixing zone, variance, etc.) from state standards, a relaxation of conditions included in the permit due to state permitting requirements, or the inclusion of less restrictive air emission limitations in the air permits. ~~DER~~ DEP shall notify all parties to the certification proceeding of any intent to modify conditions under this section prior to taking final agency action.

C. All other modifications shall be made in accordance with Section 403.516 F.S.

D. Replacement of any Portion of the gas pipeline, transmission lines, or access roads constructed under this certification necessitated by emergency conditions shall not be considered a modification. A verbal report of any such emergency shall be made to ~~DER~~ DER DEP as soon as possible. Within 14 calendar days after correction of an emergency which would require the Permittee to perform an activity not in accordance with the conditions of certification, a report to the ~~DER~~ DER DEP shall be made outlining the details of the emergency and the steps taken for its temporary relief. The report shall be a written description of all of the work performed and shall set forth any pollution control measures or mitigative measures which were utilized or are being utilized to prevent pollution of waters, harm to sensitive areas, or alteration of archaeological or historical resources.

XXII. - XXIV. No change.

XXV. ENFORCEMENT

A. The Secretary of ~~DER~~ DER DEP may take any and all lawful actions as he or she deems appropriate to enforce any condition of this certification.

B. SFWMD may take any and all lawful actions to enforce any condition of this certification that is based on the rules of that agency. Prior to initiating such action the agency head shall notify the Secretary of ~~DER~~ DER DEP of that agency's proposed action.

XXVI. No change.

XXVII. DESIGN AND PERFORMANCE CRITERIA

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

XXVIII. No change

XXIX. ROW DELINEATION AND COMPLIANCE VERIFICATION

At least 90 days prior to commencement of construction, three copies of blue line reproductions of aerial photographs of at least 1:400 scale shall be submitted to ~~DER~~ DER DEP and one copy to SFWMD delineating the ROW routes selected, boundaries, preliminary pole and pad locations, and access roads. The Permittee shall notify all parties of such filing. These

photographs shall be submitted prior to commencement of construction of the various segments of the linear facility; it is recommended that this information be submitted in segments rather than waiting until the entire ROW is acquired. ~~DER~~ DEP, SFWMD, 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 Permittee'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 ~~DER~~ DEP or any substantially affected party has reason to believe that the construction of the linear facility and access roads within the Permittee's designated ROW cannot be accomplished in compliance with the conditions of certification, the Permittee shall be so notified in writing. Failure of such a notice to be served on Permittee within 30 days from the notice of filing of the various segments in the aerial photographs with ~~DER~~ DEP constitutes acknowledgment that construction of the linear facility and access roads can be accomplished in compliance with the conditions of certification within the designated ROW or the various segments of ROW submitted for review.

The acquisition of a particular ROW or the expenditure of funds toward acquisition of a particular ROW prior to post certification review pursuant to these conditions will be at the Permittee's risk, and no party will be estopped by such acquisition to seek disapproval of the linear facility or access roads within the designated ROW in accordance with these conditions of certification.

XXX. - XXXI. No change.

XXXII. TRANSMISSION AND PIPELINE ROWs

A. Construction

1. - 2. No change.

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

4. Prior to clearing activities within any of the ROWs associated with the various linear facilities, an ecological survey shall be conducted to identify the presence of threatened or endangered species (plants and animals) as defined in the Application, likely to occur in the ROW based on range and habitat. This survey shall also identify the location of any wading bird colonies. Results of this survey shall be submitted to ~~DER~~ DEP and the ~~Florida Game and Freshwater Fish Commission (FGFWFC)~~ Florida Fish and Wildlife Conservation Commission (FFWCC) and the United States Fish and Wildlife Service (USFWS). If any clearing activity will take place in or otherwise adversely affect jurisdictional wetlands, survey

results will also be submitted to the SFWMD. If it is determined that any of those species will be affected by the construction of any of the linear facilities, the Permittee shall consult with ~~DER~~ DEP and ~~FGFWFC~~ FFWCC to determine the appropriate steps to be taken to avoid, minimize, mitigate or otherwise appropriately deal with, any adverse impacts to resources within each agency's respective jurisdiction.

5. No change.

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

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

a. - d. No change.

8. M/C plans must be found to fully compensate for the functions and values provided by wetlands that will be degraded or eliminated. ~~DER~~ DEP and SFWMD will work with the Permittee in the development of acceptable mitigation plans. The mitigation plans proposed by the Permittee shall be submitted for review and compliance monitoring to ~~DER~~ DEP and SFWMD and such review shall be subject to the time constraints set forth in specific Conditions XXXII. 9 below and IV.A.2 above, as appropriate.

9. For all construction activities in waters of the state where ~~DER~~ DEP has wetland resource protection jurisdiction pursuant to Chapter 403, F.S., the Permittee shall file with ~~DER's~~ DEP's Office of Siting Coordination and Bureau of Wetland Resource Management Bureau of Submerged Lands and Environmental Resources the information described in F.A.C. Rule ~~17-17.665~~ 62-17.665 and ~~DER-DEP~~ Form 17-1.212(1), Section 3.2.2.

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

b. Within 90 days of filing complete and sufficient information, ~~DER~~ DEP shall determine whether there is reasonable assurance of compliance with applicable substantive agency regulations as required by the conditions of certification if the plans are executed as filed. If it is determined that reasonable assurance has not been provided, the Permittee shall be notified with particularity and possible corrective measures suggested. Failure to notify Permittee in writing within 60 days of receipt of a sufficient information submittal shall constitute a compliance verification.

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

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

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

a. - c. No change.

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

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

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

14. No change.

15. The Permittee shall develop a water quality monitoring program to measure the turbidity generated by construction in all open waters to be crossed by the proposed natural gas pipeline. This program shall be developed in coordination with ~~DER's~~ DEP's Bureau

of Wetland Resource Management Bureau of Submerged Lands and Environmental Resources and approved by DER DEP prior to the commencement of construction.

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

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

18. No change.

19. No dewatering operation shall be allowed unless the Permittee can provide reasonable assurances to DER DEP or SFWMD that no unauthorized, adverse, off site water resource impacts will occur as a result of the dewatering operation.

B. Operation

1. No change.

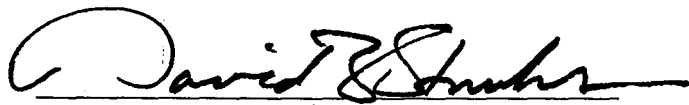
2. Only EPA approved herbicides may be used in waters of the state, or the use of other herbicides in any areas of the ROW, shall only be allowed with the concurrence of DER DEP.

XXXIII. - XXXVIII. No change.

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

DONE AND ENTERED this 15 day of June 2000, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

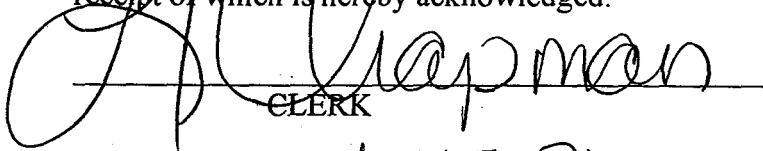


DAVID B. STRUHS, SECRETARY

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Tallahassee, Florida 32399-3000
Telephone: (850) 488-1554

FILING AND ACKNOWLEDGMENT:

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


CLERK

6-15-01

DATE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Final Order Modifying Conditions of Certification was mailed to the following on this 18th day of June 2001.

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**STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION**


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