

**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

IN RE: TAMPA ELECTRIC COMPANY	)	
POLK POWER STATION PA92-32	)	DEP CASE NO. PA 92-32D
MODIFICATION OF CONDITIONS	)	OGC NO. 01- 1294
OF CERTIFICATION	)	
POLK COUNTY, FLORIDA.	)	
	)	

**FINAL ORDER
MODIFYING CONDITIONS OF CERTIFICATION**

On January 27, 1994, the Governor and Cabinet, sitting as the Siting Board, issued a final order approving certification for the Tampa Electric Company (TEC) Polk Power Station site. That certification order approved the construction and operation of a 260 MW (net) first phase of an ultimate 1150 MW capacity integrated coal gasification combined cycle (IGCC) power plant and associated facilities in Polk County, Florida. Certification was subsequently modified on February 22, 1995, on August 16, 2000, and on January 3, 2001.

On November 17, 2000, PSD permit PSD-FL-194E was issued, amending a previous version of the PSD permit. This amendment allows TEC to fire syngas from the gasification of fuel blends and bituminous coal in Unit 1. These actions result in the requirement that the Department make certain modifications to conform the Conditions of Certification for the above referenced facility to the revised PSD permit. Additionally, the Department proposes that the conditions should be updated to reflect current agency names and current rule citations.

On August 8, 2001, 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 a copy of this proposed final order, and copies of the proposed modifications were made available for public review. On August 17, 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 are 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 modifications shall be issued by the Department. If objections are raised and agreement cannot be subsequently reached, then pursuant to §403.516(1)(c), F.S., the applicant 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 objection,

IT IS ORDERED:

The proposed changes to the Conditions of Certification for the Tampa Electric Company Polk Power Station are **APPROVED**. Pursuant to section 403.516(1)(b), F.S., the Conditions of Certification for the TEC Polk Power Station are **MODIFIED** as follows:

I. GENERAL

A. Definitions

1. through 5. No change.

6. "FFWCC" ~~"GFWFC"~~ shall mean the Florida ~~Game and Fresh Water Fish~~ and Wildlife Conservation Commission.

7. through 12. No change.

B. No change.

II. No change.

III. GENERAL CONDITIONS

A. through B. No change.

C. Safety

1. 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 Florida Department of Labor and Employment Security, Division of Safety will also be complied with.~~

2. No change.

D. through H. No change.

IV. through XII. No change.

XIII. AIR

The construction and operation of Polk Power Station (Project) shall be in accordance with all applicable provisions of Chapter 62, F.A.C., and PSD Permit PSD-FL-194.

A. Phase I Construction and Operation

1. Unit When Firing Syngas or Fuel Oil

a. General

No change to section text.

b. through e. No change.

f. Fuel Consumption

Solid fuels input to the solid fuel gasification plant shall consist of coal or coal/petroleum coke blends containing a maximum of 60.0 percent petroleum coke by weight. The maximum coal input of solid fuels to the solid fuel gasification plant shall not exceed 2,325 tons per day, on a dry basis. The maximum weight of the petroleum coke blended shall not exceed 1,395 tons per day, on a dry basis. The maximum sulfur content of the blended fuel ~~weight of the petroleum coke blended~~ shall not exceed 3.5 percent by weight.

g. Fugitive Dust

Fugitive dust emissions during the construction period shall be minimized by covering or watering dust generation areas. Particulate matter emissions from the coal handling of solid fuels equipment shall be controlled by enclosing all solid fuel coal storage, conveyors, and conveyor transfer points. Fugitive emissions shall be tested as specified in Condition No. XIII.A.1.j. Water sprays or chemical wetting agents and stabilizers shall be applied to uncovered storage piles, roads, handling equipment, etc., during dry periods and, as necessary, to all facilities to maintain an opacity of less than or equal to five percent.

h. Emission Limits

(1) The maximum allowable emissions from the IGCC combustion turbine, when firing syngas and low sulfur fuel oil, in accordance with the BACT determination, shall not exceed the following:

EMISSIONS LIMITATIONS - 7F CT POST DEMONSTRATION PERIOD				
POLLUTANT	FUEL	BASIS _a	LB/HR*	TPY _b
NO _x	Oil	42 ppmvd**	311	N/A
	Syngas	225 ppmvd	2220.25	11,032.9
VOC ^c	Oil	0.028	32 lb/MMBtu	N/A
	Syngas	00.0017	33 lb/MMBtu	338.5
CO	Oil	40 ppmvd	99	N/A
	Syngas	225 ppmvd	98	430.1
PM/PM ₁₀ ^d	Oil	0.009 lb/MMBtu	17	N/A
	Syngas	00.013 lb/MMBtu	117	774.5
Pb	Oil	5.30E-5 lb/MMBtu	0.101	N/A
	Syngas	22.41E-6 lb/MMBtu	00.0035	00.067
SO ₂	Oil	0.048 lb/MMBtu	92.2	N/A
	Syngas	00.17 lb/MMBtu	3357	11563.7
Visible Emissions	Syngas	10 percent opacity		
	Oil	20 percent opacity		

(*) Emission limitations in lbs./hr are 30-day rolling averages. 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 120 days after the Siting Board approval of the site certification. Subject to approval by the Department, the manufacturer's curves may be used to establish pollutant emission rates over a range of temperatures for the purpose of compliance determination.

(**) The emission limit for NO_x is adjusted as follows for higher fuel-bound nitrogen contents up to a maximum of 0.030 percent by weight:

FUEL-BOUND NITROGEN

(% by weight)

0.015 or less

0.020

0.025

0.030

NO_x EMISSION LEVELS(ppmvd @ 15% O₂)

42

44

46

48

using the formula $STD = 0.0042 + F$ where:

STD = allowable NO_x emissions (% by volume at 15% O₂ and on a dry basis).

F = NO_x emission allowance for FBN defined by the following table:

FUEL BOUND NITROGEN

(% by weight)

0 < N < 0.015

0.015 < N < 0.03

F (NO_x % by volume)

0

0.04 (N-0.015)

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

NO_x emissions are preliminary for the fuel oil specified in Condition XIII.A.1.d. The Permittee shall submit fuel bound nitrogen content data for the low sulfur fuel oil prior to commercial operation to the Bureau of Air Regulation in Tallahassee, and on each occasion that fuel oil is transferred to the storage tanks from any other source to the Southwest District office in Tampa. The percent FBN (Z) following each delivery of fuel shall be determined by the following equation:

$$x(Y) + m(n) = (x+m) (Z)$$

where x = amount fuel in storage tank

Yy = % FBN in storage tank

m = amount fuel added

n = % FBN of fuel added

Z = % FBN of composite

(a) Syngas lb/MMBtu values based on heat input (HHV) to solid fuel coal gasifier and includes emissions from H₂SO₄ plant thermal oxidizer. Pollutant concentrations in ppmvd are corrected to 15 percent oxygen.

(b) Annual emission limits (TPY) based on 10 percent annual capacity factor firing fuel oil. [Load (%) / 100] x hours of operation $\leq$ 876 for oil.

(c) Exclusive of background concentrations.

(d) Excluding sulfuric acid mist.

(2) through (7) No Change

(8) The Permittee shall maintain and submit to the Department on an annual basis for a period of five years from the date the unit begins firing syngas produced from blends of petroleum coke and coal, CEMS data demonstrating that the operational changes did not result in a significant emissions increase of nitrogen oxides when compared to the past actual coal levels. The CEMS data shall be of the periods when the unit is burning syngas produced from petcoke/coal blends containing a maximum amount of petcoke of up to 60 percent, by weight.

(9) The Permittee shall maintain and submit to the Department on an annual basis for a period of five years from the date the unit begins firing syngas produced from blends of petroleum coke and coal, CEMS data demonstrating that the operational changes did not result in a significant emissions increase of sulfur dioxide when compared to the past actual coal levels. The CEMS data shall be of the periods when the unit is burning syngas produced from petcoke/coal blends containing a maximum amount of petcoke of up to 60 percent, by weight.

(10) The Permittee shall maintain and submit to the Department on an annual basis for a period of five years from the date the unit begins firing syngas produced from blends of petroleum coke and coal, test results demonstrating that the operational changes did not result in a significant emissions increase of sulfuric acid mist when compared to the past actual coal levels. The sulfuric acid mist emissions shall be based on test results using EPA Method 8. The test shall be conducted when the unit is burning syngas produced from petcoke/coal blends containing a maximum amount of petcoke of up to 60 percent, by weight.

- i. No Change
- j. Performance Testing

Initial (I) compliance tests shall be performed on the turbine using both fuels and on the auxiliary boiler using fuel oil. The stack test for the turbine and the auxiliary boiler shall be performed with the sources operating at capacity (maximum heat rate input for the tested operating temperature). Capacity is defined as 90 to 100 percent of rated capacity. If it is impracticable to test at capacity, 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 (15) 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 the turbine and the auxiliary boiler with the fuel(s) used for more than 400 hours in the preceding 12-month period. Tests for the applicable emission limitations shall be conducted using EPA reference methods in accordance with 40 CFR 60, Appendix A, as adopted by reference in Rule 62-297, F.A.C., and the requirements of 40 CFR 75:

(1) Combustion Turbine

(a) through (j) No Change

(k) The owner or operator shall determine compliance with the solid fuel sulfur content standard of 3.5 percent, by weight, as follows: using appropriate ASTM methods such as, ASTM D2013-72, ASTM D3177-75, and ASTM D4239-85, or latest ASTM edition methods. (1, A)

(2) No Change

k. No Change

l. Monitoring Requirements

(1) IGCC Combustion Turbine

A continuous emission monitoring system (CEMS) shall be installed, operated, and maintained in accordance with 40 CFR 60, Appendix F, for the combined cycle unit to monitor nitrogen oxides and a diluent gas (CO₂ or O₂). The applicant shall request that this condition of certification be amended to reflect the Federal Acid Rain Program requirements of 40 CFR 75, if applicable, when those requirements become effective within the state.

(a) No Change

(b) CEMS data shall be recorded and reported in accordance with Chapter 62-297 ~~17-297.500~~, F.A.C., 40 CFR 60, and 40 CFR 75. The record shall include periods of startup, shutdown, and malfunction.

(c) through (e) No Change

(2) No Change

m. Notification, Reporting and Recordkeeping

To determine compliance with the syngas and fuel oil firing heat input limitation, the Permittee shall maintain daily records of syngas and fuel oil consumption for the turbine and the heating value for each fuel. All records shall be maintained for a minimum of five (5) ~~two (2)~~ years after the date of each record and shall be made available to representatives of the Department upon request.

Documentation verifying that the coal/petroleum coke blends input to the solid fuel gasification system have not exceeded the 60.0 percent (1,395 tons per day) maximum petroleum coke by weight limit and the blended fuel sulfur content of 3.5 percent by weight limit specified by Condition XIII.A.1.f, shall be maintained and submitted to the Department's Southwest District Office with each annual report.

The Permittee shall maintain and submit to the Department, on an annual basis for a period of five years from the date the unit begin firing syngas produced from blends of petroleum coke and coal, data demonstrating that the operational change associated with the use of petroleum coke did not result in a significant emission increase pursuant to Rule 62-210.200(12)(d), F.A.C.

n. through q. No Change

2. No Change

B. No Change

XIV. No Change

XV. DOMESTIC WASTEWATER

A. No Change

B. In order to obtain approval to construct a domestic wastewater treatment facility (DWT), the following forms, reports, plans and data, 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 twenty (120) days prior to proposed date for commencement of construction of that system:

1. DEP DER Form 62-604.300(7)(a), Application to Construct Domestic Wastewater Collection System, with supporting documents.
2. DEP DER Forms 62-620.910(1) and (2), Wastewater Permit Application Form 1, General Information, and Application Form 2A, Permit for Domestic Wastewater Treatment and Reuse or Disposal Facility, with documentation.
3. DEP DER Form 62-640.210(2)(a), Agricultural Use Plan, with documentation.

4. No Change

C. through F. No Change

G. The discharge from the chlorine contact chamber shall be sampled in accordance with Chapter 62-601, F.A.C., and shall meet the following limitations:

TYPE					
PARAMETER	UNIT	MINIMUM	MAXIMUM	SAMPLE	FREQUENCY
Permitted Capacity (flow)	mgd	0.000	0.0105		Daily, 5/wk
pH	STD UN	6.00	8.50	grab	Daily, 5/wk
CBOD ₅ * & Total Suspended Solids*	mg/L	0	20 annual avg. ----- 60 any one sample	grab	Monthly
Nitrate (as N)	mg/L	0	12	grab	Monthly
Cl ₂ residual	mg/L	0.5	--	grab	Daily, 5/wk

TYPE					
PARAMETER	UNIT	MINIMUM	MAXIMUM	SAMPLE	FREQUENCY
Fecal coliform	# / 100	0	200 annual avg. ----- 200 monthly avg.	grab	Monthly

* Influent shall be monitored and each sampling shall be reported on a monthly basis [Rule 62-601.300(1), F.A.C.]

The results shall be reported monthly on DEP ~~DER~~ Form 62-601.900(1).

H. through P. No Change

XVI. through XVII. No Change

XVIII. GROUND WATER

A. through D. No Change

E. Monitoring

1. through 5. No change.

6. Ground water sampling shall be reported on the Monitoring Report Forms [DEP ~~DER~~ Form 62-522.900(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 along with the DEP Parameter Monitoring Report Forms described above.

7. through 9. No change.

F. through I. No change.

XIX. through XXV. No change.

XXVI. SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

A. Water Use Permitting Conditions

1. through 16. No change.

17. Water quality samples shall be collected and analyzed, for the 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, TEC shall indicate the reason for not sampling on the water quality data form. Water quality samples shall be analyzed by a Department of Health and ~~Rehabilitative Services (DOH)~~ ~~(DHRS)~~ certified laboratory under Environmental Laboratory Certification General Category "1". At a minimum, water quality samples shall be collected after pumping the well at its normal rate for a pumping time specified in the table below, or to a constant temperature, pH, and conductivity. In addition, TEC'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 SWFWMD Permitting Department Director, Resource Regulation. Reports of the analyses shall be submitted to the Permits Data Section (using SWFWMD forms) on or before the tenth (10th) day of the following month, and shall include the signature of an authorized representative and the certification number of the certified laboratory which undertook the analysis. The parameters and frequency of sampling and analysis may be modified by the SWFWMD Permitting Department Director, Resource Regulation, as necessary to ensure the protection of the resource.

SWFWMD ID NO	TEC ID NO	MINIMUM PUMPING TIME (MINUTES)	PARAMETER	SAMPLING FREQUENCY
1	P1	45 minutes	Chlorides, Sulfates, TDS	Feb., May, Aug., & Nov.

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

Quarterly Same week of months specified

Analyses shall be performed according to procedures outlined in the current edition of Standard Methods for Examination of Water and Wastewater, {note: underlining in original conditions} by the American Public Health Association - American Water Works Association - Water Pollution Control Federation (APHA - AWWA - WPCF) or Methods of Chemical Analyses of Water and Wastes, {note: underlining in original conditions} by the U.S. Environmental Protection Agency.

18. During drilling of SWFWMD ID Nos. 1 and 4, TEC ID Nos. P1 and P4, 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 SWFWMD 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. TEC'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 (30) days of sampling, and shall include the signature of an authorized representative and the certification number of the Department of Health and ~~Rehabilitative Services~~ (DOH) (~~DHRS~~) certified laboratory under Environmental Laboratory Certification General Category "1" which undertook the analysis.

Analyses shall be performed according to procedures outlined in the current edition of Standard Methods for the Examination of Water and Wastewater, {note: underlining in original conditions} by the ~~American Public Health Association - American Water Works Association - Water Pollution Control Federation~~ (APHA - AWWA - WPCF) or Methods for Chemical Analyses of Water and Wastes, {note: underlining in original conditions} by the U.S. Environmental Protection Agency.

19. through 27. No change.

B. Surface Water Management

1. TEC 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 Ceonditions of Ceertification and the rules of Chapter 40D-4, F.A.C., in effect at the time of post-certification submittals. The TEC 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, Bartow Service Office, 170 Century Boulevard, Bartow, Florida 33830. If SWFWMD staff does not issue a written request within thirty (30) days of receipt of the information, the information will be deemed to be complete and sufficient. Within ninety (90) days of the determination by SWFWMD staff that the additional information is complete and sufficient, the SWFWMD shall determine and notify the TEC 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 SWFWMD 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 ~~conditions of certification~~, either in writing or by failure to notify the TEC in writing.

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

- a. No change.
- b. At least one hundred twenty days (120) days prior to the commencement of construction of any portion or phase of the project which may obstruct, divert, control, or impound waters of the state, 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 ~~conditions of certification~~, as appropriate. "Construction" activities for which such review is required shall include those activities as defined in Rule 40D-4.021(13), F.A.C., and includes, but is not limited to, installation of all surface water and storm water management facilities, the placement of structure pads, dredging and filling, the installation of access/maintenance roads and culverts and fill materials, and related activities in circumstances where a permit from the SWFWMD would ordinarily be required. The TEC will 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 storm water management systems. This information shall be sufficiently provided 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 conditions of certification.

(1) For all construction activities resulting in and adjacent to wetlands, the following information shall be provided as a minimum:

(a) (1) 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.

(b) (2) Provide a numbering system for all on-site wetlands (including 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 DEP.

(c) (3) 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.

(d) (4) Submit a sufficiently comprehensive wetland mitigation/compensation plan to provide reasonable assurance of the successful replacement of the proposed impact wetlands values and functions. 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, slopes, and schedules for wetlands compensation, grading, mulching, planting of the mitigation areas, etc.

(e) (5) 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.

(2) For all construction activities related to linear facilities, the following information shall be provided as a minimum:

(a) (1) A centerline profile of existing topographic features along the proposed linear facilities corridor(s) sufficient to show contours, drainage patterns, and wetland limits;

(b) (2) Construction plans and designs of the proposed access/maintenance and finger road(s) with elevations, dimensions, and wetland limits shown;

(c) (3) Typical cross-sections of the proposed access/maintenance and finger road(s);

(d) (4) Cross-section(s) of each wetland, stream or creek at the points to be crossed by the access/maintenance and finger road(s) or other construction;

(e) (5) Specifications showing the location of each linear facility structure, finger and maintenance/access road, and culvert to be constructed, including all areas to be filled or excavated;

(f) (6) 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; and,

(g) (7) 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.

2. through 45. No change.

XXVII. No change.

XXVIII. FLORIDA GAME AND FRESH WATER FISH AND WILDLIFE
CONSERVATION COMMISSION

A. No change.

B. During the final phases of the reclamation of portions of the Polk Power Station site intended to function as habitat, TEC will develop, with Florida Fish and Wildlife Conservation Game and Fresh Water Fish Commission input, a wildlife habitat and management plan. Where appropriate, TEC will incorporate best management practices from the Florida Fish and Wildlife Conservation Game and Fresh Water Fish Commission publication Habitat Reclamation Guidelines: A Series of Recommendations for Fish and Wildlife Habitat

Enhancement on Phosphate Mined Lands and Other Disturbed Areas, April, 1985.[Note: underlining from original conditions.]

C. Reclamation success and wildlife utilization of the site should be monitored on a routine basis as proposed in the site certification application. In addition, the Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission will encourage TEC to provide reasonable access to local Audubon chapters and other conservation groups who may desire to conduct annual bird counts, nesting surveys or other studies of fish and wildlife habitat values.

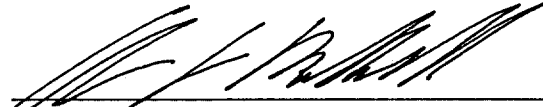
D. Prior to construction of the proposed facility or installation of any associated linear facility, wildlife surveys shall be conducted for the presence of listed species (endangered, threatened, or species of special concern). The results of these surveys shall be presented to the Florida Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission and the United States Fish and Wildlife Service. TEC shall consult with the Florida Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission and the United States 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. through XXXI. No Change

Any party who is adversely affected by this Final Order has the right to seek judicial review of this Final Order pursuant to Section 120.68, Florida Statutes, by Filing a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department of Environmental Protection in the Office of General Counsel, M.S. 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, and by filing a copy of the Notice of Appeal, accompanied by the applicable filing fees, 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 Department of Environmental Protection.

DONE AND ENTERED this 14th day of November 2001, in Tallahassee, Florida.

**STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION**

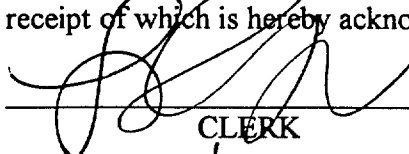


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FILING AND ACKNOWLEDGMENT:

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



CLERK
11/15/01

DATE

Certificate of Service

I hereby certify that a copy of the above Final Order Modifying Conditions of Certification was sent to the following parties by United States Mail this 16 day of September, 2001.

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