



Florida Department of Environmental Protection

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Secretary

November 1, 2011

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Paul L. Carpinone, Director
Environmental, Health & Safety
Tampa Electric Company
POB 111
Tampa, FL 33601-0111

RE: TECO Polk Power Station
Modification to Conditions of Certification
DEP Case Number PA 92-32M
OGC Case Number 11-0604

FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Mr. Carpinone:

On January 27, 1994, the Florida Siting Board issued a Site Certification to Tampa Electric Company (TEC) for the construction and operation of the Polk Power Station (PPS) in Polk County. The Department of Environmental Protection (Department) has modified the Conditions of Certification (Conditions) for PPS by Final Order on twelve other occasions.

The Department has reviewed TEC's petition dated April 8, 2011 for a modification to PPS's Conditions pursuant to Section 403.516(1)(c), Florida Statutes ("F.S."), for the proposed construction and operation of Polk Power Station Reclaimed Water Pipeline at the existing PPS and within the certified corridor in Polk County, Florida. The Department has also considered the after-the-fact submittal of information regarding TEC's replacement of the existing domestic waste water treatment system with a septic system. Additionally, the Department has considered modifications pursuant to 403.516(1)(c), F.S., to incorporate updates and clarifications to the existing general conditions consistent with recent site certifications and to delete certain obsolete conditions related to mine reclamation.

On September 14 2011, all parties to the certification proceeding were provided notice by certified mail of the Department's intent to modify the Conditions for the PPS, along with a draft copy of the proposed order modifying the Conditions. On September 23, 2011, notice of the Department's intent to modify PPS's Conditions was also published in the Florida Administrative Weekly (FAW).

Pursuant to Section 403.516, F.S., and Rule 62-17.211, Florida Administrative Code (F.A.C.), all parties to the certification proceeding have **45 days** from the issuance of notice by mail to such party's last address of record in which to file a written objection to the modification. Pursuant to Section 403.516, F.S., and Rule 62-17.211, Florida Administrative Code (F.A.C.), any person who is not already a party to the certification proceeding and whose substantial interests will be affected by the requested modification has **30 days** from the date of publication of the public notice in the FAW to object in writing. Failure to act within the 30 day time frame constitutes a waiver of the right to become a party. The Department will issue an order modifying the Conditions for this facility if no written objections are received by the Department.

To date, these timeframes have expired and no objections to the modification have been received by the Department. Therefore, the Conditions for PPS are hereby modified as follows:

- **The word 'permittee' has been globally replaced with 'Licensee'.**
- **The following are Modifications associated with the petition for the reclaimed water pipeline corridor which will shrink to a Right of Way (ROW)**

~~XVIII.~~(Now located within Section B) **I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

DC. Ground Water

1. Specific Conditions

a. TEC shall submit a Ground Water Monitoring Plan (Attachment C) within one hundred eighty (180) days of certification of the application. TEC shall propose monitor well locations, for Department approval, that will provide reasonable assurance that contamination to ground waters of the state that may potentially occur will be detected. These monitor well locations shall be located so that each disposal site as well as the facility will be monitored in the unconfined, upper intermediate, lower intermediate and upper Floridan aquifer system as defined by Florida Geological Survey Bulletin No. 59 and as discussed in the SCA. A ground water monitoring plan shall be prepared by TEC for submittal to the Department prior to construction of any solid waste disposal unit. The ground water monitoring plan shall include, at a minimum, the equivalent to the requirements of Chapter 62-701.510, F.A.C. Detection monitoring wells shall be screened at the base of the surficial aquifer system, specifically no deeper than the base of the Bone Valley Member as defined in FGS Bulletin No. 59. If the surficial aquifer is present within 100 feet laterally of the edge of the Solid Waste Disposal Area (SWDA), one additional well shall be located down gradient from the SWDA.

b. Construction on the monitoring system to implement the Ground Water Monitoring Plan shall be completed at least sixty (60) days prior to start of commercial operation in accordance with Rules 62-520.600 and 62-522.600, F.A.C.

c. Operation of the facility shall not commence without a written notice from the DEP's Technical Support Section that the installation of the monitor wells and water quality analyses have been approved and reviewed by the Technical Support Section.

2. Ground Water Monitoring Plan

At a minimum the Ground Water Monitoring Plan shall include or address the following, under the indicated section, and shall become effective upon written approval from the Technical Support Section of the Department's Southwest District office:

a. This Ground Water Monitoring Plan is designed for the monitoring of the following sites (as defined in ~~Rule 62-520.200(17).600~~, F.A.C.): the Cooling Water Pond and the Brine Storage Area where the outward facing portion of the pond berms define each respective site boundary. The Zone of Discharge (as defined in ~~Rule 62-520.200(23).600~~, F.A.C.), for each site, shall be horizontally located 100 feet from the disposal site boundary, pursuant to Rule 62-522.410(2)(a), F.A.C., and vertically extend to the base of the surficial aquifer system, specifically no deeper than the base of the Bone Valley Member as defined in FGS Bulletin No. 59.

b. The Ground Water Monitoring System shall be designed and constructed by the ~~Permittee~~ Licensee 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.

c. Upon approval, TEC shall comply with the Ground Water Monitoring Plan.

3. Location Map

Within ninety (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 (2) copies of the certified drawing shall be sent to the DEP's Technical Support Section, Southwest District office.

4. Well Information

Within ninety (90) days of completion of construction of each monitor well, the ~~Permittee~~ Licensee 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 Application to Construct a Well, SWFWMD Form SF 306(3) Rev. 9/92~~ A copy of the Florida Water Management District (WMD), State of Florida Permit Application to Construct, Repair, Modify or Abandon a Well, Form LEG-R.040.00, and;

c. ~~A copy of the SWFWMD Well Completion Report, SWFWMD Form 25-18-3/90~~ A copy of the WMD Well Completion Report, Form LEG-R.005.01.

[62-520.600(6)(j)]

d. The information shall be sent to the Technical Support Section, Southwest District office, Department of Environmental Protection, 3804 Coconut Palm Drive, Tampa, Florida 33619-8318 13051 North Telecom Parkway, Temple Terrace, FL 33637.

5. Monitoring

a. Within sixty (60) days of completion of construction of the Ground Water Monitoring System and every five (5) years thereafter, the ~~Permittee~~ Licensee shall sample all new ground water monitor wells for the Primary and Secondary Drinking Water parameters included in Chapter 62-550, F.A.C., Public Drinking Water Systems, (excluding asbestos, acrylamide, Dioxin, butachlor, epichlorohydrin, pesticides, and PCBs, unless reasonably expected to be a constituent of the discharge or an artifact of the site) and Fecal Coliform and EPA Methods 601 and 602. The results shall be sent to the DEP's Technical Support Section. First test results shall determine background In addition, volatile organics and extractable semivolatile organics shall be analyzed.

b. Within six (6) months of startup for any new facilities certified through supplemental proceedings and at least every five (5) years thereafter the ~~Permittee~~ Licensee shall provide a waste stream characterization for the cooling water pond. The waste streams shall be analyzed for the Primary and Secondary Drinking Water ~~Standards~~ (parameters included in Rule Chapter 62-550, F.A.C.) Public Drinking Water Systems (excluding asbestos, acrylamide, Dioxin, butachlor, epichlorohydrin, pesticides, and PCBs, unless reasonably expected to be a constituent of the discharge or an artifact of the site), Fecal Coliform and the EPA Priority Pollutants In addition, volatile organics and extractable semivolatile organics shall be analyzed. The results shall be sent to the Technical Support Section, Southwest District office, DEP.

c. – e. No Change

f. Ground water sampling shall be reported on the Monitoring Report Forms [~~DEP Forms #62-520.900(2) or Form 62-522.900(2)~~ at a minimum, or the electronic data deliverable requirements of Chapter 62-160, F.A.C., or Rule 62-701.510(9)(a), F.A.C.]. 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.

g. – i. No Change

6. Plugging and Abandonment

a. Within sixty (60) days of issuance of this certification, all piezometers and wells not a part of the approved ground water monitoring plan or monitoring wells required by SWFWMD are to shall be properly plugged and abandoned in accordance with Rule 62-532.500(4) and 62-532.500(5), F.A.C., and the rules of the SWFWMD.

b. The ~~Permittee~~ Licensee 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 DEP's Technical Support Section for prior approval.

7. - 8. No Change

[Rule 62-520.420(2), F.A.C.]

DISTRICT(S)

A. *Water Use Permitting Conditions*

1.-26 Remain as is.

27. Prior to initiation of withdrawals from the proposed production wells in amounts in excess of 3.14 MGD Annual Average Daily and 5.8 MGD Peak Month Daily ground water quantities for the first phase, and 4.3 MGD Annual Average Daily and 7.6 MGD Peak Month Daily quantities for build-out, TEC must submit a detailed plan of study, including a detailed cost analysis for the treatment and reuse of the 2.1 MGD of cooling reservoir blowdown water (wastewater) that is proposed to be discharged to prevent the water quality in the cooling reservoir from exceeding Class III Florida water quality standards. This plan must address, but is not limited to: the initial investment capital costs for construction of the treatment facilities, operational costs of the treatment facility on an annual basis, costs associated with construction of the brine storage area, and the average cost to store and/or dispose of the brines on- or off-site. The study must also include a comparison of the above mentioned costs with the total budgeted project cost. TEC will also address the feasibility of reuse of treated wastewater of technologically suitable quality available from other sources, such as publicly owned sewage treatment facilities, and the feasibility of use of other available sources of non-potable water of technologically suitable quality. The study shall be submitted to the Permitting Department Director, Resource Regulation. Based on the information submitted, ~~the SWFWMD Governing Board~~ shall determine whether or not treatment of the wastewater is feasible. If ~~the SWFWMD Governing Board~~, subject to approval pursuant to the site certification modification process, determines that treatment of this wastewater is economically feasible, then the first phase Annual Average Daily and Peak Month Daily ground water quantities shall be maintained at 3.14 MGD and 5.8 MGD, respectively, and the build-out Annual Average Daily and Peak Month Daily quantities shall be maintained at 4.3 MGD and 7.6 MGD, respectively. When treated wastewater is available to TEC for reuse and TEC can utilize the water, TEC shall prioritize the use of the treated wastewater above that of current groundwater withdrawals. If ~~the SWFWMD Governing Board~~ determines that treatment of this wastewater is economically infeasible, the quantities shall not change for the first phase.

If ~~the SWFWMD Governing Board~~ determines that treatment of the wastewater is infeasible for the first phase of the project, TEC shall submit a revised plan of study prior to any subsequent increases in power generation capacity and the corresponding increase in ground water requirements. If during the review of any of the subsequent plans of study ~~the SWFWMD Governing Board~~ determines that treatment of the wastewater is economically feasible, ~~the Annual Average Daily and Peak Month Daily quantity shall be reduced by 2.1 MGD and 1.6 MGD, respectively,~~ of the Annual Average Daily and Peak Month Daily quantities shall be designated as standby capacity from the quantities indicated in SWFWMD Water Use Condition XXVI.A.14. subject to approval pursuant to the site certification modification process.

~~XXVIII~~ (Now located within Section B) **IV. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION**

~~—A.— The post reclamation land use plan proposed by TEC includes areas which, by nature of elevation, soils and hydroperiod, may be suitable for the development of xeric upland habitat systems. Following reclamation, areas so identified will be managed to promote their succession into productive xeric systems. The use of any available top soil mulch stripped from the disturbed power block area which would advance this succession is encouraged.~~

~~——— 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 Commission input, a wildlife habitat and management plan. Where appropriate, TEC will incorporate best management practices from the Florida Fish and Wildlife Conservation 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.~~

~~——— 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 Florida Fish and Wildlife Conservation 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 Commission and the United States Fish and Wildlife Service. TEC shall consult with the Florida Fish and Wildlife Conservation 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.~~

A. General Listed Species Survey

1. The Licensee shall coordinate with the Florida Fish and Wildlife Conservation Commission (FWC) to obtain and follow the current survey protocols for all listed species that may occur within associated facilities and/or expansions of plant site and accessible appropriate buffers as defined by the listed species' survey protocols, prior to conducting detailed surveys.

2. Surveys shall be conducted prior to clearing and construction in accordance with the survey protocols. The results of those detailed surveys shall be provided to FWC in a report, and coordination shall occur with the FWC on appropriate impact mitigation methodologies.

[Article IV, Sec. 9, Fla. Constitution; Section 379.2291, F.S., Sections 403.507 and 403.5113(2), F.S., and Chapter 68A-27, Florida Administrative Code (F.A.C.).]

B. Specific Listed Species Surveys

Before land clearing and construction activities within associated facilities and/or plant site expansions occur, the Licensee shall conduct an assessment for listed species which shall note all habitat, occurrence or evidence of listed species. Listed species to be included in this survey shall include the bald eagle and those species listed as endangered, threatened, or of special concern by the FWC or those listed as endangered or threatened by U.S. Fish and Wildlife Service (USFWS). Wildlife surveys shall be conducted in the reproductive or "active" season for each species that falls before the projected clearing activity schedule unless otherwise approved by the FWC or USFWS. For species that are difficult to detect, the Licensee may make the assumption that the species is present and plan appropriate avoidance/mitigation measures after consultation and approval from the FWC.

1. This survey shall be conducted in accordance with USFWS/FWC guidelines and methodologies by a person or firm that is knowledgeable and experienced in conducting flora and fauna surveys for each potentially occurring listed species.
2. This survey shall identify any wading bird colonies within the project that may be affected.
3. This survey shall identify locations of breeding sites, nests, and burrows for listed wildlife species. Nests and burrows may be recorded with GPS coordinates, identified on an aerial photograph, and submitted with the final listed species report. Although nests and burrows may be recorded individually with GPS, the FWC prefers that any applicable protection radii surrounding groups of nest sites and burrows be included, rather than around individual nests and burrows, and be physically marked so that clearing and construction shall avoid impacting them.
4. This survey shall include an estimate of the acreage and percent cover of each existing vegetation community (Florida Land Use, Cover and Forms Classification System, or FLUCFCS, at the third degree of detail) including a wildlife-based habitat classification scheme such as the Comprehensive Wildlife Conservation Strategy (FWC 2005), Descriptions of Vegetation and Land Cover Types (FWC 2004), or Natural Communities Guide (FNAI 1990) of each community that is contained within the transmission line right-of-way associated facilities and/or plant site expansions prior to land clearing and construction activities using GIS.

[Article IV, Sec. 9, Fla. Constitution; Sections 379.2291, F.S.; and Chapters 68A-27, 68A-4, 68A-16, F.A.C.]

C. Listed Species Locations

Where any suitable habitat or evidence is found of the presence of listed species within the associated facilities and/or plant site expansions, the Licensee shall report those locations to, and confer with, the appropriate regulatory agencies for possible additional pre-clearing surveys and to identify potential mitigation, or avoidance recommendations. If pre-clearing surveys are required, they shall be timed to be reasonably compatible with the construction schedule, considering the anticipated date for the start of construction within an associated facilities and/or plant site expansion. The Licensee shall not construct in areas where evidence of listed species was identified during the initial survey until the particular listed species issues have been resolved as follows:

1. Listed Wildlife Species:

If listed wildlife species are found, their presence shall be reported to the DEP Siting Coordination Office, the appropriate DEP District Office(s), the FWC Office of Planning and Policy Coordination, the appropriate WMD, the appropriate local government(s), the USFWS, and the National Park Service as appropriate.

2. Species Management Plan:

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

[Article IV, Sec. 9, Fla. Constitution; Sections 379.2291 and 403.5113(2), F.S.; and Chapter 68A-27, F.A.C.]

- **The following are modifications associated with after-the-fact approval of the replacement of the existing domestic waste water treatment system with a septic system;**

XV. DOMESTIC WASTEWATER

~~_____ A. _____ No portion of the domestic wastewater collection system, treatment plant or effluent transmission line (excluding cooling reservoir) 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.~~

~~_____ 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 Form 62-604.300(7)(a), Application to Construct a Domestic Wastewater Collection System, with supporting documents.~~

~~_____ 2. _____ DEP Form 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 Form 62-640.210(2)(a), Agricultural Use Plan, with documentation.~~

~~_____ 4. _____ 8 1/2" x 11" copies of: (i) DWT location, (ii) sludge disposal site, indicating all public or private drinking water wells within 0.5 miles, (iii) roadmap, or drawing of roads leading to the DWT, (iv) flow process diagram, showing all piping, and planar and volumetric data.~~

~~_____ C. _____ All plans and proposals must comply with the requirements of the departmental rules and regulations in effect as of the date of proposed commencement of construction. All requirements of Chapters 62-4, 62-600, and 62-640, F.A.C., and other pertinent Florida Administrative Code rules must be met, including construction certifications.~~

~~_____ D. _____ Department approval for construction of this domestic wastewater facility will be in effect for two (2) years from the date of issuance; request for extension of time must be submitted in writing on forms and in a manner prescribed by the Department of Environmental Protection at least sixty (60) days prior to date of expiration of the construction approval.~~

~~_____ E. _____ Domestic wastewater post-certification approvals will be issued under the provisions of Chapter 403, F.S., and Chapters 62-4, 62-302, 62-600, 62-604 and 62-620, F.A.C. TEC will be approved to perform the work or operate the facility shown on the approved drawing(s), plans, and other documents, attached thereto or on file with the Department.~~

~~_____ F. _____ In accordance with Chapter 62-699, F.A.C., the required certified operator on-site time is:~~

~~_____ A Class D or higher operator for three (3) nonconsecutive visits per week for 1-1/2 hours per week. The Department reserves the right to modify staffing requirements.~~

~~_____ 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	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
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 Form 62-601.900(1).

~~_____~~ **H.** ~~_____~~ If sludge is disposed of by land application, the sludge shall be sampled after final treatment in accordance with Rule 62-640.650(1)(b) F.A.C., but prior to land application for the parameters listed below every twelve 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	%

~~_____~~ **I.** ~~_____~~ Direct discharge of effluent to waters of the state is not allowed. Such discharge shall be considered a violation of this certification and TEC shall immediately report any such discharge to the Southwest District office.

~~_____~~ **J.** ~~_____~~ Upon completion of construction and prior to placing the treatment plant or effluent discharge system into operation for any purpose other than testing for leaks and equipment operation, TEC shall submit a Notification of Completion of Construction [DEP Form 62-620.910(12)], signed and sealed by a registered engineer, to the DEP Southwest District office.

~~_____~~ **K.** ~~_____~~ TEC 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. 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.

~~_____~~ **L.** ~~_____~~ TEC shall provide a weatherproof location for an on-site log book to monitor each day's 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.~~

~~——— M. ——— TEC shall maintain all audible and visual alarm systems on the lift station(s) in operating condition at all times.~~

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

~~——— O. ——— The disinfection system shall be operated to maintain a minimum chlorine residual of 0.5 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.~~

~~——— P. ——— Daily checks of the plant shall be performed by TEC or supplier, or his representative or agent five (5) days per week for a D plant pursuant to Rule 62-699.311(1), F.A.C.~~

~~XXX.~~ (Now located within Section B) **VII. POLK COUNTY**

A. CUP 92-05 Conditions

1.-14. Remain as is.

15. Septic Tank Use

TEC shall comply with the applicable provisions of Rule 64E-6 for septic tank systems.

[Chapter 64E-6, F.A.C.]

- **Modifications associated with the deletion of obsolete Mine Reclamation Requirements;**

~~XXIV.~~ (Now located within Section B) **I.D. WETLAND MINE RECLAMATION REQUIREMENTS**

~~A. ——— Permit Transfer~~

~~Prior to any construction on the certified site, the process to transfer DEP Permit No. 531620259 from Agrico Chemical Company to TEC shall be initiated and a permit modification for the same permit to change the reclamation plan shall be submitted to the Bureau of Wetland Resource Management for review. The mining authorized in the above referenced permit shall be allowed to proceed as described in the permit pursuant to the conditions in the permit.~~

~~B. ——— Planting Plans~~

~~Prior to construction, TEC shall submit 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.——Management Plan

Prior to construction, a detailed management plan for the reclaimed wetlands shall be submitted 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 any nuisance and exotic species and supplemental plantings of wetland 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.——Biological Consultant

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 reclamation plan. Prior to the commencement of any reclamation activities, TEC 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 reclamation. Any proposed change in the biological consultant during the life of the facility shall be submitted to DEP for review and approval.

E.——Hardwood Forest Reclamation

TEC shall plant the 31 acres to be reclaimed as hardwood forest with a mixture of woody species at a density of 800 trees/acre. The species shall be a mixture, including but not limited to, the following species: *Acer rubrum* (red maple), *Gordonia lasianthus* (loblolly bay), *Fraxinus caroliniana* (pop ash), *Nyssa sylvatica* var. *biflora* (black gum), *Magnolia virginiana* (sweet bay), *Liquidambar styraciflua* (sweetgum), *Ilex cassine* (dahoon holly), *Persea palustris* (swamp bay), and *Ulmus americana* (elm). In addition to the woody species, these areas shall be planted on 3-foot centers with a mixture, including but not limited to, the following herbaceous species: *Panicum hemitomon* (maidencane), *Pontederia cordata* (pickerelweed), *Sagittaria* sp. (arrowhead), *Saururus cernuus* (lizard's tail), *Woodwardia* sp. (chain fern), and *Juncus* sp. (bog rush). The woody species and the herbaceous species shall be planted at elevations within the reclaimed wetland that will provide hydroperiods appropriate for the species.

F.——Mixed Forest Reclamation

TEC shall plant the 38 acres to be reclaimed as mixed forest with *Taxodium distichum* (bald cypress) in addition to the woody and herbaceous species listed for the hardwood forest areas at densities specified for the hardwood forest areas. The woody species and the herbaceous species shall be planted at elevations within the reclaimed wetland that will provide hydroperiods appropriate for the species.

G.——Herbaceous Wetland Reclamation

TEC shall plant the 252 acres to be reclaimed as herbaceous wetlands with a mixture, including but not limited to the following herbaceous species: *Panicum hemitomon* (maidencane), *Pontederia cordata* (pickerelweed), *Sagittaria* sp. (arrowhead), *Spartina bakeri* (cordgrass), *Thalia geniculata* (arrowroot), and *Juncus* sp. (bog rush). These herbaceous species

shall be planted at elevations within the reclaimed wetland that will provide hydroperiods appropriate for the species.

H. — Surveying and Mapping

Within thirty (30) days of achieving final grade, cross sections of the wetland reclamation areas shall be resubmitted to DEP. The cross sections shall meet the following criteria:

1. — They 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 flow and detention of water at the site;
2. — They shall be certified by a registered land surveyor;
3. — They shall show any hydrologic connections between the reclaimed and adjacent, existing wetlands; and,
4. — They shall show the variations of topographic relief within the graded areas.

I. — Organic Soil Placement

To provide for a more hospitable root zone environment and to foster better water quality in the short term, DEP encourages TEC to place organic soils or muck to a minimum depth of four inches on as much of the reclaimed wetlands on the site as possible and requires that organic soils or muck be placed on the seven acres of wetlands to be reclaimed pursuant to DEP Permit No. 531620259. An alternative that would be acceptable to the Department would be to cap the wetland area with mucky sand rather than overburden. Mucky sand, for purposes of the condition, is defined as a fine sand with six (6) percent or greater organic content, if tested by the Walkley Black method.

J. — Plant Stock Requirements

The plants used to plant the mitigation areas shall be container-grown, nursery stock. “Container-grown stock” means plants grown in containers from cuttings or seeds. The plants shall originate from within a 50 mile radius of the site or within the same SCS sub-hardiness zone as the mitigation site.

K. — Reclamation Success Goals

1. — Freshwater herbaceous wetland
Freshwater herbaceous wetland reclamation shall be considered successful when the following conditions are met:
 - a. — Percent cover by non- nuisance, non- exotic wetland species shall be 80 percent or more. Percent covers for the aggregate of those wetland species, and of 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 Rule 62-301.400, F.A.C.;
 - b. — Nuisance species, such as *Mikania scandens* (climbing hempvine), *Typha* sp. (cattail) and *Ludwigia peruviana* (primrose willow), and exotic species are limited to ten (10) percent or less of the total cover with no one species being more than five (5) percent of the total cover. If these species exceed ten (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;

c. ~~—The reclaimed wetlands are constructed in accordance with the conditions of certification.~~

~~These criteria must all be met at least one year after connection to waters of the state for sites that are severed from waters of the state during some or all of the establishment phase.~~

2. ~~—Forested wetland reclamation shall be considered successful when the following conditions are met:~~

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

b. ~~—The wetland species tree cover shall exceed thirty (33) percent of the total area and in no area of an acre in size shall the tree cover be less than twenty (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 Rule 62-301.400, F.A.C.~~

c. ~~—At least eight (80) percent of obligate groundcover (herbaceous) and obligate shrub (non-canopy woody species) vegetation shall be among those species listed in Rule 62-301.400, F.A.C., 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 such as *Mikania scandens* (climbing hempvine), *Typha* sp. (cattail) and *Ludwigia peruviana* (primrose willow), and all exotic species shall be limited to 10 percent or less of the total cover with no one species being more than five percent of the total cover. If these species exceed ten (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;~~

d. ~~—The reclaimed wetlands are constructed in accordance with the conditions of certification.~~

~~These criteria must all be met at least one year after connection to waters of the state for sites that are severed from waters of the state during some or all of the establishment phase.~~

~~L. —Reporting~~

~~TEC 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 TEC 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." This report shall also contain the following:~~

1. ~~—A monitoring plan describing sampling methods and report format, and map of sampling locations and photographic stations shall be submitted to the Department for review and approval within sixty (60) days after certification issuance and prior to the first monitoring event.~~

~~2. Annual statistical reports describing as appropriate for each reclamation area: (1) the density and percent cover of listed trees, and (2) percent cover of listed and non-listed herbaceous species, bare ground and water. For forested wetlands, reports on 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 exotic species shall be tabulated separately from the remaining data. A listed species is one listed in Rule 62-301.400, F.A.C. 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 sixty (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 (1) year after planting.~~

M. Review of Reclamation/Mitigation

~~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 (3) years of monitoring, TEC 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.~~

~~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, TEC shall present within thirty (30) days of DEP's notification a plan of corrective actions containing methods and proposals to be reviewed and approved by the DEP to ensure success of the reclamation effort. The plan of corrective actions shall be implemented within ninety (90) days of written approval by DEP.~~

N. Dragline Walk Path—1. Dragline Walk Path

TEC shall retain an easement along the west side of State Road 37 sufficiently wide for use as a drag-line walk path. TEC shall be responsible for notifying the Siting Coordination Office, and the Department's Bureau of Mine Reclamation of a proposed usage of the drag-line walk path on the west side of SR 37 at least fifteen (15) days prior to the event. With the notification, TEC shall provide the Bureau of Mine Reclamation and the Southwest District Office with certified drawings showing the proposed modifications to jurisdictional wetland areas. Within twenty-four (24) hours of the dragline crossing, any wetlands that were impacted by the crossing, shall be restored to original grade and stabilized by either planting or sodding. Use of the drag-line walk path for a future transmission line corridor will require TEC to submit an amendment to the original application and to submit a petition for modification of the applicable conditions of certification.

O. Responsibility for Reclamation Success

~~TEC shall retain full responsibility for the reclamation of those lands within the original site lying west of State Road 37 until reclamation areas achieve the success criteria listed in the above Conditions of Certification and TEC receives a written notification from the DEP releasing them from said responsibility. The transfer of title for the land to Polk County and its designated land manager shall not release TEC of its responsibility to reclaim the site successfully.~~

~~XXV. MINE RECLAMATION CONDITIONS~~

~~A. Conceptual Plans~~

~~The conceptual plan modification TEC PPS CP and variance TEC PPS V1 applications are to be incorporated into the DEP's siting certification process as part of the TEC's Polk Power Station Site Certification Application. Final agency action on these applications by the Governor and Cabinet, sitting as the Siting Board, shall take place simultaneously with the Site Certification Application under the provisions of the Florida Electric Power Plant Siting Act (FEPPSA), pursuant to Sections 403.501-403.517, F.S. Approval of the conceptual plan modification application, AGR FG CPG, and variance application, AGR FG TEC V1, as part of the site certification of the PPS does not warrant the suitability of subject lands for any current or proposed land use and does not constitute a statement, admission, or waiver by the state of Florida concerning ownership of any interest in the subject lands within the PPS site or the conceptual plan area. Approval of the conceptual plan modification and variance applications does not relieve IMC Phosphate Company, Cytec Industries Incorporated and/or the current land owner or mine operator from the obligation to comply with the requirements, standards, and criteria set forth in Chapter 62C-16, F.A.C.~~

~~B. Changes In Ownership~~

~~All changes in land ownership, within the lands specifically identified in the TEC's Site Certification Application as the PPS site, shall be reported to the DEP's Siting Coordination Office and the Bureau of Mine Reclamation no later than thirty (30) days after the effective date of such changes, pursuant to Subsection 62C-16.006(6), F.A.C. This notification shall be in the form of a legal contract of sale or transfer agreement between TEC 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.~~

~~C. Reclamation/Restoration~~

~~The TEC shall reclaim and restore all lands within the 4,348-acre PPS site as depicted and described in the TEC's Site Certification Application and in TEC's conceptual plan modification application, TEC PPS CPA, in accordance with the required time schedules in Condition XXV.D and in a manner which will yield the following total (including non-mandatory acreages) post-reclamation land use acreages: 3 acres of transportation routes; 321 acres of industrial use as power plant associated facilities; 730 acres of improved pasture; 18 acres of citrus; 544 acres of shrub and brushland; 6 acres of mixed rangeland; 55 acres of upland hardwood forest; 774 acres of upland mixed forest; 264 acres of lakes; 834 acres of cooling reservoir; 61 acres of wetland hardwood forest; 310 acres of wetland mixed forests; and 428 acres of herbaceous wetlands. Of the total site acreage, 523 acres are non-mandatory acres and will exist as 201 acres of improved pasture, 4 acres of shrub and brushland, 6 acres of mixed rangeland, 29 acres of upland hardwood forest, 34 acres of upland mixed forest, 165 acres of lakes, 40 acres of wetland hardwood forest, 11 acres of wetland mixed forest, and 33 acres of herbaceous wetlands.~~

D. — Time Tables — 2. Land Donation

The TEC shall carry out and complete all reclamation and restoration activities in Tract A, all lands east of State Road 37, and Tract B, all lands west of State Road 37, within the Polk Power Station site in accordance with the following time tables:

TRACT	CONTOURING		REVEGETATION		ESTABLISHMENT	
	BEGINS	ENDS	BEGINS	ENDS	BEGINS	ENDS
A	06/94	11/95	12/95	05/96	06/96	05/97
B*	10/94	03/96	04/96	09/96	10/96	09/97

* In lieu of reclamation and restoration, TEC shall donate 1,511 acres of land in Tract B of the Polk Power Station site in Polk County to Polk County, ~~donate 589 acres of submerged lands adjacent to the Cockroach Bay Aquatic preserve to the Tampa Bay Port Authority, and abide by the Conservation Easement for uplands adjacent to Cockroach Bay in Hillsborough County as granted to the State of Florida Board of Trustees, in consideration for the variance to phosphate mine reclamation requirements and to provide significant regional benefit to wildlife and the environment as required for variances in accordance with Section 378.212(1) Florida Statutes.~~ Such donation and transfer of ownership shall be as attached as ~~Exhibit 1~~ Attachment D hereto and as described in the Easement recorded in Hillsborough County Public Records Official Record Book 12822, Pages 1397 thru 1423; and the Conservation Easement as recorded in Hillsborough County Public Records Official Record Book 12822, Pages 1424 through 1452.

E. — Standards

The TEC shall carry out and complete all reclamation and restoration activities within the Polk Power Station site in accordance with the required time schedules as previously stated in Condition XXV.D. and in accordance with the requirements, criteria, and standards as set forth in Section 16.0051, F.A.C., with the following exceptions:

Variances for the following rules adopted pursuant to Chapter 378, F.S. shall be granted in accordance with the provision of Subsection 378.212(1)(a), F.S.:

1. — No minimum annual zone of fluctuation shall be required for the 834-acre cooling reservoir, rather than the twenty-five (25) percent required by Subsection 62C-16.0051(5)(a), F.A.C.;

2. — Approximately eight (8) percent (60 acres) of the low water surface of the cooling reservoir will consist of a zone between the annual low water line and six feet below the annual low water line to provide fish bedding areas and submerged vegetation zones, rather than the 20 percent required by Subsection 62C-16.0051(5)(b), F.A.C.; and,

Variances for the following rules adopted pursuant to Chapter 378, F.S. shall be granted in accordance with the provision of Subsection 378.212(1)(f), F.S.:

3. — The herbaceous and mixed forest wetlands shall be reclaimed in reduced amounts, rather than the acre-for-acre and type-for-type restoration required by Subsection 62C-16.0051(4), F.A.C.

4. — No minimum zone of annual fluctuation shall be required for lakes west of SR 37, rather than the 25% required by Subsection 62C-16.0051(5)(a), F.A.C.

5. — Some islands within the reclaimed lakes west of SR 37 may have steeper slopes than the 4:1 slopes required by Subsection 62C-16.0051(2)(a), F.A.C.

~~F.~~ *Right of Entry*

~~All authorized representatives of the Department, on presentation of appropriate credentials to the applicable land owner and/or mine operator, or its authorized representatives, shall have the right of entry to, on, or through all lands subject to Chapter 62C-16, F.A.C. Inspections shall be conducted in accordance with the requirements mandated in Subsections 62C-16.0067(1)-(9), F.A.C.~~

~~G.~~ *Release Procedures*

~~Upon fulfillment of the requirements, standards, and criteria, as dictated above in Conditions XXV. B. and C., within Tracts A and B of the TEC's PPS site, the authorized agent of the TEC or the applicable land owner shall submit a release request to the Department that identifies the post-reclamation land use acreages to be released. The release request shall include a statement certifying that the requirements, standards, and criteria, as required in the Conditions XXV.B.,C.,D.,E., and F. above, have been met. This request shall be submitted to:~~

~~The Department of Environmental Protection
The Bureau of Mine Reclamation
2051 Paul Dirac Drive,
Tallahassee, Florida 32310.~~

~~Release procedures shall be followed in accordance with the requirements set forth in Subsections 62C-16.0068(2)-(6), F.A.C.~~

~~K.~~ 3. Cockroach Bay

~~After transferring~~ TEC has transferred ownership of the approximately 589 acres of submerged lands in Hillsborough County adjacent to the Cockroach Bay Aquatic Preserve to the Tampa Bay Port Authority, and the Conservation Easement uplands and wetlands to the State of Florida Board of Trustees, as described in Condition ~~XXV.D~~ I.F. above and ~~Exhibit 1 Attachment D~~, TEC ~~shall~~ has provided the State with easements for access and for management purposes including permanent State access to the uplands north of the Reeder property and at the shell pits located at the southwest side of the parcel as described in ~~Exhibit 1 Attachment D~~. If TEC should decide to sell lands they hold in ownership that buffer the 1433 acres of uplands property, TEC shall offer a public entity including the State, Hillsborough County, or Southwest Florida Water Management District, or a non-profit entity, whose mission is conservation, the right of first refusal.

- **The Following modifications associated with certain general conditions for consistency with recent Site Certification updates and clarifications**

The modified Conditions PA92-32M (electronic Attachment A to this document) replace the existing Conditions PA92-32L (Attachment B) in its entirety. Both attachments can be found at: http://publicfiles.dep.state.fl.us/siting/Outgoing/TECO_Polk/TecoPolk_Mod_M_ReclaimedWaterPipeline/TEC_PPS_Mod_M_Conditions/

The existing Conditions (Attachment B) contain cross references to the corresponding conditions in the modified Conditions (Attachment A), appearing in red following each section of the document. The cross references in Attachment B have been electronically linked to the corresponding condition in the modified Conditions (Attachment A).

In order to toggle between the two documents on your screen, copy both files (Attachments A & B) from the ftp site above and paste them into a single folder and then open both files. If you open the documents from the ftp site and "Save As", the links will not work. You must copy and paste with the same file names. Clicking on a link in Attachment B will take you directly to the corresponding condition in Attachment A.

A complete set of the Conditions (including Appendices and Attachments) can be viewed and downloaded from the following website:

http://www.dep.state.fl.us/siting/files/certification/pa92_32_2011_M.pdf. Copies of the Conditions and/or attachments may also be obtained by contacting the Department of Environmental Protection, Siting Coordination Office, 3900 Commonwealth Blvd., M.S. 48, Tallahassee, Florida 32399-3000, (850) 245-2002.

Pursuant to Section 120.68, F.S., any party to this order has a right to seek judicial review, 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, 3900 Commonwealth Boulevard, M.S. 35, 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.

Executed in Tallahassee, Florida.



Cindy Mulkey
Administrator,
Siting Coordination Office

CC by email:

Gary Colecchio, DEP SWD Director, Gary.Colecchio@dep.state.fl.us
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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

11-1-2011
Date

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