



Florida Department of Environmental Protection

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Secretary

September 18, 2012

Sent by Electronic Mail – Received Receipt Requested

Matt Raffenberg
Director of Environmental Licensing and Permitting
Environmental Services Department
Florida Power & Light Company
700 Universe Blvd. (JES/JB)
Juno Beach, Florida 33408

Re: Riviera Beach Energy Center
Modification to Conditions of Certification
DEP Case Number PA 09-54C
OGC Case Number 12-0857

FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Mr. Raffenberg:

The Secretary of the Department of Environmental Protection, on behalf of the Governor and Cabinet (Siting Board), issued the Site Certification for the Florida Power & Light Riviera Beach Energy Center (RBEC) on November 24, 2009. This certification authorized the conversion from two nominal 300-megawatt conventional dual-fuel fired generating units and support facilities to a nominal 1,250 MW 3-on-1 combined cycle unit, which will consist of three new combustion turbines, three new heat recovery steam generators, and one new steam turbine/electric generator. The Department of Environmental Protection (Department) has modified the Conditions of Certification by Final Order on two other occasions.

The Department has reviewed FPL's petition dated February 28 2012 for a modification to the RBEC Site Certification and submitted pursuant to Section 403.516(1)(c), Florida Statutes (F.S.). The petition is for the approval of a corridor for the construction, operation and maintenance of a natural gas pipeline (referred to as the Martin Plant to Riviera Beach Energy Center Lateral). The proposed corridor lies within Martin and Palm Beach Counties extending approximately 32 miles.

On August 1, 2012, all parties to the certification proceeding were provided with notice by electronic mail (received receipt requested) of the Department's intent to modify the Conditions for RBEC, along with a draft copy of the proposed order modifying the Conditions. On July 20, 2012, notice of the Department's intent to modify the Conditions for this facility was also published in the Florida Administrative Weekly (FAW).

By this Final Order, the Department is modifying the Conditions for RBEC to incorporate changes associated with FPL's petition. Herein the Department is also initiating modifications pursuant to 403.516(1)(c), F.S. to incorporate updates/clarifications to the general conditions consistent with recent site certifications, to incorporate updates to the Florida Fish and Wildlife Conservation Commission and City of West Palm Beach Conditions, as well as to update condition references.

Pursuant to Section 403.516, Florida Statutes (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 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.

These timeframes have expired and no objections to the proposed modification have been received by the Department. Therefore, the Conditions of Certification for the RBEC are hereby modified as follows (words ~~stricken~~ are deletions; words underlined are additions):

Modifications Associated with FPL's Petition

SECTION B. SPECIFIC CONDITIONS

I. DEPARTMENT OF ENVIRONMENTAL PROTECTION – Natural Gas Pipeline Specific Conditions

A. – D. No Changes

II. DEPARTMENT OF ENVIRONMENTAL PROTECTION – Plant Site & Associated Facilities Specific Conditions

~~E.A.~~ *No Changes*

B. Oil and Oil Filters

FPL will properly manage, handle and dispose of waste oil filters and used lubricating oil and other wastes generated in accordance with 62-730, F.A.C.

~~F.C.~~ *No Changes*

III FLORIDA BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

No Changes

HIV - VI *No Changes*

VII. SOUTH FLORIDA WATER MANAGEMENT DISTRICT

A. Decommissioning

~~The Licensee will continue to comply with the permit conditions of Consumptive Use Permit No. 50-04187-W and No. 50-04188-W until the existing power plant units are decommissioned.~~

Legal/Administrative Conditions

1. – 2. No Changes

B. No Changes

DC. Natural Gas Pipeline

1. Water Use Conditions

a. The Licensee is authorized to withdraw water from the SFWMD's C-17 Canal, the C-18W Canal and from the C-44 Canal for hydrostatic testing of the completed pipeline. The test water shall be returned to the ~~C-17~~ C-44 Canal upon completion of the testing program. The temporary withdrawal of the hydrostatic testing water is considered to be incidental to the pipeline construction and meets the criteria for a No-Notice Short-Term Dewatering General Water Use Permit, pursuant to Rule 40E-20.302(3), F.A.C.

b. The Licensee is authorized to withdraw a maximum of 2.125 MG of water from the SFWMD's C-17 Canal, 1.0 MG of water from the C-18W Canal and 4.0 MG of water from the C-44 Canal as make-up water to support the horizontal directional drill activities associated with the proposed subaqueous crossings ~~of the C-17 Canal~~. The temporary withdrawal of the horizontal drill make-up water is considered to be incidental to the pipeline construction and meets the criteria for issuance of a Standard General Water Use Permit, pursuant to Rule 40E-20.301, F.A.C.

[Sections 373.085 and 373.086, F.S.; Rule 40E-6, F.A.C.]

2. Right Of Way Conditions

a. General Conditions

(1) The Licensee shall use the preferred construction method (horizontal directional drill or HDD) for the proposed crossing of the SFWMD's C-17 and C-18W Canals. The staging area for the HDD shall be located outside of the SFWMD's right-of-way. If the Licensee determines that the HDD method is not technically or economically feasible, the Licensee may submit an application for an amendment or modification to this Certification for approval of an alternative crossing method that is consistent with the criteria set forth in Chapter 40E-6, F.A.C. The application for an amendment or modification shall include documentation demonstrating that the HDD method is not technically or economically feasible.

(2) At least ninety (90) days prior to the commencement of construction of the pipeline, the Licensee shall provide the SFWMD with the final proposed pipeline right-of-way location within the SFWMD's C-17 and/or C-18W Canal right-of-ways.

(3) At least ninety (90) days prior to the commencement of construction of any portion of the pipeline within the SFWMD's C-17 and/or C-18W Canal right-of-ways, or any use of SFWMD right-of-way related to construction of the pipeline, the Licensee shall submit complete scaled or fully-dimensioned 8½" X 11" drawings and engineering specifications to the SFWMD showing the proposed facilities for a determination of compliance with the requirements of Chapter 40E-6, F.A.C. The drawings shall depict the proposed facilities and uses in both plan and profile views and shall show, at a minimum, the following:

(i) – (vi) No Changes

(4) No Changes

b. Subaqueous Pipeline Installation Conditions

(1) The authorized installation shall be laid to an elevation which is adequate to provide a minimum of 36 inches of cover below the existing canal section or ultimate canal design section, whichever is deeper. The design section for the C-17 Canal at the proposed crossing location is a canal bottom width of 20' at elevation 0.3' NGVD/MSL, with 2 horizontal to 1 vertical side slopes. The berm width is 25' wide at elevation 14.5' (east) and elevation 14.0' (west). The design section for the C-18W Canal at the proposed crossing location is a canal bottom width of 10' at elevation 14' NGVD/MSL, with 2 horizontal to 1 vertical side slopes. The berm width is 40' at elevation 22' (east and west sides) with a levee top width of 10' at elevation 24' (east and west sides).

(2)-(4) No changes

(5) All work associated with the authorized installation within the SFWMD's C-17 and/or C-18W Canal right-of-way shall be performed within a 100-foot wide work corridor centered on the installation alignment until such time as detailed engineering and subsurface testing is complete, upon which said 100-foot wide work corridor shall be narrowed to a 50-foot wide work corridor centered on the installation alignment.

(6)-(7) No Changes

(8) At no time shall the C-17 or C-18W Canal be blocked or flows otherwise restricted or impeded. This shall include a prohibition on dams or fills being placed in the C-17 or C-18W Canal during all phases of construction and maintenance.

(9)-(19) No Changes

c. No Changes

*d. Special Conditions
No change (1)-(11)*

(12) A portion of the corridor crossing the SFWMD's C-17 Canal right-of-way and crossing the C-18 W right-of-way falls within a SFWMD-designated staging area. At no time shall the Licensee place above ground facilities within the SFWMD's designated 100-foot long equipment staging areas located at all bridges and pile-supported utility crossings, unless otherwise authorized in this Certification.

(13) Proposed pipeline crossings shall be capable of withstanding heavy equipment load requirements equal to or greater than FDOT load rating HL-93.

(14) *No change*

e. No Changes

VIII. – X. No Changes

XI. PALM BEACH COUNTY

A. Right-of-Way

1. No less than ninety (90) days prior to construction, Licensee shall submit all information necessary for a complete right-of-way permit application including construction plans to the Palm Beach County Land Development Division in accordance with the non-procedural requirements of the Palm Beach County Right-of-Way Construction Permitting Ordinance.

2. Within thirty (30) days the county will notify the Licensee if any of the information submitted is complete or if further information is necessary. No construction shall occur in the county right of way until the Palm Beach County Land Development Division has reviewed and approved all right of way information.

[Chapter 23, Article III of the Palm Beach County Code – Ordinance 2008-006]

B. Hungryland Slough Natural Area

Licensee shall not cause any disturbance to the Hungryland Slough Natural Area.

[Palm Beach County Natural Areas Ordinance, Chapter 11, Article 11, PBC]

- **Modifications Associated with General and Agency Specific Condition Updates**
 - **References to the Transmission Line Siting Act and the Natural Gas Pipeline Transmission Line Siting Act statutes and rules do not apply and have been globally stricken, i.e. 403.5315, F.S.; 403.9418, F.S. and/or 62-17.680, F.A.C.; 62-807.610, F.A.C.**

SECTION A. GENERAL CONDITIONS

I. SCOPE

A. *No Change*

B. The certified facility includes but is not limited to the following major associated facilities;

1. Cooling water intake culvert located on property owned by the Port of Palm Beach;
2. Switchyards (138 kV and 230 kV);
3. Manatee Viewing Center; and
4. An offsite construction laydown and parking area that will be located on FPL property west of U.S. Highway 1.
5. Riviera Beach Lateral Natural Gas Pipeline Corridor
6. Electric Driven Natural gas compressor station and/or associated Sailfish Substation.

C. – D. *No Change*

II. **APPLICABLE DEPARTMENT RULES AND STATUTES**

The construction and operation of the certified facility shall be in accordance with all applicable non-procedural provisions of ~~Florida Statutes (F.S.)~~ and Florida Administrative Code (F.A.C.), including, but not limited to, the non-procedural portions of the following regulations, except to the extent a variance, exception, exemption or other relief is granted in the final order of certification or in a subsequent modification to the Conditions or as otherwise provided under the Act:

~~Florida Statutes:~~

~~Chapter 120 (Administrative Procedure Act)~~
~~Chapter 163 (Intergovernmental Programs)~~
~~Chapter 252 (Emergency Management)~~
~~Chapter 253 (State Lands)~~
~~Chapter 258 (State Parks & Preserves)~~
~~Chapter 267 (Historical Resources)~~
~~Chapter 373 (Water Resources)~~
~~Chapter 376 (Pollutant Discharge Prevention and Removal)~~
~~Chapter 379 (Fish and Wildlife Conservation)~~
~~Chapter 380 (Land & Water Management)~~
~~Chapter 403 (Environmental Control)~~
~~Chapter 487 (Pesticide Regulation and Safety)~~
~~Chapter 556 (Underground Facility Damage Prevention and Safety)~~

Florida Administrative Codes:

5I-2 (Open Burning)
18-2 (Management of Uplands Vested in the Board of Trustees)
18-14 (Administrative Fines for Damaging State Lands)
18-20 (Aquatic Preserves)
18-21 (Sovereign Submerged Lands Management)
62-4 (Permits)
62-17 (Electrical Power Plant Siting)
62-25 (Regulation of Stormwater Discharge)

62-40 (Water Resource Implementation Rule)
62-150 (Hazardous Substance Release Notification)
62-160 (Quality Assurance)
62-204 (Air Pollution Control-General Provisions)
62-210 (Stationary Sources-General Requirements)
62-212 (Stationary Sources-Preconstruction Review)
62-213 (Operation Permits for Major Sources of Air Pollution)
62-214 (Requirements for Sources Subject to the Federal Acid Rain Program)
62-256 (Open Burning)
62-296 (Stationary Sources-Emission Standards)
62-297 (Stationary Sources-Emission Monitoring)
62-301 (Surface Waters of the State)
62-302 (Surface Water Quality Standards)
62-303 (Identification of Impaired Surface Waters)
62-304 (Total Maximum Daily Loads)
62-312 (Dredge and Fill Activities)
62-330 (Environmental Resource Permitting)
62-340 (Delineation of the Landward Extent of Wetlands and Surface Waters)
62-343 (Environmental Resource Permit Procedures)
62-345 (Uniform Mitigation Assessment Method)
62-346 (Environmental Resource Permitting in Northwest Florida – Revised April 21, 2009)
62-520 (Groundwater Classes, Standards and Exemptions)
62-522 (Groundwater Permitting and Monitoring Requirements)
62-528 (Underground Injection Control)
62-531 (Water Well Contractor Licensing Requirements)
62-532 (Water Well Permitting and Construction Requirements)
62-550 (Drinking Water Standards, Monitoring and Reporting)
62-555 (Permitting, Construction, Operation, and Maintenance of Public Water Systems)
62-560 (Requirements for Public Water Systems That Are Out of Compliance)
62-600 (Domestic Wastewater Facilities)
62-601 (Domestic Wastewater Treatment Plant Monitoring)
62-604 (Collection Systems and Transmission Facilities)
62-610 (Reuse of Reclaimed Water and Land Application)
62-620 (Wastewater Facility and Activities Permitting)
62-621 (Generic Permits)
62-650 (Water Quality Based Effluent Limitations)
62-660 (Industrial Wastewater Facilities)
62-699 (Treatment Plant Classification and Staffing)
62-701 (Solid Waste Management Facilities)
~~62-702 (Solid Waste Combustor Ash Management)~~
62-730 (Hazardous Waste)
62-761 (Underground Storage Tank Systems)
62-762 (Aboveground Storage Tank Systems)
62-769 (Florida Petroleum Liability and Restoration Insurance Program)

62-770 (Petroleum Contamination Site Clean-Up Criteria)
62-780 (Contaminated Site Clean-Up Criteria)
62-807 (Natural Gas Transmission Pipeline)
62-814 (Electric and Magnetic Fields)
64E-6 (Standards for Onsite Sewage Treatment and Disposal Systems)

For Facilities in the South Florida Water Management District:

40E-4 (Surface Water Management)
40E-40 (General Surface Water Management Permits)
40E-41 (Surface water Management Basin and Related Criteria)
Basis of Review for ERP Applications

~~For Facilities in the Southwest Florida Water Management District:~~

~~40D-4 (Individual Environmental Resource Permits)
40D-8 (Water Levels and Rates of Flow)
40D-40 (Standard General Environmental Resource Permits)
Basis of Review for ERP Applications~~

~~For Facilities in the St. Johns River Water Management District:~~

~~40C-4 (Environmental Resource Permits: Surface Water Management Systems)
40C-8 (Minimum Flows and Levels)
40C-40 (Standard General Environmental Resource Permits)
40C-41 (Surface Water Management Basin Criteria)
40C-42 (Regulation of Stormwater Management Systems)
Applicant's Handbook: Regulation of Stormwater Management Systems Handbook
Applicant's Handbook: Management of Surface Waters (MSSW) Handbook~~

~~For Facilities in the Suwannee River Water Management District:~~

~~40B-4 (Regulations)
40B-400 (Environmental Resource Permits)
ERP Applicant's Handbook~~

III. No Changes

IV. DEFINITIONS

A. – D. No Changes

E. “DCADEO” means the Florida Department of Community Affairs Economic Opportunity.

F. – T. No Changes

V. No Changes

VI. ~~FEDERAL PERMITS~~DEPARTMENT PERMITS UNDER FEDERAL PROGRAMS

This certification is not a waiver of any other Department approval that may be required under federally delegated or approved programs. The provisions of the following federal permits shall be conditions of this certification to the extent the provisions of those permits apply to the Certified Facility(ies). The Licensee shall comply with the applicable

provisions and limitations set forth in the permits listed below, and as those provisions may be modified, amended, or renewed in the future by the Department. The Department may consider a violation of any of these permits as a violation of this license. The following permits have been issued pursuant to federal programs and they are applicable to the certified facility. The Department may consider a violation of any of these federal permits as a violation of this license.

A. Air

~~The provisions of the following paragraphs shall be conditions of this certification. The Licensee shall comply with the substantive provisions and limitations set forth in both Air Construction Permit No. 0990042-006-AC, 0990042-009-AC and Title V Air Operation Permits Numbers 0990042-004-AV and 0990042-005-AV as part of these Conditions of Certification, and as those provisions may be modified, amended, or renewed in the future by the Department. Such provisions shall be fully enforceable as conditions of this certification. Any violation of such provisions shall be a violation of these Conditions of Certification.~~

~~1. — Air Construction Permit(s)~~

~~Air Construction Permit 0990042-006-AC and 0990042-009-AC are incorporated by reference herein as part of this Certification and attached as Appendix I.~~

~~[Chapter 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297, F.A.C.]~~

~~2. — Title V Permit~~

~~Title V Air Operation Permits No. 0990042-004-AV and 0990042-005-AV are incorporated by reference herein as part of this Certification and attached as Appendix II.~~

~~[Chapters 62-204, 62-210, 62-213, 62-214, 62-296, and 62-297, F.A.C.]~~All Air Construction Permits and Title V Air Operation Permits in force for the Certified parts of facility ID 0990042 are incorporated by reference herein as part of these Conditions. The Air Construction Permits and Title V Air Operation Permits can be found at this web link using the facility ID number listed above: <http://appprod.dep.state.fl.us/air/emission/apds/default.asp>.

~~[Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-214, 62-296, and 62-297, F.A.C.]~~

B. Water

1. Industrial Wastewater Discharge

Any discharges during operation shall be in accordance with all applicable provisions of NPDES permit No. FL0001546 (attached as Appendix III) as well as any subsequent modifications, amendments and/or renewals.

[Chapter 62-621, F.A.C.]

2. – 3. No Changes

4. NPDES Generic Permits for Discharge of Produced Ground Water From any Non-Contaminated Site Activity and from Petroleum Contaminated Sites.

C. Other

~~For informational purposes, it should be noted that other federal permits for the certified facility may include permits issued by federal agencies such as the U.S. Army Corp of~~

~~Engineers, U.S. Nuclear Regulatory Commission, and the U.S. Environmental Protection Agency.~~

VII. DESIGN AND PERFORMANCE CRITERIA

Certification, including these Conditions of Certification, is predicated upon preliminary designs, concepts, and performance criteria described in the Application or in testimony and exhibits in support of certification. Final engineering design will be consistent and in substantial compliance with the preliminary information described in the Application or as explained at the certification hearing (if any). Conformance to those criteria, unless specifically modified in accordance with Sections 403.516, 403.5315, 403.9418, F.S., and Rule 62-17.211, F.A.C., is binding upon the Licensee in the design, construction, operation and maintenance of the certified facility. ~~In any instance where a conflict occurs between the Application's design criteria and the Conditions of Certification, the Conditions shall prevail.~~

~~[Sections 403.516, 403.5315, and 403.9418, F.S.; Rules 62-17.211, 62-17.680, and 62-807.610, F.A.C.]~~

VIII. NOTIFICATION

A. - B. No Changes

C. Within 60 days after certification of an associated linear facility the Licensee shall file a notice of the certified route with the Department and the clerk of the circuit court for each county through which the corridor will pass.

The notice shall consist of maps or aerial photographs in the scale of 1:24,000 which clearly show the location of the certified route and shall state that the certification of the corridor will result in the acquisition of rights-of-way within the corridor. The Licensee shall certify to the Department and clerk that all lands required for the transmission line rights-of-way within the corridor have been acquired within such county.

[Section 403.5112, F.S.]

IX. REPLACEMENT FOR RESTORATION OF SYSTEM INTEGRITY AND EMERGENCY CONDITIONS

A. - B. No Changes

X. CONSTRUCTION PRACTICES

A. Local Building Codes

Subject to the conditions set forth herein, this certification constitutes the sole license of the state and any agency as to the approval of the location of the site and any associated facility and the construction and operation of any certified facility. The licensee is not required to obtain building permits for certified facilities. However, this certification shall not affect in any way the right of any local government to charge appropriate fees or require that construction of installations used by the electric utility that are not an integral part of a generating plant, substation, or control center (such as office buildings, warehouses, garages, machine shops, and recreational buildings) be in compliance with applicable building construction codes. Such fees and compliance with such construction codes are outside of the scope of this certification.

~~Any local government has the right to charge appropriate fees or require that construction be in compliance with applicable building construction codes.~~

B. Particulate Matter

~~The Licensee shall take reasonable precautions to control emissions of unconfined particulate matter in accordance with subparagraph 62-296.320(4)(c)1., F.A.C. The Licensee shall take appropriate measures to stabilize those portions of the certified area that are disturbed by construction or operation of the certified facility that may cause release of particulate matter.~~

~~[Rule 62-296.320, F.A.C.]~~

C. Open Burning

~~Prior to open burning in connection with land clearing, the Licensee shall seek authorization from the Florida Forest Service in accordance with the requirements of Chapters 62-256 and 51-2, F.A.C. the Florida Forestry Service. Any open burning in connection with initial land clearing shall be in accordance with the non-procedural requirements of Chapters 62-256 and 51-2, F.A.C. Prior to any burning of construction-generated material, after initial land clearing that is allowed to be burned in accordance with Chapter 62-256, F.A.C., Licensee shall seek approval from the applicable DEP District Office, whose approval may be granted in conjunction with the approval of the Division of Forestry. Burning shall not occur if not approved by the Department or if the Division of Forestry has issued a ban on burning due to fire safety conditions or due to air pollution conditions. A copy of any submittal by Licensee relating to open burning shall be submitted to the affected county in which open burning will take place as requested or required by that county, for informational purposes.~~

~~[Chapters 51-2 and 62-256, F.A.C.]~~

CD. Solid Wastes

~~Solid wastes resulting from construction shall be disposed of in accordance with the applicable non-procedural requirements of Chapter 62-701, F.A.C.~~

~~[Chapter 62-701, F.A.C.]~~

E. Flood Control Protection

~~The certified facilities shall be constructed in a manner that complies with any applicable non-procedural County flood protection requirements.~~

DF. Vegetation

~~For areas located in Florida Department of Transportation (DOT) ROW's Chapter 7 of the Florida DOT *Utility Accommodation Manual* located at this web address <http://www2.dot.state.fl.us/proceduraldocuments/procedures/bin/710020001/Chapter-7.pdf> shall serve as guidelines for best management practices.~~

EG. Existing Underground Utilities

~~The Licensee must follow all applicable portions of the Underground Facility Damage Prevention and Safety Act, Chapter 556, F.S. The Licensee shall provide the affected local government and the Siting Office with copies of valid tickets obtained from Sunshine State One Call of Florida upon request. Tickets shall be available for request until the underground~~

~~work is completed for the affected area. During design and prior to construction of any linear facility, Licensee shall contact Sunshine One Call and obtain a listing (design and construction tickets) of all the known existing underground utilities within the ROW. Licensee shall provide the affected county and the Siting Office with a copy of the information received from Sunshine One Call. Licensee must follow all applicable portions of the Underground Facility Damage Prevention and Safety Act, Chapter 556, F.S.~~

~~[Chapter 556, F.S.]~~

FH. *Electric and Magnetic Fields*

Any transmission lines that are associated facilities shall comply with the applicable requirements of Chapter 62-814, F.A.C.

~~[Chapter 62-814, F.A.C.]~~

GI. *Existing Wells*

Any existing wells in the path of construction that will no longer be used shall be abandoned by a licensed well contractor. All abandoned wells shall be filled and sealed in accordance with subsection 62-532.500(4), F.A.C., or with the rules of the authorizing agency.

~~[Rule subsections 62-532.440 400 and subsection 62-532.500(45), F.A.C.]~~

HJ. *Abandonment of Existing Septic Tanks*

Any existing septic tanks that will no longer be used shall be abandoned in accordance with Rule 64E-6.011, F.A.C., unless these Conditions provide otherwise.

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

K. *Storage Tanks*

Storage Tank systems shall be taken out-of-service and/or closed as necessary in accordance with Rules 62-761.800 and 62-762.801, F.A.C., as applicable.

~~[Chapters 62-761 and 62-762, F.A.C.]~~

XI. No Change

XII. DISPUTE RESOLUTION

A. General

If a situation arises in which mutual agreement between either the Department and the Licensee, or the Department and an agency with substantive regulatory jurisdiction over a matter cannot be reached, the Department can act as a facilitator in an attempt to resolve the issue. If the dispute is not resolved in this initial informal meeting, Licensee may request a second informal meeting in which both Licensee and the agency with substantive regulatory jurisdiction over the matter at issue can participate in an attempt to resolve the issue. If, after such meetings, a mutual agreement cannot be reached between the parties, then the matter shall be referred to the Division of Administrative Hearings (DOAH) for disposition in accordance with the provisions of Chapter 120, F.S. The Licensee or the Department may request DOAH to establish an expedited schedule for the processing of such a dispute. Any filing with DOAH shall state with particularity the specific project and geographic location to which the dispute relates. Work

unrelated to the specific project and in areas other than the location to which the dispute relates will not be affected by the dispute.

B. Modifications

If written objections are filed regarding a modification, and the objections address only a portion of a requested modification, then the department shall issue a Final Order approving the portion of the modification to which no objections were filed, unless that portion of the requested modification is substantially related to or necessary to implement the portion to which written objections are filed.

C. Post-Certification Submittals

If it is determined, after assessment of a post-certification submittal, that compliance with the conditions will not be achieved for a particular portion of a submittal, the Department may make a separate assessment of other portions of the submittal, unless those portions of the submittal are substantially related to or necessary to implement that portion for which it has been determined that compliance with the conditions will not be achieved.

[Sections 120.57, F.S. and Rule 62-17.211, F.A.C.]

~~If a situation arises in which mutual agreement cannot be reached between the Licensee, DEP and another agency receiving a post-certification submittal or between DEP and the Licensee regarding compliance with the Conditions of Certification, then the matter shall be immediately referred to the Division of Administrative Hearings (DOAH) for disposition in accordance with the provisions of Chapter 120, F.S. The Licensee or DEP may request DOAH to establish an expedited schedule for the processing of such a dispute.~~

~~[Sections 403.527, 403.531, and 120.57, F.S.]~~

XIII. No Changes

XIV. ENFORCEMENT

A. The terms, conditions, requirements, limitations and restrictions set forth in these Conditions of Certification are binding and enforceable pursuant to Sections 403.141, 403.161, 403.514, 403.727, and 403.859 through 403.861, F.S., as applicable. Any noncompliance by the Licensee with a Condition of Certification constitutes a violation of Chapter 403, F.S., and is grounds for enforcement action, license termination, license revocation, or license revision. The Licensee is placed on notice that the Department may review this certification periodically and may initiate enforcement action for any violation of these Conditions. ~~Abandonment of the certified facility will be considered grounds for enforcement action.~~

B. All records, notes, monitoring data and other information relating to the construction or operation of the Certified Facility which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the Certified Facility and arising under the Florida Statutes or Department rules, subject to the restrictions in Sections 403.111 and 403.73, F.S. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules. ~~Consistent with the Florida Rules of Evidence and of Civil Procedure, all~~

~~records, notes, monitoring data and other information relating to the construction or operation of the certified facility which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the certified facility and arising under the Florida Statutes or Department rules.~~

XV. REVOCATION OR SUSPENSION
No Changes

XVI. SAFETYREGULATORY COMPLIANCE
No Further Changes

~~XVII. HERBICIDES~~

~~For licenses issued under the TLSA and/or NGSPA herbicides applied at the site or in any ROW shall only be those registered by the U.S. Environmental Protection Agency and which have state approval. Herbicide application rates and concentrations will be in accordance with label directions and will be carried out by a licensed applicator, in compliance with all federal, state and local regulations. Herbicide applications shall be selectively applied to targeted vegetation. Broadcast application of herbicide shall not be used unless effects on non-targeted vegetation are minimized.~~

~~[Sections 403.061, 403.088, 487.031, and 487.041, F.S.]~~

XVIII. CIVIL AND CRIMINAL LIABILITY

~~A.—This certification does not relieve the Licensee from civil or criminal penalties for noncompliance with any conditions of this certification, applicable rules or regulations of the Department, or any other state statutes or regulations which may apply.~~

~~B.—This License is not a waiver of any other Department approval that may be required for other aspects of the certified facility under federally delegated or approved programs. Except to the extent a variance, exception, exemption or other relief is granted in the final order of certification, in a subsequent modification to these Conditions, or as otherwise provided under Chapter 403, F.S, this certification does not relieve the Licensee from civil or criminal penalties for noncompliance with any COC, applicable rules or regulations of the Department, or any other state statutes or regulations which may apply.~~

~~[Sections 403.141, 403.161, 403.511, F.S.]~~

~~[Sections 403.141, 403.161, 403.511, 403.531, and 403.9416, F.S.]~~

~~XIXXVIII. PROPERTY RIGHTSUSE OF STATE LANDS~~

No Further Changes

XIX. PROCEDURAL RIGHTS

~~Except as specified in Chapter 403, F.S., or Chapter 62-17, F.A.C., no No term or Condition of Certification shall be interpreted to preclude the post-certification exercise by any party of whatever procedural rights it may have under Chapter 120, F.S., including those related to rule-making proceedings.~~

~~[Chapter 120, and Sections 403.511(5)(c), 403.531(5), and 403.9416(4), F.S.]~~

XXI. AGENCY ADDRESSES FOR POST-CERTIFICATION SUBMITTALS AND NOTICES

Address update only for DEO

Florida Department of ~~Community Affairs~~Economic Opportunity
Office of the Secretary
107 East Madison St.
Tallahassee, FL 32399-2100~~2555 Shumard Oak Blvd.~~
~~Tallahassee, FL 32399-2100~~

XXII. PROCEDURES FOR POST-CERTIFICATION SUBMITTALS

A. No Changes

B. Filings

All post-certification submittals of information by Licensee are to be filed with the DEP Siting Coordination Office, the DEP District Office(s), and any other agency that is entitled to receive a submittal pursuant to any Condition of Certification. All filings with the Siting Coordination Office shall be submitted in .pdf format only, unless otherwise requested. Each submittal shall clearly identify the certified facility name, PA#, and the Condition number/s (i.e. Section X, Condition XX.y.(z)) requiring the submittal. As required by Section 403.5113(2), F.S., each post-certification submittal will be reviewed by each agency with regulatory authority over the matters addressed in the submittal on an expedited and priority basis.

~~Within 90 days after certification, and within 90 days after any subsequent modification or certification, the Licensee shall provide the Department a complete summary of those post-certification submittals that are identified in the Conditions of Certification where due dates for the information required of the Licensee are identified. A summary shall be provided as a separate document for each transmission line, if any. Such submittals shall include, but are not limited to, monitoring reports, management plans, wildlife surveys, etc. The summary shall be provided to the DEP Siting Coordination Office and any affected agency or agency subunit to which the submittal is required to be provided, in a sortable spreadsheet, via CD and hard copy, in the format identified below or equivalent.~~

Condition Number	Requirement and Timeframe	Due Date	Name of Agency or Agency Subunit to whom the submittal is required to be provided

~~[Section 403.5113, F.S., subsection 62-17.191(3), F.A.C.]~~

C- G. No Changes

~~H. Variation to Submittal Requirements~~

~~DEP, in consultation with the appropriate agencies that have regulatory authority over a matter to be addressed in a post-certification submittal, and Licensee may jointly agree to vary any of the post-certification submittal requirements, provided the information submitted is sufficient to provide reasonable assurances of compliance with these Conditions of Certification.~~

~~I. Disputes~~

~~Any agency which received a post-certification submittal pursuant to these Conditions may dispute a determination that a submittal provides reasonable assurances of compliance with the Conditions of Certification made by DEP on matters within that agency's jurisdiction by following the procedures set forth in Chapter 120, F.S. The agency's statement disputing DEP's determination shall state with particularity the location to which the agency's dispute relates. Work in areas other than the location to which the agency's dispute relates will not be affected by the agency's dispute.~~

XXII. POST CERTIFICATION SUBMITTAL REQUIREMENTS SUMMARY

Within 90 days after certification, and within 90 days after any subsequent modification or certification, the Licensee shall provide the Department a complete summary of those post-certification submittals that are identified in the Conditions of Certification where due-dates for the information required of the Licensee are identified. A summary shall be provided as a separate document for each transmission line, if any. Such submittals shall include, but are not limited to, monitoring reports, management plans, wildlife surveys, etc. The summary shall be provided to the DEP Siting Coordination Office and any affected agency or agency subunit to which the submittal is required to be provided, in a sortable spreadsheet, via CD and hard copy, in the format identified below or equivalent.

<u>Condition Number</u>	<u>Requirement and Timeframe</u>	<u>Due Date</u>	<u>Name of Agency or Agency Subunit to whom the submittal is required to be provided</u>

~~[Section 403.5113, F.S., subsection 62-17.191(3), F.A.C.]~~

XXIII. - XXVIII No Changes

XXIX. LABORATORIES AND QUALITY ASSURANCE

Chemical, physical, biological, microbiological and toxicological data collected as a requirement of these Conditions must be reliable, and collected and analyzed by scientifically sound procedures. Unless otherwise specified in these Conditions, the Licensee shall adhere to the minimum field and laboratory quality assurance, methodological and reporting requirements of the Department as set forth in Chapter 62-160, F.A.C. Standard Operating Procedures can be downloaded from the following website:

http://www.dep.state.fl.us/labs/library/lab_sops.htm~~http://www.dep.state.fl.us/labs/qa/sops.htm~~

XXX. ENVIRONMENTAL RESOURCES

A. General

1. Submittals for Construction Activities

a. Prior to the commencement of construction of new facilities and/or associated facilities the Licensee shall provide to the appropriate DEP District's Environmental Resource Permitting Section(s) for review, all information necessary for a complete *Joint Application for Environmental Resource Permit (ERP)*, DEP Forms 62-343.900(1), or 62-346.900(1) and 62-312.900(1) ~~for activities in Northwest Florida~~ as applicable.

~~These~~ This forms may: ~~be submitted;~~ a) have been submitted concurrently with a site certification application; b) be submitted as part of an amendment request, or a petition for modification; or ~~be~~ c) be submitted as a post-certification submittal following approval of a project through certification, an amendment, or a modification. Such ERP applications, once received, shall be reviewed in accordance with the standards and criteria for issuance of an ERP, including all the provisions related to reduction and elimination of impacts, conditions for issuance, additional conditions for issuance, and mitigation contained in Chapters 62-330, 62-341, 62-343, and 62-346, F.A.C., as applicable unless otherwise stated in these Conditions.

Those forms submitted as part of a site certification, an amendment, or modification, shall be processed concurrently with, and under the respective certification, amendment, or modification, procedures. Those forms submitted as a post-certification submittal (after project approval and prior to construction) shall be processed in accordance with Section A. Condition XXII. Procedures for Post-Certification Submittals.

No construction shall commence on a project feature, or in a particular segment for a linear facility, until the ~~appropriate notification from the~~ Department has determined that there is a demonstration of compliance with these COCs. For post-certification submittal reviews, the Department's determination is governed by Section A., Condition XXI. ~~Procedures for Post-Certification Submittals.~~been received.

b. Concurrent with submittal of the DEP form required in subparagraph A. 1.a., above, ~~t~~The Licensee shall submit, as applicable, a survey of wetland and surface water areas as delineated in accordance with Chapter 62-340, F.A.C., and verified by appropriate agency staff for Department approval. Available DEP-approved wetland and surface

water delineations within the boundaries of a Certified Site or a portion thereof may be used and reproduced for this delineation submittal and verification.

[Chapter 62-340, F.A.C.]

[Section 373.416, F.S.; Chapters 62-312, 62-340 and subsections 62-343.070(2) and 62-346.070(2), paragraph 62-343.090(2)(b), and Forms 62-343.900(1) and 62-346.900(1), F.A.C.]

2. -3. No changes

B. Surface Water Management

1. ~~Surface~~Information regarding surface water management systems (SWMS) will be ~~evaluated~~ reviewed for consistency with the applicable non-procedural requirements of ~~under~~ Part IV of Chapter 373, F.A.C. following submittal of Form 62-343.900(1) or 62-346.900(1), as applicable, to the appropriate office of the Department.

2. All construction, operation, and maintenance of the SWMS(s) for the Certified Facilities shall be as set forth in the plans, specifications and performance criteria contained in the Application and other materials presented during the certification proceeding, post-certification submittals, and as otherwise approved.~~Department's files and approved by this license.~~ If specific requirements are necessary for construction, operation and/or maintenance of an approved SWMS, those requirements shall be incorporated into a SWMS Plan for that system and included in Attachment B. Any alteration or modification to the surface water management system as licensed requires prior approval from the Department.

3. To allow for stabilization of all disturbed areas, immediately prior to, during construction, and for the period of time after construction ~~to allow for stabilization of all disturbed areas~~ of the SWMS, the Licensee shall implement and maintain erosion and sediment control best management practices, such as silt fences, erosion control blankets, mulch, sediment traps, polyacrylamide (PAM), temporary grass seed, permanent sod, and floating turbidity screens to retain sediment on-site and to prevent violations of state water quality standards. These devices shall be installed, used, and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the licensed work, and shall remain in place at all locations until construction is completed and soils are permanently stabilized. All best management practices shall be in accordance with the guidelines and specifications described in *the State of Florida Erosion and Sediment Control Designer and Reviewer Manual* (Florida Department of Transportation and Florida Department of Environmental Protection, by HydroDynamics Incorporated in cooperation with Stormwater Management Academy, June 2007) unless a project-specific erosion and sediment control plan is approved as part of this License. If project-specific conditions require additional measures during any phase of construction or operation to prevent erosion or control sediments beyond those specified in the approved erosion and sediment control plan, the Licensee shall implement additional best management practices as necessary, in accordance with the guidelines and specifications in *the State of Florida Erosion and Sediment Control Designer and Reviewer Manual* ~~(Florida Department of Transportation and Florida Department of Environmental Protection by HydroDynamics Incorporated in cooperation with Stormwater Management Academy, June 2007).~~ The Licensee shall correct any erosion or shoaling that causes adverse impacts to the water resources as soon as practicable. Once project construction has been

deemed complete, including the re-stabilization of all side slopes, embankments and other disturbed areas, and before conversion from the operation and maintenance phase, all silt screens and fences, temporary baffles, and other materials that are no longer required for erosion and sediment control shall be removed.

4. The Licensee shall complete construction of all aspects of the surface water management system described in the DEP ERP Application Form, as part of a postcertification submittal, amendment, or modification, including water quality treatment features, and discharge control facilities prior to use of the portion of the certified facility being served by the surface water management system.

5. The Department must be notified in advance of any proposed construction dewatering. If the dewatering activity is likely to result in offsite discharge or sediment transport into wetlands or surface waters, a written dewatering plan must be submitted to and approved by the Department prior to the dewatering event. Additional authorizations may be required for certain dewatering activities.~~All dewatering discharges must be in compliance with Rule 62-621.300, F.A.C.~~

6.- 10. No Changes

C. Wetland and Other Surface Water Impacts

1. No Changes

2. Proposed mitigation plans submitted with the DEP ERP Application forms required in Condition A.1.a. above, or submitted and approved as part of an amendment, modification, or certification, and that are deemed acceptable by DEP, shall include applicable construction conditions, success criteria and monitoring plans and shall be incorporated into the Conditions of Certification and attached as Attachment ~~BC~~.

XXXI. No Changes

XXXII. FACILITY OPERATION

The Licensee shall properly operate and maintain the certified facility and systems of treatment and control (and related appurtenances) that are installed and used by the Licensee to achieve compliance with these Conditions of Certification, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with these Conditions as required by the final order of certification, these Conditions, or a post-certification amendment or modification. ~~This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the final order of certification, these Conditions, or a post-certification amendment or modification.~~ Further, the Licensee shall take all reasonable steps to minimize any adverse impact resulting from noncompliance with any limitation specified in this certification, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying event~~and when required by Department rule.~~

XXXIII – XXXIV. No Changes

XXXV. SOLID AND HAZARDOUS WASTE

A. Solid Waste

The Licensee shall comply with all applicable provisions of Chapters 62-701, ~~and 62-702~~, F.A.C., for any solid waste generated within the certified facility during construction and/or operation.

[Chapters 62-701, F.A.C.]

B. Hazardous Waste

The Licensee shall comply with all applicable non-procedural provisions of DEP Chapter 62-730, F.A.C., for any hazardous waste generated within the certified facility. An EPA identification number must be obtained before beginning hazardous waste activities, except for Conditionally Exempt Small Quantity Generators (CESQGs) who are exempt from this regulation under Title 40 Code of Federal Regulations (CFR), §261.5. CESQGs generate no more than 100 kg (220 lbs) of hazardous waste in any month.

The Licensee shall comply with all applicable provisions of DEP Chapter 62-710, F.A.C., for any used oil and used oil filters generated within the Certified Facility.

The Licensee shall comply with all applicable provisions of DEP Chapter 62-737, F.A.C., for any spent mercury-containing lamps and devices generated within the Certified Facility.

[Chapters 62-710, 62-730 and 62-737, F.A.C.]

No Change C

D. Used Oil, Petroleum Contact Water and Spent Mercury

The Licensee shall comply with all applicable provisions of Chapter 62-710, F.A.C., for any used oil including oil filters, Chapter 62-740, F.A.C., for any petroleum contact water, and Chapter 62-737, F.A.C., for any spent mercury containing lamps and devices generated within Certified Facility during construction and operation.

[Chapters 62-710, 62-740 and 62-737, F.A.C.]

E. Contaminated Site Cleanup

1. The Licensee shall comply with all applicable provisions of DEP Chapter 62-780, F.A.C., for any violations of relevant provisions of Chapter 376 or 403, F.S., that result in legal responsibility for site rehabilitation pursuant to those chapters. This responsibility for site rehabilitation does not affect any activity or discharge permitted or exempted pursuant to Chapter 376 or 403, F.S., or rules promulgated pursuant to Chapter 376 or 403, F.S.

[Chapter 62-780, F.A.C.]

D. Water Quality Reporting Requirements for the Solid Waste Program

~~All solid and/or hazardous waste water quality monitoring reports and all solid and/or hazardous waste ground water, surface water and leachate analytical results shall be submitted electronically. Water quality monitoring reports shall be submitted in a pdf format. The water quality data Electronic Data Deliverable (EDD) shall be provided to the Department in an electronic format consistent with requirements for importing the data into the Department's~~

databases. ~~Water quality monitoring reports shall be signed and sealed by a Florida registered professional geologist or professional engineer with experience in hydrogeological investigations and shall include the following:~~

- ~~1. Cover letter;~~
- ~~2. Summary of exceedances and recommendations;~~
- ~~3. Ground water contour maps;~~
- ~~4. Chain of custody forms;~~
- ~~5. Water levels, water elevation table;~~
- ~~6. Ground Water Monitoring Report Certification, using the appropriate Department form;~~
- ~~7. Appropriate sampling information on Form FD 9000-24 (DEP SOP-001/01); and,~~
- ~~8. Laboratory and Field EDDs and error logs, as applicable.~~

~~All submittals in response to this specific condition shall be sent both to:~~

~~Florida Department of Environmental Protection
{District name} District Office
{address}
{city}, Florida {zip code}~~

~~And to:~~

~~Florida Department of Environmental Protection
Solid Waste Section
2600 Blair Stone Road, MS-4565
Tallahassee, Florida, 32399-2400~~

~~And to:~~

~~Florida Department of Environmental Protection
Siting Coordination Office, MS-48
3900 Commonwealth Blvd.
Tallahassee, FL 32399-3900~~

~~{Rules 62-160.110, 62-160.240, 62-160.340, and 62-730.225, F.A.C.}~~

XXXV1. – XXXVIII. No Change

~~XXXIX. ELEVATORS~~

~~The Licensee shall comply with all applicable requirements of Chapter 399, F.S. concerning elevator safety within the certified facility.~~

~~{Chapter 399, F.S.}~~

~~XL. FIRE PROTECTION~~

~~The Licensee shall comply with all applicable codes and standards of the National Fire Safety Code within the certified facility.~~

~~[Chapter 69A-60, F.A.C.]~~

SECTION B: SPECIFIC CONDITIONS

I – IV. No Change

V. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

A. *West Indian Manatee*

1. - 2. No Changes

3. Biological Monitoring

The following monitoring requirements for manatee distribution and abundance are applicable to the operation of the interim heating system during the conversion of the RBEC:

a. By June 15 of the year when the RBEC conversion commences, which is expected to be 2011 the Licensee shall submit to the DEP Siting Office and FWC, a Biological Monitoring Plan. The Biological Monitoring Plan shall include at a minimum the following components:

(1) Monitor the winter (October 15 through March 31) distribution and abundance of manatees during the time frame that includes the operation of the interim warm-water heating system.

(2) Biological monitoring shall be conducted through aerial surveys during the winter months (November 15 through March 31) beginning the first winter of the plant's conversion and continuing through the completion of the RBEC conversion process. However, the FPL will consult with FWC to determine the status of other aerial survey data collection efforts to determine the appropriate start date for these required aerial surveys

(3) Specific aerial survey paths, sampling frequencies, and methodologies for aerial surveys. At a minimum, aerial survey flight paths shall encompass known manatee winter habitat including travel corridors and passive warmwater sites from Hobe Sound (Highway 707 bridge) to Boynton Inlet on a bi-weekly basis while the interim heating system is in operation during the winter months (November 15 through March 31) unless weather or mechanical difficulties require the cancellation of a flight; however, in no case shall less than 2 surveys be conducted per month.

(4) – (5) No further changes

b. – h. No further changes

4. - 5. No Changes

6. Manatee Construction Conditions for In-Water Work

a. The Standard Manatee Conditions for In-Water Work (revision ~~2009~~2011) are required for all in-water work in or adjacent to waters accessible to manatees. Blasting or pile hammering activities to break rock shall be prohibited in waters accessible to manatees. If no other alternative exists, a modification of these conservation measures can be requested. An adequate Blast and Protected Species Watch Plan must be submitted to and

approved by the Imperiled Species Management Section of the FWC prior to these methodologies being used.

b. – d. No further changes

7. - 9. No Changes

B. – D. No Changes

VI-VIII. No Change

VHIX. CITY OF WEST PALM BEACH

A.- C. No Changes

D. Florida Power & Light (FPL) shall provide a Construction Traffic Management Plan (Plan) to the City of West Palm Beach that addresses the impact of the construction traffic no later than 90 days prior to the commencement of site preparation work for the Construction Support Area on North Flagler Drive. The Construction Traffic Management Plan shall address the items listed in 1 through 6 below and shall provide for mitigation of the impacts of the construction traffic. The Plan will be reviewed by the City's Traffic Engineer and the Planning and Zoning Department Staff to ensure that the mitigation measures listed in the Plan are appropriate. If the City identifies additional mitigation measures or modifies the proposed measures, these shall be incorporated into the Plan by FPL.

[Chapters 78 and 86 of the City of West Palm Beach Code of Ordinances]

1. Provide specifics on how the Construction Support Area and the Riviera Beach site and staging area will be accessed, to include hours, types and numbers of vehicles, access route, etc.

2. Provide information on who will park at the Construction Support Area and the plan to regulate the use of the parking.

3. Provide information on how FPL will prevent construction traffic from parking on the City of West Palm Beach local street network.

4. Provide information on how FPL will prevent construction trucks and equipment from driving on the local street network to access the construction support area or the south portion of the plant (Gate 9).

5. Provide an updated traffic study showing the impact/distribution of the vehicles using the Construction Support Area.

~~6. Provide the specification on the re-stripped left turn lane on Broadway Avenue north of 59th Street and the specifics of how the new turn lane will function.~~

E.- I. No Changes

J. FPL shall install "Do not block intersection" signs at the intersection of Broadway Avenue and 59th Street at locations as approved by the Florida Department of Transportation ~~in conjunction with the re-striping of Broadway Avenue or~~ thirty (30) days prior to the use of the Construction Parking and Laydown Area, ~~whichever first occurs.~~

[Chapters 78 and 86 of the City of West Palm Beach Code of Ordinances]

K.- LL. No Changes

X – XI. No Change

XII. DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Only herbicides registered by the U.S. Environmental Protection Agency and the Florida Department of Agriculture and Consumer Services shall be used at certified facilities. Herbicide applications will be in accordance with label directions and will be carried out by a licensed applicator, in compliance with all federal, state and local regulations. Herbicide applications shall be selectively applied to targeted vegetation. Broadcast application of herbicide shall not be used unless effects on non-targeted vegetation are minimized.

[Chapter 487, F.S.]

A complete set of the Conditions of Certification (including attachments) can be viewed and downloaded from the following website: <http://www.dep.state.fl.us/siting/certification.htm>
Copies of the Conditions of Certification and/or attachments may also be obtained by contacting the Siting Coordination Office, Department of Environmental Protection, 3900 Commonwealth Blvd., MS 48, Tallahassee, Florida 32399-3000, (850) 245-2002.

Any party to this Order has a right to seek judicial review of it pursuant to Section 120.68, F.S., 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, MS 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 thirty days from the date this Order is filed with the Clerk of the Department of Environmental Protection.

Executed in Tallahassee, Florida.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cindy Mulkey", with a large, sweeping flourish at the end.

Cindy Mulkey
Administrator
Siting Coordination Office

FILING AND ACKNOWLEDGMENT

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

Essie Turner 9-18-2012
Clerk Date

CC by email:

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