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David B. Struhs
Secretary

February 24, 2003

- CERTIFIED MAIL - RETURN RECEIPT REQUESTED -

Frederick F. Haddad, Jr.
Vice President, Power Resources
Orlando Utilities commission
500 South Orange Avenue
Orlando, Florida 32802

**RE: Orlando Utilities Commission
Curtis H. Stanton Energy Center
Modification to Conditions of Certification
DEP Case Number PA 81-14E**

ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Mr. Haddad:

Pursuant to Rule 62-17.211, Florida Administrative Code ("F.A.C.") the Department hereby modifies the Conditions of Certification for the Orlando Utilities Commission Stanton Energy Center. The modification includes addition of the language of the Alafaya Trail Extension Agreement, which was adopted on July 24, 1995; updating of rule citations and the department's name; adding the language of the red-cockaded woodpecker management agreement; and merging all red-cockaded woodpecker conditions into one.

On December 2, 2002, all parties to the certification proceeding were provided with notice by certified mail of the Department's intent to modify the Conditions of Certification for this facility, along with a copy of the proposed Order Modifying Conditions of Certification. Additionally, on January 17, 2003, notice of the Department's intent to modify the Conditions of Certification for this facility was published in the Florida Administrative Weekly ("FAW"), and on the Department's internet home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices." Those notices specified that 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; that 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 Florida Administrative Weekly to object in writing; that failure to act within the time frame

constitutes a waiver of the right to become a party; and that the Department will issue an Order Modifying the Conditions of Certification for this facility if no written objections are received by the Department.

No objections to the modification have been received by the Department. The Conditions of Certification for the Orlando Utilities Commission Stanton Energy Center are hereby modified as follows:

Condition V.A.4. is hereby changed to read:

V. A. 4. Final drainage plans illustrating all stormwater treatment facilities and conveyances for construction phases and ultimate operations for the entire Curtis H. Stanton Energy Center site shall be submitted to the DEP Central District Manager, the Orange County Pollution Control Department, and the ~~St. Johns River Water Management District~~ SJRWMD or SFWMD as applicable for review and approval prior to construction of any such conveyance or facility. The Department shall indicate its approval or disapproval within 60 days of the submittal.

Condition VI.C.18.a through g. is hereby changed to read:

VI. C. 18. Concrete Batch Plant

a. For the operation of a Vince Hagan Company Model HSM-10250C-400 concrete batch plant with cement and fly ash storage silos, emissions generated during pneumatic drilling of storage silos will be controlled by two Vince Hagan Company Model ES-268B baghouses, one on each silo, with 268 square feet of cloth filtration area. A water spray ring will be used to control emissions during truck loading.

b. Visible emissions from concrete batching plants, silos, hoppers and other storage or conveying equipment shall not exceed 5% opacity (Rule 62-17-296.414(1), F.A.C.).

c. The initial and subsequent compliance tests for visible emissions on the particulate matter control equipment shall be conducted using ~~DEP DER~~ Method 9 in accordance with Rule 62-297.401(9)(c) ~~17-297.420~~, F.A.C. The initial and subsequent compliance tests for visible emissions on the storage piles shall be conducted using EPA Method 22 in accordance with Rule 62-17-297.401(22), F.A.C., and 40 CFR 60, appendix A. The Department's Central District office shall be notified in writing at least 15 days prior to the compliance test in accordance with Rule 62-297.310(7)(a) ~~9 17-297.340~~, F.A.C. The test reports shall be submitted to the Department's Central District office no later than 45 days after the last sampling run of each test is completed in accordance with Rule 62-297.310(8)(b) ~~17-297.570(2)~~, F.A.C.

d. The visible emissions test observation period shall include the period during which the highest opacity can reasonably be expected to occur. For the storage silos, this is expected to be the last 30 minutes of filling.

e. Testing of emissions must be accomplished while filling the cement and fly ash storage silos within $\pm 10\%$ of the permitted capacity of 27 tons per hour. A compliance test submitted at operating rates less than 90% of the permitted capacity will automatically constitute an amended permit at the lesser rate. Failure to submit the input rates and actual operating conditions may invalidate the test (Rule 62-297.310(8)(c) ~~17-297.570~~, F.A.C.).

f. Permitted hours of operation are up to 20 hrs/day, seven days per week, and not to exceed 4,200 hrs/year.

g. All reasonable precautions shall be taken to prevent and control generation of unconfined emissions of particulate matter in accordance with the provision in rule 62-296.320(4) ~~17-296.310(3)~~, F.A.C. These provisions are applicable to any source, including, but not limited to, vehicular movement, transportation of materials, construction, alteration, demolition or wrecking, or industrial related activities such as loading, unloading, storing and handling. Reasonable precautions shall include the use of water sprinklers to prevent and control fugitive particulates from plant grounds and aggregate storage piles and the use of the water spray ring at the truck loadout.

Condition VI.D. is hereby changed to read:

VI. D. Air Monitoring Program

1. A flue gas oxygen meter shall be installed for Stanton Unit 2 to continuously monitor a representative sample of the flue gas. The oxygen monitor shall be used with automatic feedback or manual controls to continuously maintain air/fuel ratio parameters at an optimum. The flue gas manufacturing oxygen monitor shall be calibrated and operated according to established procedures as approved by DEP DER. The document "Use of Flue Gas Oxygen Meter as BACT for Combustion Controls" may be used as a guide.

2. The permittee shall install and operate continuous monitoring devices for Stanton Unit 2 main boiler exhaust for sulfur dioxide, nitrogen oxides, oxygen, and opacity. The monitoring devices shall meet the applicable requirements of Section 62-296.405(1)(f) ~~17-2.710~~, F.A.C., and 40 CFR 60.47a. The opacity monitor may be placed in the ductwork between the electrostatic precipitator and the FGD scrubber.

3. The permittee shall maintain a daily log of the amounts and types of fuel used. The log shall be kept for inspection for at least two years after the data is record. Fuel

analysis data including sulfur content, ash content, and heating values shall be determined on an as received basis and kept for two years.

4. The permittee shall provide stack sampling facilities as required by Rule 62-297.310(6) ~~17-2.700(4)~~ F.A.C.

Condition VI.H. is hereby changed to read:

VI. H. Open Burning

Open burning in connection with initial land clearing shall be in accordance with chapter 62-256, F.A.C., Chapter 5I-2, F.A.C., Uniform Fire Code Section 33.101 Addendum, and any other applicable County regulation.

Any burning of construction generated material, after initial land clearing, that is allowed to be burned in accordance with Chapter 62-256 ~~17-256~~, F.A.C., shall be approved by the DEP Central District Office in conjunction with the Division of Forestry and any other County regulations that may apply. Burning shall not occur unless approved by the jurisdictional agency or if the Department or the Division of Forestry has issued a ban on burning due to fire safety conditions or due to air pollution conditions.

Conditions VII.10. and 11. are hereby changed to read:

VI. I. 10. Compliance Determination

Compliance with the allowable emission limiting standards shall be determined within 60 days after achieving the maximum production rate, but not later than 180 days of initial operation of the unit, and annually thereafter as indicated in this permit, by using the following reference methods as described in 40 CFR 60, Appendix A (1998 version), and adopted by reference in Chapter 62-204.800, F.A.C.

Initial (I) performance tests shall be performed by the deadlines in Specific Condition 29. Initial tests shall also be conducted after any replacement of the major components of the air pollution control equipment (and shake down period not to exceed 100 days after re-starting the CT), such as replacement of SCR catalyst or addition of oxidation catalyst (or change of combustors, if specifically requested by the DEP on a case-by-case basis). Annual (A) compliance tests shall be performed during every federal fiscal year (October 1 - September 30) pursuant to Rule 62-297.310(7), F.A.C., on these units as indicated. The following reference methods shall be used. No other test methods may be used for compliance testing unless prior DEP approval is received in writing. Where initial tests only are indicated, these tests shall be repeated prior to renewal of each operation permit.

EPA Reference Method 9, "Visual Determination of the Opacity of Emissions from Stationary Sources" (I, A).

EPA Reference Method 10, "Determination of Carbon Monoxide Emissions from Stationary Sources" (I, A).

EPA Reference Method 20, "Determination of Oxides of Nitrogen Oxide, Sulfur Dioxide and Diluent Emissions from Stationary Gas Turbines" (EPA reference Method 7E, "Determination of Nitrogen Oxides Emissions from Stationary Sources" or RATA test data may be used to demonstrate compliance for annual test requirement) shall be conducted a) while firing natural gas with maximum duct burner heat input as well as maximum power augmentation and b) while firing fuel oil at the maximum heat input; Initial test for compliance with 40CFR60 Subpart GG; Initial (only) NO_x compliance test for the duct burners (Subpart Da) shall be accomplished via testing with duct burners "on" as compared to "off" and computing the difference.

EPA Reference Method 18, 25 and/or 25A, "Determination of Volatile Organic Concentrations." Initial test only.

EPA Method 0011 or CARB Method 430 shall be utilized to evaluate the emissions of formaldehydes on each CT/Duct Burner as per the table below. A full report including all test results, analyses and applicant's MACT Determination shall be forwarded to the Bureau of Air Regulation in Tallahassee within the same time constraints identified in Specific Condition G.29.

OPERATING MODE	TEST PROTOCOL	TPY CALCULATION
Maximum CT output Natural Gas; Duct Burner firing at maximum output	CARB Method 430 or EPA Method 0011	(6760/2000) times measured Lb/Hour Formaldehyde
Maximum CT output Natural Gas; Duct Burner firing and Power Augmentation implemented, both at max. output	CARB Method 430 or EPA Method 0011	(1000/2000) times measured Lb/Hour Formaldehyde
Maximum output, Fuel Oil	CARB Method 430 or EPA Method 0011	(1000/2000) times measured Lb/Hour Formaldehyde

Note: Results of the sampling method(s) identified above shall be blank corrected. For Method 0011, a minimum sample volume of 30 cubic feet shall be collected. To improve test precision, there shall be two co-located trains for each test. A minimum of 3 runs per CT/Duct Burner shall constitute a test.

Method CTM-027 for ammonia slip (I, A) to be completed simultaneously with NO_x compliance testing.

The applicant shall calculate and report the ppmvd ammonia slip (@ 15% O₂) at the measured lb/hr NO_x emission rate as a means of compliance with the BACT standard. The applicant shall also be capable of calculating ammonia slip at the Department's request, according to Specific Condition 45.

31 Continuous compliance with the CO and NO_x emission limits: Continuous compliance with the CO and NO_x emission limits shall be demonstrated by the CEM system on the specified hour average basis. Based on CEMS data, a separate compliance determination is conducted at the end of each period and a new average emission rate is calculated from the arithmetic average of all valid hourly emission rates from the previous period. Specific Condition 41 further describes the CEM system requirements. Excess emissions periods shall be reported as required in Condition 28. [Rules 62-4.070 F.A.C., 62-210.700, F.A.C., 40 CFR 75 and BACT]

32 Compliance with the SO₂ and PM/PM₁₀ emission limits: For the purposes of demonstrating compliance with the 40 CFR 60.333 SO₂ standard, the applicant is responsible for ensuring that the procedures outlined in attached Appendix GG are complied with.

33 Compliance with CO emission limit: An initial and annual test for CO shall be conducted at 100% capacity with the duct burners off. The NO_x and CO test results shall be the average of three valid one-hour runs. Annual RATA testing for the CO and NO_x CEMS shall be required pursuant to 40 CFR 75.

34 Compliance with the VOC emission limit: An initial test is required to demonstrate compliance with the VOC emission limit. Thereafter, the CO emission limit will be employed as a surrogate and no annual testing is required [see Specific Condition 22 for exception].

35 Testing procedures: Unless otherwise specified, testing of emissions shall be conducted with the combustion turbine operating at permitted capacity. Permitted capacity is defined as 90-100 percent of the maximum heat input rate allowed by the permit, corrected for the average ambient air temperature during the test (with 100 percent represented by a curve depicting heat input vs. ambient temperature). Procedures for these tests shall meet all applicable requirements (i.e., testing time frequency, minimum compliance duration, etc.) of Chapters 62-204 and 62-297, F.A.C.

36 Test Notification: The DEP's Central District office shall be notified, in writing, at least 30 days prior to the initial performance tests and at least 15 days before annual compliance tests.

37 Special Compliance Tests: The DEP may request a special compliance test pursuant to Rule 62-297.310(7), F.A.C., when, after investigation (such as complaints, increased visible emissions, odors or questionable maintenance of control equipment), there is reason to believe that any applicable emission standard is being violated.

38 Test Results: Compliance test results shall be submitted to the DEP's Central District office no later than 45 days after completion of the last test run. [Rule 62-297.310(8), F.A.C.].

11. Notification, Reporting, And Recordkeeping

39 Records: All measurements, records, and other data required to be maintained by the applicant shall be recorded in a permanent form and retained for at least five (5) years following the date on which such measurements, records, or data are recorded. These records shall be made available to DEP representatives upon request.

The applicant will be required to maintain records indicating the daily hours of operation of each CT/HRSG unit. These records shall specify which type of fuel is being combusted and the records shall be available for review at the site. Each calendar month, a compilation of the hours of operation for each CT/HRSG unit combusting fuel oil shall be made and totaled for the most recent consecutive 12-month period. Each AOR submitted by the applicant shall include a compilation of each consecutive 12-month period during the preceding calendar year.

40 Compliance Test Reports: The test report shall provide sufficient detail on the tested emission unit and the procedures used to allow the Department to determine if the test was properly conducted and if the test results were properly computed. At a minimum, the test report shall provide the applicable information listed in Rule 62-297.310(8), F.A.C.

11. — Monitoring Requirements

41 Continuous Monitoring System: The permittee shall install, calibrate, maintain, and operate a continuous emission monitor in the stack to measure and record the emissions of NO_x and CO from these emissions units, and the Carbon Dioxide (CO₂) content of the flue gas at the location where NO_x and CO are monitored, in a manner sufficient to demonstrate compliance with the emission limits of this permit. The CEM system shall be used to demonstrate compliance with the emission limits for NO_x and CO established in this permit. Compliance with the emission limits for NO_x shall be based on a 3-hour block average. The 3-hour block average shall be calculated from 3 consecutive hourly average emission rate values. Compliance with the emission limits for CO shall be based on a 24-hour block average starting at midnight of each operating day. The 24-hour block average shall be calculated from 24 consecutive hourly average emission rate values. Each hourly value shall be computed using at least one data point in each fifteen-minute quadrant of an hour, where the unit combusted fuel during that quadrant of an hour. Notwithstanding this requirement, an hourly value shall be computed from at least two data points separated by a minimum of 15 minutes (where the unit

operates for more than one quadrant of an hour). The owner or operator shall use all valid measurements or data points collected during an hour to calculate the hourly averages. All data points collected during an hour shall be, to the extent practicable, evenly spaced over the hour. If the CEM system measures concentration on a wet basis, the CEM system shall include provisions to determine the moisture content of the exhaust gas and an algorithm to enable correction of the monitoring results to a dry basis (0% moisture). Alternatively, the owner or operator may develop through manual stack test measurements a curve of moisture contents in the exhaust gas versus load for each allowable fuel, and use these typical values in an algorithm to enable correction of the monitoring results to a dry basis (0% moisture). Final results of the CEM system shall be expressed as ppmvd, corrected to 15% oxygen.

The NO_x monitor shall be certified and operated in accordance with the following requirements. The NO_x monitor shall be certified pursuant to 40 CFR Part 75 and shall be operated and maintained in accordance with the applicable requirements of 40 CFR Part 75, Subparts B and C. For purposes of determining compliance with the emission limits specified within this permit, missing data shall not be substituted. Instead the block average shall be determined using the remaining hourly data in the 3-hour block. Record keeping and reporting shall be conducted pursuant to 40 CFR Part 75, Subparts F and G. The RATA tests required for the NO_x monitor shall be performed using EPA Method 20 or 7E, of Appendix A of 40 CFR 60. The NO_x monitor shall be a dual range monitor. The span for the lower range shall not be greater than 10 ppm, and the span for the upper range shall not be greater than 30 ppm, as corrected to 15% O₂.

The CO monitor and CO₂ monitor shall be certified and operated in accordance with the following requirements. The CO monitor shall be certified pursuant to 40 CFR 60, Appendix B, Performance Specification 4. The CO₂ monitor shall be certified pursuant to 40 CFR 60, Appendix B, Performance Specification 3. Quality assurance procedures shall conform to the requirements of 40 CFR 60, Appendix F, and the Data Assessment Report of section 7 shall be made each calendar quarter, and reported semi-annually to the Department's Central District Office. The RATA tests required for the CO monitor shall be performed using EPA Method 10, of Appendix A of 40 CFR 60. The Method 10 analysis shall be based on a continuous sampling train, and the ascarite trap may be omitted or the interference trap of section 10.1 may be used in lieu of the silica gel and ascarite traps. The CO monitor shall be a dual range monitor. The span for the lower range shall not be greater than 20 ppm, and the span for the upper range shall not be greater than 100 ppm, as corrected to 15% O₂. The RATA tests required for the CO₂ monitor shall be performed using EPA Method 3B, of Appendix A of 40 CFR 60.

NO_x, CO and CO₂ emissions data shall be recorded by the CEM system during episodes of startup, shutdown and malfunction. NO_x and CO emissions data recorded during these episodes may be excluded from the block average calculated to demonstrate compliance with the emission limits specified within this permit. Periods of data excluded for startup shall not exceed two hours in any block 24-hour period except for "cold startup." A cold startup is defined as a startup following a complete shutdown lasting a minimum of 72 hours. Periods of data excluded for cold startup shall not exceed four hours in

any 24-hour block period. Periods of data excluded for shutdown shall not exceed two hours in any 24-hour block period. Periods of data excluded for malfunctions shall not exceed two hours in any 24-hour block period. All periods of data excluded for any startup, shutdown or malfunction episode shall be consecutive for each episode. Periods of data excluded for all startup, shutdown or malfunction episodes shall not exceed four hours in any 24-hour block period. The owner or operator shall minimize the duration of data excluded for startup, shutdown and malfunctions, to the extent practicable. Data recorded during startup, shutdown or malfunction events shall not be excluded if the startup, shutdown or malfunction episode was caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure, which may reasonably be prevented.

Best operational practices shall be used to minimize hourly emissions that occur during episodes of startup, shutdown and malfunction. Emissions of any quantity or duration that occur entirely or in part from poor maintenance, poor operation, or any other equipment or process failure, which may reasonably be prevented, shall be prohibited.

A summary report of duration of data excluded from the block average calculation, and all instances of missing data from monitor downtime, shall be reported to the Department's Central District office semi-annually, and shall be consolidated with the report required pursuant to 40 CFR 60.7. For purposes of reporting "excess emissions" pursuant to the requirements of 40 CFR 60.7, excess emissions shall be defined as the hourly emissions which are recorded by the CEM system during periods of data excluded for episodes of startup, shutdown and malfunction, allowed above. The duration of excess emissions shall be the duration of the periods of data excluded for such episodes. Reports required by this paragraph and by 40 CFR 60.7 shall be submitted no less than semi-annually, including semi-annual periods in which no data is excluded or no instances of missing data occur.

Upon request from the Department, the CEMS emission rates shall be corrected to ISO conditions to demonstrate compliance with the applicable standards of 40 CFR 60.332. [Rules 62-4.070(3) and 62-212.400., F.A.C., and BACT]

[Note: Compliance with these requirements will ensure compliance with the other CEM system requirements of this permit to comply with Subpart GG requirements, as well as the applicable requirements of Rule 62-297.520, F.A.C., 40 CFR 60.7(a)(5) and 40 CFR 60.13, and with 40 CFR Part 51, Appendix P, 40 CFR 60, Appendix B, Performance Specifications and 40 CFR 60, Appendix F, Quality Assurance Procedures].

Continuous Monitoring System Reports: The monitoring devices shall comply with the certification and quality assurance, and any other applicable requirements of Rule 62-297.520, F.A.C., 40 CFR 60.13, including certification of each device in accordance with 40 CFR 60, Appendix B, Performance Specifications and 40 CFR 60.7(a)(5) or 40 CFR Part 75. Quality assurance procedures must conform to all applicable sections of 40 CFR 60, Appendix F or 40 CFR 75. The monitoring plan, consisting of data on CEM equipment specifications, manufacturer, type, calibration and maintenance needs, and its proposed location

shall be provided to the DEP Bureau of Ambient Monitoring & Mobile Sources (BAMMS) as well as the EPA for review no later than 45 days prior to the first scheduled certification test pursuant to 40 CFR 75.62.

Determination of Process Variables: The permittee shall operate and maintain equipment and/or instruments necessary to determine process variables, such as process weight input or heat input, when such data is needed in conjunction with emissions data to determine the compliance of the emissions unit with applicable emission limiting standards. No later than 90 days prior to operation, the permittee shall submit for the Department's approval a list of process variables that will be measured to comply with this permit condition.

Equipment and/or instruments used to directly or indirectly determine such process variables, including devices such as belt scales, weigh hoppers, flow meters, and tank scales, shall be calibrated and adjusted to indicate the true value of the parameter being measured with sufficient accuracy to allow the applicable process variable to be determined within 10% of its true value [Rule 62-297.310(5), F.A.C]

Subpart Da Monitoring and Recordkeeping Requirements: The permittee shall comply with all applicable requirements of this Subpart [40CFR60, Subpart Da].

Selective Catalytic Reduction System (SCR) Compliance Procedures:

An annual stack emission test for nitrogen oxides and ammonia from the CT/HRSG pair shall be simultaneously conducted while operating in the power augmentation mode with the duct burner on as defined in Specific Condition 21. The ammonia injection rate necessary to comply with the NO_x standard shall be established and reported during the each performance test.

The SCR shall operate at all times that the turbine is operating, except during turbine start-up and shutdown periods, as dictated by manufacturer's guidelines and in accordance with this permit.

The permittee shall install and operate an ammonia flow meter to measure and record the ammonia injection rate to the SCR system of the CT/HRSG set. It shall be maintained and calibrated according to the manufacturer's specifications. During the stack test, the permittee (at each tested load condition) shall determine and report the ammonia flow rate required to meet the emissions limitations. During NO_x CEM downtimes or malfunctions, the permittee shall operate at the ammonia flow rate, which was established during the last stack test.

Ammonia emissions shall be calculated continuously using inlet and outlet NO_x concentrations from the SCR system and ammonia flow supplied to the SCR system. The calculation procedure shall be provided with the CEM monitoring plan required by 40CFR

Part 75. The following calculation represents one means by which the permittee may demonstrate compliance with this condition:

Ammonia slip @ 15%O₂ = (A-(BxC/1,000,000)) x (1,000,000/B) x D, where:

A = ammonia injection rate (lb/hr) / 17 (lb/lb.mol)

B = dry gas exhaust flow rate (lb/hr) / 29 (lb/lb.mol)

C = change in measured NO_x (ppmv@15%O₂) across catalyst

D = correction factor, derived annually during compliance testing by comparing actual to tested ammonia slip

The calculation along with each newly determined correction factor shall be submitted with each annual compliance test. Calibration data ("as found" and "as left") shall be provided for each measurement device utilized to make the ammonia emission measurement and submitted with each annual compliance test.

Upon specific request by the Department, a special re-test shall occur as described in the previous conditions concerning annual test requirements, in order to demonstrate that all NO_x and ammonia slip related permit limits can be complied with.

Condition VII.B. is hereby changed to read:

VII. B. All clearing and construction activities shall be confined to the limits of the clear zone necessary for the transmission line as shown on Figures 6.1-5 and 6.1-6 of the application drawings. Within 30 days of the completion of construction, the permittee shall arrange a site visit by DEP ~~DER~~ District personnel from the Central District office in Orlando to verify that no wetland damage has occurred outside the transmission line clear zone. If wetland damage occurs outside the transmission line clear zone during construction, the permittee shall submit to the DEP Central District Office for review a plan to restore the wetland area which was damaged and to provide mitigation for the damage. The plan shall be implemented within 30 days of the Department approving the restoration and mitigation plan. This condition does not preclude the Department from taking enforcement action if unauthorized activities occur.

Condition XI.B. is hereby changed to read:

XI. B. Pump Test Program And Well Field Construction

60 days prior to construction of the wellfield the applicant shall submit final wellfield construction plans to the SJRWMD for approval. A pump test program shall be performed to obtain aquifer parameters necessary for proper wellfield planning and construction. The proposed test program shall be submitted with the wellfield construction plans so that the SJRWMD in conjunction with the DEP ~~DER~~ can approve the adequacy of the program. The

utilization of the test well as a production well is allowable provided the well is constructed to the standards provided in 40C-3, Part II, F.A.C.

Condition XI.E. is hereby changed to read:

XI. E. Shallow Aquifer Monitoring Wells

After consultation with the ~~DEP~~ DER and SJRWMD, OUC shall install a monitoring well network to adequately monitor groundwater quality horizontally and vertically from the ground to the bottom of the Hawthorne Formation. Groundwater levels and flow directions will be determined twice a year (May and September) at the site through the preparation of seasonal piezometric contour maps. From these maps, the water quality monitoring well network will be located. Monitoring well locations and designs shall be submitted to the Department and SJRWMD for review and approval. Approval or disapproval of the locations and design shall be granted within 60 days. Monitoring wells of adequate design and number shall be installed up gradient and down gradient from each solid waste disposal area, each liquid waste pond and each coal pile storage area. An additional monitoring well will be placed immediately down gradient of the first section of each solid waste landfill to be utilized. The water samples collected from each of the monitor wells shall be collected immediately after removal by pumping of a quantity of water equal to two casing volumes. The water quality analyses shall be performed monthly during the year prior to commercial operation and quarterly thereafter. Results shall be submitted to the Department and the SJRWMD by the fifteenth (15th) day of the month following the month during which such analyses were performed. Testing for the following constituents is required:

TDS	Zinc
Conductance	Copper
PH	Nickel
Sulfate	Selenium
Color	Arsenic
Nitrate	Beryllium
Chloride	Mercury
Iron	Lead
Aluminum	Gross Alpha, Ra ²²⁶ (when Gross-Alpha activity exceed 15 pCi/l
Cadmium	Total Phosphate
Silver	Calcium
Manganese	Magnesium
Barium	Potassium
Molybdenum	Sodium

Conductivity shall be monitored in wells around all lined ponds.

Condition XI.G. is hereby changed to read:

XI. G. Construction Dewatering Effluent

Construction dewatering effluent shall be treated when appropriate to limit surface water discharges of suspended solids to no more than 50 mg/l. The discharge of construction dewatering liquids shall not cause turbidity in excess of 29 Nephelometric Turbidity Units above ambient beyond a 20 meter radius from the point of discharge. Weekly grab samples will be collected and analyzed for suspended solids.

A program for controlling the groundwater impacts of construction dewatering shall be submitted to the Department and the ~~St. Johns River Water Management District~~ SJRWMD for review and approval prior to implementation.

Condition XVI. is hereby created to read:

XVI. ALAFAYA TRAIL EXTENSION

A. Construction

1. The proposed Alafaya Trail Extension shall be routed as shown in Attachment A to these Conditions of Certification. Prior to construction of any of the projects referenced above, the permittee shall submit drawings on 8.5" by 11" paper, showing the final design, including plan views and cross-sections for each area of filling or clearing in wetlands. The drawings shall show the existing and proposed ground elevations and all existing and proposed structure location, sizes and invert elevations.

2. For the Alafaya Trail Extension, all work shall be confined to the road right-of-way (which term is deemed to include the stormwater ponds numbers 1 through 6 and the pond 4 outfall structure as shown in Attachment B to these Conditions of Certification and the combustion waste storage relocation area. Within 30 days of the completion of construction, the permittee shall arrange a site visit by DEP District personnel from the Central District office in Orlando to verify that no wetland damage has occurred outside the transmission line clear zone or the road right-of-way. If wetland damage occurs outside the transmission line clear zone or the road right-of-way during construction, the permittee shall submit to the Central District office in Orlando for review a plan to restore the wetland area which was damaged and to provide mitigation for the damage. The plan shall be implemented within 30 days of the Department approving the restoration and mitigation plan. This condition does not preclude the Department from taking enforcement action if unauthorized activities occur.

3. Prior to initiating construction, the permittee shall submit a map and aerial photographs showing the location of all staging areas for the Alafaya Trail Extension.

transmission line and alternate access road construction to the Bureau of Wetland Resource Management for review and written approval. These areas shall be upland areas which are not currently providing red-cockaded woodpecker nesting or foraging habitat. The staging areas shall not be used prior to receiving DEP approval.

4. The final two lanes of the proposed four-lane Alafaya Trail Extension are approved conceptually, although detailed plans for these two lanes must be submitted to the agencies for review pursuant to the conditions of certification. The conceptual approval is contingent on the road design being acceptable and acceptable mitigation being proposed to offset the impacts of the final two lanes. The mitigation for the final two lanes shall provide benefits for RCW habitat in east Orange County and RHPZ and wetland habitat of the Econlockhatchee River. The mitigation plan shall contain the information listed in Condition C of this section and shall be submitted to the Department, SJRWMD and the FFWCC for review. Construction of the final two lanes shall not be initiated until the road design and a mitigation plan has been approved.

B. Stormwater Management And Erosion Control For The Alafaya Trail Extension

1. For the portion of the Alafaya Trail Extension that parallels the railroad berm, drainage structures shall be placed under the road at the same location where drainage structures currently exist under the CSX Railroad berm. The drainage structures shall provide at least the same efficiency as the corresponding drainage structure currently existing in the CSX Railroad berm.

2. Within 30 days after completion of the stormwater management system, OUC must submit to the SJRWMD Form EN-45 (As Built Certification By a Registered Professional), signed and sealed by an appropriate professional registered in the State of Florida, and two sets of "As Built" drawings if: (a) the professional uses "As Built" drawings to support the As Built Certification, or (b) the completed system substantially differs from permitted plans.

3. One year after completion of the stormwater management system, and every two years thereafter, OUC, its successors, or assigns shall submit inspection reports to the SJRWMD on SJRWMD Form EN-46. The inspection form must be signed and sealed by an appropriate, registered professional.

4. All wetland areas or water bodies that are outside of the specific limits of construction authorized by this certification must be protected from erosion, siltation, scouring or excess turbidity, and dewatering.

5. OUC must construct and maintain a permanent protective vegetative and/or artificial cover for erosion and sediment control on all land surfaces exposed or disturbed by construction or alteration of the certified project. This protective cover must be installed within fourteen (14) days after final grading of the affected land surfaces. A permanent

vegetative cover must be established within 60 days after planting or installation. OUC must maintain cover on adjacent ground surfaces which may be impacted by construction activities until the SJRWMD receives the P.E. certification that the project is constructed according to the permitted plans.

6. Prior to beginning construction, OUC shall submit to the SJRWMD plans, data analyses, and other similar information demonstrating that the construction of the roadway and associated stormwater management facilities meet SJRWMD's criteria and requirements with regard to water quality and water quantity impacts.

C. Mitigation Criteria For The Alafaya Trail Extension

1. The proposed mitigation plan submitted to SJRWMD by OUC for the Curtis H. Stanton Energy Center, Unit 2, dated June 21, 1991, July 20, 1991, September 11, 1991, September 18, 1991, and September 19, 1991 and the proposed mitigation plan submitted to SJRWMD for the Alafaya Trail Extension dated October 5, 1992, and subsequently modified on May 5, 1993, which is attached hereto, are incorporated as a condition of this certification except where specifically superseded by certification conditions.

2. Mitigation for the impacts of the first two lanes of the proposed four-lane road shall be accomplished through the implementation of one of the following two options:

a. The 37.31 ac. wetland creation and upland enhancement plan proposed in the original October 5, 1992, Request to Modify the certification and subsequently modified in a May 5, 1993, submittal to SJRWMD, which is attached hereto.

b. Upon approval by ACOE, USFWS, EPA, and SJRWMD the 37.31 ac. mitigation area shall be placed under a conservation easement to the Department and \$430,000 shall be contributed toward the purchase of lands deemed acceptable for mitigation by SJRWMD with an effort towards locating such mitigation parcel(s) within Orange County, if feasible. The land purchased with the money would be conveyed to SJRWMD. This option may be exercised up to 30 days prior to the commencement of construction of the roadway.

3. If mitigation is performed pursuant to the proposed 37.31 acre wetland creation and adjacent upland enhancement plan submitted to SJRWMD for the Alafaya Trail Extension dated October 5, 1992, and subsequently modified on May 5, 1993, which is attached hereto, the following conditions shall apply to these areas:

4. OUC must submit to the Department and SJRWMD two copies of an as-built survey of the wetland creation and upland enhancement areas certified by a registered surveyor or professional engineer showing dimension, grades, ground elevations, and water surface elevations. This as-built survey must be submitted with the first monitoring report.

5. Within the wetland creation areas, non-native vegetation, cattails (*Typha* spp.) and primrose willow (*Ludwigia peruviana*), must be controlled by hand clearing or other methods approved in writing by the Department and SJRWMD so that they constitute no more than 10% of the areal cover in each stratum at any time.

6. The wetland creation and upland enhancement areas must be planted prior to use of the infrastructure for its intended purpose.

7. Within 30 days of any monitoring event that indicates 50% or greater mortality of planted wetland and upland species in any stratum within the mitigation area, OUC must submit a remediation plan to the Department, SJRWMD and FFWCC for review. The plan shall not be implemented until written approval has been issued by the Siting Coordination Office.

8. OUC must furnish the Department, SJRWMD, and FFWCC two copies of monitoring reports for the wetland creation and upland enhancement area describing:

a. Percent survival and recorded growth via established parameters for planted trees and shrubs;

b. Percent cover for all species within each stratum;

c. Total percent cover of herbaceous species;

d. Ground and surface water monitoring data including:

(1) Surface water elevation referenced to N.G.V.D., or if surface water is not present, ground water elevation referenced to N.G.V.D.;

(2) Location of staff gauges and piezometers; and,

(3) Date and time of measurements.

e. Observations of wildlife utilizations;

f. Panoramic photographs of the mitigation site taken from approved permanent stations;

g. A description of any problems encountered, including removal of any non-target species, replacement and maintenance dates, and solutions; and,

h. Any anticipated work for the successive six month period following each assessment.

The data must be collected and submitted semi-annually, once during the wet season (August - September) and once during the dry season (March - April) until the created and enhanced areas achieve the success criteria.

9. Successful establishment of the planted vegetation in the wetland creation and upland enhancement areas will have occurred when:

a. At least 80 percent of the planted individuals in each stratum have survived and are showing signs of normal annual growth for three consecutive years, based upon standard growth parameters such as height and base diameter, or canopy circumference;

b. At least 80 percent cover by appropriate wetland herbaceous species in the wetland creation area has been obtained; and,

c. The above criteria have been achieved by the end of a five (5) year period following initial planting.

10. If successful establishment has not occurred as stated above, or is unlikely based upon the monitoring reports or trends, OUC must, within 30 days, submit a mitigation correction plan to the Department, SJRWMD, and FFWCC. The mitigation correction plan must include a narrative describing the type and causes of failure and contain a complete set of plans for the redesign and/or replacement planting of the wetland creation or upland enhancement areas so that success criteria will be achieved. Within 30 days of approval of the mitigation correction plan by the Siting Coordination Office, OUC must implement the redesign and/or the replacement planting. Following completion of such work, success criteria as stated above or as modified by the mitigation correction plan must again be achieved. In addition, the monitoring required by these certification conditions must be conducted.

11. OUC must plant herbaceous wetland species, approved by the Department and SJRWMD, to supplement ground cover, if natural recruitment of desirable species does not occur in the cover stratum of the wetland creation area. If planted, such species must achieve 80 percent coverage after a three year period.

12. Irrigation and fertilization of the wetland creation or upland enhancement areas may occur in the first year after initial planting in accordance with Rule 40C-21, F.A.C.

13. The use of non-native grasses, or the placement of sod, in the wetland creation or upland enhancement areas is specifically prohibited.

14. Within 30 days of completion of initial planting, OUC must submit to the Department, SJRWMD, and FFWCC for review and approval a plan detailing the site-specific methods to be used for monitoring the wetland creation and upland enhancement areas so that achievement of success criteria can be clearly demonstrated. The plan must include such

information as the size, location, and number of monitoring quadrants, the location and number of photographic stations, and other pertinent factors to demonstrate achievement of success criteria.

15. Prior to initiating any construction, OUC must record a conservation easement in favor of the Department and SJRWMD over the wetland creation and upland enhancement areas prohibiting all construction, including clearing, dredging, or filling, except that which is specifically authorized by this certification. The easement must contain provisions as set forth in paragraphs 1(a) - (h) of section 704.06, F.S.

16. Within 30 days of the date of issuance of this certification and prior to recording, the conservation easement language must be submitted to the Department, SJRWMD, and FFWCC for approval. The easement shall not be recorded until the proposed language has been approved in writing by the Siting Coordination Office.

17. Within 30 days of receipt of the Siting Coordination Office's approval, OUC must provide the Department with the original recorded conservation easement and provide copies of the same to SJRWMD and FFWCC. The copies of the recorded easement must show the date the conservation easement was recorded and the official records book and page number.

18. Legal access, at least 15 feet in width, must be provided to the wetland creation and upland enhancement areas for the Department and SJRWMD staff and equipment.

Condition XXI. is hereby changed to read:

XXI. RED COCKADED WOODPECKER RED COCKADED WOODPECKER-
MANAGEMENT PLAN

A. Implementation Of Red Cockaded Woodpecker Management Plan

The management plan for the Red-Cockaded Woodpecker, as described in XXI.D. below, shall be implemented for the life of the facility. The monitoring program shall be extended to cover the first five years of plant operation unless the Florida Fish and Wildlife Conservation Commission should recommend a termination of the monitoring program.

~~The management plan for the Red-Cockaded Woodpecker as described in Section 5.7 and Appendix 5.7A of the application shall be implemented for the life of the facility. The monitoring program shall be extended to cover the first five years of plant operation unless the Florida Fish and Wildlife Conservation Commission should recommend a termination of the monitoring program.~~

B. Red-Cockaded Woodpecker Management Area Identification

All lands depicted in the Red-Cockaded Woodpecker Management Plan, Figure 4-2, except for the area specifically identified as "construction impact of proposed generating Units 1, 2, 3, and 4" constitute the red-cockaded woodpecker management area subject to the Management Plan.

C. Use And Limitations Of The Red-Cockaded Woodpecker Management Area

With regard to the red-cockaded woodpecker management area, in addition to Condition XXI.B., above:

1. OUC may conduct activities within the red-cockaded woodpecker management area which are provided for in the Siting Board's certification orders for Units 1 and 2, including without limitation the execution of habitat restoration, enhancement, and creation required as mitigation.

2. OUC may conduct management, including maintenance in their existing configuration and condition, of existing unpaved private roads utilized by OUC, maintenance of existing water and sewer lines, of existing transmission lines and substation, and other maintenance and management activities which are consistent with its purposes, within the red-cockaded woodpecker management area.

3. OUC shall take appropriate action to manage the red-cockaded woodpecker management area to achieve the purposes required by Condition XXI.B., above, with regard to the red-cockaded woodpecker, and in general to preserve the natural conditions of the area, including other protected species of native wildlife, vegetation, wetlands, and particularly the tributaries and headwaters of the Econlockhatchee River. OUC may act to implement the red-cockaded woodpecker management plan, to monitor its effectiveness, and to react to fire, flood, or other unforeseeable natural or manmade disturbances. Any reports generated by OUC concerning activities within or management of the red-cockaded woodpecker management area shall be provided to the Florida Game and Fresh Water Fish Commission.

4. OUC shall allow only those activities of others within the red-cockaded woodpecker management area which are consistent with its management in a natural state. Such activities shall be limited to environmental restoration, scientific research, habitat management (such as controlled burning) and nature study.

5. Unless specifically authorized by an order of the Siting Board, dredging, filling, construction of buildings, road-ways, dumping of debris, excavation, and clearing of native vegetation shall be prohibited in the area defined by Condition XXI.B., above. The provisions of Sections 403.516 (1) (a) and (b) notwithstanding, OUC agrees that any activity prohibited in this paragraph within the area described in the red-cockaded woodpecker management area shall be authorized only by affirmative vote of the Siting Board.

6. OUC hereby stipulates as a factual matter, which shall be binding on it, and all of its officers, agents, attorneys, and employees, that the "alternate access road" authorized by this supplemental certification completes the necessary roadway access for Units 1 and 2, to allow the full development thereof. Any additional access for electric power generation, and any additional facilities necessary for the construction of Units 3 and 4 will be the subject of a comprehensive Supplemental Certification Application or applications for Units 3 and 4.

7. If OUC determines to pursue a modification of its certification with regard to the easement recorded December 30, 1987, at ORB 3946, Page 3187, Orange County, Florida, it shall do so as a ministerial act only and shall not actively utilize its resources, funds or personnel to support such an application.

D. Management Plan For The Red-Cockaded Woodpecker (Originally Published June 29, 1981)

1. Introduction

A management and monitoring plan will be adopted to ensure long-term presence of red-cockaded woodpeckers on the OUC Stanton site. The following description relates recommended procedures for the proposed management plan. The major emphasis of this plan is protection of existing colonies and provision for adequate foraging range.

For details of the study which is the basis for this management plan, see Attachment 5.7A of the Site Certification Application for OUC Unit 1, dated 1981.

Approximately 2,000 acres will be managed for the benefit of the red-cockaded woodpecker. This acreage will include both existing colonies and approximately 222 acres of foraging habitat for each on-site clan. Within the managed area, there are 1,753 acres of pine flatwoods, 217 acres of cypress dome, and 29 acres of wet prairie.

The mean basal area in pine flatwoods for the entire site is approximately 10 ft²/acre. The United States Fish and Wildlife Service (1979) recommends that a basal area of 40 to 60 ft²/acre and a stem density of less than 200 stems per acre represent better quality foraging habitat for red-cockaded woodpeckers. Because of relatively unproductive soils and other factors, it may not be possible to attain these conditions on the Stanton site. However, with a proper timber management plan, the basal area and stem density for on-site flatwoods could be substantially increased during the next 20 to 30 years. In addition, cypress domes apparently constitute an important feeding site for on-site red-cockaded woodpeckers, particularly during the fall. These forests are greatly stressed by frequent muck fires. With a better controlled fire program, these detrimental effects could be substantially reduced.

2. Recommendations

To meet the above-stated goals, the following procedures are recommended:

- a. Maintain all remaining cavity trees (active and inactive);
- b. Protect colony sites, including surrounding trees, to ensure future replacement cavity trees and to serve as a buffer zone;
- c. Construct two artificial start holes for each cavity tree removed during construction activities;
- d. Thin colony sites for habitat management purposes only;
- e. Maintain other potential stands for future colony sites;
- f. Manage approximately 2,000 acres of foraging habitat for on-site clans;
- g. Conduct a regular, prescribed burning program;
- h. Provide contiguous habitat between colonies and foraging habitat and between adjoining clans;
- i. Prohibit indiscriminate logging and other detrimental disturbances in exclusive areas to be managed for red-cockaded woodpeckers;
- j. Allow all previously disturbed areas (pre-construction activities) within the managed area to reseed naturally with longleaf pine; and,
- k. Conduct on-site monitoring of territorial behavior of clans during pre-construction and construction phases of the proposed power plant.

Any variation in the above procedures must be approved by a qualified biologist.

3. Implementation

The following schedule is proposed to implement the procedures recommended in Condition XXI.D.2.:

- a. Construction contractors will be briefed as required on their legal obligations under the Endangered Species Act and regulations of the Florida Fish and Wildlife Conservation Commission. This briefing will include information and limits of

construction activities which meet compliance with stated impacts described in this document. Construction activities will be monitored by Orlando Utilities Commission. Construction activities are described in the Site Certification Application (SCA) for the State of Florida. The area disturbed by the proposed action will be consistent with the area displayed in Figure 4-2, attached.

b. All colony areas and buffer zones will be conspicuously marked prior to construction. Endangered species posters will be attached to active cavity trees. Potential replacement cavity trees and younger pines within each colony area will be retained. No harvesting of pines will be scheduled for colony areas except for habitat management purposes. A 200-foot buffer zone will be established around each active cavity tree during construction activities. Currently all cavity trees are located in open stands of pines with relatively few second-growth pines or hardwoods. Thus, there should be no immediate need for stand improvements (thinning) in colony sites. Attempts should be made, however, to promote a basal area of 50 to 80 ft²/acre in colony trees. Abandoned cavity trees and dead snags in the managed area will not be disturbed to provide roosting and nesting sites for competitive species.

c. Prescribed burns should be conducted on a regular basis in both colony sites and foraging habitat. Prior to prescribed burns, a 6-foot buffer zone around each cavity tree should be cleared of excess resin, litter, and other debris. Burns should be scheduled from August to February so as not to interfere with the nesting season (March through July). Local foresters should be consulted on the time of year and weather conditions appropriate for burning. During normal fire schedule, prescribed burns should be conducted on a 2- to 3-year rotation. Burns will be controlled in order to prevent extensive muck fires in cypress domes and to preclude hot burns in pine flatwoods.

It is recommended that no more than one-half of the 2,000 acres be burned during any yearly cycle. Within this yearly burn cycle, it is advisable to burn approximately one-fourth of the site during the October/November period with the remaining portion to be burned during the January/February period.

Production of seedling pines is low in many stands on the Stanton site. To stimulate pine regeneration, a fire suppression period should be scheduled for at least 4 years. The fire suppression period should be initiated following a year of peak cone production in on-site flatwoods. However, during this peak production year, a burning cycle should be completed by late August. Subsequently, the suppression period would follow for the next 4 years. Following this period, the fire schedule should be conducted on the normal 2- to 3-year rotation.

Many of these recommendations were obtained from the Florida District Forest Ranger. It is recommended that he/she be consulted on the appropriate sequence of the previously stated fire schedule.

d. No unapproved timber harvesting within the managed area will be scheduled. Stands of pine will be allowed to mature and die. The United States Fish and Wildlife Service (1979) recommends a 50-percent balance between older age classes and younger stands of pines. As previously stated, the burning program will be manipulated in order to stimulate natural regeneration. This action will produce better quality foraging habitat and a more even distribution of age classes.

e. Pesticides toxic to wildlife will not be used in any part of the clans' home ranges.

f. Potential colony sites have been mapped. These potential sites within the managed area will be protected from future development. Burning and rotation should follow procedures outlined for present colony sites.

g. Monitoring studies will be conducted during the pre-construction and construction phases of the proposed action. Monitoring activities will consist of collecting baseline data for 1 year, including evaluation of home range and reproductive success. Range data will be collected for a minimum of 140 hours per clan. Reproductive success will be evaluated during two nesting seasons.

Construction monitoring will include evaluation of home range and reproductive success. The evaluation of home range will be conducted during the first and third years of the construction phase. The third year of monitoring will include the initial period of plant operation. Monitoring for range data purposes will consist of 140 hours of observation per clan during the construction phase. Reproductive success will be evaluated during each year of construction. The major activity affecting red-cockaded woodpeckers (land clearing) will occur during the first year of construction. However, the peak of construction activities will occur during the third year.

Clans A, B, C, D, and H have been selected for home range study. The first four clans will receive the greater impacts from the proposed action. No habitat alteration will occur in Clan H's home range; therefore, any impacts would reflect only indirect influence from the proposed action. Reproduction will be monitored for all on-site clans. In the event that monitored colonies are deserted, surrounding areas on the site, as well as some adjoining lands, will be surveyed. A number of areas apparently suitable for red-cockaded woodpeckers, but which did not contain colonies, have been located. These areas would be surveyed.

Condition XXII. is hereby changed to read:

XXII. NITRATE

OUC shall monitor nitrate levels in Hart Branch at the site boundary during construction to establish background levels of that parameter. Monitoring of nitrate shall continue during plant operation. If nitrate levels exceed 1.0 mg/l or if preoperational background levels of NO₃ exceed 1.0 mg/l and plant operation causes the NO₃ levels to rise more than 25% above background, OUC shall take appropriate action to control the NO₃. Nitrate and other contaminants from the water supply pond will be monitored at incremental distances from the pond in a program to be submitted by OUC and approved by the DEP ~~DER~~ and SJRWMD to determine the dispersion and diluting characteristics of nitrate in the non-artesian groundwater aquifer. Based on the results of the monitoring, a projection of nitrate concentration at 500 feet from the pond will be made. If these projections indicate that at 500 feet from the pond the ground water nitrate concentrations will be at or above 10 mg/l, then OUC will develop a program of corrective action. Such corrective action will be prepared by OUC and implemented after approval of the DEP, SJRWMD, and Orange County. Other contaminants shall be allowed a zone of discharge 50 feet deep extending 250 feet from the pond.

Condition XXVII.A.8. is hereby changed to read:

XXVII. A. 8. Modifications

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

Condition XXVIII.A.5. is hereby changed to read:

XXVIII. A. 5. Mitigation Areas

Mitigation credits shall be given for mitigation areas within both the SFWMD and the SJRWMD. Mitigation credits shall be given for acreages and activities which have also been accepted by the DEP ~~DER~~ as mitigation for impacts in areas of joint jurisdiction.

Condition XXIX.O. is hereby changed to read:

XXIX. O. Water Treatment Plant Reports

By January 31 of each year, OUC, et al., must submit to the SJRWMD copies of the previous year (12 months) DEP ~~DER~~ monthly water treatment plant operating report data

showing total flow from the 2 Floridan wells going to the potable water treatment plant on-site. The project name and certification number must be attached to all reports.

Condition XXIX.U.8. is hereby changed to read:

XXIX. U. 8. Monitoring Reports For The Enhancement And Mitigation Areas

Following joint approval of the plan referenced in Condition No. 26, OUC, et al., must furnish the SJRWMD, DEP ~~DER~~, and SFWMD with two copies of all Monitoring Reports for the enhancement and mitigation areas describing the status of the mitigation and enhancement areas until the enhancement and mitigation areas achieve the success criteria.

Condition XXXI. is hereby deleted, as shown:

~~XXXI. RED COCKADED WOODPECKER MANAGEMENT AREA IDENTIFICATION~~

~~All lands depicted on Figure 4.2 of the August 1981, red cockaded woodpecker (RCW) Management Plan, except for the area specifically identified as "construction impact of proposed generating Units 1, 2, 3, and 4" constitute the red cockaded woodpecker management area subject to the Management Plan specified in Condition XXXI of the Site Certification granted OUC by the Siting Board on December 14, 1982. (DOAH Case No. 81-1431).~~

Condition XXII. is hereby deleted, as shown:

~~XXXII. USE AND LIMITATIONS OF THE RCW AREA~~

~~With regard to the RCW management area, in addition to Condition XXXI of the December 14, 1982 Order of the Florida Siting Board:~~

~~A. — OUC may conduct activities within the RCW management area described in Condition XXXI which are provided for in the Siting Board's certification orders for Units 1 and 2, including without limitation the execution of habitat restoration, enhancement, and creation required as mitigation.~~

~~B. — OUC may conduct management, including maintenance in their existing configuration and condition, of existing unpaved private roads utilized by OUC, maintenance of existing water and sewer lines, of existing transmission lines and substation, and other maintenance and management activities within the area of Condition XXXI which are consistent with its purposes.~~

~~C. — OUC shall take appropriate action to manage the RCW management area to achieve the purposes required by Condition No. XXXI with regard to the red-cockaded woodpecker, and in general to preserve the natural conditions of the area, including other protected species of native wildlife, vegetation, wetlands, and particularly the tributaries and headwaters of the Econlockhatchee River. OUC may act to implement the red-cockaded woodpecker management plan, to monitor its effectiveness, and to react to fire, flood, or other unforeseeable natural or manmade disturbances. Any reports generated by OUC concerning activities within or management of the RCW management area shall be provided to the Florida Game and Fresh Water Fish Commission.~~

~~D. — OUC shall allow only those activities of others within the RCW Management Area which are consistent with its management in a natural state. Such activities shall be limited to environmental restoration, scientific research, habitat management (such as controlled burning) and nature study.~~

~~E. — Unless specifically authorized by an order of the Siting Board, dredging, filling, construction of buildings, road ways, dumping of debris, excavation, and clearing of native vegetation shall be prohibited in the area defined by Condition XXXI. The provisions of Sections 403.516 (1) (a) and (b) notwithstanding, OUC agrees that any activity prohibited in this paragraph within the area described in the RCW management area shall be authorized only by affirmative vote of the Siting Board.~~

~~F. — OUC hereby stipulates as a factual matter, which shall be binding on it, and all of its officers, agents, attorneys, and employees, that the "alternate access road" authorized by this supplemental certification completes the necessary roadway access for Units 1 and 2, to allow the full development thereof. Any additional access for electric power generation, and any additional facilities necessary for the construction of Units 3 and 4 will be the subject of a comprehensive Supplemental Certification Application or applications for Units 3 and 4.~~

~~G. — If OUC determines to pursue a modification of its certification with regard to the easement recorded December 30, 1987, at ORB 3946, Page 3187, Orange County, Florida, it shall do so as a ministerial act only and shall not actively utilize its resources, funds or personnel to support such an application.~~

Condition XXXIII. is hereby renumbered:

XXXI. ~~XXXIII.~~ ORANGE COUNTY

Condition XXXIV. is hereby renumbered:

XXXII. ~~XXXIV.~~ DEPARTMENT OF COMMUNITY AFFAIRS

Any party to the this Order has a right to seek judicial review of it pursuant to Section 120.68, Florida Statutes by filing a Notice of Appeal, pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department of Environmental Protection in the Office of General Counsel, 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 thirty days from the date this Order is filed with the Clerk of the Department of Environmental Protection.

Executed in Tallahassee, Florida.

Hamilton S. Oven

Hamilton S. Oven, P.E.
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.

Janda F. Koroban 2/24/03
Clerk Date

CC by U.S. mail:

Cathy Bedell, Esquire
Frederick M. Bryant, Esquire
Tasha Buford, Esquire
Ross Stafford Burnaman, Esquire
Anthony J. Cotter, Esquire
Lawrence N. Curtin, Esquire
Kris Davis, Esquire
Robert V. Elias, Esquire
Greg Gologowski
Ruth A. Holmes, Esquire
Leonard Kozlov
Charles Lee
Colin Roopnarine, Esquire
Tom Tart, Esquire
Sheauching Yu, Esquire