



Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

December 23, 2009

Mrs. Barbara P. Linkiewicz
Director, Environmental Licensing
700 Universe Blvd.
Juno Beach, FL 33408

RE: FPL West County Energy Center
Modification to Conditions of Certification
DEP Case Number PA 05-47B
OGC Case Number 09-2865

FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Mrs. Linkiewicz:

The Governor and Cabinet (Siting Board) issued the Site Certification for the Florida Power and Light's (FPL) West County Energy Center on December 26, 2006. This certification authorized the construction and operation of two power plant units (Units 1 and 2), each consisting of three 250 MW natural gas fired combustion turbines and ancillary facilities. West County Unit 3 was certified November 18, 2008. The Department of Environmental Protection (Department) has modified the Conditions of Certification by Final Order on one other occasion.

The Department has reviewed FPL's petition dated June 1, 2009 for modification to the Conditions of Certification. The petition was for the feasibility of using reclaim water as well as the provision for a backup water supply system.

On or before November 9, 2009, 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.

On November 13, 2009, notice of the Department's intent to modify the Conditions of Certification for this facility was published on the Florida Administrative Weekly (FAW). 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.

Furthermore, pursuant to 403.516 (1) (b), Florida Statutes ("F.S."), the Department may modify specific Conditions of a site Certification which are inconsistent with the terms of any federally delegated or approved permit. Such modification(s) may be made without further notice if the matter has been previously noticed under the requirements for any federally delegated or approved permit program.

On September 7, 2007 and September 14, 2009 respectively the Department published notice of its intent to issue UIC Permit 247895-007-UC and Air Construction Permit No. 0990646-003-AC. On May 1, 2008 and December 2, 2009 the Department issued UIC Permit 247895-007-UC and Air Construction Permit No. 0990646-003-AC respectively, which have been incorporated into the Conditions of Certification through this modification.

The Conditions of Certification for the West County Energy Center are hereby modified as follows:

XXVIII. AIR

A. The terms, conditions, requirements, limitations, and restrictions set forth in Permit PSD-FL-354 (0990646-001-AC) ~~and PSD-FL-396 (0990646-002-AC), and Air Construction Permit 0990646-003-AC~~ which are attached as Appendix 1, Appendix 2, and Appendix 3 and any final issuance, modification, or amendment to such PSD and/or Air Construction permits, are incorporated by reference herein, and are binding and enforceable Conditions of this Certification. The Licensee is subject to and shall comply with the terms, conditions, requirements, limitations, and restrictions set forth in Appendixes 1-3 and any final issuance, modification, or amendment to such PSD and/or Air Construction permits. A violation of the terms conditions, requirements, limitations, and restrictions in Appendixes 1-3 is a violation of these Conditions of Certification.

XXIX. INDUSTRIAL AND DOMESTIC WASTEWATER

A. – B. No Change

C. The construction and operation of the West County Energy Center shall be in accordance with all applicable provisions of ~~any required federal permit such as any UIC permit 247895-007-UC (attached as Appendix 4)~~ issued for the West County Energy Center and of any updates or modifications thereto. ~~Upon the issuance of any UIC permit or any subsequent updates or modifications thereto, these Conditions of Certification will be modified to incorporate the conditions of that permit.~~

XXXII. WATER MANAGEMENT

A. Administrative

No Change

B. Water Use Conditions

1. General

a.- e. No Change

f. ~~Legal Control Over Project Site~~

~~The Licensee must demonstrate the legal right to conduct water use on the project lands, in accordance with Section 2.1.1 of the Basis of Review for Water Use Permits in the SFWMD. Prior to issuance of the Certification Order, the Licensee shall submit copies of legal documents to the SFWMD that clearly demonstrate ownership or control of the project site, including a sketch map and project acreage, for incorporation into this Certification.~~

2. Site Specific Design Authorizations

a. Authorized Monthly Withdrawals

~~This Certification authorizes a maximum monthly withdrawal of 605 MGM from the L-10/L-12 Canal and/or the upper Floridan aquifer for cooling, service, and process water for Units 1 and 2, subject to the limitations set forth in Condition B.2.d below. This authorization includes these sources as a backup water supply for Unit 3, in the event that the reclaimed water supply is temporarily interrupted. This Certification authorizes a maximum monthly withdrawal of 1.09 MGM from the surficial aquifer for potable water for Units 1, 2 and 3. The SFWMD may authorize alternative water supply sources for the project's cooling, service and process water, as set forth in Condition B.2.h below. However, in no instance shall the project's water use exceed a maximum of 605 MGM for its cooling, service and process water demands, except as provided for in Conditions B.2.d(4) and B.2.f below.~~

(1) This Certification authorizes a maximum monthly withdrawal of 605 MGM from the L-10/L-12 Canal and/or the upper Floridan aquifer for cooling, service, and process water for Units 1 and 2.

(2) Upon start-up of Unit 3, the Licensee shall immediately notify the SFWMD in writing (start-up is defined as the initial commissioning of Unit 3, which involves all the major equipment such as the combustion turbines, steam turbines, heat recovery steam generators and cooling towers). Upon receipt of written notification from the Licensee, this Certification authorizes a maximum monthly withdrawal of 907 MGM from the L-10/L-12 Canal and/or the upper Floridan aquifer for cooling, service, and process water for Units 1, 2 and 3.

(3) Withdrawals from the L10-L-12 Canal are subject to the limitations set forth in Condition B.2.d below.

(4) This Certification authorizes a maximum monthly withdrawal of 1.09 MGM from the Surficial aquifer for potable water for Units 1, 2 and 3.

b. Authorized Annual Withdrawals

~~This Certification authorizes an average annual withdrawal of 5,550 MGY from the L-10/L-12 Canal and/or the upper Floridan aquifer for cooling, service, and process water for Units 1 and 2, subject to the limitations set forth in Condition B.2.d below. This authorization includes these sources as a backup water supply for Unit 3, in the event that the reclaimed water supply is temporarily interrupted. This Certification authorizes an average annual withdrawal of 12.78 MGY from the Surficial aquifer for potable water for Units 1, 2 and 3. The SFWMD may authorize alternative water supply sources for the project's cooling, service and process water, as set forth in Condition B.2.h below. However, in no instance shall the project's water use exceed an average of 5,550 MGY for its cooling, service and process water demands, except as provided for in Conditions B.2.d(4) and B.2.f below.~~

(1) This Certification authorizes an average annual withdrawal of 5,550 MGY from the L-10/L-12 Canal and/or the upper Floridan aquifer for cooling, service, and process water for Units 1 and 2.

(2) Upon start-up of Unit 3, the Licensee shall immediately notify the SFWMD in writing (start-up is defined as the initial commissioning of Unit 3, which involves all the major equipment such as the combustion turbines, steam turbines, heat recovery steam generators and cooling towers). Upon receipt of written notification from the Licensee, this Certification authorizes a maximum annual withdrawal of 10,687.2 MGY from the L-10/L-12 Canal and/or the upper Floridan aquifer for cooling, service, and process water for Units 1, 2 and 3.

(3) Withdrawals from the L10-L-12 Canal are subject to the limitations set forth in Condition B.2.d below.

(4) This Certification authorizes an average annual withdrawal of 12.78 MGY from the Surficial aquifer for potable water for Units 1, 2 and 3.

c. Aquifer Performance Test

~~(1) Authorization to commence withdrawals from the upper Floridan aquifer for the backup water supply for the cooling tower makeup water will not be granted until an Aquifer Performance Test (APT) is completed, evaluated by the SFWMD, and a determination is made by the SFWMD that reasonable assurances have been provided confirming that interference to existing legal users will not occur. The report submitted to the SFWMD on the APT shall include the following and shall be signed and sealed by a Florida Registered Professional Geologist:~~

~~(a) The transmissivity and storage of the proposed pumping zone of the Floridan aquifer;~~

~~(b) An analysis of the potential impacts to existing legal users;~~

~~(c) An impact analysis, if potential impacts to existing legal users are identified.~~

~~(2) Upon submittal of the APT report, the SFWMD shall have 30 days to review the report for completeness. If the information is not complete, accurate, or fully documented, the SFWMD shall, within the 30 day time period, request additional information needed to complete the review of the report. Once the report is~~

deemed complete, the SFWMD shall evaluate the potential for impacts to existing legal users in accordance with the applicable criteria in Rule 40-2, F.A.C., and the Basis of Review for Water Use Permit Applications in the SFWMD.

(3) If the SFWMD determines that the results of the additional site-specific test data confirms the initial conclusion that interference to existing legal users will not occur, then the SFWMD shall provide the Licensee and DEP with written confirmation of this finding within 30 days of submittal of a complete report to the SFWMD on the APT.

(4) If the SFWMD determines that the potential exists for interference with existing legal users as a result of the site-specific test data, then the SFWMD will advise the Licensee and DEP, within 30 days of submittal of a complete report to the SFWMD on the APT, of this conclusion. The SFWMD will review additional submittals of data such as additional modeling, alternative water supplies, and mitigation plans that may be proposed by the Licensee to provide reasonable assurances that interference with existing legal users will not occur. The SFWMD shall have 30 days to review the additional submittals for completeness. Upon completion of the evaluation, the SFWMD will provide the Licensee and DEP with notification of authorization to commence withdrawals from the Floridan aquifer at acceptable rates and will require mitigation, as necessary and appropriate, pursuant to the Basis of Review for Water Use Permits in the SFWMD, to prevent interference with existing legal users. Reference: Sections 373.219 and 373.223, F.S.; Rules 40E-2.091, 40E-2.041, 40E-2.301, and 40E-2.381, F.A.C.

Operation of Plant On Reclaimed Water

(1) Reclaimed water shall become the primary cooling, service, and process water source for Units 1, 2 and 3 as soon as possible in accordance with this condition. When the infrastructure improvements necessary to supply Units 1, 2 and 3 with reclaimed water have been completed, and the Licensee concludes that the three units are functioning properly on the reclaimed water supply source, the Licensee shall immediately notify the SFWMD in writing of the official start date for the use of reclaimed water as the primary cooling, service, and process water source for Units 1, 2 and 3. It is anticipated that the reclaimed water supply will be available at the project site on December 1, 2011.

(2) In the event that the reclaimed water supply shall not be available by June 1, 2012, the Licensee shall provide the SFWMD with a written report documenting the status of reclaimed water supply delivery by April 1, 2012. This report shall include an explanation of the reasons for delay as well as a schedule for delivery of the reclaimed water supply to the project site. The Licensee shall provide an updated report every six months after April 1, 2012, if reclaimed water does not become available at the project site. If reclaimed water does not become the primary cooling, service, and process water source for Units 1, 2, and 3 by December 1, 2013, then the Licensee shall file an application for modification of this Certification by March 1, 2014 to request a permanent, primary source allocation from the upper Floridan aquifer for this project. After the official start date for the use of reclaimed water, the allocations from the L-10/L-12 Canal and/or the upper Floridan aquifer listed above in Conditions 2.a and 2.b shall terminate. After the official start date, reclaimed water shall be the primary cooling, service, and process water source for Units 1, 2, and 3.

(3) Beginning one year after the official start date for the use of reclaimed water, the Licensee shall provide the SFWMD with an annual report describing the reliability of the reclaimed water supply source. This report shall contain a description of any temporary interruptions in service that may have occurred during the course of the preceding year, the reason(s) for the interruption, and solutions implemented to prevent re-occurrence of any such interruptions. If the reclaimed water supply source is demonstrated to be unreliable, then the Licensee shall apply for a modification of this Certification to request approval for another, more reliable, primary water supply source.

(4) After reclaimed water becomes the primary cooling, service, and process water source for Units 1, 2 and 3, there may be temporary interruptions in the delivery of reclaimed water supply to the plant site. Consequently, authorizing a reliable, secondary water supply source for the project is in the public interest and is consistent with the criteria set forth in Section 2.2 of the Basis of Review for Water Use Applications Within the SFWMD. Therefore, this Certification authorizes a maximum withdrawal of 29.28 MGD from the upper Floridan aquifer for Units 1, 2 and 3 as a temporary secondary water supply source for up to 90 days during a calendar year.

d. Limitations on Authorized Withdrawals

Withdrawals from the L-10/L-12 Canal are authorized until reclaimed water becomes the primary cooling, service, and process water source, subject to the following; except as indicated below.

(1) Withdrawals from the L-10/L-12 Canal are prohibited when Water Supply Deliveries are being made. Water Supply Deliveries are defined as releases from regional system storage conducted to maintain designated canal stages within the L-10/L-12 Canal that have been depleted by consumptive and non-consumptive uses that occur during dry conditions.

(2) Withdrawals from the L-10/L-12 Canal are prohibited when Regulatory Releases are being made from Lake Okeechobee and water supply demands from existing legal users, authorized prior to May 10, 2006, exceed the capacity of the S-352 structure. Regulatory Releases are defined as releases from Lake Okeechobee that are conducted to pass lake inflows or lower the lake stage for the purpose of current and/or future flood control, pursuant to Lake Okeechobee's ~~Water Supply and Environment (WSE) Regulation Schedule~~ (in effect at the time of withdrawal pursuant to the ~~Water Control Plan for Lake Okeechobee and the Everglades Agricultural Area~~).

(3) Determination of water availability from the L-10/L12 Canal shall be made by SFWMD Operations Department staff, based on the following criteria:

(a) When the Licensee is withdrawing from the L-10/L-12 Canal, the Licensee shall contact the SFWMD's West Palm Beach Operations Control Center by 8:00 a.m. each Friday for a determination as to whether or not water is available from this source for the following week. In the event that water is unavailable from the L-10/L-12 Canal for the following week, the Licensee shall have up

to 48 hours following the determination of unavailability to cease withdrawals from the L-10/L-12 Canal.

(b) When the Licensee is using reclaimed water or withdrawing from the Floridan aquifer, the Licensee may (but is not required to) contact the SFWMD's West Palm Beach Operations Control Center by 8:00 a.m. each Friday for a determination as to whether or not water is available from the L-10/L-12 Canal for the following week.

(c) Determination of water availability from the L-10/L-12 Canal shall be made only if water is available for a minimum period of one week. Shorter time-frames will not be authorized by the SFWMD's West Palm Beach Operations Control Center.

~~(4) If, pursuant to Condition B.2.h, the SFWMD requires or authorizes the Licensee to utilize an alternative water supply source that results in a reduction or increase of the authorized withdrawals set forth in Conditions B.2.a and B.2.b above, the SFWMD shall petition the DEP for a modification to these Conditions of Certification.~~

e. Authorized Withdrawal Facilities

~~Prior to commencement of construction of the withdrawal facilities, the Licensee shall submit the details of the proposed withdrawal facilities (number of wells, well diameter, well depth, casing depth) for review and approval by the SFWMD. These Conditions of Certification shall be modified at a future date to reflect the specific withdrawal facilities authorized by the SFWMD.~~

GROUNDWATER - EXISTING

1 – 24" x 1610' x 4700 GPM well cased to 1065' withdrawing from the upper Floridan aquifer

1 – 24" x 1475' x 7000 GPM well cased to 1063' withdrawing from the upper Floridan aquifer

1 – 24" x 1597' x 3500 GPM well cased to 1052' withdrawing from the upper Floridan aquifer

1 - 6" x 111' x 30 GPM well cased to 81' withdrawing from the Surficial aquifer

GROUNDWATER – PROPOSED

3 – 24" wells withdrawing from the upper Floridan aquifer (well depth, cased depth and GPM to be provided after construction)

SURFACE WATER - PROPOSED

2 – 700 HP x 36" x 14,000 GPM surface water pumps withdrawing from the L-12 Extension Canal

f. Emergency Withdrawals

Any withdrawals from the L-10/L-12 Canal, the Floridan aquifer, or the Surficial aquifer in excess of the withdrawals authorized under this Certification shall require prior SFWMD approval. Any withdrawals from alternative surface or ground water supply sources shall require prior SFWMD approval. The SFWMD may grant such approval for any emergency withdrawals less than 90 days in duration without modifying these Conditions of Certification. The SFWMD's approval shall be based on the non-procedural requirements of Chapter 40E-2, F.A.C.

g. Consistency Review of Authorized Withdrawals

Within five years from the date of issuance of the Certification Order and every five years thereafter, unless extended by mutual agreement between the Licensee and the SFWMD, the Licensee shall submit to the SFWMD a report on the project's consistency with SFWMD's Water Use Conditions of Certification contained herein. Within 90 days after receipt of the completed report, the SFWMD shall evaluate the information contained therein and issue a written notification to the DEP and the Licensee as to whether the ground water withdrawals for consumptive use authorized by this Certification remain in compliance with the provisions of Chapter 373, F.S., and Chapter 40-2, F.A.C., in effect at the time the certification was issued by the Siting Board. In determining whether the Licensee has established that its use of water complies with rule 40E-2, F.A.C., and the Basis of Review for Water Use Permit Applications within the SFWMD, the SFWMD shall evaluate whether the Licensee's use of water interferes with a legal use of water that existed at the time the certification was issued by the Siting Board. If the notification indicates that the withdrawals are not in compliance with these provisions, the SFWMD shall recommend to the Licensee possible alternatives for bringing the withdrawals into compliance with SFWMD's Water Use Conditions of Certification contained herein. In addition, if DEP determines, in consultation with SFWMD, based upon a review of a report submitted pursuant to this condition, that the Licensee has failed to establish that the Licensee's use of water meets the consumptive water use requirements described herein, DEP may seek to modify the authorization to use water in the certification or take other appropriate measures to ensure that the consumptive use of water meets the conditions for issuance in Chapter 40E-2, F.A.C., as described herein. Any modification made pursuant to this condition shall not be subject to competing applications provided there is no increase in the allocation and no change in source.

~~h. Alternative Water Supplies~~

~~(1) Reclaimed Water Supply: Units 1 and 2~~

~~(a) Upon written notification from the SFWMD that a reliable source of reclaimed water is available at the project site to provide Units 1 and 2 with cooling water in a quality that meets the reclaimed water user requirements and limitations set forth in Rule 62-610, F.A.C., and would not require significant modifications to the plant's water pre-treatment system, the Licensee shall conduct a feasibility evaluation in accordance with Section 3.2.3.2 of the Basis of Review For Water Use Permit Applications in the SFWMD to determine the environmental, technical, and economic feasibility of utilizing reclaimed water. The evaluation shall include an analysis of potential conflicts with facility permit requirements such as air emission control and wastewater disposal.~~

~~(b) In conducting the feasibility evaluation, it shall not be deemed to be economically feasible for the Licensee to use reclaimed water unless the PSC authorizes the recovery of the additional costs associated with reclaimed water use.~~

~~(c) If the feasibility evaluation demonstrates that the use of reclaimed water is feasible, the Licensee shall provide the SFWMD with a schedule for reclaimed water use, for the SFWMD's review and approval, within 90 days of such notification. Once the use of reclaimed water has been approved by the SFWMD and established, withdrawals of surface water from the L-10/L-12 Canal, the Floridan aquifer, or any other authorized use of excess storm water shall be reduced in proportion to the volume of reclaimed water to be used by Units 1 and 2.~~

~~(2) Reclaimed Water Supply: Unit 3~~

~~(a) Reclaimed water shall be the primary cooling, service and process water source for Unit 3, pursuant to the Reclaimed Water Agreement between Palm Beach County and the Licensee, entered into on May 20, 2008, and all the agreements referenced and incorporated therein including amendments thereto.~~

~~(3) Excess Storm Water~~

~~(a) Upon identification of a reliable alternative source of excess storm water available at the project site from the L-8, the L-8 water storage ponds, or other sources to serve Units 1 and 2 in a quantity and quality acceptable to the Licensee, and which does not result in a conflict with permit requirements for the facility, the Licensee shall provide the SFWMD with a schedule for use of the excess storm water for the SFWMD's review and approval.~~

~~(b) Once the use of excess storm water has been approved by the SFWMD and established, withdrawals of surface water from the L-10/L-12 Canal and/or ground water from the Floridan aquifer shall be reduced in proportion to the volume of excess storm water to be used by Units 1 and 2.~~

~~(4) Dual-Purpose Floridan Aquifer Wells~~

~~(a) If determined to be mutually beneficial, the Licensee and the SFWMD shall enter into an agreement to share the water made available by, and the costs associated with, the permitting, construction, and operation of dual-purpose aquifer storage and recovery (ASR) wells.~~

~~(b) Once withdrawals of ASR water have been approved by the SFWMD and established, the use of surface water from the L-10/L-12 Canal and/or excess storm water authorized under this certification shall be reduced in proportion to the volume of ASR water to be used by Units 1 and 2.~~

ih. Request for Modification of Withdrawals

The SFWMD may request a modification of the ground water withdrawals for consumptive use authorized by this Certification, in accordance with the provisions of Section 403.516, F.S. and Section 62-17.211, F.A.C. Any request for an increase in water withdrawals shall be made pursuant to the provisions of Section 403.516, F.S., and Section 62-17.211, F.A.C.

ji. Dewatering Activities

Prior to commencement of construction of those portions of the project that involve dewatering activities, the Licensee shall submit a detailed plan for any such activities to

the SFWMD for a determination of compliance with the nonprocedural requirements of Chapters 40E-2, 40E-3 and 40E-20, F.A.C., in effect at the time of submittal. The following information, referenced to NGVD where appropriate, shall be submitted:

- (1) A detailed site plan which shows the location(s) for each proposed dewatering area;
- (2) The method(s) used for each dewatering operation;
- (3) The maximum depth for each dewatering operation;
- (4) The location and specifications for all proposed wells and/or pumps associated with each dewatering operation;
- (5) The duration of each dewatering operation;
- (6) The discharge method, route, and location of receiving waters generated by each dewatering operation, including the measures (Best Management Practices) that will be taken to prevent water quality problems in the receiving water(s);
- (7) An analysis of the impacts of the proposed dewatering operations on any existing on and/or off-site legal users, wetlands, or existing groundwater contamination plumes;
- (8) The location of any infiltration trench(es) and/or recharge barriers; and
- (9) All plans must be signed and sealed by a Professional Engineer or a Professional Geologist registered in the State of Florida.

Reference: Sections 373.229 and 373.308, F.S.; Rules 40E-2.091, 40E-2.301, and 40E3.500-531, F.A.C.

kj. Reporting Requirements

Prior to the use of any proposed withdrawal facility authorized under this Certification, the Licensee shall equip each facility with a SFWMD-approved operating water use accounting system and submit a report of calibration to the SFWMD, pursuant to Section 4.1 of the Basis of Review For Water Use Permit Applications. In addition, the Licensee shall submit a report of recalibration for the water use accounting system for each water withdrawal facility (existing and proposed) authorized under this Certification every five years from each previous calibration, continuing at five year increments. The Licensee shall report monthly withdrawals for each withdrawal facility to the SFWMD quarterly. The Licensee shall specify the water accounting method and means of calibration on each report.

Reference: Section 373.223, F.S.; Rules 40E-2.091, 40E-2.301, and 40E-2.381, F.A.C.

lk. Existing Well Repair, Replacement, Abandonment

If any of the existing on-site wells require repair, replacement, and/or abandonment, the Licensee shall submit the information described in Chapter 40E-3, F.A.C., for review by the SFWMD prior to initiating such activities.

Reference: Sections 373.308 and 373.316, F.S.; Rules 40E-3.041, 40E-3.101, 40E 3.411, and 40E-3.500-531, F.A.C.

ml. New Well Construction

Prior to construction of any new or replacement wells, the Licensee shall submit the drilling plans and other pertinent information, required by Chapter 40E-3, F.A.C., to the SFWMD for review and approval. If the well locations are different from those previously reviewed and approved in this Certification, the Licensee shall also submit to the

SFWMD, for review and approval, an evaluation of the impacts of the proposed pumpage from the proposed well location(s) on adjacent existing legal users, pollution sources, environmental features, and water bodies. Reference: Section 373.223, F.S.; Rules 40E-2.091, 40E-2.301, and 40E-2.381, F.A.C.

am. Water Conservation Plan

~~Prior to the commencement of construction of Unit 3, the Licensee shall submit a revised Water Conservation Plan, as required by Chapter 40E-2, F.A.C., in effect at that time, for review and approval by SFWMD staff. If any changes are proposed to the project's water use as part of an amendment or modification to this Certification, a revised water conservation plan may be required. If required the revised plan shall, at a minimum, incorporate the following components:~~

(1) An audit of the amount of water needed in the Licensee's operational processes. The following measures shall be implemented within one year of audit completion if found to be cost effective in the audit:

(a) Implementation of a leak detection and repair program;

(b) Implementation of a recovery/recycling or other program providing for technological, procedural or programmatic improvements to the Licensee's facilities; and

(c) Use of processes to decrease water consumption.

(2) Development and implementation of an employee awareness program concerning water conservation. Reference: Sections 373.223, F.S.; Rules 40E-2.091, 40E-2.301, and 40E-2.381, F.A.C.

3. Special Conditions

a.- e. No Change

C. Everglades Works of the District

No change

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 Michael P. Halpin, P.E., Administrator, Siting Coordination Office, Department of Environmental Protection, 3900 Commonwealth Blvd., M.S. 48, Tallahassee, Florida 32399-3000, (850) 245-2007.

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.

Michael P. Halpin, P.E.

Michael P. Halpin, 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.

Essee Turner

Clerk

12/23/09

Date

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