

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Calpine Construction Finance Company, L.P.
OSPREY ENERGY CENTER
PA00-41A

Conditions of Certification

Modified 01/09/06

TABLE OF CONTENTS

I.	CERTIFICATION CONTROL.....	1
A.	Definitions.....	1
B.	Applicable Rules.....	2
II.	CHANGE IN DISCHARGE	2
III.	GENERAL CONDITIONS.....	3
A.	Facilities Operation	3
B.	Non-Compliance Notification	3
C.	Safety.....	4
D.	Enforcement	5
E.	Design and Performance Criteria.....	5
F.	Certification - General Conditions	5
IV.	ADVERSE IMPACT	11
V.	RIGHT OF ENTRY	11
VI.	REVOCATION OR SUSPENSION.....	11
VII.	CIVIL AND CRIMINAL LIABILITY.....	11
VIII.	PROPERTY RIGHTS	12
IX.	SEVERABILITY	12
X.	REVIEW OF SITE CERTIFICATION	12
XI.	MODIFICATION OF CONDITIONS OF CERTIFICATION.....	12
XII.	CONSTRUCTION.....	13
A.	Standards and Review of Plans.....	13
B.	Control Measures	14
C.	Environmental Control Program.....	16
D.	Reporting	16
XIII.	AIR RESOURCES MANAGEMENT	16
XIV.	WATER RESOURCES MANAGEMENT	17
A.	General Conditions (Chapters 40D-2 and 40D-3, F.A.C.).....	17
B.	Specific Conditions	18
C.	Surface Water	25
D.	Water Resource Complaints	25
XV.	SOLID AND HAZARDOUS WASTE MANAGEMENT	26
XVI.	INDUSTRIAL WASTEWATER.....	26
XVII.	DOMESTIC WASTEWATER.....	26
XVIII.	POTABLE WATER	26
XIX.	STORMWATER MANAGEMENT	27
XX.	TRANSPORTATION	27

XXI. EMERGENCY MANAGEMENT	28
History	28

I. CERTIFICATION CONTROL

[Replaced with Section A Condition I. Scope, Paragraph A.]

Under the control of these Conditions of Certification the Calpine Construction Finance Company, L.P. will operate a nominal 540 MW facility (527 MW under average annual ambient conditions) consisting of two combustion turbine generators (170 MW each), two heat recovery steam generators, one steam turbine electric generator (200 MW), and ancillary equipment. The facility is known as the Osprey Energy Center and is located on a 19.5 acre site which is adjacent to the Auburndale Power Partners electrical power generation facility at 1501 Derby Avenue, Auburndale, Polk County, Florida. UTM coordinates are: Zone 17; 421.0 km East; 3103.2 km North.

The general and specific conditions contained in these Conditions of Certification shall apply to the construction and operation of the Osprey Energy Center.

A. Definitions

[Replaced with Section A, Condition IV. Definitions]

The meaning of the terms used herein shall be governed by the definitions contained in Chapters 403, 378, 373, 372, and 253, Florida Statutes (F.S.), and any regulation adopted pursuant thereto and the statutes and regulations of any agency that is a party to the certification proceedings. In the event of any dispute over the meaning of a term used in these conditions which is not defined in such statutes or regulations, such dispute shall be resolved by reference to the most relevant definitions contained in any other state or federal statute or regulation or, in the alternative, by the use of the commonly accepted meaning as determined by the Department. As used herein:

1. "Application" shall mean the Site Certification Application (SCA) for Calpine Construction Finance Company, L.P.'s Osprey Energy Center electrical power generation facility, filed with the Department on March 20, 2000, as supplemented or subsequently amended.
2. "DEP" or "Department" shall mean the Florida Department of Environmental Protection.
3. "Emergency conditions" shall mean urgent circumstances involving potential adverse consequences to human life or property as a result of weather conditions or other calamity.
4. "Facility" shall mean Calpine Construction Finance Company, L.P.'s Osprey Energy Center, which includes the electrical power generation plant and all associated structures, including but not limited to: the combustion turbine generators, the heat recovery steam generators, duct burners, the steam turbine generator, selective catalytic reduction units, transformers, fuel and water storage tanks, natural gas delivery, air and water pollution control equipment, storm water control facilities, the cooling towers and related structures.

5. "Feasible" or "practicable" shall mean reasonably achievable considering a balance of land use impacts, environmental impacts, engineering constraints, and costs.
6. "NPDES permit" shall mean the federal National Pollutant Discharge Elimination System permit issued in accordance with the federal Clean Water Act.
7. "Permittee" shall mean the Calpine Construction Finance Company, L.P. or their successors and or assigns.
8. "Power plant" shall mean the Osprey Energy Center electrical power generating plant and appurtenances to be operated on the Calpine Construction Finance Company, L.P., site in Auburndale, Polk County, Florida, as generally depicted in the Application.
9. "Project" or "Osprey Energy Center" shall mean Calpine Construction Finance Company, L.P.'s Osprey Energy Center electrical power plant and all associated facilities.
10. "PSD permit" shall mean the federal Prevention of Significant Deterioration air emissions permit issued in accordance with the federal Clean Air Act.
11. "SWFWMD" shall mean the Southwest Florida Water Management District.
12. "Title V permit" shall mean the federal permit issued in accordance with Title V of the federal Clean Air Act.

B. Applicable Rules

[Replaced with Section A Condition II Applicable Rules]

The construction and operation of the Osprey Energy Center Facility shall be in accordance with all applicable provisions of at least the following regulations: Chapters 40D-2, 40D-8, 40D-21, 62-4, 62-17, 62-256, 62-296, 62-297, 62-301, 62-302, 62-531, 62-532, 62-550, 62-555, 62-560, 62-600, 62-601, 62-604, 62-610, 62-620, 62-621, 62-650, 62-699, 62-660, 62-701, 62-762, 62-767, 62-769, 62-770, and 62-25, Florida Administrative Code (F.A.C.), or their successors as they are renumbered.

II. CHANGE IN DISCHARGE

[Replaced with Section A Condition XIII. Enforcement, paragraph A.; Section A, Condition XXIII. Modification of Certification, paragraph B. and Section A. Condition XXXIII. Water Discharges]

All discharges or emissions authorized herein shall be consistent with the terms and conditions of this certification. The discharge of any regulated pollutant not identified in the application, or more frequent than, or at a level in excess of that authorized herein, shall constitute a violation of the certification. Any anticipated facility expansions beyond the certified initial generating capacities of the existing unit, production increases, or process modifications which may result in new, different, or increased discharges of pollutants, or expansion in steam generation capacity shall be reported by submission of an application for amendment or modification pursuant to Chapter 403, F.S.

III. GENERAL CONDITIONS

A. Facilities Operation

[Replaced with Section A, Condition XXXI. Facility Operations; and Section B, Condition I. Department of Environmental Protection, paragraph A. Facilities Operation]

1. The Permittee shall properly operate and maintain the Facility and systems of treatment and control (and related appurtenances) that are installed and used to achieve compliance with the conditions of this certification, and are required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the approval and when required by Department rules.

2. In the event of a prolonged [thirty (30) days or more] equipment malfunction or shutdown of air pollution control equipment, operation may be allowed to resume and continue to take place provided that such operation will be in compliance with all applicable ambient air quality standards and PSD increments, solid waste rules, domestic wastewater rules and industrial wastewater rules. During such malfunction or shutdown, the operation of the facility shall comply with all other requirements of this certification and all applicable state and federal emission and effluent standards not affected by the malfunction or shutdown which is the subject of the Department's order.

B. Non-Compliance Notification

[Replaced with Section A, Condition VIII. Notification and Condition XXXIV. Solid and Hazardous Waste- Paragraph C]

If, for any reason, the Permittee does not comply with or will be unable to comply with any limitation specified in this certification, the Permittee shall notify the DEP Southwest District office by telephone at (813) 744-6100 within one business day. After normal business hours, report any condition that poses a public health threat to the State Warning Point under telephone number (850) 413-9911 or (850) 413-9912. The Permittee shall confirm this non-compliance in writing at 3804 Coconut Palm Drive, Tampa, Florida 33619-8218 within seventy-two (72) hours of becoming aware of such conditions, and shall supply the following information:

1. A description of the discharge and cause of noncompliance; and,
2. The period of non-compliance, including exact dates and times; or if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the non-complying event.
3. The Permittee shall report all critical (having potential to significantly pollute surface or ground waters) spills of liquid or liquid-solid materials, not confined to a building or similar containment structure, to the Department by telephone immediately after discovery and submit a written report within forty-eight hours, excluding weekends, from the original notification. The telephonic report shall be submitted by calling the DEP Southwest District Industrial Wastewater Compliance / Enforcement Section under telephone number (813) 744-6100. After normal business hours, contact the State Warning Point by calling (850) 413-9911 or (850) 413-9912. The written report shall include, but not be limited to, a detailed description of how the spill occurred, the name and chemical make-up (include any MSDS sheets) of the substance, the amount spilled, the time and date of the spill, the name and title of the person who first reported the spill, the size and extent of the spill and surface types (impervious, ground, water bodies, etc.) it impacted, the cleanup procedures used and status of completion, and include a map or aerial photograph showing the extent and paths of the material flow. Any deviation from this requirement must receive prior approval from the Department.

C. Safety

[Replaced by Section A, Condition XV. Safety and Section A. Condition XXXIII. Water Discharges]

1. The overall design, layout, and operation of the facilities shall be such as to minimize hazards to humans and the environment. Security control measures shall be utilized to prevent exposure of the public to hazardous conditions. The Federal Occupational Safety and Health Standards will be complied with during construction. The applicable Safety Standards specified under Section 442.20, F. S. shall also be complied with.
2. The Permittee shall not discharge to surface waters wastes which are acutely toxic, or present in concentrations which are carcinogenic, mutagenic, or teratogenic to human beings or to significant locally occurring wildlife or aquatic species. The Permittee shall not discharge to ground waters wastes in concentrations which, alone or in combination with other substances, or components of discharges (whether thermal or non-thermal) are carcinogenic, mutagenic, teratogenic, or toxic to human beings (unless specific criteria are established for such components in Section 62-520.420, F.A.C.) or are acutely toxic to indigenous species of significance to the aquatic community within surface waters affected by the ground water at the point of contact with surface waters.

D. Enforcement

[Replaced by Section A, Condition XIII. Enforcement.]

The Department may take any and all lawful action as it deems appropriate to enforce any condition of this certification.

E. Design and Performance Criteria

[Replaced with Section A, Condition VII. Design and Performance]

The power plant may be operated at up to the maximum electrical output projected from design information and system capability without the need for modifying these conditions. Treatment or control facilities or systems installed or used to achieve compliance with the terms and conditions of this certification are not to be bypassed without prior DEP approval.

F. Certification - General Conditions

[Replaced with Section A, Condition XIII. Enforcement]

1. The terms, conditions, requirements, limitations and restrictions set forth in these conditions of certification are the same as "Permit Conditions" and are binding and enforceable pursuant to Sections 403.141, 403.161, 403.514, 403.727, and 403.859 through 403.861, F.S. Any noncompliance with a condition of certification or condition of a federally delegated or approved permit constitutes a violation of chapter 403, F.S., and is grounds for enforcement action, permit termination, permit revocation, or permit revision. The Permittee is placed on notice that the Department will review this approval periodically and may initiate enforcement action for any violation of these conditions.

[Replaced with Section A, Condition XIV. Revocation or Suspension]

2. This approval is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this approval may constitute grounds for revocation and enforcement action by the Department.

[Replaced with Section A, Condition XV. Safety]

3. As provided in Subsections 403.087(7), 403.511, and 403.722(5), F.S., the issuance of this approval does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This approval is not a waiver of any other Department approval that may be required for other aspects of the total project under federally delegated programs.

[Replaced with Section A, Condition XVII. Civil and Criminal Liability; Condition XV. Safety, and Condition XXXIII Water Discharges]

4. This certification does not relieve the Permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by

the construction or operation of this approved source, or from penalties therefore; nor does it allow the Permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department. The Permittee shall take all reasonable steps to minimize or prevent any discharge, reuse of reclaimed water, or residuals use or disposal in violation of these Conditions which has a reasonable likelihood of adversely affecting human health or the environment. It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with these Conditions.

[Replaced with Section A, Condition XIII. Enforcement, Paragraph B]

5. In accepting this certification, the Permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this approved source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the approved source arising under the Florida Statutes or Department rules, except where such use is proscribed by Sections 403.111 or 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

[Replaced with Section A, Condition XXVII. Transfer of Certification]

6. This certification is transferable only upon Department approval in accordance with Section 403.516, F.S., Rules 62-17.211(3) and 62-730.300, F.A.C., as applicable. The Permittee shall be liable for any noncompliance of the approved activity until the transfer is approved by the Department.

[Replaced with Section A, Condition XXXII. Records Maintained at Facility]

7. These conditions of certification or a copy thereof shall be kept at the work site of the approved activity.

8. The Permittee shall comply with the following:

[Replaced with Section A, Condition XXXIII. Records Maintained at Facility]

a. Upon request, the Permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.

b. The Permittee shall hold at the Facility or other location designated by this approval records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by this approval, copies of all reports required by this approval, and records of all data used to complete the application for this approval. These materials shall be retained at least three (3) years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule. Data utilized to prepare the site certification application is to be maintained at the following locations:

Calpine Construction Finance Company, L.P.
The Pilot House, 2nd Floor, Lewis Wharf
Boston, Massachusetts 02110

and

Osprey Energy Center
1501 Derby Avenue
Auburndale, Florida

- c. Records of monitoring information shall include:
- (1) the date, exact place, and time of sampling or measurements;
 - (2) the person responsible for performing the sampling or measurements;
 - (3) the dates analyses were performed;
 - (4) the person responsible for performing the analyses;
 - (5) the analytical techniques or methods used; and
 - (6) the results of such analyses.

[Replaced with Section A, Condition XIV. Revocation or Suspension]

9. These Conditions may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a permit revision, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

[Replaced with Section A, Condition X. Right of Entry]

10. The Permittee, by accepting these Conditions, specifically agrees to allow authorized Department personnel, including an authorized representative of the Department and authorized EPA personnel, when applicable, upon presentation of credentials or other documents as may be required by law, and at reasonable times, depending upon the nature of the concern being investigated, to

a. Enter upon the Permittee's premises where a regulated facility, system, or activity is located or conducted, or where records shall be kept under these Conditions;

b. Have access to and copy any records that shall be kept as required by these Conditions;

c. Inspect the facilities, equipment, practices, or operations regulated or required under these Conditions; and

d. Sample or monitor any substances or parameters at any location necessary to assure compliance with these Conditions or Department rules.

[Replaced with Section A, Condition X. Right of Entry, Paragraph B]

11. When requested by the Department, the Permittee shall within a reasonable time provide any information required by law which is needed to determine whether there is cause for revising, revoking and reissuing, or terminating these Conditions, or to determine compliance with the permit. The Permittee shall also provide to the Department upon request copies of records required by these Conditions to be kept. If the Permittee becomes aware of relevant facts that were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be promptly submitted or corrections promptly reported to the Department.

[Replaced with Section A, Condition XXIV. Incorporation of Existing Rules/Statutes and]

12. Unless specifically stated otherwise in Department rules, the Permittee, in accepting these Conditions, agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the Permittee does not waive any rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard. **[Moved to Section B, Condition I. Department of Environmental Protection, Paragraph C.]**

[Moved to Section B, Condition I. Department of Environmental Protection, Paragraph D.]

13. The Permittee, in accepting these Conditions, agrees to pay the applicable regulatory program and surveillance fee in accordance with Rule 62-4.052, F.A.C.

[Moved to Section B, Condition I. Department of Environmental Protection, Paragraph E.]

14. The Permittee shall give the Department written notice at least 60 days before inactivation or abandonment of a wastewater facility and shall specify what steps will be taken to safeguard public health and safety during and following inactivation or abandonment.

[Moved to Section A, Condition VI. Federal Permits]

15. The Permittee shall apply for a revision to any Department issued PSD, Title V, or NPDES permit in accordance with Department Rules in Chapter 62, Florida Administrative Code, before construction of any planned substantial

modifications to the permitted facility is to commence or with applicable rules for minor modifications to the permitted facility. A revised permit shall be obtained before construction begins except as provided in the applicable portions of Chapter 62, F.A.C.

[Replaced with Section A, Condition VIII. Notification]

16. The Permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. The Permittee shall be responsible for any and all damages which may result from the changes and may be subject to enforcement action by the Department for penalties or revocation of these Conditions. The notice shall include the following information:

- a. A description of the anticipated noncompliance;
- b. The period of the anticipated noncompliance, including dates and times;
- c. Steps being taken to prevent future occurrence of the noncompliance.

[Replaced with Section A, Condition VIII. Notification and Condition XXI Procedures for Post Certification Submittals, Paragraph B]

17. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule detailed elsewhere in these Conditions shall be submitted no later than 14 days following each schedule date.

[Replaced with Section A, Condition XXVIII. Laboratories and Quality Assurance]

18. Laboratories and Quality Assurance

1. The Permittee shall ensure that all laboratory analytical data submitted to the Department, as required by this Certification, must be from a laboratory which has a currently valid and Department approved Comprehensive Quality Assurance Plan (CompQAP) [or a CompQAP pending approval] for all parameters being reported, as required by Chapter 62-160, F.A.C.

2. When a contract laboratory is used to analyze samples required pursuant to this certification, the Permittee is required to have the samples taken by appropriately trained personnel following EPA and Department approved sampling procedures and chain-of-custody requirements in accordance with Rule 62-160, F.A.C.

3. When an in-house laboratory is used to analyze samples required pursuant to this permit, the Permittee is required to have the samples taken by an appropriately trained technician following EPA and Department approved sampling procedures and chain-of-custody requirements. All chain-of-custody records must be

retained on-site for at least three (3) years and made available to the Department immediately upon request.

[Replaced with Section A, Condition XXI Procedures for Post-Certification Submittals]

19. Procedures for Post-Certification Submittals

a. Purpose of Submittals: Conditions of certification which provide for the post-certification submittal of information to DEP by the Permittee are for the purpose of facilitating DEP's monitoring of the effects arising from the plant facilities. This monitoring is for DEP to assure, in consultation with other agencies with applicable regulatory jurisdiction, continued compliance with the conditions of certification, without any further agency action.

b. Filings: All post-certification submittals of information by the Permittee are to be filed with DEP. Copies of each submittal shall be simultaneously submitted to any other agency indicated in the specific conditions requiring the post-certification submittals.

c. Completeness: The DEP shall promptly review each post-certification submittal for completeness. This review shall include consultation with the other agencies receiving the post-certification submittal. For the purposes of this condition, completeness shall mean that the information submitted is both complete and sufficient. If found to be incomplete, the Permittee shall be so notified. Failure to issue such a notice within forty-five (45) days after filing of the submittal shall constitute a finding of completeness.

d. Interagency Meetings: Within sixty (60) days of the filing of a complete post-certification submittal, DEP may conduct an interagency meeting with other agencies which received copies of the submittal. The purpose of such an interagency meeting shall be for the agencies with regulatory jurisdiction over the matters addressed in the post-certification submittal to discuss whether reasonable assurance of compliance with the conditions of certification has been provided. Failure of any agency to attend an interagency meeting shall not be grounds for DEP to withhold a determination of compliance with these conditions nor to delay the time frames for review established by these conditions.

e. Reasonable Assurance of Compliance: Within ninety (90) days of the filing of a complete post-certification submittal, or forty-five (45) days after a submittal is made by the Permittee, or unless another date is specified herein, DEP shall give written notification to the Permittee and the agencies to which the post-certification information was submitted of its determination whether there is reasonable assurance of compliance with the conditions of certification. If it is determined that reasonable assurance has not been provided, the Permittee shall be notified with particularity and possible corrective measures suggested. Failure to notify the

Permittee in writing within ninety (90) days of receipt of a complete post-certification submittal shall constitute a compliance determination.

IV. ADVERSE IMPACT

[Moved to Section B, Condition I. Department of Environmental Protection, Paragraph B.]

The Permittee shall take all reasonable steps to minimize any adverse impact resulting from noncompliance with any limitation specified in this certification, including such accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge.

V. RIGHT OF ENTRY

[Replaced with Section A, Condition X. Right of Entry]

The Permittee shall allow during normal business hours the Secretary of the Florida Department of Environmental Protection and/or authorized representatives, including representatives of the SWFWMD upon the presentation of credentials:

A. To enter upon the Permittee's premises where an emission or effluent source is located or in which records are required to be kept under the terms and conditions of this certification;

B. To have access during normal business hours (Monday-Friday, 9:00 a.m. to 5:00 p.m.) to any records required to be kept under the conditions of this certification for examination and copying;

C. To inspect and test any monitoring equipment or monitoring method required in this certification and to sample any discharge or pollutants, or monitor any substances or parameters at any location reasonably necessary to assure compliance with this certification or Department rules; and,

D. To assess any damage to the environment or violation of ambient standards.

VI. REVOCATION OR SUSPENSION

[Replaced with Section A, Condition XIV. Revocation or Suspension]

This certification may be suspended or revoked for violations of any of its conditions pursuant to Section 403.512, F.S.

VII. CIVIL AND CRIMINAL LIABILITY

[Replaced with Section A, Condition XVII. Civil and Criminal Liability]

A. This certification does not relieve the Permittee from civil or criminal penalties for noncompliance with any conditions of this certification, applicable rules or regulations of the Department or Chapter 403, F.S., or regulations thereunder.

[Replaced with Section A, Condition XXIV. Incorporation of Existing State and Local Licenses/Permits]

B. Subject to Section 403.511, F.S., this certification shall not preclude the institution of any legal action or relieve the Permittee from any responsibilities or penalties established pursuant to any other applicable state statutes or regulations.

VIII. PROPERTY RIGHTS

[Entire Condition replaced with Section A, Condition XVIII. Property Rights]

A. The issuance of this certification does not convey any property rights in either real or personal property, nor any exclusive privileges, nor does it authorize any injury to public or private property or any invasion of personal rights nor any infringement of federal, state or local laws or regulations.

B. This certification conveys no title to land or water, does not constitute state recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the state. Only the Trustees of the Internal Improvement Trust Fund may express state opinion as to title.

IX. SEVERABILITY

[Replaced with Section A, Condition XII. Severability]

The provisions of this certification are severable, and if any provision of this certification or the application of any provision of this certification to any circumstances, is held invalid, the application of such provisions to other circumstances and the remainder of the certification shall not be affected thereby.

X. REVIEW OF SITE CERTIFICATION

[Replaced with Section A, Condition XIV. Revocation or Suspension and Condition XXIII. Modification of Certifications]

The certification shall be final unless revised, revoked, or suspended pursuant to law. At least every five (5) years from the date of issuance of certification the Department may review these conditions of certification and propose any needed changes.

XI. MODIFICATION OF CONDITIONS OF CERTIFICATION

[Replaced with Section A, Condition XXIII. Modification of Certifications; Section A, Condition VI. Federal Permits]

A. Pursuant to Subsection 403.516(1), F.S., the Siting Board hereby delegates the authority to the Secretary of the Department to modify any condition of this certification dealing with sampling, monitoring, reporting, specification of control equipment, boiler capacity, related time schedules, emission limitations (subject to notice and opportunity for hearing), conservation easements, or any special studies conducted, as necessary to attain the objectives of Chapter 403, Florida Statutes. Approval of requests for modifications of monitoring requirements shall not be unreasonably withheld by the Department.

B. This certification shall be automatically modified to conform to any subsequent amendments, modifications, or renewals made by the Department under a federally delegated or approved program to any separately issued Prevention of Significant Deterioration (PSD) permit, Title V air permit, or National Pollutant Discharge Elimination System (NPDES) permit for the certified Facility. The Permittee shall send each party to the original certification proceedings (at the party's last known address as shown in the record of such proceeding) notice of requests for modifications or renewals of the above listed permits if the request involves a relief mechanism (e.g., mixing zone, variance, etc.) from standards, a relaxation of conditions included in the permit due to state permitting requirements, or the inclusion of less restrictive air emission limitations in the air permits. The Department shall notify all parties to the certification proceeding of any intent to modify conditions under this section prior to taking final agency action.

C. Subject to the limitations contained in Condition XI.C. and the provisions of Subsection 120.569(2)(n), F.S., the Siting Board hereby delegates the authority to the Secretary of the Department to modify any condition of this certification if the Secretary finds that an immediate danger to the public health, safety, or welfare requires the issuance of an immediate final order temporarily modifying these conditions of certification. If the Secretary elects to exercise this delegated authority, the Secretary shall prepare an immediate final order that recites with particularity the facts underlying the Secretary's finding of an immediate danger to the public health, safety or welfare. The immediate final order and the modification to these Conditions of Certification shall be effective only for so long as is necessary to address the immediate danger. A copy of the immediate final order shall be served on each member of the Siting Board and each party to the certification hearing.

D. All other modifications to these conditions shall be made in accordance with section 403.516, F.S.

XII. CONSTRUCTION

[Replaced with Section A, Condition VII. Design and Performance; Section A., Condition XXI. Procedures for Post-Certification Submittals; Section A., Condition XXII. Post-Certification Amendments; and Section A, Condition XXIII. Modification of Certification]

A. Standards and Review of Plans

1. All construction at the Facility shall be constructed pursuant to the design standards presented in the application or amended application and the standards or plans and drawings submitted and signed by an engineer registered in the

state of Florida. Specific DEP Southwest District office acceptance of plans will be required based upon a determination of consistency with approved design concepts, regulations and these conditions prior to initiation of construction of any: industrial waste treatment facilities; domestic waste treatment facilities; potable water treatment and supply systems; ground water monitoring systems and storm water runoff systems; solid waste disposal areas; and hazardous or toxic handling facilities or areas. The Permittee shall present specific Facility plans for these facilities for review by the Southwest District office at least ninety (90) days prior to construction of those portions of the Facility for which the plans are then being submitted, unless other time limits are specified in the following conditions herein. Review and approval or disapproval shall be accomplished in accordance with Chapter 120, F.S., or these conditions of certification as applicable.

2. The Department must be notified in writing and prior written approval obtained for any material change, modification, or revision to be made to the project during construction which is in conflict with these conditions of certification. If there is any material change, modification, or revision made to a project approved by the Department without this prior written approval, the project will be considered to have been constructed without departmental approval, the construction will not be cleared for service, and the construction will be considered a violation of the conditions of certification.

3. Ninety (90) days prior to the anticipated date of first operation, the Permittee shall provide the Department with an itemized list of any changes made to the Facility design and operation plans that would affect a change in discharge as referenced in Condition II. since the time of the approval of these conditions. This pre-operational review of the final design and operation shall demonstrate continued compliance with Department rules and standards.

B. Control Measures

[Replaced with Section A, Condition VI. Federal Permits, paragraph B., 1 and 2; Section A, Condition XXIX. Environmental Resources, B. Surface Water Management]

1. To control runoff during construction which may reach and thereby pollute waters of the state, necessary measures shall be utilized to settle, filter, treat or absorb silt containing or pollutant laden storm water to ensure against spillage or discharge of excavated material that may cause turbidity in excess of 29 nephelometric turbidity units (NTU) above background in waters of the state. Control measures may consist of sediment traps, barriers, berms, and vegetation plantings. Exposed or disturbed soil shall be protected and stabilized as soon as possible to minimize silt and sediment-laden runoff. The pH of the runoff shall be kept within the range of 6.0 to 8.5. The Permittee shall comply with the applicable nonprocedural requirements in Chapter 62-25, F.A.C.

[Replaced with Section A, Condition IX. Construction Practices, paragraph C]

2. Any open burning in connection with initial land clearing shall be in accordance with Chapter 62-256, F.A.C., Chapter 51-2, F.A.C., and any other applicable regulation. Any burning of construction-generated material, after initial land clearing that is allowed to be burned in accordance with Chapter 62-256, F.A.C., shall be approved by the DEP Southwest District office in conjunction with the Division of Forestry and any other county regulations that may apply. Burning shall not occur if not approved by the appropriate 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.

[Replaced with Section A, Condition IX. Construction Practices, paragraph D]

3. Disposal of sanitary wastes from construction toilet facilities shall be in accordance with applicable regulations of the appropriate local health agency.

[Replaced with Section A, Condition IX. Construction Practices, paragraph D]

4. Solid wastes resulting from construction shall be disposed of in accordance with the applicable regulations of Chapter 62-701, F.A.C.

[Replaced with Section B, Condition VII. E. Noise]

5. Construction noise shall not exceed any applicable noise criteria or requirements of the City of Auburndale or Polk County. The permittee shall notify area residents in advance of the onset of the steam blowout of the Osprey Energy Center's heat recovery steam generator and steam lines. Such steam blowout shall be conducted between 7:00 am and sunset.

[Replaced with Section A, Condition IX Construction Practices, paragraph B.]

6. The Permittee shall employ proper odor and dust control techniques to minimize odor and fugitive dust emissions. The Permittee shall employ control techniques sufficient to prevent nuisance conditions which interfere with enjoyment of residents of adjoining property.

[Replaced by Section A, Condition XVI. Herbicides]

7. Directly associated transmission lines from the Facility electric switchyard to existing transmission lines shall be maintained in accordance with the application and the appropriate state and federal regulations concerning use of herbicides. The Permittee shall notify the Department of the type of herbicides to be used at least 60 days prior to their first use.

[Moved to Section B, Condition VI. City of Auburndale, paragraph D.]

8. Protection of Vegetation: The Permittee shall develop the site so as to establish a buffer of natural vegetation as required by the City of Auburndale.

[Replaced by Section A, Condition XXXIII. Water Discharges, paragraph A. 3.]

9. Dewatering operations during construction shall be carried out in accordance with Rule 62-621.300(2), F.A.C.

[Replaced with Section B, Condition IV. Department of State – Division of Historical Resources]

10. Historical or Archaeological Finds: If historical or archaeological artifacts, such as Indian canoes, are discovered at any time within the project site, the Permittee shall notify the DEP Southwest District office and the Bureau of Historic Preservation, Division of Historical Resources, R.A. Gray Building, Tallahassee, Florida 32399, telephone number (850) 487-2073.

C. Environmental Control Program

[Moved to Section B, Condition I. Department of Environmental Protection, paragraph F.]

An environmental control program shall be established under the supervision of a Florida registered professional engineer or other qualified person to assure that all construction activities conform to applicable environmental regulations and the applicable conditions of certification. If a violation of standards, harmful effects or irreversible environmental damage not anticipated by the application or the evidence presented at the certification hearing are detected during construction, the Permittee shall notify the DEP Southwest District office as required by Condition III.B.

D. Reporting

[Replaced by Section A, Condition XXIX. Environmental Resources. Paragraph B.]

Notice of commencement of construction shall be submitted to the Siting Coordination Office and the Southwest District office within fifteen (15) days of initiation. Starting three (3) months after construction commences, a quarterly construction status report shall be submitted to the Southwest District office. The report shall be a short narrative describing the progress of construction.

XIII. AIR RESOURCES MANAGEMENT

[Replaced by Section A, Condition VI. Federal Permits, paragraph A]

A. Air Construction Permit Number PSD-FL-287, which is attached as Appendix A, is incorporated by reference herein as part of this Certification. The provisions of Air Construction Permit Number PSD-FL-287 shall be conditions of this certification. The licensee shall comply with the substantive provisions and limitations set forth in Air Construction Permit Number PSD-FL-287 as part of these Conditions of Certification, and as those provisions may be modified in the future by the Department. Such provisions shall be fully enforceable as conditions of this certification. Any violation of such provisions shall be a violation of these Conditions of Certification.

B. The use or storage of Orimulsion⁷ or other emulsion type fuels is specifically prohibited.

XIV. WATER RESOURCES MANAGEMENT

[Replaced by Section B, Condition V. Southwest Florida Water Management District. The word "Permittee" has been changed to "Licensee".]

A. General Conditions (Chapters 40D-2 and 40D-3, F.A.C.)

1. If any of the statements in the application and in the supporting data are found to be materially untrue and/or inaccurate, or if the Permittee fails to comply with all of the provisions of Chapter 373, Florida Statutes (F.S.), Chapter 40D, Florida Administrative Code (F.A.C.), or the conditions set forth herein, the Southwest Florida Water Management District (SWFWMD) shall take appropriate action which may include suspension or revocation of this Site Certification.

2. This certificate is issued based on information provided by the Permittee demonstrating that the use of water is reasonable and beneficial, consistent with the public interest, and will not interfere with any existing legal use of water. If it is determined by the SWFWMD that the use is not reasonable and beneficial, in the public interest, or does impact an existing legal use of water, the SWFWMD shall initiate action which may include suspension or revocation of this Siting Certification.

3. The Permittee shall not materially deviate from the SWFWMD water use related terms or conditions of the Siting Certification without written approval by the SWFWMD.

4. In the event the SWFWMD declares that a Water Shortage exists pursuant to Chapter 40D-21, F.A.C., the SWFWMD may alter, modify, or declare inactive all or parts of this Certification as necessary to address the water shortage.

5. The SWFWMD shall collect water samples from any withdrawal point listed in the Certificate or shall require the Permittee to submit water samples when the SWFWMD determines that there is a potential for adverse impacts to water quality.

6. The Permittee shall provide access to an authorized Department or SWFWMD representative to enter the property at any reasonable time to inspect the facility and make environmental or hydrologic assessments. The Permittee shall either accompany Department and SWFWMD staff onto the property or make provision for access onto the property.

7. Issuance of this Site Certification does not exempt the Permittee from any other SWFWMD permitting requirements.

8. The SWFWMD shall initiate any necessary action to require the Permittee to cease or reduce withdrawal if water levels in aquifers fall below the minimum levels established by the SWFWMD Governing Board.

9. The Permittee shall practice water conservation to increase the efficiency of transport, application, and use, as well as to decrease waste and to minimize stormwater runoff from the property. At such time as the SWFWMD Governing Board adopts specific conservation requirements for the Permittee's water use classification, the SWFWMD shall initiate any required action to make this certification subject to those requirements upon notice and after a reasonable period for compliance.

10. The SWFWMD may establish special regulations for permits within the regions designated a Water Use Caution Area (WUCA). If the SWFWMD has established, or establishes in the future, a WUCA for the region that encompasses the location of the Osprey Energy Center, at such time as the Governing Board adopts such special regulations, the SWFWMD shall initiate any required action to make the Permittee subject to them upon notice and after a reasonable period for compliance.

11. The Permittee shall mitigate, to the satisfaction of the SWFWMD, any adverse impact to existing legal uses caused by withdrawals from the project withdrawals. When adverse impacts occur or are imminent, the SWFWMD shall require the Permittee to mitigate the impacts. Adverse impacts include, but are not limited to:

- a. a reduction in water levels which impairs the ability of a well to produce water;
- b. significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams or other watercourses; or
- c. significant introduction of natural or manmade contaminants into a water supply or into a usable portion of any aquifer or water body.

12. The Permittee shall mitigate to the satisfaction of the SWFWMD any adverse impact to environmental features or off-site land uses caused by the project withdrawals. When adverse impacts occur or are imminent, the SWFWMD shall require the Permittee to mitigate the impacts. Adverse impacts include the following:

- a. significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams, or other watercourses;
- b. sinkholes or subsidence caused by reduction in water levels;
- c. damage to crops and other vegetation causing financial harm to the owner; and Damage to the habitat of endangered or threatened species.

B. Specific Conditions

1. A SWFWMD identification tag shall be prominently displayed at each withdrawal point by permanently affixing the tag to the withdrawal facility.

2. The Permittee must notify the SWFWMD within 30 days of the sale or transfer of permitted water withdrawal facilities or the land on which the facilities are located.

3. All plans or reports pertaining to water use and or management as required by these Conditions of Certification shall be submitted to the SWFWMD on or before the tenth day of the month following data collection and shall be addressed to:

Permit Data Section, Records and Data Department
Southwest Florida Water Management District
2379 Broad Street
Brooksville, Florida 34604-6899

Unless otherwise indicated, three copies of each plan or report, with the exception of pumpage, rainfall, evapotranspiration, water level or water quality data which require one copy, are required by these Conditions of Certification.

4. Water Supply

a. Since the Osprey Energy Center will receive increasing quantities of reclaimed water of suitable quality from the City of Auburndale's Allred Wastewater Treatment Plant (WWTP), phased reductions in the ground water withdrawals will be required.

(1) The groundwater withdrawal quantities [i.e. the total combined withdrawals from SWFWMD ID Nos. 1, 2, and 3, (Osprey Energy Center ID Nos. 1, 2, and 3)] in gallons per day (gpd) will be decreased in approximate proportion to the increased use of reclaimed water as follows:

Calendar Year	Allred WWTP	Groundwater Withdrawal	
	Annual Average (gpd)	Annual Average (gpd)	Peak Month (gpd)
2002	807,800	2,742,200	4,006,000
2003	837,700	2,722,300	3,977,000
2004	857,600	2,712,400	3,957,700
2005	887,600	2,682,400	3,928,600
2006	917,500	2,672,400	3,899,600
2007	937,400	2,652,600	3,880,300
2008	967,300	2,642,800	3,851,200
2009	997,300	2,632,700	3,822,200
2010	1,027,200	2,602,800	3,793,100
2011	1,047,100	2,582,900	3,773,800
2012	1,077,000	2,573,000	3,744,700
2013	1,107,000	2,543,000	3,715,700
2014	1,136,900	2,536,900	3,686,700
2015	1,156,800	2,523,200	3,667,300

2016	1,186,700	2,516,700	3,638,300
2017	1,216,700	2,486,700	3,609,200
2018	1,246,600	2,483,400	3,580,200
2019	1,266,700	2,463,500	3,560,900
2020	1,296,400	2,433,600	3,531,800
2021	1,346,300	2,413,700	3,483,800
2022	1,396,200	2,393,800	3,343,500

(2) To the extent that the Osprey Energy Center receives the quantity of suitable quality reclaimed water from the Allred WWTP during a calendar year, as specified in Condition XIV.B.4.a.(1), the Osprey Energy Center may not exceed the corresponding ground water use allowance.

(3) To the extent that the Osprey Energy Center does not receive the quantity of suitable quality reclaimed water from the Allred WWTP during a calendar year, as specified in Condition XIV.B.4.a.(1), the Osprey Energy Center may not exceed a combined total reclaimed water and ground water Annual Average quantity of 3,790,000 gpd nor a combined total reclaimed water and ground water Peak Month quantity of 4,740,000 gpd. In no case is the Osprey Energy Center authorized to withdraw ground water in excess of an Annual Average of 2,742,200 gpd nor a Peak Month quantity in excess of 4,006,000 gpd.

(4) The Annual Average Daily and Peak Month Daily quantities for SWFWMD ID Nos.1, 2, and 3, (Osprey Energy Center ID Nos. 1, 2, and 3), shown above in the production withdrawal table are estimates based on historic and/or projected distribution of pumpage, and are for water use inventory and impact analysis purposes. The quantities listed in the table for these individual sources are not intended to dictate the distribution of pumpage from permitted sources. The Permittee may make adjustments in pumpage distribution as necessary up to the quantities indicated specifically for each withdrawal provided that the combined total quantities will not exceed 2,742,200 gpd on an average basis and 4,006,000 gpd on a peak monthly basis. In all cases, the total average annual daily withdrawal and the total peak monthly daily withdrawal are limited to the quantities set forth above.

b. The Osprey Energy Center is not required to accept reclaimed water in amounts which exceed the power plant's demand and storage capacity.

5. No later than April 1, of each year, the Permittee shall submit to SWFWMD and the Department a water use summary report for the preceding calendar year. The summary shall include:

a. Water use source and quantity data;

b. The Monthly Average Daily and Annual Average Daily quantities of reclaimed water received from the Allred WWTP;

c. The Monthly Average Daily and Annual Average Daily quantities of ground water pumpage;

d. The Monthly Average Daily and Annual Average Daily totals of reclaimed and ground water received; and

e. If the Osprey Energy Center does not receive the quantity of suitable quality reclaimed water from the Allred WWTP, as specified in Condition XIV.B.4.a.(1), and exceeds the corresponding Annual Average Daily or Peak Month Daily ground water withdrawal allowance during the same calendar year, the permittee shall explain why the receipt of reclaimed water from the Allred WWTP was less than projected.

6. The Permittee shall continue to investigate the feasibility of using additional reclaimed water as a water source and submit a report describing the findings of the feasibility investigation to the Permits Data Section no later than April 1, of the years 2007, 2012, and 2017. The report shall contain an analysis of potential reclaimed water sources in the area, including the location of those sources, the quantity of reclaimed water available, the projected date(s) of availability, and costs associated with obtaining and transporting the reclaimed water to the Osprey Energy Center site. At such time as the SWFWMD determines that use of additional reclaimed water is environmentally, technically, and economically feasible, an implementation schedule shall be developed and these Conditions of Certification shall be modified to reduce, by the amount of additional reclaimed water, the quantity of ground water authorized for consumption by the Osprey Energy Center.

7. Within 90 days of issuance of the Site Certification or completion of construction of the withdrawal facility, whichever is later, and prior to the activation of a stand-by source, SWFWMD ID Nos. 1, 2 and 3, Osprey Energy Center ID Nos. 1, 2, and 3, shall be equipped with non-resettable, totalizing flow meter(s), or other measuring device(s) as approved in writing by the SWFWMD Regulation Department Director, Resource Regulation unless an extension is granted by the Director. Such device(s) shall have and maintain an accuracy within five percent of the actual flow as installed. Total withdrawal and meter readings from each metered withdrawal shall be recorded on a monthly basis and reported to the Permit Data Section (using SWFWMD forms) on or before the tenth day of the following month. If a metered well is not utilized during a given month, a report shall be submitted to the Permit Data Section indicating zero gallons. Prior to meter installation, non-use shall be documented with monthly pumpage reports indicating zero gallons withdrawn.

8. Within 90 days of issuance of the Site Certification or 90 days prior to the delivery of reclaimed water, whichever is later, the reclaimed water delivery point, SWFWMD ID No. 50, Osprey Energy Center ID No. R-1, through which reclaimed water will be received at the Osprey Energy Center, shall be equipped with non-resettable totalizing flow meters, or other flow measuring devices or methods as approved in

writing by the Regulation Department Director, Resource Regulation. Such devices or methods shall have and maintain an accuracy within 5 percent of the actual flow as installed. Total flow and meter readings from the metered flow shall be recorded on a monthly basis and reported to the Permit Data Section (using SWFWMD forms) on or before the 10th day of the following month.

9. Well Water Sampling

a. Water quality samples shall be collected and analyzed as specified below.

SWFWMD ID No.	Osprey Energy Center ID No.	Minimum Pumping Time (minutes)	Sampling	
			Parameters	Months
1	1	30	Chlorides, Sulfates, TDS	February, May, August, November

Note: samples shall be collected in the first week of the sampling month.

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

c. Water quality samples from production wells shall be collected whether or not the well is being used, unless infeasible. If sampling is infeasible the Permittee shall indicate the reason for not sampling on the water quality data form. Water quality samples shall be analyzed by a Department of Health and Rehabilitative Services (DHRS) certified laboratory under Environmental Laboratory Certification General Category "1". At a minimum, water quality samples shall be collected after pumping the well at its normal rate for a pumping time specified in condition a. above, or to a constant temperature, pH, and conductivity. In addition, the Permittee's sampling procedure shall follow the handling and chain of custody procedures designated by the certified laboratory that will undertake the analysis. Any variance in sampling and/or analytical methods shall have prior approval of the Regulation Department Director, Resource Regulation. Reports of the analyses shall be submitted to the Permit Data Section (using SWFWMD forms) on or before the tenth day of the following month, and shall include the signature of an authorized representative and certification number of the certified laboratory which undertook the analysis. The parameters and frequency of sampling and analysis in these Conditions of Certification may be modified as necessary to ensure the protection of the resource.

10. Within 90 days of completion of construction of the power generation facility, the Permittee shall install and maintain a continuous recording rain

gauge in the area around SWFWMD ID No. 1. Total daily rainfall shall be recorded at this station and submitted to the Permit Data Section, on SWFWMD forms on or before the tenth day of the following month. The reporting period for these data shall begin on the first day of each month and end on the last day of each month. Final location shall be submitted plotted on an original blue line aerial map or United States Geological Survey quadrangle map, or by providing latitude - longitude location.

11. Any wells not in use, and in which pumping equipment is not installed shall be capped or valved in a water-tight manner in accordance with Chapter 62-532.500(3)(a)(4), F.A.C.

12. Well Construction

a. The Permittee shall construct all wells according to the surface diameter and a casing depth specifications below. NOTE: The casing depth specified is to prevent the unauthorized interchange of water between different water bearing zones. When a total depth is listed, it is an estimate based on best currently available information of the depth at which high producing zones are encountered. However, during well construction, it is the Permittee's responsibility to have the water in the well sampled before reaching the estimated total depth. This is to ensure that the well does not encounter water of a quality that cannot be utilized at the Osprey Energy Center and to ensure that withdrawals from the well will not cause saltwater intrusion.

SWFWMD ID No.	Osprey Energy Center ID No	Surface Diameter	Minimum Cased Depth	Estimated Total Depth
1	1	16"	150'	700'
2	2	16"	150'	700'
3	3	16"	150'	700'

b. The casing shall be continuous from land surface to the minimum depth stated above.

c. All well casing (including liners and/or pipe) must be sealed to the depth specified in Condition a. above.

d. The wells shall be constructed of materials that are resistant to degradation of the casing and grout.

e. A minimum grout thickness of two (2) inches is required on wells four (4) inches or more in diameter.

f. A minimum of twenty (20) feet overlap and two (2) centralizers are required for Public Supply wells, and all wells six (6) inches or more in diameter.

g. The finished well casing depth shall not vary from these specifications by greater than ten (10) percent unless advance approval is granted by the Regulation Department Director, Resource Regulation, or the Supervisor of the Well Construction Permitting Section in Brooksville.

h. Advance approval from the Regulation Department Director, Resource Regulation is necessary should the Permittee propose to change any well location or casing diameter.

13. Aquifer Performance Test (APT)

a. At least one year prior to the planned withdrawals from the first of SWFWMD ID No. 1 through 3, (Osprey Energy Center ID No. 1 through 3), the permittee shall submit a detailed plan for a long-term aquifer performance test for approval by the Regulation Department Director, Resource Regulation.

b. The test shall be conducted for a sufficient length of time to allow determination of the leakance parameter between the surficial and intermediate aquifers and the leakance parameter between the intermediate and Upper Floridan aquifers.

c. The test shall include collection of water quality data as specified in Condition XIV.B.9.a.

d. To the best of the permittee's ability, test shall be conducted during a period of minimum nearby pumpage and during a period of minimum rainfall to minimize interference with the test.

e. The test shall take place prior to initiation of pumpage from the Osprey Energy Center wells.

f. A report of the results of the test, including all raw data and analyses, shall be provided to the Permit Data Section within 30 days of the completion of the test.

g. If SWFWMD determines that any of the aquifer characteristics vary significantly from those used in the groundwater flow model submitted with the SCA, the Permittee shall submit an updated groundwater flow model to the Regulation Department Director, Resource Regulation. This model shall utilize the actual aquifer characteristics determined during the APT to predict impacts due to groundwater withdrawals at this site. If new modeling is required and it indicates that there are adverse impacts not indicated in the SCA, the Permittee may be required to amend the SCA or seek modification of these Conditions of Certification in accordance with Condition XI.

14. The Permittee shall begin carrying out the provisions of its SWFWMD approved conservation plan, dated March 30, 2000, upon receipt of this Certification. The Permittee shall submit progress reports concerning implementation of the plan on April 1, of the years 2007, 2012, and 2017.

C. Surface Water

There will be no intake from or direct discharge to surface Waters of the State associated with the construction or operation of the Osprey Energy Center.

D. Water Resource Complaints

1. The Permittee shall investigate water resource complaints within the area within 425 feet of the property boundary. The complaint handling/mitigation procedure shall be as follows:

a. Within 48 hours of notification of a complaint, the Permittee shall perform a preliminary investigation to determine if the Osprey Energy Center's withdrawals are the cause of the problem stated in the complaint.

(1) If the preliminary investigation indicates that the Osprey Energy Center withdrawals are responsible, the Permittee shall:

(a) within 72 hours of notice of complaint, supply the complainant with any water necessary for health and safety purposes; and

(b) conduct a detailed investigation of the complaint and if the detailed investigation confirms that the complainant's problem was caused by the Osprey Energy Center's withdrawals, corrective action shall be undertaken by the Permittee within 15 days of notice of complaint.

(2) If the preliminary assessment indicates that Osprey Energy Center withdrawals are not responsible for the complainant's problem, the Permittee shall document the reasons for this determination.

b. The Permittee shall file a report of the complaint investigation with the Regulation Department Director, Resource Regulation, for review and approval within 20 days of the receipt of notice of complaint.

(1) The report shall include:

(a) the name and address of the complainant;

(b) the date and nature of the complaint;

- (c) a summary of the permittee's investigation;
 - (d) a summary of the permittee's determination, including details of any mitigation activities; and
 - (e) cost of mitigation activity for each complaint.
- (2) A copy of the report shall also be sent to the complainant within 20 days of notice of complaint.

XV. SOLID AND HAZARDOUS WASTE MANAGEMENT

[Replaced by Section A, Condition XXXIV. Solid and Hazardous Waste]

- A. No solid or hazardous waste is to be permanently stored onsite.
- B. Any salt cake from the industrial wastewater treatment and cooling water systems is to be sent off-site for disposal.

XVI. INDUSTRIAL WASTEWATER

[Moved to Section B, Condition VI. City of Auburndale, paragraph A.]

All industrial wastewater is to be discharged into an underground pipeline owned and operated by the City of Auburndale and through which the wastewater is conveyed to the City of Auburndale's Wastewater Treatment Plants. Should there be any change in the conveyance or treatment system that adversely affects the treatment of wastewater from the Osprey Energy Center, these Conditions of Certification may need to be modified in accordance with Condition XI.

XVII. DOMESTIC WASTEWATER

[Moved to Section B, Condition VI. City of Auburndale, paragraph B.]

All domestic wastewater is to be discharged into an underground pipeline owned and operated by the City of Auburndale and through which the wastewater is conveyed to the City of Auburndale's Wastewater Treatment Plants. Should there be any change in the conveyance or treatment system that adversely affects the treatment of wastewater from the Osprey Energy Center, these Conditions of Certification may need to be modified in accordance with Condition XI.

XVIII. POTABLE WATER

[Moved to Section B, Condition VI. City of Auburndale, paragraph C.]

Potable water is to be received from the existing City of Auburndale potable water treatment and distribution system. Should there be any change in this system that adversely affects the delivery of adequate potable water to the Osprey Energy Center these Conditions of Certification may need to be modified in accordance with Condition XI.

XIX. STORMWATER MANAGEMENT

[Replaced by Section A, Condition XXIX. Environmental Resources, paragraph B.]

A. Contact stormwater runoff (rainfall that has come in contact with industrial equipment or processes) is to be completely contained and recycled as process water or entered into the process wastewater stream directly.

B. Construction on the Osprey Energy Center site must meet the requirements of Rules 62-25, F.A.C. and 62-17.211, F.A.C., as well as the design requirements presented in the Site Certification Application. Stormwater facilities associated with the Osprey Energy Center will not become operational until an engineer practicing in the State of Florida in compliance with Section 471.003, F.S. and with the appropriate experience in surface water design, certifies that these facilities have been constructed in accordance with the design as approved by the Department.

C. All stormwater is to be discharged into the stormwater treatment units. Should there be any change in site layout or these treatment units that adversely affect the treatment of stormwater, these Conditions of Certification must be modified in accordance with Condition XXIV.

XX. TRANSPORTATION

[Entire Condition replaced by Section B, Condition II Department of Transportation. The word "Permittee" has been changed to "Licensee".]

A. Traffic control will be maintained during plant construction and maintenance in compliance with the applicable standards contained in the Manual on Uniform Traffic Control Devices; Statewide Minimum Level of Service Standards, Rule Chapter 14-94, Florida Administrative Code; Florida Department of Transportation's Roadway and Traffic Design Standards; and Florida Department of Transportation Standard Specifications for Road and Bridge Construction, whichever is more stringent.

B. For the delivery of any overweight or overdimensional loads to the site during the construction of the Facility, the permittee or their contractors shall adhere to the necessary standards and receive the necessary permits required under Chapter 316, Florida Statutes, and Rule Chapter 14-26, Safety Regulations and Permit Fees for Overweight and Overdimensional Vehicles, Florida Administrative Code.

C. No new permanent access to the State Highway System is proposed in the site certification application. Any temporary construction access must meet

permitting requirements as defined in Rule Chapters 14-96, State Highway System Connection Permits, Administrative Process, and 14-97, State Highway System Access Management Classification System and Standards, Florida Administrative Code.

D. Any use of State of Florida right of way or transportation facilities is subject to the requirements of the Department of Transportation's Utility Accommodation Manual (Document 710-020-001) and Rule 14-46.001, Railroad/Utility Installation or Adjustment, Florida Administrative Code.

E. Operation of overweight/overdimensional vehicles by the Permittee on State transportation facilities during construction and operation of the Osprey Energy Center will be subject to the requirements of Chapter 316, F.S., and Rule Chapter 14-26, F.A.C., Safety Regulations and Permit Fees for Overweight and Overdimensional Vehicles.

F. Any drainage onto State of Florida right of way or transportation facilities is subject to the requirements of Rule Chapter 14-86, Drainage Connections, Florida Administrative Code.

XXI. EMERGENCY MANAGEMENT

[Entire Condition replaced by Section B, Condition III Department of Community Affairs. The word "Permittee" has been changed to "Licensee".]

A. The Permittee shall develop a Comprehensive Hurricane Preparation and Recovery Plan for the Osprey Energy Center and shall submit that plan to the Department of Community Affairs and the Polk County Office of Emergency Management no later than commencement of construction of the Osprey Energy Center.

B. The Permittee shall submit a formal update of the Comprehensive Hurricane Preparation and Recovery Plan to the Department of Community Affairs and the Polk County Office of Emergency Management every five (5) years following commencement of commercial operation of the Osprey Energy Center.

History

Certified 06/27/01; signed by Governor Bush
Modified 01/09/06; signed by Siting Administrator Owen