DUKE ENERGY.

CRYSTAL RIVER NUCLEAR PLANT
15760 W. Powerline St.
Crystal River, FL 34428

DSG19-0010

June 20, 2019

Ms. Cindy Mulkey
Florida Department of Environmental Protection
Siting Coordination Office
2600 Blair Stone Road
Tallahassee, Florida 32399-3000



Re: Duke Energy Florida
Crystal River Energy Complex
Power Plant Certification No. PA 77-09
Modification to Relinquish Jurisdiction

Dear Ms. Mulkey:

Pursuant to Section 403.516(1)(c), Florida Statutes (F.S.) and Rule 62-17.211(1)(b), Florida Administrative Code (F.A.C.), please accept this letter and attachments as a petition for modification of the certification for the Duke Energy Florida (DEF) Crystal River Energy Complex (CREC) conditions of certification. This requested modification generally includes relinquishment of the CREC Unit 3 certification and removal of outdated conditions of certification.

DEF is the current owner and operator of CREC in Citrus County, including among others, a 1,080 MW nuclear plant (Unit 3). Unit 3 went into operation in 1977. The plant was certified in 2008 as part of an uprate of the facility. Unit 3 is no longer in operation and DEF is moving forward with decommissioning the facility. The decommissioning will be conducted under the control of a third party decommissioning entity, that upon approval by the Nuclear Regulatory Commission (NRC) will become the NRC licensee for Unit 3.

Because Unit 3 is no longer in operation, and control will be transferred to a decommissioning entity, DEF seeks this modification to relinquish the Unit 3 certification. Attached please find a redline version of the CREC conditions of certification (Attachment A) reflecting deletion of conditions related to Unit 3, along with explanation for the deletion where appropriate. Given that Unit 3 is no longer in operation, many of the conditions are now obsolete or have been completed. Attachment A reflects deletion of these conditions. There are, however, five remaining conditions still applicable to the Unit 3 laydown/parking area (existing conditions B.II.B.5-6) and the independent spent fuel installation surface water management system (existing conditions B.II.E.3-5). DEF proposes that these conditions be deleted from the conditions of certification and moved to a separate order. Attachment B includes the conditions proposed to be included in a separate order. Because these areas will be under the control of the decommissioning entity, DEF specifically requests that the separate order containing these conditions be transferrable to the decommissioning entity.

As part of this modification, DEF also requests removal/revision of outdated conditions of certification as reflected and explained on Attachment A.

A check in the amount of $10,000 has been submitted with this petition for modification pursuant to Rule 62-17.293(1)(c)a., F.A.C. Should you have any questions regarding this matter or require additional information, please contact Jamie Hunter at (727) 820-5764.

Sincerely,

Terry Hobbs
General Manager Decommissioning

Cc: See attached distribution list

Attachment A: Conditions of Certification Changes Shown in Track Changes
Attachment B: Conditions Proposed to be Included in a Separate Order

ATTACHMENT A

STATE OF FLORIDA

DEPARTMENT

OF

ENVIRONMENTAL PROTECTION

Conditions of Certification

Duke Energy Florida

Crystal River Energy Complex

~~**Unit 3 Nuclear Plant**~~

Unit 4 and Unit 5 Fossil Plant

Citrus Combined Cycle Plant

Units 1 and 2

PA 77-09S

November 6, 2017

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Attachment A: Maps

~~Attachment B: Ambient Air Monitoring Locations~~ DELETED

~~Attachment C: Discharge Monitoring Report~~ **incorporated into Attachment H**

Attachment D: Leachate Monitoring and Testing Program

Attachment E: Storm Water Operation and Maintenance Plan

Attachment F: Crystal River North Area (CRN) Drainage Basins

~~**Attachment G: Final Order Granting a Water Quality Criteria Exemption for Sodium**~~ **DELETED**

Attachment H: Groundwater Monitoring, Operation and Maintenance Requirements

Attachment I: Crystal River Groundwater Monitoring Wells

Attachment J: SWFWMD Water Supply Plan and Specific Conditions

Attachment K: Citrus Combined Cycle Mitigation Plan

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Appendix I:

a. **NPDES Permit FL0036366**

b. **NPDES Permit FL0000159**

SECTION A: GENERAL CONDITIONS (applicable to CREC Units ~~3~~4-5 and CCCP Units 1-2)

I. SCOPE

A. Pursuant to sections 403.501-518, Florida Statutes (F.S.), the Florida Electrical Power Plant Siting Act (PPSA), this certification is issued to Duke Energy Florida, Inc. (DEF) as owner/operator of the Crystal River Energy Complex (CREC) and Citrus Combined Cycle Plant (CCCP).

CREC: Subject to the requirements contained in these Conditions of Certification (Conditions) DEF is authorized to operate ~~one 1,080 MW (nominal) nuclear plant (Unit 3), and~~ a 1,437 MW (nominal) facility consisting of two coal-fired units (Units 4 and 5) and ancillary equipment. These units are located on a 4,738-acre site which is located in Citrus County, Florida. UTM coordinates are: Zone 17; 334.3 km East; 3,204.5 km North. ~~The Department recognizes that Nuclear Unit 3 and Fossil Units 4 and 5 are under the control of different divisions of DEF.~~

CCCP: Subject to the requirements contained in these Conditions of Certification (Conditions) DEF is authorized to operate two 820 MW (nominal) gas fueled combined cycle units (Units 1 and 2) and ancillary equipment. These units are located on a 400-acre site which is located in Citrus County, Florida.

Unless otherwise specified, DEF shall be responsible for the compliance with the conditions herein. The Department does not intend, solely by the March 2010 incorporation of these General Conditions, to require the retrofitting of existing certified facilities. Violation of any conditions specific to Units ~~3,~~ 4~~.~~ or 5 or CCCP Units 1 and 2 shall solely affect the license of the responsible generating units. These General Conditions shall be applicable to all areas of the certified site. Compliance with the General Conditions for all certified units shall be the responsibility of Duke Energy Florida. Any violation of a General Condition shall be a violation by Duke Energy Florida. Except where otherwise specified, existing CREC Units 1 and 2 are not subject to this certification or these conditions.

B. The Certified Facility includes but is not limited to the following major associated facilities;

CREC Unit 4 & 5 coal storage area, coal storage area runoff treatment ponds and coal conveyor system;

CREC Unit 4 & 5 Ash Storage Area;

CREC Unit 4 & 5 Industrial Wastewater (IWW) Percolation Pond

CREC Units 1, 2, and 3 and FGD IWW disposal Pond System;

FGD Blowdown Treatment ~~Ponds~~ System for Units 4 and 5~~:~~;

CCCP Intake, Augmentation, Blowdown, and Raw Water Pipelines;

CCCP Discharge Structure and Modified CREC Unit 3 Intake Structure;

CCCP Transmission Lines and on-Site Switchyard, including three 500-kV and two 230-kV transmission lines;

CCCP Administration Building/Warehouse; and

CCCP Cooling Tower System, including chiller system.

C. These Conditions, unless specifically amended or modified, are binding upon the Licensee and shall apply to the construction, operation and maintenance of the Certified Facility. If a conflict should occur between the design criteria of this Certified Facility and the Conditions, the Conditions shall prevail unless amended or modified. In any conflict between any of these Conditions, the more specific condition governs.

D. Within 120 days after completion of construction of the electrical power plant as defined by 403.503(14), F.S., but excluding off-site linear and non-linear facilities, the Licensee shall provide to the Department in .pdf format a survey map signed by a professional land surveyor, or acceptable equivalent documentation such as an official legal description, delineating the boundaries of the Site, and an aerial photograph delineating the boundaries of the Site. The survey map and aerial photograph shall be identified as the Site Delineation and attached hereto as part of Attachment A.

The Licensee shall notify the Department of any change to the Site boundary depicted in the site delineation in Attachment A. The notification shall be accompanied by an updated land survey map (or legal description) and aerial photograph delineating the new boundaries of the Site for review by the Department. Absent the above description/delineation of the Site, the Department will consider the perimeter fence line of the property on which the electrical power plant's generating facility and on-Site support facilities are located to be the boundaries of the Site.

E. If both certified and uncertified facilities lie within the boundaries of the Site, the Licensee shall also comply with the requirements of this paragraph. Within 120 days after completion of construction of the plant and on-Site associated facilities, but excluding off-Site linear and non-linear associated facilities, the Licensee shall provide to the Department in .pdf format: a survey map signed by a professional land surveyor, or acceptable equivalent documentation such as an official legal description, delineating the boundaries of the Certified Areas within the Site; and an aerial photograph delineating the boundaries of the Certified Areas within the Site. The boundaries of the Certified Areas within the Site shall include both the certified electrical power plant's generating facilities as defined in Section 403.503(28), F.S. and its on-Site certified associated facilities (including on-Site linear facilities) as defined by Section 403.503(7), F.S. The survey map and the aerial photograph shall be known as the Delineation of the Certified Area of the Site and attached hereto as part of Attachment A.

F. Within 120 days after completion of construction of any off-Site associated non-linear facilities, the Licensee shall provide to the Department in .pdf format; a survey map signed by a professional land surveyor, or acceptable equivalent documentation such as an official legal description, delineating the boundaries of the Certified Areas for each off-Site non-linear Certified Facility. The survey map(s) and aerial photographs shall be known as Delineation of the Certified Areas of the Off-Site Non-linear Facilities and attached hereto as part of Attachment A.

G. Within 180 days after completion of construction of any associated off-Site linear facilities, as defined by Section 403.503(7), F.S., the Licensee shall provide; an aerial photograph(s)/map(s) at a scale of at least 1:400, or acceptable equivalent documentation such as an official legal description or survey map(s) signed by a professional land surveyor, delineating the boundaries of the Certified Area(s), following acquisition of all necessary property interests

and the corridor narrowing as described in Section 403.503(11), F.S., which shall be known as the Delineation of Off-Site Linear Facilities and attached as part of Attachment A.

Following any post-certification approvals that require a change to the boundaries of the Certified Area(s) depicted in the Delineation of Off-Site Linear Facilities in Attachment A, the Licensee shall submit an updated aerial photograph/map, survey map or legal description.

[Sections 403.511, F.S.; Rules 62-4.160(8) and 62-17.205(2), F.A.C.]

II. APPLICABLE DEPARTMENT RULES

The construction, operation and maintenance of the Certified Facility shall be in accordance with all applicable non-procedural provisions of F.S. and Florida Administrative Code (F.A.C.), including, but not limited to, the applicable non-procedural portions of the following regulations, except to the extent a variance, exception, exemption or other relief is granted in the final order of certification or in a subsequent modification to the Conditions, under any federal permit or as otherwise provided under Chapter 403:

Florida Administrative Codes:

18-2 (Management of Uplands Vested in the Board of Trustees)
18-14 (Administrative Fines for Damaging State Lands)
18-20 (Aquatic Preserves)
18-21 (Sovereign Submerged Lands Management)
62-4 (Permits)
62-17 (Electrical Power Plant Siting)
62-25 (Regulations of Stormwater Discharge)
62-150 (Hazardous Substance Release Notification)
62-160 (Quality Assurance)
62-204 (Air Pollution Control-General Provisions)
62-210 (Stationary Sources-General Requirements)
62-212 (Stationary Sources-Preconstruction Review)
62-213 (Operation Permits for Major Sources of Air Pollution)
62-214 (Requirements for Sources Subject to the Federal Acid Rain Program)
62-256 (Open Burning)
62-296 (Stationary Sources-Emission Standards)
62-297 (Stationary Sources-Emission Monitoring)
62-302 (Surface Water Quality Standards)
62-304 (Total Maximum Daily Loads)
62-330 (Environmental Resource Permitting)
62-340 (Delineation of the Landward Extent of Wetlands and Surface Waters)
62-342 (Mitigation Banks)
62-345 (Uniform Mitigation Assessment Method)
62-520 (Groundwater Classes, Standards, and Exemptions)
62-531 (Water Well Contractor Licensing Requirements)
62-532 (Water Well Permitting and Construction Requirements)
62-550 (Drinking Water Standards, Monitoring and Reporting)
62-555 (Permitting, Construction, Operation, and Maintenance of Public Water Systems)

62-560 (Requirements for Public Water Systems That Are Out of Compliance)
62-600 (Domestic Wastewater Facilities)
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62-604 (Collection Systems and Transmission Facilities)
62-610 (Reuse of Reclaimed Water and Land Application)
62-620 (Wastewater Facility and Activities Permitting)
62-621 (Generic Permits)
62-650 (Water Quality Based Effluent Limitations)
62-660 (Industrial Wastewater Facilities)
62-699 (Treatment Plant Classification and Staffing)
62-701 (Solid Waste Management Facilities)
62-710 (Used Oil Management)
62-730 (Hazardous Waste)
62-737 (Management of Spent Mercury-Containing Lamps and Devices Destined For Recycling)
62-740 (Petroleum Contact Water)
62-761 (Underground Storage Tank Systems)
62-762 (Aboveground Storage Tank Systems)
62-769 (Florida Petroleum Liability and Restoration Insurance Program)
62-777 (Contaminant Cleanup Target Levels)
62-780 (Contaminated Site Clean-Up Criteria)
62-814 (Electric and Magnetic Fields)
40D- 4 (Individual Environmental Resource Permits)
40D-8 (Water Levels and Rates of Flow)

III. REVISIONS TO DEPARTMENT STATUTES AND RULES

A. The Licensee shall comply with rules adopted by the Department subsequent to the issuance of the certification under the PPSA which prescribe new or stricter criteria, to the extent that the rules are applicable to electrical power plants. Except when express variances, exceptions, exemptions, or other relief have been granted, subsequently adopted Department rules which prescribe new or stricter criteria shall operate as automatic modifications to the certification.

B. Upon written notification to the Department, the Licensee may choose to operate the certified electrical power plant in compliance with any rule subsequently adopted by the Department which prescribes criteria more lenient than the criteria required by the terms and conditions in the certification which are not site-specific.

[Section 403.511(5)(b), F.S; Rule 62-4.160(10), F.A.C.]

IV. DEFINITIONS

Unless otherwise indicated herein, the meaning of terms used herein shall be governed by the applicable definitions contained in Chapters 253, 373, 379 and 403, F.S., and any regulation adopted pursuant thereto. 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 used herein, the following shall apply:

A. "Application" as defined in Section 403.503(6), F.S. For purposes of this license "Application" shall also include materials submitted for petitions for modification to the Conditions of Certification, as well as supplemental applications.

B. "Associated Facilities" is defined by Section 403.503(7), F.S.

C. "Certified Area" means the area within the Sites in which the certified facilities are located. For off-Site non-linear associated facilities this shall mean the area within which the certified off-Site associated facility is located. For off-Site linear facilities this term shall mean the area encompassed by the boundaries of the certified corridors, until such time as all property interests required for ROWs have been acquired, after which time the term will include only the area within the final ROWs in accordance with Section 403.503(11).

D. "Certified Facility" or "Certified Facilities" means the certified electrical power generation facilities and all on- or off-site associated structures and facilities identified/described in the Application, in the final order of certification, or in a post-certification amendment or modification.

E. "DEO" means the Florida Department of Economic Opportunity.

F. "DEM" shall mean the Florida Division of Emergency Management.

G. "DEP" or "Department" means the Florida Department of Environmental Protection.

H. "DHR" means the Florida Department of State, Division of Historical Resources.

I. "DOT" means the Florida Department of Transportation.

J. "Emergency conditions" or "Emergency reporting" means urgent circumstances involving potential adverse consequences to human life or property as a result of weather conditions or other calamity.

K. "Feasible" or "practicable" means reasonably achievable considering a balance of land use impacts, environmental impacts, engineering constraints, and costs.

L. "FWC" means the Florida Fish and Wildlife Conservation Commission.

M. "Licensee" means an applicant that has obtained a certification order for the subject project.

N. "NPDES permit" means a federal National Pollutant Discharge Elimination System permit issued by DEP in accordance with the federal Clean Water Act.

O. "Post-certification submittal" shall mean a submittal made by the Licensee pursuant to a Condition of Certification.

P. "PSD permit" means a federal Prevention of Significant Deterioration air emissions permit issued by DEP in accordance with the federal Clean Air Act.

Q. "WRPC" means the Withlacoochee Regional Planning Council.

R. "ROW" means the right-of-way to be selected by the Licensee within the certified corridor in accordance with the Conditions of Certification and as defined in Section 403.503(27), F.S.

S. "Site" as defined in Section 403.503(28).

T. "State water quality standards" shall mean the numerical and narrative criteria applied to specific water uses or classifications set forth in Chapter 62-302, F.A.C.

U. "Surface Water Management System" or system means a stormwater management system, dam, impoundment, reservoir, appurtenant work, or works, or any combination thereof. The terms "surface water management system" or "system" include areas of dredging or filling, as those terms are defined in Sections 373.403(13) and (14), F.S.

V. "SWD" shall mean the DEP southwest district office.

W. "SWFWMD" means the Southwest Florida Water Management District.

X. "Title V permit" means a federal permit issued by DEP in accordance with Title V provisions of the federal Clean Air Act.

Y. "Wetlands" shall mean those areas meeting the definition set forth in Section 373.019(27), F.S., as delineated pursuant to Chapter 62-340, F.A.C.

V. DEPARTMENT PERMITS UNDER FEDERAL PROGRAMS

This certification is not a waiver of any other Department approval that may be required under federally delegated or approved programs. The provisions of the following federal permits shall be conditions of this certification to the extent the provisions of those permits apply to the Certified Facility(ies). The Licensee shall comply with the applicable provisions and limitations set forth in the permits listed below, and as those provisions may be modified, amended, or renewed in the future by the Department. The Department may consider a violation of any of these permits as a violation of this license.

A. Air

All Air Construction Permits and Title V Air Operation Permits in force for the certified parts of facility ID 0170004 are incorporated by reference herein as part of these Conditions. The Air Construction Permits and Title V Air Operation Permits can be found at this web link using the facility ID number listed above: http://appprod.dep.state.fl.us/air/emission/apds/default.asp.

B. Water

1. NPDES Industrial Wastewater Discharge

Any discharges during operation shall be in accordance with all applicable provisions of NPDES permit FL0036366 and NPDES permit FL0000159 (both attached as Appendix I) as well as any subsequent modifications, amendments and/or renewals.

[Chapter 62-620, F.A.C.]

2. NPDES Generic Permit for Stormwater Discharge from Large and Small Construction Activities (CGP)

a. Any storm water discharges associated with construction activities on the site shall be in accordance with all applicable provisions of Chapter 62-621, F.A.C. Prior to commencing construction activities on the site that:

- contribute to stormwater discharges to surface waters of the State or into a municipal separate storm sewer system (MS4); and
- disturb one or more acres of land (less than one acre if the activity is part of a larger common plan of development);

b. A Generic Permit for Stormwater Discharge from Large and Small Construction Activities (CGP) must be obtained as applicable.

[Section 403.0885, F.S.; Rule 62-621.300, F.A.C.]

3. NPDES Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity.

Any storm water discharges associated with industrial activity shall be in accordance with all applicable provisions of Chapter 62-621, F.A.C. For industrial activities at the site that result in a discharge of stormwater to surface waters of the State or into a municipal separate storm sewer system (MS4), and fall under any one of the 11 categories of industrial activities identified in 40 CFR 122.26(b)(14), a Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity (MSGP) shall be obtained as applicable.

[Section 403.0885, F.S.; Rule 62-621.300, F.A.C.]

4. NPDES Generic Permit for Discharge of Produced Ground Water from any Non-Contaminated Site Activity

Prior to discharge of produced ground water from any non-contaminated site activity which discharges by a point source to surface waters of the State, as defined in Chapter 62-620, F.A.C., the Licensee must first obtain coverage under the Generic Permit for Discharge of Produced Ground Water From any Non-Contaminated Site Activity. Similarly, if the activity involves a point source discharge of ground water from a petroleum contaminated site, the Licensee must obtain coverage under the Generic Permit for discharge from petroleum contaminated sites. Before discharge of ground water can occur from such sites, analytical tests on samples of the proposed untreated discharge water shall be performed as required by Rule 62-621.300, F.A.C., to determine if the activity can be covered by either permit.

If the activity cannot be covered by either generic permit, the Licensee shall apply for an individual wastewater permit at least ninety (90) days prior to the date discharge to surface waters of the State is expected. No discharge to surface water is permissible without an effective permit.

5. NPDES Generic Permit for Discharges from Concrete Batch Plants

Prior to discharges from concrete batch plants which meet the criteria specified in DEP Document 62-621.300(3)(a), (excluding Part III when using any new batch plants and excluding Part II when using any existing batch plants) the Licensee must first obtain coverage under the Generic Permit for Discharges from Concrete Batch Plants. This generic permit also constitutes authorization to construct and operate closed loop recycling vehicle/equipment washing facilities at concrete batch plants. New and existing concrete batch

plants which do not qualify for coverage or do not choose to be covered under this generic permit shall apply for an individual wastewater permit on the appropriate form listed in Rule 62-620.910, F.A.C. and in the manner established in Chapter 62-620, F.A.C. DEP Document number 62-621.300(3)(a) contains specific design and operating requirements for discharges from wastewater and stormwater management systems at concrete batch plants.

[Section 403.0885, F.S.; Rule 62-621.300, F.A.C.]

VI. DESIGN AND PERFORMANCE CRITERIA

Certification, including these Conditions, is predicated upon preliminary designs, concepts, and performance criteria described in the site certification application (SCA) or in testimony and exhibits in support of certification. Final engineering design will be consistent and in substantial compliance with the preliminary information described in the SCA or as explained at the certification hearing (if any). Conformance to those criteria, unless specifically modified in accordance with Sections 403.516, 403.5315, 403.9418, F.S., and Rule 62-17.211, F.A.C., is binding upon the Licensee in the design, construction, operation and maintenance of the Certified Facility.

[Section 403.516, F.S.; Rule 62-17.211, F.A.C.]

VII. NOTIFICATION

A. If, for any reason, exclusive of those incidents required to be reported pursuant to Conditions XXXII.C., XXXIII.A. and B., and Attachment H, the Licensee does not comply with or will be unable to comply with any condition or limitation specified in this license, the Licensee shall immediately provide the appropriate DEP District Office with the following information:

1. A description of and cause of noncompliance; and

2. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The Licensee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this certification.

All notifications which are made in writing shall additionally be immediately provided to the Siting Coordination Office (SCO) via email to SCO@dep.state.fl.us.

[Rule 62-4.160(8), F.A.C.]

B. The Licensee shall promptly notify the SCO in writing of any previously submitted information concerning the Certified Facility that is later discovered to be inaccurate.

[Rule 62-4.160(15), F.A.C.]

C. Unless specified otherwise in this license, all reports and notifications required by the Groundwater Monitoring, Operation and Monitoring Requirements (GWMOMR) (Attachment H), including 24-hour notifications, shall be submitted to or reported to the Southwest District Office at the address specified below:

Southwest District Office
13051 North Telecom Parkway

Temple Terrace, FL 33637-0926
Phone Number- (813) 470-5700
FAX Number- (813) 470-5995
[Section 403.5112, F.S.]

VIII. EMERGENCY CONDITION NOTIFICATION AND RESTORATION

If the Licensee is temporarily unable to comply with any of the conditions of the License due to breakdown of equipment or destruction by hazard of fire, wind or following an emergency as defined by Sections 252.34(3), (6), (7) or (9), F.S., the Licensee shall immediately notify the Department. Notification shall include pertinent information as to the cause of the problem, and what steps are being taken to correct the problem and to prevent its recurrence, and where applicable, the owner's intent toward reconstruction of destroyed facilities. Such notification does not release the Licensee from any liability for failure to comply with Department rules. Any exceedances and/or violations recorded during emergency conditions shall be reported as such, but the Department acknowledges that it intends to use its enforcement discretion during this timeframe. This acknowledgement by the Department does not constitute a waiver or variance from any requirements of any federal permit. Relief from any federal agency must be separately sought.

[Section 62-4.130, F.A.C.]

IX. CONSTRUCTION PRACTICES

A. Local Building Codes

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

[Section 403.511(4), F.S.]

B. Open Burning

Prior to open burning in connection with land clearing, the Licensee shall seek authorization from the Florida Forest Service in accordance with the requirements of Chapters 62-256 and 5I-2, F.A.C. the Florida Forestry Service

[Chapters 5I-2 and 62-256, F.A.C.]

C. Flood Control Protection

The certified facilities shall be constructed in a manner that complies with any applicable non-procedural County flood protection requirements. However, existing facilities are not required to be modified to comply with such flood control protection standards.

D. Vegetation

For areas located in any Florida Department of Transportation (DOT) ROW, Chapter 7 of the Florida DOT *Utility Accommodation Manual* available on the DOT website (http://www2.dot.state.fl.us/proceduraldocuments/procedures/bin/710020001/Chapter-7.pdf) shall serve as guidelines for best management practices.

E. Existing Underground Utilities

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

[Chapter 556, F.S.]

F. Electric and Magnetic Fields (EMF)

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

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

G. Existing Wells

Any existing wells to be impacted in the path of construction of non-linear Certified Facilities that will no longer be used shall be abandoned by a licensed well contractor. All abandoned wells shall be filled and sealed in accordance with subsection 62-532.500(5), F.A.C., or with the rules of the authorizing agency, or consistent with these Conditions.

[Rules 62-532.400 and 62-532.500(5), F.A.C.]

H. Abandonment of Existing Septic Tanks

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

X. RIGHT OF ENTRY

A. Upon presentation of credentials or other documents as may be required by law, the Licensee shall allow authorized representatives of the Department or other agencies with jurisdiction over a portion of the certified facility and any authorized off-site mitigation/compensation or otherwise associated areas:

1. At reasonable times, to enter upon the Certified Facility in order to monitor activities within their respective jurisdictions for purposes of assessing compliance with this certification; or

2. During business hours, to enter the Licensee's premises in which records are required to be kept under this certification; and to have access to and copy any records required to be kept under this certification.

B. When requested by the Department, on its own behalf or on behalf of another agency with regulatory jurisdiction, the Licensee shall within 10 working days, or such longer

period as may be mutually agreed upon by the Department and the Licensee, furnish any information required by law, which is needed to determine compliance with the certification.

[Rules 62-4.160(7)(a) and 62-4.160(15), F.A.C.]

XI. DISPUTE RESOLUTION

A. General

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

B. Modifications

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

C. Post-Certification Submittals

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

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

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 circumstance is held invalid, the remainder of the certification or the application of such provision to other circumstances shall not be affected thereby.

XIII. ENFORCEMENT

A. The terms, conditions, requirements, limitations and restrictions set forth in these Conditions are binding and enforceable pursuant to Sections 403.141, 403.161, 403.514, 403.727, and 403.859 through 403.861, F.S., as applicable. Any noncompliance by the Licensee with these Conditions constitutes a violation of Chapter 403, F.S., and is grounds for

enforcement action, license termination, license revocation, or license revision. The Licensee is placed on notice that the Department may review this certification periodically and may initiate enforcement action for any violation of these Conditions.

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

[Sections 403.121, 403.131, 403.141, 403.151, 403.161, and 403.514, F.S.; Rules 62-4.160(1) and 62-4.160(9), F.A.C.]

XIV. REVOCATION OR SUSPENSION

The certification shall be final unless revised, revoked or suspended pursuant to law. This certification may be suspended or revoked pursuant to Sections 403.512, F.S. This certification is valid only for the specific processes and operations identified in the SCA and approved in the final order of certification and indicated in the testimony and exhibits in support of certification, or approved in a subsequent amendment or modification of the certification. 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. Any enforcement action, including suspension and revocation, shall only affect the portion(s) of the Certified Facility that are the cause of such action, and other portions of the Certified Facility shall remain unaffected by such action.

[Sections 403.512, F.S.; Rule 62-4.160(2), F.A.C.]

XV. REGULATORY COMPLIANCE

As provided in Sections 403.087(7) and 403.722(5), F.S., except as specifically provided in the final order of certification, a subsequent modification or amendment, or these conditions, the issuance of this license 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 license is not a waiver of or approval of any other Department license/permit that may be required for other aspects of the Certified Facility which are not addressed in this license. This license does not relieve the Licensee from liability for harm or injury to human health or welfare, animal, or plant life, or public or private property caused by the construction or operation of the Certified Facilities, or from penalties therefore.

[Rules 62-4.160(3) and 62-4.160(5), F.A.C.]

XVI. CIVIL AND CRIMINAL LIABILITY

Except to the extent a variance, exception, exemption or other relief is granted in the final order of certification, in a subsequent modification to these Conditions, or as otherwise provided under Chapter 403, F.S, this certification does not relieve the Licensee from civil or

criminal penalties for noncompliance with any conditions of this certification, applicable rules or regulations of the Department, or any other state statutes or regulations which may apply.

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

XVII. USE OF STATE LANDS

A. Except as specifically provided in the final order of certification or these conditions, the issuance of this license 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 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.

B. If any portion of the Certified Facility is located on sovereign submerged lands, state-owned uplands, or within an aquatic preserve, then the Certified Facility must comply with the applicable portions of Chapters 18-2, 18-20, and 18-21, F.A.C., and Chapters 253 and 258, F.S. Except as specifically provided in the final order of certification or these conditions, if any portion of the Certified Facility is located on sovereign submerged lands, the Licensee must submit section F of the Joint Application for Environmental Resource Permits to the Department prior to construction. If any portion of the Certified Facility is located on state-owned uplands, the Licensee must submit an Upland Easement Application to the Department prior to construction.

C. If a portion of the Certified Facility is located on sovereign submerged lands or state-owned uplands owned by the Board of Trustees of the Internal Improvement Trust Fund, pursuant to Article X, Section 11 of the Florida Constitution, then the proposed activity on such lands requires a proprietary authorization. Under such circumstances, the proposed activity is not exempt from the need to obtain a proprietary authorization. Unless otherwise provided in the final order of certification or these conditions, the Department has the responsibility to review and take action on requests for proprietary authorization in accordance with Rules 18-2.018 or 18-21.0051, F.A.C.

D. The Licensee is hereby advised that Florida law states: "No person shall commence any excavation, construction, or other activity involving the use of sovereign or other state lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund or the Department of Environmental Protection under Chapter 253, F.S., until such person has received from the Board of Trustees of the Internal Improvement Trust Fund the required lease, license, easement, or other form of consent authorizing the proposed use." Pursuant to Chapter 18-14, F.A.C., if such work is done without consent, or if a person otherwise damages state land or products of state land, the Board of Trustees may levy administrative fines of up to $10,000 per offense.

E. The terms, conditions, and provisions of any required lease or easement issued by the State shall be met. Any construction activity associated with the Certified Facility shall not commence on sovereign submerged lands or state owned uplands, title to which is held by the Board of Trustees of the Internal Improvement Trust Fund, until all required lease or easement documents have been executed.

[Chapters 253 and 258, and Sections 403.511, F.S.; Chapter 10.1.1. of the ERP Applicant's Handbook Volume I.; Chapters 18-2, 18-14, 18-21, 62-340, and subsections 62-330.060(1)and

62-4.160(4), F.A.C.; Upland Easement Application and Section F of the Environmental Resource Permit Application Form.]

XVIII. PROCEDURAL RIGHTS

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

[Sections 403.511(5)(c), F.S.]

XIX. AGENCY ADDRESSES FOR POST-CERTIFICATION SUBMITTALS AND NOTICES

Where a condition requires post-certification submittals and/or notices to be sent to a specific agency, the following agency addresses shall be used unless the Conditions specify otherwise or unless the Licensee and the Department are notified in writing of an agency's change in address for such submittals and notices:

Florida Department of Environmental Protection
Siting Coordination Office, MS 5500
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Florida Department of Environmental Protection
Southwest District Office
13051 N. Telecom Parkway
Temple Terrace, Florida 33637

Florida Department of Economic Development
Office of the Secretary
107 East Madison St.
Tallahassee, Florida 32399-2100

Florida Fish & Wildlife Conservation Commission
Office of Policy and Stakeholder Coordination
620 South Meridian Street
Tallahassee, Florida 32399-1600

Florida Department of Transportation
District Administration
605 Suwannee Street
Tallahassee, Florida 32399-0450

Florida Department of Agriculture and Consumer Services
Division of Forestry
3125 Conner Boulevard
Tallahassee, Florida 32399-1650

Withlacoochee Regional Planning Council
Office of the Executive Director
1241 S.W. 10th Street
Ocala, Florida 34474-2798

Southwest Florida Water Management District
Office of General Counsel
2379 Broad Street
Brooksville, Florida 34064-6899

Florida Department of State
Division of Historical Resources
500 S. Bronough Street
Tallahassee, Florida 32399-0250

Citrus County
3600 W. Sovereign Path, Suite 140
Lecanto, Florida 34461

[Sections 403.511, 403.531, and 403.9416, F.S.]

XX. PROCEDURES FOR POST-CERTIFICATION SUBMITTALS

A. Purpose of Submittals

Conditions which provide for the post-certification submittal of information to DEP or other agencies by the Licensee are for the purpose of facilitating the agencies' monitoring of the effects arising from the location of the Certified Facility and the construction and maintenance of the Certified Facility. This monitoring is for DEP to assure, in consultation with other agencies with applicable regulatory jurisdiction, continued compliance with these Conditions, without further agency action. A submittal of information or determination of compliance pursuant to a post-certification submittal under this Condition does not provide a point of entry for a third party.

B. Filings

All post-certification submittals of information by Licensee are to be filed with the SCO, the SWD, and any other agency that is entitled to receive a submittal pursuant to these Conditions. The SCO shall be copied on all post-certification submittals in electronic .pdf format only, unless otherwise requested, via email to SCO@dep.state.fl.us. Each submittal shall clearly identify the Certified Facility name, PA#, and the condition number/s (i.e. Section X, Condition XX.y.(z)) requiring the submittal. As required by Section 403.5113(2), F.S., each post-certification submittal will be reviewed by each agency with regulatory authority over the matters addressed in the submittal on an expedited and priority basis.

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

C. Completeness

DEP shall review each post-certification submittal for completeness. This review may include consultation with the other agency/ies receiving the post-certification submittal with regulatory jurisdiction over the matter addressed in the submittal. DEP's finding of completeness shall specify the area of the Certified Facility affected, and shall not delay further processing of the post-certification submittal for non-affected areas.

If any portion of a post-certification submittal is found to be incomplete, the Licensee shall be so notified. Failure to issue such a notice within 30 days after filing of the submittal shall constitute a finding of completeness. Subsequent findings of incompleteness, if any, shall address only the newly filed information.

[Rule 62-17.191(1)(c) 2, F.A.C.]

D. Interagency Meetings

DEP may conduct an interagency meeting with other agencies that received a post-certification 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 compliance with these Conditions has been provided. Failure of DEP to conduct an interagency meeting or 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 timeframes for review established by these Conditions. At DEP's request, the Licensee shall conduct a field inspection with the agency representative in conjunction with the interagency meeting.

E. Determination of Compliance

DEP shall give written notification within 90 days, to the Licensee and the other agency/ies to which the post-certification information was submitted of DEP's determination of whether there is demonstration of compliance with these Conditions. If it is determined that compliance with the Conditions has not been provided, the Licensee shall be notified with particularity of the deficiencies and possible corrective measures suggested. Failure to notify Licensee in writing within 90 days of receipt of a complete post-certification submittal shall constitute a determination of compliance. A post-certification compliance review may be the basis for initiating modifications to the relevant condition or to other related conditions.

F. Commencement of Construction

If DEP does not object within the time period specified in paragraph E. above, Licensee may begin construction pursuant to the terms of these Conditions and the subsequently submitted construction details.

G. Revisions to Design Previously Reviewed for Compliance

If revisions to site-specific designs occur after submittal, the Licensee shall submit revised plans prior to construction for review in accordance with the post-certification process specified in this Condition.

H. Variation to Submittal Requirements

DEP, in consultation with the appropriate agencies that have regulatory authority over a matter to be addressed in a post-certification submittal, and Licensee may jointly

agree to vary any of the post-certification submittal requirements, provided the information submitted is sufficient to provide reasonable assurances of compliance with these Conditions.

[Sections 120.569, 373.413, 373.416, 403.511, F.S.; Rules 62-17.191 and 62-17.205, F.A.C.]

XXI. POST-CERTIFICATION SUBMITTAL REQUIREMENTS SUMMARY

Within 90 days after certification, and within 90 days after any subsequent modification or certification, the Licensee shall provide the Department a complete summary of those post-certification submittals that are identified in these Conditions when due-dates for the information required of the Licensee have been identified. A summary shall be provided as a separate document for each transmission line, if any. Such submittals shall include, but are not limited to, monitoring reports, management plans, wildlife surveys, etc. The summary shall be provided to the SCO, in a sortable spreadsheet, via email, in the format identified below or equivalent. For subsequent modifications and certifications, a Post-Certification Submittal Requirements Summary shall be required for only those resulting in new or altered post-certification requirements.

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

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

XXII. POST CERTIFICATION AMENDMENTS

If, subsequent to certification, the Licensee proposes any material change to the SCA and revisions or amendments thereto, as certified, the Licensee shall submit a written request for amendment and a description of the proposed change to the SCA to the Department. Within 30 days after the receipt of a complete request for an amendment, the Department shall determine whether the proposed change to the application requires a modification to the Conditions.

A. If the Department concludes that the change would not require a modification to the Conditions, the Department shall provide written notification of the approval of the proposed amendment to the Licensee, all agencies, and all other parties to the Certification.

B. If the Department concludes that the change would require a modification to the Conditions, the Department shall provide written notification to the Licensee that the proposed change to the SCA requires a request for modification pursuant to Sections 403.516, F.S.

[Section 403.5113, F.S]

XXIII. MODIFICATION OF CERTIFICATION

A. Pursuant to Section 403.516(1)(a), F.S., and Rule 62-17.211, F.A.C., the Siting Board hereby delegates the authority to the Department to modify any Condition which would not otherwise require approval by the Siting Board, after notice and receipt of no objection by a party to the certification within 45 days after notice by mail to the party's last address of record, and if no other person whose substantial interests will be affected by the modification objects in writing within 30 days of public notice.

B. The Department may modify Conditions, in accordance with Section 403.516(1)(b), F.S., which are inconsistent with the terms of any subsequent and separately DEP-issued permits, permit amendments, permit modifications, or permit renewals under a federally delegated or federally approved permit program. Such modification may be made without further notice if the matter has been previously noticed under the requirements for any federally delegated or approved permit program.

C. In accordance with Section 403.516(1)(c), F.S., the Licensee may file a petition for modification with the Department

, or the Department may initiate the modification upon its own initiative.

D. Any anticipated facility expansions, production increases, or process modifications which may result in new, different or increased discharge or emission of pollutants, change in fuel, or expansion in generating capacity must be reported by submission of an appropriate request for an amendment, modification, or certification.

E. Any anticipated facility change that results in a change to the Site Delineation or the Delineation of the Certified Area, attached hereto as part of Attachment A (Maps), must be accompanied by a map or aerial photo showing the proposed new boundaries of the site and/or certified area. Within 120 days after completion of construction of the approved facility change, the Licensee shall provide the information required by Section A. General Conditions, Condition I. Scope, paragraphs D, E, F, or G, as appropriate.

[Section 403.516, F.S.; Rule 62-17.211, F.A.C.]

XXIV. COASTAL ZONE CONSISTENCY

Pursuant to Sections 373.428 and 403.511, F.S., certification of the facility constitutes the State's concurrence that the licensed activity or use is consistent with the federally approved program under the Florida Coastal Management Act.

[Sections 373.428, 380.23 and 403.511(7), F.S.]

XXV. TRANSFER OF CERTIFICATION

A. This certification is transferable in whole or in part, upon Department approval, to an entity determined to be able to comply with these Conditions. A transfer of certification of all or part of the Certified Facility may be initiated by the Licensee's filing of a Notice of Intent to Transfer Certification with the Department. The notice of intent shall identify the intended new certification holder or Licensee and the identity of the entity responsible for compliance with the certification. Upon the filing with the Department of a written agreement from the intended Licensee/Transferee to abide by all Conditions of Certification and applicable laws and regulations, the transfer shall be approved unless the Department objects to the transfer on the

grounds of the inability of the new Licensee to comply with the Conditions of Certification, specifies in writing its reasons therefore, and gives notice and opportunity to petition for a Section 120.57, F.S., administrative hearing. Upon approval, the Department will initiate a modification to the Conditions to reflect the change in ownership in accordance with Rule 62-17.211, F.A.C.

B. In the event of the dissolution of a certified Licensee, the Department may transfer certification to successor entities which are determined to be competent to construct, operate and maintain the Certified Facility in accordance with the conditions of certification and which are proper applicants as defined by the PPSA, TLSA and/or NGPSA. Upon determination that such a successor entity complies with the above, the Department will initiate a modification to the Conditions to reflect the change in ownership in accordance with Rule 62-17.211, F.A.C.

[Rule 62-17.211, F.A.C]

XXVI. LABORATORIES AND QUALITY ASSURANCE

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

[Rule 62-160, F.A.C.]

XXVII. ENVIRONMENTAL RESOURCES

A. General

1. Submittals for Construction Activities

a. Prior to the commencement of construction of new facilities and/or associated facilities the Licensee shall provide to the SWD for review, all information necessary for a complete *Joint Application for Environmental Resource Permit* (ERP), DEP Forms 62-330.060, F.A.C.. Information may be submitted by discrete portions of the Certified Facilities for a determination of compliance with these COCs.

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

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

No construction shall commence on a Project feature, or in a particular segment for a linear facility, until the Department has determined that there is a demonstration of compliance with these Conditions. For post-certification submittal reviews, the Department's determination is governed by Section A. General Conditions, Condition XX. Procedures for Post-Certification Submittals.

[Section 373.416, F.S.; Chapters 62-330 and 62-340, F.A.C.]

2. Construction, operation and maintenance of the proposed project (including any access roads and structures constructed within wetlands and other surface waters, and/or associated facilities) shall satisfy any applicable non-procedural requirements in the Department rules. [Section 373.414(1)(a), F.S.]

3. Any delineation of the extent of a wetland or other surface water submitted as part of the DEP ERP Application Form required by Subparagraph A.1.a. above, including plans or other supporting documentation, shall not be considered binding on the Department unless a specific condition of this Certification or a formal wetlands jurisdictional determination under Section 373.421(2), F.S., provides otherwise.

[Sections 373.421, 403.504, F.S.]

B. Surface Water Management Systems

1. Information regarding surface water management systems (SWMS) will be reviewed for consistency with the applicable non-procedural requirements of Part IV of Chapter 373, F.S., following submittal of Form 62-330.060(1) F.A.C., to the SWD.

2. All construction, operation, and maintenance of the SWMS(s) for the certified facilities shall be as set forth in the plans, specifications and performance criteria contained in the SCA and other materials presented during the certification proceeding, post-certification submittals, and as otherwise approved. If specific requirements are necessary for construction, operation and/or maintenance of an approved SWMS, those requirements shall be incorporated into a SWMS Plan for that system and included in Attachment B (Surface Water Management System Plan). Any alteration or modification to the SWMS Plan or the SWMS as certified requires prior approval from the Department.

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

during any phase of construction or operation to prevent erosion or control sediments beyond those specified in the approved erosion and sediment control plan, the Licensee shall implement additional best management practices as necessary, in accordance with the guidelines and specifications in *the State of Florida Erosion and Sediment Control Designer and Reviewer Manual*. The Licensee shall correct any erosion or shoaling that causes adverse impacts to the water resources as soon as feasible. Once project construction is complete in an area, including the re-stabilization of all side slopes, embankments and other disturbed areas, and before conversion to the operation and maintenance phase, all silt screens and fences, temporary baffles, and other materials that are no longer required for erosion and sediment control shall be removed.

4. The Licensee shall complete construction of all aspects of the SWMS described in the ERP Application Form, submitted as part of a post-certification submittal, amendment, modification, or certification application including water quality treatment features, and discharge control facilities prior to use of the portion of the certified facility being served by the SWMS.

5. At least 48 hours prior to the commencement of construction of any new SWMS for any part of a Certified Facility authorized by this certification, the Licensee shall submit to the Department a written notification of commencement using an "Environmental Resource Permit Construction Commencement Notice" (DEP Form 62-330.350(1), F.A.C.), indicating the actual start date and the expected completion date.

6 Each phase or independent portion of the approved system must be completed in accordance with the submitted DEP Form prior to the operation of the portion of the certified facility being served by that portion or phase of the system.

7. Within 30 days , or such other date as agreed to by DEP and the Licensee, after completion of construction of any new portions of the SWMS, the Licensee shall submit to the SWD, and copy the SCO, a written statement of completion and certification by a registered professional engineer (P.E.), or other appropriate registered professional, as authorized by law, utilizing the required "As-Built Certification and Request for Conversion to Operation Phase" (DEP Form 62-330.310(1), F.A.C.). Additionally, if deviations from the approved drawings are discovered, the As-Built Certification must be accompanied by a copy of the approved drawings with deviations noted.

8. Any substantial deviation from the approved drawings, exhibits, specifications or Conditions, may constitute grounds for revocation or enforcement action by the Department.

9. The operation phase of any new SWMS approved by the Department shall not become effective until the Licensee has complied with the requirements of the conditions herein, the Department determines the system to be in compliance with the approved plans, and the entity approved by the Department accepts responsibility for operation and maintenance of the system.

10. The SWD must be notified in advance of any proposed construction dewatering. If the dewatering activity is likely to result in offsite discharge or sediment transport into wetlands or surface waters, a written dewatering plan must be submitted to and approved by the Department prior to the dewatering event.

[Section 373.414, F.S.; Chapters 62-25, 62-302, 62-330, and Rule 62-4.242, F.A.C.]

C. Wetland and Other Surface Water Impacts

1. All Certified Facilities shall be constructed in a manner which will eliminate or reduce adverse impacts to on-site and/or adjacent wetlands or other surface waters to the extent practicable or otherwise comply with substantive criteria for elimination or reduction. When impacts to wetlands will occur as a result of a future amendment, modification, or certification, and cannot be practicably eliminated or reduced, the Licensee may propose and the Department or Board shall consider mitigation to offset otherwise unpermittable activities under the Environmental Resource Permit review process pursuant to Condition A.1. above.

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

[Sections 373.413, 373.414, 373.4145, 403.511, and 403.814(6), F.S.; Chapters 62-312, 62-330, 62-340, 62-342, and 62-345, , F.A.C.]

XXVIII. THIRD PARTY IMPACTS

The Licensee is responsible for maintaining compliance with these Conditions even when third party activities authorized by the Licensee occur in or on the Certified Area.

[Sections 403.506(1), F.S.]

XXIX. FACILITY OPERATION

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

[Rule 62-4.160(6), F.A.C.]

XXX. RECORDS MAINTAINED AT THE FACILITY

A. These Conditions or a copy thereof shall be kept at the Site.

B. The Licensee shall hold at the Site, or other location designated by these Conditions, records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation required by these Conditions, copies of all reports required by these Conditions, and records of all data used to complete the SCA 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.

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.

[Rules 62-4.160(12) and 62-4.160(14)(b), F.A.C.]

XXXI. WATER DISCHARGES

A. Discharges

1. Except as otherwise authorized by a permit issued by the Department under a federally approved or deleted program or to the extent a variance, exception, exemption or other relief is granted or authorized by these Conditions, the Licensee shall not discharge to surface or ground waters of the State wastes in concentrations which alone or in combinations with other substances, or components of discharges (whether thermal or non-thermal) are carcinogenic, mutagenic, or teratogenic to human beings (unless specific criteria are established for such components in Rule 62-520.400, 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.

2. Except as otherwise authorized by a permit issued by the Department under a federally approved or delegated program or to the extent a variance, exception, exemption or other relief is granted or authorized by these Conditions, all discharges and activities must be conducted so as to not cause a violation of the water quality standards set forth in Chapters 62-4, 62-302, 62-520, and 62-550, 62-620, F.A.C., including the provisions of Rules 62-4.243, 62-4.244, and 62-4.246, F.A.C., the antidegradation provisions of paragraphs 62-4.242(1)(a) and (b), F.A.C., subsections 62-4.242(2) and (3), F.A.C., and Rule 62-302.300, F.A.C., and any special standards for Outstanding Florida Waters and Outstanding National Resource Waters set forth in subsections 62-4.242(2) and (3), F.A.C.;

3. Except as otherwise authorized by a permit issued by the Department under a federally approved or delegated program or to the extent a variance, exception, exemption or other relief is granted or authorized by these Conditions, all dewatering discharges must be in compliance with Rule 62-621.300, F.A.C.

[Chapters 62-4, 62-302, 62-520, 62-550, and 62-620, F.A.C., and Rule 62-621.300, F.A.C.]

XXXII. SOLID AND HAZARDOUS WASTE

A. Solid Waste

The Licensee shall comply with all applicable provisions of Chapter 62-701, F.A.C., for any solid waste generated within a Certified Facility during construction, operation, or maintenance.

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

B. Hazardous Waste, Used Oil, Petroleum Contact Water and Spent Mercury

The Licensee shall comply with all applicable non-procedural provisions of DEP Chapter 62-730, F.A.C., for any hazardous waste generated within the Certified Facility. An EPA identification number must be obtained before beginning hazardous waste activities, unless the facility is a Conditionally Exempt Small Quantity Generators (CESQGs). CESQGs generate no more than 100 kg (220 lbs) of hazardous waste in any month.

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

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

The Licensee shall comply with all applicable provisions of DEP Chapter 62-740, F.A.C. for any petroleum contact water located within the Certified Facility.

[Chapters 62-710, 62-730, 62-737, and 62-740, F.A.C.]

C. Hazardous Substance Release Notification

1. Any owner or operator of a facility who has knowledge of any release of a hazardous substance from a facility in a quantity equal to or exceeding the reportable quantity in any 24-hour period shall notify the Department by calling the STATE Watch Office at, (800) 320-0519, as soon as possible, but not later than one working day of discovery of the release.

2. Releases of mixtures and solutions are subject to these notification requirements only where a component hazardous substance of the mixture or solution is released in a quantity equal to or greater than its reportable quantity.

3. Notification of the release of a reportable quantity of solid particles of antimony, arsenic, beryllium, cadmium, chromium, copper, lead, nickel, selenium, silver, thallium, or zinc is not required if the mean diameter of the particles released is larger than 100 micrometers (0.004 inches).

[Chapter 62-150, F.A.C.]

D. Contaminated Site Cleanup

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

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

XXXIII. STORAGE TANK SYSTEMS

Registration, construction, installation, operation, maintenance, repair, closure, and disposal of storage tank systems within a Certified Area that store regulated substances shall be in accordance with Chapters 62-761 and 62-762, F.A.C., in order to minimize the occurrence and

environmental risks of releases and discharges. Mineral acid storage tank systems are subject only to Rule 62-762.891, F.A.C.

A. Incident Notification Requirements.

Notification of the discovery of the loss of a regulated substance from a storage tank system exceeding 100 gallons on impervious surfaces, other than secondary containment, such as driveways, airport runways, or other similar asphalt or concrete surfaces, provided that the loss does not come in contact with pervious surfaces; or of the discovery of any other incident listed in subsections 62-761.450(2) or 62-762.451(2), F.A.C., shall be made to the County on Incident Notification Form 62-761.900(6) within 24 hours or before the close of the County's next business day.

B. Discharge Reporting Requirements

Upon discovery of an unreported discharge of a regulated substance, the Licensee shall report to the County on Discharge Report Form 62-761.900(1) within 24 hours or before the close of the County's next business day those items listed in paragraph 62-761.450(3)(a), F.A.C., including a spill or overfill event of a regulated substance to soil or another pervious surface, equal to or exceeding 25 gallons, unless the regulated substance has a more stringent reporting requirement specified in C.F.R. Title 40, Part 302.

C. Discharge Cleanup

If a discharge of a regulated substance occurs at a certified facility, actions shall be taken immediately to contain, remove, and abate the discharge under all applicable Department rules. The Licensees is advised that other federal, state, or local requirements may apply to these activities. If the contamination present is subject to the provisions of Chapter 62-780, F.A.C., corrective action, including free product recovery, shall be performed in accordance with that Chapter.

D. Out of Service and Closure Requirements

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

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

SECTION B: SPECIFIC CONDITIONS

I. DEPARTMENT OF ENVIRONMENTAL PROTECTION - CREC Units 4 & 5

The following Specific Conditions shall apply only to Unit 4 and Unit 5. Compliance with these Specific Conditions shall be the responsibility of Duke Energy Florida (Fossil).

A. Air - Reserved

B. Water Discharges

1. Wastewater discharges into any waters of the State during construction and operation of the Units 4 & 5 shall be in accordance with all applicable provisions of Chapters 62-620, 62-302, 62-4, 62-601 and 62-160, F.A.C.; 40 CFR 423, Effluent Guidelines and Standards for Steam Electric Power Generating Point Source Category; and NPDES Permit FL0036366. Coal storage area runoff collection and treatment system; ash landfill runoff treatment system; runoff collection system discharge; and cooling tower blowdown are regulated under NPDES Permit FL0036366.

2. All discharges of low volume wastes including, but not limited to, wastewater from ion exchange water treatment systems, cooling tower basin cleaning wastes, floor drains (including laboratory/sample drains and similar wastes), metal cleaning wastes (including air preheater, fireside wash, and boiler tube cleaning), and boiler blowdown shall be discharged to an adequately sized and constructed IWW percolation pond (Pond #5) pursuant to requirements of Chapter 62-620, 62-660, 62-520, 62-160, and 62-4, F.A.C..

3. FGD Scrubber Blowdown and By-Products Handling

a. FGD scrubber blowdown wastewater shall be discharged to the approved treatment systems. Any such receiving treatment system shall be permitted/licensed in accordance with all applicable requirements.

~~i. The Licensee may, on a temporary basis, employ the use of a filter press or other Department-approved solids dewatering process to treat FGD blowdown wastewater from the Units 4 & 5 FGD ponds.~~

Commented [BL1]: This is no longer needed The new FGD wastewater treatment plant already has filter presses This was only needed when the lined ponds had to be dredged

~~4. Within 180 days of the effective date of Modification P, the licensee shall submit to the Department for review and approval an evaluation of potential alternative(s) to manage Flue Gas Desulfurization (FGD) blow down. The evaluation shall include estimated durations for implementation and completion of the potential FGD blow down management alternatives. In the event the Department deems the evaluation to be incomplete or inadequate, the licensee shall within 90 days of written request from the Department, respond to the Department regarding the information requested and address all concerns raised in the Department's written request. The Department may grant additional time beyond 90 days, if reasonable justification for the additional time is presented by the licensee for review and consideration. This submittal is subject to the Post Certification Requirements in Section A.XX.~~

Commented [BL2]: This has been completed

C. Sludge/Solids Management Requirements

1. Management Requirements

a. Management of sludge/solids generated by cleaning of the FGD blowdown treatment ponds at this facility shall be transported by truck to an off-site waste

management facility that is authorized by the Department or in accordance with the Licensee's CCP Plan.

b. The Licensee shall be responsible for proper treatment, management, use, or land application of its sludge/solids.

[Rule 62-620.320(6), F.A.C.]

c. Disposal of sludge/solids in a solid waste management facility permitted by the Department shall be in accordance with the requirements of Chapter 62-701, F.A.C.

d. Storage, transportation, and disposal of sludge/solids characterized as hazardous waste shall be in accordance with requirements of Chapter 62-730, F.A.C.

e. Sludge/solids shall not be applied during rains that cause runoff from the site or when surface soils are saturated.

[Rule 62-620.320(6), F.A.C.]

f. The Licensee shall maintain records available for inspection by the Department at the facility, as follows:

i. Quantity of sludge/solids generated;

ii. Quantity of sludge/solids transported for treatment and/or disposal;

iii. Name and location of the site(s) to which sludge/solids is transported; and

iv. If a person other than the Licensee is responsible for sludge/solids transportation, treatment, and/or disposal, the Licensee shall also keep records of the name and address of each transporter, and copies of all shipping manifests.

[Rule 62-620.320(6)]

g. The description of the operation and maintenance procedures for the FGD blowdown ponds provided with the certification modification application received on June 24, 2009, including all subsequently related documents submitted, shall be incorporated into the DEF CCP Solid Waste Management Plan.

~~2. No gypsum shall be stored or handled on the gypsum handling and temporary storage pad prior to final Departmental approval of the lined Flue Gas Desulfurization (FGD) blowdown settling pond treatment system including contact stormwater from the gypsum handling and temporary storage pad.~~

4 All gypsum or other industrial by-products generated from the FGD process shall be stored/disposed in the on-site landfill or ~~shall be~~ removed from the site for appropriate reuse or disposal. Gypsum or other industrial by-products resulting from the FGD process shall be stored and managed such that runoff from the materials does not adversely affect ground or surface waters.

Commented [BL3]: This language is outdated and no longer needed since it related to temporary storage prior to approval of the FGD blowdown settling pond treatment system

Commented [BL4]: Updating language to reflect that DEF has been permitted to store/dispose gypsum in the ash landfill for several years.

D. Environmental Resource Permitting (Gypsum Handling/Storage Pad)

1. The Licensee shall submit inspection reports for the gypsum handling and temporary storage pad in the form required by the Department, FDEP Form # 62-343.900(6), *Inspection Certification*, in accordance with the following schedule:.

a. For systems utilizing retention and wet detention, the inspections shall be performed 24 months after operation is authorized and every 24 months thereafter.

b. For systems utilizing effluent filtration or exfiltration the inspections shall be performed 18 months after operation is authorized and every 18 months thereafter.

c. For systems utilizing swales or retention-and-percolation, the inspections shall be performed 24 months after operation is authorized and every 18 months thereafter.

[Chapter 2.6.3 SWFWMD BOR]

E. Solid Wastes Management Plan

No later than December 31, 2008 or 180 days prior to the initial operation of Unit 4 and 5 FGD scrubbers (whichever occurs first), the Licensee shall submit a site-wide Coal Combustion By-Product (CCP)/Solid Waste Materials Management Plan that addresses operations of the fossil generating units to the Department's SWD Office and Siting Office for review and approval. Handling and monitoring of Solid Waste material shall be in accordance with the site-wide Coal Combustion By-Product (CCP)/Solid Waste Materials Management Plan for the fossil units.

The plan shall, at a minimum, include the following information:

1. descriptions and procedures for all applicable processes for on-site storage practices and management of CCPs, solid wastes and industrial by-products at the site.

2. plans or methods to minimize waste streams, and maximize beneficial use opportunities of CCPs;

3. methods for preventing or minimizing the release of contaminants to the environment, including (as applicable) leachate collection and control methods that meet the requirements of Chapter 62-701, F.A.C.;

4. certification for the above information, as appropriate, by a Professional Engineer registered in the state of Florida.

The Department shall indicate its approval or disapproval of the submitted plans, drawings, maps, analyses and contingency plans within 90 days of the originally submitted information. In the event that the Department requires additional information for the Licensee to complete, and the Department to approve the CCP/Solid Waste Materials Management Plan, the Department shall make a written request to the Licensee for additional information no later than 30 days after receipt of the originally submitted information.

All revisions or updates to the CCP/Solid Waste Materials Management Plan shall be submitted to the DEP Southwest District Solid Waste Program for review and approval with copies to the Siting Office. Review shall be in accordance with Section A, Condition XXI.,

Procedures for Post-Certification Submittals. Additionally, the Groundwater Monitoring, Operation and Maintenance Requirements (Attachment H to these Conditions) shall be updated, as appropriate, based on changes to the CCP/Solid Waste Materials Management Plan to reflect revised CCP management practices.

F. Ash Landfill and Coal Storage Area

1. Ash Landfill

a DEF shall designate a portion of the site as a temporary ash landfill. Associated with the temporary landfill shall be certain sites for the testing and monitoring of leachates and ash storage area liners.

b. Adequate geophysical testing shall be conducted to determine if solution cavities are present under the landfill area. If such cavities are located, such cavities shall be sealed off and stabilized.

c. The proposed ash landfill area shall be monitored and studied pursuant to a detailed leachate testing and monitoring program to be submitted by DEF to the Department within 30 days of certification for review and approval, rejection, or modification within 60 days thereafter. The detailed leachate testing and monitoring program shall be consistent with the conceptual leachate monitoring program attached and incorporated herein as Attachment D.

d. After approval of the program by the Department, DEF shall conduct the approved testing and monitoring program under the supervision of the Department. Results of the program shall be submitted to the Department for its review and consideration on a monthly basis.

e. The results of the program will be used by the Department in determining whether PEF has affirmatively demonstrated that Florida Water Quality Standards (62-520 and 62-550, F.A.C.) will not be violated in determining the zone of discharge and in determining the need for a liner.

f. If the Department determines that DEF has failed to affirmatively demonstrate that Florida Water Quality Standards (62-520 and 62-550 , F.A.C.) will not be violated, DEF shall present to the Department, within 90 days of such determination, a plan of correction (which may include, if appropriate, a semi-permeable liner) for review and approval by the Department and for timely implementation by DEF, or DEF shall place an impermeable liner under the final ash landfill site and shall remove all ash from the temporary landfill site and place it on the lined landfill location.

g. The final cover shall be in compliance with Chapter 62-701, F.A.C., and at least 12" of clay or sufficient suitable liner material shall be placed on the top and exposed sides of each finished landfill cell. Sufficient topsoil to support vegetation shall be placed over the top and side clay liner. The top and exposed sides of the ash landfill shall be vegetated to control erosion.

h. The Licensee is authorized to store or dispose ash and other approved coal combustion by-products in the on-site ash storage/disposal area in accordance with the plans titled, "Ash Storage/Disposal Area Vertical Expansion, " dated December 2010 (Attachment 7, received August 17, 2011). The permitted maximum height of the ash

storage/disposal area shall be no greater than +220 ft. NGVD, with slopes no steeper than 3H:1V. Stormwater benches shall be constructed as shown on the drawings.

i. Within 120 days of final issuance of Modification Q, the Licensee shall provide an ash storage/disposal area operations plan that describes the procedures for filling, compacting, and final closure of the ash storage/disposal area for Department approval. The plan shall include drawings that identify the method and sequence of filling, and a timetable for submittal of detailed closure plans and design.

j. In the event that surface depressions or other occurrences which may be indicative of sinkhole activity, or subsurface instability, are discovered onsite, or within 500 feet of the ash storage/disposal area during the operation, the Department shall be notified verbally within 24 hours of the discovery. Written notification shall be submitted within 7 days of discovery. The written notification shall include a description of the depression, the location and size of the depression shown on an appropriate plan sheet, and a corrective action plan which describes the actions necessary to prevent the unimpeded discharge of waste, leachate or CCPs into ground or surface water. If a depression or subsurface collapse occurs within the ash storage/disposal area, additional materials shall not be placed (stored or disposed) in the affected area until the feature (i.e., depression, sinkhole, collapse, etc.) has been fully investigated and remediated if necessary.

2. Ash Relocation Due to Installation of New Access Road to Support the Units 4 & 5 Clean Air Project

a. Prior to commencement of modifications/additions to the existing access road located along the south and west perimeters of the ash storage area the Licensee shall submit the following items to the DEP SWD Office and Siting Office :

i. a figure, aerial photograph or plan sheet identifying the area where the ash to be removed will be re-located;

ii. plan sheets of existing (pre-construction) conditions and final contours of the ash landfill affected by the access road installation; and

iii. a figure, aerial photograph or plan sheet showing the location and details of any collapsed surface cavities/sinkholes found on the site relative to the ash landfill and proposed access road project.

b. The working face slopes of the relocated ash shall be no steeper than 4H:1V, unless prior approval from the Department's SWD Solid Waste Section and the Siting Office for an alternative slope is obtained.

c. The filtered stormwater drainage downslope of the working face shall not discharge outside the contact stormwater or Industrial Wastewater system.

d. Within 90 days following completion of the access road and restoration of the final cover on the ash landfill in the affected portions, the Licensee shall submit to the Department's SWD Office and Siting Office the following information:

i. a final survey of the affected portions of the closed ash landfill that demonstrates that the slopes are no steeper than 4H:1V;

ii. documentation that the clay cover, if used, is no less than 12 inches thick;

iii. hydraulic conductivity testing results on the constructed clay layer, if used, (5 tests for the first acre, then 1 test/acre/lift for every other acre). Testing should be carried out in accordance with ASTM Method D5084 or equivalent; and

iv. certification for the above information by a Professional Engineer registered in the state of Florida.

v. A geosynthetic clay liner (GCL) or other alternative liner system may be used; however, prior to the installation of any alternative liner system, the Licensee shall submit a complete proposed plan to the Department's SWD Solid Waste Section and Siting Office for review and approval.

The plan shall, at a minimum, include specifications for the Construction Quality Assurance Plan and drawings showing the location of the liner cover, soil cover for the liner, and any other relevant information that may be applicable for the type of alternative liner system being proposed.

The Department shall indicate its approval or disapproval of the submitted plan within 90 days of the originally submitted information. In the event that the Department requires additional information for the Licensee to complete, and the Department to approve the GCL or alternative liner system, the Department shall make a written request to the Licensee for additional information no later than 30 days after receipt of the originally submitted information.

3. Coal Storage Area

Handling and monitoring of the coal storage area and associated wastes shall be in accordance with the site-wide Coal Combustion By-Product (CCP)/Solid Waste Materials Management Plan for the fossil units required by Section B, Condition I.E. Solid Wastes Management Plan.

[Chapters 62-550, 555, 560, and 699, F.A.C.]

G. Domestic Waste Water Treatment System

1. Operation of an existing 0.020 MGD 3-Month Average Daily Flow (3MADF), Type III, extended aeration domestic wastewater treatment plant consisting of: one 20,000 gallon concrete equalization basin, eight aeration basins of 34,000 gallons total volume, two clarifiers of 5,700 gallons total volume and 103 square feet of surface area, one chlorine contact chamber of 1,600 gallons, and two digesters of 8,000 gallons. This plant is operated to provide secondary treatment with basic disinfection.

2. Land Application: An existing 0.020 MGD 12-Month Average Daily Flow (12MADF) permitted capacity Part IV rapid-rate land application system (R-001). R-001 consists of a single cell Rapid Infiltration Basin (RIB) of 13,184 square feet of bottom surface area. R-00l is located approximately at latitude 28° 57' 55" N, longitude 82° 41' 57" W.

The limitations, monitoring, and other requirements are set forth in the following conditions.

a. Reuse and Land Application Systems

i. During the period beginning on the issue date of Modification P, the Licensee is authorized to direct reclaimed water to Reuse System R-001. Such reclaimed water shall be limited and monitored by the licensee as specified below and reported in accordance with condition 2.b.viii:

			Reclaimed Water Limitations				Monitoring Requirements			
Parameter	Units	Max/Min	Annual Average	Monthly Average	Weekly Average	Single Sample	Monitoring Frequency	Sample Type	Monitoring Location Site Number	Notes
Flow, to R-001	MGD	Maximum	0.020	Report	-	-	5 Days/Week	Flow meter and totalizer	FLW-01	See Cond I A.3
BOD, Carbonaceous 5 day, 20C	MG/L	Maximum	20.0	30.0	-	60.0	Monthly	Grab	EFA-01	
Solids, Total Suspended	MG/L	Maximum	20.0	30.0	-	60.0	Monthly	Grab	EFA-01	
pH	SU	Range	-	-	-	6.0 to 8.5	5 Days/Week	Grab	EFA-01	
Coliform, Fecal	#/100 ML	Maximum	200	-	-	800	Monthly	Grab	EFA-01	See Cond.I A.4
Total Chlorine Residual (For Disinfection)	MG/L	Minimum	-	-	-	0.5	5 Days/Week	Grab	EFA-01	See Cond I. A.5
Nitrogen, Nitrate, Total (as N)	MG/L	Maximum	-	-	-	12.0	Monthly	Grab	EFA-01	

ii. Reclaimed water samples shall be taken at the monitoring site locations listed and described below:

Monitoring Location	Description of Monitoring Location
EFA-01	Effluent sampling point after treatment and prior to Reuse system R-001.
FLW-01	Flow meter and totalizer located at V –notch weir in the chlorine contact chamber.

iii. A flow meter shall be utilized to measure flow and calibrated at least annually.

*[*Rules *62-601.200(17) and .500(6), F.A.C.]*

iv. The arithmetic mean of the monthly fecal coliform values collected during an annual period shall not exceed 200 per 100 mL of reclaimed water sample. The geometric mean of the fecal coliform values for a minimum of 10 samples of reclaimed water, each collected on a separate day during a period of 30 consecutive days (monthly), shall

not exceed 200 per 100 mL of sample. Any one sample shall not exceed 800 fecal coliform values per 100 mL of sample.

[Rules 62-610.510 and 62-600.440(4)(c), F.A.C.]

v. A minimum of 0.5 mg/L total chlorine residual must be maintained for a minimum contact time of 15 minutes based on peak hourly flow.

[Rules 62-610.510 and 62-600.440(4)(b), F.A.C.]

b. Other Limitations and Monitoring and Reporting Requirements

i. During the period beginning on the date of issuance of Modification P, the treatment facility shall be limited and monitored by the licensee as specified below and reported in accordance with condition 2.b.viii:

			Limitations				Monitoring Requirements			
Parameter	Units	Max/Min	Annual Average	Monthly Average	Weekly Average	Single Sample	Monitoring Frequency	Sample Type	Monitoring Location Site Number	Notes
Flow, Total Plant	MGD	Maximum	0.020 3MADF	Report	-	-	5 Days/Week	Flow meter and totalizer	FLW-01	See Cond.I B. 3, 5
Percent Capacity, (3MADF/Permitted Capacity) x 100	%	Maximum	-	Report	-	-	Monthly	Calculation	FLW-01	
BOD, Carbonaceous 5 day, 20C	MG/L	Maximum	-	Report	-	-	Annually[1]	Grab	INF-01	See Cond I B 4
Solids, Total Suspended	MG/L	Maximum	-	Report	-	-	Annually[1]	Grab	INF-01	See Cond I B 4

1 – The annual sample shall be taken in the month of February.

ii. Samples shall be taken at the monitoring site locations listed and described below:

Monitoring Location	Description of Monitoring Location
FLW-01	Flow meter and totalizer located at V –notch weir in the chlorine contact chamber.
INF-01	Influent sampling point prior to treatment and ahead of the return activated sludge line.

iii. The three-month average daily flow to the treatment plant shall not exceed 0.020 MGD.

iv. Influent samples shall be collected so that they do not contain digester supernatant or return activated sludge, or any other plant process recycled waters.

[Rule 62-601.500(4), F.A.C.]

v. A flow meter shall be utilized to measure flow and calibrated at least annually.

[Rule 62-601.200(17) and .500(6), F.A.C.]

vi. Parameters which must be monitored as a result of a surface water discharge shall be analyzed using a sufficiently sensitive method in accordance with 40 CFR Part 136. Parameters which must be monitored as a result of a ground water discharge (i.e., underground injection or land application system) shall be analyzed in accordance with Chapter 62-601, F.A.C. All monitoring shall be representative of the monitored activity.

[Rule 62-620.610(18), F.A.C.]

vii. The licensee shall provide safe access points for obtaining representative influent, reclaimed water, and effluent samples which are required by these Conditions.

[Rule 62-601.500(5), F.A.C.]

viii. Monitoring requirements under these Conditions are effective on the first day of the second month following the issuance of Modification P. Until such time, the licensee shall continue to monitor and report in accordance with previously effective domestic wastewater permit No. FLA011862 requirements. During the period of operation authorized by these Conditions, the licensee shall complete and submit to the Department Discharge Monitoring Reports (DMRs) in accordance with the frequencies specified by the REPORT type (i.e., monthly, toxicity, quarterly, semiannual, annual, etc.) indicated on the DMR forms attached to these conditions (See Attachment H). Monitoring results for each monitoring period shall be submitted in accordance with the associated DMR due dates below.

REPORT Type	Monitoring Period	Due Date
Monthly or Toxicity	first day of month – last day of month	28th day of following month
Quarterly	January 1 - March 31 April 1 – June 30 July 1 – September 30 October 1 – December 31	April 28 July 28 October 28 January 28
Semiannual	January 1 – June 30 July 1 – December 31	July 28 January 28
Annual	January 1 – December 31	March 28

DMRs shall be submitted for each required monitoring period including months of no discharge. Unless otherwise specified by the Department, the licensee shall make

copies of the DMR and shall submit the completed DMR to the Department postmarked by the 28th of the month following the month of operation at the addresses specified below:

Originals to:
Florida Department of Environmental Protection
Wastewater Compliance Evaluation Section, Mail Station 3551
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Copies to:
Florida Department of Environmental Protection
Domestic Wastewater Program
Southwest District Office
13051 N. Telecom Parkway
Temple Terrace, FL 33637-0926

Siting Coordination Office

[Rules 62-620.610(18) and 62-601.300(1),(2), and (3), F.A.C.]

ix. Unless specified otherwise in these Conditions, all reports and other information required by the Conditions under this Section H. Units 4 & 5 Domestic Waste Water Treatment System, including 24-hour notifications, shall be submitted to or reported to, as appropriate, the Department's Southwest District Office at the address specified below with electronic copies to the Siting Office:

Southwest District Office
13051 N. Telecom Parkway
Temple Terrace, FL 33637-0926
Phone Number - 813-470-5700
FAX Number - 813-470-5995
Email – DWSWD@DEP.STATE.FL.US

3. Residual Management Requirements

a. The method of residuals use or disposal by this facility is transport to a Residual Management Facility or disposal in a Class I or II solid waste landfill. Transportation of the residuals to an alternative RMF requires a copy of the agreement pursuant to Rule 62-640.880(1)(c), F.A.C., along with a written notification to the Department at least 30 days before transport of the residuals.

b. The licensee shall be responsible for proper treatment, management, use, and land application or disposal of its residuals.

[Rule 62-640.300(5), F.A.C.]

c. The licensee shall not be held responsible for treatment, management, use, or land application violations that occur after its residuals have been accepted by a permitted residuals management facility with which the source facility has an agreement in

accordance with Rule 62-640.880(1)(c), F.A.C., for further treatment, management, use or land application.

[Rule 62-640.300(5), F.A.C.]

d. Disposal of residuals, septage, and other solids in a solid waste landfill, or disposal by placement on land for purposes other than soil conditioning or fertilization, such as at a monofill, surface impoundment, waste pile, or dedicated site, shall be in accordance with Chapter 62-701, F.A.C.

[Rule 62-640.100(6)(k)3&4, F.A.C.]

e. If the licensee intends to accept residuals from other facilities, a COC amendment is required pursuant to Rule 62-640.880(2)(d), F.A.C.

[Rule 62-640.880(2)(d), F.A.C.]

f. The licensee shall keep hauling records to track the transport of residuals between facilities. The hauling records shall contain the following information:

Required of Source Facility	Required of RMF
1. Date and Time Shipped	1. Date and Time Received
2. Amount of Residuals Shipped	2. Amount of Residuals Received
3. Degree of Treatment (if applicable)	3. Name and ID Number of Source Facility
4. Name and ID Number of Residuals Management Facility or Treatment Facility	4. Signature of Hauler
5. Signature of Responsible Party at Source Facility	5. Signature of Responsible Party at Residuals Management Facility or Treatment Facility
6. Signature of Hauler and Name of Hauling Firm	

These records shall be kept for five years and shall be made available for inspection upon request by the Department. A copy of the hauling records information maintained by the source facility shall be provided upon delivery of the residuals to the residuals management facility or treatment facility. The RMF licensee shall report to the Department within 24 hours of discovery any discrepancy in the quantity of residuals leaving the source facility and arriving at the residuals management facility or treatment facility.

[Rule 62-640.880(4), F.A.C.]

4. Additional Reuse and Land Application Requirements- Rapid Rate Land Application System (R-001)

a. All ground water quality criteria specified in Chapter 62-520, F.A.C., shall be met at the edge of the zone of discharge. The zone of discharge for this project

shall extend horizontally 100 feet from the application site or to the facility's property line, whichever is less, and vertically to the base of the surficial aquifer.

[Rules 62-520.200(23), 62-522.400 and 62-522.410, F.A.C.]

b. Advisory signs shall be posted around the site boundaries to designate the nature of the project area.

[Rule 62-610.518, F.A.C.]

c. The annual average hydraulic loading rate to the rapid infiltration basin(s) shall be limited to a maximum of 2.4 inches per day (as applied to the entire bottom area).

[Rule 62-610.523(3), F.A.C.]

d. Rapid infiltration basins shall be routinely maintained to control vegetation growth and to maintain percolation capability by scarification or removal of deposited solids. Basin bottoms shall be maintained to be level.

[Rules 62-610.523(6) and (7), F.A.C.]

e. Routine aquatic weed control and regular maintenance of storage pond embankments and access areas are required.

[Rules 62-610.514 and 62-610.414, F.A.C.]

f. Overflows from emergency discharge facilities on storage ponds or on infiltration ponds, basins, or trenches shall be reported as an abnormal event to the Department's Southwest District Office within 24 hours of an occurrence. The provisions of Rule 62-610.800(9), F.A.C., shall be met.

[Rules 62-610.800(9), F.A.C.]

5. Operation and Maintenance Requirements

a. During the period of operation, the Units 4 and 5 domestic wastewater facilities shall be operated under the supervision of an operator certified in accordance with Chapter 62-602, F.A.C. In accordance with Chapter 62-699, F.A.C., this facility is a Category III, Class D facility and, at a minimum, operators with appropriate certification must be on the site as follows:

b. A Class D or higher operator for 3 nonconsecutive days/week for 1½ hour/week. The lead operator must be a Class D operator, or higher.

[Rules 62-620.630(3), 62-699.310 and 62-610.462, F.A.C.]

c. An operator meeting the lead operator classification level of the plant shall be available during all periods of plant operation. "Available" means able to be contacted as needed to initiate the appropriate action in a timely manner. Daily checks of the plant shall be performed by the licensee or his representative or agent 5 days per week. On those days when the facility is not staffed by a certified operator, the licensee shall ensure that Flow, pH, Total Chlorine Residual (For Disinfection) are monitored in accordance with Part 2 of this section.

[Rule 62-699.311(1), F.A.C.]

d. The licensee shall maintain the following records and make them available for inspection on the site of the permitted facility:

i. A copy of the current operation and maintenance manual as required by Chapter 62-600, F.A.C.;

ii. A copy of the facility record drawings;

iii. Copies of the licenses of the current certified operators; and

iv. Copies of the logs and schedules showing plant operations and equipment maintenance for three years from the date of the logs or schedules. The logs shall, at a minimum, include identification of the plant; the signature and certification number of the operator(s) and the signature of the person(s) making any entries; date and time in and out; specific operation and maintenance activities; tests performed and samples taken; and major repairs made. The logs shall be maintained on-site in a location accessible to 24-hour inspection, protected from weather damage, and current to the last operation and maintenance performed.

[Rule 62-620.350, F.A.C.]

6. Other Specific Conditions

a. Florida water quality criteria and standards shall not be violated as a result of any discharge or land application of reclaimed water or residuals from this facility.

[Rules 62-610.850(1)(a) and (2)(a), F.A.C.]

b. The treatment, management, use or land application of residuals shall not cause a violation of the odor prohibition in Rule 62-296.320(2), F.A.C.

[Rules 62-600.410(8) and 62-640.400(6), F.A.C.]

c. The deliberate introduction of stormwater in any amount into collection/transmission systems designed solely for the introduction and conveyance of domestic/industrial wastewater; or the deliberate introduction of stormwater into collection/transmission systems designed for the introduction or conveyance of combinations of storm and domestic/industrial wastewater in amounts which may reduce the efficiency of pollutant removal by the treatment plant is prohibited, except as provided by Rule 62-610.472, F.A.C.

[Rule 62-604.130(3), F.A.C.]

d. Collection/transmission system overflows shall be reported to the Department in accordance with Chapter 62-620.610(20) F.A.C.

e. The operating authority of a collection/transmission system and the licensee of a treatment plant are prohibited from accepting connections of wastewater discharges which have not received necessary pretreatment or which contain materials or pollutants other than normal domestic wastewater constituents:

i. Which may cause fire or explosion hazards; or

ii. Which may cause excessive corrosion or other deterioration of wastewater facilities due to chemical action or pH levels; or

iii. Which are solid or viscous and obstruct flow or otherwise interfere with wastewater facility operations or treatment; or

iv. Which result in the wastewater temperature at the introduction of the treatment plant exceeding 40oC or otherwise inhibiting treatment: or

v. Which result in the presence of toxic gases, vapors, or fumes that may cause worker health and safety problems.

[Rule 62-604.130(54), F.A.C.]

f. The treatment facility, storage ponds, rapid infiltration basins, and/or infiltration trenches shall be enclosed with a fence or otherwise provided with features to discourage the entry of animals and unauthorized persons.

[Rules 62-610.518(1) and 62-600.400(2)(b), F.A.C.]

g. Screenings and grit removed from the wastewater facilities shall be collected in suitable containers and hauled to a Department approved Class I landfill or to a landfill approved by the Department for receipt/disposal of screenings and grit.

[Rule 62-701.300(1)(a), F.A.C.]

h. The licensee shall provide verbal notice to the Department as soon as practical after discovery of a sinkhole within an area for the management or application of wastewater, wastewater residuals (sludges), or reclaimed water. The licensee shall immediately implement measures appropriate to control the entry of contaminants, and shall detail these measures to the Department in a written report within 7 days of the sinkhole discovery.

[Rule 62-4.070(3), F.A.C.]

i. The licensee shall provide adequate notice to the Department of the following:

i. Any new introduction of pollutants into the facility from an industrial discharger which would be subject to Chapter 403, F.S., and the requirements of Chapter 62-620, F.A.C. if it were directly discharging those pollutants; and

ii. Any substantial change in the volume or character of pollutants being introduced into that facility by a source which was identified in the permit application and known to be discharging at the time the permit was issued.

Adequate notice shall include information on the quality and quantity of effluent introduced into the facility and any anticipated impact of the change on the quantity or quality of effluent or reclaimed water to be discharged from the facility.

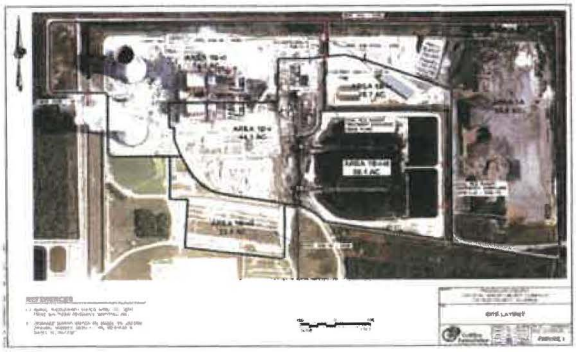
[Rule 62-620.625(2), F.A.C.]

7. General Conditions

The licensee shall comply with all the applicable, non-procedural general permit conditions found in Chapter 62-620.610 (1-23) F.A.C. as these relate to operation of the Units 4 and 5 domestic wastewater collection and treatment facilities.

H. Crystal River North Area Specific Environmental Resource Conditions

1. The following Conditions apply exclusively to the Crystal River North Area (CRN) drainage basins as delineated within the CREC Attachment F.



a. Activities that fall within the areas identified as 1B-i-iii, 1B-iv, 1B-v, 1B-vi, and 1A above will not require an environmental Resource Permit review, including the requirements pursuant to Section A, Condition XXX. Environmental Resources. Activities falling within these defined basins will require review by the DEP Southwest District Industrial Wastewater Waste and/or Solid Waste Sections as appropriate.

b. It has been demonstrated through the Golder Associates North Plant Area Stormwater Jacobs Modeling Report (dated July 19, 2010) and submitted with the PEF Petition for Modification (Mod P) dated September 9, 2010, that the receiving system for Area 1B-Vii is adequate to handle the volume of discharge from that area. For activities within Area 1B-Vii not previously authorized by post certification submittal, the Licensee shall provide the information pursuant to Section A, Condition XXX. Environmental Resources except that further modeling for additional impervious surfaces shall not be required.

~~**II. DEPARMENT ENVIRONMENTAL PROTECTION - CREC Unit 3**~~

~~1. At least 90 days prior to construction of the South Cooling Tower, the Licensee shall provide to the DEP SWD office all information necessary for a complete Environmental Resource Permit application including the engineering drawings and supporting documentation necessary to demonstrate that the stormwater runoff from the proposed project will be treated and attenuated in accordance with Chapters 40D-4, 40D-40 and 40D-400, F.A.C. and a Wetland Mitigation Plan if applicable. The drawings and documentation shall be signed, sealed and dated by a professional engineer registered in the State of Florida.~~

~~1~~1. Turbidity and sediments must be controlled to prevent violations of water quality pursuant to Rules 62-302.500, 62-302 .530(70) and 62-4.242, F.A.C. Best Management Practices, as specified in the Florida Stormwater, Erosion and Sedimentation Control Inspectors Manual, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the applicant shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.

~~6~~2. The existing ambient water quality within Outstanding Florida Waters shall not be lowered as a result of the proposed activity, except as authorized by the FDEP under subsection 62-4.242(2), F.A.C.

Commented [BL8]: These conditions (5-6) should remain here to address the South Cooling Tower area and should also be moved to a separate order to address the Unit 3 Laydown/Parking Areas

~~*C. Domestic Wastewater Treatment*~~

~~3. The Operation and Maintenance Entity shall perform inspections of the DEF CREC Independent Spent Fuel Storage Installation surface water management system beginning 18 months after operation is authorized and every 18 months thereafter. Every 18 months the Operation and Maintenance Entity shall submit a report of the inspection results to the DEP SWD ERP section, with an electronic copy to the Siting Office, using FDEP Form # 62-330.311(1).~~

The following Specific Conditions shall apply only to CCCP Units 1-2.

A. Potable Water

1. The potable water supply system shall be designed and operated in conformance with the applicable requirements of Chapters 62-550, 62-555, 62-560, and 62-699, F.A.C. Information as required in Chapters 62-550, 62-555, 62-560, and 62-699, F.A.C., shall be submitted to FDEP 180 days prior to installation and operation of any potable water system. The operator of the potable water supply system shall be certified in accordance with Chapters 62-602 and 62-699, F.A.C. All monitoring reports shall be submitted to FDEP SWD, Potable Water Section, and the Siting Coordination Office (SCO).

B. Domestic Wastewater

1. The domestic wastewater treatment and disposal facilities shall be designed and operated in accordance with any applicable provisions of Chapters 62-600, 62-602, 62-604, 62-610, 62-620, 62-640, and 62-699, F.A.C. The operator of the domestic wastewater system shall be certified in accordance with Chapter 62-699, F.A.C. At least 180 days prior to commencing installation of the domestic wastewater treatment and disposal facilities, the Licensee shall submit final plans for the domestic wastewater facilities to FDEP SWD, Domestic Wastewater Section, and the SCO for review and approval. The submittal shall include calculations, drawings, reports, completed permit application forms, and a preliminary engineering report with information for the domestic wastewater treatment and disposal facilities. All documents must be signed and sealed by a professional engineer registered in the State of Florida..

IV. DEPARTMENT ENVIRONMENTAL PROTECTION —Facility Wide (CREC Units ~~3~~4-5 and CCCP Units 1 and 2)

The following Specific Conditions shall apply to all Certified Facilities.

A. Groundwater Monitoring Requirements

1. The Licensee shall comply with the requirements of the approved CREC Groundwater Monitoring, Operation and Maintenance Requirements (GWMOMR) (Attachment H to these Conditions). A violation of the requirements of the GWMOMR shall be a violation of these Conditions.

2. DEF shall abide by the conditions of the approved site-wide GWMOMR and any subsequent modification thereof for the continued authorized discharge of industrial

waste water to ground water. Such provisions shall be fully enforceable as conditions of this certification. Any violation of such provisions, where it is determined that CREC is the cause, shall be a violation of these Conditions of Certification.

a. The requirements of the GWMOMR shall include, but not be limited to, at least the following:

i. discharge limitations,

ii. monitoring requirements,

iii. monitoring well construction requirements,

iv. updated aerial showing all monitoring wells (existing and new).

v. a description of the complete IWW system including IWW treatment systems, monitoring wells and percolation ponds,

vi. sampling locations and parameters to be sampled at each monitoring well and percolation pond location,

vii. monitoring frequencies,

viii. reporting and recordkeeping requirements, and

ix. operational requirements such as testing requirements, land application area maintenance, impoundment operation and maintenance, and impoundment integrity.

b. The GWMOMR shall be revised to comply with the provisions contained in Rules 62-620.325, F.A.C., if applicable. At a minimum, projects which involve the following shall be reviewed for a determination on the requirement of a modification to these Conditions and if a modification is required, it shall be processed in accordance with Section 403.516(1)(c), F.S., and Rule 62-17.211, F.A.C. as applicable.

i. New major sources or deletion of existing major sources of wastewater;

ii. Improvements made to existing, or new wastewater treatment facilities including those which provide for a new or expanded land application system which will result in an increase in the permitted capacity;

iii. Incorporation of newly promulgated applicable rules which are not currently reflected in the License or promulgated rules which are more stringent than the existing conditions in the License; and/or

iv. Pollutants not addressed in the GWMOMR or these Conditions.

c. All other revisions or updates to the GWMOMR shall be submitted to the DEP Southwest District Office Industrial Wastewater Program and/or the DEP Solid Waste Program as appropriate for review and approval with copies to the Siting Office. Review shall be in accordance with Section A, Condition XX. Procedures for Post-Certification Submittals unless otherwise determined by the Department that a modification is necessary. Additionally, the GWMOMR may be updated to adjust effluent limitations or monitoring

requirements should future Water Quality Based Effluent Limitation determinations, water quality studies, DEP approved changes in water quality standards, or other information show a need for a different limitation or monitoring requirement. The Department may develop a Total Maximum Daily Load (TMDL). Once a TMDL has been established and adopted by rule, the Department shall revise the GWMOMR or these Conditions to incorporate the final findings of the TMDL.

d. Notwithstanding restrictions elsewhere in these conditions, the approved GWMOMR shall apply to both the certified and noncertified units at the facility, to the extent outlined therein. The requirements shall be fully enforceable on both the certified units and the uncertified units of the facility.

e. The licensee's discharge to ground water shall not cause a violation of water quality standards for ground waters at the boundary of the zone of discharge in accordance with Rules 62-520.400 and 62-520.420, F.A.C.

f. The licensee's discharge to ground water shall not cause a violation of the minimum criteria for ground water specified in Rule 62-520.400, F.A.C., within the zone of discharge. [62-520.400 and 62-520.420(4)]

g. If the concentration of any constituent listed in GWMOMR, Condition I.B.3 in the natural background quality of the ground water is greater than the stated maximum, or in the case of pH is also less than the minimum, the representative background quality shall be the prevailing standard. [Chapter 62-520.420(2), F.A.C.]

h. The licensee shall provide verbal notice to the Department as soon as practical after discovery of a sinkhole within an area for the management or application of wastewater or sludge. The licensee shall immediately implement measures appropriate to control the entry of contaminants, and shall detail these measures to the Department in a written report within 7 days of the sinkhole discovery.

~~3. Within 180 days of the final order of certification for the Citrus Combined Cycle Project, DEF shall submit a revised GWMOMR to the Department for review and approval pursuant to Condition A.XX., Procedures for Post-Certification Submittals.~~

Commented [BL14]: The requirement of this condition has been completed

1. The Licensee has been granted a water quality exemption for sodium under Rule 62-520.500, F.A.C. subject to the following:

a. The CREC IWW discharge to ground water shall not present a danger to the public health, safety or welfare and will not result in any discernable environmental, social or economic effects.

b. The ground water quality criteria exemption for sodium is granted for a duration of five (5) years from the date Modification R to the CREC Conditions of Certification becomes effective. Any future exemptions must be petitioned for by the applicant through the Siting Coordination Office as a modification to the Conditions of Certification pursuant to the Power Plant Siting Act, Section 403.516(1)(c), F.S. The exemption extends only to the ground water elements of the CREC Site Certification License PA77-09. The exemption will not affect NPDES discharge under the Clean Water Act to surface waters of the state, nor will it alter any permit conditions related to surface waters.

c. The exemption provides relief only from the sodium standard contained in Rule 62-550,310, F.A.C. as referenced in Rule 62-520, 420, F.A.C. All other ground water quality standards, and the minimum criteria contained in Rule 62-520.400, F.A.C., are in effect as applicable to this facility.

d. The Licensee shall monitor ground water quality in accordance with the CREC Site Certification PA 77-09 GWMOMR.

2. In order for the Licensee to seek Conditions of Certification applying any additional water quality criteria different from those promulgated in rule, the following procedure shall be followed:

a. The Licensee must file a petition for modification with the DEP SCO including the alternate compliance level and demonstrations listed in 62-520.500, F.A.C.

b. The SCO will coordinate review by the affected DEP Division/District office under the procedures for modification set forth in 403.516, F.A.C.

c. The SCO shall issue a Notice of Intent and draft Final Order granting the petition, denying the petition, or granting the petition in part and modifying the Conditions of Certification accordingly. The Department will provide public notice of its intended action/s in the Florida Administrative Weekly along with an opportunity for an administrative hearing under Sections 120.569 and 130.57, F.S. The petitioner shall, on or about the same time that notice is published in the Florida Administrative Weekly, publish this same notice in a newspaper of general circulation in the area affected.

d. The Licensee shall submit a new request for each alternate compliance level of a water quality standard every 5 years from the time of original approval.

[Rules 62-520.500, and 62-500.510, F.A.C.]

C. Transformer and Electric Switching Gear

The foundations for any new or modified transformers, capacitors, and switching gear necessary for Crystal River Units ~~3,~~ 4 and 5 to connect to the existing transmission system ~~shall be constructed of an impervious material and~~ shall be constructed of an impervious material and shall be constructed in such a manner to allow maximum collection and recovery of any spills or leakage of oily, toxic, or hazardous substances.

D. Public Water System

Any new or modified component of the potable water supply system shall be designed and operated in conformance with applicable Chapters of 62-550, 62-555, 62-560, and 62-699 F.A.C. Information as required in 62-555, F.A.C, shall be submitted to the Department prior to construction and operation of any new or modified components of the system. The operator of the potable water supply system shall be certified in accordance with Chapter 62-699, F.A.C. Potable water for Unit 3 shall continue to be provided by the ~~separate~~ potable water treatment system for Units 4 and 5. ~~operated by Units 1 and 2 (PWS ID 6090601).~~

V. DEPARTMENT OF TRANSPORTATION- Facility-Wide (CREC Units 3-5 and CCCP Units 1 and 2)

A. Access Management to the State Highway System

Any access to the State Highway System will be subject to the requirements of Chapters 14-96, State Highway System Connection Permits, and 14-97 Access Management Classification System and Standards, F.A.C.

[Chapters 14-96 and 14-97, F.A.C.]

B. Overweight or Overdimensional Loads

Operation of overweight or overdimensional loads by the applicant on State transportation facilities during construction and operation of the utility facility will be subject to safety and permitting requirements of Chapter 316, F.S., and Chapter 14-26, Safety Regulations and Permit Fees for Overweight and Overdimensional Vehicles, F.A.C..

[Chapter 316, F.S.; Chapter 14-26, F.A.C.]

C. Use of State of Florida Right of Way or Transportation Facilities

All usage and crossing of State of Florida right of way or transportation facilities will be subject to Chapter 14-46, Utilities Installation or Adjustment, F.A.C.; Florida Department of Transportation's (FDOT) Utility Accommodation Manual (Document 710-020-001); Design Standards for Design, Construction, Maintenance and Utility Operation on the State Highway System; Standard Specifications for Road and Bridge Construction; and pertinent sections of the FDOT's Project Development and Environmental Manual. US 19 has been identified as a Florida Intrastate Highway System (FIHS) and Strategic Intermodal System's (SIS) facilities. The placement of any transmission line or pipeline should take into consideration the planned widening of these facilities. The cost of relocating or reconstructing a transmission line or pipeline will be borne by the applicant to the extent required by Section 337.403, F.S., and Chapter 14-46, F.A.C.

[Sections 337.403 and 337-404, F.S.; Chapters 14-15 and 14-16, F.A.C.]

D. Standards

The manual on Uniform Traffic Control Devices; FDOT's Design Standards for Design, Construction, Maintenance and Utility Operation on the State Highway System; FDOT's Standard Specifications for Road and Bridge Construction; FDOT's Utility Accommodation Manual; and pertinent sections of the FDOT's Project Development and Environmental Manual will be adhered to in all circumstances involving the State highway System and other transportation facilities.

[Chapter 14-15, F.A.C.]

E. Drainage

Any drainage onto State of Florida right of way and transportation facilities will be subject to the requirements of Chapter 14-86, Drainage Connections, F.A.C., including the attainment of any permit required thereby.

[Chapter 14-86, F.A.C.]

F. Use of Air Space

Any newly proposed structure or alteration of an existing structure will be subject to the requirements of Chapter 333, F.S., and Rule 14-60.009, Airspace Protection, F.A.C. Additionally, notification to the Federal Aviation Administration (FAA) is required prior to beginning construction, if the structure exceeds notification requirements of 14 CFR Part 77, Objects Affecting Navigable Airspace, Subpart B, Notice of Construction or Alteration. Notification will be provided to FAA Southern Region Headquarters using FAA Form 7460-1, Notice of Proposed Construction or Alteration in accordance with instructions therein. A subsequent Determination by the FAA stating that the structure exceeds any federal obstruction standard of 14 CFR Part 77, Subpart C for any structure that is located within a 10-nautical-mile radius of the geographical center of a public-use airport or military airfield in Florida will be required to submit information for an Airspace Obstruction Permit from the FDOT or variance from local government depending on the entity with jurisdictional authority over the site of the proposed structure. The FAA Determination regarding the structure serves only as a review of its impact on federal airspace and is not an authorization to proceed with any construction. However, FAA recommendations for marking and/or lighting of the proposed structure are made mandatory by Florida law. For a site under FDOT jurisdiction, application will be made by submitting FDOT Form 725-040-11, Airspace Obstruction Permit Application, in accordance with the instructions therein.

[Chapter 333, F.S.; Chapter 14-60.009, F.A.C.]

G. Best Management Practices

Traffic control during facility construction and maintenance will be subject to the standards contained in the Manual on Uniform Traffic Control Devices; Chapter 14-94, Statewide Minimum Level of Service Standards, F.A.C.; FDOT's Design Standards for Design, Construction, Maintenance and Utility Operation on the State highway System; FDOT's Standard Specifications for Road and Bridge Construction; and FDOT's Utility Accommodation Manual, whichever is more stringent.

It is recommended that the applicant encourage transportation demand management techniques by doing the following:

1. Placing a bulletin board on site for car pooling advertisements.

2. Requiring that heavy construction vehicles remain onsite for the duration of construction to the extent practicable.

If the applicant uses contractors for the delivery of any overweight or overdimensional loads to the site during construction, the applicant should ensure that its contractors adhere to the necessary standards and receive the necessary permits required under Chapter 316, F.S., and Chapter 14-26, Safety Regulations and Permit Fees for Overweight and Overdimensional Vehicles, F.A.C.

[Chapter 316, F.S.; Chapter 14-26, F.A.C.]

VI. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

Unless previously permitted and approved by Florida Fish and Wildlife Conservation Commission, the Licensee is subject to the following:

A. CREC Units ~~3~~4-5

1. Listed Species Survey

Before land clearing and construction activities within the Certified Facility occur, the Licensee shall conduct a preliminary general field assessment for listed species which will note all habitat, occurrence or evidence of listed species. Areas assessed for listed species as part of the Environmental Resource Permit process do not need to be reassessed to satisfy this condition.

Listed species to be included in this survey shall include those listed as endangered, threatened or of special concern by Florida Fish and Wildlife Conservation Commission (FWC) or those listed as endangered or threatened by U.S. Fish and Wildlife Service (USFWS).

For listed species that, in the course of either the general field survey or the Environmental Resource Permit process, are identified or are determined to have the potential to occur, a more detailed assessment will be conducted in accordance with the following guidance:

a. A survey schedule based upon species specific survey requirements identified in USFWS/FWC guidelines and methodologies will be developed. Resources that may be consulted in conducting this assessment are available through the "Florida Wildlife Conservation Guide" at: http://myfwc.com/conservation/value/fwcg/. If no specific guidance exist, standard accepted survey protocol shall be utilized.

b. This survey shall be conducted by a person or firm that is knowledgeable and experienced in conducting flora and fauna surveys for listed species.

2. Listed Species Locations

Where any suitable habitat and evidence is found of the presence of listed species within the Certified Facility, the Licensee will report those locations to, and confer with, the appropriate regulatory agencies for possible additional pre-clearing surveys and to identify potential mitigation, or avoidance recommendations. If pre-clearing surveys are required, they shall be timed to be reasonably compatible with the construction schedule, considering the in-service date specified in the Public Service Commission's need determination. The Licensee will not construct in areas where evidence of listed species was identified during the initial survey until the particular listed species issues have been resolved.

a. Listed Wildlife Species: If listed wildlife species are found, their presence shall be reported to the DEP Siting Coordination Office, the appropriate DEP District Office(s), the FWC's Office of Conservation Planning Services, the appropriate WMD, the appropriate local government(s) and the USFWS.

b. Listed Vegetation Species: If listed vegetation species are found on public land or water, their presence shall be reported to the DEP Siting Coordination Office and the Florida Department of Agriculture and Consumer Services (DACS). Listed wildlife species and listed vegetation species on public land or water shall not be disturbed, if feasible.

c. Species Management Plan: If avoidance is not feasible, the Licensee shall consult with DEP, FWC, and, if necessary, the USFWS for listed wildlife species, and with the DACS for listed vegetation species on public land or water, to determine the steps

appropriate for the species involved which are to be taken to avoid, minimize, mitigate, or otherwise appropriately address impacts within each agency's respective jurisdiction. For wildlife species, these steps shall be memorialized in a Wildlife Management Plan and submitted to DEP, FWC, and the appropriate local government.

[Chapter 379, F.S.]

B. CCCP Units 1 and 2

1. Listed Species

The following table contains state and federally listed species that occur in the State of Florida and may occur within the Duke Energy Florida's Citrus County Combined Cycle Project Site and associated linear facilities right-of-way. The table below contains species that are potentially impacted by the activities proposed on the Duke Energy Florida Citrus County Combined Cycle Project Site and associated linear facilities right-of-way. Therefore, these conditions of certification apply to the species listed in these tables.

Table 1. Terrestrial Species

Common Name	Scientific Name	Status
Gopher frog	*Lithobates capito*	SSC
American alligator	*Alligator mississippiensis*	FT(SA)*
Eastern indigo snake	*Drymarchon corais couperi*	FT
Gopher tortoise	*Gopherus polyphemus*	ST
Bald eagle	*Haliaeetus leucocephalus*	**
Florida sandhill crane	*Grus canadensis pratensis*	ST
Limpkin	*Aramus guarauna*	SSC
Little blue heron	*Egretta caerulea*	SSC
Red-cockaded woodpecker	*Picoides borealis*	FE
Snowy egret	*Egretta thula*	SSC
Southeastern American kestrel	*Falco sparverius paulus*	ST
Tricolored heron	*Egretta tricolor*	SSC
White ibis	*Eudocimus albus*	SSC
Wood stork	*Mycteria americana*	FT
Florida black bear	*Ursus americanus floridanus*	***
Florida mouse	*Podomys floridanus*	SSC
Sherman's fox squirrel	*Sciurus niger shermani*	SSC

Table 2. Coastal/Marine Species

Gulf sturgeon	*Acipenser oxyrhynchus desotoi*	FT
Green sea turtle	*Chelonia mydas*	FE
Hawksbill sea turtle	*Eretmochelys imbricata*	FE
Kemp's ridley sea turtle	*Lepidochelys kempii*	FE
Leatherback sea turtle	*Dermochelys coriacea*	FE
Loggerhead sea turtle	*Caretta caretta*	FT
Least tern	*Sterna antillarum*	ST
West Indian manatee	*Trichechus manatus*	FE

FE = federally designated endangered. ST = state-designated threatened.
FT = federally designated threatened. SCC = species of special concern.

*Due to similarity to another federally threatened species.

**While the bald eagle has been both state and federally delisted, it is still governed by the state bald eagle management plan and the federal Bald and Golden Eagle Protection Act.

***The Florida black bear has been delisted from the state's Endangered and Threatened Rule; however, the species is still governed by the Florida Black Bear Management Plan and protected by the bear conservation rule.

Note: Florida's Endangered and Threatened species rule changed in November 2010. The list is now comprised of federally designated endangered and threatened species or state-designated threatened species. Additionally, the Species of Special Concern (SSC) designation has been retained in the rule until those species designated as SSC are evaluated for listing as state-designated threatened species.

[Article IV, Sec. 9, Florida Constitution; Chapters 68A-27 and 68A-16, Florida Administrative Code (F.A.C.)]

2. General Listed Species Survey

a. The Licensee shall coordinate with the Florida Fish and Wildlife Conservation Commission (FWC) to obtain and follow the current survey protocols for all listed species that may occur within the Duke Energy Florida's Citrus County Combined Cycle Project Site, associated non-linear facilities, and associated linear non-transmission facilities rights-of-way, as well as accessible appropriate buffers within Duke Energy Florida property or rights–of-way as defined by the listed species' survey protocols, prior to conducting detailed surveys.

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

[Article IV, Sec. 9, Florida Constitution; Section 379.2291Florida Statutes (F.S.); and Rule 68A-27, F.A.C.].

3. Specific Listed Species Survey

Before land clearing and construction activities within the Duke Energy Florida's Citrus County Combined Cycle Project Site and associated linear facilities right-of-way occurs, the Licensee shall conduct an assessment for terrestrial listed species and shall note all habitat, occurrence or evidence of listed species. Listed species to be included in this survey shall include those species listed in Table 1 in paragraph A above. Wildlife surveys shall be conducted during the reproductive or "active" season for each species that falls before the projected clearing activity schedule unless otherwise approved by FWC. For species that are difficult to detect, the Licensee may make the assumption that the species is present and plan appropriate avoidance/mitigation measures after consultation with FWC. The Licensee will submit avoidance/mitigation measures for FWC post-certification review and approval at least 60 days prior to commencing clearing or construction activities within the surveyed area. The surveys required by these conditions of certification may be conducted prior to issuance of the final order of certification, in which case this condition would be considered satisfied.

a. This survey shall be conducted in accordance with U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS) or FWC guidelines and methodologies by a person or firm that is knowledgeable and experienced in conducting flora and fauna surveys for each potentially occurring listed species.

b. This survey shall identify any wading bird colonies within the Duke Energy Florida's Citrus County Combined Cycle Project Site, associated non-linear facilities, and associated linear non-transmission facilities rights of way that may be affected.

c. This survey shall identify locations of breeding sites, nests, and burrows for listed wildlife species. Nests and burrows shall be recorded with global positioning system (GPS) coordinates, identified on an aerial photograph, and submitted with the final listed species report. Although nests and burrows may be recorded individually with GPS, the FWC prefers that any applicable protection radii surrounding groups of nest sites and burrows be included on a site-specific basis, rather than around individual nests and burrows, and be physically marked so that clearing and construction shall avoid impacting them.

d. This survey shall include an estimate of the acreage and percent cover of each existing vegetation community (Florida Land Use, Cover and Forms Classification System, or FLUCFCS, at the third degree of detail) of each community that is contained within the Duke Energy Florida's Citrus County Combined Cycle Project Site, associated non-linear facilities, and associated linear non-transmission facilities rights of way prior to land clearing and construction activities using a geographic information system (GIS). Examples of such wildlife-based habitat classification schemes include Florida's State Wildlife Action Plan (FWC 2012), Descriptions of Vegetation and Land Cover Types (FWC 2004), or Natural Communities Guide (Florida Natural Areas Inventory 2010)*.

[Article IV, Sec. 9, Florida Constitution; Section 379.2291 F.S; and Rules 68A-27, 68A-4, and 68A-16, F.A.C.]

*Florida Fish and Wildlife Conservation Commission. 2012. Florida's State Wildlife Legacy Initiative: Florida's State Wildlife Action Plan. Tallahassee, Florida.

Florida Natural Areas Inventory. 2010. Guide to the natural communities of Florida: 2010 edition. Florida Natural Areas Inventory, Tallahassee, Florida.

Stys, B., R. Kautz, D. Reed, M. Kertis, R. Kawula, C. Keller, and A. Davis. 2004. Florida vegetation and land cover data derived from 2003 Landsat ETM+ Imagery. Florida Fish and Wildlife Conservation Commission, Tallahassee, Florida.

4. Listed Species Location

Where any suitable habitat or evidence is found of the presence of listed species, including but not limited to those specified in 5 through 10 below, within the Duke Energy Florida's Citrus County Combined Cycle Project Site and associated linear facilities' right-of-way, the Licensee shall report those locations to, and confer with, the FWC to determine whether additional pre-clearing surveys are warranted, and to identify potential mitigation, or avoidance recommendations. If pre-clearing surveys are required by FWC as appropriate and as specified in these conditions of certification, they shall occur in the reproductive season prior to the anticipated date for the start of construction within the Duke Energy Florida's Citrus County Combined Cycle Project Site and associated linear facilities' right-of-way. The Licensee shall not construct in areas where evidence of listed species was identified during the initial survey until the particular listed species issues have been resolved as follows:

a. Listed Wildlife Species: If listed wildlife species are found, their presence shall be reported to the DEP Siting Coordination Office, the FWC, USFWS, and NMFS.

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

[Article IV, Sec. 9, Florida Constitution; Section 379.2291 F.S.; and Rule 68A-27, F.A.C.]

5. Bald Eagle

a. The Licensee shall avoid impacts to bald eagle (*Haliaeetus leucocephalus*) nests where possible. If construction activities cannot be avoided within a 660-foot nest buffer zone, construction activities shall be conducted consistent with the FWC Eagle Management Guidelines as outlined in the FWC-approved Bald Eagle Management Plan dated April 9, 2008 (or any subsequent FWC-approved versions). In areas where bald eagle nests are present, all reasonable and practicable efforts shall be made to avoid construction activities during the nesting season (October 1 - May 15, or when eagles are present before October 1 or after May 15).

b. In accordance with the FWC Eagle Management Guidelines, for construction areas that fall within 330 feet of an active or alternate bald eagle nest, as defined in the Bald Eagle Monitoring Guidelines, construction activities shall be conducted only during the non-nesting season (May 16 - September 30). Any construction activities that fall within 660 feet of the nest during the nesting season shall be conducted following USFWS-approved Bald Eagle Monitoring Guidelines, dated 2007, or subsequent USFWS-approved versions.

c. In areas where adverse impacts to nests cannot be avoided, resulting in nest disturbance, the information required for an FWC Eagle Permit shall be

obtained from the FWC, as authorized by Rule 68A-16.002, F.A.C., and minimization and conservation measures outlined in the FWC Bald Eagle Management Plan shall be followed, as applicable.

[Article IV, Sec. 9, Florida Constitution; Rules 68A-27, and 68A-16.002, F.A.C.]

6. Gopher Tortoise

a. The Licensee shall conduct surveys for gopher tortoises (*Gopherus polyphemus*), in accordance with the FWC-approved Gopher Tortoise Management Plan (as revised) and the FWC-approved Gopher Tortoise Permitting Guidelines, or subsequent FWC-approved versions of the Plan or Guidelines. A burrow survey covering a minimum of 15% of the potential gopher tortoise habitat to be impacted by development is required in order to apply for a relocation permit. Immediately prior to capturing tortoises for relocation, a 100% survey is required to effectively locate and mark all potentially occupied tortoise burrows and to subsequently remove the tortoises. Burrow survey methods are outlined in Appendix 4 of the Gopher Tortoise Permitting Guidelines, "Methods for Locating Gopher Tortoise Burrows on Sites Slated for Development." Surveys must be conducted as described in F.3 below. Surveys shall not be conducted within 30 days of any ground disturbance or clearing activities on the donor site. All surveys completed by authorized agents or other licensees are subject to field verification by the FWC.

b. The FWC is not required to provide a monitoring compliance assessment for activities that occur more than 25 feet from a gopher tortoise burrow entrance, provided that such activities do not harm gopher tortoises or violate rules protecting gopher tortoises. Examples of such violations noted in the past by the FWC include, but are not limited to, killing or injuring a tortoise more than 25 feet away from its burrow, harassing a tortoise by blocking access to its burrow, and altering gopher tortoise habitat to such an extent that resident tortoises are taken.

c. The Licensee shall coordinate with and provide the FWC detailed gopher tortoise relocation information in accordance with the FWC-approved Gopher Tortoise Management Plan and Gopher Tortoise Permitting Guidelines as a post-certification submittal. This information shall provide details on the location for on-site recipient areas and any off-site FWC-approved temporary contiguous habitat, as well as appropriate mitigation contributions per tortoise, as outlined in the Gopher Tortoise Permitting Guidelines.

d. Any commensal species observed during the burrow excavations that are listed by the FWC shall be handled in accordance with the applicable guidelines for that species in accordance with Appendix 9 of the Gopher Tortoise Permitting Guidelines.

e. To the maximum extent practicable or feasible, all staging and storage areas shall be sited to avoid impacts to gopher tortoise burrows and habitat.

[Article IV, Sec. 9, Florida Constitution; Section 379.2291, F.S.; and Rule 68A-27, FA.C.]

7. Least Tern

a. The Licensee shall coordinate with the FWC before construction to develop and implement an FWC-approved plan to avoid attracting least terns to the construction site as a result of the temporary placement of gravel substrates.

[Article IV, Sec. 9, Florida Constitution; Section 379.2291, F.S.; and Rule 68A-27, FA.C.]

8. Florida Black Bear

a. The Licensee shall take proper precautions during clearing and construction to protect Florida black bears from accidental injury due to conditions on site during construction. These precautions may include:

1. Covering open trenches while dormant to reduce the likelihood bears becoming trapped

2. Creating areas within the trench to aid in exiting, such as berms or sides with a shallow gradient to allow the bear or other animal to escape

3. Electric fencing along the construction boundary, if warranted due to the interaction with bears or evidence bears are visiting construction areas.

b. FWC literature concerning the use of electric fencing as a black bear deterrent has been provided to the Licensee and this effort, if necessary, shall be coordinated with an FWC biologist.

c. If there is any chance that food waste will be stored on or near the site at any time, bear-resistant garbage containers or dumpsters shall be used.

d. Additional construction policies and practices to protect bears shall be used whenever feasible. These include:

1. Prohibit clearing, blasting and burning of forested habitat during the December-March denning season for bears while in a primary or secondary bear range, if evidence of bear usage of forested areas within the construction footprint is discovered.

2. Require clean construction sites with wildlife-resistant containers for workers to use for food-related and other wildlife attractant refuse; require frequent trash removal and the use of proper food storage and removal on work sites.

3. Adjust trucking activities and material delivery schedule to mandate slower speed in wooded zones, at dawn and dusk, and during the June and July breeding season for bears.

4. Conduct frequent and unannounced site inspections to ensure that proper food storage (if any) and garbage/trash removal is being provided.

[Article IV, Sec. 9, Florida Constitution; Rule 68A-4.009(b), FA.C.]

9. Eastern Indigo Snake

a. The Licensee shall consult with the USFWS and the FWC to develop a plan to avoid the "take" of eastern indigo snakes on Duke Energy Florida's Citrus

County Combined Cycle Project Site and associated linear facilities right-of-way during construction and operation.

[Article IV, Sec. 9, Florida Constitution; Rule 68A-27, FA.C.]

10. Florida Manatee

Within 180 days following certification of the CCC Project or such other date agreed upon by DEF and FWC, DEF will submit to FWC and the Department a CCC Project Manatee Monitoring Plan (MMP), for review and approval in accordance with Condition XX, Postcertification Submittals. The MMP will address the potential loss of viable artificial thermal refuge in the discharge canal and potential impacts to manatees utilizing the canal and, unless otherwise agreed to by DEF and FWC, will include the following components:

a. Manatee identification cataloging and visual monitoring of manatees utilizing the Crystal River Energy Center (CREC) discharge canal under these general guidelines:

1. Monitoring will be performed during at least one winter period prior to cessation of all once-through condenser cooling water flow at the CREC. Duke Energy Florida will endeavor to monitor for two winter periods based on the timing of certification and approval of the Manatee Management Plan.

2. Monitoring after full cessation of once-through condenser cooling water flow during two or three winter periods, depending on observed manatee response.

3. Monitoring protocols will include a visual assessment of external cold-stress signs along with behavioral assessments of animals in the field.

4. Discharge canal temperature monitoring, including ambient temperature, cooling tower blowdown discharge temperature, and temperature of any significant natural thermal spring seeps present in the discharge canal.

5. Plan communications, contacts, response to cold-stress animals, and reporting requirements.

6. For all project components in and/or over water accessible to manatees, Duke Energy Florida will implement the Standard Manatee Conditions for In-Water Work, July 2011 and/or other specific Manatee Management Plan requirements.

[Article IV, Sec. 9, Florida Constitution; and Rule 68A-27, FA.C.]

11. Smalltooth sawfish, Gulf sturgeon, Sea turtles

a. For all project components in and/or over water accessible to smalltooth sawfish, Gulf sturgeon, or sea turtles, Duke Energy Florida will implement the Sea Turtle and Smalltooth Sawfish Construction Conditions, March 2006.

[Article IV, Sec. 9, Florida Constitution; and Rule 68A-27, FA.C.]

12. Biological Survey and Monitoring Conditions

The Licensee may request modification of the following applicable conditions upon issuance by the Department of Environmental Protection, in consultation with the FWC, of Final National Pollution Discharge Elimination System permit FL0000159-014-IWS.

a. Discharge Monitoring - Within 180 days following certification of the Citrus Combined Cycle (CCC) Project or such other date as agreed to by Duke Energy Florida and FWC, Duke Energy Florida will submit to FWC and the Department a CCC Project Discharge Monitoring Plan (DMP) for review and approval in accordance with Condition XX, Postcertification Submittals. Unless otherwise agreed to by Duke Energy Florida and FWC, the DMP will include the following components:

1. Preoperational surveys of seagrass and hardbottom resources starting 1 year in advance of the CCC Project beginning commercial operation.

2. Postoperational surveys for 1 year following the shutdown of Crystal River Units 1 and 2 in conjunction with commercial operation of the CCC Units.

3. Surveys and monitoring of stations within the historical thermally-affected areas of Crystal Bay with a pre- and postoperational comparison of survey and monitoring results.

4. Schedules, specific survey and monitoring locations, sampling frequencies and methods, and specific parameters to be surveyed.

5. Surveys will include protocols to monitor seagrass and hardbottom resources. Monitoring of physical and chemical parameters shall include surface and bottom temperature, salinity, dissolved oxygen, and water column transparency data collection.

6. Preparation of reports, including all data and statistical analyses resulting from the surveys and monitoring, will be included as part of the DMP.

b. Intake Monitoring - Within 180 days following certification of the CCC Project or such other date as agreed upon by FWC and Duke Energy Florida, Duke Energy Florida will submit to FWC and the Department a CCC Project Intake Characterization and Monitoring Plan (ICMP) for review and approval in accordance with Condition XX, Postcertification Submittals. Unless otherwise agreed to by Duke Energy Florida and FWC, the ICMP will include the following components:

1. A detailed outline and schedule for the submittal of ICMP components.

2. A narrative description of source water bodies, physical water body configuration data, location and configuration of the intake structure, operation of the cooling water system, and proportions of water used.

3. Source water baseline biological characterization data including the relative diversity and abundance of species potentially susceptible to impingement and entrainment based on existing identified historic records and data, including any threatened and endangered or other protected species.

4. Description and schedule for any proposed additional studies or data collection, if needed, to fill any potential data gaps in of support of the biological characterization component.

5. A narrative description of the impingement and entrainment mortality reduction plan utilizing a closed-cycle recirculating cooling system and

cooling water intake structure that has a maximum through-screen design intake velocity of 0.5 fps or less.

6. Demonstration requirements that the closed-cycle cooling system flow reduction and cooling water intake structure are operating and functioning as designed.

[Article IV, Sec. 9, Florida Constitution; and Rule 68A-27, F.A.C.]

VII. DEPARTMENT OF STATE – DIVISION OF HISTORICAL RESOURCES – Facility-Wide (CREC Units ~~3~~4-5 and CCCP Units 1 and 2)

Unless previously permitted and approved by Division of Historical Resources, the Licensee is subject to the following:

A. The Licensee shall conduct a survey of sensitive cultural resource areas, as determined in consultation with the Department of State, Division of Historical Resources (DHR). A qualified cultural resources consultant will identify an appropriate work plan for this project based on a thorough review of the Certified Facility. Prior to beginning any field work, the work plan will be reviewed in consultation with DHR. Upon completion of the survey, the results will be compiled into a report which shall be submitted to DHR. If feasible, sites considered to be eligible for the National Register shall be avoided during construction of the project and access roads, and subsequently during maintenance. If avoidance of any discovered sites is not feasible, impact shall be mitigated through archaeological salvage operations or other methods acceptable to DHR, as appropriate.

B. If historical or archaeological artifacts or features are discovered at any time within the Certified Facility, the Licensee shall notify the appropriate DEP District office (s) and the DHR, R.A. Gray Building, 500 S. Bronough Street, Rm 423, Tallahassee, Florida 32399-0250, telephone number (850) 487-6333, and the Licensee shall consult with DHR to determine appropriate action.

[Sections 267.061, 403.531, and 872.02, F.S.]

VIII. DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES – Facility-Wide (CREC Units ~~3~~4-5 and CCCP Units 1 and 2)

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

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.

[Chapter 487, F.S.]

IX. SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT - Facility Wide (CREC Units ~~3~~4-5 and CCCP Units 1 and 2)

A. Withdrawals, Water Supply Plan & Water Use Summary Report

SECTION B: SPECIFIC CONDITIONS

1. DEF is authorized to withdraw groundwater for construction, operation, maintenance, decommissioning, and/or demolition of Crystal River Energy Complex (CREC) Units 1, 2, 3, 4, and 5, and Citrus Combined Cycle (CCC) Units 1 and 2, as specified in the Water Supply Plan & Specific Conditions attached as Attachment J to these Conditions of Certification. These withdrawals may be reduced by the SWFWMD based on information submitted by the Licensee in its Annual Water Use Summary Report, pursuant to subsection A.2 below.

Commented [BL15]: Groundwater during decommissioning will be provided via this authorized withdrawal. Duke will remain responsible for compliance with the COCs related to that water usage

2. SWFWMD and DEF recognize that future planned activities at the CREC may result in a reduction in the groundwater demand for the facility. By April 1 of each year, following the certification of the CCC Project, DEF shall prepare and submit to SWFWMD, for review and approval, an Annual Water Use Summary Report (Report) for the preceding calendar year that confirms the continued water use allocations identified in Attachment J or any reductions in demand. The report shall include information documenting water demands and updated demand projections for CREC Units 1, 2, 3, 4, and 5 and CCC Units 1 and 2. The Report shall include, but not be limited to, graphs and narratives describing water use at CREC in relation to operation, retirement, or decommissioning of existing generating units, operation of new units, use of alternative water supplies, and other factors that affect water use, and events in the upcoming year that might impact water use. If appropriate, where alternative water sources such as reclaimed water have been implemented by DEF, the Report shall identify allocated quantities to be authorized for standby purposes. Any reductions in demand shall be reflected in the allocations and other appropriate sections of Attachment J. Any planned or proposed increase in demand shall be reviewed as a modification to this certification. The first annual report shall be developed in coordination with the SWFWMD Water Use Permit Bureau to ensure agreement with the report content prior to submittal to the SWFWMD for approval.

3. All groundwater withdrawals associated with CREC Units 1, 2, 3, 4, and 5, and CCC Units 1 and 2 are intended to be consolidated and authorized under these Conditions of Certification rather than via separate water use permit(s). Therefore, within 30 days after the expiration of the time for filing an appeal of the final order of certification for the Citrus CCC Project which includes this Condition of Certification consolidating the facility water use or, if appealed, within 30 days after the final resolution of all appeals, DEF shall submit a request to administratively cancel Water Use Permit No. 20004695.004 issued by SWFWMD and such permit shall be administratively cancelled by SWFWMD pursuant to rule 40D-2.341(3), Florida Administrative Code.

4. The Licensee shall comply with all monitoring, reporting and compliance requirements applicable to CREC Units 1, 2, 3, 4, and 5, as well as the CCC Units 1 and 2 attached as Attachment J to these Conditions of Certification. 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. The requirements of the Plan shall include the following:

a). Withdrawal quantities and facilities;

b). Distribution Flexibility;

c). Environmental monitoring to evaluate the relative condition of surface waters and wetlands in areas affected by water withdrawals;

d). Compliance reporting at 10 year intervals to ensure that groundwater withdrawals are continuing to meet the requirements of these Conditions of Certification and the substantive requirements of Chapter 40D-2, Florida Administrative Code, and SWFWMD's Water Use Permit Manual Part B, Basis of Review;

e). Pumpage and meter reporting;

f). Water quality sampling;

g). Water level monitoring; and

h). Rainfall monitoring

5. The Annual Water Use Summary Report and the Water Supply Plan & Special Conditions (Attachment J) shall be reviewed in accordance with General Condition XX.

6. Wetlands and other surface waters may not be adversely impacted as a result of the water use authorized by these Conditions of Certification. If unacceptable adverse impacts occur, the SWFWMD will request that DEP revoke these Conditions of Certification in whole or in part to curtail or abate the unacceptable adverse impacts, unless the impacts can be mitigated by Licensee.

7. All timeframes in these Conditions of Certification may be altered by agreement of SWFWMD and DEF without modification of these Conditions of Certification.

8. Within sixty (60) days of Certification of CCC Units 1 and 2, the Licensee shall designate a point of contact responsible for receiving and responding to the SWFWMD notices and correspondence related to these Conditions of Certification. Notification to the SWFWMD of the designee, including address and telephone number, shall be in written form and submitted to the SWFWMD Water Use Permit Bureau.

B. Alternative Water Supply Investigation

The Licensee shall investigate the feasibility of using additional reclaimed water or other alternative water supplies as a water source and submit a report to the SWFWMD Water Use Permit Bureau describing the findings of the feasibility investigation no later than April 1, of the 5th anniversary of the effective date of the Final Order of certification for the Citrus Combined Cycle Project and at 5 year intervals thereafter. The report shall contain an analysis of potential alternative water supply sources in the area, including the location of those sources, the quantity of water available, the projected date(s) of availability, and costs associated with obtaining and transporting the reclaimed water or alternative water supplies to the CREC or CCC facility. At such time as the SWFWMD determines that use of additional alternative water supplies are 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 site.

The lowest quality water source, including reclaimed water, surface water and stormwater, must be used for each consumptive use authorized by these conditions of certification when available, except when Licensee demonstrates, as determined by SWFWMD, that the use of the lower quality water source is not economically, environmentally, or technologically feasible, in accordance with the SWFWMD's Water Use Permit Applicant's Handbook, Part B, Sections 2.4.1.

C. Wells

1. 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. (568)

2. Within 90 days of the completion of each proposed well, Licensee shall submit to the SWFWMD specific capacity (well testing) information from any test performed by the Water Well Contractor or pump installer on the well. This information shall include:

a. Static water level before pumping;

b. Duration of test pumping;

c. Gallons per minute pumped; and

d. Final water level measured during pumping

If step-drawdown tests were performed, the information listed above shall be submitted for each step.

3. Within 90 days of construction of any new or relocated wells, Licensee shall submit to the SWFWMD Water Use Permit Bureau, the specific locations of any new or relocated wells, on an original blue line aerial with a minimum scale of one inch equals 800 feet, or by latitude/longitude. Intake and mainline diameters for each of the above pumps shall be reported at the time of location reporting.

4. For the purpose of determining site-specific transmissivity, a step drawdown and a multi-ell constant rate test shall be performed on one or more of the following: SWFWMD ID Nos. 14, 15, 16, Licensee ID Nos. PW-8, PW-9a, PW-10a, after the wells have been fully developed. The test shall be performed in accordance with the specifications set forth in Design Aid 3, Water Use Permit Information Manual and an Aquifer Performance Testing (APT) Plan submitted to and approved by the SWFWMD. The APT Plan shall be submitted to the SWFWMD, within 90 days of the approval of these conditions of certification. The APT shall be conducted by the Licensee within 6 months of construction of the wells included in the APT Plan and prior to the use of any of the wells constructed for the APT'S. All recorded raw data shall be submitted to the SWFWMD within thirty (30) days of completion of the APT.

D. Water Conservation

1. Within 90 days of certification issuance, the Licensee shall submit a facility-wide Water Conservation Plan to the SWFWMD for review and approval that includes practices currently employed or planned. For planned components, the Plan shall include an estimated time-frame for implementation for each component. The Plan must document that technically and economically feasible water conservation opportunities have been or will be employed.

X. CITRUS COUNTY

A. CREC Units ~~3~~4-5

1. Noise

Construction noise shall not exceed noise criteria or any applicable requirements of Citrus County. To mitigate the effects of noise produced by any steam blowout

of steam boiler tubes, the Licensee shall conduct reasonable public awareness campaigns prior to such activities to forewarn the public that may be affected by the noise of the estimated time and duration of the noise.

2. Screening

The Licensee shall provide screening of the site to the extent feasible through the use of aesthetically acceptable structures, vegetated earthen walls and/or existing or planted vegetation. The Licensee shall develop the site so as to retain the buffer of natural vegetation as described in the Units 4 and 5 application.

3. Odor Control

The Licensee shall employ proper odor control techniques to minimize odor and shall employ control techniques sufficient to prevent nuisance conditions which interfere with enjoyment of residents of adjoining property.

B. CCCP Units 1 and 2

1. Compliance with Building Code and Floodplain Management Regulations This certification shall not affect in any way the right of Citrus County to require that construction be in compliance with applicable Citrus County building construction code provisions and floodplain management regulations or to charge appropriate fees required under applicable Citrus County requirements in Articles I and VI, Chapter 18, and Citrus County Code of Ordinances (dated 6-11-13), for construction of the administration building/warehouse. Duke Energy Florida (DEF) shall not, however, be required to obtain separate permits or approvals from Citrus County.

A. No later than 180 days following certification, or such later date as agreed upon by DEF and Citrus County, DEF shall meet with Citrus County to discuss a mutually agreeable timeline and process for completion of the inspections of the administration building/warehouse required by Section 18-10 and for submittal of final certification for elevation as required by Section 18-200 for Citrus County Code of Ordinances (dated 6-11-13).

B. All applicable fees related to inspection of the administration building/warehouse pursuant to Section 18-9, Citrus County Code of Ordinances (dated 6-11-13), shall be paid prior to occupancy of the administration building and warehouse. *[Section 403.511(1), and Section 403.511(4), Florida Statutes; Articles I and VI, Chapter 18, Citrus County Code of Ordinances (dated 6-11-13)]*

2. Impact Fees—DEF shall pay applicable impact fees, if any, prior to occupancy of the administration building and warehouse. The amount of impact fees shall be based upon the impact fee schedule in effect in Citrus County as of the date of the final order of certification, Impact fees, if any, shall be assessed only on the administration building/warehouse.

[Section 403.511(4), Florida Statutes; Citrus County Ordinance No. 2001-A03; Citrus County Administrative Regulation AR: 13.04-4; Citrus County Ordinance No. 2015-A02, amending ordinance 2001-A03 by providing for temporary suspension of impact fees]

3. Environmental Resources—DEF shall provide copies of any post-certification submittals, if any, required by General Condition A.XXVII ("Environmental Resources") to Citrus County for informational purposes.

[Section 6310, Citrus County Land Development Code]

4. Tree Preservation and Mitigation—DEF shall comply with the Tree Preservation and Mitigation Plan dated January 5, 2015. DEF shall make the payment to the Citrus County Landscape Enhancement Fund required by the Tree Preservation and Mitigation Plan prior to the commencement of construction of the electrical power plant, including associated facilities.

[Section 5700, et seq., Citrus County Land Development Code]

5. Noise – DEF shall comply with sound level limits contained in the Citrus County Code of Ordinances.

[Article II. Noise, Chapter 21, Part II - Citrus County, Florida Code of Ordinances]

HISTORY

Certification Issued 11/21/78; signed by Governor Askew
Modified 02/22/80; signed by Governor Graham
Modified 05/22/80; signed by Secretary Varn
Modified 05/04/82; signed by Secretary Tschinkel
Modified 06/29/82; signed by Governor Graham
Modified 02/02/84; signed by Secretary Tschinkel
Modified 07/03/84; signed by Governor Graham
Letter Modification 03/28/88; signed by Hamilton Oven Jr.
Modified 06/10/96; signed by Secretary Wetherell
Modification Denial 03/02/98; signed by Secretary Wetherell
Modification 02/01/05; signed by Program Administrator Oven
Modified 06/22/06; signed by Program Administrator Oven
Modified 11/29/07; signed by Program Administrator Halpin
Modified 08/07/08; signed by Program Administrator Halpin
Modified 08/28/08; signed by Governor Crist
Modified 07/09/09 signed by Program Administrator Halpin
Modified 11/30/09 signed by Program Administrator Halpin
Modified 1/15/10; signed by Program Administrator Halpin
Modified 05/14/10; signed by Program Administrator Halpin
Modified 02/08/12; signed by Program Administrator Mulkey
Modified 08/01/12; signed by Program Administrator Mulkey
Certification Issued 05/05/15; signed by Secretary Vinyard
Modified 4/27/16; signed by Program Administrator Mulkey
Modified 11/6/17 (Mod S); signed by Program Administrator Mulkey

ATTACHMENT B

Conditions Proposed to be Included in a Separate Order

Environmental Resource Review for Unit 3 Laydown/Parking Areas

1. Turbidity and sediments must be controlled to prevent violations of water quality pursuant to Rules 62-302.500, 62-302 .530(70) and 62-4.242, F.A.C. Best Management Practices, as specified in the Florida Stormwater, Erosion and Sedimentation Control Inspectors Manual, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the applicant shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.

2. The existing ambient water quality within Outstanding Florida Waters shall not be lowered as a result of the proposed activity, except as authorized by the FDEP under subsection 62-4.242(2), F.A.C.

Independent Spent Fuel Storage Installation Surface Water Management System

1. The Operation and Maintenance Entity shall perform inspections of the DEF CREC Independent Spent Fuel Storage Installation surface water management system beginning 18 months after operation is authorized and every 18 months thereafter. Every 18 months the Operation and Maintenance Entity shall submit a report of the inspection results to the DEP SWD ERP section, with an electronic copy to the Siting Office, using FDEP Form # 62-330.311(1).

2. The maintenance of the PEF CREC Independent Spent Fuel Storage Installation surface water management system shall be in accordance with the Stormwater System Operation and Maintenance Plan. It is the responsibility of the Licensee to ensure that the surface water management system is functioning as designed.

3. The SRP valve shall be operated in accordance with CR3 procedure WP-106. Only SRP discharge water that is oil and contact water free, is a source of water for the wetland.

DISTRIBUTION LIST

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