

**STATE OF FLORIDA
DEPARTMENT
OF
ENVIRONMENTAL PROTECTION**



Conditions of Certification

**Florida Municipal Power Agency and
Kissimmee Utility Authority
Cane Island Power Park
Unit 3 and Unit 4**

**PA 98-38E
Modified March 11, 2010**

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- Appendix IV: ~~Industrial Wastewater Permit FLA010961~~**

I. GENERAL [Replaced by Section A. Condition I. Scope]

The following general and specific conditions shall apply to the construction and operation of the Cane Island Power Park. Prior to the completion of Cane Island Unit 3, the Cane Island Power Park may operate in accordance with existing permits. Within 90 days of the commencement of commercial operation on Unit 3, the Kissimmee Utility Authority (KUA) shall surrender any existing non-federal state operating permits for Units 1 and 2 at the Cane Island Power Park [moved to Condition I. Scope. C.].

A. Definitions [Replaced by Section A. Condition IV. Definitions]

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

1. "Application" shall mean the Site Certification Application (SCA) for the Cane Island Units 1-4, as supplemented.

2. "DEP" or "Department" shall mean the Florida Department of Environmental Protection.

3. "DHR" shall mean the Florida Department of State, Division of Historical Resources.

4. "Emergency conditions" shall mean urgent circumstances involving potential adverse consequences to human life or property as a result of weather conditions or other calamity, and necessitating new or replacement gas pipeline, transmission lines, or access facilities.

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

6. "FWCC" shall mean the Florida Fish and Wildlife Conservation Commission.

7. "Licensee" shall mean an applicant which has obtained a certification order for the subject electrical power plant, in this instance, the Kissimmee Utility Authority (KUA) and Florida Municipal Power Agency (FMPA).

8. "Power Plant" shall mean the electric power generating plant and appurtenances existing or that are to be modified or constructed on the Cane Island Power Park site in Osceola County, as generally depicted in the Application.

9. "SFWMD" shall mean the South Florida Water Management District.

10. "ROW" shall mean the transmission line right-of-way to be selected within the certified corridor in accordance with the conditions of certification.

11. The "Unit 3 Project" shall mean the Cane Island Power Park Unit 3 and all associated facilities described in the Application filed on August 3, 1998, and subsequently supplemented. Units 1 and 2 were also certified under this Application.

12. The "Unit 4 Project" shall mean the Cane Island Power Park Unit 4 and all associated facilities described in the Application filed on April 1, 2008, and subsequently supplemented.

B. Applicable Rules [Replaced by Section A. Condition II. Applicable Rules and Statutes]

The construction and operation of the Cane Island Power Park shall be in accordance with all applicable provisions of at least the following regulations of DEP: Chapters 62-4, 62-17, 62-814, 62-256, 62-296, 62-297, 62-301, 62-302, 62-531, 62-532, 62-550, 62-555, 62-560, 62-600, 62-601, 62-604, 62-610, 62-620, 62-621, 62-650, 62-699, 62-660, 62-701, 62-762, 62-767, 62-769, and 62-770, Florida Administrative Code (F.A.C.), or their successors as they are renumbered.

II. CHANGE IN DISCHARGE [replaced by Section A. Condition XII Enforcement, paragraph A. and Section A. Condition XXIII. Modification of Certification, paragraph B.]

All discharges or emissions authorized herein shall be consistent with the terms and conditions of this certification. The discharge of any regulated pollutant not identified in the application, or more frequent than, or at a level in excess of that authorized herein, shall constitute a violation of the certification. Any anticipated facility expansions beyond the certified initial generating capacities of the existing Units 1-3 or proposed Unit 4, production increases, or process modifications which may result in new, different, or increased discharges of pollutants, or expansion in steam generation capacity shall be reported by submission of an application for modification pursuant to Chapter 403, F.S.

III. GENERAL CONDITIONS

A. Facilities Operation [replaced by Section A. Condition XXIX. Facility Operation and Condition V. Federal Permits]

1. The Licensee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the Licensee to achieve compliance with the conditions of this certification, and are required by Department rules. This provision includes the operation of backup or

auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the approval and when required by Department rules.

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

3. Licensee shall comply with the terms and conditions contained in Permit Nos. PSD-FL-254 and PSD-FL-400 (attached as Appendices II and III) as well as any revisions, modifications or reissuances thereof.

B. Non-Compliance Notification [Replaced by Section A, Condition VII. Notification, Condition XXXI. Water Discharges paragraph B. and Condition XXXII. Solid and Hazardous Waste Paragraph C.]

If, for any reason, the Licensee (defined as the applicant or its successors and/or assigns) does not comply with or will be unable to comply with any limitation specified in this certification, the Licensee shall notify the Central District office of the DEP by telephone at (407) 894-7555. After normal business hours, reports of any condition that poses a public health threat shall be made to the State Warning Point at telephone number (850) 413-9911 or (850) 413-9912. The Licensee shall confirm this non-compliance in writing at 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803-3767 within seventy-two (72) hours of becoming aware of such conditions, and shall supply the following information:

1. A description of the discharge and cause of noncompliance; and,
2. The period of non-compliance, including exact dates and times; or if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the noncomplying event.

C. Spill Notification [replaced by Section A. Condition XXXI. Water Discharges]

The Licensee shall report all critical (having potential to significantly pollute surface or ground waters) spills of liquid or liquid-solid materials, not confined to a building or similar containment structure, to the Department by telephone immediately after discovery and submit a written report within forty-eight hours, excluding weekends,

from the original notification. The telephonic report shall be submitted by calling the Central District Industrial Wastewater Compliance/Enforcement Section under telephone number (407) 893-3308. After normal business hours, contact the State Warning Point by calling (850) 413-9911 or (850) 413-9912. The written report shall include, but not be limited to, a detailed description of how the spill occurred, the name and chemical make-up (include any MSDS sheets) of the substance, the amount spilled, the time and date of the spill, the name and title of the person who first reported the spill, the areal size of the spill, the areal size of the spill and surface types (impervious, ground, water bodies, etc.) it impacted, the cleanup procedures used and status of completion, and include a map or aerial photograph showing the extent and paths of the material flow. Any deviation from this requirement must receive prior approval from the Department.

D. Safety [replaced by Section A. Condition XIV. Regulatory Compliance]

1. The overall design, layout, and operation of the facilities shall be such as to minimize hazards to humans and the environment. Security control measures shall be utilized to prevent exposure of the public to hazardous conditions. The Federal Occupational Safety and Health Standards will be complied with during construction. The Safety Standards specified under Section 442.20, F.S., by the Division of Safety of the Florida Department of Labor and Employment Security shall also be complied with.

2. The Licensee shall not discharge to surface waters wastes which are acutely toxic, or present in concentrations which are carcinogenic, mutagenic, or teratogenic to human beings or to significant locally occurring wildlife or aquatic species. The Licensee shall not discharge to ground waters wastes in concentrations which, alone or in combination with other substances, or components of discharges (whether thermal or non-thermal) are carcinogenic, mutagenic, teratogenic, or toxic to human beings (unless specific criteria are established for such components in Section 62-520.420, F.A.C.) or are acutely toxic to indigenous species of significance to the aquatic community within surface waters affected by the ground water at the point of contact with surface waters. [replaced by Section A. Condition XXXI. Water Discharges]

E. Enforcement [replaced by Section A. Condition XII. Enforcement]

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

F. Design and Performance Criteria [replaced by Section A. Condition VI. Design and Performance Criteria]

The Power Plant may be operated at up to the maximum electrical output projected from design information without the need for modifying these conditions.

Treatment or control facilities or systems installed or used to achieve compliance with the terms and conditions of this certification are not to be bypassed without prior DEP approval. Moreover, the Licensee shall take all reasonable steps to minimize any adverse impacts resulting from noncompliance with any limitation specified in this certification, including, but not limited to, such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying event.

G. Certification - General Conditions

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

2. This approval is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this approval may constitute grounds for revocation and enforcement action by the Department. **[replaced by Section A. Condition XIII. Revocation or Suspension]**

3. As provided in Subsections 403.087(6), 403.511, and 403.722(5), F.S., the issuance of this approval does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This approval is not a waiver of or approval of any other Department approval that may be required for other aspects of the total project under federally delegated programs which are not addressed in this certification. **[replaced by Section A. Condition XVII. Property Rights]**

4. This certification does not relieve the Licensee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this approved source, or from penalties therefore; nor does it allow the Licensee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department. The Licensee shall take all reasonable steps to minimize or prevent any discharge, reuse of reclaimed water, or residuals use or disposal in violation of these Conditions which has a reasonable likelihood of adversely affecting human health or the environment. It shall not be a defense for the Licensee in an enforcement action that it would have been

necessary to halt or reduce the permitted activity in order to maintain compliance with these Conditions. **[replaced by Section A. Condition XIV. Regulatory Compliance and XVI. Civil and Criminal Liability]**

5. In accepting this certification, the Licensee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this approved source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the approved source arising under the Florida Statutes or Department rules, except where such use is prescribed by Sections 403.111 and 403.73, F.S., or Rule 62-620.302, Florida Administrative Code. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules. **[replaced by Section A. Condition XII. Enforcement]**

6. This certification is transferable only upon Department approval in accordance with Section 403.516, F.S., Rules 62-4.120 and 62-730.300, F.A.C., as applicable. The Licensee shall be liable for any noncompliance of the approved activity until the transfer is approved by the Department. **[replaced by Section A. Condition XXVI Transfer of Certification]**

7. These conditions of certification or a copy thereof shall be kept at the work site of the approved activity. **[replaced by Section A. Condition XXX. Records Maintained at the Facility]**

8. The Licensee shall comply with the following: **[replaced by Section A. Condition XXX. Records Maintained at the Facility]**

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

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

Cane Island Power Park:
6075 Old Tampa Highway
Intercession City, Florida

KUA Electric Operations:

1701 West Carroll Street*
Kissimmee, Florida 34741

FMPA
8553 Commodity Circle
Orlando, Florida 32819

*or subsequent principle office location.

- 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;
 - (6) the results of such analyses.

9. These Conditions may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Licensee for a certification revision, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Condition of Certification. **[replaced by Section A. Condition XIII. Revocation or Suspension and Condition XXIII. Modification]**

10. The Licensee, by accepting these Conditions, specifically agrees to allow authorized Department personnel, including an authorized representative of the Department and authorized EPA personnel, when applicable, upon presentation of credentials or other documents as may be required by law, and at reasonable times, depending upon the nature of the concern being investigated, to **[replaced by Section A. Condition IX. Right of Entry]**

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

b. Have access to and copy any records that shall be kept under the conditions of these Conditions;

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

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

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

[replaced by Section A. Condition IX. Right of Entry, paragraph B.]

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

~~13. The Licensee, in accepting these Conditions, agrees to pay the applicable regulatory program and surveillance fee in accordance with Rule 62-4.052, F.A.C.~~ **[deleted]**

14. The Licensee shall give the Department written notice at least 60 days before inactivation or abandonment of a wastewater facility and shall specify what steps will be taken to safeguard public health and safety during and following inactivation or abandonment. **[replaced by Section B. Condition I. Department of Environmental Protection, Paragraph A.]**

15. The Licensee shall apply for a revision to any Department issued PSD, Title V, or NPDES permit in accordance with Department Rules in Chapter 62, Florida Administrative Code, at least 90 days before construction of any planned substantial modifications to the Power Plant are to commence or with applicable rules for minor modifications to the Power Plant. A revised permit shall be obtained before construction begins except as provided in the applicable portions of Chapter 62, F.A.C. **[replaced by Section A. Condition V. Federal Permits]**

16. The Licensee shall give advance notice to the Department of any planned changes in the Power Plant or activity which may result in noncompliance with the Conditions of Certification requirements. The Licensee shall be responsible for any and all damages which may result from the changes and may be subject to enforcement

action by the Department for penalties or revocation of these Conditions. The notice shall include the following information:

- a. A description of the anticipated noncompliance;
- b. The period of the anticipated noncompliance, including dates and times; and
- c. Steps being taken to prevent future occurrence of the noncompliance. **[replaced by Section A. Condition VII. Notification]**

17. Water quality sampling and monitoring data shall be collected and analyzed in accordance with Rule 62-4.246, Chapters 62-160 and 62-601, F.A.C., and 40 CFR 136, as appropriate. **[replaced by Section A. Condition XXVII. Laboratories and Quality Assurance and Condition XXX Records Maintained at the Facility]**

- a. Monitoring results shall be reported at the intervals specified elsewhere in these Conditions and shall be reported on a Discharge Monitoring Report (DMR), DEP Form 62-620.910(10).

- b. If the Licensee monitors any contaminant more frequently than required by the Conditions of Certification, using Department approved test procedures, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.

- c. Calculations for all limitations which require averaging of measurements shall use an arithmetic mean unless otherwise specified in these Conditions.

- d. Under Chapter 62-160, F.A.C., sample collection shall be performed by following the protocols outlined in "DER Standard Operating Procedures for Laboratory Operations and Sample Collection Activities" (DEP-QA-001/92). Alternatively, sample collection may be performed by an organization who has an approved Comprehensive Quality Assurance Plan (CompQAP) on file with the Department. This CompQAP shall be approved for collection of samples from the required matrices and for the required tests.

18. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule detailed elsewhere in these Conditions of Certification shall be submitted no later than 14 days following each schedule date. **[replaced by Section B. Condition I. Department of Environmental Protection, paragraph K.]**

When requested by the Department, Licensee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the Conditions of Certification. If Licensee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any

report to the Department, such facts or information shall be corrected promptly.
[replaced by Section A. Condition VI. Design and Performance Criteria and VII. Notification]

H. Laboratories and Quality Assurance [replaced by Section A. Condition XXVII. Laboratories and Quality Assurance]

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

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

3. When an in-house laboratory is used to analyze samples required pursuant to the permit, the Licensee is required to have the samples taken by a qualified technician following EPA and Department approved sampling procedures and chain-of-custody requirements. All chain-of-custody records must be retained on-site for at least three (3) years and made available to the Department immediately upon request.

I. Procedures for Post-Certification Submittals [replaced by Section A. Condition XX. Procedures for Post-Certification Submittals]

1. Purpose of Submittals

Conditions of certification which provide for the post-certification submittal of information to DEP by the Licensee are for the purpose of facilitating DEP's monitoring of the effects arising from the location of the transmission line ROW and the construction and maintenance of the reclaimed water pipeline and the plant facilities. This monitoring is for DEP to assure, in consultation with other agencies with applicable regulatory jurisdiction, continued compliance with the Conditions of Certification, without any further agency action.

2. Filings

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

3. *Completeness*

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

4. *Interagency Meetings*

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

5. *Reasonable Assurance of Compliance*

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

6. *Commencement of Construction*

If DEP does not object within the time period specified in Condition III.H.5. above, the Licensee may begin construction on the Unit 4 Project pursuant to the terms of the Conditions of Certification and the subsequently submitted construction details.

7. *Additional Procedures for Post-Certification Submittals (Unit 4 only)*

a. The licensee shall provide within 90 days after certification a complete summary of those submittals identified in the Conditions of Certification where due-dates for information required of the licensee are identified. Such submittals shall include, but are not limited to, monitoring reports, management plans, wildlife surveys,

etc. The summary shall be provided to the Siting Coordination Office and any affected agency or agency subunit to whom the submittal is required to be provided, in a sortable spreadsheet, via CD and hard copy, in the format identified below or equivalent. (62-17.191, F.A.C.)

Condition Number	Requirement and timeframe	Due Date	Name of Agency or agency subunit to whom the submittal is required to be provided

b. Filings: All post-certification submittals of information by the licensee or copies of applications for separate federal permits which are to be issued by State agencies are to be filed with DEP Siting Office. Copies of each submittal shall also be simultaneously copied to any other agency indicated in the specific conditions requiring the post-certification submittals.

IV. ADVERSE IMPACT [moved to Section B. Condition I. Department of Environmental Protection, paragraph C.]

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 discharge. The Licensee shall not adversely impact any jurisdictional wetland without prior approval.

V. RIGHT OF ENTRY [replaced by Section A. Condition IX. Right of Entry]

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

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

B. To have access during normal business hours (Monday - Friday, 7:00 a.m. to 3:30 p.m.) to any records required to be kept under the conditions of this certification for examination and copying;

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

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

VI. REVOCATION OR SUSPENSION [replaced by Section A. Condition XIII. Revocation or Suspension]

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

VII. CIVIL AND CRIMINAL LIABILITY [replaced by Section A. Condition XVI. Civil and Criminal Liability]

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 Chapter 403, F.S., or regulations thereunder.

Subject to Section 403.511, F.S., this certification shall not preclude the institution of any legal action or relieve the Licensee from any responsibilities or penalties established pursuant to any other applicable state statutes or regulations. [replaced by Section A. Condition XVI. Safety]

VIII. PROPERTY RIGHTS [replaced by Section A. Condition XVII. Property Rights]

The issuance of this certification does not convey any property rights in either real or personal property, nor any exclusive privileges, nor does it authorize any injury to public or private property or any invasion of personal rights nor any infringement of federal, state or local laws or regulations. This certification conveys no title to land or water, does not constitute state recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the state. Only the Trustees of the Internal Improvement Trust Fund may express state opinion as to title.

IX. SEVERABILITY [replaced by Section A. Condition XI. Severability]

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

X. ~~REVIEW OF SITE CERTIFICATION~~ [deleted]

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

XI. MODIFICATION OF CONDITIONS [replaced by Section A. Conditions V. Federal Permits, XXIII. Modification of Certification and XXIX. Facility Operations]

A. Pursuant to Subsection 403.516(1), Florida Statutes, the Siting Board hereby delegates to the Secretary of the Department of Environmental Protection the authority to modify, after notice and opportunity for hearing, any conditions herein which would not otherwise require approval from the Siting Board.

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

C. All other modifications to these conditions shall be made in accordance with Section 403.516, Florida Statutes.

D. The Secretary of the Department may modify any condition of these Conditions of Certification if the Secretary finds that an immediate danger to the public health, safety, or welfare requires the issuance of an immediate final order temporarily modifying these Conditions of Certification. If the Secretary elects to exercise this delegated authority, the Secretary shall prepare an immediate final order that recites with particularity the facts underlying the Secretary's finding of an immediate danger to the public health, safety, or welfare. The immediate final order and the modification to the Conditions of Certification shall be effective only for so long as is necessary to address the immediate danger and shall be applicable or enforceable from the date rendered.

E. In the event of a prolonged [thirty (30) days or more] equipment malfunction or shutdown of pollution control equipment, the Secretary of the Department may allow facility operation to resume and continue to take place under an immediate final order temporarily modifying these Conditions of Certification, provided that the Licensee demonstrates that such operation will be in compliance with all applicable

ambient air quality standards and PSD increments, water quality standards and rules, solid waste rules, domestic wastewater rules and industrial wastewater rules. During such malfunction or shutdown, the operation of the facility shall comply with all other requirements of these Conditions of Certification and all applicable state and federal emission and effluent standards not affected by the malfunction or shutdown.

XII. CONSTRUCTION [replaced by Section A. Condition VIII. Construction Practices]

A. Standards and Review of Plans [replaced by Section A. Condition VI Design and Performance]

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

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

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

B. Control Measures

1. Storm Water Runoff [Replaced with Section A, Condition V. Federal Permits, paragraph B., and Section B, Condition V. South Florida Water Management District]

To control runoff during construction which may reach and thereby pollute waters of the state, necessary measures shall be utilized to settle, filter, treat or absorb silt-containing or pollutant-laden storm water to ensure against spillage or discharge of excavated material that may cause turbidity in excess of 29 Nephelometric Turbidity Units above background in waters of the state. Control measures may consist of sediment traps, barriers, berms, and vegetation plantings. Exposed or disturbed soil shall be protected and stabilized as soon as possible to minimize silt and sediment-laden runoff. The pH of the runoff shall be kept within the range of 6.0 to 8.5.

2. Open Burning [replaced by Section A. Condition VIII. Construction Practices, paragraph C.]

Any open burning in connection with initial land clearing shall be in accordance with Chapter 62-256, F.A.C., Chapter 51-2, F.A.C., Uniform Fire Code Section 33.101 Addendum, and any other applicable county regulation. Any burning of construction-generated material, after initial land clearing, that is allowed to be burned in accordance with Chapter 62-256, F.A.C., shall be approved by the Central District office in conjunction with the Division of Forestry and any other county regulations that may apply. Burning shall not occur unless approved by the appropriate agency or if the Department or the Division of Forestry has issued a ban on burning due to fire safety conditions or due to air pollution conditions.

3. Sanitary Wastes [Replaced with Section A, Condition VIII. Construction Practices, paragraph D]

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

4. Solid Wastes [replaced by Section A. Condition XXXII Solid and Hazardous Waste, paragraph A.]

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

5. Noise [replaced by Section B. Condition V. Osceola County paragraph H.]

Construction noise shall not exceed noise requirements of the Osceola County Noise Ordinance except as exempted by the Conditional Use Permit CU08-00023, or as exempted by the Ordinance between 7 a.m. and sunset. The Licensee shall notify area residents in advance of the onset of the steam blowout of the

heat recovery steam generator and steam lines phase of construction, which shall be conducted between 7:00 a.m. and sunset.

6. Dust and Odors [Moved to Section B. Condition I. Department of Environmental Protection, paragraph N.]

The Licensee shall employ proper odor and dust control techniques to minimize odor and fugitive dust emissions. The Licensee shall employ control techniques sufficient to prevent nuisance conditions on adjoining property.

7. Transmission Lines [Moved to Section B. Condition I Paragraph I. Transmission Lines]

The directly associated transmission lines shall be maintained in accordance with the application and the appropriate state and federal regulations concerning use of herbicides. The Licensee shall notify the Central District office of the Department of the type of herbicide to be used at least 60 days prior to its first use.

8. Protection of Vegetation [replaced by Section A. Condition XV. Protection of Vegetation]

The Licensee shall develop the site so as to retain a buffer of trees or shall plant a buffer of trees sufficient to minimize the aesthetic and noise impacts of the facility as described in the Application. The buffer, as far as practicable, shall be of sufficient height and width suitable for the purpose of mitigating both construction and operational impacts of the facility.

9. Dewatering Operations [replaced by Section A. Condition VI. Federal Permits, paragraph B. and Condition XXXI. Water Discharges, paragraph A.3.]

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

10. Historical or Archaeological Finds [replaced by Section B. Condition IV]

If historical or archaeological artifacts, such as Indian canoes, are discovered at any time within the project site, the Licensee shall notify the DEP Central District office and the Bureau of Historic Preservation, Division of Historical Resources, R. A. Gray Building, Tallahassee, Florida 32399-0250, telephone number (850) 487-2073.

C. Environmental Control Program [moved to Section B. Condition I. Department of Environmental Protection, paragraph C.]

An environmental control program shall be established under the supervision of a Florida registered professional engineer or other qualified person to assure that all construction activities conform to applicable environmental regulations

and the applicable Conditions of Certification. If a violation of standards, harmful effects or irreversible environmental damage not anticipated by the application or the evidence presented at the certification hearing are detected during construction, the Licensee shall notify the Central District office as required by Condition III.B.

D. Reporting *[Replaced by Section B, Condition I. Department of Environmental Protection Paragraph M]*

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

XIII. AIR *[replaced by Section A. Conditions V. Federal Permits]*

A. General and Administrative Requirements

1. Regulating Agencies: All documents related to applications for permits to construct, operate or modify an emissions unit should be submitted to the Bureau of Air Regulation (BAR), Florida Department of Environmental Protection (FDEP), at 2600 Blair Stone Road, Mail Station 23, Tallahassee, Florida 32399-2400 and telephone number (850)488-0114. All documents related to reports, tests, and notifications should be submitted to the DEP Central District Office, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803-3767 and telephone number 407/894-7555.

2. PSD Air Construction Permit Nos. PSD-FL-254 and PSD-FL-400 are incorporated by reference herein as part of this certification and attached as Appendix II and III. Licensee shall construct and operate the Unit 4 Project in conformance with PSD Permit No. PSD-FL-400, which shall be conditions of this certification. Licensee shall comply with the substantive provisions and limitations set forth in the PSD Permit as part of these Conditions of Certification, and as those provisions may be modified in the future by the Department. Such provisions shall be fully enforceable as conditions of this certification. Any violation of such provisions shall be a violation of these Conditions of Certification.

3. Title V Air Operation Permit Number 0970043-017-AV, is incorporated by reference herein as part of this Certification. Units 1, 2 & 3 shall operate in conformance with DEP Permit No. 0970043-017-AV attached as Appendix I. The provisions of Title V Air Operation Permit Number 0970043-017-AV shall be conditions of this certification. Licensee shall comply with the substantive provisions and limitations set forth in Title V Air Operation Permit Number 0970043-017-AV as part of these Conditions of Certification, and as those provisions may be modified in the future by the Department. Such provisions shall be fully enforceable as conditions of

this certification. Any violation of such provisions shall be a violation of these Conditions of Certification.

XIV. STORMWATER DISCHARGE

A. The Cane Island Power Park surface water management system in existence prior to certification of the Power Plant is permitted to discharge storm water under the terms and conditions imposed by EPA's storm water general permit issued for use in the state of Florida. ~~The facility's permit number is FLR05B777.~~ Licensee is required to continue to update the Cane Island Power Park's Storm Water Pollution Prevention Plan (SWPPP) annually, as required by the general permit; and to implement the annual revisions to the SWPPP. **[replaced by Section B. Condition I. Department of Environmental Protection, paragraph J.]**

B. New construction on the Cane Island site must meet the requirements of Chapter 40E-4 of the Florida Administrative Code, as well as the design requirements presented in the Site Certification Application (SCA). New stormwater facilities associated with Cane Island will not become operational until an engineer practicing in the State of Florida in compliance with Section 471.003(2)(d) Florida Statutes, and with the appropriate experience in surface water design, certifies that these facilities have been constructed in accordance with the design as approved by the Florida Department of Environmental Protection (DEP). **[part of Section B. Condition V. South Florida Water management District, paragraph C.]**

C. This certification is predicated on the Licensee's submitted information to FDEP which reasonably demonstrates that adverse off-site water resource related impacts will not be caused by the authorized activities. **[Moved to Section B. Condition I. Department of Environmental Protection, paragraph O.]**

D. DEP representatives shall be allowed reasonable escorted access to the Power Plant site to inspect and observe any activities associated with the Cane Island construction and/or the operation and/or maintenance of the associated surface water management system in order to determine compliance with the Conditions of Certification. The Licensee shall not refuse immediate entry or access, upon reasonable notice, to any FDEP representative who requests entry for the above noted inspection and presents appropriate credentials. **[replaced by Section A. Condition IX. Right of Entry]**

~~E. The Licensee shall hold and save FDEP harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, operation, maintenance and/or use of any facility authorized by this certification, to the extent allowed under Florida law. **[deleted]**~~

XV. DOMESTIC WASTEWATER [moved to Section B. Condition I Department of Environmental Protection, paragraph D.]

The Licensee is authorized to continue disposing of domestic wastewater in the Cane island septic tank/drainfield sewerage treatment system. Any future request for onsite treatment will require approval to construct and operate any such new facility and will be subject to the non-procedural provisions of Chapter 403, F.S., and F.A.C. Chapters 62-3, 62-4, and pertinent chapters within the 62-300, 62-500 and 62-600 Series.

XVI. DRINKING WATER FACILITIES [moved to Section B. Condition I Department of Environmental Protection, paragraph E.]

A. Use of Existing Facilities

The approval to operate and expand the distribution system for the existing potable water distribution system existing prior to certification of the Power Plant is subject to the non-procedural provisions of Chapter 403, F.S., and pertinent Chapters within the F.A.C. Rules in Chapters ~~62-500 Series and Chapter 62-699. 62-555, 62-550, 62-560, 62-602.~~ The Licensee is approved to continue to operate the existing, permitted potable water system as shown on any previously-submitted and approved drawings, plans, and other documents attached thereto or on file with the DEP or Department of Health and made a part thereof. The Licensee will submit a copy of any revisions to current plans to the DEP Central District Office.

Pursuant to Rule 62-555.540, F.A.C., any proposed extension of the potable water system to serve expanded plant facilities may be undertaken following the filing with the DEP of a completed copy of DEP Form 62-555.910(1), F.A.C. Such form shall be submitted no later than 90 days prior to beginning work on the extension of the distribution system to serve the new connections. This activity shall be subject to the requirements of Rule 62-555.540, F.A.C.

The conditions set forth on conditions XVI.B. and C. below shall apply to any future construction or expansion of any potable water system on the site.

B. Prior Approval

1. No portion of a new potable water supply system or any portion of a water supply system that will be or is intended to be converted to potable water use at a later date may be constructed without prior written approval from the Department. Construction of any portion of a new potable water supply system without the prior written approval of the Department will be considered a violation of the conditions of certification.

2. In order to obtain approval to construct a new onsite water supply system where the potable water is to be supplied by an off-site water supply system, the following information must be submitted to the Department no earlier than eighteen (18)

months nor later than six months prior to the date that the water supply system is proposed for construction:

a. A completed and fully executed application form which complies with the nonprocedural requirements of the rules and regulations of the Department in effect as of the date that the request for approval to construct the system is made to the Department; however, the Department will not accept "An Intent to Use a General Permit" for such a project. Reference: F.A.C. Rules 62-4.050, 62-555.500, .520, and .530.

b. Complete specifications for the material, hydraulic testing, disinfection, and workmanship covering the entire new potable water supply system for which the request for approval to construct is being made. The specifications must be signed and sealed by an Professional Engineer registered in the state of Florida and must provide documentation that the material and workmanship will comply with all applicable nonprocedural rules of the Department in effect as of the date that the request for approval to construct is made to the Department. Reference: F.A.C. Rules 62-4.050, 62-555.520, 62-555.340. 62-555.520(4)(a)(9)(c), 62-555.530, and 21H-23.

c. Complete engineering drawings of the entire proposed potable water supply system for which approval to construct is being made. The drawings must demonstrate full compliance with all applicable nonprocedural rules and regulations of the Department in effect as of date that the request for approval to construct is made to the Department. The drawing must be signed and sealed by an Professional Engineer registered in the state of Florida. Reference: F.A.C. Rules 62-4.050, 62-555.520, 62-555.340. 62-555.520(4)(a)(9)(c), 62-555.530, and 21H-23.

d. Signed and sealed comprehensive engineering report by a Florida-registered Professional Engineer on the new potable water supply system which fully describes that project and basis of design. The report must include design data and such pertinent data to give an accurate understanding of the work to be undertaken and must provide supporting documentation that the new potable water system as proposed will comply with all applicable nonprocedural rules and regulations of the Department in effect as of the date that the request for approval to construct the water supply system is made to the Department. Reference: F.A.C. Rules 62-4.050, 62-555.520, 62-555.530, and 21H-23.

e. Documentation that the public water supply system supplying the water has the capacity in its water treatment system to serve the project and that the existing water transmission line from that system's water treatment plant to the point of connection with water supply system the Licensee is proposing to construct has been designed and sized to provide sufficient water to meet the demand of the Power Plant. Reference: F.A.C. Rules 62-4.050, 62-555.350, 62-555.520, and 62-555.530.

3. Should Licensee request approval to construct a potable water treatment system which produces a waste stream (e.g., softening, electrodialysis, reverse osmosis, etc.) other than as described in the Application, the Licensee must submit as part of its request for approval to construct that water supply system documentation that the disposal of that waste stream has been approved by the appropriate agency or section of the Department.

4. Within 90 days following certification of Unit 4, KUA shall submit a long-form permit application to the FDEP Central District, Drinking Water Program, for construction of the water main extension to the Miscellaneous Services Building & Power Distribution Center associated with Unit 4 to supply eye wash stations.

C. Construction

1. The Licensee must retain the services of a ~~project engineer registered in the state of Florida~~ by a Florida-registered Professional Engineer to observe that the construction of any changes in the Power Plant water supply system is in accordance with the plans and specifications approved by the Department. The project engineer will be responsible for certifying to the Department that he/she observed the construction and that the construction conformed to the plans and specifications approved by the Department.

2. The approval to construct a new or modify the existing potable water supply system will be in effect for two (2) years from the date of issuance. All construction of the potable water supply system must be completed within this two (2) year period unless a written request for an extension of this date is made to the Department at least sixty (60) days prior to the expiration of the construction approval, and written approval for an extension of the expiration date is issued by the Department. The expiration date of the construction approval may be extended on a year-by-year basis. The maximum length of time that the approval or each subsequent approval for the construction of the potable water system may be in effect is five (5) years from the date of the original approval or for subsequent approvals from the date of issuance of each approval. Should the construction of the water supply system not be completed within that five (5) year period, should The Licensee have failed to request a timely extension of the approval expiration date, or should any water quality analysis submitted with the request for an extension of the expiration date demonstrate the presence of a contaminant for which the water treatment plant was not originally designed to handle, or as additional wells are installed on-site and proposed for connection to the potable water system, The Licensee will have to make a new request to the Department for approval to construct the potable water system. That request must meet the submittal and approval requirements of the rules of the Department in effect as of the date that the request for approval is submitted and will be subject to the same review schedule as the original request.

3. No future, modified portion of the potable water supply system may be placed into service without the prior written approval of the Department except as authorized herein for extension of the potable water distribution system. Placing any portion of a modified potable water supply system into service prior to receipt of this written approval will be considered as a violation of the Conditions of Certification.

4. The Department will not issue approval to place the modified or new potable water supply system or any portion of that system into service unless the construction of the system or portion thereof had been approved for construction by the Department prior to the commencement of that construction.

5. In order to obtain approval to place a new portion of the potable water supply system into service, The Licensee must make a written request for clearance to the Department. The request must be in the form and/or manner stipulated in the letter authorizing construction of the potable water supply system and must include all information stipulated in that letter as being required to be submitted with the request for clearance, as well as any information required for clearance of a potable water supply system contained in applicable rules and regulations of the Department in effect as of the date that the request for clearance is made.

6. The Department will issue a letter of clearance to place the new or modified potable water supply system into service within thirty (30) days of receipt of a written request for clearance, provided that the request is accompanied by all necessary supporting documentation and meets the criteria for clearance contained in the applicable rules and regulations of the Department in effect as of the date that the request for clearance was made.

XVII. NPDES AND INDUSTRIAL WASTES [moved to Section B. Condition I. Department of Environmental Protection, paragraph K.]

A. Surface Water Discharge

~~This Condition of Certification is issued under the provisions of Chapter 403, Florida Statutes, and applicable rules of the Florida Administrative Code and constitutes authorization to discharge to waters of the state under the National Pollutant Discharge Elimination System. The Licensee is hereby authorized to operate the facilities shown in the Applications and other documents on file with the Department and made a part hereof and as specifically described in Permit No. FLA010961 (attached as Appendix IV). The Cane Island Power Park shall operate as follows:~~ **[deleted as permit has expired and the relevant conditions are incorporated into the COCs]**

1. Operation

Industrial wastewater treatment and disposal system to serve the referenced Cane Island Power Park which includes steam electric power generation units and combustion turbine units. The facility presently includes three fossil-fueled

electric generating units, Unit 1, a simple-cycle gas turbine rated at 40 MW (nominal) and Unit 2, a gas-fired combined cycle unit rated at 120 MW (nominal); and Unit 3, a gas-fired combined-cycle gas turbine rated at 250 MW (nominal); with Unit 4, a gas-fired combined cycle gas turbine rated at 300 MW, being added. The existing facility discharge consists of cooling water blowdown, low volume wastes, and chemical and non-chemical metal cleaning wastes. The Cane Island Power Park receives reclaimed water from the Tohopekaliga Water Authority (TWA). This supply is designated INT-01. Well water supplies additional water needs. These are designated INT-02 from well 2A, and INT-03 from Well 2B, and INT 04 from Well # 11 and INT-X. Licensee may alter the flow volumes from INT-01, INT-02, INT-03, and ~~INT-X~~ as required for operational needs. The TWA reclaimed water is used for cooling tower makeup water. The wells are used to supply the potable service and the demineralizer systems. The various wastestreams from the operation of the facility are listed as follows:

- a. Cooling Tower Blowdown.
- b. Neutralization Basin Effluent. This consists of:
 - (1) Ion Exchange Regeneration Wastes.
 - (2) Chemical/Metal Cleaning Rinses.
 - (3) Chemical Area Drains.
- c. Steam Cycle Blowdown.
- d. Drains from the Turbine Area, Plant and Equipment Areas.
- e. Area Drains as follows:
 - (1) ~~Fuel Oil Storage Tank Bermed Containment Area.~~
[replaced by Section B. Condition I. Department of Environmental Protection, paragraph K.]
 - (2) Transformer Area Containment Bermed Area.
 - (3) ~~Fuel Oil Unloading Station.~~ *[replaced by Section B. Condition I. Department of Environmental Protection, paragraph K.]*
- f. Roof and Site Drains.

2. Treatment and Disposal

Wastestream b is treated by pH neutralization and settling before mixing with Wastestreams a and c. Wastewaters are presently returned to the TWA reclaimed water pipeline or discharged to the approved land application system. Wastestream b is treated by pH neutralization and settling before mixing with Wastestreams a and c. These three wastestreams are discharged to the TWA reclaimed water pipeline. Wastestreams d and e are treated in oil/water separators prior to discharge to Class G-II ground water via percolation in two above ground

impoundments designated as G-001. There shall be no discharge of these wastestreams to surface waters of the State. Wastestream f shall be routed to an onsite stormwater management system.

B. Effluent Limitations and Monitoring Requirements:

1. Land Application Systems:

a. Licensee is authorized to discharge, from Discharge Location G-001 and ~~G-00X~~, process wastewater from the industrial wastewater treatment system (Wastestreams d & e) to impoundments onsite. Samples shall be taken at the sampling ports designated G-001 and ~~G-00X~~. Such discharge shall be limited and monitored by the Licensee as specified below:

Parameters (Units)	Discharge Limitations *			Monitoring Requirements		
	Monthly Avg.	Daily Max.	Other	Frequency	Sample Type	Sample Point
Flow (MGD)**	0.02	Report	NA	Daily	Metered	G001
TDS (mg/l)	Report	Report	NA	Monthly	Grab	G001
Chlorides (mg/l)	Report	Report	NA	Monthly	Grab	G001
Total Nitrogen (mg/l)	Report	Report	NA	Monthly	Grab	G001
Sodium (mg/l)	Report	Report	NA	Monthly	Grab	G001
Sulfates (mg/l)	Report	Report	NA	Monthly	Grab	G001
TRPH (mg/l)***	Report	Report	NA	2/ Month	Grab	G001
pH (SU)	See Condition XVII.B.1.e					

Parameters (Units)	Discharge Limitations *			Monitoring Requirements		
	Monthly Avg.	Daily Max.	Other	Frequency	Sample Type	Sample Point
Flow (MGD)**	0.02	Report	NA	Daily	Metered	G00X
TDS (mg/l)	Report	Report	NA	Monthly	Grab	G00X
Chlorides (mg/l)	Report	Report	NA	Monthly	Grab	G00X
Total Nitrogen (mg/l)	Report	Report	NA	Monthly	Grab	G00X
Sodium (mg/l)	Report	Report	NA	Monthly	Grab	G00X

Sulfates (mg/l)	Report	Report	NA	Monthly	Grab	G00X
TRPH (mg/l)***	Report	Report	NA	2/Month	Grab	G00X
pH (SU)	See Condition XVII.B.1.e					

These notes refer to the above table and the following 3 tables in section b:

* Daily Discharge: The “discharge of a pollutant” measured during a calendar day or any 24 hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the “daily discharge” is calculated as the total mass of the pollutants discharged over the day. For pollutants expressed in other units of measurements; e.g., concentration, “daily discharge” is calculated as the average measurement of the pollutant over the day.

Average Monthly Discharge Limitation : The highest allowable average of “daily discharges” over a calendar month calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

Maximum Daily Discharge Limitation: The highest allowable daily discharge.

** Flow limitation does not include the storm water component as may be introduced through the area plant drains.

*** TRPH: Total Recoverable Petroleum Hydrocarbons.

b. Licensee is authorized to discharge, from Discharge Location G-002, ~~nonprocess~~ wastewater from wastestreams a, b and c to the TWA reclaimed water pipeline. Samples shall be taken at the sampling port designated G-002. Such discharge shall be limited and monitored by Licensee as specified below:

Parameters (Units)	Discharge Limitations *			Monitoring Requirements		
	Monthly Avg.	Daily Max.	Other	Frequency	Sample Type	Sample Point
Flow (MGD)**	1.908	2.10	NA	Daily	Metered	G002
TDS (mg/l)	Report	Report	NA	2/Month	Grab	G002
Chlorides (mg/l)	Report	Report	NA	2/Month	Grab	G002
Nitrates as N (mg/l)	Report	Report	NA	Weekly	Grab	G002
Nitrates as N (#/day) <u>See Note I below</u>	Report	Report	NA	Weekly	Grab	G002

Total Nitrogen (mg/l)	Report	Report	NA	Weekly	Grab	G002
Total Nitrogen (#/ day) <u>See Note I below</u>	Report	Report	NA	Weekly	Grab	G002
Sodium (mg/l)	Report	Report	NA	2/Month	Grab	G002
Sulfates (mg/l)	Report	Report	NA	2/Month	Grab	G002
TRPH*** (mg/l)	Report	Report	NA	Monthly	Grab	G002
pH (SU)	See Condition XVII.B.1.e					

c. Licensee shall sample the TWA reclaimed water prior to use in the Power Plant. There will be a sampling port established that will be designated location INT-01 to obtain representative samples of this reclaimed water. Samples shall be taken at Location INT-01 and tested by Licensee as specified below:

Parameters (Units)	Discharge Limitations *			Monitoring Requirements		
	Monthly Avg.	Daily Max.	Other	Frequency	Sample Type	Sample Point
Flow (MGD)**	Report	Report	NA	Daily	Metered	INT-01
Nitrates as N (#/ day) <u>See Note I below</u>	Report	Report	NA	Weekly	Grab	INT-01
Nitrates as N (mg/l)	Report	Report	NA	Weekly	Grab	INT-01
Total Nitrogen (#/ day) <u>See Note I below</u>	Report	Report	NA	Weekly	Grab	INT-01
Total Nitrogen (mg/l)	Report	Report	NA	Weekly	Grab	INT-01
pH (SU)	See Condition XVII.B.1.e					

d. Licensee shall sample the raw water supply from the wells onsite that are used in the Power Plant. There will be sampling ports established that will be designated Locations INT-02, INT-03, and INT-~~X04~~ to obtain representative samples of this ground water. These ports shall be located on the lines from Well No. 2A, Well No. 2B, and Well No.11, respectively. Samples shall be tested by Licensee as specified below:

INT-02, INT-03, and INT-XX

Parameters (Units)	Discharge Limitations *			Monitoring Requirements		
	Monthly Avg.	Daily Max.	Other	Frequency	Sample Type	Sample Points
Flow (gpd)** <u>(if these are larger volumes - can be report as MGD)</u>	Report	Report	NA	Daily	Metered	INT-02, -03, - XX 04
TDS (mg/l)	Report	Report	NA	Monthly	Grab	INT-02, -03, - XX 04
TSS (mg/l)	Report	Report	NA	Monthly	Grab	INT-02, -03, - XX 04
Surfactants (mg/l)	Report	Report	NA	Monthly	Grab	INT-02, -03, - XX 04
Total Nitrogen (#/day) <u>See Note I below</u>	Report	Report	NA	Weekly	Grab	INT-02, -03, - XX 04
Total Nitrogen as N (mg/l)	Report	Report	NA	Weekly	Grab	INT-02, -03, - XX 04
Nitrate Nitrogen (#/day) <u>See Note I below</u>	Report	Report	NA	Weekly	Grab	INT-02, -03, - XX 04
Nitrate Nitrogen (mg/l)	Report	Report	NA	Weekly	Grab	INT-02, -03, - XX 04
TRPH*** (mg/l)	Report	Report	NA	Monthly	Grab	INT-02, -03, - XX 04
pH (SU)	See Condition XVII.B.1.e					

e. The pH shall not be less than 6.0 standard units, nor greater than 8.5 standard units at any time at Sampling Locations G001 and G002, and ~~G00X~~.

The pH shall be monitored twice monthly by grab sample at Locations G001 and G002, ~~and G00X~~.

f. Unless specified elsewhere in these conditions, samples taken in compliance with the monitoring requirements specified in XVII.B.1. shall be taken at the nearest accessible point after final treatment but prior to the actual discharge to the land application system. The same sampling point shall be used in each sampling event.

g. There shall be no discharge of industrial wastewater from this facility to surface waters.

h. Monitoring results obtained for each calendar month shall be summarized for that period and reported on a Discharge Monitoring Report (DMR), Form 62-620.910(10), postmarked no later than the 28th day of the month following the completed calendar month. For example, data for January shall be submitted by February 28. Signed copies of the DMR shall be submitted to the address specified below:

Florida Department of Environmental Protection
Central District Office
Industrial Wastewater Program
3319 Maguire Boulevard, Suite 232
Orlando, FL 32803

If no discharge occurs during the reporting period, the above sampling requirements of the permit do not apply. The DMR shall be submitted with the statement "No discharge" written on the DMR form. If, during the term period of this certification, the Power Plant ceases to discharge, the Department shall be notified immediately upon cessation of discharge. Such notification shall be in writing.

i. Grab samples shall be collected during periods of minimal treatment plant pollutant removal efficiencies or maximum hydraulic and/or pollutant loading.

j. If there is no discharge from the facility on a day scheduled for sampling, the sample shall be collected on the day of the next discharge.

k. Any bypass of the treatment facility which is not included in the monitoring specified in B.1. above is to be monitored for flow and all other required parameters. For parameters other than flow, at least one grab sample per day shall be monitored. Daily flow shall be monitored or estimated, as appropriate, to obtain reasonable data. All monitoring results shall be reported on the appropriate DMR.

l. There shall be no net increase of total Nitrogen and Total Nitrates in pounds per day, on an annual basis, introduced back into the TWA reclaimed water pipeline than was received from the TWA in the reclaimed water used for supply.

Calculations shall be made on the following basis: Total weekly flow in Million Gallons x 8.34 x concentration in mg/l for each parameter.

2. Industrial Sludge Management Requirements

There will be no residual solids generated in the treatment/ disposal process at this facility.

3. Waste Oil

Waste oil removed from any treatment unit in this system shall be stored onsite in a separate waste oil tank. The stored waste oil shall be managed and ultimately disposed of by a licensed used oil recycler in accordance with the provisions of Chapter 62-710, F.A.C.

4. Mixing of Waste

Mixing any waste product generated from this wastewater treatment system with septage or domestic residuals is prohibited.

5. ~~Other Land Application Requirements~~

~~a. Licensee's discharge to ground water shall not cause a violation of water quality standards for Class G-II ground waters at the boundary of the zone of discharge in accordance with rules 62-520.400 and 62-520.420, F.A.C.~~

~~b. 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.~~ **[replaced by Section A. Condition XXXI. Water Discharges]**

c. The frequency and rate of effluent disposal shall be managed by Licensee to avoid secondary environmental impacts such as severe odors and other nuisance conditions. **[moved to Section B. Condition I. Department of Environmental Protection paragraph K.10.]**

C. Other Limitations and Monitoring Requirements

1. The sample collection, analytical test methods, and method detection limits (MDLs) applicable to this permit shall be conducted using a sufficiently sensitive method to ensure compliance with applicable water quality standards and effluent limitations and shall be in accordance with Rule 62-4.246, Chapters 62-160 and 62-601, F.A.C., and 40 CFR 136, as appropriate. The list of Department established analytical methods, and corresponding MDLs (method detection limits) and PQLs (practical quantification limits), which is titled "FAC 62-4 MDL/PQL Table (April 26, 2006)" is available at <http://www.dep.state.fl.us/labs/library/index.htm>. The MDLs and PQLs as described in this list shall constitute the minimum acceptable MDL/PQL values and the Department shall not accept results for which the laboratory's MDLs or PQLs

are greater than those described above unless alternate MDLs and/or PQLs have been specifically approved by the Department for this permit. Any method included in the list may be used for reporting as long as it meets the following requirements:

- a. The laboratory's reported MDL and PQL values for the particular method must be equal or less than the corresponding method values specified in the Department's approved MDL and PQL list;
- b. The laboratory reported MDL for the specific parameter is less than or equal to the permit limit or the applicable water quality criteria, if any, stated in Chapter 62-302, F.A.C. Parameters that are listed as "report only" in the permit shall use methods that provide an MDL, which is equal to or less than the applicable water quality criteria stated in 62-302, F.A.C.; and
- c. If the MDLs for all methods available in the approved list are above the stated permit limit or applicable water quality criteria for that parameter, then the method with the lowest stated MDL shall be used.

When the analytical results are below method detection or practical quantification limits, the permittee shall report the actual laboratory MDL and/or PQL values for the analyses that were performed following the instructions on the applicable discharge monitoring report.

Where necessary, the permittee may request approval of alternate methods or for alternative MDLs or PQLs for any approved analytical method. Approval of alternate laboratory MDLs or PQLs are not necessary if the laboratory reported MDLs and PQLs are less than or equal to the permit limit or the applicable water quality criteria, if any, stated in Chapter 62-302, F.A.C. Approval of an analytical method not included in the above-referenced list is not necessary if the analytical method is approved in accordance with 40 CFR 136 or deemed acceptable by the Department. [62-4.246, 62-160]

~~The approved analytical methods and corresponding Department established MDL (method detection limits) and PQL (practical quantification limit) shall be used when conducting monitoring at sampling points G001, G002, G00X, INT-01, INT-02, INT-03, and INT-X as specified in B above or the following.~~

- ~~a. Results greater than or equal to the PQL shall be reported as the measured quantity.~~
- ~~b. Results less than the PQL and greater than or equal to the MDL shall be reported as the PQL followed by the lab code "in", and shall be deemed equal to the MDL when necessary to calculate an average for that parameter.~~
- ~~c. Results less than the MDL shall be reported as the MDL followed by the lab code "u". A value of one half the MDL or half the effluent limit, whichever is lower, shall be used for that sample when necessary to calculate an~~

~~average for that parameter. Values less than the MDL are considered to demonstrate compliance with an effluent limit or monitoring requirement. [62-4.246, 6-13-96]~~

2. Monitoring results obtained for each calendar month shall be summarized for that month and reported on a Discharge Monitoring Report (DMR), Form 62-620.910(10), postmarked no later than the 28th day of the month following the completed calendar month. For example, data for January shall be submitted by February 28. Signed copies of the DMR shall be submitted to the address specified below:

Florida Department of Environmental Protection
Wastewater Facilities Regulation Section, Mail Station 3550
Bob Martinez Center, 2600 Blair Stone Road
Tallahassee, Florida 32399-2400

If no discharge occurs during the reporting period, sampling requirements of this certification do not apply. The statement "No Discharge" shall be written on the DMR form. If, during the term period of this certification, the facility ceases to discharge, the Department shall be notified immediately upon cessation of discharge. Such notification shall be in writing. ~~Additionally, the Licensee shall notify the Department within 30 days, in writing, of the permanent shutdown of Units 5 and 6, and of the commencement of Commercial Operation of Unit 8.~~ [deleted not applicable]

3. Unless specified otherwise in this certification, all other reports and notifications required by these Conditions, including twenty-four hour notifications, shall be submitted to or reported to, as appropriate, the Department's Central District Office at the address specified below:

Florida Department of Environmental Protection
Industrial Wastewater Section
Central District Office,
3319 Maguire Boulevard, Suite 232,
Orlando, Florida 32803-3767
Phone number 407/894-7555.

4. There shall be no discharge of polychlorinated biphenyl compounds (PCBs) such as those commonly used for transformer fluid.

5. The Licensee shall provide safe access points for obtaining representative samples which are required by this certification.

~~6. The Licensee shall ensure that all laboratory analytical data submitted to the Department is from a laboratory which has a currently valid and Department approved Comprehensive Quality Assurance Plan (CompQAP) [or a CompQAP pending approval] for all parameters being reported as required by 62-160,~~

~~Florida Administrative Code.~~ **Replaced by Section A. Condition XXVII. Laboratories and Quality Assurance]**

7. Discharge of hydrazine in boiler blowdown is authorized without limitation or monitoring requirements.

D. Reopener Clause *[moved by Section B. Condition I. Department of Environmental Protection, paragraph K.5.]*

1. This certification shall be modified to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(23)(C) and (D), 304(b)(2) and 307(a)(2) of the Clean Water Act (the Act), as amended, if the effluent standard or limitation so issued or approved:

a. Contains different conditions or is otherwise more stringent than any condition in the permit/or;

b. Controls any pollutant not addressed in the certification. The certification, as modified under this paragraph shall contain any other requirements of the Act then applicable.

2. The certification may be reopened to adjust effluent limitations or monitoring requirements should future wasteload allocation determinations, water quality studies, DEP approved changes in water quality standards, or other information show a need for a different limitation or monitoring requirement.

E. Stormwater from Diked Petroleum Storage or Handling Area *[moved by Section B. Condition I. Department of Environmental Protection, paragraph K.6.]*

The Licensee is authorized to discharge stormwater from diked petroleum storage or handling areas, provided the following conditions are met:

1. The Power Plant shall have a valid SPCC or Integrated Contingency Plan pursuant to 40 CFR 112.

2. In draining the diked area, a portable oil skimmer or similar device or absorbent material shall be used to remove oil and grease (as indicated by the presence of a sheen) immediately prior to draining.

3. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of a visible oil sheen at any time.

F. Operation and Maintenance Requirements *[moved by Section B. Condition I. Department of Environmental Protection, paragraph K.7.]*

1. Operation of Treatment and Disposal Facilities

a. The Licensee shall ensure that the operation of this facility is as described in the Applications and supporting documents.

b. The operation of the pollution control facilities described in this certification shall be under the supervision of a person who is qualified by formal training and/or practical experience in the field of water pollution control appropriate for those facilities.

2. Record-Keeping Requirements *[replaced by Section A. Condition XXX. Records Maintained at the facility]*

The Licensee shall maintain the following records on the site of the certified facility and make those records available for inspection:

a. Records of all compliance monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, including, if applicable, a copy of the laboratory certification showing the certification number of the laboratory, for at least three years from the date the sample or measurement was taken;

b. Copies of all reports, other than those required in item 1 above, required by the permit for at least three years from the date the report was prepared, unless otherwise specified by Department rule;

c. Records of all data, including reports and documents used to complete the application for this certification at least three years from the date the Application was filed, unless otherwise specified by Department rule;

d. A copy of the Site Certification;

e. A copy of any required record drawings;

f. Copies of the logs and schedules showing Power Plant operations and equipment maintenance for three years from the date on the logs or schedule.

G. Compliance Schedule *[moved by Section B. Condition I. Department of Environmental Protection, paragraph K.11.]*

The Licensee shall achieve compliance on start of discharge.

H. Specific Conditions Applicable to All Permits *[moved by Section B. Condition I. Department of Environmental Protection, paragraph K.8.]*

1. Drawings, plans, documents or specifications submitted by the Licensee, not attached hereto, but retained on file with the Department, are made a part hereof.

2. If significant historical or archaeological artifacts are discovered at any time within the Project site, the Licensee shall immediately notify the Department at the address shown in I B 3 above and the Bureau of Historic Preservation, Division of Historical Resources, R. A. Gray Building, 500 South Bronough, Tallahassee, Florida, 32399-0250. *[replaced by Section B. Condition V. Department of State – Division of Historic Resources]*

3. Where required by Chapter 471 (P.E.) or Chapter 492 (P.G.) Florida Statutes, applicable portions of reports to be submitted under this certification shall be signed and sealed by the professional(s) who prepared them.

4. This certification satisfies industrial wastewater program permitting requirements only and does not authorize operation of this facility prior to obtaining any other permits required by federal agencies.

~~I. Duty to Reapply~~

~~This condition is not applicable under Site Certification.~~

J. Specific Conditions Related to Best Management Practices *[moved by Section B. Condition I. Department of Environmental Protection, paragraph K.9.]*

The Licensee shall comply with the Best Management Practices portion of the Cane Island Power Park Storm Water Pollution Prevention Plan (SWPPP).

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

A. Monitoring Plan

When required by Florida Administrative Code Chapter 62-701, the Licensee shall file a Ground Water Monitoring plan within 180 days of being advised by the Department for review and approval by the Central District of the DEP.

B. Groundwater Monitoring Requirements

1. The Licensee shall sample ground water in accordance with this condition and the approved Ground Water Monitoring Plan prepared in accordance with Rule 62-5220.600, F.A.C. ~~[62-5220.600, 12-9-96 07-12-2009]~~

2. The following monitoring wells shall be sampled quarterly:

Well Name	GMS Monitoring Location Site Number	WAFR Monitoring Location Site Number	Depth (Feet)	Aquifer Monitored	Well Type	Existing
MW-1	3049A17007	6240	42	Surficial	Background	Existing
MW-5	3049A17008	6239	42	Surficial	Compliance	Existing
MW-6	3049A17009	6238	35	Surficial	Compliance	Existing

3. The following parameters shall be analyzed quarterly for each of the monitoring wells identified above:

- a. Ground Water Elevation (Relative to Feet, NGVD)
- b. Benzene ($\mu\text{g}/\text{L}$)
- c. BTEX ($\mu\text{g}/\text{L}$)
- d. Chloride (mg/L)
- e. Nitrate (mg/L)
- f. pH (Standard Units)
- g. Sodium (mg/L)
- h. Sulfate (mg/L)
- i. TDS (mg/L)
- j. TRPH (mg/L)
- k. Turbidity (NTU)

[62-5220.600, ~~42-9-96~~ 07-12-2009]

C. General Ground Water Conditions:

1. A zone of discharge extends horizontally along the ground surface 100 feet or to the property line, whichever is less, and vertically to the base of the shallow aquifer. [62-520.200(23), 62-5220.400, and 62-5220.410, ~~42-9-96~~ 07-12-2009]

2. In accordance with Form 62-620.910(10), water levels shall be recorded before purging wells for sample collection. Elevation references shall include the top of the well casing and land surface at each well site (NGVD) at a precision of plus or minus 0.1 foot. [62-4.070(3), 8-16-98]

3. Ground water monitoring wells shall be purged prior to sampling to obtain representative samples. [62-4.070(3), 8-16-98]

4. Ground water monitoring parameters shall be analyzed in accordance with Chapter 62-601, F.A.C. For compliance, the ground water standards must be met in accordance with Chapter 62-520.420 F.A.C. [62-620.610(18), 12-24-96]

5. Analyses shall be conducted on unfiltered samples, unless filtered samples have been approved by the Department as being more representative of ground water conditions. [62-4.070(3), 8-16-98]

6. Ground water monitoring test results for each monitoring well shall be submitted on Form 62-620.910(10). Results shall be submitted within 28 days following the completion of each quarter for each year during the period of operation allowed by this COC. A completed Certification Page shall accompany each quarter of monitoring data. [62-4.070(3), 8-16-98], [62-5220.600(10) and (11)(b), 4/14/94] [62-620.610(18), 12-24-96]

7. If a monitoring well becomes damaged or cannot be sampled for some reason, the Licensee shall notify the Ground Water Section, Central District, Orlando with a written report within seven days detailing the circumstances and remedial measures taken or proposed. Replacement of monitoring wells shall be approved in advance by the Department. [62-4.070(3), 8-16-98]

XIX. TOXIC, DELETERIOUS OR HAZARDOUS MATERIALS [replaced by Section A. Condition XXXII. Solid and Hazardous Waste, paragraphs B-C.

A. Spills

The spill of any toxic, deleterious, or hazardous materials shall be reported in the manner specified by Condition III.B., Noncompliance Notification.

B. Handling and Testing of Potentially Hazardous Material

The Licensee shall continue to implement a plan for handling and disposing of hazardous wastes.

XX. BY-PRODUCT AND SOLID WASTE STORAGE

A. Solid Waste General [replaced by Section A. Condition XXXII. Solid and Hazardous Waste, paragraph A.

Any solid waste produced by the operation of the facility shall be disposed of in an approved disposal facility. By-products that are to be sold for reuse are not considered solid waste.

B. By-Product & Solid Waste Site Specific Standards [moved to Section B. Condition I. Department of Environmental Protection, paragraph G.]

1. Any future by-product storage areas shall be designed, constructed, operated, maintained, closed and monitored in accordance with acceptable waste disposal practices providing environmental protection equivalent to those

described in F.A.C. Chapter 62-701, or Chapter 62-673, as appropriate, and these conditions of Certification. The prohibitions of F.A.C. Chapter 62-701 shall not be violated.

2. All engineering plans, reports, and related information shall be provided by the engineer of record with professional certification and shall be approved by the Central District of the DEP prior to construction. A construction certification report signed and sealed by a professional engineer, and record drawings showing all modifications to construction plans, shall be submitted to the Central District office of the DEP prior to operation of each by-product or solid waste storage and disposal area.

XXI. FEDERAL OPERATING PERMITS AND FEES {replaced by Section A. Condition V. Federal Permits]}

A. ~~DEP Responsibilities~~

~~The DEP shall implement the provisions of Title V of the 1990 Clean Air Act and the NPDES program for the Cane Island Power Park, developing Conditions of Certification requiring submission of annual operating permit information and annual pollutant emission fees in accordance with federal law and federal regulations and sections 403.0885, 403.0872, 403.5055, 403.509, and 403.511, F.S.~~

B. Licensee Responsibilities

The Licensee shall submit the appropriate annual operating information as well as the appropriate annual pollutant emission and NPDES fees, as required by federal law, to the Department.

XXII. CONSTRUCTION OF LINEAR FACILITIES [moved to Section B. Condition I. Department of Environmental Protection, paragraph H.]

Construction of the proposed 230 KV transmission lines or construction of other future linear facilities shall be in conformance with Best Management Practices for linear facilities. Licensee shall provide a final ROW alignment and updated wetland impact information to the Central District Office of the DEP and to the South Florida Water Management District at least 90 days before the start of clearing of the ROW.

XXIII. SOUTH FLORIDA WATER MANAGEMENT DISTRICT [moved to Section B. Condition V. South Florida Water Management District]}

A. Legal/Administrative Conditions

1. General

a. Responsible Entity

The Licensee shall be responsible for compliance with the Certification Conditions. If contractual rights, duties, or obligations are transferred under this Certification, notice of such transfer or assignment, including the identification of the

entity responsible for compliance with the Certification, shall immediately be submitted to the DEP and the SFWMD by the previous certification holder (Licensee) and the Assignee. Any assignment or transfer shall carry with it the full responsibility for the limitations and conditions of this Certification. The previous Licensee shall be responsible for informing the Assignee of all authorized facilities and uses and the conditions under which they were authorized. The previous Licensee shall remain liable for corrective actions that may be required as a result of any violations prior to transfer or assignment of any contractual rights, duties, or obligations under this Certification.

b. Minimum Standards

This Certification is based on the Licensee's submitted information to the SFWMD which reasonably demonstrates that harm to the site water resources will not be caused by the authorized activities. The plans, drawings and design specifications submitted by the Licensee shall be considered the minimum standards for compliance.

c. Compliance Requirements

This project must be constructed, operated and maintained in compliance with and meet all non-procedural requirements set forth in Chapter 373, F.S., and Chapters 40E-2 (Consumptive Use), 40E-3 (Water Wells), 40E-4 (Environmental Resource Permits), and 40E-20 (General Water Use Permits), F.A.C.

d. Off-site Impacts

It is the responsibility of the Licensee to ensure that harm to the water resources does not occur during the construction, operation, and maintenance of the project.

e. Liability

The Licensee shall hold and save the SFWMD harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment and/or use of any system authorized by this Certification, to the extent allowed under Florida law.

f. Construction, Operation, and Maintenance Responsibilities

The Licensee shall be responsible for the construction, operation, and maintenance of all facilities installed for the proposed project.

g. Access

SFWMD representatives shall be allowed reasonable escorted access to the Power Plant site, the water withdrawal facilities, and any associated linear facilities to inspect and observe any activities associated with the construction of the proposed project and/or the operation and/or maintenance of the on-site wells and/or the surface water management system and/or the mitigation areas in

order to determine compliance with the conditions of this Certification. The Licensee shall not refuse entry or access to any SFWMD representative who, upon reasonable notice, requests entry for the purpose of the above noted inspection and presents appropriate credentials.

h. Post Certification Information Submittals

Information submitted to the SFWMD subsequent to Certification, in compliance with the conditions of this Certification, shall be for the purpose of the SFWMD determining the Licensee compliance with the Certification conditions and the non-procedural criteria contained in Chapters 40E-2, 40E-3, and 40E-4, F.A.C., as applicable, prior to the commencement of the subject construction, operation and/or maintenance activity covered thereunder.

i. Post Certification Construction Notifications

At least 30 days prior to the commencement of construction, the Licensee or Project Engineer shall notify SFWMD staff in the Orlando Service Center Environmental Resource Compliance Division (using the appropriate SFWMD Form) of the actual or anticipated construction start date and the expected completion date/duration of construction. Annual construction status reports shall be submitted by the Licensee to the SFWMD Environmental Resource Compliance Division (using the appropriate SFWMD Form) beginning one year after the initial construction start date.

j. Operation Authorization

Authorization for Unit 4 to begin operations shall not be granted by the DEP until it has received and approved an executed contract between the Licensee and an entity capable of receiving and disposing of any waste products generated by the proposed facility.

k. Enforcement

The SFWMD may take any and all lawful actions that are necessary to enforce any condition of this Certification based on the authorizing statutes and rules of the SFWMD. Prior to initiating such action, the SFWMD shall notify the Secretary of DEP of the proposed action. The SFWMD may confer with DEP to request DEP to take any and all lawful actions that are necessary to enforce any Condition of this Certification based on the authorizing statutes and rules of the SFWMD.

l. Existing Surface Water Management Permit

Surface Water Management Permit No. 49-00672-S is incorporated herein only insofar as such conditions and terms are applicable to the activities approved in this Certification. Such permit shall remain in full force and effect for activities approved in the permit that are not authorized within this Certification.

2. *Processing of Informational Requests*

a. Completeness and Sufficiency Review

At least ninety (90) days prior to the commencement of construction of any portion of the project, the Licensee shall submit to SFWMD staff, for a completeness and sufficiency review, any pertinent additional information required under the SFWMD's Conditions of Certification for that portion proposed for construction. If SFWMD staff does not issue a written request for additional information within thirty (30) days, the information shall be presumed to be complete and sufficient.

b. Compliance Review and Confirmation

Within sixty (60) days of the determination by SFWMD staff that the additional information is complete and sufficient, the SFWMD shall determine and notify the Licensee in writing whether the proposed activities conform to SFWMD rules, as required by Chapters 40E-2, 40E-3, and 40E-4, F.A.C., and the Conditions of Certification. If necessary, the SFWMD shall identify what items remain to be addressed. No construction activities shall begin until the SFWMD has determined either in writing, or by failure to notify the Licensee in writing, that the activities are in compliance with the applicable SFWMD criteria.

c. Revisions to Site Specific Design Authorizations

The Licensee shall submit, consistent with the provisions of Condition A.2., any proposed revisions to the site specific design authorizations specified in this Certification to the SFWMD for review and approval prior to implementation. The submittal shall include all the information necessary to support the proposed request, including detailed drawings, topographic maps, average wet season water table elevations, calculations and/or any other applicable data. Such requests may be included as part of the appropriate additional information submittals required by this Certification provided they are clearly identified as a requested modification to the previously authorized design.

d. Dispute Resolution

Since this Certification is the only form of permit required from any agency, it is understood that the Licensee and the SFWMD shall strive to resolve disputes by mutual agreement.

e. Objections

Objections to modifications of the terms and Conditions of this Certification shall be resolved through the process established in Section 403.516, F.S.

f. Changes to Information Requirements

The SFWMD and the Licensee may jointly agree to vary the informational requirements.

B. Water Use Conditions

1. General

a. Water Shortage Compliance

In the event of a declared water shortage, the Licensee must comply with any water withdrawal reductions ordered by the SFWMD in accordance with the Water Shortage Plan, Chapter 40E-21, F.A.C.

b. Interference with Existing Legal Uses

The Licensee shall mitigate interference with existing legal uses, in existence at the time of issuance of the Certification Order, caused in whole or in part by the Licensee's withdrawals, consistent with the approved mitigation plan. As necessary to offset the interference, mitigation may include pumpage reduction, replacement of the impacted individual's equipment, relocation of wells, change in withdrawal source, or other means. Interference to an existing legal use is defined as an impact that occurs under hydrologic conditions equal to or less severe than a 1 in 10 year drought event that results in the:

1) Inability to draw water consistent with the provisions of the permit, such as when remedial structural or operational actions not materially authorized by existing permits must be taken to address the interference;

2) Change in the quality of water pursuant to primary State Drinking Water Standards to the extent that the water can no longer be used for its authorized purpose, or such change is imminent; or

3) Inability of an existing legal user to meet its permitted demands without exceeding the permitted allocation.

c. Harm to Existing Off-Site Land Uses

The Licensee shall mitigate harm to existing off-site land uses caused by the Licensee's withdrawals, as determined through reference to the conditions for permit issuance. When harm occurs, or is imminent, the SFWMD will require the Licensee to modify withdrawal rates or mitigate the harm. Harm, as determined through reference to these Conditions of Certification includes:

1) Significant reduction in water levels on the property to the extent that the designed function of the water body and related surface water management improvements are damaged, not including aesthetic values. The designed function of a water body is identified in the original permit or other government authorization issued for the construction of the water body. In cases where a permit

was not required, the designed function shall be determined based on the purpose for the original construction of the water body (e.g., fill for construction, mining, drainage canal, etc.);

2) Damage to agriculture, including damage resulting from reduction in soil moisture resulting from consumptive use;

3) Land collapse or subsidence caused by reduction in water levels associated with consumptive use.

d. Harm to Natural Resources

The Licensee shall mitigate harm to natural resources caused by the Licensee's withdrawals, as determined through reference to the conditions for permit issuance. When harm occurs, or is imminent, the SFWMD will require the Licensee to modify withdrawal rates or mitigate the harm. Harm, as determined through reference to these Conditions of Certification includes:

1) Reduction in ground or surface water levels that results in harmful lateral movement of the fresh water/salt water interface;

2) Reduction in water levels that harm the hydroperiod of wetlands;

3) Significant reduction in water levels or hydroperiod in a naturally occurring water body such as a lake or pond;

4) Harmful movement of contaminants in violation of state water quality standards; or

5) Harm to the natural system including damage to habitat for rare or endangered species.

e. Well System Operation

At any time, if there is an indication that the well casing, valves, or controls associated with the on-site backup well system leak or have become inoperative, the Licensee shall be responsible for making the necessary repairs or replacement to restore the well system to an operating condition acceptable to the SFWMD. Failure to make such repairs shall be the cause for requiring that the well(s) be filled and abandoned in accordance with the procedures outlined in Chapter 40E-3 (Water Wells), F.A.C.

2. Site Specific Design Authorizations

a. Authorized Daily Withdrawals

When Units 1, 2, 3 and 4 are operating under normal operating conditions on natural gas, this Certification authorizes a maximum daily withdrawal of 0.354_MGD from the Upper Floridan aquifer for potable water, service

water, and process water. When Units 1 and 2 are operating on fuel oil and Units 3 and 4 are operating on natural gas, this Certification authorizes a maximum daily withdrawal of 0.684 MGD for a maximum of 12 days per year. When Units 1, 2 and 3 are operating on fuel oil and Unit 4 is operating on natural gas, this certification authorizes a maximum daily withdrawal of 0.914 MGD for a maximum of 30 days per year.

b. Emergency Cooling Tower Makeup Water

This Certification authorizes a maximum daily withdrawal of 5.651 MGD from the Upper Floridan Aquifer for emergency cooling tower makeup water for a period not to exceed 30 days per year. Withdrawals in excess of 30 days per year shall require prior written approval from the SFWMD's Water Use Division. These withdrawals shall only occur during those times when reclaimed water supply from the Tohopekaliga Water Authority is temporarily interrupted.

c. Authorized Annual Withdrawals

This Certification authorizes a maximum annual withdrawal of 319.8 MGY from the Upper Floridan Aquifer for potable water, service water, and process water. This authorization includes the emergency cooling tower makeup water for a maximum of 30 days, operation of Units 1 and 2 on the backup fuel and Units 3 and 4 on natural gas for a maximum of 12 days, and operation of Units 1, 2 and 3 on fuel and Unit 4 on natural gas for a maximum of 30 days.

d. Authorized Withdrawal Facilities

2 - 68" X 400' X 200 GPM wells cased to 150 feet

4 - 610" X 400' X 450 GPM wells cased to 150 feet

43 - 610" X 400' X 500 665 GPM wells cased to 150 feet

1 - 610" X 400' X 250 GPM well cased to 150 feet

e. Consistency Review of Authorized Withdrawals

Within five years from the date of issuance of the Certification Order for Unit 4 and every five years thereafter, unless extended by mutual agreement between the Licensee and the SFWMD, the Licensee shall submit to the SFWMD a report on the project's consistency with SFWMD's Water Use Conditions of Certification contained herein. Within 90 days after receipt of the completed report, the SFWMD shall evaluate the information contained therein and issue a written notification to the DEP and the Licensee as to whether the ground water withdrawals for consumptive use authorized by this Certification remain in compliance with the provisions of Chapter 373, F.S., and Chapter 40-2, F.A.C., in effect at the time the certification was issued by the Siting Board. In determining whether the Licensee has established that its use of water complies with rule 40E-2, F.A.C., and the Basis of Review for Water Use Permit Applications within the SFWMD, the SFWMD shall

evaluate whether the Licensee's use of water interferes with a legal use of water that existed at the time the certification was issued by the Siting Board. If the notification indicates that the withdrawals are not in compliance with these provisions, the SFWMD shall recommend to the Licensee possible alternatives for bringing the withdrawals into compliance with SFWMD's Water Use Conditions of Certification contained herein. In addition, if DEP determines, in consultation with SFWMD, based upon a review of a report submitted pursuant to this condition, that the Licensee has failed to establish that the Licensee's use of water meets the consumptive water use requirements described herein, DEP may seek to modify the authorization to use water in the certification or take other appropriate measures to ensure that the consumptive use of water meets the conditions for issuance in Chapter 40E-2, F.A.C., as described herein. Any modification made pursuant to this condition shall not be subject to competing applications provided there is no increase in the allocation and no change in source.

f. Request for Modification of Withdrawals

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

g. Dewatering Operations

Prior to the commencement of construction of those portions of the project which involve dewatering activities, the Licensee shall submit a detailed plan for the proposed dewatering activities to the SFWMD, consistent with the provisions of Conditions A.2, for a determination of compliance with the non-procedural requirements of Chapter 40E-2, 40E-3, 40E-4, and 40E-20, F.A.C., in effect at the time of submittal. The following information, referenced to NGVD where appropriate, shall be submitted:

- 1) A detailed site plan which shows the location(s) for each proposed dewatering area;
- 2) The method(s) used for each dewatering operation;
- 3) The maximum depth for each dewatering operation;
- 4) The location and specifications for all proposed wells and/or pumps associated with each dewatering operation;
- 5) The duration of each dewatering operation;
- 6) The discharge method, route, and location of receiving waters generated by each dewatering operation, including the measures (Best

Management Practices) that will be taken to prevent water quality problems in the receiving water(s);

7) An analysis of the impacts of the proposed dewatering operations on any existing on and/or off-site legal users, wetlands, or existing groundwater contamination plumes;

8) The location of any infiltration trench(es) and/or recharge barriers; and

9) All plans must be signed and sealed by a Professional Engineer or a Professional Geologist registered in the State of Florida.

h. Reporting Requirements

Prior to commencement of operation of Unit 4, the Licensee shall equip each facility with a SFWMD-approved operating water use accounting system and submit a report of calibration to the SFWMD, pursuant to Section 4.1 of the Basis of Review For Water Use Permit Applications. In addition, the Licensee shall submit a report of recalibration for the water use accounting system for each water withdrawal facility (existing and proposed) authorized under this Certification every five years from each previous calibration, continuing at five year increments. The Licensee shall report monthly withdrawals for each withdrawal facility to the SFWMD quarterly. The Licensee shall specify the water accounting method and means of calibration on each report.

i. Existing Well Repair, Replacement, Abandonment

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

j. New Well Construction

Prior to construction of the proposed on-site wells, the Licensee shall submit the drilling plans and other pertinent information required by Chapter 40E-3, F.A.C. to the SFWMD for review and approval. If the final well locations are different from those originally proposed in the certification application, the Licensee shall also submit to the SFWMD for review and approval an evaluation of the impacts of the proposed pumpage from the proposed well location(s) on adjacent existing legal users, pollution sources, environmental features, and water bodies.

k. Water Conservation Plan

Prior to commencement of construction of Unit 4, the Licensee shall submit a revised Water Conservation Plan required by Chapter 40E-2,

F.A.C., in effect at that time, for review and approval by SFWMD staff. The plan shall, at a minimum, incorporate the following components:

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

- 1) Implementation of a leak detection and repair program;
- 2) Implementation of a recovery/recycling or other program providing for technological, procedural or programmatic improvements to the Permittee's Licensee's facilities; and
- 3) Use of processes to decrease water consumption.
- 4) Development and implementation of an employee awareness program concerning water conservation.

I. Alternative Water Supply

To address the Licensee's risk that Unit 4 will not have a certain alternative water supply throughout the life of Unit 4, the Licensee shall exercise one of the two options specified below:

1) Prior to commencement of operation of Unit 4, the Licensee shall extend its reclaimed water agreement with the TWA to require a reliable supply of the necessary quantity of reclaimed water, on a consistent and constant basis, in connection with the Licensee's operation of the plant, for a minimum duration of 40 years with no unilateral termination rights on the part of TWA; or

2) By December 31, 2036, or the twenty-fifth (25th) year of the 30 year reclaimed contract term whichever comes later, the Licensee shall submit a new or extended reclaimed water contract to reflect at least a ten (10) year fixed term beyond the thirtieth (30th) contract year. If the Licensee does not, for any reason, extend its reclaimed water contract at this later date, then by December 31, 2036, the Licensee must submit a written plan to the SFWMD and the FDEP reflecting an alternative water supply (AWS) source which would be utilized and functionally complete at six months prior to the expiration of the new 30-year reclaimed water agreement. The following milestones shall be reported in the Licensee's 2036 AWS plan:

a. The Licensee shall submit a proposed project concept by December 31, 2036, for the SFWMD's review and approval, that includes proposed withdrawal points, reservoir storage quantities needed, estimated quantity of water available, and/or third party supply source(s), all in consideration of the then

current water supply studies and comprehensive planning reports/updates completed by the SFWMD, Osceola County, the City of Kissimmee and TWA;

b. The Licensee shall submit an application for a modification of the Unit 4 Certification to the FDEP by December 31, 2037, to include this AWS source;

c. The Licensee shall submit the AWS project implementation plan to the SFWMD by December 31, 2038, describing how the Licensee will implement the project in partnership with other permittees or by itself, including, but not limited to, options such as interlocal agreements to construct the project or bulk water agreements to purchase water from the others who will build and operate the AWS project or who will otherwise supply the Licensee with adequate and reliable volumes of water on a constant and consistent basis from an AWS source;

d. The Licensee shall submit an application for a modification of the Unit 4 Certification to the FDEP by December 31, 2038, to include this AWS source;

e. If the Licensee will be developing its own AWS project instead of entering into agreement(s) with third parties, as described in subsection (c) above, the Licensee shall commence construction of the AWS project by December 31, 2039; and

f. The Licensee shall submit confirmation of functional completeness of the AWS project to the SFWMD by December 31, 2040.

m. **Temporary Construction Water Use**

This Certification authorizes withdrawals from the Upper Floridan aquifer for temporary construction water use for Unit 4, subject to compliance with the maximum authorized withdrawals set forth in Conditions B.2.a and B.2.c, and the reporting requirements set forth in Condition B.2.h.

C. Surface Water Management Conditions

1. General Conditions

a. **Professional Engineer Certificate**

The operation of the surface water management system authorized under this Certification shall not become effective until a Florida Registered Professional Engineer certifies, upon completion of each phase, that these facilities have been constructed in accordance with the design approved by the SFWMD. Within 90 days after completion of construction of the surface water management system, the Licensee or authorized agent shall submit the engineer's certification and notify SFWMD staff in the Orlando Service Center Environmental Resource Compliance Division that the facilities are ready for inspection and approval. As part of such notification, the

Licensee or authorized agent shall submit as-built drawings of the site. The as-built drawings shall include elevations, locations, and dimensions of components of the surface water management system.

b. Impacts on Fish, Wildlife, Natural Environment Values and Water Quality

The Licensee shall prosecute the work authorized under this Certification in a manner so as to minimize any adverse impacts of the authorized works on fish, wildlife, natural environment values, and water quality. The Licensee shall institute necessary measures during the construction period, including necessary compaction of any fill materials placed around newly installed structures and/or the use of silt screens, hay bales, seeding and mulching, and/or other similar techniques, to reduce erosion, turbidity, nutrient loading and sedimentation in the receiving waters.

c. Access Roads

The Licensee shall, whenever available, utilize adjacent existing roads for access to the transmission line right-of-way for construction, operation and/or maintenance purposes. Finger roads connecting the existing roads to the structure pads and access roads which must be constructed in areas where an existing road is not available shall be constructed in a manner which does not impede natural drainage flows and minimizes impacts to on-site and adjacent wetlands.

d. Discharge Structures

Discharge structures, where appropriate, shall include a baffle, skimmer, or other mechanism suitable for preventing oil, grease, or other floatable materials from discharging to and/or from retention/detention areas.

e. Off-Site Discharges

Off-site discharges during construction and development shall be made only through the discharge facilities authorized by this Certification. No roadway or structure pad construction shall commence on-site until completion of the permitted discharge structure and detention areas. Water discharged from the project shall be through structures having a mechanism suitable for regulating upstream water stages. Stages may be subject to operating schedules satisfactory to the SFWMD.

f. Correction of Water Quality Problems

The Licensee shall be responsible for the correction of any sedimentation, turbidity, erosion, shoaling and/or other water quality problems that result from the construction, operation, and/or maintenance of the works authorized under this Certification.

g. Additional Water Quality Requirements

The Licensee may be required to incorporate additional water quality treatment methods into the surface water management system if such measures are shown to be necessary.

h. Dike Designs for Minor Impoundments

Dike designs for minor impoundments shall be in accordance with commonly accepted engineering principles and State laws. Side slopes shall be no steeper than 2:1 (horizontal to vertical) and top widths no less than five feet.

i. Minimum Freeboard for Minor Impoundments

The minimum freeboard for minor impoundments above the maximum water depth shall be equal to the maximum water depth dimensions but not less than two feet nor more than three feet.

j. Modifications

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

2. Site Specific Design Requirements

a. Design Storm Event

The Design storm event shall be the 10 year/72 hour storm event for peak discharge, the 10 year/24 hour storm event for minimum road and parking lot elevations, and the 100 year/72 hour storm event for minimum finish floor elevations.

b. Water Quality Treatment

Water quality treatment shall be provided for the greater of the first inch of runoff or 2.5 inches times the percentage of impervious coverage.

c. Wet Detention Ponds

Wet detention ponds shall comply with minimum SFWMD area and dimensional criteria as measured at the normal control elevation.

d. Wetland Discharges

Discharges to wetlands shall be via a spreader swale sized to reduce discharge velocities to non-erosive rates.

3. Additional Information Requirements

a. Expansion Area Construction Plans

Prior to the commencement of construction of any portion of the proposed project within the expansion area, all construction activities for that portion of the proposed project that may obstruct, divert, control, impound or cross waters of the state must be reviewed by the SFWMD for a determination of compliance with Chapters 40E-2 and 40E-4, F.A.C. All plans, documents, and calculations shall be signed and sealed by a Professional Engineer registered in the State of Florida. For all construction activities, the following information shall be submitted:

- 1) If control elevations are revised for any portion of the proposed surface water management system, revised soil storage calculations;
- 2) Detailed plans of all proposed roads, parking lots and building pads which demonstrate compliance with Osceola County and SFWMD flood protection criteria;
- 3) Cross-sections of all proposed control structures which demonstrate compliance with SFWMD water quality and quantity criteria.

b. Transmission Line and Water Supply Pipeline Construction Plans

Prior to the commencement of construction of any portion of the proposed transmission line or water supply pipeline, all construction activities for that portion of the transmission line or water supply pipeline which may obstruct, divert, control, impound, or cross waters of the state either temporarily or permanently, must be reviewed by the SFWMD for a determination of compliance with Chapters 40E-2 and 40E-4, F.A.C. "Construction activities" in this situation shall include the placement of structure pads, access/maintenance roads, culverts, and/or fill materials, excavation activities, and related activities. All plans, documents, and calculations shall be signed and sealed by a Professional Engineer registered in the State of Florida. For all construction activities, the following information shall be submitted:

- 1) A centerline profile of existing topographic features along the proposed access/maintenance road(s);
- 2) A preliminary design of the proposed access/maintenance and finger road(s) with elevations marked;
- 3) A typical cross-section of the proposed access/maintenance and finger road(s);
- 4) Specifications showing the location of each transmission tower, finger and access/maintenance road, culvert, and/or other related structure or facility to be constructed, including all areas to be filled or excavated;

5) Specifications, including supporting assumptions and calculations, showing the type and size of water control structures (pipe, culvert, equalizer, etc.) to be used, with proposed flowline elevations marked, drainage areas identified and design capacity verified;

6) A cross-section of all proposed excavation areas showing the proposed depth of excavation;

7) Calculations and the supporting documentation which demonstrate compliance with all applicable criteria, particularly as they relate to allowable discharge;

8) Identification of wet season water table elevations for each basin in which facilities will be located;

9) Calculations and supporting documentation which demonstrate that the proposed construction activities associated with the transmission line or water supply pipeline will not have an adverse water quantity and/or water quality impact on existing and/or permitted surface water management systems;

10) If construction of the proposed transmission line or water supply pipeline contributes to the necessity for future modifications to adjacent/existing roads, water quality treatment for the requested modifications must be addressed in the surface water management system design for the transmission line.

c. Hazardous Materials Management

Prior to the commencement of construction of this project, the Licensee shall submit a copy of the revised Comprehensive Hazardous Materials and Waste Management Plan for the Cane Island Power Park to the SFWMD for a determination of compliance with the requirements of Chapter 40E-4, F.A.C. The plan shall provide an adequate level of detail for early warning and detection of hazardous materials within the shallow groundwater. At a minimum, the plan shall include a groundwater monitoring network (including proposed up-gradient and down-gradient locations of monitoring wells) and shall be prepared by a hydrogeology consultant. The plan shall provide an adequate level of detail for early warning and detection of hazardous materials within the shallow groundwater.

D. Environmental Conditions

1. General

a. Wetland Avoidance

The Licensee shall avoid impacting wetlands within the power plant site and transmission line and water supply pipeline corridors wherever practicable. Where necessary and feasible, the location of the facilities shall be varied to eliminate or reduce wetland impacts.

b. Fill Materials

No fill materials shall be obtained from excavated wetlands within the project site, unless in accordance with a mitigation plan submitted in compliance with the conditions of this Certification.

c. Additional Wetlands Mitigation

The Licensee may be required to provide additional mitigation and/or other measures if wetland and/or upland monitoring and/or other information demonstrates that adverse impacts to protected, restored, conserved, incorporated, and/or mitigated wetlands have occurred as a result of project-related activities.

d. Additional Environmental Review

The Licensee shall submit any proposed changes in land use, project design, and/or the treatment of on-site wetlands for additional environmental review in order to determine whether any additional mitigation activities will be required.

2. Additional Information Requirements

a. Wetlands Protection

Prior to the commencement of construction of any facilities located adjacent to the wetlands identified for preservation, the Licensee shall:

1) Field stake and rope off the perimeter of the protected wetlands and buffer zones to prevent encroachment into the wetlands. The Licensee shall notify the SFWMD's Environmental Compliance staff in writing upon completion of roping and staking and schedule an inspection of this work. The staking and roping shall be subject to SFWMD staff approval. The Licensee shall modify the staking and roping if SFWMD staff determines it is insufficient or is not in conformance with the intent of this Certification. Staking and roping shall remain in place until all adjacent construction activities are complete; and

2) Install silt screens, hay bales or other such sediment control measures during construction. The selected sediment control measures shall be installed landward of the upland buffer zones around all protected wetlands. All areas shall be stabilized and vegetated immediately after construction to prevent erosion into the wetlands and upland buffer zones.

b. Preserved Wetlands Monitoring Plan

Prior to the commencement of construction, the Licensee shall submit to the SFWMD for review and approval, if additional wetland impacts are proposed, a monitoring plan designed to document the condition of the wetlands

designated for preservation/enhancement on the project site. This plan may be part of a monitoring program designed to document the condition of all preserved on-site areas. However, at a minimum, the plan shall include the following:

- 1) Provisions for both quantitative and qualitative observations of wildlife and macro invertebrate utilization;
- 2) Monthly water level readings;
- 3) Panoramic photographs documenting the condition of the wetlands;
- 4) An evaluation of the success of the preservation/enhancement effort; and
- 5) An annual report which includes the above and any other relevant information.

c. Transmission Line and Water Supply Pipeline Wetland Impacts

Prior to the construction of any portion of the proposed transmission line or water supply pipeline, the details of the proposed wetland impacts must be submitted to the SFWMD for a determination of compliance with Chapters 40E-2 and 40E-4, F.A.C. All plans, documents, and calculations shall be signed and sealed by a Professional Engineer registered in the State of Florida. For all activities, the following information shall be submitted:

- 1) Specific acreage figures, locations, and jurisdictional limits of all wetlands, both within the transmission line or water supply pipeline right-of-way and adjacent to it, impacted by the proposed construction activities, including an explanation as to why there are no feasible alternatives to the proposed design if wetland impacts are unavoidable;
- 2) Identification of all proposed clearing activities, both horizontal and vertical;
- 3) Aerial photographs, at a minimum scale of 1"=200', which show the locations of the proposed facilities/alignments and all of the wetlands, including those within and adjacent to the project site and the access road right-of-way that would be impacted by the proposed construction activities;
- 4) Design drawings showing the plan view and cross-sectional details for the proposed crossing of Reedy Creek, including the wetland limits, the creek channel limits, the normal high water elevation, and seasonal high water elevation; and
- 5) Documentation that the proposed excavation activities will not adversely impact off-site wetlands.

d. Transmission Line and Water Supply Pipeline Mitigation Plan

Prior to the construction of any portion of the proposed transmission line or water supply pipeline, a mitigation plan to offset any wetland impacts associated with the proposed transmission line or water supply pipeline must be submitted to the SFWMD for a determination of compliance with Chapters 40E-2 and 40E-4, F.A.C. The plan shall include the following:

- 1) A discussion of the proposed mitigation activities to be undertaken, including the location of all mitigation areas and a description of the manner in which these areas will be created, restored or otherwise enhanced;
- 2) A timetable for accomplishing the proposed mitigation activities concurrently with the construction of the transmission line or water supply pipeline and any associated wetland impacts, unless documentation for doing otherwise is submitted and approved in writing prior to the commencement of construction;
- 3) A detailed monitoring and maintenance program designed to ensure the survival and success of any created, restored, or enhanced wetlands, which is predicated on a guaranteed survival or coverage of 80% of the appropriate wetland vegetation. At a minimum, the monitoring plan shall be conducted for a period of 5 years, with reports submitted to SFWMD staff annually, and all monitoring stations identified on a plan view; and
- 4) A letter requesting deduction of mitigation credits from the mitigation credit account established under Surface Water Management Permit No. 49-00672-S. The letter shall include a complete list of the applicant's names, application numbers and credits withdrawn of each of the previously-issued permits for which credits were withdrawn to offset adverse wetland impacts. In addition, the letter shall include the applicant's name, project name, application number and number of credits for which application is made to deduct under the current application. The letter shall also include the subtotal of credits remaining prior to the applied for deduction and the total remaining credits subsequent to the proposed deduction. The SFWMD's construction authorization letter will acknowledge and confirm the remaining balance of available credits after the proposed and approved deduction.

XXIV. DEPARTMENT OF COMMUNITY AFFAIRS [moved to Section B. Condition III. Department of Community Affairs]

A. Hurricane Preparation Plan

The Licensee has develop a comprehensive hurricane preparation and recovery plan for the Cane Island Power Park. The plan shall be submitted to the Department of Community Affairs and the Osceola County Office of Emergency Management. no later than commencement of construction for Unit 3. Licensee shall formally update the plan every 5 years following commercial operation of Unit 3 or

whenever an additional power generating unit is brought into commercial service at the Power Park and shall submit these updated versions of the plan to the Department of Community Affairs and the Osceola County Office of Emergency Management.

B. Plan Compliance

If the Department of Community Affairs deems the plan or any of its periodic updates not to be in compliance with the requirements of this condition, it may petition for enforcement of this condition pursuant to the Florida Electrical Power Plant Siting Act.

XXV. DEPARTMENT OF TRANSPORTATION [Moved to Section B. Condition II. Department of Transportation]

A. Access to State Highways

Access Management to the State Highway System: No new access to the State Highway System is proposed in the site certification application. If new access is later proposed, access permitting as defined in Rule Chapters 14-96, State Highway System Connection Permits, Administrative Process, and 14-97, Access Management Classification System and Standards, Florida Administrative Code, will be required.

B. Historical or Cultural Resources

The applicant will ensure that the weights and heights of construction and/or tanker trucks will not exceed the limits for the SR 600 bridge over Reedy Creek (which has been determined to have cultural value) and the South Orange Blossom Trail Bridge (which has been determined to have historical value). If any overweight or overdimensional vehicles are operated by the applicant, the applicant shall comply with the appropriate provisions of Sections 316.535 and 316.550, Florida Statutes, and Rule Chapter 14-26, Safety Regulations and Permitting Fees for Overweight and Overdimensional Vehicles, Florida Administrative Code, including submission of information and fees.

C. Transmission Line Construction

If any use of State of Florida right-of-way or transportation facilities is later proposed, such usage will be subject to the requirements of the Department of Transportation's Utility Accommodation Guide, Rule Chapter 14-46, Railroad/Utility Installation or Adjustment, Florida Administrative Code.

D. Unit 4 Additional Conditions (as applicable)

1. 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 Rule Chapter 14-46, Utilities Installation or

Adjustment, Florida Administrative Code; Florida Department of Transportation's 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 Florida Department of Transportation's Project Development and Environmental Manual. Interstate 4, State Road 417, and State Road 429 have been identified as Florida Intrastate Highway System (FIHS) and Strategic Intermodal System's (SIS) facilities. The placement of the transmission line and pipeline should take into consideration the planned widening of these facilities. The cost of relocating or reconstructing the transmission line and pipeline will be borne by the applicant to the extent required by Section 337.403, Florida Statutes, and Rule Chapter 14-46, Florida Administrative Code.

2. Standards

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

3. Drainage:

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

4. 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 Florida Department of

Transportation 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 Florida Department of Transportation jurisdiction, application will be made by submitting Florida Department Transportation Form 725-040-1 1, Airspace Obstruction Permit Application, in accordance with the instructions therein.

5. Level of Service on State Roadway Facilities:

All traffic impacts to State roadway facilities on the FIHS or the SIS, or funded by Section 339.2819, Florida Statutes, will be subject to the requirements of the level of service standards adopted by local governments pursuant to Rule Chapter 14-94, Statewide Minimum Level of Service Standards, Florida Administrative Code, in accordance with Section 163.3180(10), Florida Statutes. All traffic impacts to State roadway facilities not on the FMS, the SIS, or funded by Section 339.2819, Florida Statutes, will be subject to adequate level of service standards established by the local governments.

E. Best Management Practices

1. It is recommended that the applicant encourage transportation demand management techniques by doing the following: Placing a bulletin board on site for car pooling advertisements. Requiring that heavy construction vehicles remain onsite for the duration of construction except as may be necessary to facilitate delivery of heavy machinery or equipment transported by rail.

2. It is anticipated that 25% of the construction work force associated with construction of Cane Island Unit 3 is expected to car pool each day. In an effort to minimize level of service impacts on the State Highway System resulting from this project, the incoming route recommended for the construction workers is through Intercession City to the junction of Old Tampa Highway and U.S. Highway 17/92, then east on Old Tampa Highway to the site entrance. The applicant is encouraged to inform employees and contractors of this preferred route.

3. Traffic control will be maintained during plant construction and maintenance in compliance with the standards contained in the Manual of Uniform Traffic Control Devices, Chapter 14-94, Florida Administrative Code; Florida Department of Transportation's Design Standards; and Florida Department of Transportation's Specifications for Roads and Bridges, whichever is more stringent.

4. While the applicant has stated an intent to use contractors for the delivery of any overweight or overdimensional loads to the site during the construction of the additional unit, the applicant should ensure that its contractors adhere to the necessary standards and receive the necessary permits required under Sections

316.535 and 316.550, Florida Statutes, and Rule Chapter 14-26, Safety Regulations and Permitting Fees for Overweight and Overdimensional Vehicles, Florida Administrative Code.

XXVI OSCEOLA COUNTY [moved to Section B. Condition VI. Osceola County]

A. KUA shall not to exceed the sound level of 55 dBA at the property line in the residential areas. Licensee has voluntarily agreed to submit a quarterly noise monitoring report to the Growth Management Department to ensure compliance.

B. These special conditions supercede the conditions in CU92-86.

C. Within 30 days of commencement of operation of the combustion turbine power plant Unit 4, the licensee shall monitor the noise impacts from the facility at the boundaries of the KUA site to ensure that the noise impact generated by the facility complies with the maximum allowed 55 dBA. The licensee shall forward the results of the monitoring and modeling to the County Zoning Division. If the noise impacts exceed the maximum allowed 55 dBA, the licensee shall immediately take corrective action to bring operation of the facility into compliance with the respective sound level.

D. If Osceola County can negotiate the establishment of a site for a future park with the South Florida Water Management District, KUA will not object.

E. KUA agrees to comply with any future changes which relate to the magnetic field which would cause the regulatory agencies to change the regulations.

F. The licensee shall specify the timing of construction and truck routes as part of the EIP approval.

G. The licensee has elected to defer capacity reservation for a 300 MW combined cycle combustion turbine unit. Therefore, the licensee will provide a Final Concurrency Application, including a letter of service intent and adequate capacity at the appropriate level of service, or lack thereof, to serve the proposed development, from the utility provider for water and sewer at the time of the Engineering Improvement Plan Submittal. Prior to receiving Engineering Improvement Plan (Final Development Order) approval for this project, a positive concurrency evaluation is required.

HISTORY [remains at end]

Certification Issued 11/23/99; signed by Governor Bush
Modified 05/09/00; signed by Deputy Secretary Green
Modified 12/02/02; signed by Siting Administrator Owen
Modified 03/07/05; signed by Siting Administrator Owen
Modified 07/12/06, signed by Siting Administrator Owen
Certified (Unit 4) 12/22/08, signed by Secretary Sole
Modified 3/11/10, signed by Siting Administrator Halpin