

**STATE OF FLORIDA
INDUSTRIAL WASTEWATER FACILITY
PERMIT NO. FL0001473**



Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Colleen M. Castille
Secretary

STATE OF FLORIDA INDUSTRIAL WASTEWATER FACILITY PERMIT

PERMITTEE:

FP&L Cape Canaveral Plant
6000 North U.S. Highway 1
Cocoa, FL 32927

PERMIT NUMBER:

FL0001473 (Major)

PA FILE NUMBER:

FL0001473-008-IW1S

ISSUANCE DATE:

August 10, 2005

EXPIRATION DATE:

August 9, 2010

RESPONSIBLE AUTHORITY:

Mr. Lowell Trotter
Plant General Manager

FACILITY:

FP&L Cape Canaveral Plant
6000 North U.S. Highway 1
Cocoa, FL 32927
Brevard County

Latitude: 28° 28' 10" N Longitude: 80° 45' 54" W

This permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.) and applicable rules of the Florida Administrative Code (F.A.C.), and constitutes authorization to discharge to waters of the state under the National Pollutant Discharge Elimination System (NPDES). The above named permittee is hereby authorized to operate the facilities shown on the application and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

The plant consists of two steam electric generating units. Units 1 and 2 have a nominal generating capacity of 400 megawatts.

The plant uses a once-through condenser cooling water system. Condenser cooling water is drawn from the Indian River through an intake canal located on the southern end of the plant. The cooling water passes through the plant condensers and then discharged back to the Indian River via two 78-inch underground pipes that empty into their respective outfall structures. The discharge structures for the two units are located approximately 550 feet apart. Auxiliary equipment cooling water from both units is discharged to the Indian River through a single 18-inch outfall pipe located approximately midway between the once-through cooling outfall structures.

The main condenser Once-Through Cooling Water (OTCW) is chlorinated at the intake for both units. The facility dechlorinates the once-through cooling water using sodium bisulfite prior to discharge. Auxiliary Equipment Cooling Water (AECW) may also be chlorinated using continuous low level chlorination. Boiler blowdown is captured and reused. Wastewater from the on-site water treatment system is discharged via existing Outfall D-030 to the Indian River until 6 months beyond the issuance date of this permit. After such time, wastewater from the on-site

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water treatment system will be discharged internally to the AECW outfall or, alternatively, to the OTCW outfalls.

WASTEWATER TREATMENT:

Wastewater generated during metal cleaning operations is discharge to the two lined Solids Settling Basins (B-1A and B-1B). Reverse osmosis reject from boiler blowdown source water and boiler chemical cleaning rinses (in which EDTA, Citro-Solv or equivalent cleaner is used in the cleaning operation) may also be routed to the solids settling basins. The wastewater in the basins is treated by adding caustic that allows for the precipitation of metals followed by sedimentation. Treated effluent from the solids settling basins is routed to the Evaporation/Percolation Basin (EP-1) and acid is added for pH adjustment. Treated wastewater from the evaporation/percolation basin is used for spray irrigation on the berms of the fuel oil containment area. This area is designated as E/P Basin Spray Area (SP-1).

Stormwater runoff and drainage from equipment areas and fuel oil handling facilities as well as equipment rinse water in the power block areas are collected via floor drains. The collected runoff is then routed through oil removal devices prior to discharge to the equipment area runoff treatment and disposal system consisting of the Forwarding Sump (S-3), Equipment Area Runoff Basin (B-3), organo-clay polishing filters, and the Runoff Disposal Area (DA-1). Under light rainfall conditions, runoff from the forwarding sump is routed through the organo-clay filters directly to the Disposal Area DA-1. Under medium and chronic rainfall conditions (up to one inch of rainfall), the runoff from the forwarding sump is routed to the Runoff Basin B-3 and then pumped through the organo-clay filters to the runoff Disposal Area DA-1. On rare occasions and under chronic heavy rainfall conditions (in excess of one inch rainfall), the runoff that is not routed to the runoff basin or pumped through the organo-clay filters to the runoff disposal area, overflows at the forwarding sump and discharged to the Indian River via Outfall D-016.

EFFLUENT DISPOSAL:**Surface Water Discharge:**

An existing discharge of 332 MGD annual average flow and 396 MGD maximum daily flow to Indian River (Class III Marine waters), D-011. The once-through cooling water from Unit 1 is located approximately at latitude 28° 28' 11" N, longitude 80° 45' 46" W.

An existing discharge of 332 MGD annual average flow and 396 MGD maximum daily flow to Indian River (Class III Marine waters), D-012. The once-through cooling water outfall from Unit 2 is located approximately at latitude 28° 28' 14" N, longitude 80° 45' 50" W.

An existing discharge of 13.8 MGD annual average flow and 30.0 MGD maximum daily flow to the Indian River (Class III Marine waters), D-015. The auxiliary equipment cooling water outfall for Units 1 & 2 line is located approximately at latitude 28° 28' 12" N, longitude 80° 45' 48" W.

An existing discharge to Indian River (Class III Marine waters), D-016. The equipment area runoff basin overflow outfall is located approximately at latitude 28° 28' 18" N, longitude 80° 45' 51" W.

An existing discharge to Indian river (Class III Marine waters), D-028. The stormwater from fuel oil storage tank secondary containment area outfall is located approximately at latitude 28° 28' 18" N, longitude 80° 45' 51" W.

An existing discharge to Indian River (Class III Marine waters), D-029. The non-equipment area stormwater outfall is located approximately at latitude 28° 28' 12" N, longitude 80° 45' 48" W.

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An existing discharge to Indian River (Class III Marine waters), D-030. The water treatment system wastewater outfall is located approximately at latitude 28° 28' 18" N, longitude 80° 45' 51" W.

Land Application:

An existing land application system (G-010) consisting of Evaporation/Percolation Basin (EP-1) and E/P Basin Spray Area (SP-1). The Evaporation/Percolation Basin (EP-1) is located approximately at latitude 28° 28' 14" N, longitude 80° 45' 51" W. The E/P Basin Spray Area (SP-1) is located approximately at latitude 28° 28' 16" N, longitude 80° 45' 53" W.

An existing land application system (G-020) consisting of Equipment Area Runoff Basin (B-3) and Runoff Disposal Area (DA-1). The Equipment Area Runoff Basin (B-3) is located approximately at latitude 28° 28' 10" N, longitude 80° 45' 54" W. The Runoff Disposal Area (DA-1) is located approximately at latitude 28° 28' 08" N, longitude 80° 45' 55" W.

Internal Outfalls:

This permit authorizes discharge of 0.05 MGD annual average flow from internal Outfall I-017 to the AECW Outfall (D-015) or, alternatively, to the OTCW Outfalls (D-011 and D-012).

IN ACCORDANCE WITH: The limitations, monitoring requirements and other conditions as set forth in Part I through Part VIII on pages 4 through 26 of this permit.

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I. Effluent Limitations and Monitoring Requirements

A. Surface Water Discharges

- During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge **Once-Through Cooling Water (OTCW)** from Outfalls D-011 and D-012. Such discharge shall be limited and monitored by the permittee as specified below:

Parameters (units)	Discharge Limitations				Monitoring Requirements		
	Monthly Average	Instantaneous Maximum	Maximum Daily Average	Instantaneous Minimum	Monitoring Frequency	Sample Type	Sample Point
Flow (MGD)	Report	Report	--	--	Continuous	Calculated	FLW-1, FLW-2
Chlorination (HOURS/UNIT/DAY)	--	2.0	--	--	Daily	Calculated	OTH-1, OTH-2
Oxidants, Total Residual (MG/L)	--	--	0.01	--	Weekly	Grab ¹	EFF-1, EFF-2
Temperature (F), Water (DEG.F)	Report ²	Report ²	--	--	6/Day	Instantaneous	EFF-1, EFF-2
Dissolved Oxygen (MG/L)	--	--	--	Report	Monthly ³	Grab	INT-1 and EFF-1 or INT-2 and EFF-2

- Effluent samples shall be taken at the monitoring site locations listed above and as described below:

Sample Point	Description of Monitoring Location
FLW-1, FLW-2	Once-through cooling water intake for Units 1 and 2, respectively, flow monitoring location.
EFF-1, EFF-2	Once-through cooling water discharge structures for Units 1 and 2, respectively.
INT-1, INT-2	Once-through or auxiliary equipment cooling water for Units 1 and 2, respectively.
OTH-1, OTH-2	At the point of chlorine addition for Units 1 and 2, OTCW

¹ Grab samples shall consist of multiple samples collected at approximately the beginning, middle, and end of the chlorination period.

² Discharge from Outfall D-001 is subject to thermal limitations established by Rule 62-302.520(1), F.A.C.

³ Grab samples for both the intake and discharge shall be taken concurrently every 4 hours, for 24 hours, once month. Intake and discharge sampling during a monthly sampling event is only required from one power plant unit, i.e. Unit 1 or Unit 2. The permittee may request a reduction or discontinuance of these monitoring requirements after 12 months of monitoring.

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3. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge **Auxiliary Equipment Cooling Water (AECW) from Units 1 and 2 used in lieu of OTCW** from Outfall D-013 (formerly D-0D1) and Outfall D-014 (formerly D-0D2). Such discharge shall be limited and monitored by the permittee as specified below:

Parameters (units)	Discharge Limitations			Monitoring Requirements		
	Monthly Average	Maximum Daily Average	Instantaneous Maximum	Monitoring Frequency	Sample Type	Sample Point
Flow (MGD)	Report	Report	--	Continuous	Calculated	FLW-3 FLW-4
Temp. Diff. between Intake and Discharge (DEG.F)	--	--	20.0	6/Day	Calculated	INT-1 INT-2 EFF-1 EFF-2
Oxidants, Total Residual (MG/L)	--	0.01		Weekly	Grab ⁴	EFF-1 EFF-2
Chlorination (HOURS/UNIT/DAY)	--	24	--	Daily	Calculated	OTH-3

4. Effluent samples shall be taken at the monitoring site locations listed above and as described below:

Sample Point	Description of Monitoring Location
FLW-3, FLW-4	Auxiliary equipment cooling water intake for Units 1 and 2, respectively, flow monitoring location.
INT-1, INT-2	Once-through or auxiliary equipment cooling water intake for Units 1 and 2, respectively.
EFF-1, EFF-2	Once-through cooling water discharge structures for Units 1 and 2, respectively.
OTH-3	At the point of chlorine addition for Units 1 and 2 AECW

⁴ Multiple grabs shall be collected during daylight hours every 4 hours during TRO discharge.

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5. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge **Units 1 and 2 Auxiliary Equipment Cooling Water** from Outfall D-015 (formerly D-081). Such discharge shall be limited and monitored by the permittee as specified below:

Parameters (units)	Discharge Limitations			Monitoring Requirements		
	Monthly Average	Maximum Daily Average	Instantaneous Maximum	Monitoring Frequency	Sample Type	Sample Point
Flow (MGD)	Report	Report	--	Continuous	Calculated	FLW-3 FLW-4
Oxidants, Total Residual (MG/L)	--	0.01	--	Weekly	Grab ⁵	EFF-3
Chlorination (HOURS/UNIT/DAY)	--	24	--	Daily	Calculated	OTH-3

6. Effluent samples shall be taken at the monitoring site locations listed above and as described below:

Sample Point	Description of Monitoring Location
FLW-3, FLW-4	Flow monitoring location for auxiliary equipment cooling water for Units 1 and 2, respectively.
OTH-3	At the point of chlorine addition for Units 1 and 2 AECW
EFF-3	Combined auxiliary equipment water cooling discharge from Units 1 and 2 prior to actual discharge to the receiving waters or mixing with other waste streams

⁵ Multiple grabs shall be collected during daylight hours every 4 hours during TRO discharge.

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7. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to **Equipment Area Runoff Basin Overflow** from Outfall D-016 (formerly D-0B0) . Such discharge shall be limited and monitored by the permittee as specified below:

Parameters (units)	Discharge Limitations			Monitoring Requirements		
	Monthly Average	Maximum Daily Average	Instantaneous (Min/Max)	Monitoring Frequency	Sample Type	Sample Point
Flow (MGD)	Report	Report	--	Per Discharge ⁶	Calculated	EFF-4
Oil & Grease (MG/L)	Report	5.0	--	Per Discharge ⁶	Grab	EFF-4
Solids, Total Suspended (MG/L)	30.0	100.0	--	Per Discharge ⁶	Grab	EFF-4
pH Range (SU)	--	--	6.0 to 9.0	Per Discharge ⁶	Grab	EFF-4

8. Effluent samples shall be taken at the monitoring site locations listed above and as described below:

Sample Point	Description of Monitoring Location
EFF-4	Discharge from the forwarding sump prior to actual discharge to receiving waters or mixing with other waste stream.

9. During the period beginning on the issuance date and lasting until 6 months beyond the issuance date, the permittee is authorized to discharge **Water Treatment Plant Wastewater** from existing Outfall D-030 to the Indian River. Such discharge shall be limited and monitored by the permittee as specified below:

Parameters (units)	Monthly Average	Maximum Daily Average	Instantaneous	Annual Average	Monitoring Frequency	Sample Type	Sample Point
Flow (MGD)	Report	Report	--	--	2/Month	Calculated	EFF-5
Solids, Total Suspended (MG/L)	30.0	100.0	--	--	2/Month	Composite ⁷	EFF-5
Oil and Grease (MG/L)	--	5.0	--	--	2/Month	Grab	EFF-5
pH Range (S.U.)	--	--	6.0 to 9.0	--	2/Month	Grab	EFF-5

⁶ Monitoring of discharge from the Oil separator/Forwarding Sump is not required provided the first one inch rainfall is retained by the Stormwater Basin and associated spray field. Subsequent overflow may be discharged without monitoring requirements, except that there shall be no discharge of a visible oil sheen. In the event that these conditions are not met, monitoring shall be 1/discharge.

⁷ Shall be defined as a composite of grab samples taken at the beginning, middle and end of the Backwash Basin discharge period.

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10. Effluent samples shall be taken at the monitoring site locations listed above and as described below:

Sample Point	Description of Monitoring Location
EFF-5	At the point of discharge to the receiving waters.

11. During the period beginning at initiation of discharge and lasting through the expiration date of this permit, the permittee is authorized to discharge **Water Treatment Plant Wastewater** from Outfall I-017 to the AECW Outfall (D-015) or to the OTCW Outfalls (D-011 and D-012). Such discharge shall be limited and monitored by the permittee as specified below:

Parameters (units)	Monthly Average	Maximum Daily Average	Instantaneous	Annual Average	Monitoring Frequency	Sample Type	Sample Point
Flow (MGD)	Report	Report	--	--	2/Month	Calculated	OUI-1
Solids, Total Suspended (MG/L)	30.0	100.0	--	--	2/Month	Grab	OUI-1
Oil and Grease (MG/L)	15.0	20.0	--	--	2/Month	Grab	OUI-1
pH Range (S.U.)	--	--	6.0 to 9.0	--	2/Month	Grab	OUI-1
Nitrogen, Total as N (LBS/DAY)	--	--	--	7.0	Monthly	Grab	OUI-1
Phosphorus, Total as P, (LBS/DAY)	--	--	--	0.4	Monthly	Grab	OUI-1

12. Effluent samples shall be taken at the monitoring site locations listed above and as described below:

Sample Point	Description of Monitoring Location
OUI-1	At the point of discharge to the AECW or OTCW conduits.

13. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge from Outfall D-028 (formerly D-0B), stormwater from the fuel oil storage tank secondary containment area, provided such discharges are limited and monitored by the permittee as specified below:

- The facility shall have a valid Spill Prevention Control and Countermeasure (SPCC) Plan pursuant to 40 CFR Part 112.
- The facility shall endeavor to retain the stormwater in the containment area to the maximum extent practicable before discharging from Outfall D-028. The discharge from Outfall D-028 shall only occur due to tank and equipment integrity and safety concerns.
- 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.
- Monitoring records shall be maintained in the form of a log and shall contain the following information, as a minimum:

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- Date and time of discharge;
- Estimated volume of discharge;
- Initials of person making visual inspection and authorizing discharge; and
- Observed conditions of storm water discharged.

- e. 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.
14. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge Outfall D-029 (formerly D-0S0), non-equipment area stormwater. Discharge of non-equipment area stormwater is permitted without limitation or monitoring requirements.
15. OTCW and AECW limitations and monitoring requirements for TRO are not applicable for any week in which chlorine is not added to Units 1 or 2.
16. Intake Screen wash water may be discharged without limitation or monitoring requirements, except that there shall be no discharge of a visible sheen.
17. There shall be no discharge of floating solids or visible foam in other than trace amounts.
18. The discharge shall not cause a visible sheen on the receiving water.

B. Underground Injection Control Systems

1. This section is not applicable to this facility.

C. Land Application Systems

1. The discharge from land application systems G-010 and G-020 is authorized without limitations or monitoring requirements.

D. Other Methods of Disposal or Recycling

1. There shall be no discharge of industrial wastewater from this facility to ground or surface waters, except as authorized by this permit.

E. Other Limitations and Monitoring and Reporting Requirements

1. The sample collection, analytical test methods and method detection limits (MDLs) applicable to this permit 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 "Florida Department of Environmental Protection Table as Required By Rule 62-4.246(4) Testing Methods for Discharges to Surface Water" dated June 21, 1996, is available from the Department on request. 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;

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- b. The laboratory reported PQL 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 a PQL, which is equal to or less than the applicable water quality criteria stated in 62-302 FAC; and
- c. If the PQLs 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 PQL shall be used.

Where 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. 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. However, where necessary, the permittee may request approval for alternative methods or for alternative MDLs and PQLs for any approved analytical method, in accordance with the criteria of Rules 62-160.520 and 62-160.530, F.A.C.

2. Parameters which must be monitored as a result of a surface water discharge shall be analyzed using a sufficiently sensitive method in accordance with 40 CFR Part 136.
3. Monitoring requirements under this permit are effective on the first day of the second month following permit issuance. Until such time, the permittee shall continue to monitor and report in accordance with previously effective permit requirements, if any. During the period of operation authorized by this permit, the permittee shall complete and submit to the Department, at the address listed below, the Discharge Monitoring Reports (DMRs) in accordance with the frequencies specified by the REPORT type (i.e., monthly, toxicity, quarterly, semiannual, annual, etc.) indicated on the DMR forms attached to this permit. Monitoring results for each monitoring period shall be submitted in accordance with the associated DMR due dates below.

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

DMRs shall be submitted for each required monitoring period including months of no discharge.

The permittee shall make copies of the attached DMR form(s) and shall submit the completed DMR form(s) to the Department at the address specified below:

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

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4. Unless specified otherwise in this permit, all reports and notifications required by this permit, including twenty-four hour notifications, shall be submitted to or reported to the Central District Office at the address specified below:

Central District Office
3319 Maguire Boulevard Suite 232
Orlando, Florida 32803-3767

Phone Number - (407) 894-7555
FAX Number - (407) 897-2966
All FAX copies shall be followed by original copies.

5. All reports and other information shall be signed in accordance with requirements of Rule 62-620.305, F.A.C.
6. The permittee shall provide safe access points for obtaining representative samples which are required by this permit.
7. 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.
8. Bypasses subject to General Conditions VIII.20. and VIII.22. shall be monitored or estimated daily, or as approved by the Department for flow and other parameters required for the specific outfall which is bypassed. Monitoring results shall be reported to the Department
9. The Permittee shall continue compliance with the facility's Manatee Protection Plan approved by the Department on December 21, 2000.
10. The Permittee shall develop a Plan of Study (POS), subject to Department review and approval, to monitor compliance with Rule 62-302.520(1), F.A.C. pursuant to the schedule in Item VI.4, including a proposed implementation schedule, designed to determine any effects on biological communities from the discharge to Indian River Lagoon. The plan shall address monitoring of aquatic species as necessary, and shall include reporting requirements. The POS shall incorporate relevant existing data developed by the Permittee and other sources as well as any necessary additional monitoring to be conducted by the Permittee.

II. Industrial Sludge Management Requirements

A. Basic Management Requirements

1. Disposal of sludge in a solid waste management facility permitted by the Department shall be in accordance with the requirements of Chapter 62-701, F.A.C. Storage, transportation, and disposal of sludge/solids characterized as hazardous waste shall be in compliance with requirements of Chapter 62-730, F.A.C.
2. The permittee shall keep records of the amount of sludge or residuals disposed, transported, or incinerated. If a person other than the permittee is responsible for sludge transporting, disposal, or incineration, the permittee shall also keep the following records:
- a. name, address and telephone number of any transporter, and any manifests or bill of lading used;
 - b. name and location of the site of disposal, treatment or incineration;
 - c. name, address, and telephone number of the entity responsible for the disposal, treatment, or incineration site.

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III. Ground Water Monitoring Requirements

- During the period of operation authorized by this permit, the permittee shall continue to sample ground water at the existing monitoring wells identified in Permit Condition III. 2. below, in accordance with this permit and the approved ground water monitoring plan prepared in accordance with Rule 62-522.600, F.A.C. Within 90 days of placing the new or modified wastewater facility into operation, or installation of new monitoring wells, whichever occurs sooner, the permittee shall begin sampling ground water at the new monitoring wells identified in Permit Condition III. 2 below in accordance with this permit and the approved ground water monitoring plan.
- The following monitoring wells shall be sampled quarterly. Sampling must be reasonably spaced to be representative of potentially changing conditions:

Facility Well Name	Permit Builder Name	Monitoring Location Site Number	WAFR Number	Depth (Feet)	Aquifer Monitored	Well Type	New or Existing
All Sites							
CA-MW-1	MWB-2683	3005A15832	2683	21	Surficial	Background	Existing
Equipment Area Runoff Basin (B-3)							
CA-MW-2	MWC-2682	3005A15833	2682	21	Surficial	Compliance	Existing
E/P Basin Spray Area (SP-1)							
OB-2	MWC-2686	3005A11264	2686	25.6	Surficial	Compliance	Existing
Solids Settling Basins (B-1A and B-1B)							
OB-3	MWC-2685	3005A11265	2685	24.9	Surficial	Compliance	Existing
Evaporation/Percolation Basin (EP-1)							
OB-5	MWC-26897	--	26897	18	Surficial	Compliance	Existing

MWB = Background; MWC = Compliance

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3. The following parameters shall be analyzed quarterly in each of the monitoring wells identified in Item III. 2. except Monitoring Well OB-5:

Parameter Name	Standard Compliance Well Limit	Units
Chloride	Report ⁸	mg/L
pH	Report ⁸	SU
Sodium	Report ⁹	mg/L
Specific Conductance	Report	Umhos
Sulfate	Report ⁸	mg/L
Total Dissolved Solids (TDS)	Report ⁸	mg/L
Total Recoverable Petroleum Hydrocarbons	5.0	mg/L
Turbidity	Report	NTU
Vinyl Chloride	1	ug/L
Water Level Relative to NGVD	Report	Feet, NGVD

⁸ This facility has been in operation since 1977 and is an existing installation as defined in F.A.C. Rule 62-522.200(1) and is exempt from compliance with secondary standards for ground water at the edge of the zone of discharge in accordance with F.A.C. Rules 62-520.520 and 62-522.300(6).

⁹ The permittee is exempted from compliance with the Class G-II ground water standard for sodium in accordance with the Final Order Of Agency Action (sodium exemption) signed by the Secretary on October 12, 2004. This sodium exemption is effective for the duration of this permit.

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4. The following parameters shall be analyzed quarterly in Monitoring Well OB-5 identified in Item III. 2:

Parameter Name	Standard Compliance Well Limit	Units
Aluminum	Report ¹⁰	ug/L
Antimony (added 2/04)	6	ug/L
Beryllium (added 2/04)	4	ug/L
Cadmium	5	ug/L
Chloride	Report ¹⁰	mg/L
Chromium	100	ug/L
Copper	Report ¹⁰	ug/L
Cyanide	200	ug/L
Fluoride	4,000	ug/L
Iron	Report ¹⁰	ug/L
Manganese	Report ¹⁰	ug/L
Mercury	2.0	ug/L
Nickel	100	ug/L
pH	Report ¹⁰	SU
Silver	Report ¹⁰	ug/L
Sodium	Report ¹¹	mg/L
Specific Conductance	Report	mmhos
Sulfate	Report ¹⁰	mg/L
TDS	Report ¹⁰	mg/L
Tetrachloroethylene	3	ug/L
Total Phenols	Report	ug/L
Trichloroethylene	3	ug/L
Total Recoverable Petroleum Hydrocarbons	5.0	mg/L
Turbidity	Report	NTU
Vinyl chloride	1	ug/L
Zinc	Report ¹⁰	ug/L
Water Level (ft NGVD)	Report	Feet, NGVD

5. The zone of discharge extends to the facility property boundary, and vertically to the base of the shallow water table aquifer.
6. The permittee's discharge to ground water shall not cause a violation of water quality standards for ground waters at the boundary of the zone of discharge in accordance with Rules 62-520.400 and 62-520.420, F.A.C.
7. The permittee'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.

¹⁰ This facility has been in operation since 1977 and is an existing installation as defined in F.A.C. Rule 62-522.200(1) and is exempt from compliance with secondary standards for ground water at the edge of the zone of discharge in accordance with F.A.C. Rules 62-520.520 and 62-522.300(6).

¹¹ The permittee is exempted from compliance with the Class G-II ground water standard for sodium in accordance with the Final Order Of Agency Action (sodium exemption) signed by the Secretary on October 12, 2004. This sodium exemption is effective for the duration of this permit.

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8. If the concentration for any constituent listed in Permit Condition III.3 in the natural background quality of the ground water is greater than the stated maximum, or in the case of pH is also less than the minimum, the representative natural background quality shall be the prevailing standard.
9. Water levels shall be recorded prior to evacuating the well for sample collection. Elevation references shall include the top of the well casing and land surface at each well site (NGVD allowable) at a precision of plus or minus 0.1 feet.
10. Ground water monitoring wells shall be purged prior to sampling to obtain a representative sample.
11. Analyses shall be conducted on un-filtered samples, unless filtered samples have been approved by the Department as being more representative of ground water conditions.
12. If a monitoring well becomes damaged or cannot be sampled for some reason, the permittee shall notify the Department immediately and a written report shall follow within seven days detailing the circumstances and remedial measures taken or proposed. Repair or replacement of monitoring wells shall be approved in advance by the Department.
13. The permittee shall provide verbal notice to the Department as soon as practical after discovery of a sinkhole within an area for the management or application of wastewater or sludge. The permittee shall immediately implement measures appropriate to control the entry of contaminants, and shall detail these measures to the Department in a written report within 7 days of the sinkhole discovery.
14. Ground water monitoring test results shall be submitted on Part D of DEP Form 62-620.910(10) (attached) and shall be submitted to the Central District Ground Water Section. A completed Certification Page shall accompany each quarter of monitoring data. The quarterly ground water monitoring results shall be submitted with the DMR as shown in the following schedule:

SAMPLE PERIOD	REPORT DUE DATE
January - March	April 28
April - June	July 28
July - September	October 28
October - December	January 28

IV. Other Land Application Requirements

1. This section is not applicable to this facility.

V. Operation and Maintenance Requirements**A. Operation of Treatment and Disposal Facilities**

1. The permittee shall ensure that the operation of this facility is as described in the application and supporting documents.
2. The operation of the pollution control facilities described in this permit 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.

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B. Record keeping Requirements:

1. The permittee shall maintain the following records on the site of the permitted facility and make them 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 items a. and f. of this section, 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 the permit for at least three years from the date the application was filed, unless otherwise specified by Department rule;
 - d. A copy of the current permit;
 - e. A copy of any required record drawings;
 - f. Copies of the logs and schedules showing plant operations and equipment maintenance for three years from the date on the logs or schedule.

VI. Schedules

1. A Best Management Practices Pollution Prevention (BMP3) Plan shall be prepared and implemented in accordance with Part VII of this permit and the following schedule:

Action Item		Scheduled Completion Date
1	Continue Implementing Existing BMP3 Plan	Issuance Date of Permit

2. The permittee shall achieve compliance with the other conditions of this permit as follows:
 - a. Operational level attained Issuance Date of Permit
3. The following construction schedule shall be followed:
 - a. Relocate Outfall D-030 to I-016 6 months of Issuance Date of Permit
 - b. Submit Certificate of Completion of Construction (See VII.B.1) 30 days of Completion of Construction
 - c. Submit Record Drawings (See VII.B.2).....6 months after Completion of Construction
4. Biological Monitoring Program:
 - a. Within six months of issuance of this permit, the Permittee shall meet with the Department to discuss the content of a Plan of Study (POS) for biological monitoring in accordance with the requirements of Item

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I.E.10, and shall submit the POS within twelve months of issuance of this permit. The Department will review the POS and provide written comments to the permittee as needed. The permittee shall implement the POS in accordance with the approved implementation schedule.

5. Additional Intake/Discharge Sampling and Reporting

- a. Within 60 days of permit issuance the permittee shall begin additional sampling to be conducted quarterly for a total of 4 sampling events. Concurrent 24-hour composite samples shall be taken of the intake and from Outfalls D-011, D-012, and D-015 (Sample Points EFF-1, EFF-2, and EFF-3) and analyzed for Copper, Nickel, and Beryllium.
 - b. Sampling results shall be submitted to the Department with the next scheduled quarterly report and include results from the sampling events since the last submittal except results submitted for the fourth quarterly report shall include summary results from all 4 sampling events.
 - c. Analytical test methods, method detection limits (MDLs), and practical quantification limits (PQLs) shall be in accordance with the requirements of Section I.E.1 of this permit.
 - d. If the sampling results indicate a reasonable potential for an exceedance of water quality standards and concentrations in the discharge exceed intake concentrations, taking into account sampling and analytical variations, then the Department may reopen the permit in accordance with Section VII.F.2 of this permit to include different limitations or monitoring requirements or take other action as appropriate.
6. The Permittee shall comply with the requirements of 40 CFR Part 125.95(a)(1) and (2) no later than upon submittal of a timely application for permit renewal, submitted pursuant to the requirements of Condition VII.C. of this permit.
7. No later than 14 calendar days following a date identified in the above schedule(s) of compliance, the permittee shall submit either a report of progress or, in the case of specific actions being required by an identified date, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

VII. Other Specific Conditions**A. Specific Conditions Applicable to All Permits**

1. Drawings, plans, documents or specifications submitted by the permittee, not attached hereto, but retained on file at the Northwest District Office, are made a part hereof.
2. Where required by Chapter 471 (P.E.) or Chapter 492 (P.G.) Florida Statutes, applicable portions of reports to be submitted under this permit, shall be signed and sealed by the professional(s) who prepared them.
3. This permit satisfies Industrial Wastewater program permitting requirements only and does not authorize operation of this facility prior to obtaining any other permits required by local, state or federal agencies.

B. Specific Conditions Related to Construction

1. Within thirty days of completion of construction, the permittee shall submit to the Department a completed "Certificate of Completion of Construction" (DEP Form 62-620.910(12) signed and sealed by the engineer of record or other engineer registered in the State of Florida.
2. Record drawings shall be prepared and made available in accordance with Rule 62-620.410(6), F.A.C. and the Department of Environmental Protection Guide to wastewater Permitting within six months of placing the facility into operation.

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C. Duty to Reapply

1. The permittee shall submit an application to renew this permit at least 180 days before the expiration date of this permit.
2. The permittee shall apply for renewal of this permit on the appropriate form listed in Rule 62-620.910, F.A.C., and in the manner established in Chapter 62-620, F.A.C., and the Department of Environmental Protection Guide to Wastewater Permitting including submittal of the appropriate processing fee set forth in Rule 62-4.050, F.A.C.
3. An application filed in accordance with subsections 1. and 2. of this part shall be considered timely and sufficient. When an application for renewal of a permit is timely and sufficient, the existing permit shall not expire until the Department has taken final action on the application for renewal or until the last day for seeking judicial review of the agency order or a later date fixed by order of the reviewing court.
4. The late submittal of a renewal application shall be considered timely and sufficient for the purpose of extending the effectiveness of the expiring permit only if it is submitted and made complete before the expiration date.

D. Specific Conditions Related to Best Management Practices/Pollution Prevention Conditions

1. General Conditions

In accordance with Section 304(e) and 402(a)(2) of the Clean Water Act (CWA) as amended, 33 U.S.C. §§ 1251 et seq., and the Pollution Prevention Act of 1990, 42 U.S.C. §§ 13101-13109, the permittee must develop and implement a plan for utilizing practices incorporating pollution prevention measures. References to be considered in developing the plan are "Criteria and Standards for Best Management Practices Authorized Under Section 304(e) of the Act," found at 40 CFR 122.44 Subpart K and the Waste Minimization Opportunity Assessment Manual, EPA/625/7-88/003.

a. Definitions

- (1) The term "pollutants" refers to conventional, non-conventional and toxic pollutants.
- (2) Conventional pollutants are: biochemical oxygen demand (BOD), suspended solids, pH, fecal coliform bacteria and oil & grease.
- (3) Non-conventional pollutants are those which are not defined as conventional or toxic.
- (4) Toxic pollutants include, but are not limited to: (a) any toxic substance listed in Section 307(a)(1) of the CWA, any hazardous substance listed in Section 311 of the CWA, or chemical listed in Section 313(c) of the Superfund Amendments and Reauthorization Act of 1986; and (b) any substance (that is not also a conventional or non-conventional pollutant except ammonia) for which EPA has published an acute or chronic toxicity criterion.
- (5) "Pollution prevention" and "waste minimization" refer to the first two categories of EPA's preferred hazardous waste management strategy: first, source reduction and then, recycling.
- (6) "Recycle/Reuse" is defined as the minimization of waste generation by recovering and reprocessing usable products that might otherwise become waste; or the reuse or reprocessing of usable waste products in place of the original stock, or for other purposes such as material recovery, material regeneration or energy production.

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- (7) "Source reduction" means any practice which: (a) reduces the amount of any pollutant entering a waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment or disposal; and (b) reduces the hazards to public health and the environment associated with the release of such pollutant. The term includes equipment or technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, or inventory control. It does not include any practice which alters the physical, chemical, or biological characteristics or the volume of a pollutant through a process or activity which itself is not integral to, or previously considered necessary for, the production of a product or the providing of a service.
- (8) "BMP3" means a Best Management Plan incorporating the requirements of 40 CFR § 122.44, Subpart K, plus pollution prevention techniques associated with a Waste Minimization Assessment.
- (9) "Waste Minimization Assessment" means a systematic planned procedure with the objective of identifying ways to reduce or eliminate waste.

2. **Best Management Practices/Pollution Prevention Plan**

The permittee shall develop and implement a BMP3 plan for the facility which is the source of wastewater and storm water discharges covered by this permit. The plan shall be directed toward reducing those pollutants of concern which discharge to surface waters and shall be prepared in accordance with good engineering and good housekeeping practices. For the purposes of this permit, pollutants of concern shall be limited to toxic pollutants, as defined above, known to the discharger. The plan shall address all activities which could or do contribute these pollutants to the surface water discharge, including process, treatment, and ancillary activities. The BMP3 plan shall contain the following components:

a. **Signatory Authority & Management Responsibilities**

The BMP3 plan shall be signed by the permittee or their duly authorized representative in accordance with rule 62-620.305(2)(a) and (b). The BMP3 plan shall be reviewed by the plant environmental/engineering staff and plant manager. Where required by Chapter 471 (P.E.) or Chapter 492 (P.G.) Florida Statutes, applicable portions of the BMP3 plan shall be signed and sealed by the professional(s) who prepared them.

A copy of the plan shall be retained at the facility and shall be made available to the Department upon request.

The BMP3 plan shall contain a written statement from corporate or plant management indicating management's commitment to the goals of the BMP3 program. Such statements shall be publicized or made known to all facility employees. Management shall also provide training for the individuals responsible for implementing the BMP3 plan.

b. **BMP3 Plan Requirements**

- (1) Name & description of facility, a map illustrating the location of the facility & adjacent receiving waters, and other maps, plot plans or drawings, as necessary;
- (2) Overall objectives (both short-term and long-term) and scope of the plan, specific reduction goals for pollutants, anticipated dates of achievement of reduction, and a description of means for achieving each reduction goal;

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- (3) A description of procedures relative to spill prevention, control & countermeasures and a description of measures employed to prevent storm water contamination;
- (4) A description of practices involving preventive maintenance, housekeeping, recordkeeping, inspections, and plant security; and

c. Waste Minimization Assessment

The permittee is encouraged but not required to conduct a waste minimization assessment (WMA) for this facility to determine actions that could be taken to reduce waste loadings and chemical losses to all wastewater and/or storm water streams as described in Part VII.D.3 of this permit.

If the Permittee elects to develop and implement a WMA, information on plan components can be obtained from the Department's Industrial Wastewater website, or from:

Florida Department of Environmental Protection
Industrial Wastewater Section, Mail Station 3545
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

(850) 245-8589
(850) 245-8669 -- Fax

d. Best Management Practices & Pollution Prevention Committee Recommended:

A Best Management Practices Committee (Committee) should be established to direct or assist in the implementation of the BMP3 plan. The Committee should be comprised of individuals within the plant organization who are responsible for developing the BMP3 plan and assisting the plant manager in its implementation, monitoring of success, and revision. The activities and responsibilities of the Committee should address all aspects of the facility's BMP3 plan. The scope of responsibilities of the Committee should be described in the plan.

e. Employee Training

Employee training programs shall inform personnel at all levels of responsibility of the components & goals of the BMP3 plan and shall describe employee responsibilities for implementing the plan. Training shall address topics such as good housekeeping, materials management, record keeping & reporting, spill prevention & response, as well as specific waste reduction practices to be employed. Training shall also disclose how individual employees may contribute suggestions concerning the BMP3 plan or suggestions regarding Pollution Prevention. The plan shall identify periodic dates for such training.

f. Plan Development & Implementation

The BMP3 plan shall be implemented upon the effective date of this permit, unless any later dates are specified in this permit. If a WMA is ongoing at the time of development or implementation it may be described in the plan. Any waste reduction practice which is recommended for implementation over a period of time may also be identified in the plan, including a schedule for its implementation.

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g. Submission of Plan Summary & Progress/Update Reports

- (1) Plan Summary: Not later than 2 years after the effective date of the permit, a summary of the BMP3 plan shall be developed and maintained at the facility and made available to the Department upon request. The summary shall include the following: a brief description of the plan, its implementation process, schedules for implementing identified waste reduction practices, and a list of all waste reduction practices being employed at the facility. The results of WMA studies, as well as scheduled WMA activities may be discussed.
- (2) Progress/Update Reports: Annually thereafter for the duration of the permit progress/update reports documenting implementation of the plan shall be maintained at the facility and made available to the Department upon request. The reports shall discuss whether or not implementation schedules were met and revise any schedules, as necessary. The plan shall also be updated as necessary and the attainment or progress made toward specific pollutant reduction targets documented. Results of any ongoing WMA studies as well as any additional schedules for implementation of waste reduction practices may be included.
- (3) A recommended timetable for the various plan requirements follows:

Timetable for BMP3 Plan:

<u>ELEMENT</u>	<u>TIME FROM EFFECTIVE DATE OF THIS PERMIT</u>
Complete WMA (if appropriate)	6 months
Progress/Update Reports	3 years, and then annually thereafter

The permittee shall maintain the plan and subsequent reports at the facility and shall make the plan available to the Department upon request.

h. Plan Review & Modification

If following review by the Department, the BMP3 plan is determined insufficient, the permittee will be notified that the BMP3 plan does not meet one or more of the minimum requirements of this Part. Upon such notification from the Department, the permittee shall amend the plan and shall submit to the Department a written certification that the requested changes have been made. Unless otherwise provided by the Department, the permittee shall have 30 days after such notification to make the changes necessary.

The permittee shall modify the BMP3 plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to waters of the State or if the plan proves to be ineffective in achieving the general objectives of reducing pollutants in wastewater or storm water discharges. Modifications to the plan may be reviewed by the Department in the same manner as described above.

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E. Specific Conditions Related to Existing Manufacturing, Commercial, Mining, and Silviculture Wastewater Facilities or Activities

1. Existing manufacturing, commercial, mining, and silvicultural wastewater facilities or activities that discharge into surface waters shall notify the Department as soon as they know or have reason to believe:
 - a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following levels
 - (1) One hundred micrograms per liter,
 - (2) Two hundred micrograms per liter for acrolein and acrylonitrile; five hundred micrograms per liter for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter for antimony, or
 - (3) Five times the maximum concentration value reported for that pollutant in the permit application.
 - b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following levels
 - (1) Five hundred micrograms per liter,
 - (2) One milligram per liter for antimony, or
 - (3) Ten times the maximum concentration value reported for that pollutant in the permit application.

F. Reopener Clause

1. The permit shall be revised, or alternatively, revoked and reissued in accordance with the provisions contained in Rules 62-620.325 and 62-620.345 F.A.C., if applicable, or to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2) and 307(a)(2) of the Clean Water Act (the Act), as amended, if the effluent standards, limitations, or water quality standards 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 permit.

The permit as revised or reissued under this paragraph shall contain any other requirements then applicable.

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

VIII. General Conditions

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit are binding and enforceable pursuant to Chapter 403, F.S. Any permit noncompliance constitutes a violation of Chapter 403, F.S., and is grounds for enforcement action, permit termination, permit revocation and reissuance, or permit revision. [62-620.610(1), F.A.C.]

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2. This permit 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 permit constitutes grounds for revocation and enforcement action by the Department. *[62-620.610(2), F.A.C.]*
3. As provided in Subsection 403.087(6), F.S., the issuance of this permit 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 authorize any infringements of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit or authorization that may be required for other aspects of the total project which are not addressed in this permit. *[62-620.610(3), F.A.C.]*
4. This permit 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. *[62-620.610(4), F.A.C.]*
5. This permit does not relieve the permittee from liability and penalties for harm or injury to human health or welfare, animal or plant life, or property caused by the construction or operation of this permitted source; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department. The permittee shall take all reasonable steps to minimize or prevent any discharge, reuse of reclaimed water, or residuals use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. *[62-620.610(5), F.A.C.]*
6. If the permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee shall apply for and obtain a new permit. *[62-620.610(6), F.A.C.]*
7. The permittee shall at all times properly operate and maintain the facility and systems of treatment and control, and related appurtenances, that are installed and used by the permittee to achieve compliance with the conditions of this permit. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to maintain or achieve compliance with the conditions of the permit. *[62-620.610(7), F.A.C.]*
8. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. *[62-620.610(8), F.A.C.]*
9. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, including an authorized representative of the Department and authorized EPA personnel, when applicable, upon presentation of credentials or other documents as may be required by law, and at reasonable times, depending upon the nature of the concern being investigated, to
 - a. Enter upon the permittee's premises where a regulated facility, system, or activity is located or conducted, or where records shall be kept under the conditions of this permit;
 - b. Have access to and copy any records that shall be kept under the conditions of this permit;
 - c. Inspect the facilities, equipment, practices, or operations regulated or required under this permit; and
 - d. Sample or monitor any substances or parameters at any location necessary to assure compliance with this permit or Department rules.*[62-620.610(9), F.A.C.]*
10. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data, and other information relating to the construction or operation of this permitted source which are submitted to the

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Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except as such use is proscribed by Section 403.111, Florida Statutes, or Rule 62-620.302, F.A.C. Such evidence shall only be used to the extent that it is consistent with the Florida Rules of Civil Procedure and applicable evidentiary rules. *[62-620.610(10), F.A.C.]*

11. When requested by the Department, the permittee shall within a reasonable time provide any information required by law which is needed to determine whether there is cause for revising, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also provide to the Department upon request copies of records required by this permit to be kept. If the permittee becomes aware of relevant facts that were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be promptly submitted or corrections promptly reported to the Department. *[62-620.610(11), F.A.C.]*
12. Unless specifically stated otherwise in Department rules, the permittee, in accepting this permit, agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided however, the permittee does not waive any 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. *[62-620.610(12), F.A.C.]*
13. The permittee, in accepting this permit, agrees to pay the applicable regulatory program and surveillance fee in accordance with Rule 62-4.052, F.A.C. *[62-620.610(13), F.A.C.]*
14. This permit is transferable only upon Department approval in accordance with Rule 62-620.340, F.A.C. The permittee shall be liable for any noncompliance of the permitted activity until the Department approves the transfer. *[62-620.610(14), F.A.C.]*
15. The permittee shall give the Department written notice at least 60 days before inactivation or abandonment of a wastewater facility and shall specify what steps will be taken to safeguard public health and safety during and following inactivation or abandonment. *[62-620.610(15), F.A.C.]*
16. The permittee shall apply for a revision to the Department permit in accordance with Rule 62-620.300, F.A.C., and the Department of Environmental Protection Guide to Wastewater Permitting at least 90 days before construction of any planned substantial modifications to the permitted facility is to commence or with Rule 62-620.325(2), F.A.C., for minor modifications to the permitted facility. A revised permit shall be obtained before construction begins except as provided in Rule 62-620.300, F.A.C. *[62-620.610(16), F.A.C.]*
17. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. The permittee shall be responsible for any and all damages which may result from the changes and may be subject to enforcement action by the Department for penalties or revocation of this permit. 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.*[62-620.610(17), F.A.C.]*
18. 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.
 - a. Monitoring results shall be reported at the intervals specified elsewhere in this permit and shall be reported on a Discharge Monitoring Report (DMR), DEP Form 62-620.910(10).

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- b. If the permittee monitors any contaminate more frequently than required by the permit, 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 this permit.
 - d. Any laboratory test required by this permit shall be performed by a laboratory that has been certified by the Department of Health (DOH) under Chapter 64E-1, F.A.C., where such certification is required by Rule 62-160.300(4), F.A.C. The laboratory must be certified for any specific method and analyte combination that is used to comply with this permit. For domestic wastewater facilities, the on-site test procedures specified in Rule 62-160.300(4), F.A.C., shall be performed by a laboratory certified test for those parameters or under the direction of an operator certified under Chapter 62-602, F.A.C.
 - e. Fields activities including on-site tests and sample collection, whether performed by a laboratory or a certified operator, must follow the applicable procedures described in DEP-SOP-001/01 (January 2002). Alternate field procedures and laboratory methods may be used where they have been approved according to the requirements of Rules 62-160.220, 62-160.330, and 62-160.600, F.A.C.
[62-620.610(18), F.A.C.]
19. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule detailed elsewhere in this permit shall be submitted no later than 14 days following each schedule date. *[62-620.610(19), F.A.C.]*
20. The permittee shall report to the Department's Central District Office any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain: a description of the noncompliance and its cause; the period of noncompliance including exact dates and time, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- a. The following shall be included as information which must be reported within 24 hours under this condition:
 - (1) Any unanticipated bypass which causes any reclaimed water or effluent to exceed any permit limitation or results in an unpermitted discharge,
 - (2) Any upset which causes any reclaimed water or the effluent to exceed any limitation in the permit,
 - (3) Violation of a maximum daily discharge limitation for any of the pollutants specifically listed in the permit for such notice, and
 - (4) Any unauthorized discharge to surface or ground waters.
 - b. Oral reports as required by this subsection shall be provided as follows:
 - (1) For unauthorized releases or spills of untreated or treated wastewater reported pursuant to subparagraph a.4 that are in excess of 1,000 gallons per incident, or where information indicates that public health or the environment will be endangered, oral reports shall be provided to the Department by calling the STATE WARNING POINT TOLL FREE NUMBER (800) 320-0519, as soon as practical, but no later than 24 hours from the time the permittee becomes aware of the discharge. The permittee, to the extent known, shall provide the following information to the State Warning Point:
 - (a) Name, address, and telephone number of person reporting;
 - (b) Name, address, and telephone number of permittee or responsible person for the discharge;
 - (c) Date and time of the discharge and status of discharge (ongoing or ceased);
 - (d) Characteristics of the wastewater spilled or released (untreated or treated, industrial or domestic wastewater);
 - (e) Estimated amount of the discharge;
 - (f) Location or address of the discharge;
 - (g) Source and cause of the discharge;
 - (h) Whether the discharge was contained on-site, and cleanup actions taken to date;

PERMITTEE:

FP&L Cape Canaveral Plant
6000 North U.S. Highway 1
Cocoa, FL 32927

PERMIT NUMBER: FL0001473

Issuance date: August 10, 2005
Expiration date: August 9, 2010

- (i) Description of area affected by the discharge, including name of water body affected, if any; and
- (j) Other persons or agencies contacted.
- (2) Oral reports, not otherwise required to be provided pursuant to subparagraph b(1) above, shall be provided to Department's Central District Office within 24 hours from the time the permittee becomes aware of the circumstances.
- c. If the oral report has been received within 24 hours, the noncompliance has been corrected, and the noncompliance did not endanger health or the environment, the Department's Central District Office shall waive the written report.

[62-620.610(20), F.A.C.]

21. The permittee shall report all instances of noncompliance not reported under Conditions VIII. 18 and 19 of this permit at the time monitoring reports are submitted. This report shall contain the same information required by Condition VIII. 20. of this permit. [62-620.610(21), F.A.C.]

22. Bypass Provisions.

- a. Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless the permittee affirmatively demonstrates that:
 - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - (3) The permittee submitted notices as required under Condition VIII.22.b. of this permit.
- b. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Department, if possible at least 10 days before the date of the bypass. The permittee shall submit notice of an unanticipated bypass within 24 hours of learning about the bypass as required in Condition VIII.20. of this permit. A notice shall include a description of the bypass and its cause; the period of the bypass, including exact dates and times; if the bypass has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.
- c. The Department shall approve an anticipated bypass, after considering its adverse effect, if the permittee demonstrates that it will meet the three conditions listed in Condition VIII.22 a. (1) through (3) of this permit.
- d. A permittee may allow any bypass to occur which does not cause reclaimed water or effluent limitations to be exceeded if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of Condition VIII.22.a. through c. of this permit.

[62-620.610(22), F.A.C.]

23. Upset Provisions

- a. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (2) The permitted facility was at the time being properly operated;
 - (3) The permittee submitted notice of the upset as required in Condition VIII.20. of this permit; and
 - (4) The permittee complied with any remedial measures required under Condition VIII.5. of this permit.
- b. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.
- c. Before an enforcement proceeding is instituted, no representation made during the Department review of a claim that noncompliance was caused by an upset is final agency action subject to judicial review.

[62-620.610(23), F.A.C.]

PERMITTEE:

FP&L Cape Canaveral Plant
6000 North U.S. Highway 1
Cocoa, FL 32927

PERMIT NUMBER: FL0001473

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Expiration date: August 9, 2010

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION



Mimi A. Drew
Director, Division of Water Resource Management

2600 Blair Stone Road
Tallahassee, FL 32399-2400
(850) 245-8336

**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION
PERMIT NO. FL0001473**

MANATEE PROTECTION PLAN



Jeb Bush
Governor

PCC

NPDES/1WW expires
2/23/04

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

David B. Struhs
Secretary

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

In the matter of:

Approval of FPL Cape Canaveral Power Plant
Manatee Protection Plan

DEP Permit No. FL0001473
Brevard County

Mr. Ron Hix
FPL-5ES/JB
Florida Power & Light Company (FPL)
P. O. Box 14000
Juno Beach, FL 33408

NOTICE OF AGENCY ACTION

The Department of Environmental Protection hereby gives notice of its approval of the enclosed Manatee Protection Plan for the FPL Cape Canaveral Plant, dated August 8, 2000. The Manatee Protection Plan was completed pursuant to Specific Condition 13 of the above referenced permit.

A person whose substantial interests are affected by the Department action may petition for an administrative hearing in accordance with sections 120.569 and 120.57 of the Florida Statutes.

The petition must contain the information set forth below and must be filed (received) in the Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000. Petitions filed by the applicant or any of the parties listed below must be filed within twenty-one days of receipt of this notice of intent. Petitions filed by any other person must be filed within twenty-one days of publication of the public notice or within twenty-one days of receipt of this notice of intent, whichever occurs first. A petitioner must mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 of the Florida Statutes, or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-5.207 of the Florida Administrative Code.

A petition must contain the following information:

(a) The name, address, and telephone number of each petitioner; the Department case identification number and the county in which the subject matter or activity is located;

"More Protection, Less Process"

Printed on recycled paper.

- (b) A statement of how and when each petitioner received notice of the Department action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department action;
- (d) A statement of the material facts disputed by the petitioner, if any;
- (e) A statement of facts that the petitioner contends warrant reversal or modification of the Department action;
- (f) A statement of which rules or statutes the petitioner contends require reversal or modification of the Department action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department final action may be different from the position taken by it in this order. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation under section 120.573 of the Florida Statutes is not available for this proceeding.

This action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this order will not be effective until further order of the Department.

Any party to the order has the right to seek judicial review of the order under section 120.68 of the Florida Statutes, by the filing of a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Mimi Drew
Director
Division of Water Resource Management

2600 Blair Stone Road
Tallahassee, FL 32399-2400
(850) 487-1855

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF AGENCY ACTION and all copies were mailed before the close of business on 12-21-00 to the listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, under section 120.52(7), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

S. Shields 12-21-00
(Clerk) (Date)

Copies furnished to:

Kipp Frohlich, FWC Tallahassee
Chairman, Board of Brevard County Commissioners
Jim Valade, U.S. Fish and Wildlife Service
Save the Manatee Club
Christianne Ferraro, DEP Orlando
Betsy Hewitt, DEP Office of General Counsel

**Florida Power & Light - Cape Canaveral Plant
Manatee Protection Plan
(August 8, 2000)**

Purpose:

The purpose of the Cape Canaveral Plant Manatee Protection Plan is to set forth Florida Power & Light Company's (FPL) procedures to comply with Specific Condition 13 of the facility's State Industrial Wastewater Permit Number FL0001473 that was issued on February 24, 1999. This Specific Condition reads, in part:

13. The permittee, in so far as required to comply with Tasks 25 and 251 of the U.S. Fish and Wildlife Service (USFWS) "Florida Manatee Recovery Plan," shall develop a plan and procedures addressing potential manatee impacts, ...All plans, if required, shall include an implementation schedule and address, at a minimum:
- (a) Plans to minimize disruption to warm-water outflows during the winter and response procedures in case of disruptions.
 - (b) Strategy to maintain discharge temperatures that will sustain manatees during cold events.
 - (c) Plan to monitor ambient and discharge temperatures.
 - (d) Precautions to minimize hazards to manatees at intake and outfall areas.
 - (e) Timely communication to manatee recovery program personnel of any long term changes in the availability of warm water.

Compliance with Specific Condition 13:

1. This Manatee Protection Plan will be in effect during the term of the permit. In order for the plant's warm water discharge to provide a safe, warm water refuge for the manatees and to comply with Specific Condition 13, FPL will take the following actions:
 - a) In the case of an unplanned shutdown or a plant failure occurring that will affect the warm water refuge from November 15 through March 31, when the ambient water temperature is below 61°F., the Florida Fish and Wildlife Conservation Commission (FWCC) and USFWS will be notified no later than four (4) hours after the event has occurred. If an unplanned shutdown occurs that is expected to result in no thermal discharge for 24 hours or longer, regardless of ambient water temperature, the Florida Marine Research Institute should be notified.

The following agency representatives shall be notified in the above referenced event or if any distressed manatees are observed at any time:

2904 FWCC - Florida Marine Research Institute - Marine Mammal Pathobiology Lab: (727)-893-
USFWS - Jacksonville Field Office: (904) 232-2580

The FWCC, Bureau of Protected Species Management (BPSM) shall be provided a schedule of any anticipated in-water work within the discharge area or work that will affect the warm water refuge during the period of November 15 through March 31 each year. No routine in-water maintenance work shall occur in the discharge area from November 15 through March 31, unless it is considered essential by FPL and approved by BPSM prior to the start of work. If emergency in-water work is needed, the BPSM will be notified and consulted no later than two weeks following the commencement of the activity. All vessels used in the operation or associated with the activity shall be operated pursuant to the attached standard manatee construction conditions.

- b) From November 15 through March 31 each year, to coincide with the time of greatest manatee abundance, if the ambient water temperature falls below 61°F., as measured at the plant intake, the FPL Cape Canaveral plant shall endeavor to operate in a manner that maintains the water temperature in an adequate portion of the discharge area, for at least one unit, at or above 68°F., until such time as the intake water temperature reaches 61°F., unless otherwise authorized by BPSM and the USFWS, or unless safety or reliability of the plant would be compromised.
- c) The FPL Cape Canaveral power plant will provide personnel from the BPSM, USFWS, Florida Marine Research Institute, USGS-Sirenia Project, or a designee of these agencies, access to the FPL Cape Canaveral power plant property to conduct manatee research or monitoring activities which may include, placing, maintaining and downloading data from temperature data loggers. (These temperature data loggers will be used to collect air and water temperature data in an ongoing research effort to better understand manatee behavior patterns in response to artificial warm water refugia and environmental variables. The temperature data loggers will be placed in the discharge area and at ambient water and air locations). Access would be limited to normal business hours (8:00am - 5:00pm) unless arrangements are made in advance with the FPL Cape Canaveral power plant.

d) Intake Area: No special surveys will be required for the intake area.

Discharge Area: No special surveys will be required for the discharge area.

- e) Should FPL decide to retire these units, notice will be provided to FWCC and USFWS as soon as practical after a definite decision is made or, if possible, at least five years prior to the date of retirement.
- f) To assist in documenting long-term use patterns of this facility, FPL should conduct periodic aerial surveys of manatees at the Cape Canaveral facility. The continuation of the ongoing statewide aerial survey that FPL has funded in the past years meets these criteria.

- g) The FPL Cape Canaveral Power Plant will provide phone numbers for weekday and weekend notification of appropriate plant personnel for the purpose of allowing FWCC or USFWS to coordinate manatee rescue operations as necessary.

2.) FPL actions, pursuant to this plan, that are conducted on a one-time basis unless there are significant physical or operational changes to the FPL Cape Canaveral power plant.

- a) Provide a site map of the facility as a part of the plan that includes the following information;

1. The location of the intake pipes and discharge pipes.
2. Proximate streams, rivers, bays, etc.
3. The location of the condenser inlet and outlet temperature monitoring devices.
4. The location of any fuel barge docking facilities in relation to the discharge area.
5. The delineation of the no-entry boundary at the discharge area.

- b) In order to evaluate and determine what portions of the thermal discharge will provide a sufficient warm water refuge for manatees under potential cold stress water conditions; the FPL Cape Canaveral power plant will, within two (2) years of the effective date of this plan, provide a profile of the thermal gradient (either actual or calculated) of the discharge area waters, as well as its gross bathymetry, at the mean rate of discharge when the ambient water temperature reaches a seasonal low.

Note: The "Thermal Analysis" conducted by FPL in January, 1996 and submitted to the FWCC meets the first requirement above ("... provide a profile of the thermal gradient (either actual or calculated) of the discharge area waters...").

**FLORIDA POWER & LIGHT – CAPE CANAVERAL POWER PLANT
MANATEE PROTECTION PLAN**

**1a) STANDARD MANATEE CONSTRUCTION CONDITIONS FOR ARTIFICIAL
WARM WATER REFUGIA DURING THE PERIOD OF NOVEMBER 15
THROUGH MARCH 31.**

The permittee shall comply with the following manatee protection conditions:

- a. The permittee shall instruct all personnel associated with in-water work within the discharge canal and/or the warm water refuge of the potential presence of manatees and the need to avoid collisions with manatees. All vessels used in the operation or in association with the in-water work shall have an observer on board responsible for identifying the presence and location of manatee(s).
- b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act of 1972, The Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act.
- c. All vessels associated with in-water work associated with the discharge canal and/or warm water refuge shall operate at "no wake/idle" speeds at all times while in the manatee warm water refuge area. All vessels will follow routes of deep water whenever possible.
- d. If manatee(s) are seen within the discharge canal and/or warm water refuge area all appropriate precautions shall be implemented to ensure protection of the manatee(s). These precautions shall include the immediate shutdown of equipment if necessary. Activities will not resume until the manatee(s) has departed to a safe distance on its own volition.
- e. Any collision with and/or injury to a manatee shall be reported immediately to the Florida Wildlife Conservation Commission at 1-888-404-FWCC (1-888-404-3922). Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580).

**FLORIDA POWER & LIGHT – CAPE CANAVERAL POWER PLANT
MANATEE PROTECTION PLAN**

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