

**STATE OF FLORIDA
DEPARTMENT
OF
ENVIRONMENTAL PROTECTION**



Conditions of Certification

**Gainesville Renewable Energy Center, LLC
Gainesville Renewable Energy Center**

PA 09-55

December 15, 2010

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0010131-001-AC (PSD-FL-411)	
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SECTION A: GENERAL CONDITIONS

SECTION A: GENERAL CONDITIONS

I. SCOPE

A. Pursuant to the Florida Electrical Power Plant Siting Act (PPSA), Sections 403.501-518, Florida Statutes (F.S.), and Chapter 62-17, Florida Administrative Code (F.A.C.), this certification is issued to Gainesville Renewable Energy Center, LLC (GREC LLC) as owner/operator and Licensee of the Gainesville Renewable Energy Center (GREC). Subject to the requirements contained in these conditions of certification (COCs), GREC LLC is authorized to construct and operate a nominal net 100 megawatt (MW) woody biomass-fired electrical power plant consisting of a bubbling fluidized bed (BFB) boiler, conventional steam turbine generator, boiler stack, mechanical draft cooling tower, and other associated facilities, as described in the Site Certification Application (SCA). These facilities will be located on a 131-acre leased area (Site) within the boundaries of Gainesville Regional Utilities' (GRU) certified Deerhaven Generating Station site in Gainesville, Alachua County, Florida. The UTM coordinates are: Zone 17, 365.010 km East, 3,293.825 km North, and the latitude/longitude is: 29°46'03" North/82°23'47" West (at the stack). The Department does not intend, solely by the incorporation of the general conditions contained herein, to require the retrofitting of existing certified facilities.

B. These COCs, unless specifically amended or modified, are binding upon the Licensee and shall apply to the construction, operation and maintenance of the certified facility. If a conflict should occur between the design criteria of the certified facility and the COCs, the COCs shall prevail unless amended or modified. If there is a conflict between any of these COCs, the more specific condition shall govern.

C. Within 60 days after completion of construction of the certified facility/ies, the Licensee shall provide to the Department: a survey map signed by a professional land surveyor, or acceptable equivalent documentation such as an official legal description, delineating the boundaries of the site as defined by Section 403.503(28), F.S., and an aerial photograph delineating the boundaries of the site. The survey and aerial photograph shall be incorporated herein as part of Attachment A. The Licensee shall notify the Department of any change to the site boundary. The notification shall be accompanied by an updated land survey (or legal description) and aerial photograph delineating the new boundaries of the site for review by the Department. Absent the above description/delineation of the site, the Department will consider the perimeter fence line of the property on which the plant is located to be the boundaries of the site.

D. If the boundaries of the certified area are different than the boundaries of the site, the Licensee shall comply with the requirements of this paragraph. Within 60 days after completion of construction of the certified facility/ies, including but not limited to transmission lines and natural gas pipelines, the Licensee shall provide to the Department: a survey map signed by a professional land surveyor, or acceptable equivalent documentation such as an official legal description, delineating the boundaries of the certified area; and an aerial photograph delineating the boundaries of the certified area. For electrical generation plants, the boundaries of the certified area shall include both the certified "electrical power plant" as defined by Section 403.503(14), F.S. and its "associated facilities" as defined by Section 403.503(7), F.S. The survey and the aerial photograph shall be incorporated herein as part of Attachment A. Any

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proposed project requiring a change to the boundaries of the certified area shall be accompanied by an updated survey map or legal description and aerial photograph.

E. Upon finalization of ROWs and/or easements (including all linear facilities), the Licensee shall submit to the Department aerial photographs depicting the final ROWs/easements for incorporation herein as part of Attachment A. At the Department's request, a copy of any legal instrument used to acquire such property rights shall be provided to the Department, subject to any exemptions granted by the Department under Section 119.071, F.S.

F. The certified facility includes but is not limited to the following major associated facilities: baghouse, administrative building, warehouse, water (process and potable) and wastewater treatment systems, handling and storage facilities for BFB boiler bottom and fly ash, two emergency diesel engines, a switchyard, biomass fuel handling and storage facilities, scale house, parking areas, stormwater management basins, and linear facilities including roads, sanitary sewer and natural gas pipelines, and a 138 kV transmission line.

II. APPLICABLE RULES AND STATUTES

The construction and operation of the certified facility shall be in accordance with all applicable non-procedural provisions of Florida Statutes and Florida Administrative Codes, including, but not limited to, the non-procedural portions of the following regulations, except to the extent a variance, exception, exemption or other relief is granted in the final order of certification or in a subsequent modification to the COCs or as otherwise provided under the Act:

Florida Statutes:

- Chapter 120 (Administrative Procedure Act)
- Chapter 163 (Intergovernmental Programs)
- Chapter 252 (Emergency Management)
- Chapter 253 (State Lands)
- Chapter 258 (State Parks & Preserves)
- Chapter 267 (Historical Resources)
- Chapter 373 (Water Resources)
- Chapter 376 (Pollutant Discharge Prevention and Removal)
- Chapter 379 (Fish and Wildlife Conservation)
- Chapter 380 (Land & Water Management)
- Chapter 403 (Environmental Control)
- Chapter 487 (Pesticide Regulation and Safety)
- Chapter 556 (Underground Facility Damage Prevention and Safety)

Florida Administrative Codes:

- 5I-2 (Open Burning)
- 18-2 (Management of Uplands Vested in the Board of Trustees)
- 18-14 (Administrative Fines for Damaging State Lands)
- 18-20 (Aquatic Preserves)
- 18-21 (Sovereign Submerged Lands Management)
- 62-4 (Permits)
- 62-17 (Electrical Power Plant Siting)
- 62-25 (Regulation of Stormwater Discharge)
- 62-40 (Water Resource Implementation Rule)

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62-150 (Hazardous Substance Release Notification)
62-160 (Quality Assurance)
62-204 (Air Pollution Control-General Provisions)
62-210 (Stationary Sources-General Requirements)
62-212 (Stationary Sources-Preconstruction Review)
62-213 (Operation Permits for Major Sources of Air Pollution)
62-214 (Requirements for Sources Subject to the Federal Acid Rain Program)
62-256 (Open Burning)
62-296 (Stationary Sources-Emission Standards)
62-297 (Stationary Sources-Emission Monitoring)
62-301 (Surface Waters of the State)
62-302 (Surface Water Quality Standards)
62-303 (Identification of Impaired Surface Waters)
62-304 (Total Maximum Daily Loads)
62-312 (Dredge and Fill Activities)
62-330 (Environmental Resource Permitting)
62-340 (Delineation of the Landward Extent of Wetlands and Surface Waters)
62-343 (Environmental Resource Permit Procedures)
62-345 (Uniform Mitigation Assessment Method)
62-346 (Environmental Resource Permitting in Northwest Florida)
62-520 (Groundwater Classes and Standards)
62-528 (Underground Injection Control)
62-531 (Water Well Contractor Licensing Requirements)
62-532 (Water Well Permitting and Construction Requirements)
62-550 (Drinking Water Standards, Monitoring and Reporting)
62-555 (Permitting, Construction, Operation, and Maintenance of Public Water Systems)
62-560 (Requirements for Public Water Systems That Are Out of Compliance)
62-600 (Domestic Wastewater Facilities)
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62-604 (Collection Systems and Transmission Facilities)
62-610 (Reuse of Reclaimed Water and Land Application)
62-620 (Wastewater Facility and Activities Permitting)
62-621 (Generic Permits)
62-650 (Water Quality Based Effluent Limitations)
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62-699 (Treatment Plant Classification and Staffing)
62-701 (Solid Waste Management Facilities)
62-702 (Solid Waste Combustor Ash Management)
62-730 (Hazardous Waste)
62-761 (Underground Storage Tank Systems)
62-762 (Aboveground Storage Tank Systems)
62-769 (Florida Petroleum Liability and Restoration Insurance Program)
62-770 (Petroleum Contamination Site Clean-Up Criteria)
62-780 (Contaminated Site Clean-Up Criteria)
62-807 (Natural Gas Transmission Pipeline)

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62-814 (Electric and Magnetic Fields)

64E-6 (Standards for Onsite Sewage Treatment and Disposal Systems)

For Facilities in the Suwannee River Water Management District:

40B-4 (Regulations)

40B-400 (Environmental Resource Permits)

ERP Applicant's Handbook

III. REVISIONS TO DEPARTMENT STATUTES AND RULES

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

B. Upon written notification to the Department, any holder of a certification issued pursuant to the PPSA may choose to operate the certified facility in compliance with any rule subsequently adopted by the Department which prescribes criteria more lenient than the criteria required by the terms and conditions in this certification which are not site-specific.

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

IV. DEFINITIONS

Unless otherwise indicated herein, the meaning of terms used herein shall be governed by the applicable definitions contained in Chapters 373 and 403, F.S., and any regulation adopted pursuant thereto. In the event of any dispute over the meaning of a term used in these COCs 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, the following shall apply:

A. “Application” means the documents required by the Department to be filed to initiate a certification review and evaluation, including the initial document filing, amendments, and responses to requests from the Department for additional data and information. For purposes of this license, application shall also include any subsequent material changes to submitted information.

B. “Associated facilities” is defined by Section 403.503(7), F.S.

C. “Certified area” means the area within the site in which the certified facilities are located. For linear facilities this term shall mean the area encompassed by the boundaries of the certified easements and/or ROWs.

D. “Certified facility” or “certified facilities” means the certified electrical power generation facilities and all on- or off-site associated structures including but not limited to: steam generating units, transformers, substations, fuel and water storage tanks, air and water pollution control equipment, storm water control ponds and facilities, cooling towers, and related structures. This term shall also mean linear and associated facilities, including but not limited to: transmission lines, natural gas pipelines, and compressor stations.

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- E. “DCA” means the Florida Department of Community Affairs.
- F. “DEP” or “Department” means the Florida Department of Environmental Protection.
- G. “DHR” means the Florida Department of State, Division of Historical Resources.
- H. “DOT” means the Florida Department of Transportation.
- I. “Emergency conditions” or “emergency reporting” means urgent circumstances involving potential adverse consequences to human life or property as a result of weather conditions or other calamity.
- J. “Feasible” means reasonably achievable considering a balance of land use impacts, environmental impacts, engineering constraints, and costs.
- K. “FWC” means the Florida Fish and Wildlife Conservation Commission.
- L. “Licensee” means an applicant that has obtained a certification order for the subject project.
- M. “NPDES permit” means a federal National Pollutant Discharge Permit System permit issued in accordance with the federal Clean Water Act.
- N. “PSD permit” means a federal Prevention of Significant Deterioration air emissions permit issued by DEP in accordance with the federal Clean Air Act.
- O. “NCFRPC” means the North Central Florida Regional Planning Council.
- P. “ROW” means right-of-way.
- Q. “Site” means any proposed location within which will be located an electrical power plant's generating facility and onsite support facilities, or an alteration or addition of electrical generating facilities and onsite support facilities resulting in an increase in generating capacity, including offshore sites within state jurisdiction.
- R. “Surface water management system” means a stormwater management system, dam, impoundment, reservoir, appurtenant work, or works, or any combination thereof. The terms “surface water management system” includes areas of dredging or filling, as those terms are defined in Sections 373.403(13) and (14), F.S.
- S. “SRWMD” means the Suwannee River Water Management District.
- T. “Title V permit” means a federal permit issued by DEP in accordance with Title V provisions of the federal Clean Air Act.

V. TRANSFERABILITY OF DEFINITIONS

Definitions in other chapters of the Department's rules may be used to clarify the meaning of terms used in these COCs unless transfer of such definition would defeat the purpose or alter the intended effect of the provisions of these COCs.

[Rule 62-4.021, F.A.C.]

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VI. FEDERAL PERMITS

The following permits have been or will be issued pursuant to federal programs and they are or will be applicable to the certified facility. The Department may consider a violation of any of these federal permits as a violation of this license.

A. Air

The provisions of the following paragraphs shall be conditions of this certification. The Licensee shall comply with the substantive provisions and limitations set forth in both the Air Construction Permit(s) and the Title V Air Operation Permit, when they are issued, and any future modification, amendment, or renewal thereto. Such provisions shall be fully enforceable as conditions of this certification. Any violation of such provisions shall be a violation of these COCs.

1. Air Construction Permit(s)

Air Construction Permit [0010131-001-AC (PSD-FL-411)] will be incorporated by reference herein as part of these COCs and attached as Appendix I.

[Chapter 62-212, F.A.C.]

2. Title V Permit

The Title V Air Operation Permit (xxxxxxx-xxx-AV) for the certified facility will be incorporated by reference herein as part of this certification and will be attached as Appendix II.

[Chapters 62-204, 62-210, 62-213, 62-214, 62-296, and 62-297, F.A.C.]

B. Water

1. The certified facility will be a Zero Liquid Discharge system and, therefore, no industrial wastewater discharges from the site are proposed or authorized.

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

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

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

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

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

3. Multi-Sector Generic Permits (MSGP)

Any stormwater discharges associated with industrial activity shall be in accordance with all applicable provisions of Chapter 62-621, F.A.C. For industrial activities at

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the site that result in a discharge of stormwater to surface waters of the State or into a municipal separate storm sewer system (MS4), and fall under any one of the 11 categories of industrial activities identified in 40 CFR 122.26(b)(14), a MSGP for Stormwater Discharge Associated with Industrial Activity shall be obtained as applicable.

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

4. Discharge of Produced Ground Water

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

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

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

C. Other

For informational purposes, it should be noted that other federal permits may be required for the certified facility. The Licensee shall be responsible for obtaining any necessary federal permits separately pursuant to applicable federal regulations.

VII. DESIGN AND PERFORMANCE CRITERIA

Certification, including these COCs, is predicated upon preliminary designs, concepts, and performance criteria described in the SCA or in support of certification. Final engineering design will be consistent and in substantial compliance with the preliminary information described in the SCA and explained at the certification hearing (if any). Conformance to those criteria, unless specifically modified in accordance with Sections 403.516, 403.5315, 403.9418, F.S., and Rule 62-17.211, F.A.C., is binding upon the Licensee in the design, construction, operation and maintenance of the certified facility. In any instance where a conflict occurs between the SCA's design criteria and the COCs, the COCs shall prevail.

[Sections 403.516, 403.5315, and 403.9418, F.S.; Rules 62-17.211, 62-17.680, and 62-807.610, F.A.C.]

VIII. NOTIFICATION

A. If, for any reason, the Licensee does not comply with or will be unable to comply with any condition or limitation specified in this license, the Licensee shall immediately provide the Department with the following information:

1. A description of and cause of noncompliance; and

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

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

B. The Licensee shall immediately notify the Department in writing of any previously submitted information concerning the certified facility that is later discovered to be inaccurate.

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

IX. REPLACEMENT FOR RESTORATION OF SYSTEM INTEGRITY

A. Replacement of all or a portion of a transmission line(s) or natural gas pipeline certified under the TLISA or the NGPSA that is necessary to restore system integrity following an emergency as defined by Sections 252.34(6), (7) or (9), F.S., and requiring deviation from any condition of certification shall not be considered a modification pursuant to Section 403.5315, F.S. A verbal report of the emergency replacement for restoration of system integrity shall be made to the Department as soon as possible. Within 30 days after correction of the emergency condition requiring a replacement for system integrity, a report to the Department shall be made outlining the details of the emergency condition requiring the replacement and the steps taken for its relief. The report shall be a written description of all of the work performed and shall set forth any pollution control measures or mitigative measures which were utilized or are being utilized to prevent pollution of waters, harm to sensitive areas or alteration of archaeological or historical resources.

B. The Department will use its enforcement discretion when evaluating violations that result from operating the certified facility under emergency conditions. During and after the emergency conditions, the Licensee must use due diligence to bring the facility back into compliance as soon as possible. In addition, the Licensee must use its best efforts and best management practices to minimize adverse environmental impacts. The Licensee shall notify the Siting Coordination Office (SCO) and the appropriate DEP District Office when the emergency condition has ended. Furthermore, the Licensee must include all monitoring data, which would otherwise be required under normal operating circumstances, recorded during emergency conditions when submitting reports as required by these COCs. Any exceedances and/or violations recorded during emergency conditions shall be reported as such, but the Department acknowledges that it intends to use its enforcement discretion during this timeframe. This acknowledgement by the Department does not constitute a waiver or variance from any requirements of any federal permit. Relief from any federal agency must be separately sought.

[Sections 252.34, 403.5315, and 403.9416, F.S.]

X. CONSTRUCTION PRACTICES

A. Local Building Codes

For licenses issued under the PPSA any local government has the right to charge appropriate fees or require that construction be in compliance with applicable building construction codes.

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[Section 403.531(4), F.S.]

B. Particulate Matter

The Licensee shall take reasonable precautions to control emissions of unconfined particulate matter in accordance with subparagraph 62-296.320(4)(c)1., F.A.C. The Licensee shall take appropriate measures to stabilize those portions of the certified area that are disturbed by construction or operation of the certified facility that may cause release of particulate matter.

[Rule 62-296.320, F.A.C.]

C. Open Burning

Any open burning in connection with initial land clearing shall be in accordance with the non-procedural requirements of Chapters 62-256 and 5I-2, F.A.C. Prior to any burning of construction-generated material, such as initial land clearing debris that is allowed to be burned in accordance with Chapter 62-256, F.A.C., the Licensee shall seek approval from the applicable DEP District Office, whose approval may be granted in conjunction with the approval of the Division of Forestry. Burning shall not occur if not approved by the Department or if the Division of Forestry has issued a ban on burning due to fire safety conditions or due to air pollution conditions. A copy of any submittals by Licensee relating to open burning shall be submitted to the affected county in which open burning will take place as requested or required by that county, for informational purposes.

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

D. Solid Wastes

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

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

E. Flood Control Protection

The certified facilities shall be constructed in a manner that complies with any applicable non-procedural county flood protection requirements.

F. Vegetation

For any new construction, the Licensee, in compliance with Section 163.3209, F.S., and to the extent feasible, will retain existing native (non-exotic) vegetation within the certified area and practice "best management practices." For areas located in any Florida Department of Transportation (DOT) ROW, Chapter 7 of the Florida DOT *Utility Accommodation Manual*, which can be accessed from the website address below, shall serve as guidelines for best management practices.

<http://www2.dot.state.fl.us/proceduraldocuments/procedures/bin/710020001/Chapter-7.pdf>

[Section 163.3209, F.S.]

G. Underground Utilities

During design and prior to construction of any linear facility, the Licensee shall contact Sunshine One Call and obtain a listing (design and construction tickets) of all the known existing underground utilities within the ROW or easement. The Licensee shall provide the

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affected county and the SCO with a copy of the information received from Sunshine One Call. Licensee must follow all applicable portions of the Underground Facility Damage Prevention and Safety Act, Chapter 556, F.S.

[Chapter 556, F.S.]

H. Electric and Magnetic Fields

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

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

I. Wells

Any existing wells in the path of construction that will no longer be used shall be abandoned by a licensed well contractor. All abandoned wells shall be filled and sealed in accordance with subsection 62-532.500(4), F.A.C., or with the rules of the authorizing agency.

[Rule 62-532.440 and subsection 62-532.500(4), F.A.C.]

J. Abandonment of Existing Septic or Storage Tanks

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

[Chapter 64E-6, F.A.C.]

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

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

XI. RIGHT OF ENTRY

A. Upon presentation of credentials or other documents as may be required by law, the Licensee shall allow authorized representatives of the Department or other agencies with jurisdiction over a portion of the certified facility:

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

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

B. When requested by the Department, on its own behalf or on behalf of another agency with regulatory jurisdiction, the Licensee shall within 10 working days, or such longer period as may be mutually agreed upon by the Department and the Licensee, furnish any information required by law, which is needed to determine compliance with this certification. If the Licensee becomes aware that relevant facts were not submitted or were incorrect in the SCA or in any report to submitted to the Department or other agencies, such facts or information shall be promptly corrected and resubmitted.

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

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XII. DISPUTE RESOLUTION

If a situation arises in which mutual agreement cannot be reached between the Licensee, Department and another agency receiving a post-certification submittal or between the Department and the Licensee regarding compliance with these COCs, then the matter shall be immediately referred to the Division of Administrative Hearings (DOAH) for disposition in accordance with the provisions of Chapter 120, F.S. The Licensee or Department may request DOAH to establish an expedited schedule for the processing of such a dispute.

[Sections 403.527, 403.531, and 120.57, F.S.]

XIII. SEVERABILITY

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

XIV. ENFORCEMENT

A. The terms, conditions, requirements, limitations and restrictions set forth in these COCs are binding and enforceable pursuant to Sections 403.141, 403.161, 403.514, 403.727, and 403.859 through 403.861, F.S., as applicable. Any noncompliance by the Licensee with these COCs constitutes a violation of Chapter 403, F.S., and is grounds for enforcement action, license termination, license revocation, or license revision. The Licensee is placed on notice that the Department may review this certification periodically and may initiate enforcement action for any violation of the COCs. Abandonment of the certified facility will be considered grounds for enforcement action.

B. Consistent with the Florida Rules of Evidence and of Civil Procedure, all records, notes, monitoring data and other information relating to the construction or operation of the certified facility which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the certified facility and arising under the Florida Statutes or Department Rules.

[Sections 403.121, 403.131, 403.141, 403.151, 403.161, 403.514, 403.533, and 403.9419, F.S.; subsections 62-4.160(1) and 62-4.160(9), F.A.C.]

XV. REVOCATION OR SUSPENSION

The certification shall be final unless revised, revoked or suspended pursuant to law. This certification may be suspended or revoked pursuant to Sections 403.512, 403.532, and 403.9425, F.S., or for violations of any of these COCs. This license 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 certification may constitute grounds for revocation and enforcement action by the Department. Any enforcement action, including suspension and revocation, shall only affect the portion(s) of the certified facility that are the cause of such action, and other portions of the certified facility shall remain unaffected by such action.

[Sections 403.512, 403.532, and 403.9425, F.S.; subsection 62-4.160(2), F.A.C.]

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XVI. SAFETY

As provided in Sections 403.087(7) and 403.722(5), F.S., the issuance of this license does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This license is not a waiver of or approval of any other Department license/permit that may be required for other aspects of the certified facility which are not addressed in this license. This license does not relieve the Licensee from liability for harm or injury to human health or welfare, animal, or plant life, or public or private property caused by the construction or operation of this certified facility, or from penalties therefore.

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

XVII. HERBICIDES

For licenses issued under the TLSA and/or NGSPA herbicides applied at the site or in any ROW shall only be those registered by the U.S. Environmental Protection Agency and which have state approval. Herbicide application rates and concentrations will be in accordance with label directions and will be carried out by a licensed applicator, in compliance with all federal, state and local regulations. Herbicide applications shall be selectively applied to targeted vegetation. Broadcast application of herbicide shall not be used unless effects on non-targeted vegetation are minimized.

[Sections 403.061, 403.088, 487.031, and 487.041, F.S.]

XVIII. CIVIL AND CRIMINAL LIABILITY

A. This certification does not relieve the Licensee from civil or criminal penalties for noncompliance with any COCs, applicable rules or regulations of the Department, or any other state statutes or regulations which may apply.

B. This license is not a waiver of any other Department approval that may be required for other aspects of the certified facility under federally delegated or approved programs.

[Sections 403.141, 403.161, 403.511, 403.531, and 403.9416, F.S.]

XIX. PROPERTY RIGHTS

A. The issuance of 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.

B. If any portion of the certified facility is located on sovereign submerged lands, state-owned uplands, or within an aquatic preserve, then the certified facility must comply with the applicable portions of Chapters 18-2, 18-20, and 18-21, F.A.C., and Chapters 253 and 258, F.S. If any portion of the certified facility is located on sovereign submerged lands, the Licensee must submit section G of the Joint Application for Environmental Resource Permits to the Department prior to construction. If any portion of the certified facility is located on state-owned uplands, the Licensee must submit an Upland Easement Application to the Department prior to construction.

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

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

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

[Chapters 253 and 258, and Sections 403.511, 403.531, and 403.9416, F.S.; Chapter 3.1.1. of the B.O.R.; Chapters 18-2, 18-14, 18-21, 62-340, and subsections 62-343.900(1) and 62-4.160(4), F.A.C.; Upland Easement Application and Section G of the Environmental Resource Permit Application Form.]

XX. PROCEDURAL RIGHTS

No term or condition of this certification shall be interpreted to preclude the post-certification exercise by any party of whatever procedural rights it may have under Chapter 120, F.S., including those related to rule-making proceedings.

[Chapter 120, and Sections 403.511(5)(c), 403.531(5), and 403.9416(4), F.S.]

XXI. AGENCY ADDRESSES FOR POST-CERTIFICATION SUBMITTALS AND NOTICES

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

Florida Department of Environmental Protection
Siting Coordination Office, MS 48
3900 Commonwealth Blvd.
Tallahassee, FL 32399-3900

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Florida Department of Environmental Protection
Northeast District Office
7825 Baymeadows Way, Suite B200
Jacksonville, FL 32256-7577

Florida Department of Community Affairs
Office of the Secretary
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100

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

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

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

North Central Florida Regional Planning Council
Office of the Executive Director
2009 NW 67 Place, Suite A
Gainesville, FL 32653-1603

Suwannee River Water Management District
Office of General Counsel
9225 County Road 49
Live Oak, FL 32060

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

City of Gainesville
Office of General Counsel
Post Office Box 490, Sta. 46
Gainesville, FL 32601

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

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XXII. PROCEDURES FOR POST-CERTIFICATION SUBMITTALS

A. Purpose of Submittals

COCs which provide for the post-certification submittal of information to the Department or other agencies by the Licensee are for the purpose of facilitating the agencies' monitoring of the effects arising from the location of the certified facility and the construction and maintenance of the certified facility. This monitoring is for the Department to assure, in consultation with other agencies with applicable regulatory jurisdiction, continued compliance with these COCs, without further agency action.

B. Filings

All post-certification submittals by the Licensee are to be filed with the SCO, the DEP District Office, and any other agency that is entitled to receive a submittal pursuant to these COCs. Each submittal shall clearly identify the certified facility name, PA#, and the condition number/s (i.e. Section X, Condition XX.y.(z)) requiring the submittal. As required by Section 403.5113(2), F.S., each post-certification submittal will be reviewed by each agency with regulatory authority over the matters addressed in the submittal on an expedited and priority basis.

Within 90 days after certification, and within 90 days after any subsequent modification or certification, the Licensee shall provide the Department a complete summary of those post-certification submittals that are identified in the COCs where due-dates for the information required of the Licensee are identified. A summary shall be provided as a separate document for each transmission line, if any. Such submittals shall include, but are not limited to, monitoring reports, management plans, wildlife surveys, etc. The summary shall be provided to the SCO and any affected agency or agency subunit to which the submittal is required to be provided, in a sortable spreadsheet, via CD and hard copy, in the format identified below or equivalent.

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

[subsection 62-17.191(3), F.A.C.]

C. Completeness

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

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

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

D. Interagency Meetings

The Department may conduct an interagency meeting with other agencies that received a post-certification submittal. The purpose of such an interagency meeting shall be for the agencies with regulatory jurisdiction over the matters addressed in the post-certification submittal to discuss whether compliance with the COCs has been provided. Failure of the Department to conduct an interagency meeting or failure of any agency to attend an interagency meeting shall not be grounds for the Department to withhold a determination of compliance with these COCs nor to delay the timeframes for review established by these COCs. At the Department's request, the Licensee shall conduct a field inspection with the agency representative in conjunction with the interagency meeting.

E. Determination of Compliance

The Department shall give written notification within 90 days, to the Licensee and the other agency/ies to which the post-certification information was submitted of the Department's determination whether there is demonstration of compliance with the COCs. If it is determined that compliance with these COCs has not been provided, the Licensee shall be notified with particularity of the deficiencies and possible corrective measures suggested. Failure to notify the Licensee in writing within 90 days of receipt of a complete post-certification submittal shall constitute a determination of compliance.

F. Commencement of Construction

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

G. Revisions to Design Previously Reviewed for Compliance

The Licensee shall submit to Department, and/or applicable agencies, proposed revisions to post-certification submittals for review. Such submittals shall include the same type of information required for the original submittal and shall be submitted prior to construction/implementation.

H. Variation to Submittal Requirements

The Department, in consultation with the appropriate agencies that have regulatory authority over a matter to be addressed in a post-certification submittal, and the Licensee may jointly agree to vary any of the post-certification submittal requirements, provided the information submitted is sufficient to provide reasonable assurances of compliance with these COCs.

I. Disputes

Any agency that receives a post-certification submittal pursuant to these COCs may dispute a determination that a submittal provides reasonable assurances of compliance with

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the COCs made by the Department on matters within that agency's jurisdiction by following the procedures set forth in Chapter 120, F.S. The agency's statement disputing the Department's determination shall state with particularity the location to which the agency's dispute relates. Work in areas other than the location to which the agency's dispute relates will not be affected by the agency's dispute.

[Sections 120.569, 373.413, 373.416, 403.511, 403.531, and 403.9416, F.S.; Rules 62-17.191 and 62-17.205, F.A.C.]

XXIII. POST CERTIFICATION AMENDMENTS

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

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

B. If the Department concludes that the change would require a modification to the COCs, the Department shall provide written notification to the Licensee that the proposed change to the SCA requires a request for modification pursuant to Sections 403.516 and 403.5317, F.S.

[Section 403.5113, F.S.]

XXIV. MODIFICATION OF CERTIFICATION

A. Pursuant to Sections 403.516(1)(a), 403.5315(1), 403.9418(1)(a), 120.569(2)(n), F.S., and Rule 62-17.211, F.A.C., the Siting Board hereby delegates the authority to the Department to modify, after notice and receipt of no objection by a party or other substantially affected person, any COCs which would not otherwise require approval by the Siting Board. In addition, the Department is delegated the authority to modify COCs as follows:

The certification shall be modified to conform to subsequent DEP-issued amendments, modifications, or renewals of any separately issued Prevention of Significant Deterioration (PSD) permit, Title V Air Operation permit, Underground Injection Control (UIC) permit, or National Pollutant Discharge Elimination System (NPDES) permit for the certified facility. In the event of a conflict, the more stringent of the conditions of such permits or of these COCs shall be controlling.

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

C. Any anticipated facility change that results in a change to the boundaries of the certified area must be accompanied by a map or aerial photo showing the proposed new boundaries of the certified area. The Department may consider any such change to be a modification of the COCs. Within 60 days after completion of construction of the new project the Licensee shall provide: a survey map signed by a professional land surveyor, or acceptable

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equivalent documentation such as a legal description, delineating the boundaries of the certified area; and an aerial photograph delineating the new boundaries of the certified area. The survey and aerial photograph shall be incorporated herein as part of Attachment A.

D. The Licensee may file a petition for modification with the Department, or the Department may initiate the modification upon its own initiative.

[Sections 120.569(2)(n), 403.511(5)(a), 403.516, 403.5315, and 403.9418, F.S.; Rule 62-17.211 and Chapter 62-343, F.A.C.]

XXV. INCORPORATION OF EXISTING STATE AND LOCAL PERMITS/LICENSES

The operation of the certified facility shall be in accordance with all applicable provisions of any state or local government regulation. All state and locally issued permits/approvals are intended to be incorporated herein, such that the Licensee shall comply with the substantive provisions and limitations set forth in those permits/approvals. The inadvertent omission of any state or locally issued permit/approval from these COCs can be remedied by a modification of the COCs to include provisions from the state or locally issued permit/approval.

At any time following certification, should the Licensee become aware of any state or locally issued permit/approval not included herein, the Licensee shall promptly notify the SCO for incorporation into these COCs. Likewise, when the Department is made aware of any separately issued permits/approval that were inadvertently not included in the COCs, the COCs will be modified to incorporate the substantive provisions and limitations of any such permit/approval.

XXVI. COASTAL ZONE CONSISTENCY

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

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

XXVII. FINANCIAL RESPONSIBILITY

The Department may require the Licensee to submit proof of financial responsibility and may require the Licensee to post an appropriate bond in those instances where the Department is authorized to require proof of financial responsibility or a bond pursuant to a law or Department rule that is applicable to the certified facility.

[Rule 62-4.110, F.A.C.]

XXVIII. TRANSFER OF CERTIFICATION

This certification is transferable in whole or in part, upon Department approval, to an entity determined to be competent to construct, operate and maintain the certified facility in accordance with these COCs. The Department will consider whether the entity is a proper applicant as defined by the PPSA in making its approval. A transfer of certification of all or part of the certified facility may be initiated by the Licensee's filing of a Notice of Intent to Transfer Certification with the Department. A copy of the necessary form may be obtained by contacting the SCO. Upon approval, the Department will initiate a modification to the COCs to reflect the

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

[Chapter 120, F.S.; Rule 62-17.211, F.A.C.]

XXIX. LABORATORIES AND QUALITY ASSURANCE

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

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

XXX. ENVIRONMENTAL RESOURCES

A. General

1. Submittals for Construction Activities

a. Prior to the commencement of construction of new facilities and/or associated facilities the Licensee shall provide to the appropriate DEP District's Environmental Resource Permitting Section(s) for review, all information necessary for a complete *Joint Application for Environmental Resource Permit (ERP)*, DEP Form 62-343.900(1). These forms may be submitted; a) concurrently with a SCA, an amendment request, or a petition for modification; or b) as a post-certification submittal following approval of a project through certification, an amendment, or a modification. Such ERP applications, once received, shall be reviewed in accordance with the standards and criteria for issuance of an ERP, including all the provisions related to reduction and elimination of impacts, conditions for issuance, additional conditions for issuance, and mitigation contained in Chapters 62-330, 62-341, 62-343, and 62-346, F.A.C., as applicable unless otherwise stated in these COCs.

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

No construction shall commence until the appropriate notification from the Department has been received.

b. The Licensee shall submit a survey of wetland and surface water areas as delineated in accordance with Chapter 62-340, F.A.C., and verified by appropriate agency staff for Department approval.

[Chapter 62-340, F.A.C.]

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[Section 373.416, F.S.; subsections 62-312, 62-343.070(2) and 62-346.070(2), paragraph 62-343.090(2)(b), and Forms 62-343.900(1) and 62-346.900(1), F.A.C.]

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

[Section 373.414, F.S.; paragraph 62-17.665(7)(d), F.A.C.]

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

[Sections 373.421, 403.504, 403.523, and 403.9404, F.S.]

B. Surface Water Management

1. Surface water management systems will be evaluated under Part IV of Chapter 373, F.S. following submittal of Form 62-343.900(1) or 62-346.900(1), as applicable, to the appropriate office of the Department.

2. All construction, operation, and maintenance shall be as set forth in the plans, specifications and performance criteria contained in the Department's files and approved by this license. Any alteration or modification to the surface water management system as licensed requires prior approval from the Department.

3. Immediately prior to, during construction, and for the period of time after construction to allow for stabilization of all disturbed areas, the Licensee shall implement and maintain erosion and sediment control best management practices, such as silt fences, erosion control blankets, mulch, sediment traps, polyacrylamide (PAM), temporary grass seed, permanent sod, and floating turbidity screens to retain sediment on-site and to prevent violations of state water quality standards. These devices shall be installed, used, and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the licensed work, and shall remain in place at all locations until construction is completed and soils are permanently stabilized. All best management practices shall be in accordance with the guidelines and specifications described in *the State of Florida Erosion and Sediment Control Designer and Reviewer Manual* (Florida DOT and DEP, 2007) unless a project-specific erosion and sediment control plan is approved as part of this license. If project-specific conditions require additional measures during any phase of construction or operation to prevent erosion or control sediments beyond those specified in the approved erosion and sediment control plan, the Licensee shall implement additional best management practices as necessary, in accordance with the guidelines and specifications in *the State of Florida Erosion and Sediment Control Designer and Reviewer Manual* (Florida DOT and DEP). The Licensee shall correct any erosion or shoaling that causes adverse impacts to the water resources as soon as practicable. Once project construction has been deemed complete, including the re-stabilization of all side slopes, embankments and other disturbed areas, and before conversion from the operation and maintenance phase, all silt screens and fences, temporary baffles, and other materials that are no longer required for erosion and sediment control shall be removed.

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

5. The Department must be notified in advance of any proposed construction dewatering. If the dewatering activity is likely to result in offsite discharge or sediment transport into wetlands or surface waters, a written dewatering plan must be submitted to and approved by the Department prior to the dewatering event. All dewatering discharges must be in compliance with Rule 62-621.300, F.A.C.

6. At least 48 hours prior to the commencement of construction of any new surface water management system authorized by this license, the Licensee shall submit to the Department a written notification of commencement using an "Environmental Resource Permit Construction Commencement Notice" DEP Form 62-343.900(3) or 62-346.900(3), as applicable, indicating the actual start date and the expected completion date. When the duration of construction will exceed one year, the Licensee shall submit construction status reports to the Department on an annual basis utilizing an "Annual Status Report Form" (Form No. 62-343.900(4), F.A.C.). Status Report Forms shall be submitted the following June of each year.

7 Each phase or independent portion of the approved system must be completed in accordance with the submitted DEP form prior to the operation of site infrastructure located within the area served by that portion or phase of the system. 8. Within 30 days after completion of construction of any new portions of the surface water management system, the Licensee shall submit a written statement of completion and certification by a registered professional engineer, or other appropriate registered professional, as authorized by law, utilizing an "As-Built Certification by a Registered Professional" DEP Form 62-343.900(5) or 62-346.900(4), as applicable. Additionally, if deviations from the approved drawings are discovered during the certification process, the certification must be accompanied by a copy of the approved drawings with deviations noted.

9. Any substantial deviation from the approved drawings, exhibits, specifications or COCs, may constitute grounds for revocation or enforcement action by the Department. Examples of substantial deviations may include excavation of ponds, ditches or sump areas deeper than shown on the approved plans.

10. Prior to operation of any new surface water management system, the Licensee shall submit to the Department a "Request for Transfer of Environmental Resource Permit Construction Phase to Operation Phase" (DEP Form 62-343.900(7), F.A.C.). The operation phase of any new surface water management system approved by the Department shall not become effective until the Licensee has complied with the requirements of the COCs herein, the Department determines the system to be in compliance with the approved plans, and the entity approved by the Department accepts responsibility for operation and maintenance of the system.

[Chapters 62-25, 62-302, 62-330, 62-343, 62-346, and Rule 62-4.242, F.A.C.]

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C. Wetland and Other Surface Water Impacts

1. All certified facilities shall be constructed in a manner which will avoid or minimize adverse impacts to on-site and/or adjacent wetlands or other surface waters to the extent feasible. When unavoidable impacts to wetlands will occur, an applicant may propose and the Department shall consider mitigation to offset otherwise unpermittable activities under the Environmental Resource Permit review process pursuant to Condition A.1.a above.

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

[Sections 373.413, 373.414, 373.4145, 403.511, 403.531, 403.814(6), and 403.9416, F.S.; Chapters 62-330, 62-341 62-342, 62-343, 62-345, and 62-346, F.A.C.]

XXXI. THIRD PARTY IMPACTS

The Licensee is responsible for maintaining compliance with these COCs even when third party activities authorized by the Licensee occur in or on the certified area. Such third party activities authorized by the Licensee may include but are not limited to mining, hunting, and timbering.

[Sections 403.506(1), 403.524(1), and 403.9405(1), F.S.]

XXXII. FACILITY OPERATION

The Licensee shall properly operate and maintain the certified facility and systems of treatment and control (and related appurtenances) that are installed and used by the Licensee to achieve compliance with these COCs, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with these COCs and when required by Department rules.

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

XXXIII. RECORDS MAINTAINED AT THE FACILITY

A. A copy of these COCs shall be kept at the work site of the certified facility.

B. 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.

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

D. Records of monitoring information shall include:

1. the date, exact place, and time of sampling or measurements;

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2. the person responsible for performing the sampling or measurements;
3. the dates analyses were performed;
4. the person responsible for performing the analyses;
5. the analytical techniques or methods used; and,
6. the results of such analyses.

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

XXXIV. WATER DISCHARGES

A. Discharges

1. 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 Rule 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.

2. All discharges and activities must be conducted so as to not cause a violation of the water quality standards set forth in Chapters 62-4, 62-302, 62-520, and 62-550, F.A.C., including the provisions of Rules 62-4.243, 62-4.244, and 62-4.246, F.A.C., the antidegradation provisions of paragraphs 62-4.242(1)(a) and (b), F.A.C., subsections 62-4.242(2) and (3), F.A.C., and Rule 62-302.300, F.A.C., and any special standards for Outstanding Florida Waters and Outstanding National Resource Waters set forth in subsections 62-4.242(2) and (3), F.A.C.;

3. All dewatering discharges must be in compliance with Rule 62-621.300, F.A.C.

[Chapters 62-4, 62-302, 62-520, 62-550, and Rule 62-621.302, F.A.C.]

B. Wastewater Incident Reporting

1. The Licensee shall report to the Department any unauthorized discharge to surface or ground waters. Any information shall be provided orally within 24 hours from the time the Licensee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Licensee 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.

2. For unauthorized releases or spills of treated or untreated wastewater reported 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,

SECTION A: GENERAL CONDITIONS

as soon as practical, but no later than 24 hours from the time the Licensee becomes aware of the discharge. The Licensee, 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 Licensee 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;
- i. Description of area affected by the discharge, including name of water body affected, if any; and
- j. Other persons or agencies contacted.

3. 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 shall waive the written report.

[Chapter 376, F.S.; subsection 62-620.610(20), F.A.C.]

XXXV. SOLID AND HAZARDOUS WASTE

A. Solid Waste

The Licensee shall comply with all applicable provisions of Chapters 62-701 and 62-702, F.A.C., for any solid waste generated within the certified facility during construction and/or operation.

[Chapters 62-701 and 62-702, F.A.C.]

B. Hazardous Waste

The Licensee shall comply with all applicable non-procedural provisions of Chapter 62-730, F.A.C., for any hazardous waste generated from the certified facility. An EPA identification number must be obtained before beginning hazardous waste activities, except for Conditionally Exempt Small Quantity Generators (CESQGs) who are exempt from this regulation under Title 40 Code of Federal Regulations (CFR), §261.5. CESQGs generate no more than 100 kg (220 lbs) of hazardous waste in any month.

[Chapter 62-730, F.A.C.]

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C. Hazardous Substance Release Notification

1. Any owner or operator of a facility who has knowledge of any release of a hazardous substance from a facility in a quantity equal to or exceeding the reportable quantity in any 24-hour period shall notify the Department by calling the State Warning Point Number, (850) 488-1320, within one working day of discovery of the release.

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

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

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

XXXVI. STORAGE TANK SYSTEMS

Registration, construction, installation, operation, maintenance, repair, closure, and disposal of storage tank systems that store regulated substances shall be in accordance with Chapters 62-761 and 62-762, F.A.C., in order to minimize the occurrence and environmental risks of releases and discharges. Mineral acid storage tank systems are subject only to Rule 62-762.891, F.A.C.

A. Incident Notification Requirements.

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

B. Discharge Reporting Requirements

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

C. Discharge Cleanup

If a discharge of a regulated substance occurs at a facility, actions shall be taken immediately to contain, remove, and abate the discharge under all applicable Department rules (for example, Chapter 62-770, F.A.C., Petroleum Contamination Site Cleanup Criteria). Owners and operators are advised that other federal, state, or local requirements may apply to these activities. If the contamination present is subject to the provisions of Chapter 62-770, F.A.C.,

SECTION A: GENERAL CONDITIONS

corrective action, including free product recovery, shall be performed in accordance with that Chapter.

D. Out of Service and Closure Requirements

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

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

XXXVII. NOISE

The Licensee shall comply with applicable local noise ordinances during construction and operation of the certified facility.

XXXVIII. SCREENING

The Licensee shall comply with applicable local government requirements concerning the screening of the certified facility.

SECTION B: SPECIFIC CONDITIONS

SECTION B. SPECIFIC CONDITIONS

I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

A. *Potable Water*

1. All the potable water supply well(s) shall be constructed according to public well standards found in Chapter 62-532, F.A.C., and shall comply with the required setbacks in Rule 62-555.312, F.A.C.

2. The non-transient, non-community potable water supply system(s) shall be designed and operated in conformance with the applicable requirements of Chapters 62-550, (Lead & Copper Rule 40 CFR 141, Subpart I), 62-555, 62-560, and 62-699 F.A.C. Information as required in Chapters 62-550, Lead & Copper Rule 40 CFR 141, Subpart I, 62-555, 62-560, and 62-699, F.A.C., shall be submitted to the Department prior to construction and operation of any potable water system. The operation of the potable water supply system shall be certified in accordance with Chapters 62-602 and 62-699, F.A.C. All monitoring reports shall be submitted to the Department's Northeast District Office, Potable Water Section and the SCO.

3. The list of requirements for a Preliminary Design Report (PDR) can be found in subsection 62-555.520(4), F.A.C. A preliminary design report or specifications, details, and design drawings are required for approval of a potable water system and shall be submitted to the Department's Northeast District Office, Potable Water Section and the SCO prior to construction and use.

4. For the non-transient, non-community potable water supply system(s), a demonstration of financial, managerial, and technical capacity (capacity development) form pursuant to Rule 62-555.525, F.A.C., must be completed and submitted to the Department's Northeast District Office, Potable Water Section and the SCO.

5. The limited use potable water system(s) shall be constructed and operated in conformance with the applicable requirements of Section 381.0062, F.S., and Chapter 64E-8, F.A.C. The Florida Department of Health Form 4092B and other required information shall be submitted to the Alachua County Health Department and the SCO for approval prior to the construction and operation of the limited use potable water system(s).

B. *Industrial Wastewater Treatment Facilities*

Within thirty days of completion of construction of any new industrial wastewater facilities, the Licensee shall submit to the Department a completed "Certification 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.

C. *Solid Waste General*

1. All solid waste generated from the site during operation including: bottom ash from the boiler; solids/sludges from the water (process and waste) treatment facilities; used oil/sludges collected from the oil/water separator; spent lubricating oils; used oil filters; and related used petroleum products shall be collected in vendor provided or other suitable containers and transported offsite for disposal in a permitted landfill. Transportation and disposal of solid wastes shall be in accordance with applicable provisions of Chapters 62-701 and 62-702, F.A.C., and any specific requirements of the permitted landfill receiving the waste.

SECTION B: SPECIFIC CONDITIONS

2. The Licensee shall submit to the Department a best management practices plan for handling, transporting, and disposing of solid waste prior to commercial operation of the certified facility.

[Rule 62-4.030, F.A.C.]

D. Fly Ash

1. Fly ash generated from the BFB boiler shall be transported and temporarily stored on site in accordance with the design specifications provided in the GREC Application.

2. Fly ash that may be used as a soil supplement shall undergo an initial test according to the Toxicity Characteristic Leaching Procedure (or an alternate plan proposed by the Licensee and approved by the Department) prior to land application to assure the ash is not a characteristic hazardous waste.

[Rule 62-4.030, F.A.C.]

3. The results of the initial sampling shall be submitted to the Department for review within 30 days, prior to land application of any fly ash. If elevated levels of contaminants are discovered, the Department may require additional sampling.

[Rule 62-4.030, F.A.C.]

4. According to the Application, the biomass fuel will be derived primarily from forest residue and urban wood waste. If there is a material change in the fuel or fuel supply, the Department shall be notified and additional sampling of fly ash may be required before it is used as a soil supplement.

[Rule 62-4.030, F.A.C.]

5. Fly ash that is not used as a soil supplement shall be transported offsite in covered trucks and disposed of in a permitted landfill. Transportation and disposal of fly ash shall be in accordance with applicable provisions of Chapters 62-701 and 702, F.A.C, and any specific requirements of the permitted landfill receiving the waste.

6. Reasonable precautions pursuant to F.A.C. Rule 62-296.320(4)(c) shall be taken to control fugitive particulate at the site when loading/unloading and transporting fly ash.

E. Wetlands Mitigation

The Licensee shall provide the Department with the executed conservation easement between GRU and DEP as described in the mitigation plan submitted with the SCA prior to construction of the certified facility. The conservation easement is incorporated by reference herein as Attachment B. Violation of the limitations set forth in the conservation easement shall be a violation of these COCs.

II. DEPARTMENT OF TRANSPORTATION

A. Access Management to the State Highway System

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

SECTION B: SPECIFIC CONDITIONS

B. Overweight or Overdimensional Loads

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

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

All usage and crossing of State of Florida ROW or transportation facilities will be subject to Chapter 14-46, Utilities Installation or Adjustment, F.A.C.; Florida DOT'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 application sections of the Florida DOT's Project Development and Environmental Manual.

U.S. 441 has been identified as a Florida Intrastate Highway System (FIHS) and Strategic Intermodal System's (SIS) facility. The placement of the transmission line and pipeline should take into consideration the planned widening of this facility. The cost of relocation or reconstruction the transmission line and pipeline will be borne by the Licensee to the extent required by Section 337.403, F.S., and Chapter 14-46, F.A.C.

D. Standards

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

E. Drainage

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

F. Use of Air Space

Any newly proposed structure or alteration of an existing structure will be subject to the requirements of Chapter 333, F.S., and Rule 14-60.009, Airspace Protection, F.A.C. Additionally, notification to the Federal Aviation Administration (FAA) is required prior to beginning construction, if the structure exceeds notification requirements of 14 CFR Part 77, Objects Affecting Navigable Airspace, Subpart B, Notice of Construction or Alteration. Notification will be provide to FAA Southern Region Headquarters using FAA Form 7460-1, Notice of Proposed Construction or Alteration in accordance with the 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 geographic 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 DOT or variance from the local government depending on the entity with jurisdictional authority over the site of the proposed structure. The FAA Determination regarding the structures serves only as a

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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 DOT jurisdiction, application will be made by submitting Florida DOT Form 725-040-11, Airspace Obstruction Permit Application, in accordance with the instructions therein.

G. Level of Service on State Roadway Facilities

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

H. Best Management Practices

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

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

- Placing a bulletin board on site for car pooling advertisements; and
- Requiring the heavy construction vehicles remain onsite for the duration of construction to the extent practicable.

A temporary traffic control plan for handling construction related traffic is needed subject to the requirements and standards. The plan will need approval by the Florida DOT prior to construction.

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

III. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

Based on a Geographical Information System (GIS) analysis of the project site, the following imperiled species and associated habitats were identified:

- 16 protected species potentially occur onsite or in the vicinity of the site (see table below),
- Historical wading bird rookery,
- Florida Natural Areas Inventory-identified rare species habitat for the eastern indigo snake, and

SECTION B: SPECIFIC CONDITIONS

- FWC-identified potential habitat and priorities wetlands for Florida black bear and wading birds.

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status*</u>
Gopher frog	<i>Rana capito</i>	SSC
Gopher tortoise	<i>Gopherus polyphemus</i>	ST
Florida pine snake	<i>Pituophis melanoleucus mugitus</i>	SSC
Eastern indigo snake	<i>Drymarchon corais couperi</i>	ST; FT
Tricolored heron	<i>Egretta tricolor</i>	SSC
Little blue heron	<i>Egretta caerulea</i>	SSC
Limpkin	<i>Aramus guarauna</i>	SSC
Snowy egret	<i>Egretta thula</i>	SSC
White ibis	<i>Eudocimus albus</i>	SSC
Bald eagle	<i>Haliaeetus leucocephalus</i>	P
Florida sandhill crane	<i>Grus canadensis pratensis</i>	ST
Southeastern American kestrel	<i>Falco sparverius paulus</i>	ST
Wood stork	<i>Mycteria americana</i>	SE; FE
Sherman's fox squirrel	<i>Sciurus niger shermani</i>	SSC
Florida black bear	<i>Ursus americanus floridanus</i>	ST

* SSC - Species of Special Concern; ST - State Threatened; SE - State Endangered; FT - Federally Threatened; FE - Federally Endangered; P - Protected under federal law and state management plan

A. Preserved Areas

The Licensee provided baseline wildlife survey results in the Application which were conducted in May of 2009. Provided in the SCA are figures illustrating the vegetation communities using the Florida Land Use Cover and Forms Classification System. These vegetation communities were cross-referenced with Florida Natural Areas Inventory, which is more suitable to assessing wildlife conditions than the FLUCFCS or the results from the GIS analysis. Further, the FWC understands from the Licensee, that GRU will be placing easements over those proposed preserve areas that provide potential habitat for listed species. In the event that the proposed construction layout of the certified facility is modified and impacts to those areas that have been identified as being used by listed species are unavoidable, the Licensee will consult with the FWC and USFWS, as appropriate, to identify necessary conservation measures to offset impacts on the site adjacent to the certified area, to specifically benefit the impacted listed species.

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

B. Wetlands

Water resource permitting requirements for wetlands do not always meet all of the ecological needs for fish and wildlife resources in every case. During the pre-application consultation, the FWC provided the Licensee with a U.S. Fish and Wildlife Service's wetland

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buffers FAQ sheet. The Licensee shall evaluate the wetlands to be preserved within the site on a case-by-case basis and establish compatible-use buffer zones and wetland protection buffers around all wetland areas appropriate for the site's wildlife inventory in accordance with the U.S. Fish and Wildlife Service's wetland buffer guidelines.

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

C. General Listed Species Surveys

Prior to clearing and construction, the Licensee shall conduct species-specific surveys for all listed species that may occur within the certified area, with appropriate buffer distances as defined by the survey protocols. Guidance related to species-specific survey protocols can be found in the FWC's Florida Wildlife Conservation Guide at <http://myfwc.com/conservation/fwcg.htm>. The results of those detailed surveys shall be provided to the FWC and coordination shall occur with the FWC and appropriate permitting agency on proposed impact mitigation methodologies.

[Article IV, Section 9, Florida Constitution; Sections 379.2291 403.507, and 403.5113(2), F.S.; Chapter 68A-27 and Rule 62-17.191, F.A.C.]

D. Listed Species Identified Onsite

1. *Gopher Tortoise*: The Licensee acknowledges the presence of gopher tortoise burrows within the project site. It is anticipated that all gopher tortoises and their burrows shall be avoided during this project. However, in order to address unanticipated and unavoidable impacts to gopher tortoises, the Licensee shall investigate the need to obtain a permit and shall adhere to the following guidelines:

- Either a conservation permit or a temporary exclusion permit from the FWC shall be obtained if any project activities would impact gopher tortoises, their burrows, or their habitat.
- The Licensee shall refer to the most current (revised April 2009) FWC gopher tortoise permitting guidelines (www.myfwc.com/gophertortoise) to determine which specific permit would be best suited to this project, if applicable.
- All gopher tortoise work shall be conducted by "Authorized Agents" pursuant to the gopher tortoise permitting guidelines.

[Article IV, Section 9, Florida Constitution; Section 379.2291, F.S.; Rule 68A-27.004(2), F.A.C.]

2. *Bald Eagle*: Although the Licensee did not identify a bald eagle nest on the project site during their 2009 wildlife surveys, suitable nesting habitat may still exist onsite or adjacent to the site. Given that the existing ponds on the Deerhaven Generating Station site contain fish, bald eagles may occur onsite prior to, during, or following construction of the certified facilities. In the event that the Licensee modifies the site certification in the future, the Licensee shall include as precautionary measures the following guidelines:

- If eagle nest sites are identified onsite or within the recommended buffer distance established by FWS and FWC, and prior to any future

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modifications to the site certification, the Licensee shall avoid impacts to bald eagle nests where possible.

- In areas where adverse impacts to nests cannot be avoided, resulting in nest disturbance, the information required for an FWC Eagle Permit shall be obtained from the FWC, as authorized by Section 379.2291, F.S., and Rule 68A-16.002, F.A.C., and minimization and conservation measures outlined in the FWC Bald Eagle Management Plan shall be followed, as applicable.
- In areas where bald eagle nests occur prior to or during construction activities, efforts shall be made to avoid construction activities during the nesting season (October 1 – May 15) or when eagles are present before October 1 or after May 15.

[Article IV, Section 9, Florida Constitution; Sections 379.2291 and 403.5113(2), F.S.; Rules 62-17.191, 68A-16.002, and Chapter 68A-27, F.A.C.]

3. *Wading Birds and Grulifomres:* The Licensee reported that wading birds have been identified in the Deerhaven Generating Station site foraging in the existing ponds. The current habitat may not be conducive for nesting, however, there may be potential for land management operations under this proposal to create more attractive conditions for nesting wading birds and gruliformes habitat such as sandhill crane or limpkin in the future. Whenever practical, the Licensee shall avoid the active breeding season for species protected by Sections 68A-27.003-.005, F.A.C. (<https://www.flrules.org/gateway/chapterhome.asp?chapter=68A-27>), when land clearing and construction activities are proposed. If nesting activities are identified, the Licensee shall adhere to the following guidelines:

- Monitor nesting activity during all clearing and construction activities. The monitoring shall be conducted by a person with documented experience in identifying normal and abnormal nesting behaviors of protected ground-nesting species and who can detect disturbances or nesting attempts during all clearing and construction activities.
- Stop clearing and construction activities if sandhill crane species start to nest in a dredged, cleared, or graded area, mark the nest site, allow the species to nest, and shall not resume construction activities in that area until all birds have fledged.

[Article IV, Section 9, Florida Constitution; Section 379.2291, F.S.; Chapter 68A-27 and Rule 68A-16.001, F.A.C.]

IV. SUWANNEE RIVER WATER MANAGEMENT DISTRICT

A. *Ground Water Withdrawal Limits*

GREC may initiate groundwater usage beginning approximately July 2012 at a rate of 0.1 million gallons per day (mgd), and may increase to 1.4 mgd (annual average) by approximately November 2013 when the plant is fully operational. The groundwater withdrawal increase for GREC to 1.4 mgd shall be concurrent with or subsequent to the reduction in the authorized groundwater withdrawals for GRU's Deerhaven Generating Station by 1.4 mgd.

[Rule 40B-2.011, F.A.C.]

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B. Operation

1. The Licensee shall provide to the District monthly operating reports showing daily groundwater pumpage no later than 10 working days after the end of each quarter.

The Suwannee River Water Management District water use permit number 09-00040 shall be displayed on all reports.

[Water Use Permitting Guide 3.4, incorporated under 40B-2.301(3), F.A.C.]

2. If water use causes or contributes to a violation of Minimum Flows and Levels (MFLs), the District reserves the right to curtail future withdrawal rates or otherwise modify the COCs as described in the recovery or prevention strategy associated with the MFL.

[Water Use Permitting Guide 3.1.15, incorporated under 40B-2.301(3), F.A.C.]

3. If water use causes adverse impacts to occur, the District reserves the right to curtail future withdrawal rates or otherwise modify the COCs. Adverse impacts include:

- a. Cumulative reduction in well water levels that impairs the ability of the well to produce water;
- b. Cumulative reduction in levels in an adjacent water body such as a lake, pond, or retention/detention area that impairs the designated function of the water body or the ability for a permitted withdrawal facility to produce water;
- c. Saline water intrusion or induced movement of pollutants into the water supply of an adjacent water use, resulting in harm due to a reduction in water quality;
- d. Land collapse or subsidence caused by reduction in water levels;
- e. Damage to crops and other types of vegetation;
- f. Harm to a naturally occurring water body such as lake, pond, or wetland by reducing water levels or changing the hydroperiod; and
- g. Harm to the natural system including damage to habitat for endangered or threatened species, or species of special concern.

[Water Use Permitting Guide 3.1.11-13, incorporated under 40B-2.301(3), F.A.C.]

4. The Licensee shall maintain an accurate, non-resettable, totalizing flow meter(s) at each water withdrawal point. The meters shall be accurate to within 5 percent of actual flow. The meters shall be calibrated at a minimum every 5 years with a report of the calibration submitted to the District within 30 days of completion. Meters found to be outside the 5 percent flow measurement requirement shall be repaired or replaced within 30 days of discovery. The District shall be notified of any broken meters within 10 days of discovery, and the reported flow shall be estimated and submitted to the District for the time the meter was out of service.

[Water Use Permitting Guide 3.4, incorporated under 40B-2.301(3), F.A.C.]

5. If the actual flow is found to be greater than 5 percent different from the measured flow, within 30 days, the Licensee shall have the meter re-calibrated, repaired, or

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replaced, whichever is necessary. Documentation of the test and a certificate of re-calibration, if applicable, shall be submitted within 30 days of each test or re-calibration.

[Water Use Permitting Guide 3.4, incorporated under 40B-2.301(3), F.A.C.]

6. The Licensee shall monitor and report groundwater levels continuously at one centrally located well as approved by the District. The groundwater monitoring program shall be implemented at least one year prior to operation. The data shall be submitted no later than 10 working days after the end of each quarter. The reference datum should be North American Vertical Datum of 1988 (NAVD 88).

[Water Use Permitting Guide 3.6.2.6, incorporated under 40B-2.301(3), F.A.C.]

C. Reclaimed Water

1. The Licensee shall provide to the District a written implementation plan and schedule for the use of reclaimed water from the City of Alachua to replace as much of the groundwater withdrawals as practicable for cooling purposes no later than 3 years after the commencement of operations. The plan shall include the identification of the supply of reclaimed water, the anticipated uncommitted amount of the supply, the plans, facilities, and estimated costs for providing the reclaimed water to the GREC site, and the schedule to begin the use of the reclaimed water no later than 5 years after the commencement of operations. Based on the District's review and approval of the implementation plan and schedule, the Licensee shall implement the plan for the use of reclaimed water according to the approved schedule, and the COCs shall be modified to require the use of reclaimed water.

2. In the event that an uncommitted, reasonable reclaimed water supply becomes available or is definitively scheduled to become available to the GREC site to meet all or part of the cooling tower makeup water needs prior to the required schedule above, the Licensee shall provide the District a written implementation plan and schedule for using the reclaimed water. Based on the District's review and approval of the plan and schedule, the Licensee shall implement the plan and the COCs shall be modified to require the use of reclaimed water to reduce groundwater use.

3. If reclaimed water is used to supply all or part of the cooling tower makeup needs, groundwater use shall continue to be allowed for plant process and potable water use and, to the extent necessary, as supplemental or standby water supply for cooling tower makeup.

[Water Use Permitting Guide 3.1, incorporated under 40B-2.301(3), F.A.C.]

V. LOCAL GOVERNMENT

A. Prior to connecting to GRU's existing sewer line, the Licensee shall submit the necessary information for a permit application to the City of Gainesville for review and approval and copy the SCO.

B. The Licensee shall comply with all applicable ordinances under the City of Gainesville's Code of Ordinances and any requirements made by the City as outlined in the Development Review Staff Report dated June 10, 2010, or any subsequent revisions made thereto.

Attachment A

A1 – Aerial Photograph of Site Boundary

A2 – Lease Memo/Survey of Certified Site

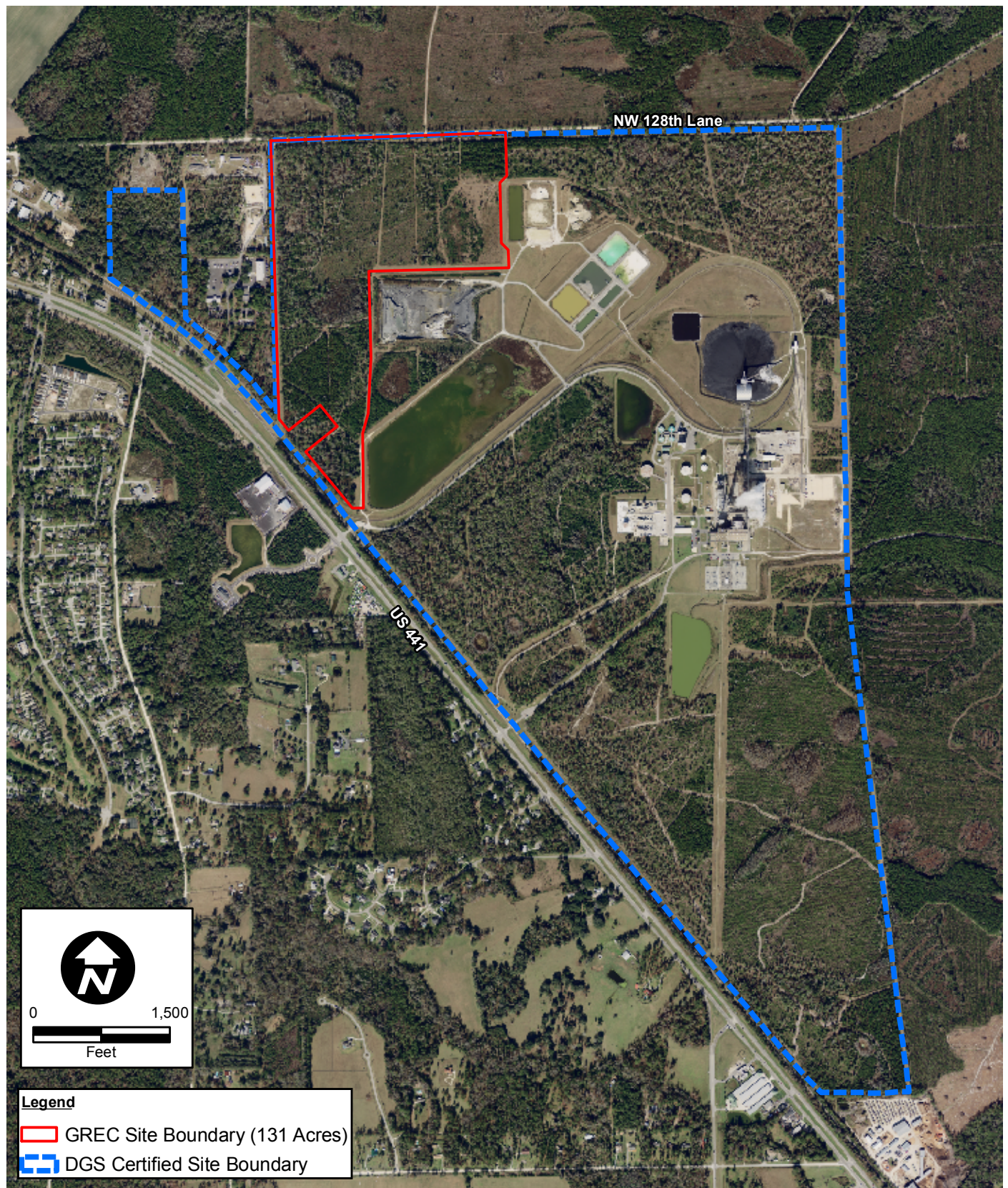


FIGURE 3.1.1-3.

GREC SITE

Sources: GRU, 2009; FDOT, 2008; GENESIS, 2009; ECT, 2009.

Sep 28, 2009 01:18 PM

BOOK 3909 PAGE 2085

J. K. IRBY

Clerk Of Circuit Court
Alachua County, Florida
CLERK3 Receipt # 422122

2530973

6 PGS

This Document Prepared By:
Kristie A. Williams, Land Rights Coordinator
Gainesville Regional Utilities
PO Box 147117
Gainesville, FL 32614-7117

MEMORANDUM OF LEASE

This Memorandum of Lease ("Memorandum") is executed this 28th day of September, 2009, by and between The City of Gainesville, Florida, d/b/a Gainesville Regional Utilities ("Lessor") and Gainesville Renewable Energy Center, LLC, ("Tenant") and evidences that on the 28th day of September, 2009, a Lease Agreement was executed for the real property described in Exhibit "A", attached hereto and made a part hereof ("the Premises").

1. **Lease Term.** The term of the Lease shall be for forty seven (47) years commencing on the 28th day of September, 2009 and terminating at midnight on September 28, 2056.
2. **Premises.** Subject to the terms of the Lease, Lessor has leased to Tenant the use of the Premises, and during the term of the Lease, Lessor has granted Tenant an easement for ingress, egress and utilities over that property described in Exhibit "B", attached hereto and made a part hereof, which easement is recorded in Official Records Book 3909, Page 2082 of the Public Records of Alachua County, Florida.
3. **Notices.** All notices, requests, demands, and other communications to the Lessor or Tenant shall be made at the following addresses:

Lessor:

Gainesville Regional Utilities
PO Box 147117
Gainesville, Florida 32614-7117
Att.: Robert E. Hunzinger, General Manager

Tenant:

Gainesville Renewable Energy Center, LLC
75 Arlington Street, 5th Floor
Boston, MA 02116
Att.: James S. Gordon, President

IN WITNESS WHEREOF, the parties have executed this Memorandum as of the date first set forth above.

LESSOR

Signed, sealed and delivered
in the presence of:

Print Name: Rita K. Strother

Print Name: RAYMOND C. MANASCO, JR

CITY OF GAINESVILLE, FLORIDA
d/b/a GAINESVILLE REGIONAL UTILITIES

By:
Robert E. Hunzinger
General Manager for Utilities

Memorandum of Lease
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TENANT

Signed, sealed and delivered
in the presence of:

Joshua H. Levine
Print Name: Joshua H. Levine
Vivek Ravishanker
Print Name: Vivek Ravishanker

GAINESVILLE RENEWABLE ENERGY
CENTER, LLC

By: James S. Gordon
James S. Gordon
President

STATE OF FLORIDA
COUNTY OF ALACHUA

The foregoing instrument was acknowledged before me this 28th day of September, 2009, by Robert E. Hunzinger, General Manager for Utilities, of the City of Gainesville, Florida, a municipal corporation, who is personally known to me and duly sworn, acknowledged that as such officer, and pursuant to authority from said corporation, he executed the foregoing instrument on behalf of said corporation, as its act and deed, and for the uses and purposes set forth and contained in said instrument.

Rita K. Strother
Notary Public, State of Florida
My commission expires: May 12, 2012



STATE OF Massachusetts
COUNTY OF Suffolk

The foregoing instrument was acknowledged before me this 28th day of September, 2009, by James S. Gordon, President of Gainesville Renewable Energy Center, LLC, a Delaware Limited Liability Company, on behalf of the company. He is personally known to me or has produced _____ as identification.

Laura Martin
Signature of Notary
Print Name: Laura Martin
Notary Public, State of Massachusetts
My Commission Expires: July 4, 2014

Approved as to Form and Legality:

By: Raymond O. Manasco, Jr.
Raymond O. Manasco, Jr.
Utilities Attorney
City of Gainesville, Florida

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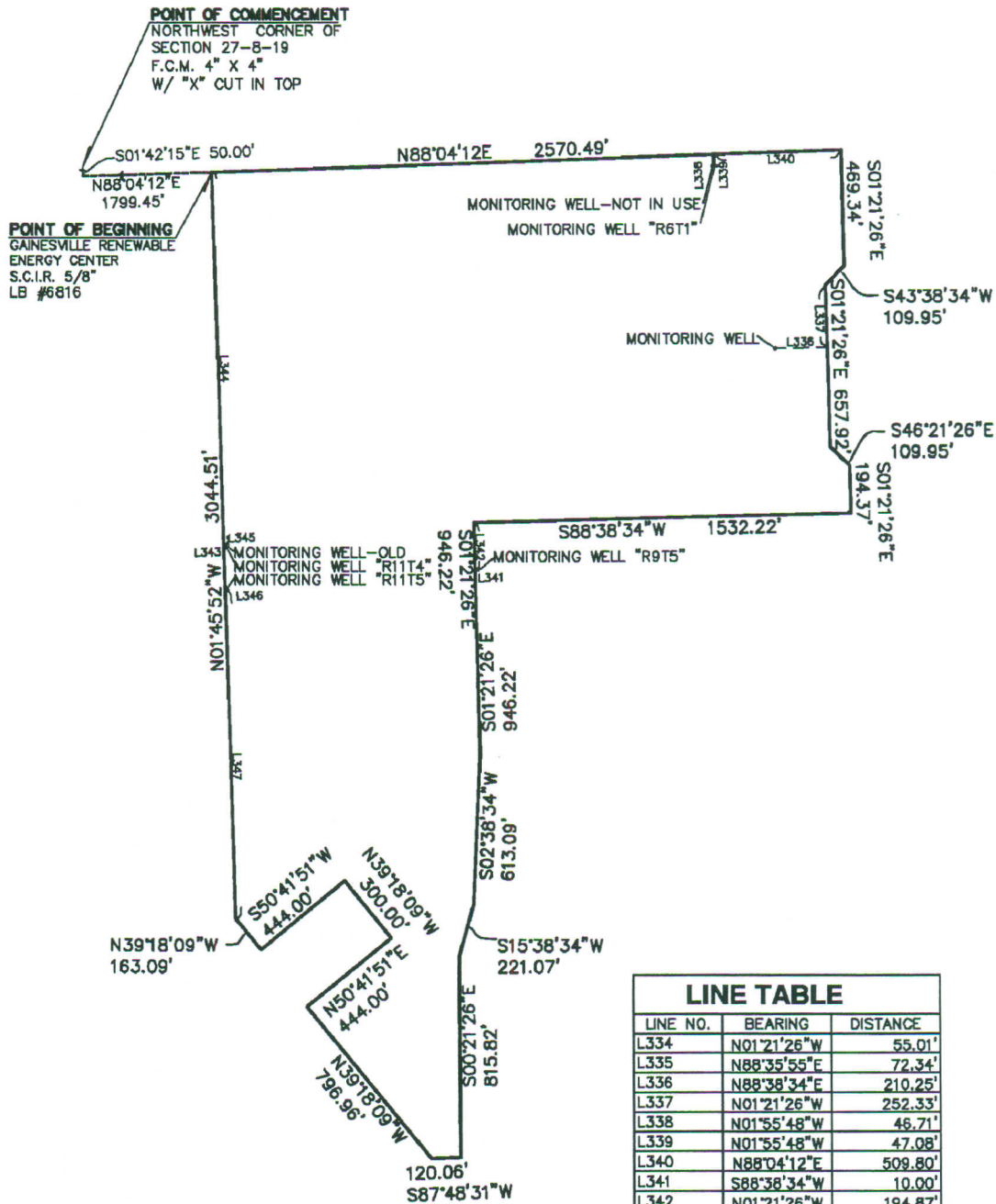
EXHIBIT "A"**Description of Premises**

A PARCEL OF LAND IN SECTION 27, TOWNSHIP 8 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, LYING NORTH AND EAST OF THE CSX RAILROAD RIGHT-OF-WAY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 27, TOWNSHIP 8 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA; THENCE S 01°42'15" E, ALONG THE WEST LINE OF SAID SECTION 27, A DISTANCE OF 50.00 FEET, TO A CONCRETE MONUMENT FOUND STAMPED "GFY LB021" MARKING THE INTERSECTION WITH THE SOUTHERLY MAINTAINED RIGHT-OF-WAY LINE OF NW 128TH LANE; THENCE RUN N 88°04'12" E, ALONG SAID SOUTHERLY MAINTAINED RIGHT-OF-WAY LINE, A DISTANCE OF 1799.45 FEET TO THE INTERSECTION WITH THE NORTHERLY EXTENSION OF THE EAST LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 883, PAGE 502, PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, FOR A POINT OF BEGINNING; THENCE CONTINUE N 88°04'12" E, ALONG SAID SOUTHERLY MAINTAINED RIGHT-OF-WAY LINE, A DISTANCE OF 2570.49 FEET; THENCE S 01°21'26" E, A DISTANCE OF 469.34 FEET; THENCE S 43°38'34" W, A DISTANCE OF 109.95 FEET; THENCE S 01°21'26" E, A DISTANCE OF 657.92 FEET; THENCE S 46°21'26" E, A DISTANCE OF 109.95 FEET; THENCE S 01°21'26" E, A DISTANCE OF 194.37 FEET; THENCE N 88°38'34" W, A DISTANCE OF 1532.22 FEET; THENCE S 01°21'26" E, A DISTANCE OF 946.22 FEET; THENCE S 02°38'34" W, A DISTANCE OF 613.09 FEET; THENCE S 15°38'34" W, A DISTANCE OF 221.07 FEET; THENCE S 00°21'26" E, A DISTANCE OF 815.82 FEET; THENCE S 87°48'31" W, A DISTANCE OF 120.06 FEET, TO A POINT LYING 100.0 FEET NORTHEASTERLY, AS MEASURED PERPENDICULAR, FROM THE NORTHEASTERLY RIGHT-OF-WAY LINE OF THE CSX RAILROAD RIGHT-OF-WAY; THENCE N 39°18'09" W, PARALLEL WITH SAID NORTHEASTERLY RAILROAD RIGHT-OF-WAY LINE AND 100.0 FEET NORTHEASTERLY THEREFROM, A DISTANCE OF 796.96 FEET; THENCE N 50°41'51" E, A DISTANCE OF 444.00 FEET; THENCE N 39°18'09" W, A DISTANCE OF 300.00 FEET; THENCE S 50°41'51" W, A DISTANCE OF 444.00 FEET; THENCE N 39°18'09" W, PARALLEL WITH SAID NORTHEASTERLY RAILROAD RIGHT-OF-WAY LINE AND 100.0 FEET NORTHEASTERLY THEREFROM, A DISTANCE OF 163.09 FEET TO THE INTERSECTION WITH THE SOUTHERLY EXTENSION OF AFORESAID EAST LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 883, PAGE 502, PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE N 01°45'52" W, ALONG SAID EAST BOUNDARY AND THE SOUTHERLY AND NORTHERLY EXTENSIONS THEREOF, A DISTANCE OF 3044.51 FEET TO THE POINT OF BEGINNING; BEING AND LYING IN SECTION 27, TOWNSHIP 8 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA.

CONTAINING 130.78 ACRES, MORE OR LESS.

EXHIBIT "A" Continued
Sketch of Premises



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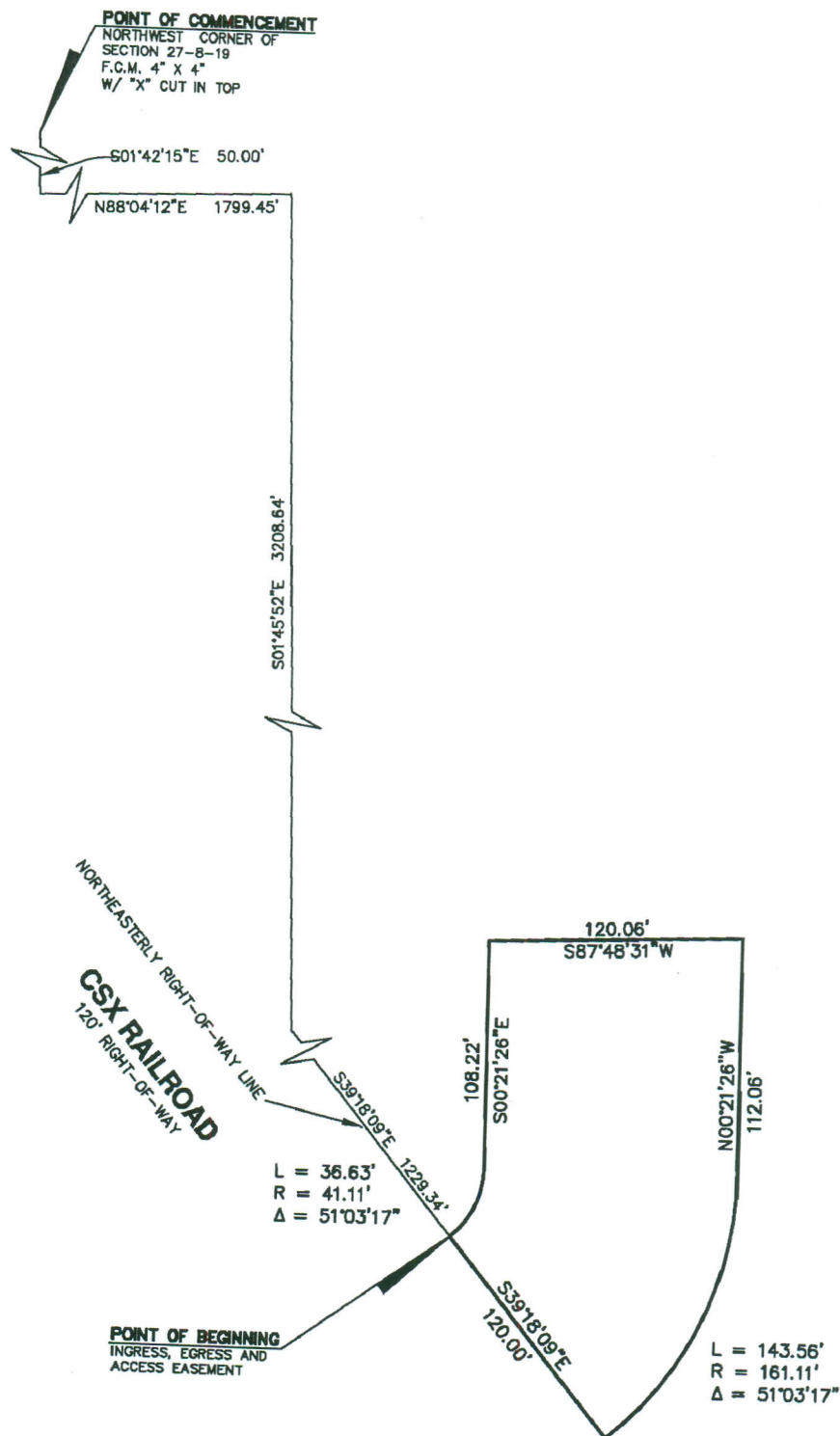
EXHIBIT "B"**Description of Ingress/Egress Easement**

A PARCEL OF LAND LYING IN SECTION 27, TOWNSHIP 8 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 27, TOWNSHIP 8 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA; THENCE S 01°42'15" E, ALONG THE WEST LINE OF SAID SECTION 27, A DISTANCE OF 50.00 FEET, TO A CONCRETE MONUMENT FOUND STAMPED "GFY LB021" MARKING THE INTERSECTION WITH THE SOUTHERLY MAINTAINED RIGHT-OF-WAY LINE OF NW 128TH LANE; THENCE RUN N 88°04'12" E, ALONG SAID SOUTHERLY MAINTAINED RIGHT-OF-WAY LINE, A DISTANCE OF 1799.45 FEET TO THE INTERSECTION WITH THE NORTHERLY EXTENSION OF THE EAST LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 883, PAGE 502; THENCE S 01°45'52" E, ALONG SAID EAST LINE AND NORTHERLY AND SOUTHERLY EXTENSIONS THEREOF, A DISTANCE OF 3208.64 FEET TO A CONCRETE MONUMENT FOUND STAMPED "RLS 509", MARKING THE INTERSECTION WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF A 120.0 FOOT WIDE CSX RAILROAD RIGHT-OF-WAY; THENCE S 39°18'09" E ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1229.34 FEET FOR A POINT OF BEGINNING; THENCE, CONTINUE S 39°18'09" E ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 120.00 FEET TO A POINT ON A CURVE WHOSE RADIUS POINT LIES N 39°18'09" W, A DISTANCE OF 161.11 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 51°03'17", A DISTANCE OF 143.56 FEET TO THE PT OF SAID CURVE; THENCE N 00°21'26" W, A DISTANCE OF 112.06 FEET TO THE INTERSECTION WITH THE SOUTH BOUNDARY LINE OF THE GAINESVILLE RENEWABLE ENERGY CENTER; THENCE S 87°48'31" W ALONG SAID BOUNDARY LINE, A DISTANCE OF 120.06 FEET; THENCE S 00°21'26" E, A DISTANCE OF 108.22 FEET TO THE PC OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 41.11 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE, THOROUGH A CENTRAL ANGLE OF 51°03'17", A DISTANCE OF 36.63 FEET TO THE PT OF SAID CURVE AND THE POINT OF BEGINNING; BEING AND LYING IN SECTION 27, TOWNSHIP 8 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA.

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EXHIBIT "B" Continued
Sketch of Ingress/Egress Easement



Attachment B

**Wetlands Conservation Easement
(To be attached upon final recording)**

Appendix I

Air Construction Permit 0010131-001-AC (PSD-FL-411)
(To be attached upon final issuance)

Appendix II

**Title V Air Operation Permit XXXXXXX-XXX-AV
(To be attached upon final issuance)**