STATE OF FLORIDA

DEPARTMENT

OF

ENVIRONMENTAL PROTECTION

Conditions of Certification

Progress Energy Florida

Levy Nuclear Power Plant

PA08-51C

Modified XXXX XX, 2010

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SECTION A: GENERAL CONDITIONS

I. SCOPE [Was Section A. I. Certification control]

A. Pursuant to s. 403.501-518, F.S., the Florida Electrical Power Plant Siting Act, this certification is issued to Progress Energy Florida (PEF) as owner/operator of the Levy Nuclear Power Plant and associated facilities. PEF shall be responsible for the compliance with the conditions herein. Under the control of these Conditions of Certification PEF may construct, operate, and maintain two 1,150 MW (nominal) Westinghouse AP1000 nuclear reactors, makeup and blowdown pipelines and intake structures, a heavy haul road, two mechanical draft cooling towers, four 4,000 kilowatt (kW) emergency standby generators, four 35 kW ancillary emergency generators and two fire pumps, and other miscellaneous ancillary equipment. The plant is located on approximately 300 acres of the 3,105 acre site in Levy County, Florida. [Was Section A, I. Certification Control, A – No changes]

B. Also under the control of these Conditions of Certification, Progress Energy Florida (PEF) will construct, operate and maintain the following transmission lines as part of the Levy Nuclear Power Plant;

- Two 500-kilovolt (kV) transmission lines, approximately 9 miles (including approximately 2 miles on the plant site and 7 miles on the certified corridor), each connecting the proposed Levy Nuclear Plant Units 1 and 2 switchyard (LNP) in Levy County to the proposed Citrus Substation near US19 and CR488 in Citrus County, also known as the Citrus 1 and 2 transmission lines (or LPC Lines);
- One 500-kV transmission line, approximately 59 miles, connecting the proposed Levy Nuclear Plant Units 1 and 2 switchyard in Levy County to the proposed Central Florida South Substation near the boundary between Sumter County and the City of Leesburg in Lake County, also known as the Sumter transmission line (or LCFS Line);
- One 500-kV transmission line, approximately 14 miles, connecting the proposed Levy Nuclear Plant Units 1 and 2 switchyard in Levy County to the Crystal River Energy Complex (CREC) Switchyard in Citrus County, also known as the Crystal River transmission line (or LCR Line);
- Two 230-kV transmission lines, approximately 0.75 miles each, connecting the proposed Citrus Substation near US19 and CR488 in Citrus County to the Crystal River East Substation in Citrus County, also known as the Crystal River East 1 and 2 transmission lines (or CCRE Lines);
- One 230-kV transmission line, approximately 38 miles, connecting the Crystal River Energy Complex (CREC) Switchyard in Citrus County to the Brookridge Substation in Hernando County, also known as the Brookridge transmission line (or CB Line);
- One 230-kV transmission line, approximately 3 miles, connecting the Brookridge Substation in Hernando County to the Brooksville West Substation in Hernando County, also known as the Brooksville West transmission line (or BBW Line);
- One 230-kV transmission line, approximately 50 miles passing through Polk, Hillsborough and Pinellas Counties, connecting the Kathleen Substation to the Lake Tarpon Substation, also known as the Kathleen transmission line (or PHP Line) (from existing Griffin substation

to existing Lake Tarpon substation, existing 115kV line will be replaced with new 230kV line); and

- Two 69-kV construction/administration radial transmission lines, the North line of 375 ft in length and the South line of 4.5 miles in length, providing site and administration power for the proposed Levy Nuclear Plant Units 1 and 2, also known as the Levy North and Levy South transmission lines (or IO/IS Lines). [Was Section A., I. Scope, Certification Control, B. – No Changes]

C. These Conditions of Certification, unless specifically amended or modified, are binding upon Licensee and shall apply to the construction, operation and maintenance of the Certified Facility. If a conflict should occur between the design criteria of this Certified Facility and the Conditions of Certification, the Conditions shall prevail unless amended or modified. In any conflict between any of these Conditions of Certification, the more specific condition governs. [Was Section A, I. Certification Control, C – No changes]

D. Within 60 days after completion of construction of the electrical power plant as defined by 403.503(14), F.S. including on-site associated facilities, but excluding off-site linear facilities such as transmission lines, Licensee shall provide to the Department in .pdf format: a survey map signed by a professional land surveyor, or acceptable equivalent documentation such as an official legal description, delineating the boundaries of the Site 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 identified as Site Delineation and attached hereto as part of Attachment A.

The Licensee shall notify the Department of any change to the site boundary depicted in the Site Delineation in Attachment A. The notification shall be accompanied by an updated land survey (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. [This is new language]

E. If both certified and uncertified facilities lie within the boundaries of the Site, the Licensee shall also comply with the requirements of this paragraph. Within 60 days after completion of construction of the plant and on-site associated facilities, but excluding off-site linear facilities such as transmission lines, the Licensee shall provide to the Department in .pdf format: a survey map signed by a professional land surveyor, or acceptable equivalent documentation such as an official legal description, delineating the boundaries of the certified areas within the site; and an aerial photograph delineating the boundaries of the certified areas within the Site. For electrical power plants, the boundaries of the Certified Areas of the Site shall include both the certified “electrical power plant generating facilities” as identified in Section 403.503(28), F.S. and its on-site “associated facilities” (including on-site linear facilities) as defined by Section 403.503(7), F.S. The survey and the aerial photograph shall be known as Delineation of the Certified Area of the Site and attached hereto as part of Attachment A. [This is new language]

F. Within 180 days after completion of construction of associated off-site linear facilities, as defined by Section 403.503(7), F.S., the Licensee shall provide: an aerial photograph(s)/map(s) at a scale of at least 1:400, or acceptable equivalent documentation such as an official legal description or survey map(s) signed by a professional land surveyor, delineating

the boundaries of the certified area(s), following acquisition of all necessary property interests and the corridor narrowing as described in section 403.503(11), F.S., which shall be known as Delineation of Off-Site Linear Facilities and attached as part of Attachment A. [This is new language]

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

II. APPLICABLE RULES AND STATUTES [Was Section A, II. Applicable Rules – Slightly Modified]

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

Florida Statutes:

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 (Regulations of Stormwater Discharge)
62-40 (Water Resource Implementation Rule)
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)
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62-701 (Solid Waste Management Facilities)
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62-730 (Hazardous Waste)
62-740 (Petroleum Contact Water)
62-761 (Underground Storage Tank Systems)
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62-769 (Florida Petroleum Liability and Restoration Insurance Program)
62-770 (Petroleum Contamination Site Clean-Up Criteria)
62-780 (Contaminated Site Clean-Up Criteria)
62-814 (Electric and Magnetic Fields)
64E-6 (Standards for Onsite Sewage Treatment and Disposal Systems)

Southwest Florida Water Management District:

40D-2 (Consumptive Use of Water)
40D-3 (Regulation of Wells)
40D-4 (Individual Environmental Resource Permits)
40D-8 (Water Levels and Rates of Flow)
40D-9 District Land Use Rules)
40D-21 (Water Shortage Plan)
40D-40 (Standard General Environmental Resource Permits)
Basis of Review for ERP Applications

III. REVISIONS TO DEPARTMENT STATUTES AND RULES

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

B. Upon written notification to the Department, the Licensee may choose to operate the certified electrical power plant in compliance with any rule subsequently adopted by the Department which prescribes criteria more lenient than the criteria required by the terms and conditions in the certification which are not site-specific. [Was Section A, XIX. Modification of Certification, E – Slightly Modified]

[Section 403.511(5)(b), F.S.]

IV. DEFINITIONS [Was Section A, III. Definitions – changes/additional definitions noted]

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 Conditions which is not defined in such statutes or regulations, such dispute shall be resolved by reference to the most relevant definitions contained in any other state or federal statute or regulation or, in the alternative, by the use of the commonly accepted meaning. As used herein, the following shall apply:

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

B. "Associated Facilities" as defined by Section 403.503(7), F.S. means for the purpose of certification, those onsite and offsite facilities which directly support the construction and operation of the electrical power plant such as electrical transmission lines, substations, and fuel unloading facilities; pipelines necessary for transporting fuel for the operation of the facility or other fuel transportation facilities; water or wastewater transport pipelines; construction, maintenance, and access roads; necessary for transport of construction equipment or fuel for the operation of the facility. [New Definition]

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

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, transmission lines, transformers, substations, fuel and water storage tanks, pipelines, access roads, air and water pollution control equipment, storm water control ponds and facilities, cooling towers, and related structures. [Modified]

E. "Certified Transmission Line" or "Certified Transmission Lines" shall mean one or more of the transmission lines, as defined in Section 403.522(22), F.S., included in the Application.

F. "Complete" shall mean the post-certification filing provides the data required by the relevant Condition of Certification.

G. "DCA" means the Florida Department of Community Affairs.

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

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

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

K. "District-owned lands" shall mean lands owned by the Water Management District at the time of certification.

L. "DOH" shall mean the Florida Department of Health.

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

N. "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. [Modified]

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

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

Q. "Licensee" shall mean Florida Power Corporation dba Progress Energy Florida, Inc., which has obtained a certification order for the Certified Facility.

R. "Listed species" shall mean the species listed in the Application as endangered, threatened or species of special concern by FWC, the Florida Department of Agriculture and Consumer Services, or the U.S. Fish and Wildlife Service.

S. "NED" shall mean the DEP Northeast District Office.

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

U. "NRC" shall mean the United States Nuclear Regulatory Commission.

V. "PEF" shall mean Florida Power Corporation, d/b/a Progress Energy Florida, Inc., the Applicant/Licensee.

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

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

Y. "ARPC", "CFRPC", "ECFRPC", "NCFRPC", "NEFRPC", "SFRPC", "SWFRPC", "TBRPC", "TCRPC", "WFRPC", or "WRPC" means the Apalachee, Central Florida, East Central Florida, North Central Florida, Northeast Florida, South Florida, Southwest Florida, Tampa Bay, Treasure Coast, West Florida or Withlacoochee Regional Planning Council, respectively.

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

AA. "Site" as defined in section 403.508(28), F.S. 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. [New Definition]

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

CC. "SWD" shall mean the DEP Southwest District Office.

DD. "NWF, SR, SJR, SWF, or SF WMD" means the Northwest Florida, Suwannee River, St. Johns River, Southwest Florida, or South Florida Water Management District, respectively.

EE. "Title V permit" means a federal permit issued by DEP in accordance with Title V provisions of the federal Clean Air Act. [New Definition]

FF. "Wetlands" shall mean those areas meeting the definition set forth in Section 373.019(25), F.S., as delineated pursuant to Chapter 62-340, F.A.C., and ratified by Section 373.4211, F.S.

[Section 403.511, F.S.]

V. FEDERAL PERMITS

This certification 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. The following permits are issued pursuant to federal programs and they are 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 [Was Section B. Plant Specific Conditions, XXVII. DEP, C. Federal Permits, 2. Air Permits - Modified]

The provisions of the following permits shall be conditions of this certification to the extent the substantive provisions of those permits apply to the Certified Facility. The Licensee shall comply with the applicable substantive provisions and limitations set forth in both Air Construction Permit No. 02750088-001-AC (PSD-FL-403) (Appendix I) and Title V Air Operation Permit Number 0750088-xxx-AV (Appendix II) as part of these Conditions of Certification, and as those provisions may be modified, amended, or renewed in the future by the Department. Such provisions shall be fully enforceable as conditions of this certification. Any violation of such provisions shall be a violation of these Conditions of Certification.

1. Air Construction Permit

Air Construction Permit 0750088-001-AC (PSD-FL-403) is incorporated by reference herein as part of this Certification and attached as Appendix I.

[Chapter 403, F.S.; Chaptes62-4, 62-204, 62-210, 62-212, 62-296 and 62-297, F.A.C]

2. Title V Permit

Title V Air Operation Permit 0750088-xxx-AV is incorporated by reference herein as part of this Certification and attached as Appendix II.

Note: This condition will be modified upon Title V issuance to reflect the Title V permit number.

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

3. Crystal River Units 1 and 2

In accordance with air construction permit 0170004-017-AC which includes a determination of Best Available Retrofit Technology (BART), Crystal River Unit 1 and Unit 2 will cease to be operated as coal-fired units by December 31, 2020. This date assumes timely licensing, construction and commencement of commercial operation of the Licensee's proposed new nuclear units (Levy County Units 1 and 2). The shutdown (or repowering) of Units 1 and 2 coal-fired units is contingent upon completion of the first fuel cycle for Levy County Unit 2. The Licensee shall timely advise the Department of any developments that would delay the shutdown (or repowering) of Units 1 and 2 beyond the completion of the first fuel cycle for Levy County Unit 2.

[Rule 62-296.340 (BART), F.A.C]

B. Water

1. NPDES Industrial Wastewater Discharge [Was Section B, XXVII. DEP, C. Federal Permits, 1. – Modified]

Any discharges during operation shall be in accordance with all applicable provisions of NPDES permit No. FL0633275-001-IW1S/NP (attached as Appendix III) as well as any subsequent modifications, amendments and/or renewals.

[Chapter 62-621, F.A.C.]

2. NPDES Generic Permit for Stormwater Discharge from Large and Small Construction Activities (CGP) [This is new language]

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

contribute to stormwater discharges to surface waters of the State or into a municipal separate storm sewer system (MS4); and

disturb one or more acres of land (less than one acre if the activity is part of a larger common plan of development);

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

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

3. NPDES Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity. [Was Section B, XXVII. DEP, H. Stormwater/Wastewater Discharges, 5.]

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

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

4. NPDES Generic Permit for Discharge of Produced Ground Water From any Non-Contaminated Site Activity [Was Section B, XXVII. DEP, H. Stormwater/Wastewater Discharges, 5.]

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 individual permit for such a discharge.

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

5. NPDES Generic Permit for Discharges from Concrete Batch Plants. [This is new language]

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

New and existing concrete batch plants which do not qualify for coverage or do not choose to be covered under this generic permit shall apply for an individual wastewater permit on the appropriate form listed in Rule 62-620.910, F.A.C., and in the manner established in Chapter 62-620, F.A.C

DEP Document number 62-621.300(3)(a) contains specific design and operating requirements for discharges from wastewater and stormwater management systems at concrete batch plants.

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

VI. 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 incorporated into these Conditions of Certification. All state and locally issued permits are intended to be incorporated herein, such that the Licensee shall comply with the substantive provisions and limitations set forth in those permits. The inadvertent omission of any state or locally issued permit from these Conditions can be remedied by a modification of the Conditions of Certification to include provisions from the state or locally issued permit. [This is New Language]

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

The operation of the Levy Nuclear Plant shall be in accordance with all applicable provisions of ERP Permit 38-272432-002-ES. ERP Permit 38-272432-002-ES is incorporated by reference herein as part of this Certification and attached as Appendix IV. [Was Section B, XXVII. DEP, L. Incorporation of Separate ERP Licenses Obtained Prior to Certification – Modified]

Upon certification by the Siting Board, the Licensee shall comply with the substantive provisions and limitations set forth in ERP Permit 38-272432-002-ES as part of these Conditions of Certification. Such provisions shall be fully enforceable as Conditions of this Certification and may only be amended in accordance with the provisions herein. Any violation of such provisions shall be a violation of these Conditions of Certification. [Was Section B, XXVII. DEP, L. Incorporation of Separate ERP Licenses Obtained Prior to Certification – No Changes

VII. DESIGN AND PERFORMANCE CRITERIA [Was Section A, IV. Design and Performance Criteria – Slightly Modified]

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

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

VIII. NOTIFICATION [New Language]

A. If, for any reason, the Licensee does not comply with or will be unable to comply with any condition or limitation specified herein, the Licensee shall immediately provide the Southwest District Office or the Northeast District Office as applicable with the following information:

1. A description of and cause of noncompliance; and

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

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

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

B. The Licensee shall promptly 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. CONSTRUCTION PRACTICES

A. Particulate Matter [Was A, XXI. Erosion/Runoff Control, 4 – No Change]

PEF shall ensure that adjacent properties are not impacted by wind erosion, or emissions of unconfined particulate matter in accordance with Rule 62-296.320(4)(c)1., F.A.C., by taking appropriate measures to stabilize affected areas. (For the portions of the Certified Transmission Lines within Hillsborough County, the Hillsborough County Environmental Protection Commission will be the entity responsible for enforcement of this condition.)

[Rule 62-296.320, F.A.C.; Rule 1-3.26 of the Hillsborough County Environmental Protection Commission]

B. Open Burning [Was Section A, XXII. Construction Practices, A. Open Burning – No Change]

Any open burning in connection with initial land clearing shall be in accordance with the non-procedural requirements of Chapter 62-256, F.A.C., Chapter 5I-2, F.A.C., Uniform

Fire Code Section 33.101, Addendum. Prior to any burning of construction-generated material, after initial land clearing that is allowed to be burned in accordance with Chapter 62-256, F.A.C., PEF shall seek approval from either the DEP Southwest or Northeast District Office, as appropriate, whose approval may be granted in conjunction with the Division of Forestry. Burning shall not occur if not approved by the appropriate agency or if the Department or the Division of Forestry has issued a ban on burning due to fire safety conditions or due to air pollution conditions. A copy of any submittal by PEF relating to open burning shall be submitted to Levy County and/or Hillsborough County Environmental Protection Commission, for any open burning that will take place in Levy or Hillsborough County, respectively, for informational purposes. A copy of any submittal by PEF relating to open burning within Pinellas County or within 5 miles of Pinellas County shall be submitted to Pinellas County for informational purposes.

[Section 403.511, F. S.; Chapters 51-2 and 62-256, F.A.C.]

C. Solid Wastes [Was Section A, XXII. Construction Practices, B. Solid Wastes – No Change]

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.]

D. Underground Utilities [New Language]

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

[Chapter 556, F.S.]

E. Wells [New Language]

Any existing wells to be impacted 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 or consistent with these Conditions of Certification.

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

F. Abandonment of Existing Septic Tanks [New Language]

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

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

G. Storage Tank Systems

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.]

X. RIGHT OF ENTRY [Was Section A, VIII. Right of Entry/Monitoring – No Change]

Upon presentation of credentials or other documents as may be required by law, the Licensee shall allow authorized representatives of DEP 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.

[Section 403.511(5)(c), F.S.; paragraph 62-4.160(7)(a), and subsection 62-4.160(15), F.A.C.]

XI. DISPUTE RESOLUTION [Was Section A, XI. Dispute Resolution – Slightly Modified]

If a situation arises in which mutual agreement cannot be reached between PEF, DEP and another agency receiving a post-certification submittal or between DEP and PEF regarding compliance with the Conditions of Certification, 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. PEF or DEP may request DOAH to establish an expedited schedule for the processing of such a dispute.

[Sections 403.511, and 120.57, F.S.]

XII. SEVERABILITY [Was Section A, XII. Severability – No Change]

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

XIII. ENFORCEMENT [Was Section A, XIII. Enforcement – Slightly Modified]

A. The terms, conditions, requirements, limitations and restrictions set forth in these Conditions of Certification 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 a Condition of Certification constitutes a violation of Chapter 403, F.S., and is grounds for enforcement action, license termination, license revocation, or license revision. The Licensee is placed on notice that the Department may review this certification periodically and may initiate enforcement action for any violation of these Conditions.

B. All records, notes, monitoring data and other information relating to the construction or operation of the Certified Facility which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the Certified Facility and arising under the Florida Statutes or Department rules, except where such use is prescribed by Sections 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

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

XIV. REVOCATION OR SUSPENSION [Was Section A, XIV. Revocation or Suspension – Slightly Modified]

The certification shall be final unless revised, revoked or suspended pursuant to law. This certification may be suspended or revoked pursuant to Sections 403.512, F.S. This certification is valid only for the specific processes and operations identified within the Application or approved in the final order of certification and indicated in the testimony and exhibits in support of certification and any approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this approval may constitute grounds for revocation and enforcement action by the Department. Any enforcement action, including suspension and revocation, shall only affect the portion(s) of the Certified Facility that are the cause of such action, and other portions of the Certified Facility shall remain unaffected by such action.
[Sections 403.512, F.S.; subsection 62-4.160(2), F.A.C.]

XV. REGULATORY COMPLIANCE [Was Section A, XV. Safety, and Section A, XVI. Civil and Criminal Liability– Modified]

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 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. Security control measures shall be utilized to prevent exposure of the public to hazardous conditions. The applicable Federal Occupational Safety and Health Standards shall be complied with during construction and operation.
[subsections 62-4.160(3) and 62-4.160(5), F.A.C.]

XVI. CIVIL AND CRIMINAL LIABILITY [Was Section A, XVI. Civil and Criminal Liability – Modified]

A. This certification does not relieve the Licensee from civil or criminal penalties for noncompliance with any conditions of this certification, applicable rules or regulations of the Department, or any other state statutes or regulations which may apply. Subject to the Conditions set forth herein, this certification constitutes the sole License of the state and any agency as to the approval of the location of the site and any associated facility and the construction and operation of the Certified Facility.
[Sections 403.141, 403.161, 403.511, F.S.; rule 62-4.160(3), F.A.C.]

XVII. PROPERTY RIGHTS [Was XVII. Property Rights – Slightly Modified]

A. Except as otherwise provided in the final order of certification or these Conditions, 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 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. [Slightly Modified]

B. If any portion of the project is located on sovereign submerged lands, state-owned uplands, or within an aquatic preserve, then the project must comply with the applicable portions of Chapters 18-2, 18-20, and 18-21, F.A.C., and Chapters 253 and 258, F.S. Except as otherwise provided in the final order of certification or these Conditions, if any portion of the Certified Facility is located on sovereign submerged lands, the Licensee must submit section 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. [No Change]

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

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

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. [Slightly Modified]

[Chapters 253 and 258, and Section 403.511, 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.]

XVIII. PROCEDURAL RIGHTS [Was Section A, XVIII. Procedural Rights and Section A, XIX. Modification of Certification, F – Slightly Modified]

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

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

XIX. AGENCY ADDRESSES FOR POST-CERTIFICATION SUBMITTALS AND NOTICES [Was Section A, IX. Submittals and Notices Required by Conditions – Modified]

Where a Condition requires Post-certification submittals and/or notices to be sent to a specific agency, the following agency addresses shall be used, as applicable, unless the Conditions of Certification specify otherwise or unless the Licensee and DEP 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

Florida Department of Environmental Protection
Southwest District Office
13051 N Telecom Parkway
Temple Terrace, FL 33637-0926

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, FL32399-0450

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

East Central Florida Regional Planning Council
Office of the Executive Director
631 North Wymore Rd., Ste 100
Maitland, FL 32751

Withlacoochee Regional Planning Council
Office of the Executive Director
1241 S.W. 10th Street
Ocala, FL 34471-0323

Tampa Bay Regional Planning Council
Office of the Executive Director
4000 Gateway Centre Blvd., Ste. 100
Pinellas Park, FL 33782

St. Johns River Water Management District
Office of General Counsel
4049 Reid Street
Palatka, FL 32178-1429

Southwest Florida Water Management District
Office of General Counsel
2379 Broad Street
Brooksville, FL 34604-6899

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

Levy County
Planning Department
P.O. Box 1373
Bronson, FL 32621

Citrus County
Planning Department
Citrus County Courthouse
110 N. Apopka Ave
Inverness, FL 34450

Sumter County
Planning Department
910 North Main Street, Suite 301
Bushnell, FL 33513

Hernando County
Planning Department
20 North Main Street, Room 363
Brooksville, FL 34601-2849

Hillsborough County
Planning Department
County Center, 26th Floor
601 E. Kennedy Blvd.,
Tampa, FL 33602

Hillsborough County Environmental Protection Commission
Director Office
Roger P. Stewart Center
3629 Queen Palm Dr
Tampa, FL 33619-1309

Polk County
Planning Department
330 W. Church Street
Bartow, FL 33830

Pinellas County
Planning Department
600 Cleveland Street, Suite 750
Clearwater, FL 33755

Marion County
Planning Department
601 SE 25th Avenue
Ocala, FL 34471-9109

[Section 403.511, F.S.]

XX. PROCEDURES FOR POST-CERTIFICATION SUBMITTALS [Was Section A, X. Procedures for Post-Certification Submittal – Slightly Modified]

A. Purpose of Submittals [Was Section A, X. A. Purpose of Submittals – No Changes]

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

B. Filings [Was Section A, X. B. Filings – Slightly Modified]

All post-certification submittals of information by PEF are to be filed with the DEP Siting Coordination Office, the DEP Southwest and Northeast District Offices as applicable, and any other agency that is required to receive a submittal pursuant to any Condition of Certification. Each post-certification submittal shall clearly identify the Certified Facility name, PA#, and the Condition number/s (e.g. 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.

C. Completeness [Was Section A, X. C. Completeness – No Changes]

DEP shall promptly review each post-certification submittal for completeness. This review may include consultation with the other agency (ies) receiving the post-certification submittal with regulatory jurisdiction over the matter addressed in the submittal. DEP's finding of completeness shall specify the area of the Certified Facility affected, and shall not delay further processing of the post-certification submittal for non-affected areas. PEF may request that DEP Siting Coordination Office hold a meeting within 15 days after submittal to discuss any

completeness issues. PEF may continue to supplement the submittal with additional information through the 25th day.

If any portion of a post-certification submittal is found to be incomplete, PEF 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.

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

D. Interagency Meetings ***[Was Section A, X. D. Interagency Meetings – Slightly Modified]***

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

E. Determination of Compliance ***[Was Section A, X. E. Determination of Compliance – No Changes]***

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

[Subsection 62-17.191(1), F.A.C.]

F. Commencement of Construction ***[Was Section A, X. F. Commencement of Construction – No Changes]***

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

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

G. Revisions to Design Previously Reviewed for Compliance ***[Was A, X. I. Revisions to Design Previously Reviewed for Compliance – Slightly Modified]***

The Licensee shall submit to DEP, and/or applicable agencies, any proposed revisions to the Project's site specific design that were previously reviewed for compliance with these Conditions via a post-certification submittal 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 [Was A, X. J. Variation to Submittal Requirements – Slightly Modified]

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

I. Disputes [Was Section A, X. K. Disputes – Slightly Modified]

Any agency which received a post-certification submittal pursuant to these Conditions may dispute a determination that a submittal complies with the Conditions of Certification made by DEP on matters within that agency's jurisdiction by following the procedures set forth in Chapter 120, F.S. The agency's statement disputing DEP'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.

[Section 403.511(2)(b)(1), F.S.; Rule 62-17.191]

XXI. POST-CERTIFICATION SUBMITTAL REQUIREMENTS SUMMARY [Was A, X. B. Filings – Slightly Modified]

Within 90 days after certification, the Licensee shall provide the Department a complete summary of those post-certification submittals that are identified in the Conditions of Certification where due-dates for the information required of the Licensee are identified. The post-certification submittal summary shall be updated following subsequent modifications or certifications requiring new submittals or changes to due-dates for submittals for existing requirements. A summary shall be provided as a separate document for each transmission line. Such submittals shall include, but are not limited to, monitoring reports, management plans, wildlife surveys, etc. The summary shall be provided to the DEP Siting Coordination Office 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

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

XXII. POST CERTIFICATION AMENDMENTS [New Language]

If, subsequent to certification, a Licensee proposes any material change to the Application 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 Application to the Department. Within 30 days after the receipt of a complete request for an amendment, the Department shall determine whether the proposed change to the application requires a modification to the Conditions of Certification.

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

B. If the Department concludes that the change would require a modification to the Conditions of Certification, the Department shall provide written notification to the Licensee that the proposed change to the Application requires a request for modification pursuant to Section403.516, F.S.

[Section 403.5113, F.S]

XXIII. MODIFICATION OF CERTIFICATION [Was Section A, XIX. Modification of Certification – Modified]

A. Pursuant to Sections 403.516(1)(a), Section 120.569(2)(n), F.S., and Rule 62-17.211, F.A.C., the Siting Board hereby delegates the authority to the Department of Environmental Protection to modify, after notice and receipt of no objection by a party or other substantially affected person, any conditions which would not otherwise require approval by the Siting Board. In addition, the Department is delegated the authority to modify Conditions as follows: [Was A, XIX .Modification of Certification. A. – No Change]

1. The Department may modify any Condition of this Certification after notice and opportunity for hearing except those pertaining to fuel change. [No Change]

2. 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 Conditions of Certification shall be controlling. [Was Section A, XIX .Modification of Certification. A.2 – No Change]

3. The Department may grant modifications necessary to meet the licensing conditions or requirements imposed on PEF by any federal regulatory agency. The Licensee shall notify DEP at least 30 days prior to the issuance of the federal license that would require such a modification, if known, or in any event, as soon as the federal agency notifies the Licensee. [Was Section A, XIX .Modification of Certification, A.3 – No Change]

4. The Department may authorize the reconstruction of a ROW or component of the Certified Facility necessary to avoid or mitigate an emergency condition. Such a modification shall be obtained only when an emergency replacement must be further modified

after the emergency conditions requiring the original reconstruction are no longer present. [Was Section A, XIX .Modification of Certification, A.4 – No Change]

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. [Was Section A, VII. Change in Discharge or Emissions – Modified]

C. Any anticipated facility change that results in a change to the Site Delineation or the Delineation of the Certified Area, attached hereto as part of Attachment A, must be accompanied by a map or aerial photo showing the proposed new boundaries of the Site and/or Certified Area. The Department may consider any such change to be a modification to the Conditions of Certification. Within 60 days after completion of construction of the approved facility change, the Licensee shall provide the information required by Section A. General Conditions, Condition I. Scope, paragraphs D, E, or F as appropriate. [This is new]

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

E. Any modification to these Conditions shall affect only the components of the Certified Facility that are the subject of the modification request or the Department's proposed order of modification. [Was Section A, XIX. Modification of Certification C. – No Change]

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

XXIV. COASTAL ZONE CONSISTENCY [Was Section A, X.H. Coastal Zone Consistency – Modified]

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

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

XXV. TRANSFER OF CERTIFICATION [Was Section A, XX Transfer of Certification – Modified]

A. This certification is transferable in whole or in part, upon Department approval, to an entity determined to be able to comply with these Conditions of Certification. A transfer of certification of all or part of the Certified Facility may be initiated by the Licensee's filing of a Notice of Intent to Transfer Certification with the Department. The notice of intent shall identify the intended new certification holder or Licensee and the identity of the entity responsible for compliance with the certification. Upon the filing with the Department of a written agreement from the intended Licensee/Transferee to abide by all Conditions of Certification and applicable laws and regulations, the transfer shall be approved unless the Department objects to the transfer on the grounds of the inability of the new Licensee to comply with the Conditions of Certification, specifies in writing its reasons therefore, and gives notice and opportunity to petition for a Section 120.57, F.S., administrative hearing. Upon approval, the Department will initiate a modification to the Conditions of Certification to reflect the change in ownership in accordance with Rule 62-17.211, F.A.C.

B. In the event of the dissolution of the Licensee, the Department may transfer certification to successor entities which are determined to be competent to construct, operate and maintain the Certified Facility in accordance with the Conditions of Certification and which are proper applicants as defined by the PPSA. Upon determination that such a successor entity complies with the requirements for transfer of certification, the Department will initiate a modification to the Conditions of Certification 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]

XXVI. LABORATORIES AND QUALITY ASSURANCE [New Language]

Chemical, physical, biological, microbiological and toxicological data collected as a requirement of these Conditions must be reliable, and collected and analyzed by scientifically sound procedures. Unless otherwise specified in these Conditions, the Licensee shall adhere to the minimum field and laboratory quality assurance, methodological and reporting requirements of the Department as set forth in Chapter 62-160, F.A.C.

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

XXVII. ENVIRONMENTAL RESOURCES [Much of this Conditoin is new or modified language.]

A. General

1. Submittals for Construction Activities

Prior to the commencement of construction of any portion of the Certified Facility that does not qualify for an exemption from environmental resource permitting under 62-343, the Licensee shall provide to either the DEP Southwest or Northeast District's Environmental Resource Permitting Section, as appropriate, all information necessary for a complete *Joint Application for Environmental* Resource *Permit (ERP)*, DEP Forms 62-343.900(1) for that portion of the Certified Facility. Information may be submitted for discrete portions of the Certified Facility. "Construction" in this context shall include, land clearing, excavation, the placement of fill materials, and related activities. For facilities, or portions of the facilities contemplated and approved by the original August 26, 2009 LNP site certification, the Licensee shall submit the above information for that portion of the facility at least 90 days prior to construction. Alteration of this deadline may be approved by the Department upon demonstration of good cause by the Licensee.

These forms may be submitted; a) concurrently with a site certification application, 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 modification. Such ERP submittals, 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 Conditions.

Those forms submitted as part of a site certification application, 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 approval and prior to construction) shall be processed in accordance with Section A. General Conditions, Condition XX. Procedures for Post-Certification Submittals.

No construction of the proposed portion of the project shall commence until the appropriate notification from the Department has been received. For post-certification submittal reviews, failure by the Department to notify PEF in writing within 90 days of receipt of a complete post-certification submittal shall constitute a determination of compliance and construction may commence.

[Section 373.416, F.S.; subsections 62-312, 62-343.070(2) and 62-346.070(2), paragraph 62-343.090(2)(b), and Form 62-343.900(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 Section A. General Conditions, Condition XXVII. Environmental Resources, A.1. 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 and 403.504, F.S.]

B. Surface Water Management

1. Surface water management systems will be evaluated under Part IV of Chapter 373, F.A.C. following submittal of Form 62-343.900(1), 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 Department of Transportation and Florida Department of Environmental Protection, by HydroDynamics Incorporated in

cooperation with Stormwater Management Academy, 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 Department of Transportation and Florida Department of Environmental Protection, June 2007). 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. [Was Section A, XXI. Erosion/Runoff Control, 1, 2, and 3. – modified]

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 a postcertification 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. At least 48 hours prior to the commencement of construction of any new surface water management system authorized by this certification, the Licensee shall submit to the Department a written notification of commencement using an “Environmental Resource Permit Construction Commencement Notice” DEP Form 62-343.900(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. [Was Section B, XXVII. DEP, H. Stormwater/Wastewater Discharges, 2.]

6. Each phase or independent portion of the surface water management system must be completed in accordance with the approved plans and these Conditions prior to the operation of the portion of the Certified Facility served by that portion or phase of the surface water management system.

7. Within 30 days after completion of construction of the surface water management system, the Licensee shall submit to the Siting Office and copy the DEP NED Office, a written statement of completion and certification by a registered professional engineer (P.E.), or other appropriate registered professional, as authorized by law, utilizing an “As-Built Certification by a Registered Professional” DEP Form 62-343.900(5). If deviations from the approved drawings are discovered during the “As-Built” certification process, the certification must be accompanied by a copy of the approved drawings with deviations noted. [Was Section B, XXVII. DEP, H. Stormwater/Wastewater Discharges, 3, and 6.]

8. Any substantial deviation from the approved drawings, exhibits, specifications or Conditions, 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. [Was Section B, XXVII. DEP, H. Stormwater/Wastewater Discharges, 4.]

9. Prior to the 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 Conditions herein, the Department determines the system to be in compliance with the approved plans, and the entity approved by the Department accepts responsibility for operation and maintenance of the system.

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

C. Wetland and Other Surface Water Impacts

1. All Certified Facilities shall be constructed in a manner to 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, the Licensee may propose and the Department shall consider mitigation to offset otherwise unpermittable activities under the Environmental Resource Permit review process pursuant to Section A, General Conditions, Condition XXVII. Environmental Resources, A.1. above.

2. Proposed mitigation plans submitted with the DEP ERP Application forms required in Section A. General Conditions, Condition XXVII. Environmental Resources, A.1. above, and approved as a post-certification submittal or 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 the Conditions of Certification and attached 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.]

XXVIII. WATER QUALITY CERTIFICATION [Was, Section A, X. G. Water Quality Certification – No Changes]

For each post-certification submittal which addresses matters within DEP's environmental resource permitting jurisdiction, DEP shall provide to the U.S. Army Corps of Engineers (USCOE) a letter stating that the Licensee has met the requirements for 33 United States Code (U.S.C.) 1341. This letter shall be sent concurrently with a determination of compliance pursuant to Section A. General Conditions, Condition XXVII. Environmental Resources above, or as soon as practicable upon request by PEF more than 90 days after the filing of a complete post-certification submittal addressing matters with DEP's environmental resource permitting jurisdiction.

XXIX. THIRD PARTY IMPACTS [New language]

The Licensee is responsible for maintaining compliance with these Conditions of Certification 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), F.S.]

XXX. FACILITY OPERATION [Was Section A, V. Facility Operation – Slightly Modified]

The Licensee shall properly operate and maintain the Certified Facility and systems of treatment and control (and related appurtenances) that are installed and used by the Licensee to achieve compliance with these Conditions of Certification, 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 Conditions and when required by Department rules.

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

XXXI. RECORDS MAINTAINED AT THE FACILITY [Was Section A, VI. Records Maintained at the Facility – Modified]

A. These Conditions of Certification or a copy thereof shall be kept at the work site of the Certified Facility.

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

C. Records of monitoring information shall include:

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

D. When requested by DEP, 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 DEP and the Licensee, furnish any information required by law, which is needed to determine compliance with the certification. If the Licensee becomes aware that relevant facts were not submitted or were incorrect in the Application or in any report to DEP or other agencies, such facts or information shall be promptly corrected and submitted. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department. [Was Section A, VIII. Right of Entry/Monitoring, Paragraph B – Slightly Modified]

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

XXXII. WATER DISCHARGES

A. Discharges [Was Section B, XXVII. DEP, B. Toxic, Deleterious or Hazardous Materials. - Modified]I

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, 62-522, 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, 62-522, and 62-550, F.A.C., and Rule 62-621.300, F.A.C.]

B. Wastewater Incident Reporting [Was Section B, XXVII. DEP, B. Toxic, Deleterious or Hazardous Materials – Modified]

1. The Licensee shall report to the appropriate district office any noncompliance with industrial wastewater requirements which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the Licensee becomes aware of the circumstances.

The Licensee shall provide the following information, to the extent known, to the appropriate district office in the 24-hr oral report:

a. Any unanticipated bypass which causes any reclaimed water or effluent to exceed any permit limitation or results in an unpermitted discharge,

b. Any upset which causes any reclaimed water or the effluent to exceed any limitation in the permit,

c. Violation of a maximum daily discharge limitation for any of the pollutants specifically listed in the permit for such notice, and

d. Any unauthorized discharge to surface or ground waters.

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, the name and chemical make-up (include any Material Safety Data Sheets) of the substance, the amount spilled, the name and title of the person who first reported the spill, the size and extent of the spill and surface types (impervious, ground, water bodies, etc.) it impacted, and include a map or aerial photograph showing the extent and paths of the material flow..

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, 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.]

XXXIII. SOLID AND HAZARDOUS WASTE

A. Solid Waste [New Language]

The Licensee shall comply with all applicable provisions of Chapter 62-701, 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 [Was Section A, XXII. Construction Practices, C. Hazardous Substances and Spills – Modified]

The Licensee shall comply with all applicable non-procedural provisions of DEP Chapter 62-730, F.A.C., for any hazardous waste generated within the Certified Facility. If hazardous substances are used in the construction or maintenance of the Certified Facility, PEF shall ensure that such hazardous substances will not enter stormwater drains or waterbodies. 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.]

C. Hazardous Substance Release Notification [New Language]

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.]

XXXIV. 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. [New language and

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

B. Discharge Reporting Requirements [Was Section A, XXII. Construction Practices, C. Hazardous Substances and spills, paragraph 2]

Upon discovery of an unreported discharge of a regulated substance, the owner or operator shall report to the County on Discharge Report Form 62-761.900(1) within 24 hours or before the close of the County's next business day those items listed in paragraph 62-

761.450(3)(a), F.A.C., including a spill or overfill event of a regulated substance to soil or another pervious surface, equal to or exceeding 25 gallons, unless the regulated substance has a more stringent reporting requirement specified in C.F.R. Title 40, Part 302.

C. Discharge Cleanup [New language and

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

D. Out of Service and Closure Requirements [New language and

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.]

XXXV. HERBICIDES [Was Section A, XXIII. Herbicides – No Change]

Herbicides applied at the plant 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, meeting all federal, state and local regulations. Herbicide applications shall be selectively applied to targeted vegetation. Broadcast application of herbicide shall not be used in the ROW unless effects on non-targeted vegetation are minimized.

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

SECTION B. COMMON CONDITIONS

The conditions in Section B are agency specific conditions related to all Certified Facilities, including on-site and off-site plant and associated linear facilities. Specific conditions relating to only the plant and non-transmission linear facilities can be found in Section C. Specific conditions relating to only the Certified Transmission Lines can be found in Section D. [Modified]

I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

A. Wetlands Mitigation Plan [Was Section A, XXIV. Wetlands Mitigation, A. Wetlands Mitigation Plan – No Change]

By May 24, 2010, the Licensee shall provide to the Department for review and approval, refinements to the updated Wetland Mitigation Plan submitted on January 13, 2009, that fully offset the functional loss, as required by 62-345, F.A.C., all impacts to jurisdictional wetlands remaining after minimization and avoidance to those jurisdictional wetlands has been demonstrated. Mitigation will be in accordance with applicable rules and any "Comprehensive Mitigation Plan" approved by the Department. The submittal deadline may be further extended upon agreement between the Licensee and the Department upon a demonstration that reasonable progress has been made by the Licensee toward preparation of the proposed Plan and that additional time is warranted to complete the proposed Plan within the additional time requested.

[62-345, F.A.C.]

B. Greenways and Trails [Was Section C, XXXVIII. DEP, D. Greenways and Trails – No Change]

The Licensee shall abide by the terms and conditions set forth in the Board of Trustees (BOT) of the Internal Improvement Trust Fund of the State of Florida Easement No. 31959 is incorporated by reference herein as part of this Certification and attached as Appendix V. The provisions of Easement No. 31959 shall be Conditions of this Certification. The Licensee shall comply with the substantive provisions and limitations set forth in Easement No. 31959 as part of these Conditions of Certification, and as those provisions may be modified, amended, or renewed in the future by the BOT or Department. Such provisions shall be fully enforceable as Conditions of this Certification. Any violation of such provisions shall be a violation of these Conditions of Certification.

II. DEPARTMENT OF TRANSPORTATION [Was Section A, XXV, DOT – No Change]

A. Post-Certification Reviews of FDOT Matters

1. Access Management to the State Highway System:

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

2. Overweight or Overdimensional Loads:

Operation of overweight or overdimensional loads by the Licensee on State transportation facilities during construction and operation of the Certified Facilities,

including the Certified Transmission Lines, will be subject to safety and permitting requirements of Chapter 316, F.S., and Rule Chapter 14-26, Safety Regulations and Permit Fees for Overweight and Overdimensional Vehicles, F.A.C.

3. Use of State of Florida Right-of-Way or Transportation Facilities:

All usage and crossing of State of Florida right-of-way or transportation facilities will be subject to Rule Chapter 14-46, Utilities Installation or Adjustment, F.A.C.; Florida Department of Transportation's Utility Accommodation Manual (Document 710-020-001); Design Standards for Design, Construction, Maintenance and Utility Operation on the State Highway System; Standard Specifications for Road and Bridge Construction; and pertinent sections of the Florida Department of Transportation's Project Development and Environmental Manual.

U.S. 19/SR 55 and U.S. 41 have been identified as Florida Intrastate Highway System (FIHS) and Strategic Intermodal System's (SIS) facilities. The placement of transmission lines and pipelines should take into consideration the planned widening of these facilities to the extent that DOT already owns the property rights planned for future widening. If future widening is required, the cost of relocating or reconstructing the Certified Transmission Lines and pipelines within those roads ROWs will be borne by the Licensee to the extent required by Section 337.403, F.S., and Rule Chapter 14-46, F.A.C.

4. Standards:

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

5. Drainage:

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

6. Use of Air Space:

Any newly proposed structure or alteration of an existing structure will be subject to the requirements of Chapter 333, F.S., and Rule 14-60.009, Airspace Protection, F.A.C. Additionally, notification to the Federal Aviation Administration (FAA) is required prior to beginning construction, if the structure exceeds notification requirements of 14 CFR Part 77, Objects Affecting Navigable Airspace, Subpart B, Notice of Construction or Alteration. Notification will be provided to FAA Southern Region Headquarters using FAA Form 7460-1, Notice of Proposed Construction or Alteration in accordance with instructions therein. A subsequent Determination by the FAA stating that the structure exceeds any federal obstruction standard of 14 CFR Part 77, Subpart C for any structure that is located within a 10-nautical-mile radius of the 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 Department

of Transportation or variance from local government depending on the entity with jurisdictional authority over the site of the proposed structure. The FAA Determination regarding the structure serves only as a review of its impact on federal airspace and is not an authorization to proceed with any construction. However, FAA recommendations for marking and/or lighting of the proposed structure are made mandatory by Florida law. For a site under Florida Department of Transportation jurisdiction, application will be made by submitting Florida Department of Transportation Form 725-040-11, Airspace Obstruction Permit Application, in accordance with the instructions therein.

7. Level of Service on State Roadway Facilities

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

8. Railroad Grade Crossings

Any newly proposed railroad crossing must comply with the criteria established in Rule Chapter 14-57, Florida Administrative Code (FAC).

B. Best Management Practices

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

2. It is recommended that PEF encourage transportation demand management techniques by doing the following:

a. Placing a bulletin board on site at staging and show-up areas for car pooling advertisements.

b. Requiring that heavy construction vehicles remain onsite or at staging areas for the duration of construction to the extent practicable.

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

[Chapters 14-26, 14-46, 14-57, 14-86, 14-94, 14-96, and 14-97, F.A.C.; Chapters 316 and 333, F.S.; Sections 337.401-404, F.S.; 14 C.F.R. Part 77]

SECTION C: PLANT SPECIFIC CONDITIONS

The conditions in Section C relate to the Certified Facilities other than transmission lines. The conditions relating to the Certified Transmission Lines can be found in Section D.

I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

A. Radiological [Was Section B, XXVII. DEP, D. Radiological – Renumbered No Change]

1. Decommissioning

Upon application to the U.S. Nuclear Regulatory Commission (NRC) for authority to decommission the plant, the Licensee shall provide the Department a copy of the plan submitted to NRC for radioactive materials removal and/or containment for the site. Should the Department's review of the written plan reveal deficiencies, the Department shall bring such deficiencies to the attention of the Licensee and the NRC and maintains the right to initiate a request, consistent with NRC procedural requirements that remedial action be taken to correct the deficiencies.

2. Emergency Plan

The applicant shall work with the State Division of Emergency Management and the State Department of Health, Bureau of Radiation Control, and Levy, Citrus and Marion Counties in biennial updating of the emergency procedures and evacuation planning as necessary, including but not limited to: hurricane evacuations; improvements in communication and warning systems; and in updating predicted plume overlays in accordance with NRC-required emergency plans.

3. Radiological Release Limitations

The recommendation in the Power Plant Site Certification Analysis that certification be issued is based in part upon the fact that in order to obtain a construction permit and operating license from NRC, the Licensee must comply with all applicable regulations, requirements, and standards of the NRC which limit the release of radioactive materials in solid waste, liquid or gaseous effluents to the environment. The above NRC regulations, requirements and standards include the following:

a. Standards for Protection Against Radiation, U.S. Nuclear Regulatory Commission Rules and Regulations, Title 10, Chapter 1, Part 20, Code of Federal Regulations, as presently in effect or hereafter amended.

b. Limitations and conditions for the controlled release of radioactive materials in solid, liquid and gaseous effluents contained in the Radiological Environmental Monitoring Program required by Title 10, 10 CFR 50, as presently in effect or hereafter amended.

The Department has the statutory duty to insure that the location and operation of Levy Nuclear Plant Unit 1 and Unit 2 will produce minimal adverse effects on human health, the environment, the ecology and the land and its wildlife, and the ecology of State waters and their aquatic life. (Section 403.502. F.S.) The Department has determined that the construction and operation of the Levy Nuclear Plant must comply with the above radiological release limitations in order to minimize adverse effects on human health and the

environment. This certification is conditioned upon compliance by the applicant with the applicable above regulations, requirements and standards.

The NRC has the duty and responsibility imposed by statute, to enforce compliance by the Licensee with NRC standards and technical specifications, to assure that the construction and operation of the Levy Nuclear Plant will be in accord with the common defense and security and will provide adequate protection to the health and safety of the public. See Section 103(d) of the Atomic Energy Act, 42 U.S.C. section 2133(d) (1970); accord. 42 U.S.C. section 2332(a) (1970) including any revisions.

However, should the Department determine that the NRC has failed to discharge its duty and responsibility, it may bring any such deficiencies to the attention of the Licensee and the NRC, and maintains the right to initiate a request, consistent with NRC procedural requirements, that appropriate enforcement action be taken to correct the deficiencies.

Should such appropriate enforcement action not be forthcoming, and the Department determines that such enforcement action is necessary to insure that adverse effects on human health and the environment by continued operation of the Levy Nuclear Plant are minimized, the Department reserves the right to take appropriate State enforcement action pursuant to Chapter 403, Florida Statutes, against the applicant for violation of any of the above radiological release limitations on the grounds that the violation of such limitations constitutes a violation of this express Condition of Certification.

4. Monitoring

The Licensee shall comply with the most recent State Department of Health Environmental Surveillance Agreement or its equivalent or future replacement. Should the State Department of Health determine that additional monitoring is required, it may take appropriate action to require such monitoring pursuant to NRC authority by modification of this Condition of Certification.

5. Interagency Agreement

Pursuant to NRC regulations, the Licensee shall implement an Emergency Response Capability Agreement with the Florida Department of Health, a copy of which shall be submitted to the Siting Office.

6. Reservation of Legal Rights

The Department recognizes that the NRC has exclusive authority in certain areas related to the construction and operation of the Levy Nuclear Plant. These Conditions of Certification do not limit, expand or supersede any federal requirement or restriction under federal law, regulation, or regulatory approval or license. Compliance with the conditions herein does not constitute a waiver of the Licensee’s responsibility to comply with all applicable NRC requirements. Licensee's acceptance of these radiological Conditions of Certification does not constitute a waiver by Licensee of any claim that any such radiological conditions are invalid under the doctrine of federal preemption or otherwise by law.

7. Annual Radiological Environmental Operating Report

Upon submittal to the NRC, a copy of the Annual Radiological Environmental Operating Report for the Levy Nuclear Plant shall be provided to the Department's Siting Coordination Office.

8. Notification of NRC License

The Licensee shall notify the Department's Siting Coordination Office of any amendments, modification, or renewals of NRC-issued Operating Licenses for the Certified Facility.

B. Potable Water Supply System [was Section B, XXVII. DEP, E. Potable Water Supply System – No Change]

1. The potable water supply system shall be designed and operated in conformance with 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 Siting Office.

2. All the potable well(s) shall be constructed according to public well standards found in 62-532, F.A.C.

3. All potable well(s) shall meet the required setbacks as found in 62-555.312, F.A.C.

4. The list of requirements for a Preliminary Design Report (PDR) can be found in 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 Siting Office prior to construction and use.

5. This system will be a non-transient non-community public water system. A demonstration of financial, managerial, and technical capacity (capacity development) form must be completed and submitted to the Department's Northeast District Office, Potable Water Section and the Siting Office. Rule 62-555.525, F.A.C.

[62-550, Lead & Copper Rule 40 CFR 141, Subpart I, 62-555, 62-560, and 62-699, F.A.C.]

C. Domestic Wastewater [Was Section B, XXVII. DEP, F. Domestic Wastewater – No Change]

The domestic wastewater treatment and disposal facilities shall be designed and operated in accordance with any applicable provisions of Chapters 62-4, 62-600, 62-601, 62-604, 62-610, 62-611, 62-620 and 62-640 F.A. C . At least 180 days prior to commencing construction of the domestic wastewater treatment and disposal facilities, the Licensee shall submit final plans for the domestic wastewater facilities to the Siting and DEP Northeast District Offices for review and approval. The submittal shall include calculations, drawings, reports, completed permit

application forms and a preliminary engineering report with information for the domestic wastewater treatment and disposal facilities. All documents must be signed and sealed by a professional engineer and professional geologist registered in the State of Florida. The Licensee shall give the Department written notice at least 60 days before inactivation or abandonment of a wastewater facility and shall specify what steps will be taken to safeguard public health and safety during and following inactivation or abandonment.

[Rules 62-4, 62-600, 62-601, 62-604, and 62-610, 62-611, 62-620, and 62-640, F.A.C.]

D. Solid Waste [Was Section B, XXVII. DEP, G. Solid Waste – No Change]

1. The Licensee is not authorized to process or dispose solid waste on-site. Except for temporary, short-term storage in designated containers, storage of solid waste on-site shall not be allowed unless specifically authorized through a modification to this certification.

2. The applicant shall collect and store solid waste from routine operations and/or construction and demolition activities in vendor provided or other suitable containers, and shall dispose the waste at authorized off-site facilities in accordance with the Site Certification Application and Chapter 62-701, F.A.C.

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

E. Water Facilities Groundwater Monitoring Requirements [was Section B, XXVII. DEP, I. Water Facilities GWM Requirements – No Change]

Although there are no proposed direct discharges of contaminants to ground water, there are specific industrial processes and operations at power plants that may have a potential for ground water contamination. Therefore, the following are requirements pursuant to Chapter 62-520, F.A.C. The DEP Northeast District Office has monitoring and compliance jurisdiction over any on-site discharges that may occur. The DEP Southwest District Office has monitoring and compliance jurisdiction over discharges associated with any Industrial Waste permit with outfalls to the Crystal River Energy Complex.

1. A minimum of 18 months prior to initial operation of the facility, the Licensee shall submit two copies each of a final Ground Water Monitoring Plan to the Ground Water Sections of the Department's Northeast District Office as a post-certification submittal, in accordance with Rule 62-520.600, F.A.C. No fees will be required. Pursuant to Chapters 492 and 471, F.S., the ground water monitoring plan shall be signed and sealed by the professional geologist or professional engineer who prepared or approved it. The Department has 30 days to review the submittal, and send out a request for additional information, if necessary. Approval will be determined within 90 days of submittal, once the plan is considered complete.

2. Excluding solid waste sites and stormwater ponds, the final Ground Water Monitoring Plan shall address pre-operational (i.e.: prior to initial startup of facility operations) and post-operational (i.e.: during facility operations) monitoring of all lined systems (i.e.: wastewater discharge basins, cooling water conveyance systems, runoff sites, and raw and spent fuel storage sites, and all basins, sumps, or tanks that contain waste disposal liquids). There shall be no unlined storage or disposal sites without prior approval. Solid waste requirements shall be in accordance with the specific section(s) of the Conditions of Certification.

3. The final Ground Water Monitoring plan must be a comprehensive submittal tailored to water facilities operations including pertinent information from previous proposals in the original Site Certification Application, the locations of proposed background monitor wells (i.e.: wells labeled MWB-1, MWB-2, etc.) and down gradient monitor wells (i.e.: wells labeled MWD-3, MWD-4, etc.) in relation to property lines, basins, buildings, ponds, etc. on an aerial photo. The following information shall also be included: well construction details and well depths; ground water flow direction(s); frequency of monitoring, parameters and determinations for parameters, water sampling and chemical analysis protocol; pre- and post-operational monitoring requirements; potential offsite & onsite influences of contamination sources; soil types and lithology above and below water level; ½ mile survey of potable wells around the facility; cones of depression of water supply wells or wellfields within the facility that may affect the monitor well locations; and any other information that is significant to this project.

4. Once the Ground Water Monitoring Plan is approved, it will become part of the Site Certification by reference. Requests for modifications to the plan must be submitted to the Department's Northeast District, and the Siting Offices. The Department may make modifications to the plan after periodic reviews of the facility's files.

5. The Licensee shall give at least 72-hours notice to the Department's Northeast Office, prior to the installation of any monitoring wells detailed in the approved Groundwater Monitoring Plan.

6. Any new monitor well(s) identified in the approved Ground Water Monitoring Plan shall be installed, a minimum of 12 months prior to initial operation of the facility.

7. Prior to construction of new ground water monitoring wells, a soil boring shall be made at each new monitoring well location in order to establish the well depth and screen interval.

8. Within 30 days after installation of a new monitoring well, the Licensee shall submit to the Department's Northeast District Offices detailed information on the well's location and construction on DEP Form(s) 62-522.900(3), Monitor Well Completion Report.

9. All ground water monitoring wells shall be constructed and developed in accordance with Department guidelines and installed by a licensed water well contractor.

10. Due to the facility having lined systems with no direct discharges to ground water, excluding stormwater, a zone of discharge is not allowed.

11. The ground water minimum criteria specified in Rule 62-520.400 F.A.C., and all primary and secondary standards in Rule 62-550, F.A.C. shall be met at the down gradient wells, with the exception of Condition 14. below.

12. Twelve months prior to facility operation, the Licensee shall begin sampling the pre-operational monitoring wells in accordance with the Conditions of Certification and the approved ground water monitoring plan prepared in accordance with Rule 62-520.600, F.A.C.

13. Upon placing facility in operation, the Licensee shall begin sampling the post-operational monitoring wells in accordance with the Conditions of Certification and the approved ground water monitoring plan prepared in accordance with Rule 62-520.600, F.A.C.

14. If the concentration for any monitoring parameter in the natural background quality of the ground water is greater than the state standard, or in the case of pH is also less than the minimum, the representative natural background quality shall be the prevailing standard.

15. Water levels shall be recorded before evacuating monitor wells for sample collection. Elevation references shall include the top of the well casing and land surface at each well site (NGVD allowable) at a precision of plus or minus 0.01 foot.

16. Ground water monitoring wells shall be purged prior to sampling to obtain representative samples.

17. Analyses shall be conducted on unfiltered samples, unless filtered samples have been approved by the Department's Northeast District Office as being more representative of ground water conditions.

18. The Licensee shall ensure that all laboratory analytical data are from a certified laboratory that meets the requirements of Chapter 62-160, F.A.C. Minimum detection limits shall be at or below the ground water standards and/or criteria.

19. The Licensee shall ensure that all samples are taken by appropriately trained personnel following the Department approved Standard Operating Procedures Manual for Field Sampling, in accordance with Rule 62-160, F.A.C.

20. Ground water monitoring results shall be submitted on Form 62-620.910(10), or such other format as approved by the department, in accordance with the following schedule deadlines, where applicable. A customized Ground Water Monitoring Well Report with specific parameters will be generated and provided to the Licensee for use, after approval of the Ground Water Monitoring Plan. If the Licensee elects to enter the monitoring results into the Department's electronic system, the hard copy of the report is not required to be submitted for that monitoring period.

Sample Period	Monthly	Quarterly	Semi Annual	Annual	Report Deadline
(January-March)	Monthly sampling results are due 30 days after last day of the monitoring month.	X			April 28th
(April-June)		X			July 28th
(July-September)		X			October 28th
(October-December)		X			January 28th
(January-June)			X		July 28th
(July-December)			X		January 28th
(January-December)				X	January 28th

21. If any monitoring well becomes damaged or cannot be sampled for some reason, the Licensee shall notify the Department's Northeast District Office immediately and a written report shall follow within seven days detailing the circumstances and remedial measures taken or proposed. Repair or replacement of monitoring wells shall be approved in advance by the Department's Northeast District Office.

22. All piezometers and wells not part of the approved ground water monitoring plan are to be plugged and abandoned in accordance with Rule 62-532.500(4), F.A.C., unless there is intent for their future use.

23. All correspondence, reports, plans and summaries pertaining to ground water monitoring shall be directed to the Ground Water Section of the Department's Northeast District Office with copies to the Siting Office.

F. Withlacoochee River [Was Section B, XXVII. DEP, .J Withlacoochee River– No Change]

In the event that any state or federally funded projects required for the maintenance, preservation or enhancement of surface waters of the State require modifications to the Cross Florida Barge Canal, the Department may choose to seek to modify this certification after notice and opportunity for hearing.

G. Coastal and Aquatic Managed Areas [Was Section B, XXVII. DEP, K. CAMA – No Change]

Within 180 days following certification, Licensee shall submit a Crystal Bay Surface Water Monitoring Plan for review and approval pursuant to Chapter 62-302, F.A.C to the DEP Office of Coastal and Aquatic Managed Areas and the DEP Siting Office. At a minimum, the plan shall include the following components unless otherwise approved by CAMA:

1. Equally spaced monitoring points from the point of discharge into the Bay to the edge of the St. Martins Marsh and Big Bend Seagrasses Aquatic Preserves. Each monitoring point shall include salinity and temperature. The Licensee should determine from discharge modeling data the appropriate number of water quality sites and locations (This could range from 8-40 monitoring points along transects).

2. Discharge, nutrient sampling for Total Phosphorus (TP), and Nitrogen (TN), Total Suspended Solids (TSS) and Dissolved Oxygen (DO) shall be included at each monitoring point.

3. Specific monitoring locations, sampling frequencies, methods, specific parameters to be monitored.

4. Duplication of monitoring frequency or sample points with those of other monitoring plans (such as that required by FFWCC under COC C.III.B.) is not a requirement of the CAMA plan. As such, it is acceptable to incorporate the above requirements within a larger monitoring plan, provided that the above elements of the CAMA monitoring plan are maintained and the related monitoring data is clearly singled out. If the Department determines that the pre- and post operation monitoring indicate potential adverse changes in the surface waters in close proximity to either of the Aquatic Preserves due to the LNP discharges, then the Department may propose additional measures to evaluate or to abate such impacts. Water quality monitoring

reports should be made readily available to St. Martins Marsh and Big Bend Seagrasses Aquatic Preserves.

[62-302.700(9)(f)4, F.A.C. and 62-302.700(9)(f)38, F.A.C.]

H. Flood Control

Any construction of new facilities for the certified plant and associated facilities shall be protected from flood damage by construction in such a manner as to comply with the appropriate Levy County flood protection requirements or by flood proofing or by raising the elevation of the facilities above the 100-year flood level, whichever is more stringent. However, existing facilities and in-water structures are not required to comply with such flood control protection standards. [Was Section B, XXVII. DEP, A. Flood Control Protection – No Change]

II. SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT [Was Section B, XXVIII. SWFWMD – No Change]

GROUNDWATER WITHDRAWAL QUANTITIES AND FACILI'TIES

District ID/ Owner ID	Water Allocation Average Gallons per Day	Well Casing/Depth Feet	LOCATION
1/PW-1	395,000	100/300**	PROPOSED
2/PW-2	395,000	100/300**	PROPOSED
3/PW-3	395,000	100/300**	PROPOSED
4/PW-4	395,000	100/300**	PROPOSED
5/CW-1*	90,000	100/300**	PROPOSED
TOTAL ALL WELLS	1,580,000		

* Temporary Construction Well (not a Permanent Production Well)
** Estimated

[Sections 373.016, 373.219, 373.223(1), F.S.; Rule 40D-2.301, F.A.C., District Basis of Review (BOR) Sections 3.2, 3.4, 4.1, 4.4, 4.8, 4.10]

A. Special Conditions

All conditions referring to the District shall mean the

Southwest Florida Water Management District
2379 Broad Street
Brooksville, Florida 34604-6899

1. Submit Reports/Data

a. All reports and data required by these Conditions of Certification shall be submitted to the District (and copied to the DEP Siting Office) according to the due dates contained in the specific condition. If the report or data is received on or before the tenth day of the month following data collection, it shall be deemed as a timely submittal. The Licensee may use the District's website to submit data, plans or reports online. To set up an account, the Licensee can address the request to permitdata@watermatters.org. All mailed reports and data are to be sent to:

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

Submission of plans and reports: Unless submitted online or otherwise indicated in the special condition, the original and two copies of each plan and report required herein.

Submission of data: Unless submitted online or otherwise indicated in the special condition, an original (no copies) is required for data submittals such as meter readings and/or pumpage, rainfall, water level, evapotranspiration, or water quality data

b. Within sixty (60) days of Certification, the Licensee shall designate one individual responsible for receiving and responding to District notices and correspondence related to these Conditions of Certification. Notification to the District of the designee, including address and telephone number shall be in written form.

c. Prior to the construction and operation of the construction well (District ID No. 5; Licensee ID No. CW-1), the Licensee shall submit for District review and approval, under the provisions of Section A. General Conditions, Condition XX. Procedures for Postcertification Submittals of this Certification, the information required by the District's "Small General Permit" application form and any required supplemental forms (40D-2.101(2)(c), F.A.C. – March 2009).

[Sections 373.016, 373.219, 373.236, F.S.; Rules 40D-2.301(1) and 40D-2.381(1), (2) and (4), F.A.C.; BOR Section 6.2]

2. Environmental Impacts, Monitoring and Mitigation

a. Environmental Assessment

i. Environmental Monitoring Plan

An Environmental Monitoring Plan (EMP) shall be submitted no less than 3 years prior to any production well use in excess of 100,000 gallons per day (annual average) for production purposes. The EMP shall be approved and implemented a minimum of one-year prior to initial use of the first production well in excess of 100,000 gallons per day (annual average) for production purposes. The monitoring plan, at a minimum shall utilize the District's Wetland Assessment Procedure to evaluate the relative condition of surface waters and wetlands in areas potentially affected by water withdrawals of Licensee. Upon District approval, the plan shall be implemented and monitoring reports shall be provided in the annual monitoring report required by Section C. Plant Specific Conditions, Condition II. Southwest Florida Water Management District, A. Special Conditions, 2.a.v. After five years of monitoring following groundwater use rising to more than 1.25 million gallons per day (average annual daily withdrawal quantity) from all the wells included in this site certification, the Licensee may request the District release the Licensee from monitoring. If the District concurs with the request, the District will request DEP modify the conditions of certification to remove the monitoring condition.

ii. Data Collection

Licensee shall maintain and monitor the environmental monitoring sites included in the approved monitoring plan. Water levels for monitor wells staff gauges, and piezometers for the sites included in the monitoring plan shall be referenced to National Geodetic Vertical Datum (NGVD) and reported in a form acceptable to the District by the 10th day of each month for the preceding month. The time and date that the elevation is taken shall be included. Any changes to the methods or frequency of monitoring for any of these data collection programs must be approved by the District.

iii. Staff Gauges

Licensee shall install and thereafter maintain District-approved staff gauges and shall report measurements of water levels, as indicated in the monitoring plan. Water levels shall be recorded and reported to the District on or before the tenth day of the following month. To the maximum extent possible, water levels shall be recorded as indicated in the monitoring plan. The frequency of recording may be modified by the District as necessary to ensure protection of the resource.

iv. Monitoring Wells and Piezometers

Licensee shall monitor water levels in the monitor wells and piezometers as specified in the monitoring plan. Reports of the data shall be submitted to the District in a form acceptable to the District. All data shall be referenced to NGVD. The frequency of water-level recording may be modified by the District as necessary to ensure the protection of the resource.

v. Annual Environmental Monitoring Reports

Following implementations of the EMP, the Licensee shall submit an annual environmental monitoring data summary by January 1st of each year for the preceding water year (October 1 - September 30). The Annual Monitoring Report shall include all raw data, essential graphs, tables, and text. Monitoring progress at each site shall be summarized in the Annual Monitoring Report, as specified below. Licensee shall submit three copies of the Annual Monitoring Report each year. Interpretive reports of environmental conditions shall incorporate all environmental monitoring sites used. The Annual Monitoring Report shall assess relationships between water level fluctuations, well pumpage, atmospheric conditions, and drainage factors related to the environmental condition of the wetlands and surface waters in the vicinity of the Levy Nuclear Plant. Pumpage data, wetland, water level data collected from the aquifer and for the region, and environmental parameters collected at the monitoring sites and in the region (SWFWMD data shall be used for information of the region) shall be used for the report results. Statistical trend analysis, such as double-mass curve analysis, multiple linear regression, time series analysis and/or factor analysis shall be performed to analyze the interactions of rainfall and pumpage on surficial water levels, potentiometric levels in the semi-confined aquifers, surface waters, and wetland water levels, rate of soil subsidence, and evidence of vegetational succession. Data shall be obtained through field measurements and aerial photo interpretation. A brief summary of any recommended changes to the monitoring requirements shall be provided. Upon review of those recommended changes, SWFWMD may approve changes to the monitoring requirements under the approved Environmental Monitoring Plan.

[Sections 373.016, 373.219, 373.223(1), F.S.; Rules 40D-2.301(1), 2.381(1), 2.381(4), F.A.C.; BOR Sections 1.5, 4.2, 5.8]

3. Alternative Water Supply Implementation

The Licensee shall investigate the development of one or more alternative water supply projects to supply the water supply demands to offset all or a portion of the groundwater allocated by these conditions of certification. Alternative water supplies include seawater desalination, brackish surface or ground water, water that has been reclaimed after one or more uses, stormwater, and any other water supply source designated as non-traditional. If adverse impacts are detected or predicted through the Environmental Monitoring as specified in Section C. Plant Specific Conditions, Condition II. Southwest Florida Water Management District, A.2. or through aquifer performance testing or groundwater modeling as specified in Section C. Plant Specific Conditions, Condition II. Southwest Florida Water Management District, A.4.a. and A.4.b. below, Licensee shall either mitigate such adverse impacts in accordance with a plan submitted by the Licensee and approved by the District or, by selecting and implementing an Alternate Water Supply project in accordance with the following schedule:

a. Within 3 years of completion of site aquifer testing specified in Section C. Plant Specific Conditions, Condition II. Southwest Florida Water Management District, A.4.a. the Licensee shall submit for District approval, an Alternative Water Supply Plan. The Alternative Water Supply Plan shall evaluate, identify, and propose alternative water supply development of one million five hundred eighty thousand (1,580,000) gallons per day (gpd).

b. Within 4 years of completion of site aquifer testing and modeling specified in Section C. Plant Specific Conditions, Condition II. Southwest Florida Water Management District, A.4.a., Licensee shall submit to the District, a preliminary design of the approved alternative water supply project that the Licensee will implement.

c. Within 3 years of groundwater use rising to more than 1.25 million gallons per day (average annual daily withdrawal quantity) from all the wells included in this site certification, the Licensee shall provide an analysis of environmental conditions as specified in Section C. Plant Specific Conditions, Condition II. Southwest Florida Water Management District, A.4.a. above. The Licensee may ask for a time extension or waiver for implementing the Alternate Water Supply project if the District confirms that adverse environmental impacts have not been detected or are not predicted to occur. The Alternate Water Supply project schedule shall be maintained unless the District confirms that adverse environmental impacts have not been detected or are not predicted to occur. If adverse environmental impacts are occurring or are predicted to occur, the Alternative Water Supply quantity required to be developed will be determined based upon a revised hydrogeologic evaluation performed by the Licensee and accepted by the District.

d. With 4 years of completion of site aquifer testing specified in Section C. Plant Specific Conditions, Condition II. Southwest Florida Water Management District, A.4.a., submit to the Florida Department of Environmental Protection and the District, applications for authorization to develop and use 1,580,000 gpd of alternative water sources for the project as appropriate, unless an extension of time or waiver has been granted by the District.

e. Within 4 years of completion of site aquifer testing specified in Section C. Plant Specific Conditions, Condition II. Southwest Florida Water Management

District, A.4.a., submit to the District an alternative water supply implementation schedule detailing the dates when construction will begin and end, and the date when water will be delivered from the project for use by the Licensee.

f. Compliance with the Alternative Water Supply Implementation Schedule is required by the Licensee, unless extended or otherwise modified in writing by the District. Each year, by March 1, after the triggers described above, the Licensee shall submit to the District a status report describing the progress made on the Alternative Water Supply Implementation Schedule, including the specific actions taken to meet the requirements set forth above. If the project has fallen behind schedule, Licensee shall provide just cause for the delay and/or explain how the Licensee will comply with the schedule described herein.

[Sections 373.016, 373.219, 373.223(1), F.S.; Rule 40D-2.301(1); BOR Section 3.1(pending amendment)]

4. Aquifer Testing and Groundwater Impact Analysis

a. For the purpose of confirming Upper Floridan transmissivity and leakance values used in Licensee's groundwater flow model, a step -drawdown test shall be performed on the production wells. A multi-well constant-rate test shall be performed on two of the following production wells: District ID Nos. 1, 2, 3, 4, Licensee ID Nos. PW-1, PW-2, PW-3, PW-4, after the wells have been fully developed. Constant-rate multi-well test locations will be based on step-drawdown tests, water quality, and other data submitted to the District prior to the multi-well constant-rate site selections. The constant-rate tests shall be performed in accordance with the specifications in an Aquifer Performance Testing (APT) Plan submitted to and approved by the District. The APT Plan shall be submitted to the District at least 6 months prior to the start of construction of the first production well to support plant operations. The step-drawdown and constant-rate tests shall be conducted by the Licensee within 6 months of completion of construction of the wells included in the APT Plan, or within 6 months of the final approval of the APT Plan, whichever occurs later. In addition, these tests must be completed at least 5 years prior to initial use of the first production wells in excess of 100,000 gallons per day (annual average) for production purposes. All recorded raw data and a full report analyzing the data shall be submitted to the District within ninety (90) days of completion of all the tests.

[Sections 373.016, 373.219, 373.223(1), F.S.; Rule 40D-2.301(1); BOR Sections 1.5, 4.2, 4.5, 4.6, 4.8, 4.13]

b. If any of the transmissivity or leakance values derived from either the step-drawdown or the multi-well constant-rate tests referenced in Section C. Plant Specific Conditions, Condition II. Southwest Florida Water Management District, A.4.a. above, differ significantly from the values used in the groundwater flow model submitted as part of Licensee's application, the Licensee will revise its submitted Focused Telescoping Mesh Refinement groundwater model of the wellfield area based on the results of the aquifer tests described in Section C. Plant Specific Conditions, Condition II. Southwest Florida Water Management District, A.4.a. above. Significantly different transmissivity or leakance values shall mean any well having either a leakance or transmissivity value twenty (20) percent higher or lower than those included in the Licensee's submitted groundwater flow model. The revised model will include wellfield-specific Upper Floridan aquifer transmissivity or leakance values and properties derived from well drilling and the aquifer tests described in Section C. Plant Specific Conditions, Condition II. Southwest Florida Water Management District, A.4.a. The modeling

parameters, including but not limited to the following: surficial aquifer transmissivity/hydraulic conductivity and thickness, Upper Floridan aquifer thickness and transmissivity/hydraulic conductivity, measured groundwater levels (NGVD) and gradients, aquifer leakage, and aquifer boundary conditions, may require revision to reasonably represent aquifer conditions. The revised model must also reflect a groundwater impact analysis including cumulative and incremental analysis to evaluate the pumping effects on other water users, and other analysis to confirm that the withdrawal meets the District's conditions of issuance for water-use permits. If required, all groundwater modeling and a full report, meeting District modeling guidelines, shall be submitted to the District within one-hundred eighty (180) days of completion of the aquifer tests described in Section C. Plant Specific Conditions, Condition II. Southwest Florida Water Management District, A.4.a. above. Upon acceptance of the report by the District, the Licensee will complete any required Alternative Water Supply Implementation Plans as specified above.

[Sections 373.016, 373.219, 373.223(1), F.S.; Rules 40D-2.301(1), 2.381(1), (4); BOR sections 4.2, 5.4, 5.5, 5.6, 5.7]

5. Compliance Reporting

The Licensee shall submit a compliance report beginning the fifth year after groundwater use rising to at least 1.25 million gallons per day (average annual daily withdrawal quantity) and at 5 year intervals thereafter. The report must contain sufficient information to demonstrate reasonable assurance that the withdrawals and use of water authorized by these conditions of certification continue to meet the substantive requirements set forth in Chapter 40D-2, F.A.C., and the District's Water Use Permit Information Manual Part B, Basis of Review. The compliance report shall include:

a. Information documenting water demands and updated demand projections demonstrating that allocations from all sources in the conditions of certification will continue to be needed for the remainder of the conditions of certification duration;

b. Documentation verifying that the sources are capable of supplying the needs authorized by these conditions of certification without causing harm to water and water-related resources;

c. Documentation verifying that the use of water is efficient and that the Licensee is implementing all feasible water conservation measures;

d. An updated ground water modeling analysis and data analysis demonstrating that the use of groundwater does not interfere with legal uses existing at the time of issuance of the conditions of certification;

e. An updated ground water modeling analysis, along with statistical analyses of water-level and wetland monitoring data, demonstrating that the use does not cause adverse impacts to wetlands, and surface waters, or violations of MFLs;

f. Documentation that ground water withdrawals by the Licensee are not causing or contributing to significant water quality deterioration, including but not limited to review and statistical analyses of groundwater level and water quality data collected by the Licensee under these conditions of certification;

g. Information demonstrating that the lowest quality source of water is being used to meet the water demands.

Following review of this report and as requested by the District, DEP may modify the conditions of certification to ensure that the use continues to meet the substantive conditions for the consumptive use of water as set forth in Section 373.223, F.S., and Chapter 40D-2, F.A.C.

[Sections 373.016, 373.219, 373.223(1), 373.236, F.S.; Rules 40D-2.301(1), 40D-2.381(1), (4), F.A.C.]

6. Pumpage Reporting

Licensee shall meter withdrawals and record meter readings from each withdrawal point and water supply line on a monthly basis within the last week of the month. The meter readings shall be reported to the District on or before the tenth day of the following month. If a metered withdrawal is not utilized during a given month, the meter report shall be submitted to the District indicating the same meter reading as was submitted the previous month.

Licensee shall install meters on District ID Nos. 1, 2, 3, 4, 5, Licensee ID Nos. PW-1, PW-2, PW-3, PW-4, CW-1, within 90 days of completion of construction of the withdrawal facilities.

All meters shall adhere to the following descriptions and shall be installed and maintained as follows:

a. All meters shall be non-resettable, totalizing flow meters that have a totalizer of sufficient magnitude to retain total gallon data for a minimum of the three highest consecutive months permitted quantities. If other measuring devices or alternative accounting or reporting methods are proposed, prior to installation, the Licensee shall submit documentation that the other measuring devices or accounting methods meet the accuracy requirement provided below. If the alternative accounting method involves a meter belonging to another entity or to an alternative water supply provider, the Licensee shall submit documentation from the owner/supplier that the meter readings conform to these meter requirements. Such documentation is subject to approval by the District. Approval for other measuring devices, accounting methods, or reporting methods must be obtained in writing from the Brooksville Regulation Department Director.

i. The flow meter(s) or other approved flow-measuring device(s) shall have and maintain an accuracy within five percent of the actual flow as installed.

ii. Accuracy testing requirements:

a) For newly metered withdrawal points, the flow meter installation shall be designed for inline field access for meter accuracy testing.

b) The meter shall be tested for accuracy on-site, as installed, every five years beginning from the date of its installation for new meters or from the date of initial issuance of the permit.

c) The testing frequency will be decreased if the Licensee demonstrates to the satisfaction of the District that a longer period of time for testing is warranted.

d) The test will be accepted by the District only if performed by a person certified on the test equipment used as described in the section entitled Flow Meter Verification, below.

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

b. The meter shall be installed according to the manufacturer's instructions for achieving accurate flow to the specifications above, or it shall be installed in a straight length of pipe where there is at least an upstream length equal to ten (10) times the outside pipe diameter and a downstream length equal to two (2) times the outside pipe diameter. Where there is not at least a length of ten diameters upstream available, flow straightening vanes shall be used in the upstream line. Existing systems that would require retrofitting to achieve the above standards will not be required to retrofit provided it is documented on the Flow Meter Accuracy Verification Form, Form No. LEG-R. 021.000 (07/08) that the flow meter is accurately and reliably measuring flow over different flow ranges or for the permanent operating flow.

c. If a metered withdrawal point, AWS inflow line or re-pump withdrawal point is not utilized during a given month, the meter report shall be submitted to the District showing the same meter reading that was submitted the previous month.

d. Broken or malfunctioning meter:

If the meter or other flow-measuring device malfunctions or breaks, the Licensee shall:

i. Notify the District within 15 days of discovering the malfunction or breakage;

ii. Replace the broken or malfunctioning meter with a repaired or new meter, subject to the specifications given above, within 30 days of the discovery; and

iii. Submit estimates of their pumpage as described below.

If the meter is removed from the withdrawal point for any other reason, it shall be replaced with another meter having the same specifications given above, or the meter shall be reinstalled within 30 days of its removal from the withdrawal. In either event, the withdrawal point shall not lack a fully functioning meter for more than 60 consecutive days.

e. While the meter is not functioning correctly, the Licensee shall document the total amount of time in minutes that the withdrawal point was used for each month and multiply those minutes times the pump capacity (in gallons per minute) for total gallons. The estimate of the number of gallons used each month during that period shall be submitted on District scanning forms and noted as estimated per instructions on the form. If the data are submitted by another approved method, the fact that it is estimated must be indicated. The reason for the necessity to estimate pumpage shall be reported with the estimate.

f. In the event a new meter is installed to replace a broken meter, the meter and its installation shall meet the specifications of the District. The Licensee shall notify the District of the replacement with the first submittal of meter readings from the new meter.

[Sections 373.016, 373.219, 373.223(1), 373.236, F.S.; Rules 40D-2.301(1),(3), 40D-2.381(1), (4); F.A.C.; BOR 5.1, 6.2]

7. Distribution Flexibility

The average day, peak monthly, and maximum daily, if applicable, quantities for District ID No(s) 1, 2, 3, 4, 5, Licensee ID No(s) PW-1, PW-2, PW-3, PW-4, CW-1, shown above in the production withdrawal table are estimates based on projected distribution of pumpage, and are for water use inventory and impact analysis purposes. The quantities listed in the table for these individual sources are not intended to dictate the distribution of pumpage from the withdrawal sources. The Licensee may make adjustments in pumpage distribution as necessary up to 125 percent on an average basis, up to 125 percent on a peak monthly basis, so long as adverse environmental impacts do not result and other conditions of this certification are complied with. In all cases, the total average annual daily withdrawal and the total peak monthly daily withdrawal are limited to the quantities set forth above.

[Sections 373.016, 373.219, 373.223(1), F.S.; Rule 40D-2.301, F.A.C., BOR sections 3.2, 3.4, 4.1]

8. Water Quality Sampling

a. Water quality samples shall be collected and analyzed for parameters and at the frequencies specified below. Water quality samples from production wells shall be collected from all wells, unless infeasible. If sampling is infeasible, Licensee shall indicate the reason for not sampling on the water quality data form. Water quality samples shall be analyzed by a laboratory certified by the Florida Department of Health utilizing the standards and methods applicable to the parameters analyzed and to the water use pursuant to Chapter 64E-1, Florida Administrative Code, "Certification of Environmental Testing Laboratories". At a minimum, water quality samples shall be collected after pumping the well at its normal rate for a pumping time specified in the table below, or to a constant temperature, pH, and conductivity. In addition, Licensee's sampling procedure shall follow the handling and chain of custody procedures designated by the certified laboratory which will undertake the analysis. Any variance in sampling and/or analytical methods shall have prior approval of the Brooksville Regulation Department Director. Reports of the analyses shall be submitted to the Permit Data Section, Regulation Performance Management Department, (using District forms) on or before the tenth day of the following month, and shall include the signature of an authorized representative and certification number of the certified laboratory which undertook the analysis. The parameters and frequencies of sampling and analyses may be modified by the Brooksville Regulation Department Director, as necessary to ensure the protection of the resource.

District ID No.	Licensee ID No.	Minimum Pumping Time (minutes)	Parameter	Sampling Frequency
1	PW-1	20 minutes	Chlorides,	February, May,
2	PW-2	20 minutes	Sulfates, and	August and November
3	PW-3	20 minutes	T.D.S.	
4	PW-4	20 minutes		

Water quality samples shall be collected quarterly and on the same week of the months specified.

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

[Sections 373.016, 373.219, 373.223(1), 373.236, F.S.; Rules 40D-2.301(1), 40D-2.381(1), (4); F.A.C.; BOR 6.2]

b. Water quality samples from monitor wells shall be collected and analyzed for the District ID No., parameter(s), and frequency (ies) specified in the table below. Water quality samples shall be collected after pumping the monitor wells(s) to a constant temperature, pH, and conductivity. Sampling method(s) shall be designed to collect water quality samples that are chemically representative of the zone to be sampled. Water quality samples shall be analyzed by a laboratory certified by the Florida Department of Health utilizing the standards and methods applicable to the parameters analyzed and to the water use pursuant to Chapter 64E-1, Florida Administrative Code, "Certification of Environmental Testing Laboratories". The Licensee's sampling procedure(s) shall follow the handling and chain of custody procedures designated by the certified laboratory which will undertake the analysis. A report describing the sampling and chain of custody procedures shall be included with the first data submitted after the date this permit is granted, and upon any change in sampling and/or analytical method(s). Any variance in sampling and/or analytical methods shall have prior approval of the District. Reports of the analyses shall be submitted to the District on District forms on or before the tenth day of the following month, and shall include the signature of an authorized representative and certification number of the certified laboratory that undertook the analysis. The parameters and frequency of sampling and analysis may be modified by the District as necessary to ensure the protection of the resource.

District ID No.	Licensee ID No.	Parameter	Sample Frequency
6	TBD	Chlorides,	May, September
7	TBD	Sulfates, and TDS	
8	TBD		
9	TBD		
10	TBD		

Water quality samples shall be collected based on the following timetable:

Semi-annually Same week of months specified

Analyses shall be performed according to procedures outlined in the current edition of Standard Methods for the Examination of Water and Wastewater by the American Public Health Association-American Water Works Association-Water Pollution

Control Federation (APHA-AWWA-WPCF) or Methods for Chemical Analyses of Water and Wastes by the U.S. Environmental Protection Agency (EPA).

[Sections 373.016, 373.219, 373.223(1), 373.236, F.S.; Rules 40D-2.301(1), 40D-2.381(1), (4); F.A.C.; BOR 6.2]

c. The District with DEP's concurrence, reserves the right to set chloride, sulfate or TDS concentration limits on any production well in the future to prevent long-term upward trends or other significant water quality changes from occurring, based on data collected and after a sufficient data base has been established to determine limits. These limits shall be required after discussions with the Licensee. At such time as the concentration in any water sample reaches or exceeds the designated concentration limits, the Licensee shall take appropriate action to reduce concentrations to below those set for the particular well. If the District determines that long-term upward trends or other significant water quality changes are occurring, the District may consult with FDEP to reconsider the quantities included in these conditions of certification.

[Sections 373.016, 373.219, 373.223(1), 373.236, F.S.; Rules 40D-2.301(1), 40D-2.381(1), (4); F.A.C.; BOR 6.2]

d. During drilling of District ID Nos. 1, 2, 3, 4, Licensee ID Nos. PW-1, PW-2, PW-3, PW-4, water quality samples shall be collected at intervals of the change of drill rod or 30 feet, whichever is less, from 150 feet to a maximum depth of five feet above the bottom of the well when drilling on reverse air. Regardless of the specified sample collection interval, a sample shall be collected from the depth which corresponds to five feet above the bottom of the well. Samples shall be collected during reverse air drilling, or other appropriate method with prior approval by the District.

Samples shall be analyzed by a certified laboratory for Chloride, Sulfate, and Specific Conductivity. Licensee's sampling procedure shall follow the handling and chain of custody procedures designated by the certified laboratory which will undertake the analysis. Reports of the analyses shall be submitted to the Permit Data Section, Regulation Performance Management Department (using District forms) within thirty days of sampling, and shall include the signature of an authorized representative and the certification number of the Florida Department of Health certified laboratory utilizing the standards and methods applicable to the parameters analyzed and to the water use pursuant to Chapter 64E-1, Florida Administrative Code, “Certification of Environmental Testing Laboratories”.

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

[Sections 373.016, 373.219, 373.223(1), 373.236, F.S.; Rules 40D-2.301(1), 40D-2.381(1), (4); F.A.C.; BOR 6.2]

e. Monthly water levels for monitor wells for the sites included in the table below shall be referenced to NGVD, and reported in a form acceptable to the District by the tenth day of each month for the preceding month. The time and date that the elevation is taken shall be included. Changes to the methodology, extent, or frequency of monitoring at any of

these sites may be modified by the District, as necessary to ensure the protection of the resources.

District ID No.	Licensee Site No.
6	TBD
7	TBD
8	TBD
9	TBD
10	TBD

[Sections 373.016, 373.219, 373.223(1), 373.236, F.S.; Rules 40D-2.301(1), 40D-2.381(1), (4); F.A.C.; BOR 6.2]

9. Wells

a. Well construction permits shall be obtained from the District by the Licensee for all wells to be constructed for this project. Well construction shall conform to requirements set forth in District and DEP rules for well construction.

[Sections 373.016, 373.219, 373.223(1), 373.308, 373.313, F.S.; Rules 40D-2.301(1), 40D-2.381(1), 40D-3.041, F.A.C.; WUP BOR 6.2]

b. Wells not in use with no installed pumping equipment shall be capped or valved in a water tight manner in accordance with Rule 62-532.500(3)(a)(4), F.A.C.

[Sections 373.016, 373.219, 373.223(1), 373.308, 373.313, F.S.; Rules 40D-2.301(1), 40D-2.381(1), 40D-3.037, 40D-3.041, 40D-3.521, 62-532.500, F.A.C.]

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

i. Static water level before pumping

ii. Duration of test pumping

iii. Gallons per minute pumped

iv. Final water level measured during pumping

If step-drawdown tests were performed, the information listed above shall be submitted for each step. A report analyzing the results shall be presented.

[Sections 373.016, 373.219, 373.223(1), F.S.; Rules 40D-2.301(1), 40D-2.381(1), 40D-3.301(2), F.A.C.]

d. Within 90 days of construction, Licensee shall submit to the Permit Data Section, Regulation Performance Management Department, the specific locations of District ID Nos. 1, 2, 3, 4, 5, Licensee ID Nos. PW-1, PW-2, PW-3, PW-4, CW-1, on an original blue line aerial with a minimum scale of one inch equals 800 feet, or by latitude/longitude. Intake

and mainline diameters for each of the above pumps shall be reported at the time of location reporting.

[Sections 373.016, 373.219, 373.223(1), F.S.; Rules 40D-2.301(1), 40D-2.381(1), 40D-3.301(2), F.A.C.]

e. Prior to start of construction activity that involves withdrawal of groundwater, the Licensee shall develop and implement a Water Conservation Plan (Plan) that includes practices currently employed or planned. This Plan shall address water conservation measures related to the construction phase of the project. In addition, the Licensee shall update this Plan, or submit a separate Plan, to address the operation phase of the project no later than one-year prior to the anticipated commercial operation of the first unit. For planned components, include an estimated time-frame for implementation for each. The Plan must indicate that technically and economically feasible water conservation opportunities have been or will be employed.

[Sections 373.016, 373.219, 373.223(1), F.S.; Rules 40D-2.301(1), 40D-2.381(1), F.A.C.; BOR 3.4 (pending amendment)]

f. The lowest quality water source, including reclaimed water, surface water and stormwater, must be used for each consumptive use authorized by these conditions of certification when available, except when Licensee demonstrates that the use of the lower quality water source is determined to be not economically, environmentally, or technologically feasible, in accordance with the District's Water Use Permit Information Manual Part B, Basis of Review, Sections 4.4 and 4.11.

[Sections 373.016, 373.219, 373.223(1), F.S.; Rules 40D-2.301(1), 40D-2.381(1), F.A.C.; BOR 4.4, 4.11]

g. Wetlands and other surface waters may not be adversely impacted as a result of the water use authorized by these conditions of certification. If unacceptable adverse impacts occur, the District will request that DEP modify the conditions of certification to curtail or abate the unacceptable adverse impacts, unless the impacts can be mitigated by Licensee.

[Sections 373.016, 373.219, 373.223(1), F.S.; Rules 40D-2.301(1), 40D-2.381(1), F.A.C.; BOR 2.8, 4.2, 4.13, 6.2]

h. A construction dewatering plan shall be provided to the District, for approval 6 months prior to the conduct of the dewatering. This plan shall include the details of the dewatering system, discharge quantities and location, a monitoring plan, and other details as appropriate to demonstrate that the dewatering plans meet the Districts Conditions of Issuance as included in 40D-2.301 and comply with all applicable Environmental Resource Permit construction dewatering requirements.

[Sections 373.016, 373.219, 373.223(1), F.S.; Rules 40D-2.301(1), 40D-2.381(1), F.A.C.; BOR Sections 3.5, 5.4, 5.5]

B. STANDARD CONDITIONS:

Licensee shall comply with the following Standard Conditions:

1. If any of the statements in the application and in the supporting data are found to be untrue and inaccurate, or if Licensee fails to comply with all of the provisions of Chapter 373, F.S., Chapter 40D, or the conditions set forth herein, the District shall seek revocation of any conditions of certification.

2. These conditions of certification are imposed based on information provided by Licensee demonstrating that the use of water is reasonable and beneficial, consistent with the public interest, and will not interfere with any existing legal use of water. If, during the term of this certification, it is determined by the District that the use is not reasonable and beneficial, in the public interest, or does impact an existing legal use of water, the District shall seek modification these conditions of certification or revocation of the certification authorized by DEP.

3. Licensee shall not deviate from any of the District- imposed conditions of this certification without written approval by the District.

4. In the event the District declares that a Water Shortage exists pursuant to Chapter 40D-21, Licensee agrees that portions of these conditions of certification shall be modified, or declared inactive as necessary to address the water shortage.

5. The District shall collect water samples from any withdrawal point listed in these conditions of certification or shall require Licensee to submit water samples when the District determines there is a potential for adverse impacts to water quality.

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

7. Licensee shall cease or reduce any surface water withdrawals as directed by the District if water levels in surface water fall below applicable minimum water level established in Chapter 40D-8 or rates of flow in streams fall below the minimum levels established in Chapter 40D-8.

8. Licensee shall cease or reduce withdrawals if water levels in aquifers fall below the minimum levels established by the District.

9. Licensee shall practice water conservation to increase the efficiency of transport, application, and use, as well as to decrease waste and to minimize runoff from the property. At such time as the District adopts specific conservation requirements for Licensee's water use classification, these conditions of certification shall be modified accordingly.

10. The District may establish special regulations for Water Use Caution Areas. At such time as the Governing Board adopts such provisions, these conditions of certification shall be subject to them upon notice and after a reasonable period for compliance.

11. Licensee shall mitigate any adverse impact to existing legal uses caused by withdrawals. When adverse impacts occur or are imminent, Licensee shall be required to mitigate the impacts. Adverse impacts include:

a. A reduction in water levels which impairs the ability of the well to produce water;

b. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams or other watercourses; or

c. Significant inducement of natural or manmade contaminants into a water supply or into a usable portion of any aquifer water body.

12. Licensee shall mitigate any adverse impact to environmental features or offsite land uses as a result of withdrawals. When adverse impacts occur or are imminent, the Licensee shall be required to mitigate the impacts. Adverse impacts include:

a. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams or other watercourses;

b. Sinkholes or subsidence caused by reduction in water levels;

c. Damage to crops and other vegetation causing financial harm to the owner; and

d. Damage to the habitat of endangered or threatened species.

13. When necessary to analyze impacts to the water resource or existing users, Licensee shall be required to install flow metering or other measuring devices to record withdrawal quantities and submit the data to the District.

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

15. Licensee shall notify the District within 30 days of the sale or conveyance of permitted water withdrawal facilities or the land on which the facilities are located.

16. The annual average daily withdrawal quantity is determined by calculating the total quantity of water to be withdrawn over a one year period, divided by 365 days, which results in a gallons per day (gpd) quantity pursuant to Basis of Review, Section 3.2, Permitted Withdrawal Quantities. This is a running 12-month average, whereby each month the annual average daily quantity is recalculated based on the previous 12-month pumpage.

[Sections 373.016, 373.219, 373.223(1), F.S.; Rules 40D-2.301(1), 40D-2.381(1), F.A.C.; BOR Section 6.1]

III. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION [Was Section B, XXIX. FWCC – Modified – Changes shown in Final Order]

A. Listed-Species Conditions

Listed Species Occurring or Potentially Occurring in the Project Area

Common Name	Scientific Name	FL Status	Federal Status
Gopher frog	*Rana capito*	SSC	
Eastern indigo snake	*Drymarchon couperi*	T	T
Florida pine snake	*Pituophis melanoleucus mugitus*	SSC	
Short-tailed snake	*Stilosoma extenuatum*	T	

Gopher tortoise	*Gopherus polyphemus*	T	
Florida scrub jay	*Aphelocoma coerulescens*	T	T
Little blue heron	*Egretta caerulea*	SSC	
White ibis	*Eudocimus albus*	SSC	
Southeastern American kestrel	*Falco sparverius paulus*	T	
Florida sandhill crane	*Grus canadensis pratensis*	T	
Bald Eagle	*Haliaeetus leucocephalus*	**	**
Red-cockaded woodpecker	*Picoides borealis*	SSC	E
Florida mouse	*Podomys. floridanus*	SSC	
Sherman's fox squirrel	*Sciurus niger shermani*	SSC	
Florida black bear	*Ursus americanus floridanus*	T	
Florida manatee	*Trichechus manatus latirostris*	E	E

*SSC = Species of Special Concern; T= Threatened; E= Endangered;

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

1. General Listed-Species Surveys

a. The Licensee will coordinate with the FWC to obtain and follow the current survey protocols for all listed species that may occur within the Certified Facilities, with appropriate buffers as defined by the survey protocols, prior to conducting detailed surveys.

b. Surveys will be conducted prior to clearing and construction in accordance with the survey protocols. The results of those detailed surveys will be provided to the FWC and coordination will occur with the FWC on appropriate impact mitigation methodologies.

[Article IV, Sec. 9, Fla. Constitution; Section 379.2291, Florida Statutes (F.S.), Sections 403.507and 403.5113(2), F.S., and Rule 68A-27, Florida Administrative Code (F.A.C.).]

2. Gopher Tortoise

Information on the gopher tortoise and permitting can be found on FWC's website.

a. The Licensee will conduct surveys for gopher tortoises (*Gopherus polyphemus*), in accordance with the FWC-approved Gopher Tortoise Management Plan (adopted in 2007) and current FWC-approved Gopher Tortoise Permitting Guidelines or FWC-approved subsequent versions of the Plan or Guidelines. A burrow survey covering a minimum of 15% of the potential gopher tortoise habitat to be impacted by development is required in order to apply for a relocation permit. Immediately prior to capturing tortoises for relocation, a

100% survey is required to effectively locate and mark all potentially occupied tortoise burrows and to subsequently remove the tortoises. Burrow survey methods are outlined in Appendix 4, Methods for Burrow Surveys on Development (Donor) and Recipient Sites. Surveys must be conducted within 90 days of when an application is submitted to the FWC; however, surveys shall not be conducted within 30 days of any ground disturbance or clearing activities on the donor site. All surveys completed by authorized agents or other permittees are subject to field verification by the FWC. The gopher tortoise surveys should be conducted during the months of April through October.

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

c. The Licensee will coordinate with and provide the FWC a completed gopher tortoise relocation permit(s) application in accordance with the FWC-approved Gopher Tortoise Management Plan and Gopher Tortoise Permitting Guidelines as a post-certification submittal. This permit application will provide information on the location for on-site recipient areas and any off-site FWC approved recipient site, as well as, appropriate mitigation contributions.

d. Any commensal species observed during the burrow excavations that are listed by the U.S. Fish and Wildlife Service (USFWS) or FWC will be relocated in accordance with the applicable guidelines for that species.

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

[Article IV, Sec. 9, Fla. Const.; Sections 403.507 and 403.5113(2), F.S., Section 379.2291, F.S.; and Rule 68A-27.004, F.A.C.]

3. Bald Eagle

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

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

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

[Article IV, Sec. 9, Fla. Const., Section 403.507, F.S., Section 403.5113(2), F.S., Rule 62-1 7.191, F.A.C., Section 379.2291, F.S., 68A-27 F.A.C. and Rule 68A-16.002, F.A.C.]

4. Florida Scrub-Jay

a. The Licensee will coordinate with the FWC prior to clearing and construction of the Certified Facilities to insure that surveys for Florida scrub-jays (Aphelocoma coerulescens) are in accordance with FWC- and USFWS-approved protocols (Fitzpatrick et al. 1991)*.

b. The Licensee will conduct the surveys and provide the FWC with the Florida scrub-jay survey results and identify where impacts to Florida scrub-jays cannot be avoided.

c. The Licensee will coordinate with the FWC to determine mitigative measures for areas where impacts to Florida scrub-jays cannot be avoided.

[Article IV, Sec. 9, Fla. Const., Section 403.507, F.S., Section 403.5113(2), F.S., Rule 62-1 7.191, F.A.C., Section 379.2291, F.S., 68A-27 F.A.C. and Rule 68A-16.001 F.A.C.]

*Fitzpatrick, J. W., G.E. Woolfenden, M.T. Kopeny. 1991. Ecology and development-related requirements of the Florida scrub-jay (Aphelocoma coerulescens). Nongame Wild. Prog. Tech. Rep. No. 8, Fla. Game Fresh Water Fish Comm., Tallahassee.

5. Red-Cockaded Woodpeckers

a. The Licensee will coordinate with the FWC prior to conducting surveys for red-cockaded woodpeckers (Picoides borealis) to insure that surveys are in accordance with the FWC-approved Red-Cockaded Woodpecker Management Plan, adopted in 2003, and the USFWS Red-Cockaded Woodpecker Recovery Plan, or subsequent FWC-approved or USFWS-approved versions of either plan.

b. The Licensee will conduct the surveys and provide the FWC with the red-cockaded woodpecker survey results and identify where impacts to red-cockaded woodpeckers cannot be avoided.

c. The Licensee will coordinate with the FWC to determine mitigative measures for areas where impacts to red-cockaded woodpeckers cannot be avoided.

[Article IV, Sec. 9, Fla. Const., Section 403.507, F.S., Section 403.5113(2), F.S., Rule 62-17.191, F.A.C., Section 379.2291, F.S., 68A-27 F.A.C. and Rule 68A-16.001 F.A.C.]

6. Avian Protection Plan

The Licensee will coordinate with the FWC in the development of an Avian Protection Plan that delineates a program designed to reduce the operational and avian risks that result from avian interactions with the Certified Facilities with the goal of reducing avian mortality. Guidelines for the Avian Protection Plan can be found on the USFWS website.

[Article IV, Sec. 9, Fla. Const., Section 403.507, F.S., Rule 62-17.191, F.A.C., Section 379.2291, F.S., 68A-27 F.A.C. and Rule 68A-16.001 F.A.C.]

7. Florida Manatee

a. The Standard Manatee Conditions for In-Water Work (revision 2005) shall be followed for all in-water activity located where waters are accessible to manatees. These are enclosed as Attachment C. Blasting or pile hammering activities to break rock shall be prohibited in or adjacent to waters accessible to manatees. If no other alternative exists, a modification of these conservation measures can be requested. An adequate Blast and Protected Species Watch Plan must be submitted to and approved by the Imperiled Species Management Section of the FWC prior to these methodologies being used.

b. At least 60 days prior to the beginning of in-water construction or demolition activities located where waters are accessible to manatees, the Licensee shall contact the FWC to determine whether observers will be required, how many observers will be needed and who those observers will be. The Licensee may provide the FWC with a list of prospective observers or the FWC will provide a list. Observers must be approved by the FWC prior to construction and be equipped with polarized sunglasses to aid in observation. The manatee observer must be on site during all in-water construction activities and will advise personnel to cease operation upon sighting a manatee within 50 feet of any in-water construction activity. Movement of a work barge, other associated vessels, or any in-water work associated with construction or demolition activities shall not be performed after sunset, when the possibility of spotting manatees is negligible. Observers shall maintain a log detailing manatee sightings, work stoppages, and other protected species-related incidents. A report, summarizing all activities noted in the observer logs, the location and name of project, and the dates and times of work shall be submitted within 30 days following project completion to the FWC's Imperiled Species Management Section at: 620 South Meridian Street, 6A, Tallahassee, Florida 32399-1600, or e-mailed at fcmpmail@myfwc.com.

c. If a cofferdam is used during in-water construction to minimize release of sediment to the Cross Florida Barge Canal, the area inside (behind) the cofferdam must be checked for the presence of manatees during and after installation of the barrier before further work occurs to determine that manatees have not been entrapped.

d. At the earliest point in the final design phase of the project and prior to construction in waters accessible to manatees, the Licensee must submit a complete final description and final design of the Cooling Water Intake Structure (CWIS) plan to be approved by the FWC with regard to manatee safety issues. The description should include the width of proposed vertical bar screens and the means by which they will be secured to the structure, the location and type of material proposed for screens and the method of securing the screens, the location of the pump and pump house, and a complete explanation of how access by manatees to the pump mechanism will be prevented. A final CWIS plan approved by the FWC must be implemented prior to the facility operation and maintained for the life of the facility.

e. At the earliest point in the final design phase of the project and prior to construction in waters accessible to manatees, the Licensee must submit a complete description and final design of the trash rack/rake plan, which must be approved by the FWC. The description must include the type (brand) of trash rack proposed, the proposed rack installation angle, and if a rake/rake gripper (or other moving element for cleaning or straining)

is proposed as part of the mechanism, a description of the rake gripper, the size (in inches) of the rake gripper opening, the proposed descent velocity of the rake or other straining mechanism, the proposed type of operation of the rake (automated or manual), and the proposed location of the trash rack relative to the CWIS forebay. A final trash rack/rake plan must minimize risks to manatees, must be approved by the FWC, implemented prior to the facility operation and maintained for the life of the facility.

f. To reduce the risk of entrapment and drowning of manatees, grating shall be installed over any existing or proposed pipes or culverts greater than 8 inches, but smaller than 8 feet in diameter that are submerged or partially submerged and reasonably accessible to manatees. Bars or grates no more than 8 inches apart shall be placed on the accessible end(s) during all phases of the construction process and as a final design element to restrict manatee access.

[Article IV, Sec. 9, Fla. Const., Section 403.507, F.S., Section 403.5113(2), F.S., Rule 62-17.191, F.A.C., Section 379.2291, F.S. and 68A-27 F.A.C.]

B. Biological Survey and Monitoring Conditions

The Licensee may request modification of the following applicable FWC conditions upon issuance by the Department of Environmental Protection, in consultation with the FWC, of Final NPDES permit FL0633275-001-IWlSINP

1. Cross Florida Barge Canal and Withlacoochee River Survey and Monitoring

Field data are needed in order to determine if there are any impacts of the proposed withdrawals in the Cross Florida Barge Canal and the Withlacoochee River below the Lake Rousseau Dam.

a. Within 180 days following certification of the Levy County Nuclear Facility, the Licensee shall submit to the DEP Siting Office and FWC a Cross Florida Barge Canal and Withlacoochee River Baseline Survey and Monitoring Plan (CRSMP). Unless otherwise agreed to by the Licensee and FWC, in consultation with DEP, the CRSMP shall include, at a minimum, the following components and may include additional components as proposed by either the FWC or Licensee:

i. Nekton pre-operational survey and post-operational monitoring should be based on a stratified-random sampling design, with a minimum of 12 samples per month in the Cross Florida Barge Canal, a minimum of 6 samples per month in the Withlacoochee River downstream of Lake Rousseau, and a minimum of 6 samples per month in the area just off the entrance to the Cross Florida Barge Canal. Ideally the sampling effort would be divided between bag seines and otter trawls, with a ratio of two seine hauls to one trawl haul. This study design will allow comparison between monitoring results of nekton communities, and possible changes in these communities, in the CFBC and Withlacoochee River with systems north and south of the CFBC. Ideally the number of samples necessary per month would be based on preliminary sampling and subsequent power analysis (to determine power to detect change. If additional gear is deemed more appropriate, these should be provided in the nekton monitoring study design.

ii. Plankton (icthyoplankton and meroplankton) preoperational survey and post-operational monitoring should be based on a stratified random sampling design, with a minimum of 12 samples per month in the Cross Florida Barge Canal, a minimum of 6 samples per month in the area just off the entrance to the Cross Florida Barge Canal, and in the Withlacoochee River. The surveys should employ standard plankton sampling gear. Ideally the number of samples necessary per month would be based on preliminary sampling and subsequent power analysis (to determine power to detect change). The plankton monitoring should, at a minimum, include sampling at night.

iii. Additional hydrographic survey sites may be needed, depending on the data available from previous studies, to characterize circulation and flow from the Withlacoochee River south to the Barge Canal, across and into the Barge Canal, and south towards the Crystal River Energy Complex. Specific survey and monitoring locations, sampling frequencies and methods, and specific parameters to be surveyed and monitored shall be approved by the FWC, in consultation with DEP and SWFWMD.

iv. Pre-operational surveys shall be conducted to establish baseline seasonal/climatological, biological and water quality conditions. An initial three years of pre-operational surveys shall be performed beginning no later than five years before the expected date of operation of the first generating unit for the Certified Facility. The collected data from the pre-operational surveys shall be analyzed by the Licensee and reviewed by FWC to determine whether, based upon a statistical analysis of the data, further pre-operational surveys are required to be performed for up to an additional two years (for a maximum total of five years of pre-operational surveys). The Licensee shall continue the pre-operational surveys while the analysis is conducted by the Licensee and review of that analysis is undertaken by FWC. The analysis shall be provided by the Licensee to FWC within 180 days of completion of the initial three years of surveys. FWC shall have up to 90 days from the date it receives this analysis to review the analysis and issue its determination as to whether additional surveys are required. This timeline for analysis and review may be extended upon mutual agreement of the Licensee and FWC. If FWC determines additional surveys are necessary to establish baseline seasonal/climatological biological and water quality conditions, the Licensee shall conduct up to another two years of surveys prior to operation of the first unit, inclusive of the information collected during the analysis and review period.

v. Post-operational monitoring shall be conducted for a period of time to be determined by statistical analysis in coordination between the FWC, in consultation with DEP, and the Licensee, utilizing the same pre-operational survey methodologies in order to identify and characterize biological and water quality impacts associated with the project for any needed mitigation purposes.

vi. In accordance with federal regulations related to the project's intake structure, an impingement and entrainment study shall be developed and implemented for use during operations to validate the assumptions of limited or no impingement and entrainment of organisms.

vii. An adaptive management approach shall be applied during pre-operational surveying and post-operational monitoring plan development in order to accommodate for less expensive data collection methodologies that may become available.

viii. This CRSMP, including survey and monitoring locations, shall be approved prior to implementation. The FWC, in consultation with DEP and SWFWMD, shall indicate approval or disapproval of the submitted plan within 90 days of a complete submittal. The FWC will transmit its findings to the DEP-Siting Office for coordination and transmittal to the Licensee. In the event that additional information is needed from the Licensee to complete and approve the Plan, the FWC, in consultation with DEP and SWFWMD, shall make a written request to the DEP Siting Office and the Licensee for additional information no later than 30 days after receipt of the submitted information.

ix. As approved, the Licensee will implement the CRSMP.

b. Following implementation, the Licensee will prepare annual progress reports, including all data and statistical analyses resulting from the survey and monitoring requirements, hydrographic analysis documenting the flow and circulation patterns in the nearshore areas, and a summary report at the end of the baseline period. These annual reports shall be submitted to the FWC and DEP Siting Office for review no later than May 1st of each applicable year, for the previous calendar year's information. The summary report shall be submitted to the FWC and DEP Siting Office for review no later than 180 days after completion of the baseline period. If the FWC, in consultation with DEP and SWFWMD, in their review of the yearly progress reports, determines inadequacies or the need to modify the CRSMP, FWC will notify DEP and the Licensee and a joint meeting will be held to discuss the findings. At the end of the baseline surveying period, as determined in accordance with Section C, Condition III. Florida Fish and Wildlife Conservation Commission, B.1.a.iv. above, the Licensee will hold a joint meeting with the DEP and FWC to discuss the results. At that time, the FWC, in consultation with DEP and SWFWMD, and the Licensee will determine what, if any, modifications need to be made to the CRSMP for monitoring once the Plant begins operations. The FWC will transmit its findings to the DEP-Siting Office for coordination and transmittal to the Licensee.

c. If the CRSMP is determined to need modifications for monitoring during the operation of the Plant, the Licensee will submit, within 180 days after notification of needed modifications, a revised CRSMP to the FWC and the DEP Siting Office for review. The FWC, in consultation with DEP and SWFWMD, shall indicate its approval or disapproval of the submitted plan within 90 days of a complete submittal. The FWC will transmit its findings to the DEP-Siting Office for coordination and transmittal to the Licensee. In the event that additional information from the Licensee is necessary to complete and approve the CRSMP, the FWC, in consultation with DEP and SWFWMD, shall make a written request to the DEP-Siting Office and the Licensee for additional information no later than 30 days after receipt of the submitted information.

d. The Licensee will submit, after initiation of operations at the Levy Plant, an annual report, including all data and statistical analyses resulting from the monitoring requirements and an analysis comparing the current data to the preoperational survey (baseline) data to the FWC and the Siting Office. This annual report shall be submitted no later than May 1st of each applicable year, for the previous calendar year's information. If the FWC, in consultation with DEP and SWFWMD, determines that the pre-operational survey and post-operational monitoring data indicate harm or potential harm to the ecological resources of the waters of the State and/or indicate exceedance of State water quality standards, or if these data

are insufficient to evaluate changes, then additional measures shall be required to evaluate or to abate such impacts. Additional measures include but are not limited to:

i. Enhanced monitoring and/or modeling, and mitigative measures;

ii. Operational changes in the cooling water intake system to reduce any such impacts;

iii. Other measures to abate impacts as may be described in the Canal and River Monitoring Plan.

e. The Licensee will submit a summary report, including all data and statistical analyses from the baseline monitoring and an analysis comparing available post-operational monitoring data to the baseline data to the FWC and the DEP Siting Office and Industrial Wastewater Section. The summary report should be submitted a minimum of 180 days prior to the expiration date of the NPDES permit in place three years following the commencement of operation of the first unit. Submittal of this report is required to assist in the evaluation of the application for renewal of the referenced NPDES permit, is independent of other reporting that may be required under these conditions, and is not indicative of any intent to determine in advance of the statistical analysis required by other conditions a post-operational monitoring period of three years.

[Article IV, Sec. 9, Fla. Const., Sections 403.507 and 403.509, F.S.; Section 379.1025 F.S., Section 379.2291 F.S., Section 379.2401 F.S., Rules 68A-1.002 and, 68A-4.001, F.A.C., and Chapter 68A-27, F.A.C.]

2. Levy Nuclear and Crystal River Energy Complex Combined Discharge Survey and Monitoring

a. Within 180 days following certification of the Levy County Nuclear Facility, the Licensee will submit to the FWC and the DEP Siting Office a LNP Combined Discharge Survey and Monitoring Plan (Discharge Monitoring Plan). Unless otherwise agreed to by the Licensee and FWC, in consultation with DEP, the Discharge Monitoring Plan shall include, at a minimum, the following components:

i. Pre-operational surveys of baseline seasonal/climatological biological and water quality conditions and post-operational monitoring in coordination between the DEP, FWC and the Licensee, including sites outside of the existing or predicted plume areas to allow for a comparison of the plume area sites to a "control site." An initial three years of pre-operational surveys shall be performed beginning no later than five years before the expected date of operation of the first generating unit for the Certified Facility. The collected data from the pre-operational surveys shall be analyzed by the Licensee and reviewed by FWC to determine whether, based upon a statistical analysis of the data, further pre-operational surveys are required to be performed for up to an additional two years (for a maximum total of five years of pre-operational surveys). The Licensee shall continue the pre-operational surveys while the analysis is conducted by the Licensee and review of that analysis is undertaken by FWC. The analysis shall be provided by the Licensee to FWC within 180 days of completion of the initial three years of surveys. FWC shall have up to 90 days from the date it receives this analysis to review the analysis and issue its determination as to whether additional surveys are required. This timeline for analysis and review may be extended upon mutual agreement of the Licensee

and FWC. If FWC determines additional surveys are necessary to establish baseline seasonal/climatological biological and water quality conditions, the Licensee shall conduct up to another two years of surveys prior to operation of the first unit, inclusive of the information collected during the analysis and review period. Post-operational monitoring shall continue for a period of time to be determined by statistical analysis in coordination between the DEP, FWC and the Licensee.

ii. Specific survey and monitoring locations, sampling frequencies and methods, and specific parameters to be surveyed and monitored.

iii. The survey and monitoring will include, at a minimum, protocols to monitor seagrass, oyster and hardbottom resources. Monitoring of physical and chemical parameters shall include, at minimum, surface and bottom temperature, salinity, dissolved oxygen (DO), total nitrogen, total phosphate, and water column transparency data collection.

iv. Intensive survey and monitoring of the central areas of the existing and future predicted plume areas during the first and second summers of the combined discharge. This should include measurements of DO at the surface and at the bottom measured on a regular schedule (quarterly at minimum, monthly if possible), and, within the zone of plume impact, DO at the bottom measured overnight 3 to 4 times during each summer.

v. The Discharge Monitoring Plan, including survey and monitoring locations, shall be approved prior to implementation. The FWC, in consultation with DEP and SWFWMD, shall indicate its approval or disapproval of the submitted plan within 90 days of a complete submittal. The FWC will transmit its findings to the DEP-Siting Office for coordination and transmittal to the Licensee. In the event that additional information from the Licensee is necessary to complete and approve the Plan, the FWC, in consultation with DEP and SWFWMD, shall make a written request to the Licensee for additional information no later than 30 days after receipt of the submitted information.

vi. The Discharge Monitoring Plan shall be implemented as approved. As noted above, upon issuance of Final NPDES permit FL0633275-001-IWlS/NP, the Licensee may request to DEP, in consultation with FWC, modification of the FWC conditions of certification.

b. The Discharge Monitoring Plan and results of monitoring data collected over the course of the previous and current CREC operating period and NPDES permits will be submitted to the DEP and FWC so as to provide a basis for developing the LNP Discharge Mitigation Plan, if needed.

c. Following implementation, the Licensee will prepare annual progress reports, including all data and statistical analyses resulting from the survey and monitoring requirements, and a summary report at the end of the baseline period. The annual reports shall be submitted to the FWC and DEP Siting Office for review no later than May 1st of each applicable year, for the previous calendar year's information. The summary report shall be submitted to the FWC and DEP Siting Office for review no later than 180 days after completion of the baseline period. If in the review of the annual progress reports, the FWC, in consultation with DEP and SWFWMD, determines inadequacies or the need to modify the Discharge Monitoring Plan, FWC will notify the DEP and the Licensee to discuss the findings. At the end

of the baseline surveying period as determined in accordance with Section C, Condition III. Florida Fish and Wildlife Conservation Commission, B.2.a.i. above, the Licensee will contact DEP and FWC to discuss the results. At that time, the FWC, in consultation with DEP and SWFWMD, and the Licensee will determine what if any modifications need to be made to the Discharge Monitoring Plan for monitoring once the Plant begins operations.

d. If the Discharge Monitoring Plan is determined to need modifications for monitoring during the operation of the Plant, the Licensee will submit, within 180 days, a revised Discharge Monitoring Plan to the Agencies for review. The FWC, in consultation with DEP and SWFWMD, shall indicate its approval or disapproval of the submitted plan within 90 days of a complete submittal. The FWC will transmit its findings to the DEP-Siting Office for coordination and transmittal to the Licensee. In the event that additional information from the Licensee is necessary to complete and approve the Discharge Monitoring Plan, the FWC, in consultation with DEP and SWFWMD, shall make a written request to the DEP-Siting Office and the Licensee for additional information no later than 30 days after receipt of the submitted information.

e. The Licensee will submit, after initiation of operations at the Levy Plant, an annual progress report, including all data and statistical analyses from the baseline surveys and monitoring and an analysis comparing the current data to the baseline data, to the Agencies. This annual report shall be submitted no later than May 1st of each applicable year, for the previous calendar year's information. If the FWC, in consultation with DEP and SWFWMD, determines that the pre-operational survey and post-operational discharge monitoring data are insufficient to evaluate changes, indicate harm or potential harm to the ecological resources of the waters of the State and/or exceed State water quality standards, then additional measures shall be required to evaluate or to abate such impacts. Additional measures include but are not limited to:

i. Enhanced monitoring and/or modeling, and mitigative measures;

ii. Operational changes in the discharge or water cooling system to reduce any such impacts;

iii. Other measures to abate impacts as may be described in the Plan.

f. The Licensee will submit a summary report, including all data and statistical analyses from the baseline survey and an analysis comparing the available post-operational monitoring data to the baseline data to the FWC and the DEP Siting Office and Industrial Wastewater Section. The summary report should be submitted a minimum of 180 days prior to the expiration date of the NPDES permit in place three years following the commencement of operation of the first unit. Submittal of this report is required to assist in the evaluation of the application for renewal of the referenced NPDES permit, is independent of other reporting that may be required under these conditions, and is not indicative of any intent to determine in advance of the statistical analysis required by other conditions a post-operational monitoring period of three years.

g. If FWC, in consultation with DEP and the Licensee find that the monitoring demonstrates no impact from Levy, then Licensee may request that FWC, in consultation with DEP amend the monitoring plan or terminate it.

[Article IV, Sec. 9, Fla. Const., Section 403.507and 403.509, F.S.; Section 379.1025 F.S., Section 379.229, F.S., Section 379.2401 F.S., Rule 68A-1.002, F.A.C., and Chapter 68A-2 7, F.A.C.]

C. Mitigation

1. Cross Florida Barge Canal and Withlacoochee River

a. FWC, in consultation with DEP and SWFWMD, will review the CRSMP Annual Reports. If after the review and analysis of the data and reports there is an indication of adverse impacts, FWC, in consultation with DEP and SWFWMD, will notify the DEP Siting Office and the Licensee of the need for mitigation. Within 180 days following notification from DEP Siting Office of the need for mitigation, the Licensee will submit to the DEP and FWC a Withlacoochee River and/or the Cross Florida Barge Canal Mitigation Plan (CFBCWR Mitigation Plan). The CFBCWR Mitigation Plan may include the following components:

i. Plans to alleviate changes in flow, water quality, or biology, as determined from the survey and monitoring, in the Withlacoochee River between Lake Rousseau and the CFBC.

ii. Possible operational changes in the cooling water intake system to reduce any such impacts.

iii. The CFBCWR Mitigation Plan shall be approved by FWC, in consultation with DEP and SWFWMD, prior to implementation. FWC, in consultation with DEP and SWFWMD, shall indicate its approval or disapproval of the submitted plan within 90 days of a complete submittal. The FWC will transmit its findings to the DEP Siting Office for coordination and transmittal to the Licensee. In the event that FWC, in consultation with DEP and SWFWMD, requires additional information for the Licensee to complete and approve the CFBCWR Mitigation Plan, the FWC, in consultation with DEP and SWFWMD, shall make a written request to the DEP Siting Office and the Licensee for additional information no later than 30 days after receipt of the submitted information.

iv. As approved by FWC, in consultation with DEP and SWFWMD, the Licensee will start implementation of the CFBCWR Mitigation Plan.

b. The Licensee will prepare yearly progress reports, including all data and statistical analyses resulting from the implementation of the CFBCWR Mitigation Plan and will prepare a summary report at a time specified in the CFBCWR Mitigation Plan. If the FWC, in consultation with DEP and SWFWMD in their review of the yearly progress reports determine inadequacies or the need to modify the CFBCWR Mitigation Plan, FWC will notify the DEP Siting Office and the Licensee to discuss the findings. If the hydrographic monitoring from the CRSMP indicates unacceptable changes to the circulation and flow due to the LNP, a proposal will be developed and included in the CFBCWR Mitigation Plan to restore acceptable circulation patterns. In addition, the Licensee will prepare a report, including all available data and statistical analyses resulting from the implementation of the CFBCWR Mitigation Plan, to be

submitted to the FWC and the DEP Siting Office and Industrial Wastewater Section a minimum of 180 days prior to the expiration date of the NPDES permit in place at commencement of the CFBCWR Mitigation Plan. Submittal of this report, which may not be the final summary report, is required to assist in the evaluation of the application for renewal of the referenced NPDES permit.

[Article IV, Sec. 9, Fla. Const., Section 403.507 and 403.509, F.S., Section 379.1025 F.S., Section 379.2291 F.S.; Section 379.2401 F.S., Rules 68A-1.002 F.A.C., 68A-4.001, F.A.C and Chapter 68A-27, F.A.C.]

2. Crystal River Combined Discharge

a. FWC, in consultation with DEP and SWFWMD, will review the Discharge Monitoring Plan Annual Reports. If after the review and analysis of the data and reports there is an indication of adverse impacts, FWC, in consultation with DEP and SWFWMD, will notify the Licensee of the need for mitigation for impacts caused by the LNP discharge. Within 180 days following notification through the DEP Siting Office of the need for mitigation, the Licensee will submit to FWC and the DEP Siting Office a Levy Nuclear Discharge Mitigation Plan (LNP Mitigation Plan). The Plan may include the following components:

i. Remedial action options if the Levy Nuclear discharge has adverse impacts on water quality and physical parameters, seagrasses, oysters, or other marine organisms.

ii. Development of a hydrologic model for restoring flows and circulation if deemed necessary from the Canal and River Monitoring Plan.

iii. If the hydrologic modeling, from item 2 above, indicates positive changes, then consideration should be given to re-establishing the "flow-through cuts" along the Crystal River Intake Canal spoil piles.

iv. Operational changes in the discharge or water cooling system to reduce any such impacts.

v. The LNP Mitigation Plan shall be approved prior to implementation. FWC, in consultation with DEP and SWFWMD, shall indicate its approval or disapproval of the submitted plan within 90 days of a complete submittal. The FWC will transmit its findings to the DEP-Siting Office for coordination and transmittal to the Licensee. In the event that FWC, in consultation with DEP and SWFWMD, requires additional information from the Licensee to complete and approve the LNP Mitigation Plan, the FWC, in consultation with DEP and SWFWMD, shall make a written request to the DEP Siting Office and the Licensee for additional information no later than 30 days after receipt of the submitted information.

vi. As approved by FWC, in consultation with DEP and SWFWMD, the Licensee will start implementation of the LNP Mitigation Plan.

b. The Licensee will prepare yearly progress reports, including all data and statistical analyses resulting from the implementation of the LNP Mitigation Plan, and will prepare a summary report at a time specified in the LNP Mitigation Plan. If the FWC, in consultation with DEP and SWFWMD, in their review of the yearly progress reports determine

inadequacies or the need to modify the LNP Mitigation Plan, FWC will notify the DEP Siting Office and the Licensee to discuss the findings. In addition, the Licensee will prepare a report, including all available data and statistical analyses resulting from the implementation of the LNP Mitigation Plan, to be submitted to the FWC and the DEP Siting Office and Industrial Wastewater Section a minimum of 180 days prior to the expiration date of the NPDES permit in place at commencement of the LNP Mitigation Plan. Submittal of this report, which may not be the final summary report, is required to assist in the evaluation of the application for renewal of the referenced NPDES permit.

[Article IV, Sec. 9, Fla. Const., Sections 403.507 and 403.509, F.S.; Section 379.1025 F.S., Section 379.2291 F.S., Section 379.2401 F.S., Rules 68A-1.002 F.A.C., Chapter 68A-27, F.A.C.]

IV. LEVY COUNTY – PLANT REQUIREMENTS [Was Section B, XXX. Levy Co – No Change]

NOTE: References to Exhibits A, B, and C to SE 2-08, are references to those documents which constitute exhibits to a Special Exception submitted by the Licensee for the use of the site for an electrical power generating facility, which Special Exception was approved by the Board of County Commissioners of Levy County, on September 2, 2008 (attached as Appendix VI). The Special Exception will be referred to herein as SE 2-08. Exhibits A, B, and C to SE 2-08 are attached to this Final Report in PDF format and are included herein by this reference. The term Special Exception area as used in this Final Report means the area described and depicted on Exhibit A of SE 2-08 as the property that is the subject of SE 2-08.

A. Documentation/Submittals Requirements

1. At least sixty (60) days prior to any vertical construction activities on the site or any associated facilities, the Licensee shall provide all of the following to the County for its review and approval:

a. A detailed site plan depicting that all development within the 3,105-acre site is contained within the designated Development Areas as shown on Exhibits A and B to SE 2-08 (herein the Development Areas), with the exception of fencing, temporary uses incidental to the construction of the facility, transmission lines and pipelines, berms, guard houses, water wells, monitoring wells, and internal roads necessary to provide internal access to these listed structures, and is setback a minimum of 1,000 feet from any property boundary where abutting properties are not under the same ownership as the subject property.

b. A detailed site plan depicting development within the proposed Development Areas, which reflects the areas, locations, sizes, and heights shown on Exhibit B to SE 2-08 and the tables on Exhibit C to SE 2-08, and which reflects any changes to those items shown on such Exhibits B and C to SE 2-08 in building, pavement, and/or structure size or height, relocation of buildings, pavement, and/or structures within the 954 acres of Development Area. Any such changes to Exhibit B and Exhibit C to SE 2-08 depicted on the site plan shall conform to the special exception requirements for electric generating facilities and the notes listed on Exhibit B to SE 2- 08, which all shall allow for construction and operation of nuclear electric generating facilities subject to the Florida Electrical Power Plant Siting Act, Section 403.501 through 403.5 18, Fla. Stat., consisting of two reactor units generating a total electrical load of 3,000 megawatts and the necessary support services and structures required for the

construction and operation of such facility including offices, training facilities, storage areas, warehousing, first aid facilities, staging areas, parking lots, electrical transmission facilities, cooling towers, retention basins, shooting range, emergency notification equipment, fencing and security facilities, and temporary uses necessary for the construction of such facility including but not limited to concrete and/or asphalt batch plants.

c. A detailed site plan that depicts that all outdoor lighting will be directional and shall not radiate directly onto adjacent properties not under the same ownership as the subject property. There shall not be any off-site glare to adjacent properties not under the same ownership as the subject property. Licensee shall also include a photometric lighting plan.

d. A detailed site plan depicting that the maximum structure height does not exceed 250 feet.

e. A detailed site plan depicting paved parking areas and service areas. Additional pervious parking areas and service drives necessary for internal circulation shall be permitted throughout the special exception area.

f. A detailed site plan of the special exception area depicting that the maximum impervious surface does not exceed 20 percent of the total special exception area.

g. An updated traffic study for the site and associated facilities, reflecting projected traffic during construction and operational phases for the site and associated facilities. Such traffic study may also be used to calculate the appropriate Levy County road impact fees for the site and associated facilities.

2. All documentation and other information submitted in response to Section C. Plant Specific Conditions, IV. Levy County Plant Requirements, A.1. above shall meet all requirements and conditions of SE 2-08, and all applicable provisions of the Levy County Land Development Code and the Florida Building Code, and in accordance with established and generally applicable standards, the requirements of the County Development Department, County Road Department, and County Engineer.

3. Any development of the site and associated facilities that is contained in and approved as part of the detailed site plan submitted to Levy County and any building permit shall be subject to inspection and approval by Levy County through its Road Department, Development Department, and/or County Engineer, as appropriate.

4. At least 30 days prior to commencement of construction of the particular building, a completed County building permit forms shall be submitted to the Levy County Building Department for any structures on the site or for associated facilities that do not consist of facilities of electric utilities as defined in Section 366.02, Fla. Stat., which are directly involved in the generation, transmission, or distribution of electricity, or that are not otherwise exempt from the requirements of the Florida Building Code. For every structure Licensee intends to construct on the site or for associated facilities that Licensee contends is exempt from the Florida Building Code, Licensee shall provide a list of the exempt structures or facilities.

5. Final development approval shall be contingent upon the Licensee obtaining all development/approval and permits from all applicable state and federal agencies that are necessary for the particular development activity to be approved by the County, with the exception of the Federal Combined Construction Operating License.

6. The schedule for and the content and detail of any of the above informational submittals to Levy County may be altered upon agreement between Levy County and the Licensee. Further, any amendments by Levy County to SE 2-08 may be approved by Levy County without further modification to this certification or to these conditions. Any future amendment to SE 2-08 shall be submitted to the Department's Siting Office by Licensee. If an amendment to SE 2-08 also requires modification or amendment of this certification, then such modification or amendment shall also be obtained by Licensee.

[Section 125.01 (l)(h) and (cc), F.S. ; Chapter 553, Part IV, F.S. ; Florida Building Code; Section 102.2, Florida Building Code; Chapter 50, Levy County Code; Chapter 50, Article PTIJ Levy County Code; Sections 50-131, 50-132, 50-715, and 50-796 through 50-823, Levy County Code; Conditions of SE 2-08, approved by the Board of County Commissioners September 2, 2008]

B. Building/Construction Fees

Concurrent with the submittal of the documentation required in Section C. Plant Specific Conditions, IV. Levy County Plant Requirements, A. Documentation/Submittals Requirements, or concurrent with the requests for inspections or for other services to which fees apply under the County's adopted codes ordinances and resolutions, the Licensee, shall pay all of the County's fees for building permits, inspections, and any other fees related to the building permits for structures that are not exempt from the provisions of the Florida Building Code, as provided in Levy County Resolution 2007-24.

[Sections 1 and 10, Art. VII, Florida Constitution; Sections 125.01(1)(h) and (cc), F.S.; Section 403.511(4), F.S.; Chapter 553, Part IV, F.S.; Florida Building Code; Section 102.2, Florida Building Code; Chapter 50, Levy County Code; Section 50-131, Levy County Code; Levy County Resolution 2007-24]

C. Impact Fees

Prior to the County's approval of the development of the site and associated facilities authorized under SE 2-08 and Section C. Plant Specific Conditions, IV. Levy County Plant Requirements, A. Documentation/Submittals Requirements, and prior to construction of any development of the site and associated facilities Licensee shall pay all of the County's emergency medical system impact fees and road impact fees for the site and associated facilities in accordance with Chapter 47, Articles III and IV, Levy County Code.

[Sections 1 and 10, Art. VII, Florida Constitution; Section 403.511(4), F.S. Chapter 47, Article III, Levy County Code; Chapter 47, Article IV, Levy County Code]

D. Construction and Operation

Throughout the construction and operation of the site and associated facilities, the following conditions shall be maintained or met:

1. The use of the site is limited to the construction and operation of not more than two (2) nuclear reactor powered electrical generating plants and associated support structures, accessory structures and uses identified and shown on Exhibit B to SE 2-08.

2. No permanent entrance to the site shall be constructed from CR 40 for the purpose of operational phase work force access. This is not to preclude a roadway to provide access for the construction and maintenance of the site and associated facilities, and of electricity

transmission lines and water lines used to convey cooling water pumped from the Cross Florida Barge Canal or return lines pumping water to the Crystal River Discharge Canal, emergency access or similar incidental access uses. This condition does not preclude the temporary use of the heavy haul road for the delivery of heavy equipment or materials for construction and maintenance of the power plant(s), transmission lines that parallel that road, substation or water supply and return lines.

3. Construction and operation activities within the Special Exception area, including transmission and pipeline construction, shall not adversely impact adjacent properties not owned by the Licensee. Storm water run-off, and excessive dust, smoke, noise, glare and vibrations shall be considered adverse impacts.

4. Operational characteristics, such as noise, dust, vibrations and traffic shall at all times comply with all local, state and federal ordinances, laws and regulations. With regard to sound levels, maximum sound levels produced will not exceed 65 (dba) as measured from the property line of any adjacent property not under the same ownership as the subject property, sound levels will not exceed 55 (dba) between 10 p.m. and 7 a.m. as measured at the property line. With regard to vibrations, no vibration shall be transmitted which is discernable without instruments beyond the property line of the Special Exception area. The Licensee, or property owner or their assigns, shall promptly provide proof of compliance with any of the levels contained in this condition or with any other applicable ordinances, laws, or regulations relating to any operational characteristics in the event the County receives a complaint.

5. Permanent roadway access to the site shall only be from U.S. Hwy. 19.

6. Areas depicted as ponds are for stormwater detention only and will not be used for cooling or waste disposal purposes.

7. The Special Exception area will not be used as a base for off-site utility line maintenance.

8. Landscaping requirements of Levy County shall be met by the maintenance of the natural vegetation on the portions of the properties outside the designated development areas under SE 2-08.

9. A 100-foot natural vegetated buffer shall be maintained along the site property's perimeter where abutting properties are not under the same ownership as the site property. An access road for agricultural or other low impact uses may be integrated into the buffer.

[Section 125.01(1)(h), F.S.; Section 50-715, Levy County Code; Sections 50-796 through 50-823, Levy County Code; Conditions of SE 2-08, approved by the Board of County Commissioners September 2, 2008]

E. Driveway Access for and Heavy Haul Road Crossing of County Road 40

1. In the event the Licensee proposes any access to CR 40 for access to the transmission line corridor or the site through Licensee's property adjacent to CR 40 for any purpose, including transmission lines, and such access will not concurrently or later act as the heavy haul road (herein "driveway access") and for the heavy haul road's crossing of CR40* (herein "heavy haul road crossing"), at least sixty (60) days prior to any construction activities

related to such driveway access or heavy haul road crossing, the Licensee shall provide the following items to the County:

* This includes the heavy haul road's crossing of the entire right-of-way for CR 40, from right-of-way line to right-of-way line.

a. the information necessary for a completed County driveway permit form;

b. a detailed description of the proposed uses for such driveway access or heavy haul road crossing, including but not limited to estimated traffic volume, traffic composition, and proposed weights of loads that will use the driveway access or heavy haul road crossing;

c. engineering and construction plans for such driveway access or heavy haul road crossing, including for the heavy haul road crossing:

i. engineering and construction plans depicting any structural improvements that may be required to prevent and prohibit degradation of the structural integrity of CR 40 and the adjacent right-of-way as a result of the Licensee's proposed use of the heavy haul road; and

ii. engineering and construction plans depicting the proposed location, design, and construction of the temporary connection to CR 40 that Licensee proposes to use for the heavy haul road;

d. maintenance of traffic plans for maintenance of traffic during construction of such driveway access or heavy haul road crossing, including maintenance of traffic plans during construction of any improvements to CR 40 and adjacent right-of-way required to maintain structural integrity of CR 40 and for use during the Licensee's proposed use of the heavy haul road crossing for construction or maintenance of the transmission lines and the power plant site;

e. and any other documentation or information, in accordance with established and generally applicable industry standards, required by the County Road Department, Development Department, or County Engineer for the County's review of the use and construction of the driveway access or heavy haul road crossing and any related improvements to CR 40.

2. Such engineering and construction plans, and other information and documentation, shall meet requirements of the then-current Florida Department of Transportation manual, Standard Specifications for Road and Bridge Construction any Special Provisions adopted by the County Engineer in accordance with the provisions thereof, and the then-current Florida Department of Transportation manual, Design Standards for the Design, Construction, Maintenance, and Utility Operations on the State Highway System, and the requirements of the County Road Department, Development Department, and County Engineer, in accordance with established and generally applicable industry standards.

3. After review and approval of such engineering and construction and maintenance of traffic plans by the County Road Department, Development Department, County Engineer, and the Levy County Sheriff (only maintenance of traffic plans need to be reviewed by Sheriff), the Licensee may construct the driveway access and heavy haul road crossing, any

structural improvements required to maintain the integrity of CR 40 and the associated right-of-way, and improvements constituting the connection of the heavy haul road to CR 40, each to be in accordance with such approved plans. If the County does not respond within thirty days following the Licensee's submittal of engineering, construction, and maintenance of traffic plans (described in paragraph 1 above), the Licensee can proceed with construction in accordance with the submitted plans.

4. Such construction shall be subject to inspection and approval by Levy County through its Road Department, Development Department, and/or County Engineer.

5. Prior to final approval by the County, the Licensee shall be required to pay the County all of the County's fees for driveway connection permits, inspections, and any other fees related to the driveway access and heavy haul road crossing, as provided in Levy County Resolution 2007-24. In addition, the Licensee shall pay all of the County's costs for staff time and other costs incurred in connection with any inspections related to the construction, use or maintenance of the driveway access or heavy haul road crossing upon request for payment by the County and the County's submittal to the Licensee of itemized documentation of its expenses.

6. No use of the driveway access and heavy haul road crossing for any purpose shall be allowed prior to the final inspection approval by the County and payment by the Licensee of the County's fees as provided herein. If the County does not respond within thirty days following the Licensee's submittal of engineering, construction, and maintenance of traffic plans (described in paragraph 1 above), the Licensee can proceed with construction in accordance with the submitted plans.

7. After final inspection approval, the use of the driveway access and the heavy haul road crossing shall be limited to the uses contemplated and addressed in the description of the proposed use of the driveway access and heavy haul road crossing previously submitted for review, and the driveway access shall not be used to transport any equipment or other items that exceed the weight capacity of CR40 as posted or that were not contemplated in the description of the proposed uses of the driveway access previously submitted for review. If further uses are required for the project, the Licensee can submit revised plans (listed in paragraph 1 above) for review by the County; no further uses will be allowed until reviewed and approved by the County. If the County does not respond within thirty days following the Licensee's submittal of revised plans (described in paragraph 1 above), the Licensee can proceed with construction in accordance with the submitted revised plans.

8. Unless otherwise previously approved by the County, the Licensee shall also comply with all aspects of the approved maintenance of traffic plans.

9 The Licensee shall maintain the driveway access and heavy haul road crossing of CR 40 in good condition and shall make any repairs to CR 40 caused by construction, maintenance, use or existence of the driveway access or heavy haul road crossing within 200 feet of either side of the driveway access and heavy haul road crossing. In the event the County determines any such repairs to CR 40 are required the County shall notify Licensee. In the event Licensee fails to make such repairs to CR 40 after notification of the need for such repairs by County, then the County may make such repairs and charge the costs thereof to Licensee, who shall pay such costs promptly. Throughout the Licensee's use of the heavy haul road, the Licensee shall continuously maintain that portion of CR 40 traversed by the heavy haul road to meet rolling straight edge requirements contained in the most current edition of Florida

Department of Transportation manual, Standard Specifications for Road and Bridge Construction, where damage or repairs are needed due to the Licensee's use of CR 40. The County shall have the ability to inspect CR 40 at any time for compliance with this maintenance provision. In the event that the rolling straight edge requirements are not being met on the heavy haul road's crossing of CR 40 at any time, the County shall have the ability to suspend the Licensee's use of the heavy haul road's crossing of CR 40 until sufficient improvements are made to maintain the rolling straight edge requirements described herein.

10. Prior to Licensee's use of the heavy haul roads crossing, the Licensee shall provide one week's advance notice for each load that Licensee proposes to transport across CR 40 using the heavy haul road. The Licensee may amend such schedule upon 48 hours notice to the County of any such amendment.

[Sections 1 and 10, Art. VII, Florida Constitution; Section 125.01(1)(m), F.S.; Section 336.02, F.S.; Section 336.045, F.S.; Section 403.511(4), F.S.; Section 62-17.133, F.A.C.; Sections 50-381, and 50-715, Levy County Code; Objective 1 and Policy 4.2, Transportation Element of Levy County Comprehensive Plan;; Levy County Resolution 2007-24]

V. WITHLACOOCHEE REGIONAL PLANNING COUNCIL [Was Section B, XXXI. WRPC – No Change]

A. Emergency Preparedness

1. To maintain consistency with the SRPP's emergency preparedness content, the Licensee is encouraged to work with affected local governments and other stakeholders to fully integrate the plant into all emergency management planning processes.

2. The Licensee is encouraged to integrate each of the main plant's associated facilities into overall emergency management and response planning for the proposed nuclear power generation complex, so that the same standard of preparedness applies to all facilities covered by the site certification application process.

3. Due to the flood-prone nature of the site and vicinity, the Licensee is encouraged to organize and implement hazard mitigation efforts of the type employed at more vulnerable coastal power stations. Adverse and unintended consequences could result when essential infrastructure serving a region fails to operate because of area specific hazards.

[Policies 3.1.2, 3.6.1, 3.8.6, and Goals 3.1, 3.7, 5.8, Strategic Regional Policy Plan (SRPP)]

B. Transportation

1. The Licensee is encouraged to ensure that development of the main plant and associated facilities does not constrain, impede or otherwise limit future development of the region's transportation system.

2. In conjunction with all interested parties, the Licensee is encouraged to examine how plant construction and operation could impact the use of the Cross Florida Barge Canal; a necessary preliminary task would be for all interested parties to initiate a capacity analysis to help inform the decision-making process.

3. The Licensee is encouraged to be an active stakeholder in the transportation planning process, working within local and state processes alike, to forward best case outcomes for regionally significant transportation facilities.

[Policies 5.2.1, 5.5.7, 5.7.2, and Goals 5.2, 5.4, 5.5, 5.9, SRPP]

C. Economic Development

1. The Licensee is encouraged to cooperate broadly with workforce development agencies, community colleges and universities, as well as economic development organizations to maximize local employment during plant construction and operations.

2. To protect the region's viability as an eco-tourism destination, the Licensee is encouraged to ensure that associated facilities make the least visible impact to viewsheds.

3. Co-location with other uses to the greatest extent possible may represent a best case economic outcome. Staff urges investigation of the methods that would make such activity feasible.

4. The Licensee is encouraged to design and place associated facilities so that future expansion will be located in proximity to existing improvements or in common facility corridors as a practical approach to safeguard the region's character as an eco-tourism destination.

[Policies 2.3.7, 2.3.10, 2.7.2, 4.15.1, and Goals 2.3, 2.9, 2.11, 2.12, SRPP]

D. Natural Resources

1. The Licensee is encouraged to engage the site design process to still further reduce the amount of impervious surface area created by the main plant and associated facilities. Action beyond minimum standards necessary for approval is meaningful.

2. Where feasible, the Licensee is encouraged to make all impact monitoring data publicly accessible when available.

[Policies 4.3.3, 4.3.4, 4.4.9, 4.8.5, 4.8.6, 4.8.11, 4.9.4, 4.11.5, 4.12.5, 4.12.8, 4.12.9, 4.12.10, 4.13.2, and Goals 4.3, 4.4, 4.8, 4.9, 4.10, 4.11, SRPP]

VI. DEPARTMENT OF STATE - DIVISION OF HISTORICAL RESOURCES

A. With respect to the Certified Facilities, if historical or archaeological artifacts are discovered at any time within the Certified Facilities, the Licensee shall notify the DEP Siting Office, the applicable DEP District office and the Bureau of Historic Preservation, Division of Historical Resources, R.A. Gray Building, Tallahassee, Florida 32399-0250, telephone number (850) 487-2073. [Was A, XXVI. DOS-DHR, A. No Change]

B. With respect to linear facilities other than transmission lines, after the ROW has been selected, PEF shall conduct a survey of sensitive cultural resource areas, as determined in consultation with the Department of State, Division of Historical Resources (DHR). A qualified cultural resources consultant will identify an appropriate work plan for this project based on a thorough review of the certified corridor. Prior to beginning any field work, the work plan will be reviewed in consultation with DHR. Upon completion of the survey, the results will be compiled into a report which shall be submitted to DHR. If practicable, sites considered to be

eligible for the National Register shall be avoided during construction of the transmission line and access roads, and subsequently during maintenance of the ROWs. If avoidance by the proposed ROW of any discovered sites is not practicable, impact shall be mitigated through archaeological salvage operations or other methods acceptable to DHR, as appropriate. If historical or archaeological artifacts are discovered at any time within the project site, PEF shall stop work immediately and shall notify the DEP Siting Office, the applicable DEP District office and the Bureau of Historic Preservation, Division of Historical Resources, R.A. Gray Building, Tallahassee, Florida 32399-0250, telephone number (850) 487-2073, and PEF shall consult with DHR to determine appropriate action. [Was A, XXVI. DOS-DHR, B.-modified]

[Sections 267.061 and 403.531, F.S.]

SECTION D: TRANSMISSION LINE SPECIFIC CONDITIONS [Was Section C]

The conditions in Section D relate to the Certified Transmission Lines.

I. REPLACEMENT FOR RESTORATION OF SYSTEM INTEGRITY [Was Section C, XXXII. Emergency Reporting - Modified]

A. Replacement of all or a portion of a certified transmission line(s) 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 403.516, 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 or such longer time as authorized by Executive Order 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 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. Following an emergency replacement that requires a deviation from any condition of certification, 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 resulting from the emergency replacement. The Licensee shall notify the Siting Office 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 conditions. Any exceedances and/or violations recorded during emergency conditions shall be reported as such, but the Department acknowledges that it intends to use its enforcement discretion during this timeframe. This acknowledgement by the Department does not constitute a waiver or variance from any requirements of any federal permit. Relief from any federal agency must be separately sought.

[Section 403.511, F.S.]

II. CERTIFIED CORRIDORS [Was Section C, XXXIII. Certified Corridors – No Change]

A map of the corridors for the Certified Transmission Lines is attached hereto as a part of Attachment A.

[Section 403.511, F.S.]

III. ROW LOCATION [Was Section C, XXXIV. ROW Location – No Change]

A. PEF shall co-locate the Certified Transmission Lines' ROW to the extent feasible within or adjacent to existing public rights-of-way for those portions of the corridor which include such existing public rights-of-way. To the extent a widened road right-of-way has

been acquired by the appropriate governmental agency at the time of final transmission line design, PEF's design shall reflect that new widened right-of-way.

B. To the extent feasible PEF shall locate the Certified Transmission Lines' ROW so as to avoid the taking of homes.

C. PEF will locate the Certified Transmission Lines' ROW so as to avoid Outstanding Florida Waterbodies (OFW) to the extent feasible and practicable, and locate the ROW within an OFW only upon a showing that the ROW alignment is clearly in the public interest.

D. Unless the underground facility owner is responsible for resolving the conflict, to the extent practicable and utilizing the typical structures shown in the Application, after finalization of the ROW and prior to construction, access roads, culverts and structures shall be located to avoid conflict with existing underground water and sewer facilities properly documented in county records.

[Sections 403.526(2)(b)3, 403.522(18), 403.526(2)(a)5, and 258.007(4), F.S.]

IV. PROCESS FOR REVIEW OF ROW LOCATION [Was Section C, XXXV. Process for Review of ROW – No Change]

A. Prior to the finalization of the ROW location, three copies of the most recent available aerial photographs at a scale of 1" = 400' with wetland locations generally identified shall be submitted to DEP Siting Coordination Office, and one copy each to DEP Southwest and Northeast District Offices, State Forest, Office of Greenways & Trails (OGT), DOT, DCA, SWFWMD, Withlacoochee Regional Planning Council, East Central Florida Regional Planning Council, Tampa Bay Regional Planning Council, and Levy, Citrus, Sumter, Hernando, Pinellas and Hillsborough Counties, and the Hillsborough County EPC, delineating the corridors of the Certified Transmission Lines and the transmission lines' ROW for the areas within each agency's jurisdiction. In addition, PEF shall note on the aerial photographs new construction within the corridors that has occurred since the photograph was taken. PEF shall notify all parties of such filing and, if needed, shall meet with DEP to discuss the ROW location. This information may be submitted in segments and on a line-by-line basis. The agencies receiving the aerial photographs from PEF shall have an opportunity to review the photographs and to notify DEP, within 12 days of PEF's submittal of the aerial photographs to the agencies, of any apparent conflicts with applicable regulations and/or requirements of the Conditions of Certification. However, this paragraph shall not operate to avoid the need for post-certification submittals and compliance reviews otherwise required by the Conditions of Certification.

B. After review of the aerial photographs and comments from the other reviewing agencies, if DEP Siting Coordination Office has reason to believe that the construction of the transmission lines, access roads or pads within PEF's designated ROW cannot be accomplished in compliance with the Conditions of Certification, PEF shall be so notified in writing, with copies to other parties to the certification proceeding of the particular basis for DEP's conclusion, and possible corrective measures which would bring the Project into compliance. If such notice is not received within 15 days of PEF's submittal of the aerial photographs to the agencies, PEF may proceed with design of the transmission lines on the noticed ROW.

C. The acquisition of a particular ROW or the expenditure of funds toward acquisition of a particular ROW prior to the agencies' review pursuant to this condition will be at

PEF's risk, and no party will be stopped by such acquisition to seek disapproval of the construction of the transmission lines or access road within the ROW in accordance with these Conditions of Certification.

D. After PEF has acquired interest in the entire length of the transmission lines' ROW, PEF shall:

1. File a statement with the clerk of the circuit court for each county through which the corridors pass certifying that all lands required for the transmission lines' ROW within the corridors have been acquired. PEF shall also file with the appropriate county Planning Department a map at the scale of 1" = 400' showing the boundaries of the acquired ROW.

2. File with DEP Siting Coordination Office a map at a scale of 1" = 400' showing the boundaries of the acquired ROW, if such boundaries are different from those shown in the filing required by paragraph A above. Such maps shall comply with the requirements of paragraph A. If the boundaries have not changed, PEF shall file a statement with DEP Siting Coordination Office accordingly.

E. Once the ROW has been determined, PEF will submit information to each county, as appropriate, that is consistent with information typically submitted for appropriate County ROW permits.

[Sections 403.511, F.S.; 62-17.191, F.A.C.]

V. DRAINAGE AND EROSION CONTROL [Was Section C, XXXVI. Drainage and Erosion Control – No Change]

A. Maintenance of Drainage/Hydroperiod

1. PEF shall employ best management practices, construction techniques, and adequate culverting in order to maintain existing drainage patterns along the Certified Transmission Lines' ROW. Within all wetland areas affected, wetland control elevations shall be established and maintained. This condition shall not preclude PEF from improving preconstruction hydroperiods provided such improvement can be achieved in compliance with the other Conditions of Certification. PEF shall be deemed to have satisfied this condition if the access and finger roads satisfy the criteria of Rules 40D-4.301 and 40D-4.302, F.A.C.

2. Access roads and other nonexempt surface water management system facilities constructed in upland areas shall meet the conditions set forth in Rules 40D-4.301 and 40D-4.302, F.A.C., and applicable provisions of Part B, Basis of Review of SWFWMD's Environmental Resource Permitting Information Manual, including but not limited to Section 4.4, or if appropriate, the SJRWMD's Environmental Resource Permitting Information Manual.

[Sections 373.416 and 403.511, F.S.; Rules 40D-4.091, 40D-4.301, and 40D-4.302, F.A.C.]

VI. ELECTRIC AND MAGNETIC FIELD EFFECTS [Was Section C, XXXVII. EMF – No Change]

A. Bee Hives

PEF shall advise beekeepers, known at the time the ROW is established or acquired, having bee hives within or near the ROW of the potential effect of the Certified Transmission Lines on bee hives.

[Section 403.511, F.S.]

B. Radio and Television Interference

PEF shall investigate all complaints and take appropriate corrective action for impacts to radio or television reception caused by the Certified Transmission Lines.

[Section 403.511, F.S.]

C. Electric and Magnetic Fields

The Certified Transmission Lines shall comply with the applicable electric and magnetic field standards set forth in Chapter 62-814, F.A.C. The electric and magnetic fields associated with any configuration developed during the final design of this project that is not shown in the Application shall be provided to DEP on DEP Form 62-814.900 at least 90 days prior to the start of construction, or such shorter time period to which the DEP Siting Coordination Office agrees, as required by Rule 62-814.520(3), F.A.C.

[Section 403.523(10), F.S.; Chapter 62-814, F.A.C.]

VII. DEPARTMENT OF ENVIRONMENTAL PROTECTION

A. Submittals for Activities Within Wetlands or Other Surface Waters [Was Section C, XXXVIII. DEP, A. Submittals for Activities Within Wetlands – No Changes]

1. Prior to the projected commencement of construction of any portion of the Certified Transmission Lines in wetlands or other surface waters, PEF shall provide to DEP's Southwest and Northeast Districts' Environmental Resource Permitting Sections all information necessary for a complete *Joint Environmental Resource Permit application*, DEP Form No. 62-343.900(1), with copies to SWFWMD, Withlacoochee Regional Planning Council, East Central Florida Regional Planning Council, Tampa Bay Regional Planning Council, and Levy, Citrus, Sumter, Hernando, Pinellas and Hillsborough Counties, and the Hillsborough County EPC for informational purposes for the portions of the Certified Transmission Lines in each agency's or district office's jurisdiction. Information may be submitted by discrete sections of the ROW and/or on a line-by-line basis; PEF shall consult with the DEP to identify mutually agreeable sections for purposes of wetlands submittals. The completed form for each section shall be reviewed pursuant to Section A. General Conditions, Condition XXVII. Environmental Resources. "Construction" in this context shall include land clearing, excavation, and the placement of structure pads, access roads, culverts, fill materials, and related activities. Construction activities shall not include the stringing of conductors.

2. PEF shall provide reasonable assurance that the construction, operation and maintenance of the Certified Transmission Lines, including any access roads and structures constructed within wetlands and other surface waters, satisfy the criteria set forth in Rules 40D-4.301 and 40D-4.302, F.A.C., and the applicable portions of Part B, Basis of Review of SWFWMD's Environmental Resource Permitting Information Manual. Pursuant to Rule 62-17.665(7)(d), F.A.C., the Licensee shall provide sufficient information on a post-certification basis to demonstrate that there is reasonable assurance of compliance with SWFWMD nonprocedural requirements.

3. The post-certification submittal shall include a signed and sealed Professional Land Surveyors' survey of wetland and surface water areas as defined pursuant to Chapter 62-340, F.A.C., and verified by appropriate agency staff. Available SWFWMD-

approved wetland and surface water verifications within the boundaries of the PEF ROW may be used and reproduced for this delineation consideration.

4. The Licensee shall provide to the Department's District Office and Water Management District, as appropriate, information necessary to demonstrate that compensation will be provided for all proposed fill impacts to the regulated floodplain in accordance with Rules 40D-4.381(1)(h), and 62-343.900, F.A.C. The Licensee shall also demonstrate that the project, as proposed, will not cause a reduction in flood conveyance.

[Sections 373.414, 373.416, 403.526(2)(b)3., 403.522(18), 403.526(2)(a)5., F.S.; 40D-4.091, 40D-4.101, 40D-4.301, 40D-4.302,40D-4.381, 62-17.665(7)(d), 62-340, and 62-343.900(1)(Section E and C), F.A.C.]

B. Consultation with Wetland Agencies ***[Was Section C, XXXVIII. DEP, B. Consultation with Wetland Agencies– No Change]***

At the request of PEF, DEP Siting Coordination Office may conduct an interagency meeting for PEF to consult with the wetlands resource permitting staffs of DEP, SWFWMD or SJRWMD as appropriate, prior to the finalization of possible access road locations, transmission line structure locations, and the establishment of water control structure types and general locations in wetlands which are to be reflected in any post-certification submittals. At DEP's request, PEF shall conduct a field inspection with the agencies' staff representatives in conjunction with the interagency meeting.

[Section 403.523, F.S.]

C. Reduction and Elimination of Impacts ***[Was Section C, XXXVIII. DEP, C. Reduction and Eliminatino of Impacts – No Change]***

1. Access Roads, Culverts, and Structures

a. Where the ROW crosses wetlands or other surface waters, PEF shall utilize adjacent existing PEF access roads and public roads for access to the Certified Transmission Lines' ROW for construction, operation and maintenance purposes to the extent practicable.

b. All access roads and structure pads which must be constructed in areas where an existing PEF access road or public road is not available shall be constructed in a manner which reduces or eliminates adverse impacts to on-site and adjacent wetlands to the extent practicable. PEF shall be deemed to have satisfied this condition if the access and finger roads satisfy the criteria of Rules 40D-4.301 and 40D-4.302, F.A.C.

c. Where practicable, PEF shall make an effort to reduce or eliminate impacts to wetlands and other surface waters within the corridors for the Certified Transmission Lines except as otherwise provided in section 3.2.1.2 of Part B, Basis of Review of SWFWMD's Environmental Resource Permitting Information Manual. For example, where practicable, the length of the span between transmission line structures shall be varied and other design changes made, which shall include but not be limited to a reduction in pad size, elimination of access roads, use of finger fill from existing ROWs and/or modification of construction techniques shall be considered to eliminate or reduce wetland impacts, except where otherwise provided by section 3.2.1.2.

d. In the event temporary fill is used to facilitate construction of the transmission lines, the temporary fill shall be removed where necessary to minimize impacts to wetlands or habitats of listed species.

2. Wetland Clearing

a. PEF shall use only restrictive clearing practices during construction and maintenance of the transmission line where it crosses forested wetlands. Restrictive clearing, as used in this condition, is the removal of vegetation by hand, usually with chain saws, or with low-ground-pressure shear or rotary machines to reduce soil compaction and damage to ground cover. These methods may be used alone or in combination, as may be appropriate for specific sites. All cut vegetation must be removed from wetlands unless other techniques, such as mulching or burning in place, are agreed to by DEP Siting Coordination Office and Levy County (for portions of the transmission lines located in Levy County) in the post-certification review process. To ensure no more than necessary vegetation is removed, best management practices will be applied to any clearing on each side of the outer conductors, along new access roads, and in the structure pad areas. Removable construction matting in conjunction with best management practices may be used in wetlands to support equipment. The remainder of the ROW in wetland areas shall not be cleared; however, vegetation that has an expected mature height greater than 14 feet may be removed. In addition, danger timber (trees or limbs likely to contact a conductor if felled) within or outside the right-of-way may be removed.

b. Tree stumps under the conductors, within access roads and in the structure pads may be removed, sheared, or ground to 6 inches below the ground line to allow for travel and construction activities. Tree stumps in the areas outside the conductors, access roads, and structure pads shall be left in place to preserve the root mat to the extent practicable and in compliance with Section 163.3209, F.S., the American National Standards Institute (ANSI), National Electrical Safety Code (NESC), and North American Electrical Reliability Corporation (NERC) standards.

[Sections 373.414 and 373.416, F.S.; Rules 40D-4.091, 40D-4.101, 40D-4.301, 40D-4.302, and 40D-4.381, F.A.C.]

D. WETLANDS MITIGATION [Was Section A, XXIV. Wetlands Mitigation, B. Certified Transmission Lines – Modified]

1. For each Certified Transmission Line, mitigation may not be required by DEP if the project is not located within wetlands, is not expected to adversely impact wetlands or complies with the following conditions:

a. All permanent fill shall be at grade. Fill shall be limited to that necessary for the electrical support structures, towers, poles, guy wires, stabilizing backfill, and at-grade access roads limited to 20-foot widths; and

b. The Licensee may utilize access and work areas limited to the following: a linear access area of up to 25 feet wide between electrical support structures, an access area of up to 25 feet wide to electrical support structures from the edge of the right-of-way, and a work area around the electrical support structures, towers, poles, and guy wires. These areas may be cleared to ground, including removal of stumps as necessary; and

c. Vegetation within wetlands may be cut or removed no lower than the soil surface under the conductor, and 20 feet to either side of the outermost conductor, while maintaining the remainder of the project right-of-way within the wetland by selectively clearing vegetation which has an expected mature height above 14 feet. Brazilian pepper, Australian pine, and melaleuca shall be eradicated throughout the wetland portions of the right-of-way; and

d. Erosion control methods shall be implemented as necessary to ensure that state water quality standards for turbidity are met. Diversion and impoundment of surface waters shall be minimized; and

e. The proposed construction and clearing shall not adversely affect threatened and endangered species; and

f. The proposed construction and clearing shall not result in a permanent change in existing ground surface elevation.

g. Where fill is placed in wetlands, the clearing to ground of forested wetlands is restricted to 4.0 acres per 10-mile section of the project, with no more than one impact site exceeding 0.5 acres. The impact site which exceeds 0.5 acres shall not exceed 2.0 acres. The total forested wetland clearing to the ground per 10-mile section shall not exceed 15 acres. The 10-mile sections shall be measured from the beginning to the terminus, or vice versa, and the section shall not end in a wetland.

h. Clearing or fill must not occur within 550 feet from the shoreline of a named waterbody designated as an Outstanding Florida Waterbody (OFW).

2. If a Certified Transmission Line does not comply with the requirements of paragraph 1 above, PEF shall comply with Section A, Condition XXVII Environmental Resources, and Section B, Condition I.A. Wetlands Mitigation.

[Section 373.414, 403.511, and 403.814(6), F.S.; 40D-4.091, 40D-4.301, 40D-4.302, 62-341.620, F.A.C., and 62-345, F.A.C.]

VIII. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION [Was Section C, XXXIX. FWCC - No Change]

A. Listed Species Occurring or Potentially Occurring in the Corridors

Common Name	Scientific Name	FL Status	Federal Status
Gopher frog	Rana capito	SSC	
Eastern indigo snake	Drymarchon couperi	T	T
Florida pine snake	Pituophis melanoleucus mugitus	SSC	
Short-tailed snake	Stilosoma extenuatum	T	
Gopher tortoise	Gopherus polyphemus	T	
Florida scrub jay	Aphelocoma coerulescens	T	T
Little blue heron	Earetta caerulea	SSC	
White ibis	Euudocimusa lbus	SSC	

Southeastern American kestrel	Falcosp aiverius paulus	T	
Florida sandhill crane	Grus canadensis vratensis	T	
Whooping crane	Grus americana	SSC	E*(federal lands)
Bald Eagle	Haliaeetus leucocephalus	**	**
Red-cockaded woodpecker	Picoides borealis	SSC	E
Snail kite	Rostrhamus sociabilis plumbeus	E	E
Florida mouse	Podomys. floridanus	SSC	
Sherman's fox squirrel	Sciurus niger shermani	SSC	
Florida black bear	Ursus americanus floridanus	T*	

SSC = Species of Special Concern; E= Endangered; T= Threatened

*except in Baker and Columbia Counties or in Apalachicola National Forest

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

B. General Listed Species Survey

1. The Licensee will coordinate with the FWC to obtain and follow the current survey protocols for all listed species that may occur within the transmission line corridors prior to conducting detailed surveys for the selected transmission line ROW, with appropriate buffers as defined by the survey protocols, once access has been obtained.

2. Surveys will be conducted prior to clearing and construction in accordance with the survey protocols. The results of those detailed surveys will be provided to FWC, as well as Levy and Pinellas Counties (for portions of the Certified Transmission Lines within each county's jurisdiction) for informational purposes, and coordination will occur with the FWC on appropriate impact mitigation methodologies.

3. This information may be submitted in segments and on a line-byline basis for the Certified Transmission Lines.

C. Gopher Tortoise

1. The Licensee will conduct surveys for gopher tortoises (Gopherus polyphemus), in accordance with the FWC-approved Gopher Tortoise Management Plan (adopted in 2007) and FWC-approved Gopher Tortoise Permitting Guidelines, or subsequent FWC-approved versions of the Plan or Guidelines. A burrow survey covering a minimum of 15% of the potential gopher tortoise habitat to be impacted by development is required in order to apply for a relocation permit. Immediately prior to capturing tortoises for relocation, a 100% survey is required to effectively locate and mark all potentially occupied tortoise burrows and to subsequently remove the tortoises. Burrow survey methods are outlined in Appendix 4, Methods for Burrow Surveys on Development (Donor) and Recipient Sites. Surveys must be conducted within 90 days of when an application is submitted to the FWC; however, surveys shall not be

conducted within 30 days of any ground disturbance or clearing activities on the donor site. All surveys completed by authorized agents or other Licensees are subject to field verification by the FWC. The gopher tortoise surveys should be conducted during the months of April through October. The results of the gopher tortoise surveys will be provided to the SWFWMD for portions of the transmission lines that cross District-owned lands for informational purposes.

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

3. The Licensee will coordinate with and provide the FWC a detailed gopher tortoise relocation permit application in accordance with the FWC-approved Gopher Tortoise Management Plan and Gopher Tortoise Permitting Guidelines as a postcertification submittal. This permit application will provide information on the location for on-site recipient areas and any off-site FWC-approved recipient site, as well as appropriate mitigation contributions.

4. Any commensal species observed during the burrow excavations that are listed by the U.S. Fish and Wildlife Service (USFWS) or FWC will be relocated in accordance with the applicable guidelines for that species.

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

D. Bald Eagle

1. The Licensee will avoid impacts to bald eagle (*Haliaeetus leucocephalus*) nests where possible. If impacts cannot be avoided within the 660-foot nest buffer zone, construction activities will be conducted consistent with the FWC-approved Bald Eagle Management Guidelines, outlined in the FWC-approved Bald Eagle Management Plan, dated April 9, 2008, or any subsequent FWC-approved versions. In areas where bald eagle nests are present, efforts will 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.

2. In accordance with the FWC Eagle Management Guidelines, for construction areas that fall within 330 feet of an active or alternate bald eagle nest, construction activities will be conducted only during the non-nesting season

(May 16 - September 30). Any construction activities that fall within 660 feet of the nest during the nesting season will be conducted following USFWS-approved Bald Eagle Monitoring Guidelines, dated 2007, or USFWS-approved subsequent versions.

3. In areas where adverse impacts to nests cannot be avoided, resulting in nest disturbance, the information required for an FWC Eagle Permit will be obtained from the FWC, as authorized by Section 372.072, F.S., and Rule 68A-16.002, F.A.C, and minimization, and conservation measures outlined in the FWC Bald Eagle Management Plan will be followed, as applicable.

E. Red-Cockaded Woodpecker

1. The Licensee will coordinate with the FWC prior to conducting surveys for red-cockaded woodpeckers (Picoides borealis) to ensure that surveys are in accordance with the FWC-approved Red-Cockaded Woodpecker Management Plan, adopted in 2003 and the USFWS-approved Red-Cockaded Woodpecker Recovery Plan, or any subsequent FWC-approved or USFWS-approved versions of either plan.

2. The Licensee will provide the FWC with the red-cockaded woodpecker survey results and identify where impacts to red-cockaded woodpeckers cannot be avoided.

3. The Licensee will coordinate with the FWC to determine mitigative measures for areas where impacts to red-cockaded woodpeckers cannot be avoided.

F. Avian Protection Plan

The Licensee will coordinate with the FWC in the development of an Avian Protection Plan for the Certified Transmission Lines that delineates a program designed to reduce the operational and avian risks that result from avian interactions with electric utility facilities with the goal of reducing avian mortality. Guidelines for the Avian Protection Plan can be found on the USFWS website. A copy of the Avian Protection Plan for transmission lines in Levy County will be submitted to Levy County for informational purposes.

[Article IV, Sec. 9, Fla. Constitution; 403.5113(2), F.S.; Rule 62- 17.191, F.A.C.; 379.2291, F.S.; Rule 68A-27, and 68A-16.001 F.A.C.]

G. Florida Scrub-Jay

1. The Licensee will coordinate with the FWC prior to clearing and construction of the Certified Transmission Lines to ensure that surveys for Florida scrub-jays *(Aphelocorna coemlescens)* are in accordance with FWC- and USFWS-approved protocols (Fitzpatrick et al. 1991)".

2. The Licensee will conduct the surveys, in areas of likely scrub jay occurrence, and provide the FWC with the Florida scrub-jay survey results and identify where impacts to Florida scrub-jays cannot be avoided.

3. The Licensee will coordinate with the FWC to determine mitigative measures for areas where impacts to Florida scrub-jays cannot be avoided.

[Article N, Sec. 9, Flu. Const., Section 403.507, F.S., Section 403.51 13(2), F.S., Rule 62-17.191, F.A. C., Section 379.2291, F.S., Chapter 68A-27, F.A. C., and Rule 68A-16.001,F.A. C.]

* Fitzpatrick, J.W., G.E. Woolfenden, M.T. Kopeny. 1991. Ecology and development-related requirements of the Florida scrub-jay *(Aphelocoma coerulescens coerulescens).* Nongame Wildl. Prog. Tech. Rep. No. 8, Fla. Game Fresh Water Fish Comm., Tallahassee.

IX. SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT [Was Section C, XL. SWFWMD - No Change]

A. PEF shall provide reasonable assurance that the construction, operation and maintenance of non-exempt surface water management system structures and access roads in

support of the proposed transmission line facilities will satisfy the criteria set forth in Rules 40D-4.301 and 40D-4.302, F.A.C., and applicable provisions of Part B, Basis of Review of SWFWMD's Environmental Resource Permitting Information Manual. PEF shall provide sufficient information on a post-certification basis to demonstrate that there is reasonable assurance of compliance with SWFWMD substantive permitting requirements, including avoidance of secondary wetland dredging and/or filling impacts and avoidance of floodplain impacts. Where necessary, equivalent floodplain compensation to achieve no net loss in floodplain storage will be provided.

B. To the extent practicable and utilizing the typical structures shown in the Application, access roads, culverts and structures shall be located to avoid conflict with existing or permitted surface water management systems, permitted water withdrawal facilities or agricultural ground and surface water management projects as documented in SWFWMD records.

C. During location of the ROW and design of the transmission line in areas where the transmission line will cross over, on, under, or otherwise use SWFWMD-owned lands, PEF will consult with the SWFWMD with respect to the location of the ROW and the design of the transmission line in such areas with a view to maximizing the compatibility of the transmission line with the purposes for which the land was acquired by SWFWMD to the extent practicable and in compliance with the National Electrical Safety Code and good engineering practices.

D. For transmission line easements that will cross over, on, under, or otherwise use SWFWMD lands, PEF will provide independent appraisals of the land to be included in the transmission line ROW and will provide compensation to SWFWMD in an amount agreed upon by SWFWMD and PEF. For lands acquired for conservation purposes, such amount shall be sufficient to compensate SWFWMD for the fair-market value of the land in addition to the loss of intended use of the land within the transmission line ROW. For lands acquired for other purposes, compensation shall be based upon the highest and best use of the property.

E. Prior to the commencement of any activities associated with the construction of any portion of the transmission line corridor or substation that will cross over, on, under, or otherwise affect SWFWMD lands, PEF shall provide a survey of the transmission line ROW and footprint of the substation. The survey shall be prepared using procedures acceptable to the SWFWMD and signed and sealed by a registered surveyor pursuant to Chapter 472, F.S.

F In the event PEF seeks to use SWFWMD lands outside of the transmission line ROW for access during construction of the transmission line and/or for inspection and maintenance after construction, PEF shall submit to the SWFWMD a detailed plan identifying the proposed route, type and number of vehicles to be used and the frequency of such use. All use of SWFWMD lands outside the transmission line ROW shall be in accordance with Chapter 40D-9, F.A.C., or with Progress Energy’s existing easement rights.

[Sections 373.085, 373.089, 373.093, 373.099, 373.414 and 373.416, F.S.; Rules 40D-4.301 and 40D-4.302, F.A.C., District Environmental Resource Permit Manual Part B, Basis of Review Chapter 4;Chapter 40D-9, F.A.C.]

X. WITHLACOOCHEE REGIONAL PLANNING COUNCIL [Was Section C, XLI. WRPC - No Change]

A. Emergency Preparedness

1. PEF will work with affected local governments and other stakeholders to fully integrate new electrical transmission facilities into all emergency management planning processes to maintain consistency with the SRPP's emergency preparedness content.

2. Electrical transmission line facilities will be integrated into overall emergency management and response planning for the proposed nuclear power generation complex, so that the same standard of preparedness applies to all facilities covered by the certification.

[Section 186.505-507, F.S.]

XI. HERNANDO COUNTY [Was Section C, XLII. Hernando County - No Change]

For the portions of the Certified Transmission Lines to be constructed, operated, and maintained within Hernando County:

A. Final Design Submittal

1. Prior to construction, a post-certification submittal of PEF's final design plan including pole locations throughout the entire transmission line ROW within Hernando County shall be provided to Hernando County for informational purposes showing:

a. A tree survey showing trees over 4" dbh within PEF easements or rights-of-way (ROW) in the area paralleling Hexam Road from the existing PEF 115 kV Crystal River-Brookridge transmission line ROW eastward to the existing Brookridge substation (approximately 1.7 miles in length).

b. Contact information, including a twenty-four hour, seven-day contact and phone numbers, for the person(s) responsible for PEF construction within Hernando County.

c. Proposed locations and dimensions of all access roads.

2. Prior to construction, PEF shall contact Sunshine One Call and obtain a listing of known existing utilities within the transmission line ROW and shall provide Hernando County, for informational purposes, a post-certification submittal showing as existing site conditions within the PEF transmission line ROW on the final design plan the following facilities (to the extent known to PEF):

a. The name, location and width of existing or platted street public right-of-way within or crossing the transmission line rights-of-way or easements.

b. Approximate location, size and depth of sewers, water mains and storm drains, and approximate location of power and phone lines within the right-of-way.

c. Location and size of any known above ground utilities, such as electric power lines, within PEF's transmission line ROW or easements.

B. Existing Infrastructure

PEF, where feasible and practicable, will use existing infrastructure rights of way within Hernando County which maximizes compatibility with adjacent land uses.

C. Consultation with the U.S. Army Corp of Engineers (ACOE)

PEF shall confer with ACOE, for portions of the transmission line that are within the Brooksville Turret Gunnery Range prior to construction.

D. Noise

PEF shall comply with Hernando County's noise ordinance.

E. Vegetation Management

PEF, where feasible and practicable, will retain existing vegetation in the transmission line ROW and practice "best management practices" with respect to vegetation management in the transmission line ROW to the extent feasible and in compliance with Section 163.3209, Fla. Stat., which incorporates by reference North American Electrical Reliability Corporation (NERC) standard FAC-003-1, American National Standards Institute (ANSI) standards A300 (Part I)-2001 and Z133.1-2000, and National Electrical Safety Code (NESC) standards adopted by the Florida Public Service Commission. PEF will not remove trees outside the transmission line ROW, other than danger trees as required by the standards referenced above.

F. Crossing of Hernando County ROW or Other County Property

For all portions of the PEF transmission line ROW crossing Hernando County ROW or other county property, the transmission lines will be designed for compliance with applicable county standards, found in the Hernando County Facilities Design Guidelines. Although a ROW permit will not be required, PEF shall comply with Maintenance of Traffic requirements in Hernando County's Facilities Design Guidelines and shall be subject to the indemnification requirements of the standard county permit with respect to any claim for loss or damage against the county arising directly from PEF negligent construction or maintenance activity that occurs on county ROW or other county property, to the extent of PEF's proportionate responsibility for any such claim.

G. Natural Gas Pipelines

PEF will design and construct all transmission lines in a manner that prevents damage to known existing utilities within PEF's transmission line ROW, including natural gas pipelines, to the extent feasible and in compliance with applicable safety requirements.

H. Compliance with Safety Standards

PEF will construct, operate and maintain the proposed transmission lines in compliance with the DEP Electric and Magnetic Field Rules set forth in Chapter 62-814, F.A.C., and in compliance with the National Electrical Safety Code Rule 232 C1c relating to induced currents.

I. Joint Use of Rights of Way and Easements

PEF shall confer with Hernando County, upon the County's request, to address the co-location of pedestrian facilities or other public uses within the PEF transmission line

ROW, to the extent compatible and feasible under present or future engineering and design constraints.

[Hernando County Code, Ch. 21, Art. VIII, and Ch. 24, Art. I; and Hernando County Facilities Design Guidelines promulgated thereunder.]

XII. LEVY COUNTY – TRANSMISSION LINES [Was Section C, XLIII. Levy County - No Change]

For the portions of the Certified Transmission Lines to be constructed, operated, and maintained within Levy County:

A. Noise

Noise levels from operation of the transmission lines shall not exceed the requirements of the provisions of Division 2, Article VIII, Chapter 50, Levy County Code, in effect at the time of certification. Upon request of the County, PEF shall make best efforts to minimize the noise levels associated with construction of the transmission lines to the extent practicable.

[Article VIII, Chapter 50, Levy County Code]

XIII. HILLSBOROUGH COUNTY [Was Section C, XLIV. Hillsborough County - No Change]

For the portions of the Certified Transmission Lines to be constructed, operated, and maintained within Hillsborough County:

A. Final Design Submittal

Prior to construction, a post-certification submittal of PEF's final design plan including pole locations throughout the entire transmission line ROW within Hillsborough County shall be provided to Hillsborough County for informational purposes showing:

1. PEF-owned right-of-way, existing PEF transmission and distribution easements and road rights-of-way and the location of any known facilities as recorded on Sunshine State One Call of Florida on these existing rights-of-way, whether transmission structures, above-ground facilities, underground utilities, sewers, water mains, storm drains, or telephone lines.

2. Construction time-tables, phasing, and construction traffic to be generated by the transmission line construction, to the extent practicable, including providing periodic updates as to the construction progress as appropriate.

3. Location, size, and type of all proposed stormwater management facilities, if applicable.

B. Planning and Growth Management

1. PEF, to the extent feasible and practicable, will retain existing vegetation in the transmission line ROW and practice "best management practices" with respect to vegetation management in the transmission line ROW to the extent feasible and in compliance with Section 163.3209, Fla. Stat., which incorporates by reference North American Electrical Reliability Corporation (NERC) standard FAC-003-1, American National Standards Institute

(ANSI) standards A300 (Part I)-2001 and Z133.1-2000, and National Electrical Safety Code (NESC) standards adopted by the Florida Public Service Commission.

2. During the construction of the proposed transmission line, PEF will convey to the person(s) responsible for PEF construction within Hillsborough County that all construction truck traffic going to the construction site shall follow the County's Truck Route Plan to the greatest extent practicable. A truck may leave a designated truck route and drive on a County road that is restricted to truck traffic, only if the truck can reach its destination without crossing another truck route. Truck routes can be found on the Truck Route Plan Map and in County Resolution R05-022. Copies of both are available on the 20th floor of the County Center at 601 East Kennedy Blvd., Tampa, FL 33601.

3. Where the transmission line ROW is located within Hillsborough County rights-of-way, PEF will provide all information necessary to comply with all applicable non-procedural conditions of the County's Utility Accommodation Guide and Rights-of-Way Use Procedures Manual related to maintenance of traffic during construction.

4. PEF shall comply with the County's noise restrictions in County Code of Ordinances, Section 26-4.1, in its daytime use of construction equipment. If PEF is required to conduct nighttime construction and upon the County's request PEF shall confer with the county regarding construction techniques to minimize noise levels during nighttime construction.

5. PEF shall confer with the County, upon the County's request, to discuss the ability to co-locate public recreational trails or other compatible uses within the transmission line ROW.

6. Upon the request of the County, where the transmission line ROW crosses county rights-of-way, PEF, during the design of the transmission line, will consult with the County and will make best efforts to minimize conflicts with the County's existing infrastructure and utilities and proposed and future utilities and infrastructure work and capital improvement projects, to the extent those proposed and future projects are reflected in County-approved planning documents, to the extent practicable and in compliance with National Electric Safety Code and other regulatory requirements.

7. With respect to the areas of the transmission line ROW within Hillsborough County rights-of-way, PEF shall contact the Greater Tampa Utilities Group (GTUG) as well as individual private and public utilities located within the County‘s right-of-way and coordinate the design and construction of the proposed transmission line with such entities. Prior to construction, PEF shall provide the County's Right-of-Way Management office with dates of PEF attendance of the GTUG meetings and coordination efforts with GTUG.

8. During design and prior to construction of the transmission line, PEF shall contact Sunshine One Call and obtain a listing (design and construction tickets) of all of the known existing underground utilities within the transmission line ROW. PEF shall provide the County with a copy of the utility companies with facilities located within the County's right-of-way along the transmission line ROW. PEF must also follow safe digging practices and the Underground Facility Damage Prevention and Safety Act, Chapter 556, Florida Statutes.

9. After certification of the corridor and prior to the commencement of construction, if any construction will be within fifteen (15) feet of the edge of pavement or if other construction activities require temporary lane closures, PEF shall contact the County's

Right-of-Way Management office to coordinate the work, and, if applicable, PEF shall provide as a post-certification submittal the information necessary for a Temporary Traffic Control Permit (TTC) or a signed, sealed, site specific Maintenance of Traffic (MOT) plan. Additionally, PEF shall provide the County with a MOT plan for the construction of entrances and exits that involve the County's rights-of-way. Notwithstanding the foregoing, to the extent practicable and in compliance with National Electrical Safety Code (NESC) and North American Electrical Reliability Corporation (NERC) standards, PEF shall refrain from closing any lanes or roads in the traffic patterns of schools (while in session), hospitals, emergency facilities, and fire stations without prior notice to the County.

10. Where the transmission line right of way parallels a county right of way, during the design of the transmission line, Progress Energy will attempt to locate the transmission line poles longitudinally within the transmission line right of way along the county right-of-way outside of the ultimate configuration for all future traffic infrastructure projects that are reflected in County-approved planning documents at the time of certification. However, in locating the transmission poles, Progress Energy shall not be required or expected to acquire or to sever the property of a third party in order to accommodate the County's future traffic infrastructure projects for which property rights have not been acquired at the time of certification.

[Hillsborough County Code of Ordinances, Section 26-4.1; Chapter 29; Chapter 34, Article XII.]

XIV. SUMTER COUNTY [Was Section C, XLV. Sumter County - No Change]

For the portions of the transmission lines to be constructed, operated, and maintained within Sumter County:

A. PEF shall retain existing vegetation within the transmission line ROW to the extent feasible and in compliance with the vegetation removal requirements of the National Electrical Safety Code (NESC) and North American Reliability Corporation (NERC) for safety and reliability.

B. PEF shall comply with Sumter County's noise ordinance.

C. PEF shall provide the information necessary to complete the appropriate Sumter County permits for all applicable County right-of-way crossings.

D. PEF shall coordinate construction traffic with Sumter County Public Works Division to minimize traffic disruption and to implement appropriate maintenance of traffic procedures.

E. PEF shall consult with Sumter County, upon Sumter County's request, to discuss the ability to co-locate public utilities, pedestrian/trail facilities, or other public uses within the transmission line ROW, so long as proposed uses are compatible with safe and reliable line operation and maintenance and consistent with PEF's ROW utilization program.

F. PEF shall consult with the County and Lake-Sumter Metropolitan Planning Organization to minimize to the extent practicable conflicts between the new transmission line and planned transportation projects in Sumter County for which property rights have been acquired.

G. PEF shall coordinate with Sumter County Emergency Management for the management of these major transmission lines during times of emergency declaration.

[Sumter County Land Development Code, Sections 13-12, 13-524, 13-527, 13-612, 13-647; Sumter County Code of Ordinances, Chapter 16, Article VI, and Sections 8-1 and 20-87; Sumter County Comprehensive Plan Objectives 3.1.13 and 7.1.6.]

XV. CITRUS COUNTY [Was Section C, XLVI. Citrus County - No Change]

For the portions of the transmission lines to be constructed, operated and maintained in Citrus County:

PEF shall comply with Citrus County's noise ordinance, if applicable.

XVI. HILLSBOROUGH COUNTY ENVIRONMENTAL PROTECTION COMMISSION [Was Section C, XLVII. Hillsborough County - No Change]

For the portions of the Certified Transmission Lines to be constructed, operated, and maintained within Hillsborough County:

A. Noise

Pursuant to Chapter 1-10, Rules of the EPC, Noise Rule "Exceptions" exempts construction activities occurring between the hours of 7 a.m. and 6 p.m. Monday through Friday, 8 a.m. and 6 p.m. Saturday, and 10 a.m. and 6 p.m. Sunday if reasonable precautions are taken to abate the noise from those activities. Reasonable precautions shall include but not be limited to noise abatement measures such as enclosure of the noise source, use of acoustical blankets, and change in work practices. Construction activities occurring at all other times shall be subject to the standards in the EPC noise Rule.

B. Open Burning

Pursuant to Chapter 1-4, Rules of the Hillsborough County Environmental Protection Commission (EPC), all open burning within Hillsborough County is prohibited unless PEF provides information to the EPC Director necessary to demonstrate compliance with EPC Rules 1-4.08 and 1-4.09 through submission of an Application for Open Burning for Land Clearing and the applicable fee. This information shall be provided with five days' advance notice of the burning.

C. Asbestos

The National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Asbestos 40 CFR, Part 61, Subpart M promulgated by the U.S. EPA - Enforced by the State of Florida Department of Environmental Protection and administered in Hillsborough County by the Environmental Protection Commission (EPC) within Hillsborough County applies to regulated asbestos renovation and demolition projects.

1. Where demolition activities occur, asbestos demolition notification is required for all commercial facilities and for demolition projects involving residential structures with more than four dwelling units, residences that have been used as a business in the past, or if the demolition of more than one residential structure is planned.

2. Any regulated removal of asbestos containing materials from structures to be renovated or demolished requires notification. Notification and the appropriate fee must be

submitted to the EPC at least ten working days prior to the regulated renovation or demolition activity.

3. Prior to the start of any demolition or renovation activities, a thorough asbestos inspection must be performed. According to Section 469.003 Florida Statute, asbestos survey inspections must be performed by a licensed asbestos consultant. Phase I Environmental Assessment reports may not be used in lieu of a thorough asbestos survey inspection conducted by a trained and licensed asbestos consultant. A copy of the asbestos survey report should be maintained on site at all times. For demolition activities, include a copy of the asbestos survey report with the notification and fee.

4. Asbestos containing waste materials must be disposed of per local, state and federal regulation.

D. Waste Management

Pursuant to Chapter 1-7, Part II, Rules of the Hillsborough County Environmental Protection Commission (EPC), for the portions of the transmission line ROW within Hillsborough County, PEF shall address solid waste disposal in Hillsborough County and demonstrate compliance with EPC Rule 1-7.2.02 through submission of the information necessary, for a complete Application for Director's Authorization and the applicable fee, prior to construction.

[Rules of the Hillsborough County Environmental Protection Commission (EPC), Chapters 1-4, 1-6, 1-7 (Part II), 1-10; Air Pollution Control Specific Operating Agreement between the State of Florida DEP and Hillsborough County, Section 1.3.]

XVII. PINELLAS COUNTY [Was Section C, XLVIII. Pinellas County - No Change]

For the portions of the Certified Transmission Lines to be constructed, operated and maintained in Pinellas County:

A. Vegetation Management

PEF, where feasible and practicable, will retain existing vegetation in the transmission line ROW and practice "best management practices" with respect to vegetation management in the transmission line ROW to the extent feasible and in compliance with Section 163.3209, Fla. Stat., which incorporates by reference North American Electrical Reliability Corporation (NERC) standard FAC-003-1, American National Standards Institute (ANSI) standards A300 (Part I)-2001 and 2133.1-2000, and National Electrical Safety Code (NESC) standards adopted by the Florida Public Service Commission.

[Pinellas County Code, Sections 166-3 7, 166-49.1

XIII. CITY OF TAMPA [Was Section C, XLIX. City of Tampa - No Change]

For the portions of the Certified Transmission Lines to be constructed, operated, and maintained within the City of Tampa:

A. Final Design Submittal

Prior to construction, a post-certification submittal of PEF's final design plan including pole locations throughout the entire transmission line right-of-way (ROW) within the City of Tampa shall be provided to the City of Tampa for informational purposes showing:

1. PEF-owned right-of-way, existing PEF transmission and distribution easements and road rights-of-way and the location of any known facilities on these existing rights-of-way, whether transmission structures, above-ground facilities, underground utilities, sewers, water mains, storm drains, or telephone lines.

2. Construction time-tables, phasing, and construction traffic to be generated by the transmission line construction, to the extent practicable, including providing periodic updates as to the construction progress as appropriate.

3. Location, size, and type of all proposed stormwater management facilities, if applicable.

B. Land Development

1. PEF will not remove trees or conduct site clearing outside the transmission line ROW, other than clearing or pruning of danger trees as required by the standards referenced below. In the event that such should occur, this condition can be enforced pursuant to Section D. Transmission Line Specific Conditions, Condition No. XIII. City of Tampa, A above.

2. During construction, operation and maintenance, PEF, will retain existing vegetation in the transmission line ROW and will practice "best management practices" with respect to vegetation management in the transmission line ROW in compliance with Section 163.3209, Fla. Stat., which incorporates by reference North American Electrical Reliability Corporation (NERC) standard FAC-003-1, American National Standards Institute (ANSI) standards A300 (Part I)-2001 and Z133.1-2000, and National Electrical Safety Code (NESC) standards adopted by the Florida Public Service Commission. Prior to the commencement of construction, PEF will submit to the City its vegetation maintenance plan, including PEF's trimming specifications and maintenance practices in compliance with Section 163.3209, F.S.

3. During the construction of the proposed transmission line, PEF will direct its contractors responsible for PEF construction within the City of Tampa that all construction truck traffic going to the construction site shall follow the City's Truck Routes as established in City of Tampa Code Section 25-182 as amended at the time of certification. A truck may leave a designated truck route and drive on a City road that is restricted to truck traffic, only if the truck can reach its destination without crossing another truck route. Truck traffic shall comply with all requirements contained within the City of Tampa Code sections 25-182 and 25-183.

4. As a post-certification submittal and at least forty-five days prior to the initiation of construction, where the transmission line ROW is located within City rights-of-way, or for any activities in City rights-of-way including street closures and traffic detours into City streets, PEF will provide the information to the City of Tampa Public Works Department, Transportation Division necessary to complete an Application and Permit for Construction and Maintenance Operations within Public Rights-of-Way and to comply with the applicable non-procedural requirements in the Department of Public Works' Transportation Technical Manual related to maintenance of traffic during construction.

5. PEF shall comply with the City of Tampa noise restrictions in City Code Sections 5-301.2 and 14-151-during construction, to the extent applicable.

6. PEF shall confer with the City, upon the City's request, to discuss the ability to co-locate public recreational trails or other compatible uses within the transmission line ROW.

7. Where the transmission line ROW crosses City rights-of-way, PEF, during the design of the transmission line, will consult with the City and will make best efforts to minimize conflicts with the City's existing infrastructure and utilities and proposed and future utilities and infrastructure work and capital improvement projects, to the extent those proposed and future projects are reflected in City-approved planning documents at the time of certification and to the extent practicable and in compliance with National Electric Safety Code and other regulatory requirements.

8. With respect to the areas of the transmission line ROW within City rights-of-way, PEF shall contact the Greater Tampa Utilities Group (GTUG) as well as individual private and public utilities located within the City's right-of-way and coordinate the design and construction of the proposed transmission line with such entities. Prior to construction, PEF shall provide the City of Tampa's Public Works Department, Transportation Division's Right-of-Way Management Section with dates of PEF attendance of the GTUG meetings and coordination efforts with GTUG.

9. During design and prior to construction of the transmission line, PEF shall contact Sunshine One Call and obtain a listing (design and construction tickets) of all of the known existing underground utilities within the transmission line ROW. PEF shall provide the City with a copy of the utility companies with facilities located within the City's right-of-way along the transmission line ROW. PEF must also follow safe digging practices and the Underground Facility Damage Prevention and Safety Act, Chapter 556, Florida Statutes.

10. After certification of the corridor and prior to the commencement of construction, if any construction will be within fifteen (15) feet of the edge of pavement or if other construction activities require temporary lane closures, PEF shall contact the City's Department of Public Works Transportation Division to coordinate the work, and, if applicable, PEF shall provide as a post-certification submittal the information necessary for ROW use authorizations from the City. To the extent practicable and in compliance with National Electrical Safety Code (NESC) and North American Electrical Reliability Corporation (NERC) standards, PEF shall refrain from closing any lanes or roads in the traffic patterns of schools (while in session), hospitals, emergency facilities, and fire stations without prior notice to and in coordination with the City.

11. PEF will construct, operate and maintain the proposed transmission lines in compliance with the National Electrical Safety Code Rule 232 C1c relating to induced currents. In the event that existing City of Tampa water lines or mains in the area of the proposed PHP corridor in the City of Tampa (as shown on the attached maps) are adversely impacted from the increased current provided by the proposed PHP transmission line, PEF will remediate the impacts by replacement or reimbursement for the replacement or repair of the damaged facilities, at the City's option.

C. Hillsborough River

1. All access roads and structure pads which must be constructed in areas where an existing PEF access road or public road is not available shall be constructed in a manner which reduces or eliminates adverse impacts to on-site and adjacent wetlands and other surface waters, including the Hillsborough River, to the extent practicable. PEF shall be deemed to have satisfied this condition if the access and finger roads satisfy the criteria of Rules 40D-4.301 and 40D-4.302, F.A.C.

2. Where practicable, PEF shall make an effort to reduce or eliminate impacts to wetlands and other surface waters, including the Hillsborough River, within the corridors for the Certified Transmission Lines except as otherwise provided in section 3.2.1.2 of Part B, Basis of Review of SWFWMD's Environmental Resource Permitting Information Manual.

[City of Tampa Code of Ordinances, Sections 5-301.2, 14-151, 25-182, 25-183; Chapter 22, Article IV.]

XIX. DEPARTMENT OF STATE - DIVISION OF HISTORICAL RESOURCES

[Was Section A, XXVI. DOS-DHR, B. – No change]

With respect to the Certified Transmission Lines, after the ROW has been selected, PEF shall conduct a survey of sensitive cultural resource areas, as determined in consultation with the Department of State, Division of Historical Resources (DHR). A qualified cultural resources consultant will identify an appropriate work plan for this project based on a thorough review of the certified corridor. Prior to beginning any field work, the work plan will be reviewed in consultation with DHR. Upon completion of the survey, the results will be compiled into a report which shall be submitted to DHR. If practicable, sites considered to be eligible for the National Register shall be avoided during construction of the transmission line and access roads, and subsequently during maintenance of the ROWs. If avoidance by the proposed ROW of any discovered sites is not practicable, impact shall be mitigated through archaeological salvage operations or other methods acceptable to DHR, as appropriate. If historical or archaeological artifacts are discovered at any time within the project site, PEF shall stop work immediately and shall notify the DEP Southwest District office and the Bureau of Historic Preservation, Division of Historical Resources, R.A. Gray Building, Tallahassee, Florida 32399-0250, telephone number (850) 487-2073, and PEF shall consult with DHR to determine appropriate action. For informational purposes, PEF shall provide a copy of the cultural resources surveys to Hillsborough County for the portions of the Certified Transmission Lines within Hillsborough County.

[Sections 267.061 and 403.531, F.S.]

HISTORY

Certification Issued 08/26/09; signed by Governor Crist;
Modified January 12, 2010; signed by Administrator Halpin
Modified February 23, 2010; signed by Administrator Halpin
Modified XXXXXX, XX, 2010; signed by Administrator Halpin