

**STATE OF FLORIDA
DEPARTMENT
OF
ENVIRONMENTAL PROTECTION**



Conditions of Certification

**Seminole Electric Cooperative, Inc.
Shady Hills Combined Cycle Facility**

PA18-59B

**Modified
05/13/2025**

Table of Contents

SECTION A:	GENERAL CONDITIONS.....	1
I.	SCOPE	1
II.	APPLICABLE DEPARTMENT RULES	2
III.	REVISIONS TO DEPARTMENT STATUTES AND RULES	3
IV.	DEFINITIONS	4
V.	FEDERALLY DELEGATED OR APPROVED PERMIT PROGRAMS	6
VI.	DESIGN AND PERFORMANCE CRITERIA	6
VII.	NOTIFICATION	6
VIII.	EMERGENCY CONDITION NOTIFICATION AND RESTORATION	7
IX.	CONSTRUCTION PRACTICES.....	7
	A. Local Building Codes	7
	B. Open Burning.....	7
	C. Vegetation	7
	D. Existing Underground Utilities	8
	E. Electric and Magnetic Fields (EMF).....	8
	F. Existing Wells	8
	H. Abandonment of Existing Septic Tanks	8
X.	RIGHT OF ENTRY.....	8
XI.	DISPUTE RESOLUTION.....	9
	A. General.....	9
	B. Modifications	9
	C. Post-Certification Submittals	9
XII.	SEVERABILITY	9
XIII.	ENFORCEMENT	9
XIV.	REVOCATION OR SUSPENSION.....	10
XV.	REGULATORY COMPLIANCE	10
XVI.	CIVIL AND CRIMINAL LIABILITY	10
XVII.	USE OF STATE LANDS	11
XVIII.	PROCEDURAL RIGHTS.....	12
XIX.	AGENCY ADDRESSES FOR POST-CERTIFICATION SUBMITTALS AND NOTICES.....	12

XX.	PROFESSIONAL CERTIFICATION.....	13
XXI.	PROCEDURES FOR POST-CERTIFICATION SUBMITTALS.....	13
	A. Purpose of Submittals	13
	B. Filings	13
	C. Completeness	13
	D. Interagency Meetings.....	14
	E. Determination of Compliance.....	14
	F. Commencement of Construction	14
	G. Revisions to Design Previously Reviewed for Compliance	14
XXII.	POST-CERTIFICATION SUBMITTAL REQUIREMENTS SUMMARY	14
XXIII.	POST-CERTIFICATION AMENDMENTS.....	15
XXIV.	MODIFICATION OF CERTIFICATION	15
XXV.	COASTAL ZONE CONSISTENCY	16
XXVI.	WATER QUALITY CERTIFICATION	16
XXVII.	TRANSFER OF CERTIFICATION.....	16
XXVIII.	LABORATORIES AND QUALITY ASSURANCE.....	17
XXIX.	ENVIRONMENTAL RESOURCES.....	17
	A. General.....	17
	B. Surface Water Management Systems	18
	C. Wetland and Other Surface Water Impacts	20
XXX.	THIRD PARTY IMPACTS	20
XXXI.	FACILITY OPERATION.....	20
XXXII.	RECORDS MAINTAINED AT THE FACILITY.....	21
XXXIII.	WATER DISCHARGES.....	21
XXXIV.	SOLID AND HAZARDOUS WASTE	22
	A. Solid Waste	22
	B. Hazardous Waste, Used Oil, Petroleum Contact Water, and Spent Mercury	22
	C. Hazardous Substance Release Notification	22
	D. Contaminated Site Cleanup.....	23
XXXV.	STORAGE TANK SYSTEMS.....	23
	A. Incident Notification Requirements	23

B.	Discharge Reporting Requirements	23
C.	Discharge Cleanup	23
D.	Out of Service and Closure Requirements.....	23
SECTION B.	SPECIFIC CONDITIONS.....	24
I.	DEPARTMENT OF ENVIRONMENTAL PROTECTION	24
A.	Temporary Construction Parking and Laydown Area	24
B.	Dry Retention Areas	24
C.	Transmission Line Construction	25
D.	Pipeline Construction.....	25
E.	Sinkholes.....	25
II.	DEPARTMENT OF TRANSPORTATION.....	25
A.	Access Management to the State Highway System.....	25
B.	Overweight or Over-Dimensional Loads.....	25
C.	Use of State of Florida Right-of-Way or Transportation Facilities	25
D.	Standards.....	26
E.	Drainage.....	26
F.	Use of Air Space	26
G.	Best Management Practices	26
IV.	FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION	27
A.	General Listed Species Surveys.....	27
B.	Specific Listed Species Surveys	27
C.	Listed Species Locations.....	28
D.	Gopher Tortoise	28
V.	DEPARTMENT OF STATE – DIVISION OF HISTORICAL RESOURCES.....	29
VI.	DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES	30
VII.	PASCO COUNTY.....	30
A.	Utilities Service Agreement.....	30
B.	Solid Waste Disposal	30
C.	Interconnection Tie-Line	30
D.	Special Exception Approval	31
E.	Site Plan	32
F.	Design Standards	34

G.	Fire Protection and Access Management.....	35
H.	Stormwater Management	35
I.	Geotechnical Engineering	36
J.	Landscaping and Buffering.....	37
K.	Parking and Traffic Standards	37
L.	Natural Resources	38
M.	Historical Resources	38
N.	Temporary Construction Parking and Laydown Area) Buffer and Access Conditions.....	38
O.	Construction Trailers	39
HISTORY		39

ATTACHMENTS

Attachment A	SHCCF Map(s)
Attachment B	Surface Water Management System Plan(s)
Attachment C	Mitigation Plan(s)
Attachment D	Groundwater Monitoring Requirements
Attachment E	Pasco County Special Exception

SECTION A: GENERAL CONDITIONS

SECTION A: GENERAL CONDITIONS

I. SCOPE

A. Pursuant to the Florida Electrical Power Plant Siting Act (PPSA), Sections 403.501-518, Florida Statutes (F.S.), and Chapter 62-17, Florida Administrative Code (F.A.C.), this certification is issued to Seminole Electric Cooperative, Inc., (SECI) as owner/operator and Licensee of the Shady Hills Combined Cycle Facility (SHCCF). Subject to the requirements contained in these Conditions of Certification (Conditions), SECI will operate a 573-megawatt (MW) (winter) facility consisting of a natural gas-fired one-on-one combined cycle electrical power plant, comprised of one combustion turbine generator with an associated heat recovery system generator, one steam turbine generator, and associated facilities as described in the Site Certification Application (SCA). The electric generating unit is located on an approximately 14-acre site at 14240 Merchant Energy Way in Pasco County, Florida. A utility right-of-way (ROW) (located on approximately 0.4 acres) and an interconnection tie-line are also certified. These three areas are all part of the SHCCF. The Universal Transverse Mercator (UTM) coordinates are: Zone 17; 347.44 kilometers (km) East; 3,138.8 km North.

B. The SHCCF includes but is not limited to the following major associated facilities:

- Combustion turbine and auxiliary skids;
- Steam turbine and auxiliary skids;
- Generator and auxiliary skids;
- Heat recovery steam generator and auxiliary skids;
- Steam surface condenser;
- Pumps and heat exchangers;
- Interconnection tie-line;
- 6-cell mechanical draft cooling tower;
- Exhaust stack;
- Generator step-up transformer;
- Auxiliary boiler;
- Electrical equipment enclosures;
- Administration building with control room and maintenance area;
- Warehouse;
- Parking;
- Diesel-fired emergency generator;
- Diesel-fired emergency fire water pump;
- Storage tanks for water, and aqueous ammonia, and diesel fuel;
- High voltage circuit breakers and disconnect switches;
- On-site switchyard;
- Stormwater management system;
- Zero liquid discharge system, including tankage, water treatment building, and solids loading facilities;
- Fire protection systems; and
- On-site reclaimed water, sanitary sewer, and potable water conveyance infrastructure.

SECTION A: GENERAL CONDITIONS

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

D. Within 60 days after completion of construction of SHCCF, the Licensee shall provide to the Department in .pdf format: (1) a survey map signed by a professional land surveyor, or acceptable equivalent documentation such as an official legal description, delineating the boundaries of the SHCCF, and (2) an aerial photograph delineating the boundaries of the SHCCF and identifying the major components of the associated facilities that are authorized under this Certification. The survey map and aerial photograph shall be identified as the Certified SHCCF Map and attached hereto as part of Attachment A (Maps).

The Licensee shall notify the Department of any change to the SHCCF boundary depicted in the Certified SHCCF Map in Attachment A (Maps). The notification shall be accompanied by an updated land survey map (or legal description) and aerial photograph delineating the new boundaries of the SHCCF for review by the Department.

[Sections 403.511 and 403.5113, F.S.; subsections 62-4.160(1-2) and 62-17.205(2), F.A.C.]

II. APPLICABLE DEPARTMENT RULES

The construction, operation, and maintenance of the SHCCF shall be in accordance with all applicable non-procedural provisions of the Florida Statutes and the Florida Administrative Code, including, but not limited to, the applicable non-procedural portions of the following Department regulations, except to the extent a variance, exception, exemption, or other relief is granted in the Final Order of Certification or in a subsequent modification to the Conditions, under any federal permit, or as otherwise provided under Chapter 403:

Florida Administrative Code:

- 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)
- 62-40 (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)
- 62-256 (Open Burning)
- 62-296 (Stationary Sources-Emission Standards)
- 62-297 (Stationary Sources-Emission Monitoring)
- 62-302 (Surface Water Quality Standards)
- 62-303 (Identification of Impaired Surface Waters)
- 62-304 (Total Maximum Daily Loads)

SECTION A: GENERAL CONDITIONS

62-330 (Environmental Resource Permitting)
62-340 (Delineation of the Landward Extent of Wetlands and Surface Waters)
62-342 (Mitigation Banks)
62-345 (Uniform Mitigation Assessment Method)
62-520 (Groundwater Classes, Standards, and Exemptions)
62-528 (Underground Injection Control)
62-531 (Water Well Contractor Licensing Requirements)
62-532 (Water Well Permitting and Construction Requirements)
62-550 (Drinking Water Standards, Monitoring, and Reporting)
62-555 (Permitting, Construction, Operation, and Maintenance of Public Water Systems)
62-560 (Requirements for Public Water Systems That Are Out of Compliance)
62-600 (Domestic Wastewater Facilities)
62-601 (Domestic Wastewater Treatment Plant Monitoring)
62-604 (Collection Systems and Transmission Facilities)
62-610 (Reuse of Reclaimed Water and Land Application)
62-620 (Wastewater Facility and Activities Permitting)
62-621 (Generic Permits)
62-650 (Water Quality Based Effluent Limitations)
62-660 (Industrial Wastewater Facilities)
62-699 (Classification and Staffing of Water or Domestic Wastewater Treatment Plants and Water Distribution Systems)
62-701 (Solid Waste Management Facilities)
62-710 (Used Oil Management)
62-730 (Hazardous Waste)
62-737 (Management of Spent Mercury-Containing Lamps and Devices Destined for Recycling)
62-740 (Petroleum Contact Water)
62-761 (Underground Storage Tank Systems)
62-762 (Aboveground Storage Tank Systems)
62-769 (Florida Petroleum Liability and Restoration Insurance Program)
62-777 (Contaminant Cleanup Target Levels)
62-780 (Contaminated Site Clean-Up Criteria)
62-814 (Electric and Magnetic Fields)

III. REVISIONS TO DEPARTMENT STATUTES AND RULES

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

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

SECTION A: GENERAL CONDITIONS

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

IV. DEFINITIONS

The meaning of terms used herein shall be governed by the applicable definitions contained in Chapters 253, 373, 379, and 403, F.S., and any regulation adopted pursuant thereto. In the event of any dispute over the meaning of a term used in these Conditions which is not defined in such statutes or regulations, such dispute shall be resolved by reference to the most relevant definitions contained in any other state or federal statute or regulation, or in the alternative, by the use of the commonly accepted meaning. As used herein, the following shall apply:

A. “Application” or “SCA” as defined in Section 403.503(6), F.S. For purposes of this certification, “Application” shall include the original submittal on February 16, 2018, and the first amendment submitted on June 28, 2018, and shall also include materials submitted for post-certification amendments and petitions for modification to the Conditions of Certification, as well as supplemental applications.

B. “Associated facilities” as defined by Section 403.503(7), F.S. For purposes 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; and railway lines necessary for transport of construction equipment or fuel for the operation of the facility.

C. “Certification” or “Final Order of Certification” means the written order of the Siting Board or the Secretary of the Florida Department of Environmental Protection approving the Site Certification Application for the licensing of the Shady Hills Combined Cycle Facility with Conditions as the Siting Board or Secretary deem appropriate.

D. “Conditions of Certification” means the conditions attached to the Final Order of Certification and any subsequent modifications.

E. “DEO” means the Florida Department of Economic Opportunity.

F. “DEP” or “Department” means the Florida Department of Environmental Protection.

G. “DHR” means the Florida Department of State, Division of Historical Resources.

H. “DOT” means the Florida Department of Transportation.

I. “Electrical power plant” means, for the purpose of certification, any steam or solar electrical generating facility using any process or fuel, including nuclear materials, except that this term does not include any steam or solar electrical generating facility of less than 75 megawatts in capacity unless the applicant for such a facility elects to apply for certification under this act. This term also includes the site; all associated facilities that will be owned by the applicant that are physically connected to the site; all associated facilities that are indirectly connected to the site by other proposed associated facilities that will be owned by the applicant; and associated transmission lines that will be owned by the applicant which connect the electrical power plant to an existing transmission network or rights-of-way to which the applicant intends

SECTION A: GENERAL CONDITIONS

to connect. At the applicant's option, this term may include any offsite associated facilities that will not be owned by the applicant; offsite associated facilities that are owned by the applicant but that are not directly connected to the site; any proposed terminal or intermediate substations or substation expansions connected to the associated transmission line; or new transmission lines, upgrades, or improvements of an existing transmission line on any portion of the applicant's electrical transmission system necessary to support the generation injected into the system from the proposed electrical power plant.

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

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

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

M. "Licensee" means Seminole Electric Cooperative, Inc.

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

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

P. "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., unless otherwise noted.

Q. "Shady Hills Combined Cycle Facility" or "SHCCF", for purposes of these Conditions of Certification, means the certified electrical power plant, the 0.4 acre utility connection easement, the 230 kilovolt (kV) interconnection tie-line, and all other certified on- or off-site associated structures and facilities identified/described in the Application, in the Final Order of Certification, or in a post-certification amendment or modification.

R. "Site" as defined in Section 403.503(28): 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.

S. "State Water Quality Standards" shall mean the numerical and narrative criteria applied to specific water uses or classifications set forth in Chapters 62-302 and 62-520, F.A.C.

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

U. "SWD" shall mean the DEP Southwest District office.

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

W. "Temporary construction parking and laydown area" means the approximately 20-acre L-shaped area immediately adjacent to the eastern boundary of the site. The Licensee

SECTION A: GENERAL CONDITIONS

will use this area for construction parking and laydown activities while the Licensee constructs the generating facility and other onsite support facilities. This area and these activities are part of the SHCCF and are approved for use on a temporary basis.

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

V. FEDERALLY DELEGATED OR APPROVED PERMIT PROGRAMS

Subject to the Conditions set forth herein, this Certification shall constitute the sole license of the State and any agency as to the approval of the location, construction, and operation of the SHCCF except for the issuance of Department licenses required under any federally delegated or approved permit program. This Certification is not a waiver of any other Department approval that may be required under federally delegated or approved programs. In the event of a conflict between the certification process and federally required procedures, the applicable federal requirements shall control.

[Sections 403.5055, 403.508(8), and 403.511(1), F.S.]

VI. DESIGN AND PERFORMANCE CRITERIA

Certification, including these Conditions, is predicated upon preliminary designs, concepts, and performance criteria described in the SCA or in testimony and exhibits in support of this Certification. Final engineering design will be consistent and in substantial compliance with the preliminary information described in the SCA or as explained at the Certification Hearing (if any). Conformance to those criteria, unless specifically modified in accordance with 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 SHCCF.

[Sections 403.511(2)(a) and 403.516, F.S.; Rules 62-4.160(2) and 62-17.211, F.A.C.]

VII. NOTIFICATION

A. If, for any reason, the Licensee does not comply with or will be unable to comply with any Condition or limitation specified in this Certification, the Licensee shall immediately provide the DEP Southwest District (SWD) Office with the following information:

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

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

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

B. The Licensee shall promptly notify the SCO in writing (email acceptable) of any previously submitted information concerning the SHCCF that is later discovered to be inaccurate.

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

SECTION A: GENERAL CONDITIONS

C. Within 60 days after Certification of an associated linear facility the Licensee shall file a notice of the certified route with the Department's Office of General Counsel and the clerk of the circuit court for each county through which the corridor will pass.

The notice shall consist of maps or aerial photographs in the scale of 1:24,000 which clearly show the location of the certified route and shall state that the Certification of the corridor will result in the acquisition of rights-of-way (ROWS) within the corridor.

[Section 403.5112, F.S.]

VIII. EMERGENCY CONDITION NOTIFICATION AND RESTORATION

If the Licensee is temporarily unable to comply with any of the Conditions of Certification due to breakdown of equipment or destruction by hazard of fire, wind or following an emergency as defined by Sections 252.34(4), (7), (8), or (10), F.S., the Licensee shall immediately notify the Department. Notification shall include pertinent information as to the cause of the problem, and what steps are being taken to correct the problem and to prevent its recurrence, and where applicable, the owner's intent toward reconstruction of destroyed facility(ies). Such notification does not release the Licensee from any liability for failure to comply with Department rules. Any exceedances and/or violations recorded during emergency conditions shall be reported as such, but the Department acknowledges that it intends to use its enforcement discretion during this timeframe. This acknowledgement by the Department does not constitute a waiver or variance from any requirements of any federal permit. Relief from any federal agency must be separately sought.

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

IX. CONSTRUCTION PRACTICES

A. Local Building Codes

The Conditions of Certification constitute the sole license of the State and any agency as to the approval of the location, construction, and operation of the SHCCF. The Licensee is not required to obtain building permits for the SHCCF. However, this Certification shall not affect in any way the right of any local government to charge appropriate fees or require that construction of installations used by the electric utility that are not an integral part of a generating plant, substation, or control center (such as, office buildings, warehouses, garages, machine shops, and recreational buildings) be in compliance with applicable building construction codes.

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

B. Open Burning

Prior to open burning in connection with land clearing, the Licensee shall seek authorization from the Florida Forest Service in accordance with the requirements of Chapters 62-256 and 51-2, F.A.C.

[Chapters 51-2 and 62-256, F.A.C.]

C. Vegetation

For areas located in any Florida Department of Transportation (DOT) right-of-way, Chapter 4.6 of the 2010 DOT *Utility Accommodation Manual* shall serve as guidelines for

SECTION A: GENERAL CONDITIONS

best management practices, and may be accessed at the following web address:
<http://www.fdot.gov/programmanagement/utilities/UAM.shtm>.

D. Existing Underground Utilities

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

[Chapter 556, F.S.]

E. Electric and Magnetic Fields (EMF)

Any associated transmission lines and electrical substations shall comply with the applicable requirements of Chapter 62-814, F.A.C.

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

F. Existing Wells

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

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

H. Abandonment of Existing Septic Tanks

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

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

X. RIGHT OF ENTRY

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

1. At reasonable times, to enter upon the SHCCF in order to monitor activities within their respective jurisdictions for purposes of assessing compliance with this Certification; or
2. During business hours, to enter the Licensee's premises in which records are required to be kept under this Certification; and to have access to and copy any records required to be kept under this Certification.

B. When requested by the Department, on its own behalf or on behalf of another agency with regulatory jurisdiction, the Licensee shall within 10 working days, or such longer period as may be mutually agreed upon by the Department and the Licensee, furnish any information required by law, which is needed to determine compliance with this Certification.

SECTION A: GENERAL CONDITIONS

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

XI. DISPUTE RESOLUTION

A. General

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

B. Modifications

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

C. Post-Certification Submittals

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

[Section 120.57, F.S.; Rule 62-17.211, F.A.C.]

XII. SEVERABILITY

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

XIII. ENFORCEMENT

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

SECTION A: GENERAL CONDITIONS

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

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

XIV. REVOCATION OR SUSPENSION

The Certification shall be final unless revised, revoked, or suspended pursuant to law. This Certification may be suspended or revoked pursuant to Section 403.512, F.S. This Certification is valid only for the specific processes and operations identified in the SCA and approved in the Final Order of Certification and indicated in the testimony and exhibits in support of this Certification or approved in a subsequent amendment or modification of the Certification. Any unauthorized deviation from the approved drawings, exhibits, specifications, or Conditions of this approval may constitute grounds for revocation and enforcement action by the Department. Any enforcement action, including suspension and revocation, shall only affect the portion(s) of the SHCCF that are the cause of such action, and other portions of the SHCCF shall remain unaffected by such action.

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

XV. REGULATORY COMPLIANCE

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

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

XVI. CIVIL AND CRIMINAL LIABILITY

Except to the extent a variance, exception, exemption, or other relief is granted in the Final Order of Certification, in a subsequent modification to these Conditions, or as otherwise provided under Chapter 403, F.S., this Certification does not relieve the Licensee from civil or criminal penalties for noncompliance with any Condition of this Certification, applicable rules, or regulations of the Department, or any other state statutes or regulations which may apply.

SECTION A: GENERAL CONDITIONS

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

XVII. USE OF STATE LANDS

A. Except as specifically provided in the Final Order of Certification or these Conditions, the issuance of this 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.

B. If any portion of the SHCCF is located on sovereign submerged lands, state-owned uplands, or within an aquatic preserve, then the Licensee must comply with the applicable portions of Chapters 18-2, 18-20, and 18-21, F.A.C., and Chapters 253 and 258, F.S., except as specifically provided in the Final Order of Certification or these Conditions. If any portion of the SHCCF is located on sovereign submerged lands, the Licensee must submit Section F of Form 62-330.060(1), *Application for Individual and Conceptual Approval Environmental Resource Permit* (State 404 Program Permit) and *Authorization to Use State-Owned Submerged Lands* to the Department prior to construction. If any portion of the SHCCF is located on state-owned uplands, the Licensee must submit an Upland Easement Application to the Department prior to construction.

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

D. The Licensee is hereby advised that Florida law states: “A person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund under this chapter, until the person has received the required lease, license, easement, or other form of consent authorizing the proposed use.” Pursuant to Chapter 18-14, F.A.C., if such work is done without consent, or if a person otherwise damages state land or products of state land, the Board of Trustees may levy administrative fines of up to \$10,000 per offense.

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

[Chapters 253 and 258, F.S.; Chapters 18-2, 18-14, 18-21, 62-340, and subsections 62-330.060(1) and 62-4.160(4), F.A.C.]

SECTION A: GENERAL CONDITIONS

XVIII. PROCEDURAL RIGHTS

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

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

XIX. AGENCY ADDRESSES FOR POST-CERTIFICATION SUBMITTALS AND NOTICES

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

Florida Department of Environmental Protection
Siting Coordination Office, MS 5500
2600 Blair Stone Road
Tallahassee, Florida 32399-3000
SCO@dep.state.fl.us

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

Florida Fish & Wildlife Conservation Commission
Conservation Planning Services
620 South Meridian Street, MS 5B5
Tallahassee, Florida 32399-1600
FWCConservationPlanningServices@myfwc.com

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

Florida Department of Agriculture and Consumer Services
Office of General Counsel
407 South Calhoun Street
Tallahassee, Florida 32399-0800

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

SECTION A: GENERAL CONDITIONS

Pasco County
County Administration Office
West Pasco Government Center
8731 Citizens Drive, Suite 340
New Port Richey, Florida 34654

[Section 403.511, F.S.]

XX. PROFESSIONAL CERTIFICATION

To ensure protection of public health, safety, and welfare, any construction, modification, or operation of an installation which may be a source of pollution, or of a public drinking water supply, shall be in accordance with sound professional engineering practices pursuant to Chapter 471, F.S.; and all final geological papers or documents involving the practice of the profession of geology shall be in accordance with sound professional geological practices pursuant to Chapter 492, F.S. Where required by Chapter 471 or 492, F.S., applicable portions of amendment requests, petitions for modifications, post-certification submittals, and supporting documents which are submitted to the Department for public record shall be signed and sealed by the professional(s) who prepared or approved them.

[62-4.050, F.A.C.]

XXI. PROCEDURES FOR POST-CERTIFICATION SUBMITTALS

A. Purpose of Submittals

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

B. Filings

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

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

C. Completeness

DEP shall review each post-certification submittal for completeness. This review may include consultation with the other agency(ies) receiving the post-certification submittal with regulatory jurisdiction over the matter addressed in the submittal. DEP's finding

SECTION A: GENERAL CONDITIONS

of completeness shall specify the area(s) of the SHCCF affected and shall not delay further processing of the post-certification submittal for non-affected areas.

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

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

D. Interagency Meetings

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

E. Determination of Compliance

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

F. Commencement of Construction

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

G. Revisions to Design Previously Reviewed for Compliance

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

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

XXII. POST-CERTIFICATION SUBMITTAL REQUIREMENTS SUMMARY

Within 90 days after issuance of the Final Order of Certification, and within 90 days after any subsequent modification or Certification, the Licensee shall provide the SCO a complete summary of those post-certification submittals that are identified in these Conditions when due-dates for the information required of the Licensee have been identified. A summary

SECTION A: GENERAL CONDITIONS

shall be provided as a separate document for each transmission line, if any. Such submittals shall include, but are not limited to, monitoring reports, management plans, wildlife surveys, etc. The summary shall be provided to the SCO, in a sortable spreadsheet, electronically, in the format shown below or equivalent. For subsequent modifications and certifications, a Post-Certification Submittal Requirements Summary shall be required for only those resulting in new or altered post-certification requirements.

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

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

XXIII. POST-CERTIFICATION AMENDMENTS

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

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

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

[Section 403.5113, F.S.]

XXIV. MODIFICATION OF CERTIFICATION

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

SECTION A: GENERAL CONDITIONS

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

C. In accordance with Section 403.516(1)(c), F.S., the Licensee may file a petition for modification with the Department, or the Department may initiate the modification upon its own initiative.

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

E. Any anticipated change to SHCCF that results in a change to the boundaries identified in the Certified SHCCF Map (attached hereto as part of Attachment A (Maps)) or the addition or removal of equipment, buildings, or structures that are certified and part of the SHCCF, attached hereto as part of Attachment A (Maps), must be accompanied by a new Certified SHCCF Map showing the proposed new boundaries. Within 120 days after completion of construction of the approved change, the Licensee shall provide the information required by Section A. General Conditions, Condition I. Scope, paragraphs D and E, as appropriate.

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

XXV. COASTAL ZONE CONSISTENCY

Pursuant to Sections 373.428 and 403.511, F.S., Certification of the SHCCF 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.]

XXVI. WATER QUALITY CERTIFICATION

Pursuant to the Operating Agreement between the Department, Water Management Districts, and U.S. Army Corps of Engineers, a written Final Order granting 'Certification' constitutes Certification by the Department that the SHCCF complies with applicable state water quality standards.

[2012 Operating Agreement, Jacksonville District USACOE, DEP, and Water Management Districts, Section II.A.1.(f)]

XXVII. TRANSFER OF CERTIFICATION

A. This Certification is transferable in whole or in part, upon Department approval, to an entity determined to be able to comply with these Conditions. A transfer of Certification of all or part of the SHCCF may be initiated by the Licensee's filing of a Notice of Intent to Transfer Certification with the Department's SCO. The notice of intent shall: identify the intended new Certification holder or Licensee; identify current and new entity responsible for compliance with the Certification; and include a written agreement from the intended Licensee/Transferee to abide by all Conditions of Certification, as well as, applicable laws and

SECTION A: GENERAL CONDITIONS

regulations. Upon receiving a complete notice of intent, the transfer shall be approved by the Department unless the Department objects to the transfer on the grounds that the new Licensee will be unable to comply with the Conditions of Certification, specifies in writing its reasons for its objections, and gives notice and an opportunity to petition and administrative hearing pursuant to Section 120.57, F.S. Upon approval, the Department will initiate a modification to the Conditions to reflect the change in ownership in accordance with Rule 62-17.211, F.A.C.

B. In the event of the dissolution of the Licensee, the Department may transfer Certification to successor entities which are determined to be competent to construct, operate, and maintain the SHCCF 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 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.]

XXVIII. LABORATORIES AND QUALITY ASSURANCE

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

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

XXIX. ENVIRONMENTAL RESOURCES

A. General

1. Submittals for Construction Activities

a. Prior to the commencement of construction of new facilities and/or associated facilities the Licensee shall provide to the DEP SWD Office for review, all information necessary for a complete *Application for Individual and Conceptual Approval Environmental Resource Permit* (State 404 Program Permit), DEP Form 62-330.060(1), F.A.C. A copy of the submittal shall also be provided to the SCO.

This form may: a) be submitted concurrently with a SCA; b) be submitted as part of an amendment request or a petition for modification; or c) be submitted as a post-certification submittal following approval of a project through Certification, modification, or amendment. Information submitted as a post-certification may be submitted for discrete portions of the SHCCF for a determination of compliance with these Conditions of Certification. Such Environmental Resource Permit (ERP) submittals, once received, shall be reviewed in accordance with the non-procedural standards and criteria for issuance of an ERP, including all the provisions related to reduction and elimination of impacts, conditions for issuance, additional conditions for issuance, and mitigation contained in Chapters 62-330, F.A.C., as applicable, unless otherwise stated in these Conditions. While the information is provided for review via submittal of the ERP form, pursuant to Section 403.511, F.S., issuance of a separate ERP is not required for Certified Facilities.

SECTION A: GENERAL CONDITIONS

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

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

b. Concurrent with submittal of the DEP form required in subparagraph A.1.a., above, the Licensee shall submit, as applicable, a survey of wetland and surface water areas as delineated in accordance with Chapter 62-340, F.A.C., and verified by appropriate agency staff for Department compliance review. Available DEP approved wetland and surface water delineations within the boundaries of the SHCCF or a portion thereof may be used and reproduced for this delineation submittal and verification.

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

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

[Section 373.414(1)(a), F.S.]

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

[Sections 373.421 and 403.504, F.S.]

B. Surface Water Management Systems

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

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

SECTION A: GENERAL CONDITIONS

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

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

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

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

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

SECTION A: GENERAL CONDITIONS

approved drawings are discovered, the As-Built Certification must be accompanied by a copy of the approved drawings with deviations noted.

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

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

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

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

C. Wetland and Other Surface Water Impacts

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

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

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

XXX. THIRD PARTY IMPACTS

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

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

XXXI. FACILITY OPERATION

The Licensee shall properly operate and maintain the SHCCF and systems of treatment and control (and related appurtenances) that are installed and used by the Licensee to achieve compliance with these Conditions, as required by the Final Order of Certification, these Conditions, or a post-certification amendment or modification. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the Final Order of Certification, these Conditions, or a post-certification

SECTION A: GENERAL CONDITIONS

amendment or modification. Further, the Licensee shall take all reasonable steps to minimize any adverse impact resulting from noncompliance with any limitation specified in this Certification, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying event.

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

XXXII. RECORDS MAINTAINED AT THE FACILITY

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

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

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

XXXIII. WATER DISCHARGES

A. Except as otherwise authorized by a permit issued by the Department under a federally approved or delegated program or to the extent a variance, exception, exemption, or other relief is granted or authorized by these Conditions, the Licensee shall not discharge to surface or ground waters of the State, wastes in concentrations, which, alone or in combinations with other substances or components of discharges (whether thermal or non-thermal), are carcinogenic, mutagenic, or teratogenic to human beings (unless specific criteria are established for such components in Rule 62-520.400, F.A.C.) or are acutely toxic to indigenous species of significance to the aquatic community within surface waters affected by the ground water at the point of contact with surface waters.

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

SECTION A: GENERAL CONDITIONS

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

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

XXXIV. SOLID AND HAZARDOUS WASTE

A. Solid Waste

The Licensee shall comply with all applicable non-procedural provisions of Chapter 62-701, F.A.C., for any solid waste generated within the SHCCF during construction, operation, maintenance, and closure.

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

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

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

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

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

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

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

C. Hazardous Substance Release Notification

1. If the Licensee has knowledge of any release of a hazardous substance from the SHCCF in a quantity equal to or exceeding the reportable quantity in any 24-hour period shall notify the Department by calling the STATE WATCH OFFICE, (800) 320-0519, as soon as possible, but not later than one working day of discovery of the release.

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

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

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

SECTION A: GENERAL CONDITIONS

D. Contaminated Site Cleanup

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

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

XXXV. STORAGE TANK SYSTEMS

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

A. Incident Notification Requirements

Notification of the discovery of the loss from a storage tank system of a regulated substance 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 62-761.405 or 62-762.411, F.A.C., shall be made to the County on Incident Notification Form 62-761.900(6) within 24 hours or before the close of the County's next business day.

B. Discharge Reporting Requirements

Upon discovery of an unreported discharge of a regulated substance, the Licensee shall report to the County on Discharge Report Form 62-761.900(1) within 24 hours or before the close of the County's next business day those items listed in paragraph 62-761.405, 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 40 CFR Part 302.

C. Discharge Cleanup

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

D. Out of Service and Closure Requirements

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

[Chapters 62-761, 62-762, and 62-780, F.A.C.]

SECTION B: SPECIFIC CONDITIONS

SECTION B. SPECIFIC CONDITIONS

I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

A. *Temporary Construction Parking and Laydown Area*

1. Prior to construction of the temporary construction parking and laydown area, the Licensee shall provide detailed plans of the access roads and construction entrances, final grades, and any additional impervious or semi-impervious materials/surfaces needed. Once the Licensee completes construction and the SWD has confirmed this area has been substantially restored to original grade and effectively stabilized with vegetation, the approval for use of this area and the activities associated with it shall terminate. If impervious or semi-impervious materials will need to be in place in an amount exceeding the permitting thresholds listed in Rule 62-330.020, F.A.C., a stormwater management system (SWMS) will need to be included in the design to ensure there will be no adverse water quantity or quality impact at this location.

[Rule 62.330.020, F.A.C.]

2. The following construction sequence and reporting requirements shall be followed for temporary placement of fill in the temporary construction parking and laydown area) or other stockpile areas for the SHCCF:

a. Prior to the placement of fill material for temporary access, the Licensee shall flag and stake the areas to be filled and photograph the areas to show the pre-construction conditions. Photograph locations shall be identified on a location drawing/map(s). The photographs and location drawing/map(s) shall be submitted to the Department prior to placement of fill in these areas;

b. Prior to placement of the temporary fill, best management practices (i.e., hay bales, silt fences, etc.) shall be installed along the perimeter of the fill area to prevent erosion of the material into surface waters or wetlands;

c. Within 14 days of the completion of construction, the temporary fill shall be removed, and the ground elevation contours shall be restored to pre-existing elevations to promote natural re-vegetation of the area;

d. Photographs of the area shall be taken from the same locations as required in subparagraph a., above, within 72 hours of grading of the fill area. These photographs shall be combined with the photographs and location drawing/map(s) required in subparagraph a., above, and shall be submitted to the Department within 14 days of the completion of the regrading; and,

e. Photographs of the area shall be taken from the same locations as required in subparagraph a., above, to show the condition of vegetation and substrate within the temporary fill areas 1 year after grading has been completed. The photographs and a map(s) showing the photograph locations shall be submitted to the Department within 14 days of being taken.

B. *Dry Retention Areas*

Excavation of dry retention areas is limited to authorized design specifications as depicted in the approved project drawings. If limestone bedrock is encountered during construction, the Licensee shall notify the Department immediately and shall cease construction

SECTION B: SPECIFIC CONDITIONS

in the affected area. The Licensee shall submit a design revision to the Department for review and approval that will demonstrate compliance with Rule 5.4.1.b., of the SWFWMD ERP Applicant's Handbook, Volume II prior to proceeding with construction.

C. Transmission Line Construction

Prior to construction of the on-site Certified 230-kV interconnection tie-line, the Licensee shall provide detailed construction drawings for the 230-kV interconnection tie-line for review and processing as a post-certification submittal.

D. Pipeline Construction

Prior to construction of the natural gas pipeline and potable water, sewer services, reclaimed water, and irrigation pipelines that are part of the SHCCF, the Licensee shall provide detailed construction drawings for review and processing as a post-certification submittal.

E. Sinkholes

The Licensee shall notify the Department of any sinkhole development in the SWMS within 24 hours after discovery and must submit a detailed sinkhole evaluation and repair plan for Department approval within 30 days of discovery.

II. DEPARTMENT OF TRANSPORTATION

A. Access Management to the State Highway System

Any access to the State Highway system will be subject to the requirements of Rule Chapters 14-96, State Highway System Connection Permits, and 14-97, Access Management Classification System and Standards, F.A.C., which may require a right-of-way access approval from DOT.

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

B. Overweight or Over-Dimensional Loads

Operation of overweight or over-dimensional loads by the Licensee on state transportation facilities during construction and operation of the SHCCF 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 Over-Dimensional Vehicles, F.A.C.

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

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

All usage and crossing of State of Florida ROW (as defined pursuant Section 334.03(21), F.S.) 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.

[Sections 337.403 and 337.404, F.S.; Chapters 14-15 and 14-46, F.A.C.]

SECTION B: SPECIFIC CONDITIONS

D. Standards

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

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

E. Drainage

Any drainage onto State of Florida rights-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. For DOT purposes, right-of-way means land in which the State, the Department, a county, or a municipality owns the fee or has an easement devoted to or required for use as a transportation facility pursuant to Section 334.03(21), F.S.

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

F. Use of Air Space

Any newly proposed structure or alteration of an existing structure will be subject to the requirements of Chapter 333, F.S., and Rule 14-60.009, 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 the FAA Southern Region Headquarters using FAA Form 7460-1, Notice of Proposed Construction or Alteration in accordance with instructions therein. A subsequent determination by the FAA stating that the structure exceeds any federal obstruction standard of 14 CFR Part 77, Subpart C, for any structure that is located within a 10 nautical mile radius of the geographical center of a public use airport or military airfield in Florida will be required to submit information for an Airspace Obstruction Permit from the Florida Department of Transportation or variance from local government depending on the entity with jurisdictional authority over the SHCCF. 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 obstruction marking and/or lighting of the proposed structure are made mandatory by Florida law (per Rule 14-60.009(4), F.A.C.). For structures 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.

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

G. Best Management Practices

Traffic control during SHCCF construction and maintenance will be subject to the standards contained in the Manual on Uniform Traffic Control Devices; Florida Department of Transportation's Design Standards for Design, Construction, Maintenance, and Utility

SECTION B: SPECIFIC CONDITIONS

Operation on the State Highway; 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.

If the Licensee uses contractors for the delivery of any overweight or over-dimensional loads to the SHCCF during construction, the Licensee 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 Over-Dimensional Vehicles, F.A.C.

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

IV. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

A. General Listed Species Surveys

1. The Licensee shall coordinate with the Florida Fish and Wildlife Conservation Commission (FWC) to obtain and follow the current survey protocols for all listed species that may occur within the SHCCF, interconnection tie-line area, construction staging areas, and accessible appropriate buffers within the SECI property as defined by the listed species' survey protocols, prior to conducting detailed surveys. Guidance related to general and species-specific survey protocols can be found in the appropriate species permitting guidelines/management plan (<http://myfwc.com/wildlifehabitats/imperiled/mangement-plans/>) or in FWC's Florida Wildlife Conservation Guide (FWCG) at <http://myfwc.com/conservation/value/fwcg/>.

2. Surveys shall be conducted prior to clearing and construction in accordance with the survey protocols. The results of those surveys shall be provided to the FWC in a report and coordination shall occur with the FWC on appropriate impact avoidance, minimization, or mitigation methodologies. Reports may be sent to: FWCConservationPlanningServices@MyFWC.com.

[Article IV, Section 9, Florida Constitution; Sections 379.2291 and 403.507, F.S.; Chapter 68A-27, F.A.C.]

B. Specific Listed Species Surveys

Before land clearing and construction activities within the SHCCF, interconnection tie-line area, associated construction staging areas, the Licensee shall conduct an assessment for terrestrial listed species and shall note all habitat, occurrence, or evidence of listed species. Wildlife surveys shall be conducted during the reproductive or "Active" season for each species that falls before the projected clearing activity schedule unless otherwise approved by the FWC. For species that are difficult to detect, the Licensee may make the assumption that the species is present and plan appropriate avoidance/mitigation measures for FWC post-certification review and approval at least 60 days prior to commencing clearing or construction activities within the surveyed area. The surveys required by these Conditions of Certification may be conducted prior to issuance of the Final Order of Certification, in which case this Conditions would be considered satisfied.

1. This survey shall be conducted in accordance with U.S. Fish and Wildlife Service (USFWS) or FWC guidelines and methodologies by a person or firm that is

SECTION B: SPECIFIC CONDITIONS

knowledgeable and experienced in conducting flora and fauna surveys for each potentially occurring listed species.

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

3. This survey shall include an estimate of the acreage and percent cover of each existing vegetation community that is contained within the Shady Hills Combined Cycle Facility area to be impacted prior to land clearing and construction activities using a geographic information system (GIS). Examples of such wildlife-based habitat classification schemes include Florida's State Wildlife Action Plan (FWC 2012) or the Natural Communities Guide (Florida Natural Areas Inventory 2010).

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

C. Listed Species Locations

1. Where any suitable habitat or evidence is found of the presence of listed species, including but not limited to those specified in Paragraph D., below, within the Shady Hills Combined Cycle Faculty area to be impacted, the Licensee shall report those locations to and confer with the FWC regarding the need for additional pre-clearing surveys, and to identify potential avoidance, minimization, or mitigation recommendations. If additional pre-clearing surveys are required by the FWC as appropriate and as specified in these Conditions of Certification, they shall occur in the reproductive season prior to the anticipated date for commencement of clearing and construction. The Licensee shall not construct in areas where evidence of listed species was identified during the initial survey until the particular listed-species issues have been resolved.

2. If listed wildlife species are found, their presence shall be reported to the DEP SCO, the DEP SWD Office, the FWC, and the USFWS.

3. If avoidance of state-listed wildlife species is not feasible, the Licensee shall consult with the FWC to determine the steps appropriate for the species potentially impacted to avoid, minimize, mitigate, or otherwise appropriately address the potential impacts. These steps shall be memorialized in a Wildlife Species Management Plan and submitted to the FWC.

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

D. Gopher Tortoise

1. The Licensee shall conduct surveys for gopher tortoises (*Gopherus polyphemus*), in accordance with the FWC-approved Gopher Tortoise Management Plan (as revised) and the FWC approved Gopher Tortoise Permitting Guidelines, or subsequent FWC approved versions of the Plan or Guidelines. A Burrow survey covering a minimum of 15

SECTION B: SPECIFIC CONDITIONS

percent of the potential gopher tortoise habitat to be impacted is required. Immediately prior to capturing tortoises for relocation, a 100 percent survey is required to effectively locate and mark all potentially occupied tortoise burrows and to subsequently remove the tortoises. Burrow survey methods are outlined in Appendix 4 of the Gopher Tortoise Permitting Guidelines, “Methods for Locating Gopher Tortoise Burrows on Sites Slated for Development.” Surveys must be conducted as described in Paragraph D.3., below. All surveys completed by authorized agents or other licensees are subject to field verification by the FWC.

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

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

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

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

[Article IV, Section 9, Florida Constitution; Chapters 68A-27 and 68A-4, F.A.C.; Sections 379.2291, 403.5113, and 403.526, F.S.]

V. DEPARTMENT OF STATE – DIVISION OF HISTORICAL RESOURCES

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

B. If historical or archaeological artifacts or features are discovered at any time within the Certified Facility, the Licensee shall notify the appropriate DEP District office(s) and the DHR, R.A. Gray Building, 500 South Bronough Street, Room 423, Tallahassee, Florida

SECTION B: SPECIFIC CONDITIONS

32399-0250, telephone number (850) 245-6333, and the Licensee shall consult with DHR to determine appropriate action.

[Sections 267.061, 403.531, and Chapter 872, F.S.]

VI. DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

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

[Chapter 487, F.S.]

VII. PASCO COUNTY

A. Utilities Service Agreement

Provision of the SHCCF's potable water, emergency potable water, reclaimed water, sanitary sewer services, and interconnections for the SHCCF shall be pursuant to the Utilities Service Agreement (USA) between Pasco County and Seminole Electric Cooperative, Inc., (SECI) (the Licensee), as approved by the Pasco County Board of County Commissioners (BOCC) on September 4, 2018, and all the agreements referenced and incorporated therein, including amendments thereto.

B. Solid Waste Disposal

1. The Licensee shall comply with all applicable non-procedural provisions of Chapter 62-701, F.A.C., for any solid waste generated within the SHCCF and temporary construction parking and laydown area during construction, operation, maintenance, and closure.

2. The Pasco County Solid Waste Resource Recovery Facility (PCRRF) is not required to accept any of the solid waste generated by the SHCCF's reclaimed water treatment systems which does not meet Pasco County's definition of "processable waste".

[Chapter 62-701, F.A.C.; Section 90-27, Pasco County Code of Ordinances]

C. Interconnection Tie-Line

1. Pasco County intends to grant a 100-foot-wide right-of-way (ROW as defined in Section A, Condition IV.P.) easement to the Licensee for construction and operation of an interconnection tie-line.

a. This 100-foot-wide ROW easement will be located within the certified corridor and will be a part of the SHCCF.

b. For 1,000 linear feet to the west of the eastern boundary of the interconnection tie-line corridor, the ROW easement shall be located on the southern half of the corridor, unless otherwise mutually agreed upon by Pasco County and the Licensee, or if geotechnical, physical, cultural resource, or ecological constraints prevent installation of the interconnection tie-line within that area.

c. For 150 linear feet to the east and to the west from the center of the existing weigh station, located at the entrance to the PCRRF, the ROW easement shall be located

SECTION B: SPECIFIC CONDITIONS

on the northern half of the corridor, unless otherwise mutually agreed upon by Pasco County and the Licensee, or if geotechnical, physical, cultural resource, or ecological constraints prevent installation of the interconnection tie-line within that area.

d. The Licensee shall determine the location of the remaining ROW length within the certified corridor. The Licensee's engineers shall submit to the County as a post-certification submittal, the finalized route of the interconnection tie-line.

[Agreement between Pasco County and Licensee]

2. Licensee may not trim or remove trees outside of the 100-foot-wide ROW easement for the interconnection tie-line unless necessary to comply with the Federal Energy Regulatory Commission (FERC) requirements under *Mandatory Reliability Standards for the Bulk-Power System*, Title 18, Part 40 of the Code of Federal Regulations (CFR). Additionally, the Licensee must comply with the North American Electric Reliability Corporation (NERC), Electric Reliability Standard in *Minimum Vegetation Clearance Distances* Facilities Design, Connections, and Maintenance (FAC) FAC-003-3, and *Transmission Vegetation Management* FAC-003-4, (or subsequent version).

[Title 18 CFR Part 40, FERC; FAC-003-3 and 4, NERC]

a. Unless inconsistent with the FERC standards, removing, pruning, or trimming a tree shall be in conformance with the American National Standards Institute (ANSI) A300 (Part 1)-2001, as amended.

b. The Licensee shall provide notification, via email, to the Pasco County Administrator at least 3 business days prior to removal of trees 18 inches in diameter at breast height (dbh) and larger within or outside of the 100-foot wide ROW easement for the interconnection tie-line.

[A300 (Part 1)-2001, ANSI; Agreement between Pasco County and Licensee]

3. Within the certified interconnection tie-line corridor, the Licensee is prohibited from erecting any poles or placing any guy-wires closer than 100 feet to the east of the eastern edge of the existing access road to the PCRRF and 100 feet to the west of the western edge of the existing access road at the entrance to the adjacent PCRRF.

[Agreement between Pasco County and Licensee]

4. Except within 300 feet of the Duke Energy Florida LLC's transmission line corridor, the Licensee shall place and maintain the overhead interconnection electrical power lines within the 100-foot-wide ROW easement, a minimum height of 40 feet above finished grade or roadways, measured from the lowest point of the wires, connectors, or cables and under worst-case operating conditions (i.e., maximum sag at high load, high temperature conditions) to the surface below.

[Agreement between Pasco County and Licensee]

D. Special Exception Approval

1. Except as otherwise provided herein, the Licensee shall comply with the non-procedural requirements of Pasco County's Special Exception (Attachment E) approval issued for the SHCCF on January 10, 2018 (corrected September 6, 2018), including any subsequent amendments thereto.

SECTION B: SPECIFIC CONDITIONS

2. The Licensee is authorized to access the temporary construction parking and laydown area and the SHCCF via Softwind Lane for the duration of the construction until the Licensee completes construction of the SHCCF and the construction trailers have been removed. Access via Softwind Lane to the SHCCF is prohibited after removal of all construction trailers.

[Agreement between Pasco County and Licensee]

3. The Licensee is authorized to access the SHCCF via Hays Road, Hudson Avenue, and Merchant Energy Way. An access-management analysis is not required to be submitted by the applicant. However, access-management land development code (LDC) requirements may be reviewed as part of the final construction plan review process.

[Section 901.3.A., Pasco County LDC]

E. Site Plan

1. *Conditions of Certification On-Site Copy:* The Licensee shall maintain a copy of the most recent Conditions of Certification at the SHCCF during construction and operation and made available to Pasco County representatives upon request. The Licensee shall maintain a copy of the current Conditions of Certification and include the final Construction Plan in paragraph 2., below, in a weatherproof container, clearly visible from the Pasco County right-of-way on Softwind Lane, and available to Pasco County representatives at all reasonable times until completion of construction in compliance with Section 18-44 Pasco County Code of Ordinances.

[Section 18-44, Pasco County Code of Ordinances]

2. Construction Plan:

a. As a post-certification submittal, under Rule 62-17.191, F.A.C., the Licensee shall submit a final Construction Plan for the SHCCF to Pasco County, in accordance with Pasco County LDC Section 403.5 (Construction Plans), confirming that all infrastructure and improvements associated with buildings and structures, not directly associated with power generation, will be installed in conformance with the non-procedural requirements of the Pasco County LDC, including, but not limited to the following: warehouse and administrative building, parking facility, landscaping and buffers, and SWMS. This post-certification submittal will be reviewed in accordance with this Condition (Section B, Condition VII.E.2) rather than Section A., Condition XXI. B-E.

[Rule 62-17.191(1), F.A.C.; Section 403.5, Pasco County LDC]

b. Pasco County must request any additional information needed to complete its review of the final Construction Plan within 21 working days after receipt. The information required shall be equivalent to that which would be submitted for final construction permits required by Pasco County in the absence of Certification to make the submittal both sufficient and complete. A failure by Pasco County to request additional information within 21 working days after the Licensee submits the requested information or responds to a request for additional information shall constitute a finding of completeness. For any changes that are substantial, these changes will be reviewed under the procedures in subparagraph a., above.

[Rule 62-17.191(1)(b), (c)1., and (c)2., F.A.C.; Agreement between Pasco County and Licensee]

SECTION B: SPECIFIC CONDITIONS

c. The Licensee shall respond to any timely requests for additional information within 14 calendar days, unless a longer time is mutually agreed to between Pasco County and Licensee.

[Agreement between Pasco County and Licensee]

d. Within 25 working days after a finding of completeness under subparagraph b., above, Pasco County shall notify the Department and the Licensee, in writing, of its assessment of whether the final Construction Plan, as supplemented, is in compliance with the non-procedural requirements of the Pasco County LDC. If Pasco County determines that the final Construction Plan is not in compliance with non-procedural requirements of the Pasco County LDC, then Pasco County shall notify the Licensee, and suggest corrective measures with particularity.

[Rule 62-17.191(1)(c)3., F.A.C.; Agreement between Pasco County and Licensee]

e. The Licensee's submittal and Pasco County's positive determination of compliance must occur prior to display of the final Construction Plan required under paragraph 1., above. Display of the final Construction Plan following Pasco County's positive determination of compliance must occur prior to commencement of construction of the SHCCF's components not directly related to power generation.

f. Failure of Pasco County to notify the Licensee, in writing, of its compliance assessment within 25 working days after a finding of completeness under subparagraph b., above, shall constitute a positive finding of compliance and the Licensee is authorized to display the final Construction Plan as required under paragraph 1., above, and following that display, to begin construction of the SHCCF's components that are not an integral part of the generating plant (such as the administrative building/warehouse), pursuant to the Conditions of Certification and the final Construction Plan submittal.

[Rule 62-17.191(1)(c)4., F.A.C.; Agreement between Pasco County and Licensee]

g. The Licensee's final Construction Plan submittal is only for the SHCCF's components not directly associated with power generation, therefore this submittal and Pasco County's compliance review shall not affect the Licensee's authority to commence construction and installation of equipment and components directly associated with power generation and associated structures within the SHCCF.

[Section 403.511, F.S.]

h. For any subsequent changes to the final Construction Plan considered to be non-substantial under LDC Section 403.9, the Pasco County Administrator, or their designee, has the authority to review and confirm compliance without following the procedures established in paragraph 2., above. For any changes that are substantial, these changes will be reviewed under the procedures in paragraph 2., above.

[Section 403.9.B., Pasco County LDC]

3. *Commencement of Construction:* The Licensee shall notify the Pasco County Engineering Services Department, Project Management Division at least 5 working days prior to commencing construction of the SHCCF.

SECTION B: SPECIFIC CONDITIONS

[Section 390.2., Pasco County LDC]

4. *Pasco County ROW:* All construction within a Pasco County ROW (for County purposes ROW defined herein means land in which the state, the Florida Department of Transportation, a county, or a municipality owns the fee or has an easement devoted to or required for use as a transportation facility and includes the land, air space over the land, and area below the land to the extent the entity holds a property interest therein) must be conducted in accordance with the Pasco County LDC Section 406.5. The Licensee shall notify Pasco County prior to commencement of construction in a Pasco County ROW. The Licensee shall ensure that any improvements installed in ROWs are constructed in compliance with applicable Pasco County standards. The Licensee shall install signs and markings for construction within a Pasco County ROW pursuant to applicable County and DOT standards as referenced in the Pasco County LDC.

[Section 406.5., Pasco County LDC]

5. *Building Permit:* The Licensee shall comply with the applicable provisions of the Florida Building Code, adopted by the Florida Building Commission under Section 553.73, F.S., when constructing the administrative building and warehouse. The Licensee shall submit information about the administrative building and warehouse as a post-certification submittal using the Pasco County building permit application form. Upon completion of construction, the Licensee shall coordinate with building inspectors from Pasco County to ensure that the administrative building and warehouse meet the applicable Florida Building Code. Prior to or at the time of the inspection, the Licensee shall pay the applicable building permit fee for construction of the administrative building and warehouse, pursuant to Pasco County LDC Section 406.4 and Section 18-40, Pasco County Code of Ordinances.

[Section 553.73, F.S.; Section 406.4., Pasco County LDC; Section 18-40, Pasco County Code of Ordinances]

6. *Other Impact Fees and Special Assessments:* Prior to commencement of construction, the Licensee shall pay a one-time fire combat and rescue impact fee in accordance with LDC Section 1302.6, a one-time mobility and administration fee in accordance with LDC Section 1302.2, and an initial solid waste assessment in accordance with Section 90-105, Pasco County Code of Ordinances.

[Section 90-105, Pasco County Code of Ordinances; Sections 1302.2. and 1302.6., Pasco County LDC]

7. *Proposed Signs:* If the Licensee proposes a sign at the entrance of the SHCCF, at any time, the Licensee must submit design plans to Pasco County as a post-certification submittal to confirm consistency with LDC Section 406.1.

[Section 406.1., Pasco County LDC]

F. Design Standards

1. All roads, drainage, and utilities shall be constructed in accordance with County design standards and tested in compliance with the Pasco county Engineering Services Department's *Testing Specifications for Construction of Roads, Storm Drainage, and Utilities* (October 2006).

[Section 310.14.B., Pasco County LDC]

SECTION B: SPECIFIC CONDITIONS

2. Prior to occupancy, the Licensee's architect or engineer must submit a certification that the SHCCF has been designed and constructed in accordance with the Americans with Disabilities Act (ADA), as a post-certification submittal.

[Agreement between Pasco County and the Licensee]

G. Fire Protection and Access Management

1. Licensee shall provide fire protection in compliance with the Pasco County LDC Section 904.3, except as set forth in paragraph 4., below.

[Section 904.3., Pasco County LDC]

2. Licensee shall confirm the locations of all fire hydrants proposed for the SHCCF as part of the construction plans being submitted post-certification. The hydrant spacing shall comply with Section 904.2 LDC which adopts the Florida Fire Protection Code (FFPC) 6th Edition, Section 1:18.5.3, and any subsequently amended versions. Specifically, the maximum distance to a fire hydrant from the closest point on the warehouse and administrative building shall not exceed 400 feet.

[Section 904.2., Pasco County LDC]

3. Licensee shall provide for and maintain at all times clearances of 5 feet in front of and to the sides of all fire hydrants. Where required by Pasco County, fire hydrants subject to vehicular damage shall be protected.

[Sections 1:18.5.7.2. and 1:18.5.8., FFPC, 6th Edition]

4. Licensee shall follow Chapter 16 of National Fire Protection Association(NFPA) Code 850 (2015), Recommended Practice for Fire Protection for Electric Generating Plants and High Voltage Direct Current Converter Stations, during construction of the SHCCF, in lieu of LDC Section 904 or Chapter 16 of NFPA Code 1 (2018). Upon completion of construction, the SHCCF will comply with LDC Section 904.3.

[Chapter 16, Code 850, NFPA, 2015; Sections 407.5., 407.5.B., and 904.3, Pasco County LDC]

5. Licensee shall provide a final fire truck wheel tracking diagram, based on a 240" wheelbase, showing circulation throughout the SHCCF as part of the construction plans being submitted post-certification.

[Section 1:18.2.3.4.3.1., FFPC, 6th Edition]

6. Licensee shall install and maintain a siren operating system, or a 3M Opticom™ system, for emergency access at each gated entrance of the SHCCF.

[Section 1:18.2.2.2., FFPC, 6th Edition]

H. Stormwater Management

1. Prior to any construction activity, the Licensee shall ensure that the applicable erosion and sediment control measures are in place for the SHCCF and the temporary construction parking and laydown area. At least 2 days prior to the start of clearing and grubbing, site preparation, or any soil disturbance, Licensee shall notify the Pasco County Stormwater Management Division and shall provide a copy of the applicable National Pollutant Discharge Elimination System (NPDES) Stormwater Permit, per Pasco County LDC Section

SECTION B: SPECIFIC CONDITIONS

902.1.D., to the Pasco County Stormwater Management Department as a post-certification submittal.

[Section 902.1.D., Pasco County LDC]

2. If dewatering is needed during construction of the SHCCF, Licensee shall provide a Dewatering Plan, pursuant to Pasco County LDC Section 902.2, to the Pasco County Engineering Inspections Department, prior to undertaking the dewatering activities, as a post-certification submittal.

[Section 902.2., Pasco County LDC]

3. Prior to commencing construction, Licensee shall pay the standard fee, for the County's nonresidential sediment and erosion control inspections during 3 phases of the erosion sedimentation control (stormwater management) plans for the following: construction and operation of the temporary construction parking and laydown area; construction of the SHCCF; operation of the SHCCF.

[Section 902.1.F., Pasco County LDC; Resolution 18-73, Pasco County Board of County Commissioners]

I. Geotechnical Engineering

1. As a post-certification submittal, and prior to commencement of construction of each foundation, the Licensee shall provide a final Geotechnical Report, which shall include a certification by the design professional that the final design of the foundation to be constructed adheres to the recommendations identified in the report pursuant to LDC Section 807.6.

[Section 807.6., Pasco County LDC]

2. Should any noticeable soil slumping or sinkhole formation become evident before or during construction, the Licensee shall immediately stop all work (except for mitigation activities) in the affected area and notify Pasco County and the SWFWMD. The work shall remain stopped until Pasco County and SWFWMD approve resuming construction activities. The Licensee shall also:

- a. Take immediate measures to ensure no surface water drains into the affected areas;
- b. Visually inspect the affected area;
- c. Excavate and backfill or grout if needed to prevent further subsidence;
- d. Use soil reinforcement materials in the backfilling operation when appropriate;
- e. If the affected area is in the vicinity of a water-retention area, maintain a minimum distance of 2 feet from the bottom of the retention pond to the surface of the lime-rock or karst connection; and,
- f. If the affected area is in the vicinity of a water-retention area and the above methods do not stabilize the collapse, amend the SCA to address relocation of the retention area.

SECTION B: SPECIFIC CONDITIONS

3. The Engineer of Record shall provide a statement that certifies that the design of the project is in compliance with the Geotechnical Report.

[Section 807.4., Pasco County LDC]

J. Landscaping and Buffering

1. The Licensee and its landscaping and buffering plans for the SHCCF, shall comply with the applicable, non-procedural landscaping and buffering requirements.

[Section 905.2., Pasco County LDC]

2. Licensee shall pay a fee to Pasco County for planned tree removals based on actual tree removals and consistent with LDC Section 802.

[Section 802, Pasco County LDC]

3. As required under LDC Section 905.2., Licensee shall provide a 10-foot-wide vegetative buffer that includes a single row of trees, maximum 60 feet on center, and a continuous row of evergreen shrubs along the eastern and southern boundaries of the approximately 14-acre parcel where the power generating equipment is being constructed. The Licensee shall also provide a 10-foot-wide vegetative buffer along the northern boundary of the approximately 14-acre parcel, except for 100 feet along that boundary, centered at the point where the SHCCF's power generation components connect to the interconnection tie-line, where trees will be prohibited within that portion of the buffer. No raised berm or fencing is required as part of these buffers. Buffering along the western boundary of the approximately 14-acre parcel is not required. The Licensee remains responsible for maintaining the vegetative buffer until closure of the SHCCF. Upon closure, the property owner shall maintain the vegetative buffer as applicable per the LDC.

[Section 905.2., Pasco County LDC]

4. A Registered Landscape Architect or other person as authorized by Chapter 481, F.S., as amended shall conduct a final field inspection. A notification of compliance shall be provided to the County as a post-certification submittal.

[Chapter 481, F.S.; Section 905.4.H., Pasco County LDC]

K. Parking and Traffic Standards

1. All on-site parking spaces within the SHCCF shall be striped and signed in accordance with the Pasco County LDC Sections 907.1.D.2., 907.1.D.9., and 907.1.D.10.; Section 316.0747, F.S.; and the Florida DOT *Manual on Uniform Traffic Control Devices* (2018). Parking spaces, directional arrows, and stop bars shall be striped in white. It shall be the Licensee's responsibility to properly sign and stripe in accordance with applicable standards.

[Section 907.1., Pasco County LDC]

2. All vehicular use areas shall comply with the applicable requirements of the ADA. To the extent consistent with the ADA, all handicapped parking spaces shall be signed and marked/striped in accordance with Chapter 316, F.S., and the Florida DOT *Manual on Uniform Traffic Control Devices* (2018).

[Chapter 316, F.S.; Agreement between Pasco County and Licensee]

SECTION B: SPECIFIC CONDITIONS

L. Natural Resources

1. If evidence of the presence of Florida or federally protected plant and/or animal species is discovered within the SHCCF or the temporary construction parking and laydown area during construction, the Licensee shall notify Pasco County and applicable agencies within 2 working days of the discovery of the protected species. The Licensee shall immediately stop all work in the affected area until compliance with state and federal guidelines can be demonstrated.

[Section 803, Pasco County LDC]

2. The Licensee shall provide a 100 percent Gopher Tortoise Burrow Survey, conducted according to FWC Guidelines. The Licensee shall coordinate with and provide the FWC and Pasco County gopher tortoise relocation information in accordance with the FWC approved Gopher Tortoise Management Plan and Gopher Tortoise Permitting Guidelines as a post-certification submittal.

[Sections 403.5.B.1.o. and 803.2.C., Pasco County LDC]

M. Historical Resources

If, during construction activities, any evidence of historic resources including, but not limited to, aboriginal or historic pottery, prehistoric stone tools, bone or shell tools, historic trash pits, or historic building foundation, are discovered on the SHCCF or in the temporary construction parking and laydown area, the Licensee shall immediately stop all work and shall notify the Department of State DHR (State Historic Preservation Officer) and Pasco County within 2 working days of the resources being found.

[Section 809.5., Pasco County LDC]

N. Temporary Construction Parking and Laydown Area) Buffer and Access Conditions

1. Pursuant to Pasco County's LDC Section 905.2.D.5., the Licensee may not remove any vegetation within a 10-foot-wide buffer area across the northern perimeter of the temporary construction parking and laydown area, where it abuts the existing PCRRF. This vegetative buffer area shall be maintained until the Licensee completes construction of the SHCCF and no longer utilizes the temporary construction parking and laydown area.

[Section 905.2.D.5., Pasco County LDC]

2. Prior to the start of clearing and grubbing, site preparation, or any soil disturbance, the Licensee shall provide a copy of the applicable National Pollutant Discharge Elimination System (NPDES) Stormwater Permit, per Pasco County LDC Section 902.1.D, to the Pasco County Stormwater Management Department as a post-certification submittal. Licensee shall also notify the Stormwater Management Division 5 days prior to commencing any clearing and grubbing, site preparation, or any soil disturbance.

[Section 902.1.D., Pasco County LDC]

3. The Licensee shall prepare a tree survey in accordance with Pasco County LDC Section 802.3.B.1.b.(1) and provide the tree survey to Pasco County Development Review as a post-certification submittal.

SECTION B: SPECIFIC CONDITIONS

[Section 802.3.B.1.b.(1), Pasco County LDC]

4. Based on the tree survey, the Licensee shall pay a fee to Pasco County for planned tree removals for the caliper inches of replacement trees not planted in accordance with Pasco County LDC Section 802.3.C. and Pasco County Board of County Commission (BOCC) Resolution 08- 284.

[Section 802.3.C., Pasco County LDC; Resolution 08-284, Pasco County BOCC]

5. Licensee shall comply with tree protection requirements as identified in Pasco County.

[Section 802.3.G., Pasco County LDC]

O. Construction Trailers

Licensee shall notify Pasco County Utilities in writing within 5 working days after successful completion of performance testing of the zero liquid discharge system. Within 90 days thereafter unless otherwise mutually agreed to between the Licensee and Pasco County, the Licensee shall remove all temporary construction trailers from SHCCF and the temporary construction parking and laydown area.

[Section 18-52, Pasco County Code of Ordinances]

HISTORY

Certification Issued 12/3/2018; signed by Secretary Valenstein

Modified (A) 4/3/2019 by Siting Administrator Mulkey

Modified (B) 5/13/2025 by Deputy Director Mulkey

ATTACHMENTS

ATTACHMENT A: SHCCF Map(s)

(to be inserted upon submittal)

ATTACHMENT B: Surface Water Management System (SWMS) Plan

A. Completion of Construction

Once SHCCF construction has been deemed complete, including the re-stabilization of all side slopes, embankments, and other disturbed areas, and before the transfer to the operation and maintenance phase, all obsolete erosion control materials shall be removed.

B. Operation and Maintenance Phase

1. The SWMS conveyance pipes shall be maintained free of blockage and the pond must be kept free of obstructions or blockage by sediment. Any scouring or erosion at these locations must be repaired.

2. The approved SWMS shall only be used for the purpose of controlling surface water runoff from the site and shall not be used to dispose of or store any solid/liquid waste or products generated or used during operation or construction of the facility.

3. Percolation performance shall be evaluated within the ponds at least every third year. If reworking the pond bottom fails to restore adequate percolation, additional retention area restoration shall be performed as follows:

a. Remove the top layer of the retention area bottom material to a depth of 2 to 3 inches and scarify or deep-rake the excavated bottom.

b. Replace excavated bottom material with suitably permeable material and restore the pond bottom to design grade.

4. Within 30 days of any failure of a SWMS or deviation from the authorized design, a report shall be submitted to the Department on Form 62-330.311(1), operation and maintenance inspection certification, describing the remedial actions taken to resolve the failure of deviation. This report shall be signed and sealed by a registered professional.

ATTACHMENTS

ATTACHMENT C: Mitigation Plan(s)

(to be inserted if applicable)

ATTACHMENTS

ATTACHMENT D: Groundwater Monitoring Requirements

(to be inserted if applicable)

ATTACHMENTS

ATTACHMENT E: Pasco County Special Exception

**BEFORE THE PLANNING COMMISSION
IN AND FOR PASCO COUNTY**

**IN RE: SPECIAL EXCEPTION APPLICATION NO. 7381
Shady Hills Power Company, LLC**

ORDER

THE PLANNING COMMISSION OF PASCO COUNTY, FLORIDA, on January 10, **2018**, with a quorum present and voting, after due public notice, being empowered under Chapter 200, Section 204 of the Pasco County Land Development Code (LDC) to hear and decide requests for special exceptions, does hereby make the following findings, conclusions, and interpretations as applied to the above special exception request to Amend Previous Special Exceptions SE-5528 and SE-7295:

1 . The Planning Commission has heard and considered the presentation and evidence of the applicant and individuals in opposition to and in favor of the application.

2 The Planning Commission has reviewed the report and recommendations of County staff, and hereby adopts the following findings of fact:

FINDINGS OF FACT:

1. Shady Hills Power Company, LLC (SHPC) owns a 30-acre parcel of property off of Merchant Energy Way currently. On December 8, 1999, the Planning Commission (PC) approved Special Exception Petition No. 5528 for the westernmost 20 acres of the 30-acre parcel. Special Exception No. 5528 resulted in the construction and operation of the Shady Hills Generating Station (SHGS}. Subsequently, in January of 2018, the Planning Commission approved Special Exception No. 7295 for the easternmost ten acres of the 30-acre parcel and incorporated by reference Special Exception No. 5528. Special Exception No. Petition 7295 will result in construction and operation of the Shady Hills Combined Cycle Facility (SHCCF) upon certification by the Florida Department of Environmental Protection (DEP} under the Florida Electrical Power Plant Siting Act (PPSA) (No. PA18-59). The applicant is proposing an amendment requesting revisions to those two special exceptions shown in strike through and underline format within the Recommended Conditions Section shown in the accompanying agenda memorandum.

2. Access to the site is from Merchant Energy Way, a private, 2-lane local paved roadway within a 24-foot wide (varies) privately-maintained right-of-way. The private portion of Merchant Energy Way ties into a 2-lane County paved roadway within a 24 foot wide (varies) county maintained right-of-way that connects to Hudson Avenue, a 2-lane local roadway within a 40 foot wide (varies) County-maintained right-of-way.

3. The subject site is located in Flood Zone "X," and development is subject to the requirements of the Land Development Code (LDC), Section 1104, Flood Damage Prevention.

4. The surrounding area is characterized by an electric generating plant, a wastewater treatment plant, a resource recovery facility, single family residential and a planned outdoor shooting range (Pasco County Sheriffs Office).

5. The subject area has been designated P/SP (PUBLIC/SEMI-PUBLIC) under the Comprehensive Plan. On June 19, 2018 the Board of County Commissioners (BCC) approved a Comprehensive Plan Amendment (CPAL18(08)) from RES-1 (RESIDENTIAL 1 DU/GA) to P/SP (PUBLIC/SEMI-PUBLIC),. The subject site was a portion of the subject request.

6. The subject site is within the South Market Area and Urban Service Area.

7. On November 30, 2018, the subject request was found to be exempt from Timing and Phasing (T & P No. 19-37) as the highest and best use of the proposed use would result in a gross trip increase of less than 50 peak hour trips, a.m. or p.m., whichever is higher (LDC, Section 901.12.C.1). Access Management Analysis and Substandard Road Review shall be performed at the time of Preliminary Site Plan, or Preliminary Development Plan, if applicable.

8. The proposed request is consistent with the LDC, Chapter 400, Permit Types and Applications; Section 402.4.E, Special Exception, Review Considerations; and the applicable provisions of the County's Comprehensive Plan.

Accordingly, it is hereby

ORDERED that Special Exception Application No. 7381 is hereby approved for the property described in Exhibit A and Exhibit B attached hereto, subject to the following conditions:

CONDITIONS OF APPROVAL

The following are conditions specific for that portion described in attached Exhibit A, amending SE-5528:

1. The owner/developer shall extend Hudson Avenue from Hays Road, along the southern boundary of Shady Hills Water Treatment Plant, to the western edge of the Shady Hills Generating Station (Parcel ID No. 25-24-17-0000-00100-0050) located directly adjacent to the south to County standards.
2. There shall be no access to the Shady Hills Generating Station via Softwind Lane. All access shall be via Hudson Avenue and Merchant Energy Way.
3. The owner/developer shall enter into a utility service agreement with Pasco County prior to site plan approval.
4. The owner/applicant acknowledges that any provisions of Pasco County ordinances not specifically waived shall be in full force and effect.
5. Prior to any development or redevelopment of the site, the owner/applicant shall submit and receive approval by complying with the County approved conditions established in the Florida Electrical Power Plant Siting Act Certification Order and Conditions of Certification, No. PA18-59.
6. Calculation of allowable density and intensity shall be in compliance with the land use category limitations set forth in the Pasco County Comprehensive Plan.

The following are conditions specific for that portion described in attached Exhibit B, amending SE-7295:

1. The owner/developer shall provide a new driveway to and loop road around the perimeter of the proposed Shady Hills Combined Cycle Facility. An access-management analysis is not required to be submitted by the applicant. However, access-management land development code (LDC) requirements may be reviewed as part of the final construction plan review process.
2. All permanent access to the Shady Hills Combined Cycle Facility, following completion of construction and removal of the construction trailers, shall be via Hudson Avenue and Merchant Energy Way.

Access via Softwind Lane shall be allowed on a temporary basis during construction of the Shady Hills Combined Cycle Facility.

3. The owner/applicant acknowledges that any provision of Pasco County ordinances, not specifically waived shall be in full force and effect.

4. The owner/applicant shall enter into a utility service agreement with Pasco County prior to site plan approval.

5. Prior to any development or redevelopment of the site, the owner/applicant shall submit and receive approval by complying with the County approved conditions established in the Florida Electrical Power Plant Siting Act Certification Order and Conditions of Certification, No. PA18-59.

6. Calculation of allowable density and intensity shall be in compliance with the land use category limitations set forth in the Pasco County Comprehensive Plan:

7. This special exception shall be limited to the following power generating facilities: Essential public services use of power generating facilities (-150' stack), heat recovery steam generator, gas turbine, inlet air filter, generator, take-off tower/circuit breaker/line disconnect switch, step-up transformer, fuel gas condition and pressure regulation station, gas metering yard, auxiliary boiler area (-50' stack), circulating water pumps, cooling tower (fan height 50 steam turbine, electric power distribution center (PDC) 1,500 sq. ft. +/-, surface condenser, new lines, rebuilds and maintenance needs) and associated and ancillary equipment for generation to occur.

8. This approval is subject to the provisions of the LDC, Section 402.4 .1, Revocation of Special Exception and Conditional Use Approvals. In addition, staff may initiate enforcement for violations of the conditions of approval by any of the methods available in the LDC, Section 108, or through revocation of the Special Exception pursuant to the provisions of the LDC, Section 402.4.1, Revocation of Special Exception and Conditional Use Approvals, or both, except as otherwise provided under the Florida Electrical Power Plant Siting Act, Certification Order and Conditions of Certification, No. PA18-59.

9. In addition to complying with the above conditions, no activity shall commence on site until such time as the acknowledgment portion of this document is completed (including notarization) and received by the Planning and Development Department after the final action.

Special Exception 5528 took effect on December 8, 1999. Special Exception 7295 took effect on January 10, 2018. The amendments to Special Exception 5528 and 7295 (adopted by Special Exception 7381) shall be effective January 10, 2019; however, removal of the berm along the east property line of the Special Exception 5528 property shall not occur until after the acknowledgement portion of Special Exception 7381 is completed (including notarization) and received by the Planning and Development Department.

AND ORDERED effective as of this 10th day of January, 2019.

PLANNING COMMISSION OF
PASCO COUNTY, FLORIDA



CHARLES R. GREY, CHAIRMAN



NEI, Ph.D., CLERK & COMPTROLLER