STATE OF FLORIDA

DEPARTMENT

OF

ENVIRONMENTAL PROTECTION

Conditions of Certification

Tampa Electric Company

Polk Power Station

IGCC Unit 1

Units 2-5 Conversion

PA 92-32A3

XXXXXXXXXXXX

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ATTACHMENTS & APPENDICES

SECTION A: GENERAL CONDITIONS

I. SCOPE

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 Tampa Electric Company (TEC) as owner/operator and Licensee of Polk Power Station (PPS) – Units 1-2. Subject to the requirements contained in these Conditions of Certification (Conditions), TEC will operate a 1420 megawatt (MW) ultimate site capacity. These units are located in Polk County, Florida. The UTM coordinates are: Zone 17,402.45 km East and 3067.35 km North. The Department does not intend, solely by the incorporation of these General Conditions, to require the retrofitting of existing certified facilities.

B. The Certified Facility includes but is not limited to the following major associated facilities;

Unit 1 260MW integrated gasification combined cycle unit
Unit 2 (Units2-5 combined) 1160 MW combined cycle generating unit
755 acre cooling reservoir
CSX Transportation, Inc. rail spur
Florida Gas Transmission natural gas pipeline
The following corridor segments and substations and are shown in Attachment A;

- PPS – Fishhawk transmission line corridor (will shrink to ROW)
- PPS – Pebbledale transmission line corridor (will shrink to ROW)

C. These Conditions, unless specifically amended or modified, are binding upon the Licensee and shall apply to the construction, operation and maintenance of the certified facility. If a conflict should occur between the design criteria of this certified facility 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 the electrical power plant as defined by 403.503(14), F.S., but excluding off-site linear and non-linear associated facilities, the Licensee shall provide to the Department in .pdf format: a survey map signed by a professional land surveyor, or acceptable equivalent documentation such as an official legal description, delineating the boundaries of the site as defined by Section 403.503(28), F.S., and an aerial photograph delineating the boundaries of the site. The survey map and aerial photograph shall be identified as the Site Delineation and attached hereto as part of Attachment A (Maps).

The Licensee shall notify the Department of any change to the site boundary depicted in the Site Delineation 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 site for review by the Department. Absent the above description/delineation of the site, the Department will consider the perimeter fence line of the property on which the electrical power plant's generating facility and on-site support facilities are located to be the boundaries of the site.

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

F. Within 120 days after completion of construction of any off-site associated non-linear facilities, the Licensee shall provide to the Department in .pdf format; a survey map signed by a professional land surveyor, or acceptable equivalent documentation such as an official legal description, delineating the boundaries of the certified areas for each off-site non-linear certified facility; and an aerial photograph delineating the boundaries of the certified area for each off-site non-linear certified facility. The survey map(s) and aerial photograph(s) shall be known as Delineation of the Certified Areas of the Offsite Non-linear Facilities and attached hereto as part of Attachment A (Maps).

G. Within 180 days after completion of construction of any new off-site associated linear facilities, as defined by Section 403.503(7), F.S., the Licensee shall provide; an aerial photograph(s)/map(s) at a scale of at least 1:400, or acceptable equivalent documentation such as an official legal description or survey map(s) signed by a professional land surveyor, delineating the boundaries of the certified area for the linear facilities, following acquisition of all necessary property interests and the corridor narrowing as described in Section 403.503(11), F.S., which shall be known as the Delineation of Certified Off-Site Linear Facilities and attached as part of Attachment A (Maps).

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

[Sections 403.511, 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 Power Plant Station shall be in accordance with all applicable non-procedural provisions of F.S. and Florida Administrative Code (F.A.C.), including, but not limited to, the applicable non-procedural portions of the following regulations, except to the extent a variance, exception, exemption or other relief is granted in the final order of certification or in a subsequent modification to the Conditions, under any federal permit or as otherwise provided under Chapter 403:

Florida Administrative Codes:
18-2 (Management of Uplands Vested in the Board of Trustees)
18-14 (Administrative Fines for Damaging State Lands)
18-20 (Aquatic Preserves)
18-21 (Sovereign Submerged Lands Management)

62-4 (Permits)
62-17 (Electrical Power Plant Siting)
62-25 (Regulation of Stormwater Discharge)
62-40 (Water Resource Implementation Rule)
62-150 (Hazardous Substance Release Notification)
62-160 (Quality Assurance)
62-204 (Air Pollution Control-General Provisions)
62-210 (Stationary Sources-General Requirements)
62-212 (Stationary Sources-Preconstruction Review)
62-213 (Operation Permits for Major Sources of Air Pollution)
62-214 (Requirements for Sources Subject to the Federal Acid Rain Program)
62-256 (Open Burning)
62-296 (Stationary Sources-Emission Standards)
62-297 (Stationary Sources-Emission Monitoring)
62-301 (Surface Waters of the State)
62-302 (Surface Water Quality Standards)
62-304 (Total Maximum Daily Loads)
62-312 (Dredge and Fill Activities)
62-330 (Environmental Resource Permitting)
62-340 (Delineation of the Landward Extent of Wetlands and Surface Waters)
62-341 (Noticed General Environmental Resource Permits)
62-343 (Environmental Resource Permit Procedures)
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)
62-770 (Petroleum Contamination Site Clean-Up Criteria)
62-780 (Contaminated Site Clean-Up Criteria)
62-807 (Natural Gas Transmission Pipeline)
62-814 (Electric and Magnetic Fields)
64E-6 (Standards for Onsite Sewage Treatment and Disposal Systems)

40D-4 (Individual Environmental Resource Permits)
40D-8 (Water Levels and Rates of Flow)
40D-40 (Standard General Environmental Resource Permits)
Basis of Review for ERP Applications

III. REVISIONS TO DEPARTMENT STATUTES AND RULES

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

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

[Section 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, 372, and 403, F.S., and any regulation adopted pursuant thereto and the statutes and regulations of any agency and the definitions set forth below. In the event of any dispute over the meaning of a term used in these Conditions which is not defined in such statutes or regulations, such dispute shall be resolved by reference to the most relevant definitions contained in any other state or federal statute or regulation or, in the alternative by the use of the commonly accepted meaning as determined by the Department. As used herein, the following shall apply:

A. “Application” means the Site Certification Application (SCA) for the Polk Power Station Project, as supplemented.

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

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

D. “Certified Facility” or “Certified Facilities” means the certified electrical power generation facilities and all on- or off-site associated structures including but not limited to:

steam generating units, transformers, substations, fuel and water storage tanks, air and water pollution control equipment, storm water control ponds and facilities, cooling towers, reclaimed water pipelines and pump stations and related structures. This term shall also mean linear and associated facilities, including but not limited to: reclaimed water pipelines and pump stations, transmission lines, natural gas pipelines, and compressor stations.

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

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

G. "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, and necessitating new or replacement gas pipeline, transmission lines, or access facilities.

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

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

J. "ISO" shall mean International Organization for Standardization, ISO 3977-1978 (E) standard conditions for gas turbines = 14.7 psia, 15^{o}C, relative humidity 60 percent.

K. "Licensee" means an applicant that has obtained a certification order for the subject project.

L. "Power plant" shall mean the electric power generating equipment and appurtenances to be constructed on the Polk Power Station site in Polk County, as generally depicted in the Application.

M. "Project" shall mean the TEC Polk Power Station (PPS) and all associated facilities, including: the power plant, coal gasification plant, sulfuric acid plant and related facilities, and the cooling reservoir and related facilities.

N.. "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 403.503927), F.S.

O. "SWF WMD" means the Southwest Florida Water Management District, respectively.

V. DEPARTMENT PERMITS UNDER FEDERAL PROGRAMS

This certification is not a waiver of any other Department approval that may be required under federally delegated or approved programs. The Department may consider a violation of any of these permits as a violation of this license.

A. Air

All Air Construction Permits and Title V Air Operation Permits in force for the certified parts of facility ID 1050233 are incorporated by reference herein as part of these Conditions. The Air Construction Permits and Title V Air Operation Permits can be found at this web link using the facility ID number listed above: http://appprod.dep.state.fl.us/air/emission/apds/default.asp.

[Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-214, 62-296, and 62-297, F.A.C.]

B. Water

1. NPDES Industrial Wastewater Discharge

Licensee shall comply with all applicable provisions of NPDES Permit No. FL0043869 (attached as Appendix I) as well as any subsequent modifications, amendments and/or renewals.

[Chapter 62-620, F.A.C.]

2. Underground Injection Control

Any construction or operation of injection wells shall be in accordance with all applicable provisions of UIC permit No. 0281232 (attached as Appendix II) as well as any subsequent modifications, amendments and/or renewals.

[Chapter 62-528, F.A.C.]

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

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

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

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

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

4. NPDES Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity.

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

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

5. NPDES Generic Permits for Discharge of Produced Ground Water from any Non-Contaminated Site Activity and from Petroleum Contaminated Sites.

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

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

6. NPDES Generic Permit for Discharges from Concrete Batch Plants

Prior to discharges from concrete batch plants which meet the criteria specified in DEP Document 62-621.300(3)(a), (excluding Part III when using any new batch plants and excluding Part II when using any existing batch plants) the Licensee must first obtain coverage under the Generic Permit for Discharges from Concrete Batch Plants. This generic permit also constitutes authorization to construct and operate closed loop recycling vehicle/equipment washing facilities at concrete batch plants. New and existing concrete batch plants which do not qualify for coverage or do not choose to be covered under this generic permit shall apply for an individual wastewater permit on the appropriate form listed in Rule 62-620.910, F.A.C. and in the manner established in Chapter 62-620, F.A.C. DEP Document number 62-621.300(3)(a) contains specific design and operating requirements for discharges from wastewater and stormwater management systems at concrete batch plants.

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

VI. 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 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 Sections 403.516, F.S., and Rule 62-17.211, F.A.C., is binding upon the Licensee in the design, construction, operation and maintenance of the certified facility.

[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 notify the Southwest District office of the DEP by telephone within a working day that said noncompliance occurs and shall confirm this in writing at 13051 North Telecom Parkway, Temple Terrace, FL 33637 within seventy-two (72) hours of becoming aware of such conditions, and shall supply 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.

3. The Licensee shall report all critical (having potential to significantly pollute surface or ground waters) spills of liquid or liquid-solid materials not confined to a building or similar containment structure to the Department by phone immediately after the discovery and submit a written report within forty-eight (48) hours, excluding weekends, from the original notification. The written report shall include, but not be limited to, a detailed description of how the spill occurred, the name and chemical make-up (include any MSDS sheets) of the substance, the amount spilled, the time and date of the spill, the name and title of the person who first reported the spill, the areal size of the spill and surface types (impervious, ground, water bodies, etc.) it impacted, the cleanup procedures taken and status of completion, and include a map or aerial photograph showing the extent and paths of the material flow. Any deviation from this requirement must receive prior approval from the Department.

B. The Licensee shall promptly notify the SCO in writing of any previously submitted information concerning the Certified Facility that is later discovered to be inaccurate.

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

C. Within 60 days after certification of an associated linear facility the Licensee shall file a notice of the certified route with the Department 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 whether the certification of the corridor will result in the acquisition of rights-of-way within the corridor. The Licensee shall certify to the Department and clerk that all lands required for the transmission line rights-of-way within the corridor have been acquired within such county within 30 days after completion of the right-of-way acquisition.

[Section 403.5112, F.S.]

VIII. REPLACEMENT FOR RESTORATION OF SYSTEM INTEGRITY AND EMERGENCY CONDITIONS

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

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

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

IX. CONSTRUCTION PRACTICES

A. Local Building Codes

Subject to the conditions set forth herein, this certification constitutes the sole license of the state and any agency as to the approval of the location of the site and any associated facility and the construction and operation of any certified facility. The Licensee is not required to obtain building permits for certified facilities. 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. Such fees and compliance with such construction codes are outside the scope of this certification.

[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 5I-2, F.A.C.

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

C. Vegetation

For areas located in any Florida Department of Transportation (DOT) ROW, Chapter 7 of the Florida DOT *Utility Accommodation Manual* available on the DOT website (http://www2.dot.state.fl.us/proceduraldocuments/procedures/bin/710020001/Chapter-7.pdf) shall serve as guidelines for best management practices.

E. 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.]

H. Existing Wells

Any existing wells to be impacted in the path of construction that will no longer be used shall be abandoned by a licensed well contractor. All abandoned wells shall be filled and sealed in accordance with subsection 62-532.500(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.]

I. 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 certified facility and any authorized off-site mitigation/compensation or otherwise associated areas:

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

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

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

[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.

[Sections 120.57, F.S. and 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, conditions, 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, license termination, license revocation, or license revision. The Licensee is placed on notice that the Department may review this certification periodically and may initiate enforcement action for any violation of these Conditions.

B. All records, notes, monitoring data and other information relating to the construction or operation of the certified facility which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the certified facility and arising under the Florida Statutes or Department rules, 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, 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 Sections 403.512, 403.532, and 403.9425, 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 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 certified facility that are the cause of such action, and other portions of the certified facility shall remain unaffected by such action.

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

XV. REGULATORY COMPLIANCE

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

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

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 certification, applicable rules or regulations of the Department, or any other state statutes or regulations which may apply.

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

XVII. USE OF STATE LANDS

A. The issuance of this license 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 certified facility 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. If any portion of the certified facility is located on sovereign submerged lands, the Licensee must submit section G of the Joint Application for Environmental Resource Permits to the Department prior to construction. If any portion of the certified facility is located on state-owned uplands, the Licensee must submit an Upland Easement Application to the Department prior to construction.

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

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

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

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

XVIII. PROCEDURAL RIGHTS

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.

[Sections 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 48

3900 Commonwealth Blvd.
Tallahassee, FL 32399-3900

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

Florida Department of Economic Opportunity (Formerly DCA)
Office of the Secretary
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100

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

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

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

Southwest Florida Water Management District
Office of General Counsel
2379 Broad Street
Brooksville, Florida 34609-6899

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

Polk County
Office of General Council
POB 9000
Bartow, FL 33831-9000

[Section 403.511, F.S.]

XX. 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 transmission line ROW and the construction and maintenance of the transmission line and the plant facilities. 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.

B. Filings

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

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

C. Completeness

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

D. Interagency Meetings

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

E. Determination of Compliance

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

F. Commencement of Construction

If DEP does not object within the time period specified in paragraph E. above, TEC 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 site-specific designs occur after submittal, the Licensee shall submit revised plans prior to construction for review.

H. Variation to Submittal Requirements

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

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

XXI. POST-CERTIFICATION SUBMITTAL REQUIREMENTS SUMMARY

Within 90 days after certification, and within 90 days after any subsequent modification or certification, the Licensee shall provide the Department a complete summary of those post-certification submittals that are identified in these Conditions where due-dates for the information required of the Licensee are identified. A summary shall be provided as a separate document for each transmission line, if any. Such submittals shall include, but are not limited to, monitoring reports, management plans, and wildlife surveys. The summary shall be provided to the SCO, in a sortable spreadsheet, via email, in the format identified 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.]

XXII. POST CERTIFICATION AMENDMENTS

If, subsequent to certification, the Licensee proposes any material change to the SCA and revisions or amendments thereto, as certified, the Licensee shall submit a written request for amendment and a description of the proposed change to the SCA to the Department. Within 30 days after the receipt of a complete request for an amendment, the Department shall determine whether the proposed change to the application requires a modification to the 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 Sections 403.516, F.S.

[Section 403.5113, F.S]

XXIII. MODIFICATION OF CERTIFICATION

A. Pursuant to Sections 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.

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

E. Any anticipated facility change that results in a change to the Site Delineation or the Delineation of the Certified Area, attached hereto as part of Attachment A (Maps), must be accompanied by a map or aerial photo showing the proposed new boundaries of the site and/or certified area. Within 120 days after completion of construction of the approved facility change, the Licensee shall provide the information required by Section A. General Conditions, Condition I. Scope, paragraphs D, E, F, or G, as appropriate.

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

XXIV. COASTAL ZONE CONSISTENCY

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

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

XXV. TRANSFER OF CERTIFICATION

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 certified facility may be initiated by the Licensee's filing of a Notice of Intent to Transfer Certification with the Department. The notice of intent shall: identify the intended new certification holder or Licensee; identity 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 and applicable laws and 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 certified facility in accordance with the conditions of certification and which are proper applicants as defined by the PPSA. Upon determination that such a successor entity complies with the requirements for transfer of certification, the Department will initiate a modification to the Conditions to reflect the change in ownership in accordance with Rule 62-17.211, F.A.C.

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

XXVI. LABORATORIES AND QUALITY ASSURANCE

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. Standard Operating Procedures can be downloaded from the following website: http://www.dep.state.fl.us/labs/library/lab_sops.htm

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

XXVII. ENVIRONMENTAL RESOURCES

A. General

1. Submittals for Construction Activities

a. Prior to the commencement of construction of new facilities and/or associated facilities the Licensee shall provide to the appropriate DEP District's Environmental Resource Permitting Section(s) for review, all information necessary for a complete *Joint Application for Environmental Resource Permit* (ERP), DEP Forms 62-343.900(1), and 62-312.900(1), as applicable.

These forms may be submitted; a) concurrently with a SCA, an amendment request, or a petition for modification; or b) as a post-certification submittal following approval of a project through certification, an amendment, or a modification. Such

ERP applications, once received, shall be reviewed in accordance with the 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, 62-341, 62-343, and 62-346, F.A.C., as applicable unless otherwise stated in these Conditions.

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

No construction shall commence until the appropriate notification from the Department has been received, or in the case of post-certification submittals the time period for notification by the Department has expired.

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

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

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

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

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

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

[Sections 373.421, 403.504, F.S.]

B. Surface Water Management

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

2. All construction, operation, and maintenance of the surface water management system(s) for the Certified Facilities shall be as set forth in the plans, specifications and performance criteria contained in the ERP Application form and the surface water management system operation/management plans approved by this license. The Department approved surface water management system operation/management plans shall be incorporated herein as Attachment B, as well as any subsequent alterations, amendments, and/or modifications thereto. Any

subsequent alterations, amendments, or modification to the approved surface water management system and/or operation/management plans shall require prior approval from the Department.

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

4. The Licensee shall complete construction of all aspects of the surface water management system described in the DEP ERP Application Form, as part of a postcertification submittal, amendment, or modification, including water quality treatment features, and discharge control facilities prior to use of the portion of the Certified Facility being served by the surface water management system.

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

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 site infrastructure located within the area served by that portion or phase of the system.

7. Within 30 days after completion of construction of any new portions of the surface water management system, the Licensee shall submit to the SCO and DEP District Office a written statement of completion and certification by a registered professional engineer (P.E.), or other appropriate registered professional, as authorized by law, utilizing the required “As-Built Certification by a Registered Professional” (DEP Form 62-343.900(5) or 62-346.900(4), F.A.C., as applicable). Additionally, if deviations from the 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 COCs, may constitute grounds for revocation or enforcement action by the Department. Examples of substantial deviations may include excavation of ponds, ditches or sump areas deeper than shown on the approved plans.

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

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

C. Wetland and Other Surface Water Impacts

1. All certified facilities shall be constructed in a manner which will avoid or minimize adverse impacts to on-site and/or adjacent wetlands or other surface waters to the extent feasible. Except as otherwise provided in Chapter 62-341, F.A.C., when unavoidable impacts to wetlands will occur, an applicant may propose and the Department shall consider mitigation to offset otherwise unpermittable activities under the Environmental Resource Permit review process pursuant to Condition XXVIII. A.1.a above.

2. Proposed mitigation plans submitted with the DEP ERP Application forms required in Condition XXVIII. 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 B.

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

XXVIII. 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 certified site/area. Such third party activities authorized by the Licensee may include but are not limited to mining, hunting, and timbering.

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

XXIX. FACILITY OPERATION

The Licensee shall properly operate and maintain the certified facility and systems of treatment and control (and related appurtenances) that are installed and used by the Licensee to achieve compliance with these 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 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.]

XXX. RECORDS MAINTAINED AT THE FACILITY

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

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 three (3) years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.

C. Records of monitoring information shall include:

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

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

XXXI. WATER DISCHARGES

A. Discharges

1. The Licensee shall not discharge to surface waters wastes which are acutely toxic, or present in concentrations which are carcinogenic, mutagenic, or teratogenic to human beings or to significant locally occurring wildlife or aquatic species. The Licensee shall not discharge to ground waters wastes in concentrations which, alone or in combination with other substances, or components of discharges (whether thermal or non-thermal) are carcinogenic, mutagenic, teratogenic, or toxic to human beings (unless specific criteria are established for such components in Rule 62-520.400, 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.

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

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

[Chapters 62-4, 62-302, 62-520, 62-550, and 62-620, F.A.C., and Rule 62-621.300, F.A.C.]

B. Wastewater Incident Reporting

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

The Licensee shall provide the following information, to the extent known, to the applicable DEP District Office in the 24-hr oral report:

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

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

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

d. Any unauthorized discharge to surface or ground waters.

A written submission shall also be provided within five days of the time the Licensee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance including exact dates and time, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

2. For unauthorized releases or spills of treated or untreated wastewater reported that are in excess of 1,000 gallons per incident, or where information indicates that public health or the environment will be endangered, oral reports shall be provided to the Department by calling the STATE WARNING POINT NUMBER (800) 320-0519, as soon as practical, but no later than 24 hours from the time the Licensee becomes aware of the discharge. The Licensee, to the extent known, shall provide the following information to the State Warning Point:

a. Name, address, and telephone number of person reporting;

b. Name, address, and telephone number of Licensee or responsible person for the discharge;

c. Date and time of the discharge and status of discharge (ongoing or ceased);

d. Characteristics of the wastewater spilled or released (untreated or treated, industrial or domestic wastewater);

e. Estimated amount of the discharge;

f. Location or address of the discharge;

g. Source and cause of the discharge;

h. Whether the discharge was contained on-site, and cleanup actions taken to date;

i. Description of area affected by the discharge, including name of water body affected, if any; and

j. Other persons or agencies contacted.

3. If the oral report has been received within 24 hours, the noncompliance has been corrected, and the noncompliance did not endanger health or the environment, the Department shall waive the written report.

[Chapter 403, F.S.; subsection 62-620.610(20), F.A.C.]

XXXII. 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 certified facility during construction, operation, and maintenance.

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

B. Hazardous Waste and Used Oil

The Licensee shall comply with all applicable non-procedural provisions of DEP Chapter 62-730, F.A.C., for any hazardous waste generated within the certified facility. 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 kg (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 certified facility.

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 certified facility.

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

C. Hazardous Substance Release Notification

1. Any owner or operator of a facility who has knowledge of any release of a hazardous substance from a certified facility in a quantity equal to or exceeding the reportable

quantity in any 24-hour period shall notify the Department by calling the STATE WARNING POINT NUMBER, (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.]

D. Used Oil, Petroleum Contact Water and Spent Mercury

The Licensee shall comply with all applicable provisions of Chapter 62-710, F.A.C., for any used oil including oil filters, Chapter 62-740, F.A.C., for any petroleum contact water, and Chapter 62-737, F.A.C., for any spent mercury containing lamps and devices generated within the certified facility during construction and operation.

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

E. Contaminated Site Cleanup

The Licensee shall comply with all applicable non-procedural provisions of DEP Chapter 62-780, F.A.C., for any violations of relevant provisions of Chapter 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 Chapter 376 or 403, F.S., or rules promulgated pursuant to Chapter 376 or 403, F.S.

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

XXXIII. STORAGE TANK SYSTEMS

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

A. Incident Notification Requirements.

Notification of the discovery of the loss of a regulated substance from a storage tank system exceeding 100 gallons on impervious surfaces, other than secondary containment, such as driveways, airport runways, or other similar asphalt or concrete surfaces, provided that the loss does not come in contact with pervious surfaces; or of the discovery of any other incident listed in subsections 62-761.450(2) or 62-762.451(2), F.A.C., shall be made to the 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 62-761.450(3)(a), F.A.C., including a spill or overfill event of a regulated substance to soil or another pervious surface, equal to or exceeding 25 gallons, unless the regulated substance has a more stringent reporting requirement specified in C.F.R. Title 40, Part 302.

C. Discharge Cleanup

If a discharge of a regulated substance occurs at a certified facility, actions shall be taken immediately to contain, remove, and abate the discharge under all applicable Department rules (for example, Chapter 62-770, F.A.C., Petroleum Contamination Site Cleanup Criteria). The Licensees 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 62-770, F.A.C., corrective action, including free product recovery, shall be performed in accordance with that Chapter.

D. Out of Service and Closure Requirements

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.

SECTION B: PLANT SPECIFIC CONDITIONS

I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

A. Drinking Water Facilities

1. Prior Approval

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

b. In order to obtain approval to construct a potable water supply system which includes an on-site water treatment facility, the following information must be submitted to the Department no earlier than one (1) year prior to the date that the water supply system is proposed for construction:

(1) A completed and fully executed "Application to Construct a Public Drinking Water System" form which complies with the requirements of the rules and regulations of the Department in effect as of the date that the request for approval to commence construction of the system is made to the Department.

(2) Copy of the well driller's well completion report for each well to be used as a potable water supply well.

(3) Complete water quality analysis of the raw water from each individual well to be used as a potable water supply well. Analysis of composite samples will not be accepted. The analysis must include all water quality parameters required for the classification of the water supply system being proposed pursuant to the rules and regulations of the Department in effect as of the date that the request for approval to construct the system is made to the Department. Each individual analysis must have been performed by a laboratory certified by the state to perform that particular potable water quality analysis and must have an analysis date within one (1) year of the date that the request for approval to construct the water supply system is made to the Department.

(4) Complete specifications for the material and workmanship for the entire potable water supply system for which the request for approval to construct is being made. The specifications must be signed and sealed by an engineer registered in the state of Florida and must provide documentation that the material and workmanship will comply with all applicable rules and regulations of the Department in effect as of the date that the request for approval to construct is made to the Department.

(5) Complete engineering drawings of the entire proposed potable water supply system for which approval to construct is being requested. The drawings must demonstrate full compliance with all applicable rules and regulations of the Department in effect as of the date that the request is made to the Department for approval to construct the system. The drawings must be signed and sealed by an engineer registered in the state of Florida.

(6) Site plan showing the location of each potable water supply well. The site plan must include all proposed and existing, above and below grade, facilities,

natural formations (e.g., streams, creeks, etc.), structures, etc. within a minimum of a complete five hundred (500) foot radius of each wellhead; however, if any facility, natural formation, structure, etc., is located outside of the five hundred (500) foot radius and that facility, natural formation, structure, etc., has a setback distance from the wellhead greater than five hundred (500) feet established in applicable rules of the Department in effect as of the date that the request for approval to construct is made, then that facility, natural formation, structure, etc., must also be shown on the site plan requested here. The site plan must be certified for accuracy by the professional engineer registered in the state of Florida responsible for design of the potable water supply system.

(7) Signed and sealed comprehensive engineering report on the proposed potable water supply system which fully describes the project and basis of design. The report must include design data and such pertinent data to give an accurate understanding of the work to be undertaken and must provide supporting documentation that the potable water system as proposed will comply with all applicable rules and regulations of the Department in effect as of the date that the request for approval to construct the water supply system is made to the Department.

c. Construction of potable water lines for the purpose of obtaining potable water from an off-site public water supply system is not covered by the conditions of certification. To obtain permission to connect to such a potable water system, TEC shall submit a modification request pursuant to 403.516, F.S., in accordance with the requirements of Chapter 62-555, F.A.C.

d. Prior to submitting any information to the Department for review of the proposed potable water supply system, all wells that are proposed for use as potable water supply wells and that will be included in the request for approval to construct the water supply system must have been constructed and fully developed. Once the well has been fully developed and the water samples collected, the well must be properly capped (or isolated from the potable water system) until written approval to construct the potable water supply system has been issued by the Department.

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

2. Construction

a. TEC must retain the services of a project engineer registered in the state of Florida to observe that the construction of the water supply system is in accordance with the plans and specifications approved by the Department. The project engineer will be responsible for certifying to the Department that he/she observed the construction and that the construction conformed to the plans and specifications approved by the Department.

b. The approval to construct the potable water supply system will be in effect for two (2) years from the date of issuance. All construction of the potable water supply system must be completed within this two (2) year period unless a written request for an extension of this date is made to the Department at least sixty (60) days prior to the expiration of the construction approval, and written approval for an extension of the expiration date is issued by the Department. The expiration date of the construction approval may be extended on a year by year basis; however, under no circumstances will the approval to construct the water supply system be extended beyond three (3) years from the date of the earliest water quality analysis of the initial wells. The request for an extension of the expiration date must be accompanied by an analysis of the raw water from each well for each water quality parameter required pursuant to the requirements of the rules and regulations of the Department in effect as of the date that the request for the extension is made. Such an analysis and a request for approval shall be submitted and approved prior to constructing and operating any portion of the appurtenances necessary to connect and operate that new well to the existing system for each new well added to the potable water system after the initial system is constructed and approved. The water quality analysis report submitted with this request must have an analysis date no earlier than one (1) year from the date that the request for an extension of the expiration date is made, must have been performed by a laboratory certified by the state to perform the analysis, and must contain no water quality violations other than those for which the water supply system was originally designed to address. The maximum length of time that the approval or each subsequent approval for the construction of the potable water system may be in effect is five (5) years from the date of the original approval or for subsequent approvals from the date of issuance of each approval. Should the construction of the water supply system not be completed within that five (5) year period, should TEC have failed to request a timely extension of the approval expiration date, or should any water quality analysis submitted with the request for an extension of the expiration date demonstrate the presence of a contaminant for which the water treatment plant was not originally designed to handle, or as additional wells are installed on-site and proposed for connection to the potable water system, TEC will have to make a new request to the Department for approval to construct the potable water system. That request must meet the submittal and approval requirements of the rules of the Department in effect as of the date that the request for approval is submitted and will be subject to the same review schedule as the original request.

3. Operation

a. No portion of the potable water supply system may be placed into service without the prior written approval of the Department. Placing any portion of the potable water supply system into service prior to receipt of this written approval will be considered as a violation of the conditions of certification.

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

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

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

e. All construction or activity taking place in the vicinity of the potable water supply wells must conform with the setback distances from a potable water supply well established in the rules of the Department at the time that the construction or activity is proposed and must be coordinated with the Department.

f. TEC must provide, in accordance with applicable state rules, a certified water treatment plant operator who meets the staffing requirements for the type and capacity of the water treatment system cleared for service.

g. The water meter at the potable water treatment plant(s) must be read at approximately the same time each day, seven days per week, and both the meter reading and the gallons of water pumped to distribution recorded in the plant log.

h. The certified water treatment plant operator must submit a report on the operation of the water treatment plant(s) to the Department monthly in the manner required by the rules and regulations of the Department.

i. The drinking water must be analyzed for all applicable water quality parameters to the degree and frequency required by the rules and regulations of the Department. The analysis must be performed in accordance with these rules and regulations and submitted to the Department in the format required by these rules and regulations.

j. The one day maximum day demand for the period of time covering the most recent twelve (12) months of operation of the water treatment plant may not exceed the capacity of the water treatment plant approved for construction and cleared for use by the Department. Should the demand on any one day during a twelve (12) month period exceed the capacity of the water treatment plant, TEC shall submit a request for any expansion of the potable water system for review and approval.

k. TEC must plan, design, obtain approval for, and construct all necessary modifications to its water supply system in a timely manner in order to provide sufficient capacity to meet the potable water demands of its system.

l. TEC must operate the water supply system in such a manner as to comply with the provisions of Chapter 403, F.S., and all the rules of the Department.

B. Industrial Wastewater

1. The Licensee shall assure that the sludge filter cake generated from the industrial wastewater treatment plant will meet the leachate standards established by the Toxicity Characteristic Leaching Procedure prior to its disposal.

2. The solids generated by the brine concentration system should be concentrated or dewatered to obtain a solids content of 50 percent or greater prior to disposal off-site.

3. Water Treatment Systems

a. Low Volume Wastes - All discharges of low volume wastes shall be treated in an adequately sized and constructed treatment facility prior to discharge into the cooling pond. TEC shall demonstrate that the discharge of reject water from the wastewater treatment plant will not cause or contribute to a violation of water quality standards at the POD from the cooling pond. Such demonstration will include as a minimum the testing of treated discharges as required by Condition I.B.12.

b. Submission of Plans - The Licensee shall submit to the Department at least ninety (90) days prior to start of construction of the industrial waste treatment system a set of drawings, signed and sealed by a professional engineer registered in the state of Florida, showing the construction details of the proposed lime/soda ash pretreatment system and multi-stage reverse osmosis system.

c. Record Drawings for the Reclaimed water treatment system, neutralization system and the High-Temperature Syngas Cleanup and Carbon Capture and Sequestration Treatment System-

i. Prior to placing the new facilities into operation or any individual unit processes into operation, for any purpose other than testing for leaks and equipment operation, the licensee shall complete and submit to the Department DEP Form 62-620.910(12), Notification of Completion of Construction for Wastewater Facilities or Activities. *[62-620.410(7)]*

ii. Within six months after a facility is placed in operation, the permittee shall submit to the Department's SWD, record drawings and written certification on Form 62-620.910(13) that a copy of the record drawings pursuant to Chapter 62-600, F.A.C., is available at the location specified on the form. *[62-620.410(6)]*

d. Chemical Metal Cleaning - Chemical metal cleaning wastes shall be disposed off-site in an approved treatment system or disposal area. Prior to operation, TEC shall provide the name and address of the firm holding the contract for off-site disposal to the Southwest District office of the DEP.

4. The Licensee shall ensure that construction and subsequent operation of the cooling pond, and its system of above-grade internal dikes and external berms shall be in strict accordance with the best engineering practices, using Chapter 62-672, F.A.C., where applicable as a guide.

5. The Licensee shall ensure that a vegetative or non-vegetative cover adequate to inhibit wind and water erosion shall be established and maintained on all exposed dam surfaces. Such vegetation shall be maintained by the Licensee sufficiently low enough to permit visual inspection of the soil surfaces in critical areas outlined in Section 62-672.400(1), F.A.C.

6. The Licensee shall, at a minimum, inspect the cooling pond once per week as prescribed in Section 62-672.500(2), F.A.C.

7. An inspection of the cooling pond berms shall be conducted annually by a professional engineer registered in Florida experienced in the field of construction and maintenance of dams. A copy of the inspection report shall be furnished, upon receipt by the Licensee, to the Department for review [Section 62-672.500(5), F.A.C.].

8. The Licensee shall ensure that the cooling pond will be designed, constructed and operated to maintain a surge capacity equal to the runoff from a 100-year, 24-hour rainfall event, plus the flow of all process water diverted from the power plant operation.

9. The Licensee shall dispose of all waste oil collected from the oil/water separator in a Department approved manner.

10. The Licensee shall not allow any waste sludge or other solid waste to be discharged into the receiving waters either directly or indirectly.

11. During the period of operation authorized by this license, the wastewater facilities shall be operated under the supervision of a person who is qualified by formal training and/or practical experience in the field of water pollution control. *[62-620.320(6)]*

12. Sampling and Design

Within twelve (12) months from commencement of operation of the IGCC, each of the waste streams discharged to the cooling reservoir shall be properly characterized through an approved sampling and analytical protocol.

a. Ninety (90) days prior to operation of the unit producing the listed waste stream, TEC shall submit for approval a sampling and analysis plan identifying the expected frequency of each wastewater discharge, appropriate sampling parameters, expected variability of the wastewater stream quality and a proposed sampling schedule.

b. The sampling plan shall also include an assessment of the effectiveness of each of the wastewater treatment units prior to discharge to the cooling pond. Effluent sampling shall be conducted for each unit through a plan submitted as specified in Condition I.C.1.

c. Upon approval by the Department, the sampling and analysis plan specified in Condition I.C.1. shall be implemented.

13. The Licensee is authorized to use and treat reclaimed water from the City of Lakeland as an alternative supply to ground water for cooling reservoir make up water.

14. The Licensee is authorized to provide treatment for Polk Unit 1 to remove sulfur, reduce trace contaminants and convert removed sulfur compounds to elemental sulfur. Carbon dioxide in the cleaned syngas will be temporarily captured. The Licensee shall notify the Department within 30 days of the completion of the pilot project.

15. Monitoring requirements under these Conditions are effective on the first day of the second month following the issuance of Modification N. Until such time, the licensee shall continue to monitor and report in accordance with previously effective Condition requirements, if any. During the period of operation authorized by these Conditions, the licensee shall complete and submit to the Department Discharge Monitoring Reports (DMRs) in accordance with the frequencies specified by the REPORT type (i.e. monthly, toxicity, quarterly, semiannual, annual, etc.) indicated on the DMR forms attached to these Conditions. Monitoring results for each monitoring period shall be submitted in accordance with the associated DMR due dates below.

REPORT Type on DMR	Monitoring Period	Mail or Electronically Submit by
Monthly or Toxicity	first day of month - last day of month	28th day of following month

Quarterly	January 1 - March 31 April 1 - June 30 July 1 - September 30 October 1 - December 31	April 28 July 28 October 28 January 28
Semiannual	January 1 - June 30 July 1 - December 30	July 28 January 28
Annual	January 1 - December 31	January 28

The licensee may submit either paper or electronic DMR forms. If submitting paper DMR forms, the licensee shall make copies of the attached DMR forms, without altering the original format or content unless approved by the Department, and shall submit the completed DMR forms to the Department postmarked by the twenty-eighth (28th) of the month following the month of operation at the addresses specified below:

Originals to:

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

Copies to:

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

Siting Coordination Office
SCO@dep.state.fl.us

If submitting electronic DMR forms, the licensee shall use the electronic DMR system(s) approved in writing by the Department and shall electronically submit the completed DMR forms to the Department by the twenty-eighth (28th) of the month following the month of operation. Data submitted in electronic format is equivalent to data submitted on signed and certified paper DMR forms. [62-620.610(18)]

The Licensee may submit electronic DMRs (eDMRs). Additional information and application forms can be found at the following website:

http://www.dep.state.fl.us/water/wastewater/wce/edmr/

For additional information on wastewater electronic reporting, please contact the eDMR Administrator by email at eDMRadmin@dep.state.fl.us or by phone at (850) 245-8567.

[Rules 62-620.610(18) and 62-601.300(1),(2), and (3), F.A.C.]

C. Industrial Wastewater Ground Water Monitoring

1. The Licensee shall comply with the requirements of the approved Polk Power Station (PPS) Groundwater Construction, Operation and Maintenance Requirements (GWCOMR) – Industrial Wastewater (Attachment C-1 to these Conditions). A violation of the requirements of the GWCOMR shall be a violation of these Conditions.

TECO shall abide by the conditions of the approved site-wide GWCOMR and any subsequent modification thereof for the continued authorized discharge of industrial waste water to ground water. Such provisions shall be fully enforceable as conditions of this certification.

a. The requirements of the GWCOMR shall include, but not be limited to, at least the following:

i. monitoring well construction requirements,

ii. updated aerial showing all monitoring wells (existing and new),

iii. a description of the complete IWW system including IWW treatment systems, and monitoring wells,

iv. parameters to be sampled at each monitoring well,

v. monitoring frequencies, and

vi. operation requirements.

b. The GWCOMR shall be revised to comply with the provisions contained in Rules 62-620.325 and 62-620.345, F.A.C., if applicable, or to comply with any applicable effluent standard or limitation issued or approved under Section 301(b)(2)(C) and (D), 304(b)(2) and 307(a)(2) of the Clean Water Act (the Act), as amended, by change in the effluent standards, limitations, or water quality standards previously issued or approved. Revisions to the GWMOMR which involve the following shall be considered a modification to these Conditions and shall be processed in accordance with Section 403.516(1)(c), F.S., and Rule 62-17.211, F.A.C. as applicable.

i. New major sources or deletion of existing major sources of wastewater;

ii. Improvements made to existing, or new wastewater treatment facilities including those which provide for a new or expanded land application system which will result in an increase in the permitted capacity;

iii. Incorporation of newly promulgated applicable rules which are not currently reflected in the License or promulgated rules which are more stringent than the existing conditions in the License;

iv. Pollutants not addressed in the GWCOMR or these Conditions;

c. All other revisions or updates to the GWCOMR shall be submitted to the DEP Southwest District Office Industrial Wastewater Program as appropriate for review and approval with copies to the Siting Office. Review shall be in accordance with Section A, Condition XIII. Procedures for Post-Certification Submittals. Additionally, the GWCOMR may be updated to adjust effluent limitations or monitoring requirements should future Water Quality Based Effluent Limitation determinations, water quality studies, DEP approved changes in water quality standards, or other information show a need for a different limitation or monitoring requirement. The Department may develop a Total Maximum Daily Load (TMDL). Once a TMDL has been established and adopted by rule, the Department shall revise the GWCOMR or these Conditions to incorporate the final findings of the TMDL

d. The licensee shall provide verbal notice to the Department as soon as practical after discovery of a sinkhole within an area for the management or application of wastewater or sludge. The licensee shall immediately implement measures appropriate to control the entry of contaminants, and shall detail these measures to the Department in a written report within 7 days of the sinkhole discovery.

2. The Zone of Discharge for each site, shall be horizontally located 100 feet from the disposal site boundary and as defined by the locations and depths of compliance wells.

[62-520.200(27), F.A.C.]

3. Consideration of requests for ground water variances shall be postponed until two (2) years after the beginning of plant operations. A variance from the drinking water quality standard for antimony may be granted by the Department upon demonstration that levels of antimony in the cooling pond exceed the standard in Rule 62-520, F.A.C. However, if representative ambient values for iron and color are shown to already exceed secondary drinking water standards, then these representative values shall be the prevailing standard.

[62-520.420(2), F.A.C.]

D. Mine Reclamation Requirements

1. Land Donation

In lieu of reclamation and restoration, TEC shall donate 1,511 acres of land in Tract B of the Polk Power Station site in Polk County to the Board of Trustees of the Internal Improvement Trust Fund, donate 589 acres of submerged lands adjacent to the Cockroach Bay Aquatic preserve the Tampa Bay Port Authority, and abide by the Conservation Easement for uplands adjacent to Cockroach Bay in Hillsborough County as granted to the State of Florida Board of Trustees in consideration for the variance to phosphate mine reclamation requirements and to provide significant regional benefit to wildlife and the environment as required for variances in accordance with Section 378.212(1) Florida Statutes. Such donation and transfer of ownership shall be as attached as Attachment D hereto and as described in the Easement recorded in Hillsborough County Public Records Official Record Book 12822, Pages 1397 thru 1423; and the Conservation Easement as recorded in Hillsborough County Public Records Official Record Book 12822, Pages 1424 through 1452.

2. Dragline Walk Path

TEC shall retain an easement along the west side of State Road 37 sufficiently wide for use as a drag-line walk path. TEC shall be responsible for notifying the Siting Coordination Office, and the Department's Bureau of Mine Reclamation of a proposed usage of the drag-line walk path on the west side of SR 37 at least fifteen (15) days prior to the event. With the notification, TEC shall provide the Bureau of Mine Reclamation and the

Southwest District Office with certified drawings showing the proposed modifications to jurisdictional wetland areas. Within twenty-four (24) hours of the dragline crossing, any wetlands that were impacted by the crossing, shall be restored to original grade and stabilized by either planting or sodding. Use of the drag-line walk path for a future transmission line corridor will require TEC to submit an amendment to the original application and to submit a petition for modification of the applicable conditions of certification.

3. Cockroach Bay

After transferring ownership of the approximately 589 acres of submerged lands in Hillsborough County adjacent to the Cockroach Bay Aquatic Preserve to the Tampa Bay Port Authority, and the Conservation Easement uplands and wetlands to the State of Florida Board of Trustees, as described in Condition I.F.4. above and Attachment D, TEC shall provide the State with easements for access and for management purposes including permanent State access to the uplands north of the Reeder property and at the shell pits located at the southwest side of the parcel as described in Attachment D. If TEC should decide to sell lands they hold in ownership that buffer the 1433 acres of uplands property, TEC shall offer a public entity including the State, Hillsborough County, or Southwest Florida Water Management District, or a non-profit entity, whose mission is conservation, the right of first refusal.

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.

B. Overweight or Overdimensional Loads

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

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

All usage and crossing of State of Florida right of way or transportation facilities will be subject to Rule Chapter 14-46, Utilities Installation or Adjustment, Florida Administrative Code; Florida Department of Transportation's Utility Accommodation Manual (Document 710-020-001); Design Standards for Design, Construction, Maintenance and Utility Operation on the State Highway System; Standard Specifications for Road and Bridge Construction; and pertinent sections of the Florida Department of Transportation's Project Development and Environmental Manual. State Road 37 and County Road 630 have been identified as Florida Intrastate Highway System (FIHS) and Strategic Intermodal System's (SIS) facilities. The placement of the transmission line and pipeline should take into consideration the planned widening of these facilities. The cost of relocating or reconstructing the transmission line and pipeline will be borne by the applicant to the extent required by Section 337.403, F.S., and Rule Chapter 14-46, F.A.C.

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.

E. Drainage

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

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 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 Pmt 77, Subpart C for any structure that is located within a 10-nautical-mile radius of the geographical center of a public-use airport or military airfield in Florida will be required to submit information for an Airspace Obstruction Permit from the Florida Department of Transportation or variance from local government depending on the entity with jurisdictional authority over the site of the proposed structure. The FAA Determination regarding the structure serves only as a review of its impact on federal airspace and is not an authorization to proceed with any construction. However, FAA recommendations for marking and/or lighting of the proposed structure are made mandatory by Florida law. For a site under Florida Department of Transportation jurisdiction, application will be made by submitting Florida Department Transportation Form 725·040-11, Airspace Obstruction Permit Application, in accordance with the instructions therein.

G. Level of Service on State Roadway Facilities

All traffic impacts to State roadway facilities not on the FIRS, the SIS, or funded by Section 339.2819, Florida Statutes, will be subject to adequate level of service standards established by the local governments.

H, Best Management Practices

Traffic control during facility construction and maintenance will be subject to the standards contained in the Manual on Uniform Traffic Control Devices; Rule Chapter 14-94, Statewide Minimum Level of Service Standards, Florida Administrative Code; Florida Department of Transportation's Design Standards for Design, Construction, Maintenance and Utility 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. It is recommended that the applicant encourage transportation demand management techniques by doing the following: A temporary traffic control plan for handling construction related traffic is needed subject to the requirements and standards. The plan will need to be approved by Florida Department of Transportation prior to construction. If the applicant uses contractors for the delivery of any overweight or overdimensional loads to the site during construction, the applicant should ensure that its contractors adhere to the necessary standards and receive the necessary permits required under Chapter 316, F.S., and Rule Chapter 14-26, Safety Regulations and Permit Fees for Overweight and Overdimensional Vehicles, F.A.C.

III. DEPARTMENT OF ECONOMIC OPPORTUNITY

A. To the extent feasible, TEC shall avoid guyed transmission line structures in any residential areas to reduce visual impact.

B. To the extent feasible, TEC shall locate the proposed linear facilities within existing utility rights-of-way.

C. To the extent feasible, TEC shall locate the transmission line away from residences, schools, and places of employment.

IV. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

A. General Listed Species Survey

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 associated facilities and/or expansions of plant site and accessible appropriate buffers as defined by the listed species' survey protocols, prior to conducting detailed surveys.

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

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

B. Specific Listed Species Surveys

Before land clearing and construction activities within associated facilities and/or plant site expansions occur, the Licensee shall conduct an assessment for listed species which shall note all habitat, occurrence or evidence of listed species. Listed species to be included in this survey shall include the bald eagle and those species listed as endangered, threatened, or of special concern by the FWC or those listed as endangered or threatened by U.S. Fish and Wildlife Service (USFWS). Wildlife surveys shall be conducted in the reproductive or "active" season for each species that falls before the projected clearing activity schedule unless otherwise approved by the FWC or USFWS. For species that are difficult to detect, the Licensee may make the assumption that the species is present and plan appropriate avoidance/mitigation measures after consultation and approval from the FWC.

1. This survey shall be conducted in accordance with USFWS/FWC guidelines and methodologies by a person or firm that is knowledgeable and experienced in conducting flora and fauna surveys for each potentially occurring listed species.

2. This survey shall identify any wading bird colonies within the project that may be affected.

3. This survey shall identify locations of breeding sites, nests, and burrows for listed wildlife species. Nests and burrows may be recorded with 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, rather than around individual nests and burrows, and be physically marked so that clearing and construction shall avoid impacting them.

4. This survey shall include an estimate of the acreage and percent cover of each existing vegetation community (Florida Land Use, Cover and Forms Classification System, or FLUCFCS, at the third degree of detail) including a wildlife-based habitat classification scheme such as the Comprehensive Wildlife Conservation Strategy (FWC 2005), Descriptions of Vegetation and Land Cover Types (FWC 2004), or Natural Communities Guide (FNAI 1990) of each community that is contained within associated facilities and/or plant site expansions prior to land clearing and construction activities using GIS.

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

C. Listed Species Locations

Where any suitable habitat or evidence is found of the presence of listed species within the associated facilities and/or plant site expansions, the Licensee shall report those locations to, and confer with, the appropriate regulatory agencies for possible additional pre-clearing surveys and to identify potential mitigation, or avoidance recommendations. If pre-clearing surveys are required, they shall be timed to be reasonably compatible with the construction schedule, considering the anticipated date for the start of construction within an associated facilities and/or plant site expansion. 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 as follows:

1. Listed Wildlife Species:

If listed wildlife species are found, their presence shall be reported to the DEP Siting Coordination Office, the appropriate DEP District Office(s), the FWC, the appropriate WMD, the appropriate local government(s), the USFWS, and the National Park Service as appropriate.

2. Species Management Plan:

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 involved to avoid, minimize, mitigate, or otherwise appropriately address potential impacts. For wildlife species, these steps shall be memorialized in a Wildlife Management Plan and submitted to the FWC.

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

V. DEPARTMENT OF STATE – DIVISION OF HISTORICAL RESOURCES

A. The Licensee shall conduct a survey of sensitive cultural resource areas, as determined in consultation with the Department of State, Division of Historical Resources (DHR) prior to any construction of certified facilities. 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 S. Bronough Street, Rm 423, Tallahassee, Florida 32399-0250, telephone number (850) 487-6333, and the Licensee shall consult with DHR to determine appropriate action.

[Sections 267.061, 403.531, and 872.02, F.S.]

VI. SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

A. Water Use Permitting Conditions

1. If any of the statements in the application and in the supporting data are found to be untrue and/or inaccurate, or if TEC fails to comply with all of the provisions of Chapter 373, F.S., Chapter 40D, F.A.C., or the conditions set forth herein, the SWFWMD shall initiate action for suspension or revocation of certification.

2. This certificate is issued based on information provided by TEC demonstrating that the use of water is reasonable and beneficial, is consistent with the public interest, and will not interfere with any existing legal use of water. If it is determined by the SWFWMD that the use is not reasonable and beneficial, is not in the public interest, or does impact an existing legal use of water, the SWFWMD shall initiate action for suspension or revocation of certification.

3. TEC shall not deviate from any of the water use related terms or conditions of the site certificate without written approval by the SWFWMD.

4. In the event the SWFWMD declares that a water shortage exists pursuant to Chapter 40D-21, F.A.C., the SWFWMD shall initiate any required action to alter, modify, or declare inactive all or parts of this certification as necessary to address the water shortage.

5. The SWFWMD shall collect water samples from any withdrawal point listed in the certificate or shall require TEC to submit water samples when the SWFWMD determines there is a potential for adverse impacts to water quality.

6. The SWFWMD shall initiate any necessary action to require TEC to cease or reduce withdrawal if water levels in aquifers fall below the minimum levels established by the Governing Board.

7. TEC shall practice water conservation to increase the efficiency of transport, application, and use, as well as to decrease waste and to minimize runoff from the property. At such time as the Governing Board adopts specific conservation requirements for TEC's water use classification, the SWFWMD shall initiate any required action to make this certification subject to those requirements upon notice and after a reasonable period for compliance.

8. The SWFWMD may establish special regulations for permits within the regions designated a Water Use Caution Area. If the SWFWMD has established, or establishes in the future, a Water Use Caution Area for the region that encompasses this certificate, at such time as the Governing Board adopts such special regulations, the SWFWMD shall initiate any required action to make TEC subject to them upon notice and after a reasonable period for compliance.

9. TEC shall mitigate, to the satisfaction of the SWFWMD, any adverse impact to existing legal uses caused by withdrawals. When adverse impacts occur or are imminent, the SWFWMD shall require TEC to mitigate the impacts. Adverse impacts include, but are not limited to:

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

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

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

10. TEC shall mitigate to the satisfaction of the SWFWMD any adverse impact to environmental features or off-site land uses as a result of withdrawals. When adverse impacts occur or are imminent, the SWFWMD shall require TEC to mitigate the impacts. Adverse impacts include the following:

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

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

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

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

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

12. TEC must notify the SWFWMD within thirty (30) days of the sale or transfer of permitted water withdrawal facilities or the land on which the facilities are located.

13. All reports required by the certificate shall be submitted to the SWFWMD on or before the tenth day of the month following data collection and shall be addressed to:

Southwest Florida Water Management District
Permits Data Section
2379 Broad Street
Brooksville, Florida 34609-6899

Unless otherwise indicated, three (3) copies of each plan or report, with the exception of pumpage, rainfall, evapo-transpiration, water level or water quality data which require one copy, are required by the certification.

14. Subject to the provisions of Condition ~~XX~~VI.A.27, TEC is authorized to withdraw from the Upper Floridan aquifer in support of the 260 MW nominal net generating capacity an amount of water not to exceed 5.24 MGD Annual Average Daily and 7.4 MGD Peak Month Daily. TEC is further authorized to withdraw, in support of 1,150 MW nominal net ultimate site capacity at its Polk Power Station, up to a total of 6.4 MGD Annual Average Daily and 9.22 MGD Peak Month Daily of water from the Upper Floridan aquifer, subject to the following conditions:

The total quantity of water which TEC is authorized to withdraw from the Upper Floridan aquifer shall be limited to 6.4 MGD Annual Average Daily, which amount is determined by the SWFWMD not to have an adverse effect on other legal existing users. However, withdrawal of any water from the Upper Floridan aquifer beyond 5.24 MGD Annual Average Daily and 7.4 MGD Peak Month Daily shall be subject to additional conditions. These conditions shall be applied during review pursuant to Section 403.517, F.S., of any supplemental application for the construction and operation of additional generating units or a further increment of generating capacity at the Polk Power Station. The conditions are as follows:

a. TEC shall demonstrate that any incremental quantity of process or cooling water which it proposes to withdraw from the Upper Floridan aquifer in support of generating units will be minimized to the greatest extent practicable by prudent technologically and economically feasible water conservation practices consistent with those generally required within the Southern Water Use Caution Area (SWUCA) of SWFWMD, including but not limited to the following:

(1) Minimization of loss of water from the site during construction;

(2) Use of water-conserving electric generation and pollution control technologies;

(3) On-site rainwater and storm water capture and management;

(4) Reuse of internal wastewater streams of technologically suitable quality;

(5) Reuse of treated wastewater of technologically suitable quality available from other sources, such as publicly-owned sewage treatment facilities; and,

(6) Use of other available sources of non-potable water of technologically suitable quality.

b. To the extent that total water use in the SWUCA is fixed in a manner which limits the withdrawal of Upper Floridan aquifer water for TEC's Polk Power Station, withdrawal by TEC from that source of any quantity greater than 5.24 MGD Annual Average Daily and 7.4 MGD Peak Month Daily must also be either:

(1) Offset by retirement of permitted quantities which are actively used within the SWUCA, to the extent such quantities are eligible to provide offset, pursuant to agreements between TEC and other Licensees which are subject to review by SWFWMD for conformity with generally applicable standards; or,

(2) Approved through the "competing application process" under the applicable standards of Section 373.233, F.S., and applicable SWFWMD rules.

c. To the extent that total water use in the SWUCA is not fixed in a manner which limits the withdrawal of Upper Floridan aquifer water for TEC's Polk Power Station, TEC may withdraw from that source up to 6.4 MGD Annual Average Daily and 9.22 MGD Peak Month Daily subject to the requirements of Condition VI.A.14.a(1)., but not subject to those of Condition VI.A.14.a(2).

15. TEC shall investigate the feasibility of using reclaimed water as a water source and submit a report describing the feasibility to the Permits Data Section by January 1, 1995. The report shall contain an analysis of reclaimed water sources for the area, including the relative location of these sources to TEC's property, the quantity of reclaimed water available, the projected date(s) of availability, costs associated with obtaining the reclaimed water, and an implementation schedule for reuse, if feasible. Infeasibility shall be supported with a detailed explanation.

16. Within ninety (90) days of completion of construction of the withdrawal facility or prior to activation of a standby source, District ID Nos. 1, 2, 3, and 4, TEC ID Nos. P1, P2, P3, and P4, shall be equipped with non-resettable, totalizing flow meters, or other measuring devices as approved in writing by the Permitting Department Director, Resource Regulation, unless an extension is granted by the Director. Such devices shall have and maintain ~~an~~ accuracy within five percent of the actual flow as installed. Total withdrawal and meter readings from each metered withdrawal shall be recorded on a monthly basis and reported to the Permits Data Section (using district forms) on or before the tenth (10^{th}) day of the following month. If a metered withdrawal is not utilized during a given month, a report shall be submitted to the Permits Data Section indicating zero gallons. Prior to meter installation, non-use shall be documented with monthly pumpage reports indicating zero gallons withdrawn.

17. Water quality samples shall be collected and analyzed, for parameter(s) and frequency(ies) specified below. Water quality samples from production wells shall be collected whether or not the well is being used, unless infeasible. If sampling is infeasible, TEC shall indicate the reason for not sampling on the water quality data form. Water quality samples shall be analyzed by a Department of Health (DOH) certified laboratory under Environmental Laboratory Certification General Category "1". At a minimum, water quality samples shall be collected after pumping the well at its normal rate for a pumping time specified in the table below, or to a constant temperature, pH, and conductivity. In addition, TEC's sampling procedure shall follow the handling and chain-of-custody procedures designated by the certified laboratory which will undertake the analysis. Any variance in sampling and/or analytical methods shall have prior approval of the SWFWMD Permitting Department Director, Resource

Regulation. Reports of the analyses shall be submitted to the Permits Data Section (using SWFWMD forms) on or before the tenth (10^{th}) day of the following month, and shall include the signature of an authorized representative and the certification number of the certified laboratory which undertook the analysis. The parameters and frequency of sampling and analysis may be modified by the SWFWMD Permitting Department Director, Resource Regulation, as necessary to ensure the protection of the resource.

SWFWMD ID NO	TEC ID NO.	MINIMUM PUMPING TIME (MINUTES)	PARAMETER	SAMPLING FREQUENCY
1	P1	45 minutes	Chlorides, Sulfates, TDS	Feb., May, Aug.,& Nov.

Water quality samples shall be collected based on the following time table:

Quarterly Same week of months specified

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

18. During drilling of SWFWMD ID Nos. 1 and 4, TEC ID Nos. P1 and P4, water quality samples shall be collected at intervals of 50 feet or less, from 300 feet to a maximum depth of five feet above the bottom of the well. Regardless of the specified sample collection interval, a sample shall be collected from the depth which corresponds to five feet above the bottom of the well. Samples shall be collected during reverse air drilling or other appropriate method with prior approval by the SWFWMD Permitting Department Director, Resource Regulation, which will allow representative samples for each depth to be collected. Samples shall be analyzed by a certified laboratory for chlorides, sulfates, and TDS. TEC's sampling procedure shall follow the handling and chain-of-custody procedures designated by the certified laboratory which will undertake the analysis. Reports of the analyses shall be submitted to the Permits Data Section (using SWFWMD forms) within thirty (30) days of sampling, and shall include the signature of an authorized representative and the certification number of the Department of Health (DOH) certified laboratory under Environmental Laboratory Certification General Category "1" which undertook the analysis.

Analyses shall be performed according to procedures outlined in the current edition of *Standard Methods for the Examination of Water and Wastewater*, by the (APHA-AWWA-WPCF) or *Methods for Chemical Analyses of Water and Wastes*, by the U.S. Environmental Protection Agency.

19. Within ninety (90) days of completion of construction of the first phase power generation facility, TEC shall install and maintain a continuous recording rain gauge in the area around SWFWMD ID No. 1. Total daily rainfall shall be recorded at this station and submitted to the Permits Data Section, on SWFWMD forms on or before the tenth day of the following month. The reporting period for these data shall begin on the first day of each month and end on the last day of each month. Final location shall be submitted plotted on an original

blue-line aerial map or United States Geological Survey quadrangle map, or by providing latitude - longitude location.

20. Any wells not in use and in which pumping equipment is not installed shall be capped or valved in a water tight manner in accordance with Chapter 62-532.500(3)(a)(4), F.A.C.

21. TEC shall construct the proposed wells according to the surface diameter and casing depth specifications below. The casing depth specified is to prevent the unauthorized interchange of water between different water bearing zones. If a total depth is listed below, this is an estimate, based on best available information, of the depth at which high producing zones are encountered. However, it is TEC's responsibility to have the water in the well sampled during well construction, before reaching the estimated total depth. Such sampling is necessary to ensure that the well does not encounter water quality that cannot be utilized by TEC, and to ensure that withdrawals from the well will not cause saltwater intrusion.

SWFWMD ID NO.	TEC ID NO.	SURFACE DIAMETER	MINIMUM CASING DEPTH	ESTIMATED TOTAL DEPTH
1	P1	10 in.	300 ft.	900 ft.
2	P2	10 in.	300 ft.	900 ft.
3	P3	24 in.	300 ft.	900 ft.
4	P4	24 in.	300 ft.	900 ft.

a. The casing shall be continuous from land surface to the minimum depth stated above;

b. All well casing (including liners and/or pipe) must be sealed with neat cement grout to the depth specified above;

c. The proposed wells(s) shall be constructed of materials that are resistant to degradation of the casing/grout due to interaction with water of lesser quality. A minimum grout thickness of two (2) inches is required on wells four (4) inches or more in diameter.

d. A minimum of twenty (20) feet overlap and two (2) centralizers is required for public supply wells, and all wells six (6) inches or more in diameter.

e. The finished well casing depth shall not vary from these specifications by greater than ten (10) percent unless advance approval is granted by the Permitting Department Director, Resource Regulation, or the supervisor of the Well Construction Permitting Section in Brooksville.

f. Advance approval from the Permitting Department Director, Resource Regulation is necessary should TEC propose to change the well location or casing diameter.

22. Within six (6) months of site certification issuance, TEC shall submit a detailed plan for a long-term aquifer performance test (APT) for approval by the Permitting Department Director, Resource Regulation. The test shall be conducted for a sufficient period of time to determine the leakance parameter between the surficial and intermediate aquifers and the

leakance parameter between the intermediate and Upper Floridan aquifers. The test shall be conducted for a minimum of seven (7) days, and shall include collection of water quality data (see Condition VI.A.21 for water quality parameters). Attempts will be made to conduct the test during a period of minimal adjacent pumpage and during a period of minimal rainfall to minimize interference with the test. This test shall take place prior to initiation of pumpage from these wells. A report of the results of the test, including all raw data and analyses, shall be provided to the Permits Data Section within thirty (30) days of the completion of the test.

If any of the aquifer characteristics vary significantly from those used in the ground water flow model submitted with the certification, TEC shall submit an updated ground water flow model upon notification by the Permitting Department Director, Resource Regulation. This model shall utilize the actual aquifer characteristics determined during the APT to predict impacts due to ground water withdrawals at this site. If the new modeling (if required) indicates that there are adverse impacts not indicated in the SCA, TEC may be required to amend the Site Certification.

23. By January 1, 1998, TEC shall submit for approval by the Permitting Department Director, Resource Regulation, a water conservation plan for the purposes of documenting the current ground water use for each aspect of the plant's water use operations, and the existing and proposed water conservation programs which are, or will be, implemented to conserve ground water at the plant. The plan shall address the following:

a. Current Plant Operation

(1) For ground water and recycled surface water sources, separately document the processes which use water, and the magnitude of the use in terms of average annual and peak monthly quantities;

(2) For ground water and recycled surface water sources, separately document the range in monthly water use for each process;

(3) For ground water and recycled surface water sources, separately document the factors which contribute to monthly fluctuations in water use; and,

(4) Describe the methods used to determine the range in water use and the methods used to determine the factors which contribute to the water use fluctuations.

b. Future Plant Operation

(1) Determine processes which can be modified to reduce ground water dependency;

(2) Propose conservation measures for reducing ground water use and provide implementation dates; and,

(3) Propose methods for calculating the effectiveness of water conservation methods in Condition VI.A.23.b.(2) above.

24. Prior to dewatering within 2,640 feet of a property boundary, TEC shall comply with one of the following two (2) alternatives:

a. Secure written consent from all adjacent property users for lowering the water table below their lands. Three copies of the consent shall be submitted in writing to the Permitting Department Director, Resource Regulation prior to dewatering within the specified distance. This alternative cannot be used if adjacent lands contain wetlands or other water bodies within 2,640 feet of TEC's dewatering activity.

b. Implement a procedure to mitigate impacts by maintaining the water table at historic levels at the property boundary. TEC must obtain approval from the Permitting Department Director, Resource Regulation. The procedure shall include Conditions VI.A.25.a.,b.,c.,d., and e.

25. Prior to dewatering within 2,640 feet of an on- or off-site wetland that is greater than 0.5 acre in size and will not be disturbed in association with this certification, TEC shall implement a procedure to mitigate impacts by maintaining the water table at historic levels beneath such wetlands or at the property boundary for off-site wetlands. Prior to implementation, TEC must obtain approval, in writing, from the Permitting Department Director, Resource Regulation. The procedure shall include:

a. A water table monitoring network, approved by the Permitting Department Director, Resource Regulation, designed to demonstrate that water table drawdown does not exceed one foot under on-site wetlands that will not be disturbed.

b. Collection of water table level data after construction of the approved monitor well network for at least six (6) months prior to the initiation of dewatering in the area, to obtain background data. During this time period, water level data shall be recorded on a weekly basis and submitted monthly.

c. If a rim-ditch system is proposed to recharge the water table near on-site wetlands that will not be disturbed, design and operation details must be submitted to demonstrate that the water table will be maintained at appropriate levels based on the background data collected. Rim-ditch systems must also be accompanied by a monitor well network to verify water table maintenance.

d. At least one (1) month prior to the anticipated date of dewatering an area within the setback distance, water level data shall be recorded and submitted on a weekly basis.

e. Data collection shall continue for six (6) months following completion of dewatering and reclamation or until SWFWMD staff determine that background or steady-state levels are attained. During this time period, water level data shall be recorded on a weekly basis and reported monthly. Water levels shall be reported in feet relative to the National Geodetic Vertical Datum (N.G.V.D.).

26. TEC's current development schedule for ultimate site capacity at the Polk Power Station estimates incremental additions of generating capacity at an approximate average rate of approximately 72 MW (range of 65 to 220 MW) every two (2) to three (3) years for the period 1995 through 2010, both inclusive, for a total of approximately 1,150 MW nominal net generating capacity. The following additional requirements shall apply in order to ensure that TEC does not unnecessarily deprive other users of ground water:

a. In each supplemental application for the construction and operation of a further increment of generating capacity at the Polk Power Station, TEC shall indicate:

(1) Whether it has determined not to install any prior or subsequent increment of generating capacity;

(2) The basis for delay in the installation of any increment of generating capacity for more than five (5) years beyond the estimated schedule; and,

(3) The quantity of ground water from the Upper Floridan aquifer which any such increment of capacity that has been eliminated or delayed would have required.

b. If TEC has determined not to install any increment of generating capacity or in the absence of a reasonable basis for a delay greater than five (5) years, the quantity of ground water which TEC is authorized to withdraw from the Upper Floridan aquifer in support of ultimate site capacity may be reduced accordingly.

27. Prior to initiation of withdrawals from the proposed production wells in amounts in excess of 3.14 MGD Annual Average Daily and 5.8 MGD Peak Month Daily ground water quantities for the first phase, and 4.3 MGD Annual Average Daily and 7.6 MGD Peak Month Daily quantities for build-out, TEC must submit a detailed plan of study, including a detailed cost analysis for the treatment and reuse of the 2.1 MGD of cooling reservoir blowdown water (wastewater) that is proposed to be discharged to prevent the water quality in the cooling reservoir from exceeding Class III Florida water quality standards. This plan must address, but is not limited to: the initial investment capital costs for construction of the treatment facilities, operational costs of the treatment facility on an annual basis, costs associated with construction of the brine storage area, and the average cost to store and/or dispose of the brines on- or off-site. The study must also include a comparison of the above mentioned costs with the total budgeted project cost. TEC will also address the feasibility of reuse of treated wastewater of technologically suitable quality available from other sources, such as publicly owned sewage treatment facilities, and the feasibility of use of other available sources of non-potable water of technologically suitable quality. The study shall be submitted to the Permitting Department Director, Resource Regulation. Based on the information submitted, SWFWMD shall determine whether or not treatment of the wastewater is feasible. If SWFWMD, subject to approval pursuant to the site certification modification process, determines that treatment of this wastewater is economically feasible, then the first phase Annual Average Daily and Peak Month Daily ground water quantities shall be maintained at 3.14 MGD and 5.8 MGD, respectively, and the build-out Annual Average Daily and Peak Month Daily quantities shall be maintained at 4.3 MGD and 7.6 MGD, respectively. When treated wastewater is available to TEC for reuse and TEC can utilize the water, TEC shall prioritize the use of the treated wastewater above that of current groundwater withdrawals. If SWFWMD determines that treatment of this wastewater is economically infeasible, the quantities shall not change for the first phase.

If SWFWMD determines that treatment of the wastewater is infeasible for the first phase of the project, TEC shall submit a revised plan of study prior to any subsequent increases in power generation capacity and the corresponding increase in ground water requirements. If during the review of any of the subsequent plans of study SWFWMD determines that treatment of the wastewater is economically feasible, 2.1 MGD and 1.6 MGD, respectively, of the Annual Average Daily and Peak Month Daily quantities shall be designated as standby capacity from the quantities indicated in SWFWMD Water Use Condition VI.A.14. subject to approval pursuant to the site certification modification process.

VII. 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 certified facilities. 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.]

VIII. POLK COUNTY

A. CUP 92-05 Conditions

1. Permits

Copies of all federal permits and the PPSA certification order required for each phase of development of the Polk County Site facility shall be provided to the Polk County Planning Division Director prior to the commencement of building construction code compliance review.

2. Fuel

The project shall be restricted to the use of the following fuels: natural gas, coal, coal gas, petroleum coke, or oil unless a CUP modification is received.

3. Fire Protection Plan

Prior to obtaining a building permit, TEC shall submit an acceptable fire protection plan to Polk County outlining specific measures to be taken to meet all local fire codes and regulations. As part of these plans, TEC shall give consideration to foam systems for tank protection as discussed in NFPA 850(5-3.9.2) as part of the overall fire risk evaluation. The evaluation shall consider such factors as the specific type of tank to be utilized, exposure to other important structures, product value and resupply capability.

4. Emergency Management and Response Plans

Following site certification, and prior to commercial operation, TEC shall submit an acceptable Emergency Management Plan to Polk County (Office of Public Safety). This plan will detail emergency management procedures for any project-related, off-site incident in Polk County so as to minimize response time and maximize effectiveness to protect the public health, safety, and welfare.

5. Emergency Notice

TEC shall agree to immediately contact Polk County's Office of Public Safety when the applicant becomes aware of project-related off-site incidents which have the potential for affecting the public's health, safety, and welfare.

6. Transportation

a. In 1995, 1996, and 1997, TEC shall begin a traffic monitoring program at the intersection of SR 37 and CR 630 to monitor the need to install a traffic signal or to make geometric improvements. Intersection monitoring shall consist of conducting turning movement counts and a signal warrant analysis. The monitoring shall be conducted once in 1995, 1996, and 1997, during January, February, or March and reported to the Transportation

Section of the Planning Division. Should the traffic monitoring program show the need for a new traffic signal as a result of traffic to the Polk Power Station, it shall be the responsibility of TEC to install such a signal.

b. In 1995, 1996, and 1997, TEC shall begin a traffic monitoring program at the intersection of CR 630 and Fort Green Road to monitor the need to install a traffic signal or to make geometric improvements. Intersection monitoring shall consist of conducting turning movement counts and a signal warrant analysis. The monitoring shall be conducted once in 1995, 1996, and 1997, during January, February, or March. Should the traffic monitoring program show the need for improvements as a result of traffic to the Polk Power Station, it shall be the responsibility of TEC to install a new traffic signal or to make geometric improvements.

7. Solid Waste Disposal

a. TEC shall be responsible for proper disposal of slag and/or ash by-products produced in the power generation process at locations other than at county landfills.

b. TEC shall monitor ground water in relation to by-product and temporary storage areas and make available to the county all data produced from the ground water monitoring system. Upon 24-hour notice, TEC shall allow county staff members access to the site for purposes of examining the condition of the ground water monitoring equipment.

8. Hazardous Materials Storage

TEC shall report its storage and usage of hazardous material annually to Polk County's Environmental Services Department and shall allow the county to make random inspection of the facility to determine compliance with the reporting requirements. As part of the first report, TEC shall specifically address provision (a) through (g) of Comprehensive Plan Policy 2.310A4.

9. Spill Prevention Containment and Control Plan (SPCC)

TEC shall be required to submit a preliminary Spill Prevention Containment and Control Plan (SPCC) to the Polk County Public Safety Department and the Polk County Planning Department as part of the building construction code compliance review. The final SPCC Plan shall be submitted within six (6) months after the date the facility begins operations. Spill Prevention Containment and Control Plan updates and amendments, due to a change in design, construction, operation, technology, or maintenance, shall be submitted within six (6) months of such change.

10. Flood Study

TEC shall submit a flood study within one (1) year of release of reclamation of the site.

11. Stack Emissions Monitoring

TEC shall make available to the county all data produced from the emissions monitoring systems for the exhaust stack when requested and shall allow designated county staff members access to the site for purposes of examining the condition of this equipment, upon prior notice.

12. Compliance with Applicable Air Quality Regulations

TEC shall comply with applicable air quality regulations in effect at the time of filing of each site certification application or supplemental application for each phase of development of the Polk Power Station.

13. Wildlife Habitat Management Plan

Within one (1) year of release of reclamation of the site by DEP, TEC shall prepare a wildlife management plan in consultation with the Florida Game and Fresh Water Fish Commission, Polk County and other interested parties concerning that portion of TEC's site located west of SR 37.

14. Water Use and Conservation Reporting

TEC shall supply water use quantities, methods of water conservation, and estimates of water conservation if available, on an annual basis to Polk County (Planning and Water Resources Divisions).

15. Septic Tank Use

TEC shall comply with all provisions of Rule 64E-6 as applicable to septic tank systems.

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

B. Transmission Lines

TEC shall apply to Polk County for a modification to CUP 92-05 at the time it submits a supplement to or modification of its site certification application to the state regarding a defined, proposed corridor route for any new, proposed transmission lines associated with the TEC Polk Power Station site, other than those detailed in the CUP application.

C. Sinkhole Response Plan

TEC shall develop and submit to Polk County for approval six (6) months prior to commencing operation of the first commercial unit, a plan detailing the emergency measures to be implemented if a sinkhole occurs on the TEC site. TEC shall include a plan to address any necessary remedial actions required as a result of contamination to impacted aquifer(s) and surface water(s) if a sinkhole occurs on the TEC site.

D. Landscape Buffer

Landscaping shall be installed in accordance with the landscape plan included in the Site Certification Application.

E. Tall Structure Compliance

TEC shall, at the time it proposes to construct any structure over 500 feet in height at its site, comply with all regulations as imposed by the Polk County Airport Zoning Ordinance, prior to completion of building construction code compliance review for the units requiring such a structure.

F. Inspection and Permit Compliance Fees

Polk County shall be allowed to inspect any and all construction, operating, monitoring, sampling, and remediation activities which TEC conducts on site. Polk County shall provide notice to TEC prior to performing any such inspection. TEC shall be required to pay

Polk County all generally applicable building code compliance and inspection fees provided, however, that such fees shall be adjusted to reasonably reflect actual cost to the county.

G. Flood Protection

TEC during construction and operation shall maintain adequate flood protection berms to assure that residential properties will not receive floodwaters in the event of a berm failure. TEC shall perform and provide to Polk County an analysis of berm failure flood conditions including alternatives for minimizing obstruction and damage to roadways.

H. Reporting

TEC shall submit all reports and submissions to the Director of the Polk County Community Services Department in addition to the other departments as noted in the preceding conditions.

I. Fishing Lake

1. TEC shall construct the recreational fishing lakes on the parcel west of SR 37 as proposed in the 1996, submissions to the DEP. The ungraded "nesting islands" in the fishing lakes shall be planted with native trees as recommended by the Fish and Wildlife Conservation Commission.

2. TEC shall donate the 1,511 acres of land in Tract B west of State Road (SR) 37 and an associated $200,000 start-up fund to the Board of Trustees Internal Improvement Trust via established state lands donation procedures by December 31, 2011

VIII. HILLSBOROUGH COUNTY

Placement of natural gas pipeline facilities in Hillsborough County to serve future Polk Power Station units will require modification of this certification or submittal of a supplemental certification application.

SECTION C: TRANSMISSION LINE SPECIFIC CONDITIONS

I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

A. ROW Location

1. Licensee shall co-locate the transmission line ROW to the extent feasible within or adjacent to existing public rights-of-way for those portions of the corridor which include such existing public rights-of-way. To the extent a widened road right-of-way has been acquired by the appropriate governmental agency at the time of final transmission line design, Licensee's design shall reflect that new widened right-of-way.

2. To the extent feasible Licensee shall locate the transmission line right-of-way so as to avoid the taking of homes.

3. To the extent feasible and consistent with good engineering design and practices, the Licensees shall use best management practices to minimize impacts to pre-existing natural features and minimize tree removal and trimming of vegetation..

B. Process for Review of ROW Location

1. Prior to the finalization of the ROW location, three copies of the most recent available aerial photographs at a scale of 1” = 400’ with wetland locations generally identified shall be submitted to DEP Siting Coordination Office, and one copy each to {DEP District Offices, applicable WMDs, applicable RPCs, DOT, DEO, and applicable counties}, delineating the certified corridor, and the selected transmission line ROW. In addition, Licensee shall note on the aerial photographs new construction within the corridor that has occurred since the photograph was taken. Licensee shall notify all parties of such filing and, if needed, shall meet with DEP to discuss the ROW location. This information may be submitted in segments. The agencies receiving the aerial photographs from Licensee shall have an opportunity to review the photographs and to notify DEP, within 12 days of Licensee’s submittal of the aerial photographs to the agencies, of any apparent conflicts with the requirements of the Conditions of Certification. However, this paragraph shall not operate to avoid the need for post-certification submittals and compliance reviews otherwise required by the Conditions of Certification.

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

3. The acquisition of a particular ROW or the expenditure of funds toward acquisition of a particular ROW prior to the agencies’ review pursuant to this condition will be at Licensee’s risk, and no party will be estopped by such acquisition to seek disapproval of the construction of the transmission line or access road within the ROW in accordance with these Conditions of Certification.

4. After Licensee has acquired interest in the entire length of the transmission line ROW, Licensee shall:

a. File a statement with the clerk of the circuit court for each county through which the corridor passes certifying that all lands required for the transmission line ROW within the corridor have been acquired. Licensee shall also file with the county Planning Department a map at the scale of 1” = 400’ showing the boundaries of the acquired ROW.

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

5. Once the ROW has been determined, Licensee will submit, to the applicable County offices, information that is consistent with County ROW permits for the portions of the line which pass through each affected county.

[Sections 403.531 and 403.5312, F.S.; Rule 62-17.600(4), F.A.C.]

E. Public Easement

A public easement will be required for crossing the South Prong of the Alafia River.

F. 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.]

G. Radio and Television Interference

The Licensee shall investigate all complaints and take appropriate corrective action for impacts to radio or television reception caused by the proposed transmission line.

[Section 403.531, F.S.]

II FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

A. Listed-Species Conditions

The following table contains state and federally listed species that occur in the State of Florida and are likely to occur within the transmission line corridor and associated facilities. The table contains species that are potentially impacted by the activities proposed within the corridor. Therefore, these conditions of certification apply to the species listed in this table that are found within the certified area.

Listed Species Occurring or Potentially Occurring in the Project Area as of December 2012[t]

Common Name	Scientific Name	Fl status	Fed status
Bald eagle	*Haliaeetus leucocephalus*	*	*

Burrowing owl	*Athene cunicularia*	SSC	
Eastern indigo snake	*Drymarchon couperi*	T	T
Florida mouse	*Podomys floridanus*	SSC	
Florida pine snake	*Pituophis melanoleucus mugitus*	SSC	
Florida sandhill crane	*Grus canadensis pratensis*	T	
Florida scrub jay	*Aphelocoma coerulescens*	T	T
Gopher frog	*Lithobates capito*	SSC	
Gopher tortoise	*Gopherus polyphemus*	T	
Little blue heron	*Egretta caerulea*	SSC	
Limpkin	*Aramus guarauna*	SSC	
Roseate spoonbill	*Platalea ajaja*	SSC	
Sherman's fox squirrel	*Sciurus niger shermani*	SSC	
Short-tailed snake	*Stilosoma extenuatum*	T	
Everglades snail kite	*Rostrhamus sociabilis plumbeus*	E	E
Snowy egret	*Egretta thula*	SSC	
Southeastern American kestrel	*Falco sparverius paulus*	T	
Tricolored heron	*Egretta tricolor*	SSC	
White ibis	*Eudocimus albus*	SSC	
Wood stork	*Mycteria americana*	E	E

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

[t]Species' legal statuses are subject to change. Recent changes to 68A-27, F.A.C. make it likely that statuses of species listed may change before the Licensee commences work. The Licensee shall refer to the law in effect at the time it begins an activity subject to being affected by listed species regulations.
*While the bald eagle has been both state and federally delisted, it is still governed by the state bald eagle management plan and the federal Bald and Golden Eagle Protection Act.

[Chapter 68A-27, F.A.C.]

B. General Listed Species Survey

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 transmission line rights-of-way, and accessible appropriate buffers as defined by the listed species' survey protocols, prior to conducting detailed surveys.

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

[Article IV, Sec. 9. Fla. Constitution, Section 379.2291. F.S., Sections 403.507 and 403.5113(2). F.S. and Chapter 68A-27, F.A.C.]

C. Specific Listed Species Surveys

Before land clearing and construction activities within a transmission line right-of-way occur, the Licensee shall conduct an assessment for listed species which shall note all habitat, occurrence or evidence of listed species. Listed species to be included in this survey shall include the bald eagle and those species listed as endangered, threatened, or of special concern by the FWC or those listed as endangered or threatened by U.S. Fish and Wildlife Service (USFWS). Wildlife surveys shall be conducted in the reproductive or "active" season for each species that falls before the projected clearing activity schedule unless otherwise approved by the FWC or USFWS. For species that are difficult to detect, the Licensee may make the assumption that the species is present and plan appropriate avoidance/mitigation measures after consultation and approval from the FWC.

1. This survey shall be conducted in accordance with USFWS/FWC guidelines and methodologies by a person or firm that is knowledgeable and experienced in conducting flora and fauna surveys for each potentially occurring listed species.
2. This survey shall identify any wading bird colonies within the project that may be affected.
3. This survey shall identify locations of breeding sites, nests, and burrows for listed wildlife species. Nests and burrows may be recorded with 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, rather than around individual nests and burrows, and be physically marked so that clearing and construction shall avoid impacting them.
4. This survey shall include an estimate of the acreage and percent cover of each existing vegetation community (Florida Land Use, Cover and Forms Classification System, or FLUCFCS, at the third degree of detail) including a wildlife-based habitat classification scheme such as the Comprehensive Wildlife Conservation Strategy (FWC 2005), Descriptions of Vegetation and Land Cover Types (FWC 2004), or Natural Communities Guide (FNAI 1990) of each community that is contained within the transmission line right-of-way prior to land clearing and construction activities using GIS.

[Article IV, Sec. 9, Fla. Constitution; Sections 379.2291, 403.526 and 403.5317, F.S.; and Chapters 68A-27, 68A-4, 68A-16, FA.C.]

D. Listed Species Locations

Where any suitable habitat or evidence is found of the presence of listed species within the right-of-way, the Licensee shall report those locations to, and confer with, the appropriate regulatory agencies for possible additional pre-clearing surveys, including those specified in E-I below, and to identify potential mitigation, or avoidance recommendations. If pre-clearing surveys are required, they shall be timed to be reasonably compatible with the construction schedule, considering the anticipated date for the start of construction within a certified transmission corridor. 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 as follows:

1. Listed Wildlife Species

If listed wildlife species are found, their presence shall be reported to the DEP Siting Coordination Office, the appropriate DEP District Office(s), the FWC, the appropriate WMD, the appropriate local government(s), the USFWS, and the National Park Service as appropriate.

2. Species Management Plan

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 involved to avoid, minimize, mitigate, or otherwise appropriately address potential impacts. For wildlife species, these steps shall be memorialized in a Wildlife Management Plan and submitted to the FWC.

[Article IV. Sec. 9, *Fla. Constitution; Sections 379.2291, 403.526 and 403.5113(2), F.S. and Chapter 68A-27, F.A.C.]*

E. Gopher Tortoise

1. The Licensee shall conduct surveys for gopher tortoises *(Gopherus polyphemus),* in accordance with the FWC-approved Gopher Tortoise Management Plan (revised and adopted September 15, 2008) 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% of the potential gopher tortoise habitat to be impacted by development is required in order to apply for a relocation permit immediately prior to capturing tortoises for relocation, a 100% survey is required to effectively locate and mark all potentially occupied tortoise burrows and to subsequently remove the tortoises. Burrow survey methods are outlined in Appendix 4 of the Gopher Tortoise Permitting Guidelines, "Methods for Locating Gopher Tortoise Burrows on Sites Slated for Development". Surveys must be conducted within 90 days prior to a post-certification submittal of the online gopher tortoise relocation permit application (Temporary Exclusion Permit) to the FWC, as described in E.3 below. All surveys completed by authorized agents or other licensees are subject to field verification by the FWC. The results of the gopher tortoise surveys shall be provided to the appropriate land management state agency for portions of the transmission lines that cross state-owned lands, if applicable, for informational purposes.

2. FWC 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 permit application (as required by a Temporary Exclusion Permit) in accordance with the FWC-approved Gopher Tortoise Management Plan and Gopher Tortoise Permitting Guidelines as a postcertification submittal. This permit application 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.

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, Sec. 9, *Fla. Const.; Section 403.526, F.S., and Rule 62-17.660, F.A.C.; Section 379.2291, F.S.; Chapter 68A-27, F.A.C.]*

F. Avian Protection Plan

The Licensee shall coordinate with the FWC in the development of an Avian Protection Plan that delineates a program designed to reduce the operational and avian risks that result from avian interactions with transmission lines associated with the project with the goal of reducing avian mortality. Guidelines for the Avian Protection Plan can be found on the USFWS website.
http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/APP/AVIAN%20PROTECTION%20PLAN%20FINAL%204%2019%2005.pdf

[Article IV, Sec. 9, *Fla. Const.; Section 403.526 and F.S., Rule 62-17.660, F.A.C.; Section* 379.2291, *F.S.; Chapter 68A-27, F.A.C,. and Rule 68A-16.00I, F.A.C.]*

G. Wood Stork Wading Bird Colonies

1. An aerial survey shall be conducted via fixed wing or rotary wing aircraft, between the months of December and May, once it is confirmed by FWC or USFWS that wading birds are breeding in the area of the transmission line right-of-way. The surveys should employ a series of two transects, along each side of the right-of-way. To minimize disturbance, the flight should be conducted at altitudes no less than 300 feet.

2. These surveys shall identify any wading bird colonies that may be affected within one-half mile of the project ROW.

3. Center locations of all wood stork and wading bird colonies should be delimited with a Wide Area Augmentation System *(JV* AAS) enabled Global Positioning System (GPS) unit.

4. Ground inspection of all wood stork and wading bird colonies needs to be made as aerial identification of intermediate-sized and dark-plumaged wading birds (little blue heron, tricolored heron, glossy ibis) is difficult at best and because they tend to nest below the vegetational canopy making species identification all but impossible. Identification of species should be made using binoculars to avoid flushing nesting birds. To avoid flushing birds from their nests surveys should follow the protocols in Rodgers and Smith (1995).

[Rodgers, J. A., and H. T. Smith, 1995. Set-back distances to protect nesting bird colonies from human disturbance in Florida. *Conservation Biology 9:89-99.*]

5. In the event that surveys determine that the project has the potential to impact wood stork or wading bird colonies, the following measures shall be used to minimize and mitigate for these impacts.

- Tampa Electric and FWC will meet to discuss the specific issues and mitigation alternatives.

- Tampa Electric will then provide a detailed mitigation plan to address the specific impacts, which must be reviewed and approved by FWC, and be consistent with all other COC's or federal permit conditions.
- Tampa Electric will provide a monitoring report after a designated period to document effectiveness of the mitigation plan.
- Corrective action alternatives will be determined and implemented if necessary.

[Article IV. Sec. 9, *Fla. Const.; Section 403.526 and F.S., Rule 62-17.660, F.A.C.; Section 379.2291, F.S.; Chapter 68A-27, FA.C, and Rule 68A-16.001, F.A.C.]*

H. Bald Eagle

1. The Licensee shall avoid impacts to bald eagle *(Haliaeetus leucocephalus)* nests where possible. If construction activities cannot be avoided within a 660-foot nest buffer zone, construction activities shall be conducted consistent with the FWC Eagle Management Guidelines, outlined in the FWC approved Bald Eagle Management Plan, dated April 9, 2008, or any subsequent FWC-approved versions. In areas where bald eagle nests are present, efforts shall be made to avoid construction activities during the nesting season (October 1 - May 15, or when eagles are .present before October 1 or after May 15).
2. In accordance with the FWC Eagle Management Guidelines, for construction areas that fall within 330 feet of an active or alternate bald eagle nest, construction activities shall be conducted only during the non-nesting season (May 16 - September 30). Any construction activities that fall within 660 feet of the nest during the nesting season shall be conducted following USFWS-approved Bald Eagle Monitoring Guidelines, dated 2007, or subsequent USFWS-approved versions.
3. In areas where adverse impacts to nests cannot be avoided, resulting in nest disturbance, the information required for an FWC Eagle Permit shall be obtained from the FWC, as authorized by Section 372.072, F.S., and Rule 68A-16.002, F.A.C, and minimization, and conservation measures outlined in the FWC Bald Eagle Management Plan shall be followed, as applicable.

[Article IV, Sec. 9, *Fla. Const.; Section 403.526, F.S., and Rule* 62-17.191, *F.A.C.; Chapter 68A-27, F.A.C. and Rule 68A-J6.002, F.A.C.]*

I. Southeastern American Kestrels

The Licensee shall coordinate with the FWC prior to conducting surveys for Southeastern American kestrels *(Falco sparverius paulus)* to ensure that surveys are in accordance with the FWC-approved protocol.

1. The Licensee shall provide the FWC with the Southeastern American kestrel survey results and identify where impacts to kestrels cannot be avoided.
2. The Licensee shall mitigate loss of kestrel nest trees by placing approved nest boxes in appropriate habitat along the transmission line right-of-way where feasible, practical, and where landowner consent can be obtained, and shall follow the FWC-approved protocol for construction and installation of nest boxes.
3. The Licensee shall coordinate all nest box installation with the FWC.

[Article IV, Sec. 9, *Fla. Const, Section 403.526. F.S., Rule 62-17.660, F.A.C., Section 379.2291, F.S., and Chapter 68A-2, F.A.C.]*

III. DEPARTMENT OF STATE – DIVISION OF HISTORICAL RESOURCES

A. The Licensee shall conduct a survey of sensitive cultural resource areas, as determined in consultation with the Department of State, Division of Historical Resources (DHR) prior to any construction of linear facilities. 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 Corridor, the Licensee shall notify the appropriate DEP District office (s) and the DHR, R.A. Gray Building, 500 S. Bronough Street, Rm 423, Tallahassee, Florida 32399-0250, telephone number (850) 487-6333, and the Licensee shall consult with DHR to determine appropriate action.

[Sections 267.061, 403.531, and 872.02, F.S.]

IV. HILLSBOROUGH COUNTY

A. Gopher Tortoise

For informational purposes TECO shall provide a copy of any gopher tortoise survey results and any mitigation required by FWCC.

B. Rights-of-Way

TECO shall comply with all applicable non-procedural requirements of the County's Utility Accommodation Standards and Rights-of-Ways Use.

[Section 42, Article III, Hillsborough County Code of Ordinances]

V. HILLSBOROUGH COUNTY ENVIRONMENTAL PROTECTION COMMISSION

A. Noise

1. Transmission Line Construction Noise

Noise Rule "Exceptions" exempts construction activities occurring between the hours of 7 a.m. and 6 p.m. Monday through Friday, 8 a.m. and 6 p.m. Saturday, and 10 a.m. and 6 p.m. Sunday if reasonable precautions are taken to abate the noise from those activities. Reasonable precautions shall include but not be limited to noise abatement measures such as enclosure of the noise source, use of acoustical blankets, and change in work practice. Construction activities occurring at all other times noise shall be subject to the standards in the EPC Noise Rule Chapter 1-10. www.epchc.org

2. Transmission Line Operation Noise

Noise resulting from the transmission line operation is subject to the provisions of the Noise Rule, including the A-scale and octave band standards.

[Chapter 1-10, Rules of the EPC]

B. Unconfined Particulate Matter Emissions (Fugitive Dust)

The project construction activities shall incorporate reasonable precautions to control unconfined emissions of particulate matter (dust), including but not limited to the methods, practices and procedures contained in Chapter 62-296.320(4)(c), Florida Administrative Code (F.A.C.).

1. These provisions are applicable to any activity, including vehicular movement; transportation of materials; construction, land alteration, demolition or wrecking; or industrially related activities such as loading, unloading, storing or handling; without taking reasonable precautions to prevent such emissions.

2. Reasonable precautions deemed necessary for this project include, but are not limited to, the following:

a. Speed limit of 10 miles per hour or less shall be enforced on vehicles travelling over exposed soils and other un-stabilized materials.

b. Curtail operations during high wind conditions

c. Application of water or other dust suppressants to control emissions from such activities as land clearing, transportation of materials, grading roads, spreading of excess soils on right-of-ways, and construction and site development activities.

d. Application of water or other dust suppressants to unpaved roads, open stock piles, soils spread on right-of-ways, and other similar activities.

e. Seeding and mulching access road surfaces

[Chapter 62-296.320(4)(c), F.A.C.]

C. Open Burning

Open burning in connection with initial land clearing shall be conducted in accordance with the non-procedural requirements of Chapter 1-4, Rules of the EPC, specifically with the requirements of Section 1-4.09, which pertain both to pile burning or burning by air curtain incinerator for initial land clearing. TECO shall not burn any materials specifically prohibited by Section 1-4.04. TECO shall provide notice to EPC prior to commencing open burning for initial land clearing and shall indicate in the notice how it intends to comply with the provisions of Chapter 1-4. Burning shall not occur if not approved by the EPC or if the Division of Forestry has issued a ban on burning due to air pollution conditions or due to fire safety.

[Chapter 1-4, Rules of the EPC]

D. Asbestos

The National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Asbestos 40 CFR, Pmt 61, Subpart M promulgated by the U.S. EPA - enforced by the Environmental Protection Commission (EPC) within Hillsborough County on behalf of the State of Florida - DEP to regulate asbestos renovation and demolition projects.

1. Where demolition activities occur, asbestos demolition notification is required for all commercial facilities and for demolition projects involving residential structures with more than four dwelling units, residences that have been used as a business in the past, or if the demolition of more than one residential structure is planned.

2. Any regulated removal of asbestos containing materials from structures to be renovated or demolished requires notification. Notification and the appropriate fee must be

submitted to the EPC at least ten working days prior to the regulated renovation or demolition activity.

3. Prior to the start of any demolition or renovation activities, a thorough asbestos inspection must be performed. According to Chapter 469.003, Florida Statute, asbestos survey inspections must be performed by a licensed asbestos consultant. Phase I Environmental Assessment reports may not be used in lieu of a thorough asbestos survey inspection conducted by a trained and licensed asbestos consultant. A copy of the asbestos survey report should be maintained on site at all times. For demolition activities, include a copy of the asbestos survey report with the notification and fee.

4. Asbestos containing waste materials must be disposed of per local, state and federal regulations.

[Chapter 469.003, F.S.]

E. Wetland Impacts

For informational purposes, TECO shall provide a copy of the Environmental Resources Permit application to EPC staff in conjunction with their submittal to DEP.

F. Historic Landfills

TECO must ensure that all historic landfills and solid waste filled areas within the boundaries of the project in Hillsborough County are properly managed. During the development/construction planning phases associated with the project, TECO is encouraged to make an appointment with EPC staff to conduct a file review in order to determine the locations of all old landfills. Development or impact to areas filled with solid wastes or areas otherwise impacted by solid waste disposal in Hillsborough County requires the obtainment of a Director's Authorization from the EPC pursuant to Chapter 1-7, Rules of the EPC.

[Chapter 1-7, Rules of the EPC]

History

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