STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

IN RE: FLORIDA POWER & LIGHT COMPANY RIVIERA BEACH ENERGY CENTER, APPLICATION NO. PA09-54	))) /	**OGC CASE NO. 09-0262** **DOAH CASE NO. 09-1003EEP**

FINAL ORDER APPROVING SITE CERTIFICATION

This matter is before me as Secretary of the Department of Environmental Protection ("FDEP" or "Department") for the purpose of entering a Final Order under Sections 403.508(6), 403.509(1)(a), and 403.509(3), Florida Statutes.

BACKGROUND

On October 19, 2009, the Administrative Law Judge ("ALJ") assigned by the Division of Administrative Hearings ("DOAH") issued an order canceling hearing, closing file and relinquishing jurisdiction. The order granted the parties' request to cancel the certification hearing and relinquish jurisdiction in accordance with Section 403.508(6), Florida Statutes. The order was issued pursuant to a Joint Stipulation and Motion of the Parties to Cancel Certification Hearing and to Relinquish Jurisdiction ("Joint Stipulation"). The Joint Stipulation stated that no disputed issues of fact or law remain to be raised at the site certification hearing. The Joint Stipulation stated that the parties requested cancelation of the site certification hearing originally scheduled to begin on November 3, 2009, and did not object to entry of a Final Order by the Department. Therefore, under Section 403.509(1)(a), Florida Statutes, the Department is required to prepare and enter a Final Order.

PARTIES

The following are the parties to this site certification proceeding, pursuant to Section 403.508(3)(a), Florida Statutes: Florida Power & Light Company ("FPL"), FDEP, the Board of Trustees of the Internal Improvement Trust Fund ("BOT"), the South Florida Water Management District ("SFWMD"), the Florida Fish and Wildlife Conservation Commission ("FWC"), the City of West Palm Beach and the Town of Palm Beach. Those parties have been granted party status by statute or have timely filed a Notice of Intent to be a Party pursuant to Section 403.508(2)(b), Florida Statutes. No other agency filed a Notice of Intent to be a Party before the 90th day prior to the scheduled certification hearing. Further, no third person has intervened in this proceeding as of the statutory deadline for intervention.

In addition to the agencies identified above, the following submitted Agency Reports regarding the Project: the Department of Transportation ("FDOT"), the City of Riviera Beach, the Treasure Coast Regional Planning Counsel ("TCRPC") and the Port of Palm Beach.

STATEMENT OF THE ISSUE

The issue to be decided in this proceeding is whether FDEP, acting in lieu of the Siting Board, should approve certification in accordance with the Florida Electrical Power Plant Siting Act ("PPSA"), Sections 403.501, *et seq.*, Florida Statutes, authorizing FPL to convert the existing Riviera Plant [two nominal 300-megawatt conventional dual-fuel fired generating units and support facilities] to a more efficient energy facility using combined cycle technology. The existing Riviera Beach Plant will be renamed the Riviera Beach Energy Center ("RBEC"). The certification would be subject to the agencies' proposed Conditions of Certification set forth in Exhibit A to the Joint Stipulation.

PRELIMINARY STATEMENT

On February 13, 2009, FPL filed with FDEP a site certification application for the RBEC Project. On March 25, 2009, FDEP filed a determination of incompleteness for the Project application. On April 23, 2009, FPL submitted responses to the determination of incompleteness issued by FDEP. On May 18, 2009, FDEP determined the application to be complete.

On September 12, 2008, the Florida Public Service Commission ("PSC") issued an affirmative need determination order for the conversion of the Riviera Plant, along with the West County Energy Center Unit 3 and the conversion of the Cape Canaveral Plant. On September 25, 2009, FDEP issued its Project Analysis Report ("PAR") with recommended Conditions of Certification based on FDEP's analysis and the reports of the various reviewing agencies. The recommended Conditions of Certification are attached as Exhibit A hereto (also attached as Exhibit A to the Joint Stipulation).

A site certification hearing was scheduled to be held in Palm Beach County, beginning on November 3, 2009. Pursuant to Section 403.5115(1)(e) and (4)(f), Florida Statutes, notice of that hearing was timely published by FPL in the Palm Beach Post in Palm Beach County and by FDEP in the Florida Administrative Weekly. No party to this proceeding is objecting to, or recommending denial of, final certification for the Project, subject to the proposed Conditions of Certification.[1] The purpose of the site certification hearing would have been to allow FPL and the other agency parties to establish an evidentiary record to support the ALJ's issuance of a Recommended Order to the Siting Board. However, since no party to this proceeding objected to or recommended denial of final certification for the Project, the parties submitted a Joint Stipulation to the ALJ addressing certification issues and recommending the cancellation of the certification hearing. In the Joint Stipulation, all parties agreed that FPL's RBEC Project should be certified subject to the proposed Conditions of Certification set forth in Exhibit A to the Joint Stipulation. The parties also recommended that the ALJ relinquish jurisdiction and return the case to FDEP for entry of a Final Order pursuant to Section 403.509(1)(a), Florida Statutes. The ALJ timely issued an order relinquishing jurisdiction on October 19, 2009, granting the parties' request to cancel the certification hearing. As required by Section 403.5115(1)(g) and (4)(h), Florida Statutes, notice of cancelation of the certification hearing was timely published by FPL in the Palm Beach Post in Palm Beach County and by DEP in the Florida Administrative Weekly.

[1] In the Joint Stipulation, the agency parties stipulated to the facts set forth within the respective agency subsections, headed by the agency name, which address matters within that agency's knowledge or subject matter jurisdiction.

FINDINGS OF FACT[2]

The Applicant & Proposed Project

1. FPL, a subsidiary of FPL Group, Inc., is the largest electric utility in the State of Florida. FPL serves approximately 4.5 million customer accounts, and approximately 8 million customers, in all or parts of 35 Florida counties.

The Existing Riviera Beach Plant

2. The existing FPL Riviera Plant Site is located primarily within the City of Riviera Beach with a small portion in the City of West Palm Beach on approximately 46 acres southwest of the Lake Worth Inlet and Peanut Island, and across the Intracoastal Waterway from Palm Beach, Florida. The existing Site includes approximately 39 acres bounded on the west by U.S. Highway 1, on the north by the Port of Palm Beach, on the south by 59th Street, and on the east by Lake Worth Lagoon (Intracoastal Waterway) and approximately 7 acres located to the west of U.S. Highway 1 where transmission lines are located.

3. FPL has operated a power plant at the Site since the mid-1940s. Units 1 and 2 went into service in 1946 and 1953, respectively. Both units have been permanently retired and removed from the Site. The commercial in-service dates for Units 3 and 4 were 1962 and 1963.

The Riviera Beach Energy Center Project

4. FPL proposes to convert the existing Riviera Plant [i.e., two nominal 300-megawatt ("MW") conventional dual-fuel fired generating units and support facilities] into

[2] These factual findings are supported by the Site Certification Application (SCA), FPL's Responses to Completeness Comments, and the DEP's Project Analysis Report (PAR) dated September, 25, 2009 and attachments thereto.

a modern, efficient, lower-emission clean energy center using combined cycle technology. The converted Plant will be located wholly within the existing Plant Site boundaries. The conversion will result in increased power generation without using additional land and water sources. The converted Plant will be more energy efficient than the existing Plant and will provide cleaner energy to FPL's customers. The converted Plant will use at least 33 percent less fuel than the existing Plant, for an equivalent amount of electricity production. Moreover, it will be capable of producing over 100 percent more power (i.e., 1,250 MW vs. current 600 MW). The converted Riviera Plant is expected to be renamed the Riviera Beach Energy Center ("RBEC"), with a projected in-service date for the converted Plant of June 2014. Once RBEC is constructed, a Manatee Viewing Center, to be open to the public, will be built in the southeastern-most portion of the Site.

5. RBEC will be a 3-on-1 combined cycle unit, which will consist of three new advanced technology combustion turbines ("CT"), three new heat recovery steam generators ("HRSG"), and one new steam turbine/electric generator. The CTs are similar to, but much larger and more efficient than traditional jet engines. The CTs produce electrical energy by combusting fuel that causes a turbine to spin a direct connection to an electric generator. The exhaust heat from the CTs, which would otherwise be wasted energy released to the atmosphere, will be routed through the HRSGs that act as boilers to produce steam for the new turbine generator to produce additional electricity. The HRSGs will have duct burners to maximize the converted Plant's generating capacity.

6. Natural gas will be the primary fuel for the converted Plant. Ultra low-sulfur light oil will be used as a backup fuel for the CTs. By using natural gas as a primary fuel and state-of-the art air pollution technology, the converted plant will minimize air emissions and will be among the cleanest and most efficient fossil fuel-fired electric power generating plants of its type in the State of Florida.

7. The Lake Worth Lagoon (Intracoastal Waterway) will continue to provide once-through cooling water for the RBEC. The existing municipal water supply from the City of Riviera Beach will continue to be used for process and potable water for the RBEC.

8. Decommissioning and dismantling of the existing generating units will be part of the Project and will be required prior to the construction of the RBEC. Certain components, such as the cooling water intake and discharge infrastructure and the transmission facilities, will remain intact for use with the converted plant. RBEC will interconnect with FPL's transmission network through two onsite switchyards.

Architectural or Historical Sites

9. Based on a cultural resource survey of the Site, there are no previously recorded archaeological sites, historic districts, historic cemeteries, or historic bridges, listed, potentially listed or potentially eligible for listing on the National Register of Historic Places. Several industrial forms found on the site were identified as newly identified historic resources during the field evaluation. However, these forms are not individually significant architectural resources and are not considered eligible for listing in the National Register. Following FPL's Response to Completeness Questions, the Florida Department of State, Division of Historical Resources ("DHR") submitted a letter

to FDEP stating that "the applicant has addressed potential indirect affects and historic properties or properties otherwise of significance. Because of the nature of the proposed improvements/renovations, we concur that the project will have no adverse effect on historic properties." (PAR, p. 12)

Construction

10. Onsite dismantlement and construction activities are anticipated to begin in the fall of 2010 and conclude in the summer of 2014. During the dismantlement of the existing Plant, workers will be employed that are specialized in removing recyclable materials, dismantling equipment, removing insulation, preparing structures for demolition, dismantlement, and material removal. The peak construction workforce (mid-2013) is estimated to be approximately 650 people, with an average construction workforce estimated at 290 people from 2012 to 2014.

Determination of Need

11. By Order No. PSC-08-0591-FOF-EI dated September 12, 2008, the PSC issued an affirmative need determination order for the conversion of the Riviera Plant, along with the West County Energy Center Unit 3 and the conversion of the Cape Canaveral Plant.

City of Riviera Beach

Land Use

12. On August 25, 2009, the City of Riviera Beach submitted its agency report to FDEP. Pursuant to 403.5175(3), Florida Statutes, a land use and zoning consistency determination is not required for an application under the PPSA if the applicant does not propose to expand the boundaries of the existing site or to add additional offsite

facilities. Because FPL is not proposing to expand the existing Riviera Plant Site, a land use and zoning determination is not required for this project. Although no land use determination was made, the City assessed in its agency report that for the portion of the plant within the city limits, the use of the RBEC as an electricity producing power plant is consistent with the current land use and zoning designations. On October 1, 2008, the City Council of the City of Riviera Beach approved (with conditions) a preliminary site plan for the proposed RBEC by Resolution 124-08.

Noise

13. Computerized noise modeling analyses were conducted for the RBEC site for both construction and operation periods. Based on the results of the analyses, the maximum sound levels predicted during construction of the RBEC will not exceed maximum permissible sound levels of the City of Riviera Beach's Noise Ordinance. However, there is a potential for the use of explosives during the dismantlement phase. This may result in elevated noise levels for very short durations. FPL has stated that if such activities are undertaken they will be performed in accordance with all applicable regulations, and prior notice to nearby residences and businesses will be given. Additionally, specific requirements related to noise restrictions are included in the conditions attached as Exhibit A hereto.

City of West Palm Beach

Land Use

14. The Department received an agency report from the City of West Palm Beach on August 26, 2009, and an amended final agency report (including revised conditions) on September 24, 2009. As stated above, the land use and zoning

determination under the PPSA is not required for the RBEC. Although no land use determination was made, according to the City, the proposed use of the property described in the RBEC Site Certification Application that is located within the City of West Palm Beach falls into two separate Future Land Use and Zoning categories. Prior to construction of the Manatee Viewing Center, FPL is required to submit to the City all of the necessary information to ensure compliance with the substantive requirements of a Class B Special Use Permit. The City recommends approval of the RBEC subject to proposed conditions including requirements for the Special Use approval.

Noise

15. The results of the noise modeling analyses discussed above also indicate that sound pressure levels within the residential areas south and south west of the site will comply with the City of West Palm Beach's Noise Ordinance.

<u>Florida Fish and Wildlife Conservation Commission</u>

West Indian Manatee

16. Manatees, which are protected under the Endangered Species Act and the Marine Mammal Protection Act, have regularly been observed in the vicinity of the existing Plant. The converted RBEC will continue to provide a wintertime thermal refuge for manatees.

17. Operation of the existing Plant will cease prior to dismantlement and construction activities associated with the conversion Project. Consequently, there will be a 4-year period until operation of RBEC commences, during which the normal warm water discharge will not occur. FPL has developed a plan, pursuant to the requirement of the FDEP Industrial Wastewater Permit for the Plant, the PPSA and the FWC's

authority, to avoid potential cold water impacts to manatees during this 4-year period. Specifically, FPL will install an electric heater to act as a temporary "manatee heating system" to discharge warm water when necessary while the Plant is offline for conversion to the RBEC. Warm water will be discharged from November 15 through March 31 (to coincide with the time of greatest anticipated manatee abundance) if the ambient water temperature falls below a specified trigger temperature. Under the FWC's final recommended Conditions of Certification, which have been included in Exhibit A hereto, the manatee protection ambient water trigger temperature, during the period the interim heating system is required, shall be 65°F. The interim heating system shall provide warm water to create a water temperature at or above 68°F within the identified warm water refuge until the ambient water temperature again reaches 65°F. FPL is required to develop and implement a Best Management Plan applicable to the interim heating system, and also must meet new environmental and biological monitoring requirements during the interim period. (Exhibit A, pp. 3-12).

Terrestrial Species

18. The existing Plant site itself was disturbed for construction of the prior and existing power generation facilities and has been used continuously for the past 60 years for power plant operation. Because of the existing developed nature of the Site, no adverse impacts to federal- or state-listed species or long-term change in populations of non-aquatic threatened or endangered species are expected during dismantlement, construction and operation of the RBEC. Additionally, noise and lighting impacts will be reduced with the new plant when compared to the existing Riviera Plant.

The FWC's recommended conditions include survey requirements to address the potential presence of threatened terrestrial species. (Exhibit A, pp. 11-12).

FDEP

Separate Air Construction Permitting

19. FDEP's Division of Air Resource Management regulates major air pollution sources in accordance with Florida's Prevention of Significant Deterioration ("PSD") program, as defined in Rule 62-212.400, Florida Administrative Code. For new major facilities, or for modifications to existing facilities, each registered air pollutant is reviewed for PSD applicability based on emissions thresholds known as Significant Emission Rates ("SERs"). When emissions from the new RBEC unit are considered and offset by reductions from the shut down and dismantlement of the existing residual oil and gas-fueled Units 3 and 4, there will not be a significant net emission increase in any PSD pollutant. Accordingly, PSD review does not apply to the RBEC Project.

20. Best Available Control Technology ("BACT") review is required under FDEP and U.S. Environmental Protection Agency ("EPA") regulations pertaining to PSD. However, BACT review is required only for those pollutants that trigger PSD review. Although PSD review is not required for the Project, the emission limits proposed for RBEC appear to be reflective of BACT.

21. On June 10, 2009, FDEP issued a separate Air Construction Permit for the RBEC Project. FDEP has made a determination that the proposed RBEC Project will comply with all applicable state and federal air pollution regulations as conditioned by the final Air Construction Permit. This determination is based on a technical review of the complete application, reasonable assurances provided by the applicant, the

emissions standards determinations, review of the air quality impact analysis, and the conditions specified in the permit.

Air Emission Controls & Impact Analysis

22. The use of clean fuels (i.e., natural gas and ultra low-sulfur light oil), combustion controls, and air pollution control equipment will minimize air emissions and ensure compliance with applicable emission-limiting standards. Using clean fuels will minimize emissions of sulfur dioxide ("SO_2"), particulate matter ("PM/PM_{10}") and other fuel-bound contaminants. Combustion controls will minimize the formation of nitrogen oxides ("NOx") and the formation of carbon monoxide ("CO") and volatile organic compounds ("VOCs") by combustor design. Further NOx reduction will be achieved by installation and operation of selective catalytic reduction ("SCR"). The combination of these techniques has been determined to represent BACT on previous projects based on an evaluation of economic, energy, and environmental impacts. In general, the RBEC Project will reduce actual emissions of air pollutants by more than 17,000 tons per year ("TPY") from the existing operation or more than a 90-percent reduction.

23. Because the net emissions changes resulting from the Project will be less than the PSD significant emission rates, an air quality impact analysis is not required by New Source Review ("NSR") under FDEP air regulations. However, as a supplement to the Air Construction Permit Application included with the SCA, air quality impacts were estimated for the existing Plant and the RBEC in the vicinity of the Site for comparison to state ambient air quality standards ("AAQS"). Based on these air quality modeling analyses, the maximum pollutant concentrations due to the RBEC are predicted to be less than the AAQS and will comply with all applicable AAQS. The modeling results

demonstrate that Florida's air quality will be protected and be improved with the converted Plant.

Carbon Dioxide Emissions

24. Emissions of carbon dioxide ("CO_2") directly correlate to the quantity of combusted fossil fuel. The more fuel consumed, the more CO_2 released into the atmosphere. As combustion technologies improve, electric generating facilities of all types are constructed with greater and greater efficiencies. More efficient units require less fuel for equal amounts of energy production than lower efficient units. This translates to fewer overall carbon emissions from the more efficient units.

25. The maximum CO_2 emission rate after the conversion of the Riviera Plant will be about one-half the maximum CO_2 emission rate for the existing Plant. The RBEC should also displace generation that would otherwise be produced by less efficient units in FPL's system, thereby reducing system CO_2 emissions. During the operation of the RBEC, from years 2014 to 2040, the CO_2 reduction in FPL's system with RBEC is projected to be about 8 million tons.

Cooling Water Intake and Discharge Considerations

26. The converted RBEC will continue to use the existing Plant's once-through cooling water system intake and discharge structures withdrawing surface water from and discharging it to the Lake Worth Lagoon. The RBEC once through cooling water system intake and discharge structures will be operated in accordance with the conditions of NPDES permit number FL0001546.

27. The existing Riviera Beach Plant thermal discharge existed on July 1, 1972. Conversion of the existing Plant is not expected to increase the potential thermal

loading to the Indian River Lagoon compared to the potential thermal loading, as of August 1972, from the existing Plant. FPL performed a comparative thermal analysis which demonstrates that the extent of the offshore thermal plume is similar for both summer and winter. Because the size of the converted Plant's (or RBEC's) offshore thermal plume will be similar both in summer and winter, the potential for impacts on aquatic life from the converted Plant's offshore thermal discharge is not expected to increase. The RBEC thermal discharge may commence, in accordance with the conditions of NPDES permit number FL0001546, upon the date of the approval for the separately reviewed NPDES permit revision application, submitted with the SCA, to convert the plant. The NPDES permitting conditions and associated effluent limits are subject to revision if the surface water standards in the applicable rules are revised or new information becomes available.

28. The existing once-through cooling water system for Units 3 and 4 has been in operation for over 45 years. During this time, there has been no documented adverse impact to the biological values of the Lake Worth Lagoon from the operation of the once-through cooling water system, so as to cause harm to the abundance and diversity of fish, wildlife and listed species, or their habitat. Therefore, significant adverse impacts to aquatic life from impingement or entrainment are not expected from continued operation of the once-through cooling water system, at the same location and with the same intake structure and intake flow rate. The RBEC once-through cooling water system intake structure will be subject to the conditions of NPDES permit number FL0001546.

Wastewater

29. FPL will continue to use a reverse osmosis/mixed bed ("RO/MB") demineralizer system for process water treatment using water from the City of Riviera Beach. The demineralized water will be pumped into a new onsite storage tank. RO reject water (average flow 45 gallons per minute) will be mixed with the cooling water flow used for condenser cooling before discharge to the Lake Worth Lagoon.

30. Sanitary wastewater from the RBEC will be routed to the City of Riviera Beach wastewater system for treatment and disposal using the existing connection. A small increase in sanitary wastewater flow is expected due to the addition of the Manatee Viewing Center.

31. The HRSG and feedwater piping will be chemically cleaned initially during commissioning of the RBEC and also periodically during the life of the converted Plant. The chemicals used will not be permanently stored onsite but will be delivered to the Site by a licensed contractor at the time of the scheduled periodic cleanings. Chemical cleaning is an infrequent maintenance operation; it does not contribute to the liquid wastes produced by the normal operation of RBEC. Chemical cleaning wastes will be maintained onsite, tested and disposed of in accordance with FDEP requirements. Final conditions related to wastewater discharges will be implemented pursuant to revisions to the FDEP NPDES Permit FL0001546. Hazardous wastes will be managed according to applicable local, state, and federal rules and regulations.

Stormwater Management

32. Stormwater runoff from the RBEC site will be collected and controlled by a stormwater drainage system consisting of a series of catch basins, pipes, channels,

swales and culverts located around the RBEC site that will convey runoff to stormwater detention ponds. Runoff in excess of the required water quality treatment volume will be discharged to the Lake Worth Lagoon. Runoff from the power block and equipment areas, and from other potentially oil-contaminated areas, will be routed through an oil/water separator and then to the stormwater ponds.

33. Existing stormwater is managed under a FDEP Multi-Sector Generic Permit ("MSGP") for Stormwater Discharge Associated with Industrial Activity. During construction FPL will seek coverage under FDEP's Generic Permit for Stormwater Discharge from Large and Small Construction Activities. At completion of construction, FPL will submit a Notice of Intent for the converted Plant to again be covered under the MSGP.

Solid Waste & Hazardous Substances

34. Any non-hazardous and hazardous wastes associated with the operation of RBEC will be managed according to federal, state, and local regulations and FPL's Waste Guidelines. The RBEC may periodically generate hazardous waste [less than 100 kilograms per month], including spent solvents, boiler chemical cleaning wastes, and other wastes. These wastes will be collected and managed as hazardous waste until tested to determine their characteristics.

35. Solid wastes will be generated by the operation of the RBEC, but generally in small quantities. Such solid wastes will be limited to municipal solid waste, infrequent replacement of inlet air filters, and solids from the water pretreatment process. An approved solid waste disposal contractor will dispose of all solid wastes.

There will be no facilities requiring a permit under FDEP Rule 62-701.300(2), Florida Administrative Code, for the converted Plant.

Socioeconomic Impacts

36. The Project will provide economic benefits to the City of Riviera Beach, the City of West Palm Beach, and Palm Beach County. During construction, the average annual economic benefit will be $57.3 million. During operation, the total direct and indirect economic benefits will be $488.1 million from 2014 to 2040. This consists of a total direct economic benefit during the operational period of $305.3 million and an indirect economic benefit of $182.8 million.

37. The RBEC Project will result in environmental benefits. The RBEC Project allows for the beneficial reuse of an existing power plant site while increasing generating capacity by over 100 percent. This conversion Project will result in increased power generation without using additional land, water sources, or transmission line rights-of-way. The converted RBEC will have a much lower visual profile, with the height of the tallest structure (i.e., stacks) being less than 50 percent of the height of the existing stacks. The converted RBEC will reduce actual air emissions by more than 90 percent and will reduce the rate of CO_2 emissions at the facility by about 50 percent. During the operation of the RBEC, from years 2014 to 2040, the CO_2 reduction in FPL's system with RBEC is projected to be about 8 million tons. In addition, the administration/control room/warehouse building will feature rooftop solar panels to help power the facilities and the building itself will be certified under the U.S. Green Building Council's Leadership in Energy and Environmental Design ("LEED") rating system. During both construction and normal operation of RBEC, the Site will

continue to serve as a refuge for the endangered manatee into the future. The public also will benefit from construction and operation of the Manatee Viewing Center.

Easements

38. The existing once-through cooling water discharge pipeline extending into Lake Worth Lagoon utilizes 5.4 acres of sovereign submerged lands. A public easement for the life of the Project is being sought in association with this certification. FDEP's Southeast District Office has reviewed FPL's request for the public easement and determined that it meets the applicable criteria. Pursuant to Section 403.509(6), Florida Statutes, the BOT agrees to execute the public easement upon entry of a final certification order.

39. As stated earlier, surface water for the Riviera Plant is currently withdrawn from the Lake Worth Lagoon via the cooling water intake structure located on property owned by the Port of Palm Beach. FPL is proposing to use the same intake structure for the RBEC. A copy of the easement for the water intake will be supplied to the Department prior to commencing commercial operation of the RBEC.

40. FPL also owns a fuel oil pipeline located on Port of Palm Beach property. Although FPL originally sought to obtain a perpetual easement associated with the fuel oil pipeline through the certification process, FPL withdrew that request. Should FPL obtain such an easement for this Project, the recommended Conditions of Certification would require the submittal of copies of the obtained easement.

SFWMD

Water Usage

41. The Intracoastal Waterway (Lake Worth Lagoon) will continue to be the source of once-through cooling water for condenser and auxiliary cooling for the RBEC. Lake Worth Lagoon also will be the source of intake screen wash water. This source is exempt from the requirements of Chapter 40E-2, Florida Administrative Code, since the chloride concentration is greater than the SFWMD's regulatory threshold for seawater (19,000 mg/l). The proposed source of process and service water for combustion turbine inlet air cooling, nitrogen oxide injection, steam cycle makeup, and fire protection, as well as potable water for employee use, will continue to be the City of Riviera Beach Utilities Department. The proposed source of water for landscape irrigation and water pump bearing cooling will continue to be the existing on-site surficial aquifer wells. The existing withdrawals have been permitted by the SFWMD under permits 50-04187-W and 50-041 88-W.

FDOT

Traffic

42. The construction workforce for the RBEC project is expected to average approximately 290 workers from 2010 to 2014 with a peak workforce of about 650 workers in mid-2013. FPL performed intersection capacity/level of service analyses for the critical signalized intersection of U.S. Highway 1 and the main entrance/exit driveway to the RBEC. FPL has proposed certain roadway improvements on U.S. Highway 1 and adjustment of the signal timing of the intersection in order to maintain an acceptable level of service on the roadway during peak construction. The number of

employees at the converted plant will be similar to current conditions. Therefore, it is anticipated that the main signalized access driveway intersection will continue to operate at an acceptable level of service during operation of the RBEC including the new Manatee Viewing Center.

Agency Reports & Proposed Conditions of Certification

43. As noted above, the PSC, FDOT, FWC, SFWMD, City of Riviera Beach, City of West Palm Beach, TCRPC and the Port of Palm Beach submitted Agency Reports. Each of these agencies recommended approval subject to recommended conditions of certification. In addition, DHR provided correspondence indicating that it does not object to the proposed project.

44. As noted above, on September 25, 2009, FDEP issued its written PAR pursuant to Section 403.507, Florida Statutes. The PAR contains a compiled set of proposed Conditions of Certification for the Project, including conditions recommended by the following agencies: FDEP, FDOT, FWC, DHR, SFWMD, City of Riviera Beach, and City of West Palm Beach. The Department edited the Port of Palm Beach's recommended conditions prior to inclusion in its proposed Conditions of Certification. In its PAR, FDEP recommended approval of the RBEC Project provided that FPL complies with the proposed Conditions of Certification in FDEP's PAR and attached hereto as Exhibit A.

45. FPL agrees to the Conditions of Certification included in Exhibit A hereto.

CONCLUSIONS OF LAW

1. Under Section 403.508(6), Florida Statutes, the ALJ granted the parties' request to cancel the certification hearing and relinquished jurisdiction to the

Department. Therefore, the Department has jurisdiction to enter this Final Order. See § 403.509(1), Fla. Stat.

2. In accordance with Section 403.5115, Florida Statutes, and Chapter 62-17, Florida Administrative Code, proper notice has been provided to all persons, entities and parties entitled to such notice, as well as notice being provided to the general public. No third party intervened by the deadline for such intervention.

3. Pursuant to 403.5175(3), Florida Statutes, the local governments are not required to conduct land use and consistency determinations for the RBEC Project. The City of West Palm Beach represented that there are no City nonprocedural requirements not specifically listed in the Application from which a variance, waiver, exemption or other relief is necessary in order for the proposed site and associated facilities to be certified. The City of Riviera Beach represented that, for the portion of the Site within the City's limits, the use of the RBEC as an electricity producing power plant is consistent with the current land use and zoning designations. Both Cities recommended approval of the Project subject to recommended conditions of certification. The Project is consistent with the Comprehensive Plans of both Cities.

4. All necessary and required state and local governmental agencies participated in the certification process.

5. The PSC determined the need for the electric power to be supplied by the RBEC as required by Section 403.519, Florida Statutes. The PSC is the sole forum for the determination of the need for the RBEC Project.

6. Upon consideration of the criteria set forth in Section 403.509(3) Florida Statutes, and balancing the various factors set forth therein, based upon the information

provided by FPL in the site certification application and completeness responses, and the information provided by FDEP in its Project Analysis Report and subject to the Conditions of Certification attached hereto as Exhibit A, the Project is eligible for final certification.

7. So long as the attached Conditions of Certification are implemented and complied with, FPL has provided reasonable assurances that operational safeguards for the RBEC Project are technically sufficient for the public welfare and protection, under Section 403.509(3)(a), Florida Statutes.

8. So long as the attached Conditions of Certification are implemented and complied with, the RBEC will comply with applicable nonprocedural requirements of agencies, as required by Section 403.509(3)(b), Florida Statutes. FDEP's analysis concludes that the Project is not reasonably projected to cause or contribute to a violation of ambient air quality standards or water quality standards. No variances are proposed from any nonprocedural requirements of agencies for the Project.

9. Through the use of an already developed site, the Project will minimize the adverse effects on human health, the environment and the ecology of land and its wildlife and the ecology of state waters and their aquatic life, in accordance with Section 403.509(3)(f), Florida Statutes. Compliance with the agencies' non-procedural standards at the RBEC will minimize and avoid adverse effects on human health as well as upon the environment.

10. Certification of the Project in accordance with the attached Conditions of Certification effects a reasonable balance between the need for the facility, as determined by the PSC, and the minimal impacts on air and water quality, fish and

wildlife, water resources and other natural resources of the State that would result from the construction and operation of the Project, under Section 403.509(3)(e), Florida Statutes.

11. FDEP will incorporate into the final Conditions of Certification the final PSD and NPDES permits, permit revisions/modifications, and other approvals. Such permits and approvals shall also be fully enforceable by both the permitting agency and as Conditions of Certification for RBEC. Any violation of such permits and approvals, where it is determined that the RBEC is the cause, shall also be a violation of the Conditions of Certification.

12. Based upon the foregoing considerations that the Project will meet all of the other criteria for certification under the PPSA, it is concluded that the RBEC Project will serve and protect the broad interests of the public, so long as the Project is implemented in compliance with the attached Conditions of Certification.

CONCLUSION

Having reviewed the matters of record and being otherwise duly advised, the Department concludes that, if constructed and operated in accordance with the evidence presented in the record and the attached Conditions of Certification, the Project will serve and protect the broad interest of the public and should be approved. It is therefore ORDERED that:

A. Site certification of FPL's Riviera Beach Energy Center (RBEC) Project, as described in the Site Certification Application and the record as a whole, is hereby APPROVED.

B. The Project is subject to and FPL shall comply with the Conditions of Certification that are attached as Exhibit A and are incorporated by reference herein.

JUDICIAL REVIEW

Any party to this proceeding has the right to seek judicial review of the Final Order pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this Final Order is filed with the clerk of the Department.

DONE AND ORDERED this 24th day of November, 2009, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Mimi A. Drew for
MICHAEL W. SOLE
Secretary

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

FILED ON THIS DATE PURSUANT TO § 120.52, FLORIDA STATUTES, WITH THE DESIGNATED DEPARTMENT CLERK, RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED.

Lea Crandall 11/24/09
CLERK DATE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Final Order has been sent by Federal Express to:

Jennifer Brubaker, Esquire
Florida Public Service Commission
2450 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Peter C. Cunningham, Esquire
Hopping, Green and Sams, P.A.
Post Office Box 6526
Tallahassee, Florida 32314

Matthew G. Davis, Esquire
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Ruth A. Holmes, Esquire
South Florida Water Management District
3301 Gun Club Road, MSC 1410
Post Office Box 24680
West Palm Beach, Florida 33406

Kimberly Clark Menchion, Esquire
Department of Transportation
605 Suwannee Street, Mail Station 58
Tallahassee, Florida 32399

Roger G. Saberson, Esquire
Treasure Coast Regional Planning Council
421 Southwest Camden Avenue
Stuart, Florida 00034-9994

Pamala H. Ryan, Esquire
City Attorney Office
600 West Blue Heron Boulevard
Riviera Beach, Florida 33404

Ashley Foster Pinnock, Esquire
NextEra Energy Resources, LLC
700 Universe Blvd.
West Palm Beach, Florida 33408

Emily J. Norton, Esquire
Florida Fish and Wildlife
Conservation Commission
Farris Bryant Building
620 South Meridian Street
Tallahassee, Florida 32399-1600

John C. Randolph, Esquire
Jones, Foster, Johnston & Stubbs, P.A.
Flagler Center Tower, Suite 1100
505 South Flagler Drive
West Palm Beach, Florida 33401-5923

Robert P. Banks, Esquire
Palm Beach County Attorney's Office
301 North Olive Avenue, Suite 601
West Palm Beach, Florida 33401

Suzanne Payson, Esquire
City Hall
401 Clematis Street
West Palm Beach, Florida 33401

by electronic filing to:

Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, FL 32399-1550

and by hand delivery to:

Toni Sturtevant, Esquire
Department of Environmental Protection
3900 Commonwealth Blvd., M.S. 35
Tallahassee, FL 32399-3000

Harold "Bud" Vielhaur, Esquire
Board of Trustees of the Internal Improvement
Trust Fund
Office of General Counsel
3900 Commonwealth Blvd., M.S. 35
Tallahassee, FL 32399-3000

this 24th day of November, 2009.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

FRANCINE M. FFOLKES
Administrative Law Counsel

3900 Commonwealth Blvd., M.S. 35
Tallahassee, FL 32399-3000
Telephone 850/245-2242

STATE OF FLORIDA

DEPARTMENT

OF

ENVIRONMENTAL PROTECTION

Conditions of Certification

Florida Power & Light Company
Riviera Beach Energy Center

PA 08-54

Certified XXXXXXXXXXX

EXHIBIT "A"

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SECTION A. GENERAL CONDITIONS

SECTION B. SPECIFIC CONDITIONS

ATTACHMENTS APPENDICES

SECTION A. GENERAL CONDITIONS

I. SCOPE

A. Pursuant to sections 403.501-518, Florida Statutes (F.S.)., the Florida Electrical Power Plant Siting Act (PPSA); 403.520-5365, the Transmission Line Siting Act (TLSA); and 403.9401-9425, the Natural Gas Transmission Pipeline Siting Act (NGPSA), this certification is issued to Florida Power & Light (FPL) as owner/operator of the Riviera Beach Energy Center and Licensee. Subject to the requirements contained in these Conditions of Certification (Conditions) FPL will operate a 1250 MW facility consisting of one combined cycle unit and ancillary equipment. These units are located on a 39 acre site which is located primarily in the City of Riviera Beach with a small portion in the City of West Palm Bach in Palm Beach County, Florida. UTM coordinates are; Zone 17, 594.249 kilometers (km) East and 2,960.632 km North. The construction laydown area is located with existing transmission lines on approximately 7 acres on the west side of U.S. Highway 1.

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

C. Within 60 days after completion of construction of the certified facility/ies, the Licensee shall provide: 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, and an aerial photograph delineating the boundaries of the site. The survey and aerial photograph shall be attached hereto as Attachment A. The Licensee shall notify the Department of any change to the site boundary. The notification shall be accompanied by an updated land survey (or legal description) and aerial photograph delineating the new boundaries of the site. Absent the above description/delineation of the site, the Department will consider the perimeter fence line of the property on which the plant is located to be the boundaries of the site.

D. Within 60 days after completion of construction of the certified facility/ies, including but not limited to transmission lines and natural gas pipelines, the Licensee shall provide a survey map signed by a professional land surveyor, or acceptable equivalent documentation such as an official legal description, delineating the boundaries of the certified area; and an aerial photograph delineating the boundaries of the certified area (if different from those boundaries established for the site). The survey and the aerial photograph shall be attached hereto as Attachment B. Any proposed project requiring a change to the boundaries of the certified area shall be accompanied by an updated survey map or legal description and aerial photograph.

E. The certified facility includes the following major associated facilities:

1. Cooling water intake culvert located on property owned by the Port of Palm Beach;
2. Switchyards (138 kV and 230 kV);
3. Manatee Viewing Center; and

3. An offsite construction laydown and parking area that will be located on FPL property west of U.S. Highway 1.

F. Unless otherwise specified within the Conditions of Certification, Licensee shall make a good faith effort to timely comply with any newly established General Condition within 6 months. Licensee shall promptly notify the Department regarding any newly established General Condition for which licensee cannot timely comply.

[Section 403.511, 403.531, 403.9416, F.S.; 62-4.160(8), and 62-17.205(2), F.A.C.]

II. APPLICABLE RULES

A. The construction and operation of the certified facility shall be in accordance with all applicable non-procedural provisions of Florida Statutes (F.S.) and Florida Administrative Code, including, but not limited to, the non-procedural portions of the following regulations, except to the extent a variance, exception, exemption or other relief is granted in the final order of certification or in a subsequent modification to the Conditions: Chapter 403 (Environmental Control), F.S., and Chapters 18-20 (Aquatic Preserves), 40D-2 through 4 (Consumptive Use of Water, Regulation of Wells, Individual Environmental Resource Permits), 40D-8 (Water Levels and Rates of Flow), 40D-9 (District Land Use Rules), 40D-20 (General Water Use Permits), 40-D21 (Water Shortage Plan), 40-D40 (General Environmental Resource Permits), 62-4 (Permits), 62-17 (Electrical Power Plant Siting), 62-25 (Regulation of Stormwater Discharge), 62-256 (Open Burning), 62-296 (Stationary Sources-Emission Standards), 62-297 (Stationary Sources-Emission Monitoring), 62-301 (Surface Waters of the State), 62-302 (Surface Water Quality Standards), 62-303 (Identification of Impaired Surface Waters), 62-304 (Total Maximum Daily Loads) 62-312 (Dredge and Fill Activities), 62-330 (Environmental Resource Permitting), 62-340 (Delineation of the Landward Extent of Wetlands and Surface Waters), 62-345 (Uniform Mitigation Assessment Method), 62-520 (Groundwater Classes and Standards), 62-522 (Groundwater Permitting and Monitoring), 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), 62-621 (Generic Permits), 62-650 (Water Quality Based Effluent Limitations), 62-660 (Industrial Wastewater Facilities), 62-699 (Treatment Plant Classification and Staffing), 62-701 (Solid Waste Management Facilities),62-730 (Hazardous Waste), 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) and 62-814 (Electric and Magnetic Fields), Florida Administrative Code (F.A.C.).

B. No term or condition of certification shall be interpreted to preclude the postcertification exercise by any party of whatever procedural rights it may have under chapter 120, including those related to rulemaking proceedings.

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

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 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 rules which prescribe new or stricter criteria shall operate as automatic modifications to certifications.

B. Upon written notification to the department, any holder of a certification issued pursuant to the PPSA, TLSA or NGPSA may choose to operate the certified electrical power plant/transmission line/natural gas pipeline 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.

[Sections 403.511(5)(a),403.531,403.9416, F.S. ;Rules 62-4.160(8) and 62-4.160(10),F.A.C.]

IV. DEFINITIONS

Unless otherwise indicated herein, the meaning of terms used herein shall be governed by the applicable definitions contained in Chapters 373 and 403, F.S., and any regulation adopted pursuant thereto. In the event of any dispute over the meaning of a term used in these 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 documents required by the department to be filed to initiate a certification review and evaluation, including the initial document filing, amendments, and responses to requests from the department for additional data and information. For purposes of this license application shall also include materials submitted for petitions for modification to the Conditions of Certification, as well as supplemental applications.

B. "Associated Facilities" is defined by 403.503(7), F.S.

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

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

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

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

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

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

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

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

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

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

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

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

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

P. "ROW" means right-of-way.

Q. "Site" means any proposed location within which will be located an electrical power plant's generating facility and onsite support facilities, or an alteration or addition of electrical generating facilities and onsite support facilities resulting in an increase in generating capacity, including offshore sites within state jurisdiction.

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

S. "Title V permit" means a federal permit issued by DEP in accordance with Title V provisions of the federal Clean Air Act.

V. TRANSFERABILITY OF DEFINITIONS

Definitions in other Chapters of the Department's rules may be used to clarify the meaning of terms used in these Conditions unless the terms are defined in Section 62-4.020, F.A.C., or unless transfer of such definition would defeat the purpose or alter the intended effect of the provisions of these Conditions.

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

VI. FEDERAL PERMITS

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

A. Air

The provisions of the following paragraphs shall be conditions of this certification. The Licensee shall comply with the substantive provisions and limitations set forth in Air Construction Permit No. 0990042-006, Title V Air Operation Permits No. 0990042-004-AV, and No. 0990042-005-TV as part of these Conditions of Certification, and as those provisions may be modified, amended, or renewed in the future by the Department. Such provisions shall be fully enforceable as conditions of this certification. Any violation of such provisions shall be a violation of these Conditions of Certification.

1. Air Construction Permit(s)

Air Construction permit 0990042-006-AC is incorporated by reference herein as part of this Certification and attached as Appendix A.

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

2. Title V Permit

Title V Air Operation Permits 0990042-004-AV and 0990042-005-AV are incorporated by reference herein as part of this Certification and attached as Appendix B.

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

B. Water

1. Industrial Wastewater Discharge

Any discharges during construction and operation shall be in accordance with all applicable provisions of NPDES Permit No.FL0001546 (attached as Appendix C) and as those provisions may be modified, amended, or renewed in the future by the Department. Such provisions shall be fully enforceable as conditions of this certification. Any violation of such provisions shall be a violation of these Conditions of Certification.

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

2. NPDES Stormwater

Prior to start of construction the Licensee shall prepare a Storm Water Pollution Prevention Plan and submit a copy of the National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) to use a Construction Generic Permit (CGP) For Stormwater Discharges From Large and Small Construction Activities (as applicable) to the DEP NPDES Stormwater Notices Center.

[Rule 62-621.300(4)(a), F.A.C.]

3. Multi-Sector Generic Permits

Any storm water discharges associated with industrial activity shall be in accordance with all applicable provisions of Rule 62-621.300(5)(a) F.A.C.

[Rule-62-621.300(5)(a), F.A.C.]

C. Other

For informational purposes, it should be noted that other federal permits for the certified facility may include permits issued by federal agencies such as the U.S. Army Corp of Engineers, U.S. Nuclear Regulatory Commission, and the U.S. Environmental Protection Agency.

VII. DESIGN AND PERFORMANCE CRITERIA

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

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

VIII. NOTIFICATION

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

1. A description of and cause of noncompliance; and

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

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

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

[Rule 62-343, F.A.C.]

IX. REPLACEMENT FOR RESTORATION OF SYSTEM INTEGRITY

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

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

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

X. CONSTRUCTION PRACTICES

A. Local Building Codes

Any local government has the right to charge appropriate fees or require that construction be in compliance with applicable building construction codes.

[Section 403.511(4), 403.531(4) and 403.9416(7) F.S.]

B. Particulate Matter

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

[Sections 403.511, 403.531, 403.9416, F.S.; Rule 62-296.320, F.A.C.]

C. Open Burning

Any open burning in connection with initial land clearing shall be in accordance with the non-procedural requirements of Chapter 62-256, F.A.C., Chapter 5I-2, F.A.C., Uniform Fire Code Section 33.101, Addendum. Prior to any burning of construction-generated material, after initial land clearing that is allowed to be burned in accordance with Chapter 62-256, F.A.C., Licensee shall seek approval from the applicable DEP District Office, as appropriate, whose approval may be granted in conjunction with the Division of Forestry. Burning shall not occur if not approved by the appropriate agency or if the Department or the Division of Forestry has issued a ban on burning due to fire safety conditions or due to air pollution conditions. A copy of any submittal by Licensee relating to open burning shall be submitted to the affected county, for any open burning that will take place in the affected county, respectively, for informational purposes. A copy of any submittal by Licensee relating to open burning within the affected county or within 5 miles of the affected county shall be submitted to the affected county for informational purposes.

[Sections 403.511, 403.531, 403.9416, F.S.; Rules 51-2 and 62-256, F.A.C.]

D. Solid Wastes

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

[Sections 403.511, 403.531, 403.9416, F.S.; Rule 62-701, F.A.C.]

E. Flood Control Protection

The certified facilities shall be constructed in such a manner that complies with any applicable County flood protection requirements,

F. Vegetation

The Licensee, to the extent feasible, will retain existing native (non-exotic) vegetation within the certified area and practice "best management practices" with respect to vegetation management in the certified area to the extent feasible and in compliance with Section 163.3209, F.S., which incorporates by reference North American Electrical Reliability Corporation (NERC) standard FAC-003-1, American National Standards Institute (ANSI) standards A300 (Part I)-2001 and 2133.1-2000, and National Electrical Safety Code (NESC) standards adopted by the Florida Public Service Commission. The requirements of section V. D. the *Upland Erosion Control, Revegetation, and Maintenance Plan* from the Federal Energy Regulatory Commission (FERC) found at this web address http://www.ferc.gov/industries/gas/enviro/uplndctl.pdf as well as Chapter 7 of the Florida Department of Transportation *Utility Accommodation Manual* located at this web address http://www2.dot.state.fl.us/proceduraldocuments/procedures/bin/710020001/Chapter-7.pdf shall serve as guidelines for best management practices.

[Chapter 163.3209, F.S.]

G. Underground Utilities

During design and prior to construction of any linear facility, Licensee shall contact Sunshine One Call and obtain a listing (design and construction tickets) of all of the known existing underground utilities within the ROW. Licensee shall provide the affected county and the Siting Office with a copy of those facilities located within the County's right-of-way. Licensee must also follow safe digging practices and the Underground Facility Damage Prevention and Safety Act, Chapter 556, F.S.

[Chapter 556, F.S.]

H. Electric and Magnetic Fields

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

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

XI. RIGHT OF ENTRY

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

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

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

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

[Sections 403.511, 403.531, 403.9416, F.S.; Rule 62-4.160(7)(a), 62-4.160(15),F.A.C.]

XII. DISPUTE RESOLUTION

This Section XII governs disputes concerning these Conditions of Certification in cases where (a) the parties to the dispute are parties identified in Sections 403.508(3)(a), 403.527(2)(a), and 403.9411(4)(a) F.S. and (b) the time has elapsed for filing an appeal concerning the Conditions of Certification that gave rise to the disputed issue. If such a dispute arises and mutual agreement cannot be reached between the parties, the first attempt at dispute resolution will be handled by a Florida Supreme Court Certified Mediator agreed upon by all of the parties involved in the dispute. If resolution cannot be achieved in this manner, 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. Licensee or DEP may request DOAH to establish an expedited schedule for the processing of such a dispute.

[Sections 403.508(3)(a), 403.511(5)(c), 403.527(2)(a), 403.531(5), 403.9411(4)(a), 403.9416(4), F.S. and 120.57, F.S.]

XIII. SEVERABILITY

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

XIV. ENFORCEMENT

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

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 arising under the Florida Statues or Department rules.

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

XV. REVOCATION OR SUSPENSION

The certification shall be final unless revised, revoked or suspended pursuant to law. This certification may be suspended or revoked pursuant to Section 403.512, 403.532 and 403.9435 F.S., as applicable, or for violations of any of these Conditions of Certification. This approval is valid only for the specific processes and operations identified within the Application and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this approval may constitute grounds for revocation and enforcement action by the Department. Any enforcement action, including suspension and revocation, shall only affect the portion(s) of the Certified facility that are the cause of such action, and other portions of the Certified facility shall remain unaffected by such action.

[Sections 403.512, 403.532 and 403.9435, F.S. and Rule 62-4.160(2), F.A.C.]

XVI. SAFETY

As provided in subsections 403.087(6) and 403.722(5), F.S., the issuance of this license does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This License is not a waiver of or approval of any other Department License that may be required for other aspects of the certified facility which are not addressed in this License. This license does not relieve the Licensee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this certified facility, or from penalties therefore; nor does it allow the Licensee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.

[Rules 62-4.160(3); 62-4.160(5), F.A.C.]

XVII. HERBICIDES

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

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

XVIII. CIVIL AND CRIMINAL LIABILITY

A. This certification does not relieve the Licensee from civil or criminal penalties for noncompliance with any conditions of this certification, applicable rules or regulations of the

Department, or any other state statutes or regulations which may apply. As provided in Section 403.511, 403.531 and 403.9416, F.S., the issuance of this certification conveys neither any vested rights nor any exclusive privileges. Neither does it authorize any injury to human health or welfare, animal or plant life, public or private property or any invasion of personal rights.

B. This certification does not allow any infringement of federal, state, or local laws or regulations, nor does it allow the Licensee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order or permit from the Department or these Conditions of Certification. This approval is not a waiver of any other Department approval that may be required for other aspects of the certified facility under federally delegated or approved programs.

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

XIX. PROPERTY RIGHTS

A. The issuance of this certification conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.

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

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 activity requires a proprietary authorization. The 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 Section 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, 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 the required lease or easement shall be met. Construction of this activity shall not commence on sovereign submerged lands or state owned uplands, title to which is held by the Board of Trustees of the Internal Improvement Trust

Fund, until all required lease or easement documents have been executed to the satisfaction of the Department.

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

XX. LICENSEE'S 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 the Licensee of whatever procedural rights it may have under Chapter 120, F.S., including those related to rule-making proceedings.

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

XXI. POST-CERTIFICATION SUBMITTALS AND NOTICES REQUIRED BY CONDITIONS

Post-certification submittals and notices shall be sent, as specified in these Conditions, to the agencies specified in these Conditions at the following addresses, unless Licensee and DEP are notified in writing of an agency's change in address for such submittals and notices:

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

Florida Department of Environmental Protection
Southeast District Office
400 North Congress Ave, Suite 200
West Palm Beach, Florida 33401

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

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

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

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

Treasure Coast Regional Planning Council
Office of the Executive Director
421 SW Camden Avenue
Stuart, Florida 34994

South Florida Water Management District
Office of General Counsel
3301 Gun Club Road
West Palm Beach, Florida 32177

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

City of Riviera Beach
Office of the City Attorney
600 W. Blue Heron Blvd.
Riviera Beach, Florida 33404

City of West Palm Beach
Office of the City Attorney
401 Clematis Street, Fifth Floor
West Palm Beach, FL 33401

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

XXII. PROCEDURES FOR POST-CERTIFICATION SUBMITTALS

A. Purpose of Submittals

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

B. Filings

All post-certification submittals of information by Licensee are to be filed with the DEP Siting Coordination Office, the appropriate DEP District Office(s), and any other agency that is entitled to receive a submittal pursuant to any Condition of Certification. As required by

Section 403.5113(2), F.S., each post-certification submittal will be reviewed by each agency with regulatory authority over the matters addressed in the submittal on an expedited and priority basis.

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

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

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

C. Completeness

DEP shall promptly review each post-certification submittal for completeness. This review may include consultation with the other agency (ies) receiving the post-certification submittal with regulatory jurisdiction over the matter addressed in the submittal. DEP's finding of completeness shall specify the area of the certified facility affected, and shall not delay further processing of the post-certification submittal for non-affected areas. If any portion of a post-certification submittal is found to be incomplete, Licensee shall be so notified. Failure to issue such a notice within 30 days after filing of the submittal shall constitute a finding of completeness. Subsequent findings of incompleteness, if any, shall address only the newly filed information.

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

D. Interagency Meetings

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

E. Determination of Compliance

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

F. Commencement of Construction

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

G. Revisions to Design Previously Reviewed for Compliance

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

H. Variation to Submittal Requirements

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 of Certification.

I. Disputes

Any agency which received a post-certification submittal pursuant to these Conditions may dispute a determination that a submittal provides reasonable assurances of compliance with the Conditions of Certification made by DEP on matters within that agency's jurisdiction by following the procedures set forth in Chapter 120, F.S. The agency's statement disputing DEP's determination shall state with particularity the location to which the agency's dispute relates. Work in areas other than the location to which the agency's dispute relates will not be affected by the agency's dispute.

J. Post-Construction Activities

The Licensee shall comply with the requirements of section VII from the *Upland Erosion Control, Revegetation, and Maintenance Plan* from the Federal Energy Regulatory Commission (FERC) found at this web address http://www.ferc.gov/industries/gas/enviro/uplndctl.pdf.

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

XXIII. POST CERTIFICATION AMENDMENTS

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

1. If the department concludes that the change would not require a modification to the conditions of certification, the department shall provide written notification of the approval of the proposed amendment to the Licensee, all agencies, and all other parties.

2. If the department concludes that the change would require a modification to the conditions of certification, the department shall provide written notification to the Licensee that the proposed change to the application requires a request for modification pursuant to 403.516, and 403.5317, F.S.

Chapters 373, 403.4211 and 403.5113, 403.516, 403.5317, F.S.; Rules 62-340 and 62-343, F.A.C.]

XXIV. MODIFICATION OF CERTIFICATION

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

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

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

C. Requests which include alterations to the landscape regulated under Part IV of Chapter 373 (relevant to environmental resource permitting), F.S shall require modification to the Conditions of Certification. Activities meeting any one of the below criteria shall require modification to these conditions. An activity shall be considered a modification if:

1. the activity requires a new site inspection by the department in order to evaluate the request;

2. the activity necessitates a change to the Conditions of Certification;

3. the activity substantially

a. increases the authorized discharge;

b. results in different or increased impacts on wetlands and other surface waters, as delineated by the methodology ratified by section 373.4211, F.S., and codified in Chapter 62-340, F.A.C;

c. decreases the retention/detention specified by the current application/license;

d. decreases any flood control elevations for roads or buildings specified by the current application/license; or

e. increases the certified facility area; or

4. the activity occurs on sovereign (or state-owned) submerged lands.

For approval of activities governed by the Department's program for Environmental Resource Permits, the Licensee shall submit a completed application Form# 62-343.900(1) (as required in Rules 62-343.070(2) and 62-343.090(2)(b), F.A.C.) with its petition for modification.

D. Any anticipated facility change which results in a change to the certified area must be accompanied by a map or aerial photo showing the proposed new boundaries of the certified area. The Department may consider any such change to be a modification of the Conditions of Certification, including those changes that would otherwise be considered an amendment to the Site Certification Application. Within 60 days after completion of construction of the new project the Licensee shall provide: a survey map signed by a professional land surveyor, or acceptable equivalent documentation such as a legal description, delineating the boundaries of the certified area; and an aerial photograph delineating the new boundaries of the certified area. The survey and aerial photograph shall be attached hereto as Attachment B.

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

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

XXV. COASTAL ZONE CONSISTENCY

Pursuant to Section 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 380.23 and 403.511(7), F.S.]

XXVI. STATE WATER QUALITY STANDARDS COMPLIANCE

For each post-certification submittal and modification which addresses matters within DEP's environmental resource permitting jurisdiction, DEP shall provide to the U.S. Army Corps of Engineers (USCOE) a letter stating that the Licensee has met the requirements for 33 United States Code (U.S.C.) 1341.

[Sections 403.067, F.S.]

XXVII. FINANCIAL RESPONSIBILITY

The Department may require a Licensee to submit proof of financial responsibility and may require the Licensee to post an appropriate bond to guarantee compliance with the law and Department rules.

[Section 403.061(7) F.S., and 62-4.110, and 62-701.630, F.A.C.]

XXVIII. TRANSFER OF CERTIFICATION

This certification is transferable in whole or in part, upon Department approval, to an entity determined to be competent to construct, operate and maintain the certified facility in accordance with these Conditions of Certification. The Department will consider whether the entity is a proper applicant as defined by the PPSA, TLSA and/or NGPSA, in making its approval. A transfer of certification of all or part of the certified facility may be initiated by the Licensee's filing of a Notice of Intent to Transfer Certification with the Department. A copy of the necessary form may be obtained by contacting the Siting Coordination Office. Upon approval the Department will initiate a modification to the Conditions of Certification to reflect the change in ownership in accordance with 62-17.211, F.A.C. In the event of the dissolution of a certified licensee, the Department may transfer certification to successor entities which are determined to be competent to construct, operate and maintain the certified facility in accordance with the conditions of certification and which are proper applicants as defined by the PPSA, TLSA and/or NGPSA. Upon determination that such a successor entity complies with the above, the Department will initiate a modification to the Conditions of Certification to reflect the change in ownership in accordance with 62-17.211, F.A.C.

[Chapter 120, and Sections 403.511, 403.531, and 403.9416, F.S.]

XXIX. LABORATORIES AND QUALITY ASSURANCE

A. The Licensee shall ensure that all laboratory analytical data submitted to the Department, as required by this Certification, are from a laboratory which has a currently valid and Department approved Comprehensive Quality Assurance Plan (CompQAP) or a CompQAP pending approval for all parameters being reported, as required by Chapter 62-160, F.A.C.

B. The Licensee shall ensure that all samples required pursuant to this certification are taken by an appropriately trained technician following EPA and Department approved sampling procedures and chain-of-custody requirements in accordance with Rule 62-160, F.A.C. All chain-of-custody records shall be retained on-site for at least three (3) years and made available to the Department immediately upon request.

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.

[Rules 62-160 and 62-4.160(14), F.A.C.]

XXX. ENVIRONMENTAL RESOURCES

A. Stormwater

1. Activities approved by these conditions shall be conducted in a manner which does not cause violations of state water quality standards. The licensee shall implement best management practices for erosion and a pollution control to prevent violation of state water quality standards. Temporary erosion control shall be implemented prior to and during construction and permanent control measures shall be completed within seven days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the licensed work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. Thereafter the licensee shall be responsible for the removal of the barriers. The licensee shall correct any erosion or shoaling that causes adverse impacts to the water resources.

2. Water quality data for the water discharged from the licensee's property or into the surface waters of the state shall be submitted to the Department as required by these Conditions. Analyses shall be performed according to procedures outlined in the current edition of Standard Methods for the Examination of Water and Wastewater by the American Public Health Association or Methods for Chemical Analyses of Water and Wastes by the U.S. Environmental Protection Agency. If water quality data are required, the licensee shall provide data as required on volumes of water discharged, including total volume discharged during the days of sampling and total monthly volume discharged from the property or into surface waters of the state.

3. The Department must be notified in advance of any proposed construction dewatering. If the dewatering activity is likely to result in offsite discharge or sediment transport into wetlands or surface waters, a written dewatering plan must either have been submitted and approved with the license application or submitted to the Department as a license prior to the dewatering event as a license modification. The licensee is advised that the rules of the applicable Water Management District state that a water use license may be required prior to any use exceeding the thresholds in Chapter **40X-X**, F.A.C.

4. Stabilization measures shall be initiated for erosion and sediment control on disturbed areas as soon as feasible in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than seven days after the construction activity in that portion of the site has temporarily or permanently ceased.

5. Off site discharges during construction and operation of the certified facilities shall be made only through the facilities authorized by this license. Water discharged from the certified facility shall be through structures having a mechanism suitable for regulating upstream stages. Stages may be subject to operation schedules satisfactory to the Department.

6. The licensee shall complete construction of all aspects of the surface water management system, including wetland compensation (grading mulching, planting), water quality treatment features, and discharge control facilities prior to beneficial occupancy or use of the development being served by this system.

7. The following shall be properly abandoned and/or removed in accordance with the applicable regulations:

a. Any existing wells in the path of construction shall be properly plugged and abandoned by a licensed well contractor.

b. Any existing septic tanks on site shall be abandoned at the beginning of construction, unless these Conditions provide otherwise.

c. Any existing fuel storage tanks and fuel pumps shall be removed at the beginning of construction, unless these Conditions provide otherwise.

8. All surface water management systems shall be operated to conserve water in order to maintain environmental quality and resource protection; to increase the efficiency of transport, application and use; to decrease waste; to minimize unnatural runoff from the property and to minimize dewatering of offsite property.

9. At least 48 hours prior to commencement of activity authorized by this license, the licensee shall submit to the Department a written notification of commencement using an "Environmental Resource Permit Construction Commencement" notice (Form No. 62-343.900(3), F.A.C.) indicating the actual start date and the expected completion date.

10. Each phase or independent portion of the licensed system must be completed in accordance with the licensed plans and license conditions prior to the occupation of the site or operation of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the licensed plans and license conditions prior to transfer of responsibility for operation and maintenance of that phase or portion of the system to a local government or other responsible entity.

11. Within 30 days after completion of construction of the licensed activity, the licensee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing the required "Environmental Resource Permit As-Built Certification by a Registered Professional" (Form No. 62-343.900(5), F.A.C.), and "Request for Transfer of Environmental Resource Permit Construction Phase to Operation Phase" (Form 62-343-900(7), F.A.C.). Additionally, if deviations from the approved drawings are discovered during the certification process the certification must be accompanied by a copy of the approved license drawings with deviations noted.

12. This license is valid only for the specific processes, operations and designs indicated on the approved drawings or exhibits submitted in support of the license application. Any substantial deviation from the approved drawings, exhibits, specifications or license conditions, including construction within the total land area but outside the certified facility, may constitute grounds for revocation or enforcement action by the Department, unless a modification has been applied for and approved. Examples of substantial deviations include excavation of ponds, ditches or sump areas deeper than shown on the approved plans.

13. The operation phase of this license 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 licensed plans, and the entity approved by the Department

accepts responsibility for operation and maintenance of the system. The license may not be transferred to the operation and maintenance entity approved by the Department until the operation phase of the license becomes effective. Following inspection and approval of the licensed system by the Department, the licensee shall request transfer of the license to the responsible operation and maintenance entity approved by the Department, if different from the licensee. Until a transfer is approved by the Department pursuant to Section 62-343.110(1)(d), F.A.C., the licensee shall be liable for compliance with the terms of the license.

14. Should any other regulatory agency require changes to the licensed system, the Department shall be notified of the changes prior to implementation so that a determination can be made whether a license modification is required.

15. The licensee is hereby advised that Section 253.77, F.S., states that a person may not commence any excavation, construction, other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the licensee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.

16. Any delineation of the extent of a wetland or other surface water submitted as part of the license application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this license or a formal determination under section 373.421(2), F.S., provides otherwise.

[Rules 62-343, 62-302, and 62-4.242, F.A.C.]

B. Wetland Impacts

1. Submittals for Activities Within Wetlands or Other Surface Waters

a. Prior to the projected commencement of construction of the certified facility in wetlands or other surface waters, the Licensee shall provide to the appropriate DEP District's Environmental Resource Permitting Section(s) and the U.S. Army Corps of Engineers all information necessary for a complete *Joint Environmental Resource Permit application*, DEP Form No. 62-343.900(1), with copies to the appropriate WMD(s), local government (s) and RPC(s) for informational purposes.

[Section 373.416, F.S.; Rule 62-343.900(1)]

b. The Licensee shall provide reasonable assurance that the joint construction, operation and maintenance of any facilities, including any access roads and structures constructed within wetlands and other surface waters, and/or associated facilities, satisfy any applicable water management district rules. Pursuant to Rule 62-17.665(7)(d), F.A.C., the Licensee shall provide sufficient information on a post-certification basis to demonstrate that there is reasonable assurance of compliance with the applicable WMD(s) substantive requirements.

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

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

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

2. Consultation with Wetland Agencies

At the request of the Licensee, DEP Siting Coordination Office may conduct an interagency meeting for the Licensee to consult with the wetlands resource permitting staffs of DEP and WMD(s) and the FWC's staff, prior to the finalization of any construction in wetlands which are to be reflected in any post-certification submittals. At DEP's request, the Licensee shall conduct a field inspection with the agencies' staff representatives in conjunction with the interagency meeting.

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

3. Reduction and Elimination of Impacts

a. Avoidance

(1) Where the certified facility crosses wetlands or other surface waters, the Licensee shall utilize adjacent existing access roads and public roads for access to associated facilities for construction, operation and maintenance purposes to the extent feasible.

(2) All facilities shall be constructed in a manner which reduces or eliminates adverse impacts to on-site and adjacent wetlands to the extent feasible.

(3) Where feasible, the Licensee shall make an effort to reduce or eliminate impacts to wetlands and other surface waters within the certified facility.

(4) To the extent feasible and utilizing the typical structures shown in the Application, access roads, culverts and structures shall be located to avoid conflict with existing underground utilities properly documented in county records.

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

b. Clearing

(1) The Licensee shall use only restrictive clearing practices during construction and maintenance of the certified facility where it crosses forested wetlands. Restrictive clearing, as used in this condition, is the removal of vegetation by hand, usually with chain saws, or with low-ground-pressure shear or rotary machines to reduce soil compaction and damage to ground cover. These methods may be used alone or in combination, as may be appropriate for specific sites. All cut vegetation must be removed from wetlands unless other techniques, such as mulching or burning in place, are agreed to by DEP Siting Coordination Office and the applicable local government in the post-certification review process. Removable construction matting in conjunction with best management practices may be used in wetlands to support equipment.

(2) Tree stumps within access roads and in the construction area may be removed, sheared, or ground to 6 inches below the ground line to allow for travel and construction activities.

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

[Sections 373.414 and 373.416, F.S]

4. Mitigation

a. Mitigation for wetland impacts pursuant to Section 373.414, F.S. shall not be required by DEP if the certified facility is;

(1) not located within wetlands

(2) not expected to adversely impact wetlands, or

(3) complies with the following conditions:

i. All permanent fill shall be at grade; and

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

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

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

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

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

b. For construction in wetlands that does not comply with the requirements in paragraph a., the Licensee shall propose a mitigation plan as a post-certification submittal under Condition XXII and once approved by DEP become part of the Conditions as Attachment C. The following information shall be provided to the appropriate DEP District(s) Environmental Resource Permitting Section for review:

(1) detailed description, location map, and recent aerial photograph of each wetland impact area in which the Rule 62-341.620(2)(b)-(i), F.A.C., limitations were not met;

(2) acreage of the type and quality of wetland being impacted at each such site;

(3) narrative, drawings, location map, and aerial photographs showing and explaining the proposed mitigation, or in the case of a mitigation bank, the name and location of the bank;

(4) detailed description of the existing conditions at the impact site and, unless a mitigation bank is proposed, at the mitigation area;

(5) acreage and wetland type of the proposed mitigation, or for a Department-approved mitigation bank, the type and number of credits;

(6) if not a mitigation bank, documentation providing reasonable assurance that the proposed mitigation will be successful; and

(7) an analysis pursuant to Chapter 62-345, F.A.C., to the extent applicable.

(8) To the extent mitigation will be provided from a mitigation bank, a credit reservation letter will be provided from the selected bank demonstrating the necessary credits are being set aside to offset project impacts.

c. Mitigation plans must be found to fully offset the functions and values provided by wetlands that will be degraded or eliminated to the abundance and diversity of fish, wildlife and listed species, and the habitat of fish, wildlife and listed species. DEP will work with the Licensee in the development of acceptable mitigation plans. The mitigation plans proposed by the Licensee shall be submitted for review and compliance monitoring to DEP under Condition XXII.

d. If DEP, upon review of the proposed mitigation plan, determines that the proposed mitigation is inadequate to offset the loss of wetland values described above from this project, the Licensee may propose additional or alternative mitigation or dispute the determination pursuant to Condition XII.

e. If the proposed mitigation plan is deemed acceptable by DEP; and,

(1) Does not involve the use of a mitigation bank, the construction conditions, success criteria and a monitoring plan will be incorporated into the construction conditions.

(2) Does involve the use of a mitigation bank within 90 days after issuance of the site certification or 30 days prior to commencement of construction of the Project, the Licensee shall provide the Siting Coordination Office with documentation of the final purchase of the required mitigation credits and deduction of those credits from the wetlands mitigation bank's ledger. If the Project results in additional wetland impacts not covered by this certification, then additional wetlands mitigation information shall be submitted to the Department. Upon receiving complete information, the Department will assess the revised mitigation plan within 90 days. If the Department, upon review of the proposed mitigation, determines that the proposed mitigation is inadequate to offset the additional wetland loss and habitat degradation from this project, the Licensee shall propose additional mitigation.

g. No construction within wetlands subject to the regulatory jurisdiction of DEP that does not comply with the non-procedural limitations of Rule 62-341.620(2)(b)-(i), F.A.C., or paragraph A above, shall commence until DEP approves a mitigation plan, and, if a bank is not used, mitigation construction conditions, success criteria and a monitoring plan are incorporated into the certification conditions.

h. The Licensee shall be deemed to have met the requirements of this condition relative to mitigation if the Licensee satisfies the criteria of the appropriate WMD(s) Basis of Review for Environmental Resource Permit Applications and Chapter 62-345, F.A.C., as applicable under operating agreements between appropriate WMD(s) and the department.

[Sections 373.414, 403.511, 403.531, 403.814(6) and 403.9416, F.S. (2007); Rules 62-341.620 and 62-345, F.A.C.]

XXXI. THIRD PARTY IMPACTS

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

[Rule 62-4.166, F.A.C.]

XXXII. FACILITY OPERATION

A. The Licensee shall at all times properly operate and maintain the certified facility and related appurtenances, and systems of treatment and control that are installed and used to achieve compliance with the conditions of this certification, and are required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the approval and when required by Department rules.

B All discharges or emissions authorized herein shall be consistent with the terms and conditions of this certification. The discharge or emission of any regulated pollutant not identified in the Application, or more frequently than, or at a level in excess of that authorized herein, shall constitute a violation of the certification.

C. The Department shall hold the Licensee responsible for compliance with the Conditions of Certification regardless of how the violation occurred.

[Rules 62-4.160(2) and 62-4.160(6), F.A.C.]

XXXIII. RECORDS MAINTAINED AT THE FACILITY

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

B. The Licensee shall hold at the facility, or other location designated by this approval, records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation required by this approval, copies of all reports required by this approval, and records of all data used to complete the application 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. The Licensee shall provide copies of these records to the Department upon request. If the

Licensee becomes aware of relevant facts that were not submitted or were incorrect in any report to the Department, such facts or information shall be promptly submitted or corrected.

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

XXXIV. TOXIC, DELETERIOUS OR HAZARDOUS MATERIALS

A. Use

If hazardous substances are used in the construction or maintenance of the certified facility, Licensee shall provide the DEP with reasonable assurances that such hazardous substances will not enter stormwater drains or waterbodies (including groundwater).

[Rules 62-761.451; 62-762.451 F.A.C.]

B. Spills

Fuel and other petroleum product spills that enter stormwater drains or waterbodies, or fuel and other petroleum product spills that are in excess of 25 gallons shall be contained, cleaned up, and immediately reported to the appropriate DEP District Water Resources Office. A copy of any submittal by Licensee pursuant to this paragraph, for any spills located in the affected County, shall be provided to the affected County for informational purposes. Smaller ground surface spills shall be cleaned up as soon as practical.

[Rules 62-761.451; 62-762.451 F.A.C.]

C. Discharge

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 Section 62-520.420, F.A.C.) or are acutely toxic to indigenous species of significance to the aquatic community within surface waters affected by the ground water at the point of contact with surface waters.

[Rules 62-303; 62-40; 62-520, F.A.C.]

D. Reporting

The Licensee shall report all spills of materials having potential to significantly pollute surface or ground waters and which are not confined to a building or similar containment structure, by telephone immediately after discovery of such spill. The Licensee shall submit a written report within forty-eight hours, excluding weekends, from the original notification; the Siting Coordination Office shall be copied on this report. The telephone report shall be submitted by calling the DEP District Office Industrial Wastewater Compliance/Enforcement Section. After normal business hours, the Licensee shall contact the State Warning Point by calling (850) 413-9911 or (850) 413-9912. 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 size and extent of the spill and surface types (impervious, ground, water bodies, etc.) it impacted, the cleanup procedures used 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.

[Chapter 376, F.S.; Rule 62-160, F.A.C.]

XXXV. SOLID AND HAZARDOUS WASTE

A. Solid Waste

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

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

B. Hazardous Waste

The Licensee shall comply with all applicable provisions of DEP Rule 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, except for Conditionally Exempt Small Quantity Generators (CESQGs) who are exempt from this regulation under Title 40 Code of Federal Regulations (CFR), §261.5. CESQGs generate no more than 100 kg (220 lbs) of hazardous waste in any month.

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

C. Water Quality Reporting Requirements

All solid and/or hazardous waste water quality monitoring reports and all solid and/or hazardous waste ground water, surface water and leachate analytical results shall be submitted electronically. Water quality monitoring reports shall be submitted in a pdf format. The water quality data Electronic Data Deliverable (EDD) shall be provided to the Department in an electronic format consistent with requirements for importing the data into the Department's databases. Water quality monitoring reports shall be signed and sealed by a Florida registered professional geologist or professional engineer with experience in hydrogeological investigations and shall include the following:

1. Cover letter;
2. Summary of exceedances and recommendations;
3. Ground water contour maps;
4. Chain of custody forms;
5. Water levels, water elevation table;
6. Ground Water Monitoring Report Certification, using the appropriate Department form;
7. Appropriate sampling information on Form FD 9000-24 (DEP-SOP-001/01); and,
8. Laboratory and Field EDDs and error logs, as applicable.

All submittals in response to this specific condition shall be sent both to:

Florida Department of Environmental Protection
Southeast District Office
400 North Congress , Suite 200
West Palm Beach, Florida 33401

And to:

Florida Department of Environmental Protection
Solid Waste Section
2600 Blair Stone Road, MS 4565
Tallahassee, Florida, 32399-2400

And to:

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

[Rules 62-160.110, 62-160.240, 62-160.340, and 62-730.225, F.A.C.]

XXXVI. PETROLEUM STORAGE

The Licensee shall comply with all applicable provisions of DEP Rule 62-762, F.A.C. for any above ground petroleum storage systems.

[Rule 62-762, F.A.C.]

XXXVII. NOISE

The Licensee shall comply with applicable noise ordinances, if any.

XXXVIII. SCREENING

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

SECTION B. SPECIFIC CONDITIONS

I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

A. Incorporation of Existing State and Local Permits/Licenses

The operation of the Certified Site shall be in accordance with all applicable provisions of any state or local government permit issued prior to certification. All such state and locally issued permits are intended to be incorporated herein, such that the Licensee shall comply with the substantive provisions and limitations set forth in these permits. The inadvertent omission of any state or locally issued permit from these Conditions of Certification does not relieve the Licensee from compliance with the substantive provisions and limitations set forth in those permits.

At any time following certification, should the Licensee become aware of any state or locally issued permit not included herein, the Licensee shall promptly notify the Siting Office for incorporation into these Conditions of Certification. Likewise, when the Department is made aware of any separately issued permits, the Conditions of Certification will be modified accordingly to incorporate the substantive provisions and limitations of any such permit.

Such provisions shall be fully enforceable as conditions of this certification and may only be amended or modified in accordance with the provisions herein. Any violation of such provisions shall be a violation of these Conditions of Certification.

II. FLORIDA BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

The Licensee shall obtain a Sovereign Submerged Land Lease (Attachment D) prior to operation of the RBEC. A copy of the lease and any renewals of the lease shall be submitted by the Licensee to the Siting Coordination Office.

III. DEPARTMENT OF TRANSPORTATION

A. Post Certification Review Items

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

2. **Overweight or Overdimensional Loads**: Operation of overweight or overdimensional loads by the applicant 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, F.A.C.

3. **Use of State of Florida Right of Way or Transportation Facilities**: All usage and crossing of State of Florida right of way or transportation facilities will be subject to Rule Chapter 14-46, Utilities Installation or Adjustment, F.A.C.; Florida Department of Transportation's Utility Accommodation Manual (Document 710-020-001); Design Standards for Design, Construction, Maintenance and Utility Operation on the State Highway System; Standard Specifications for Road and Bridge Construction; and pertinent sections of the Florida Department of Transportation's Project Development and Environmental Manual. U.S. 1 has been identified as Florida Intrastate Highway System (FIHS) facility. DOT requests any information for the plant

site plan specifically within Dixie Highway and U.S. 1 limits be coordinated with the Department's District Four office. If Florida Power and Light is specifically requesting to use the vacant right of way between Broadway and Greenwood Avenue adjacent to 59" Street, this parcel of land is designated as one of the Department's storage hurricane disposal sites for Palm Beach County. A general use and temporary access permit may be required if the site is utilized. 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, Florida Statutes, and Rule Chapter 14-46, Florida Administrative Code.

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

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

6. **Use of Air Space:** Any newly proposed structure or alteration of an existing structure will be subject to the requirements of Chapter 333, F.S., and Rule 14-60.009, Airspace Protection, F.A.C. Additionally, notification to the Federal Aviation Administration (FAA) is required prior to beginning construction, if the structure exceeds notification requirements of 14 CFR Part 77, Objects Affecting Navigable Airspace, Subpart B, Notice of Construction or Alteration. Notification will be provided to FAA Southern Region Headquarters using FAA Form 7460-1, Notice of Proposed Construction or Alteration in accordance with instructions therein. A subsequent Determination by the FAA stating that the structure exceeds any federal obstruction standard of 14 CFR Part 77, Subpart C for any structure that is located within a 10-nautical-mile radius of the 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 725-040-1 1, Airspace Obstruction Permit Application, in accordance with the instructions therein.

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

SIS, or funded by Section 339.2819, F.S., will be subject to adequate level of service standards established by the local governments.

B. Best Management Practices

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

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

- Placing a bulletin board on site for car pooling advertisements.
- Requiring that heavy construction vehicles remain onsite for the duration of construction to the extent practicable.
- A temporary traffic control plan for handling construction related traffic is needed subject to the requirements and standards. The plan will need to be approved by Florida Department of Transportation prior to construction.

3. 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..

IV. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

A. West Indian Manatee

1. Interim Warm-Water Refuge Heating System

The current trigger temperature identified in the Manatee Protection Plan under the Riviera Beach power plant's National Pollutant Discharge Elimination System permit is 61°F. In order to prevent an increased risk of manatee cold stress death during the RBEC conversion construction period, adaptive management protocols for the interim warm-water refuge heating system shall include the following:

a. Testing, monitoring, and evaluation of the interim heating system shall take place pursuant to the conditions found in Sections 2 Environmental Monitoring and Section 3 Biological Monitoring.

b. The trigger temperature shall be set at 65°F, during the period that the interim heating system is required. The interim heating system shall be designed such that when ambient water temperatures are below 65°F, as indicated from a selected ambient water temperature station (as agreed to in the Environmental Monitoring Plan), the interim heating system will provide a water temperature at or above 68°F, within the identified warm-water refuge until such time as the ambient water temperature reaches 65°F. The interim heating system shall be maintained and operated to achieve this result, in accordance with best management practices (BMP) established by Licensee, unless otherwise authorized by FWC and USFWS, or unless the safety or reliability of the electric power system would be compromised. The Licensee shall develop a BMP manual for the interim heating system that shall include the following components:

(1) operation and maintenance procedures for the interim heating system;

(2) requirement for a log demonstrating that the recommended operating and maintenance procedures and checks are performed;

(3) a spare parts list including the location of the spares;

(4) a list of qualified operators and repair persons and their contact information;

(5) a trouble shooting flowchart and repair personnel call out plan;

(6) an incident log to track the status of troubleshooting and repair activities until the system is operable;

(7) notification requirements to agencies.

c. Licensee shall submit its BMP manual to FWC for review and comment by August 15 of the year when the RBEC conversion commences which is expected to be 2011. Licensee will review, consider, and incorporate if practicable, comments from FWC that are received by September 15 of that year. A copy of the Licensee's BMP manual for the interim heating system shall be maintained at all times at the RBEC site and shall be made available upon request to authorized representatives of FWC and DEP.

d. If through the biological monitoring or daily visual assessments of manatee health, or scientific data it is indicated, that the 65°F interim heating system trigger temperature should be; raised or lowered to maintain a sufficient warm-water refuge, then FWC will consult with DEP, USFWS, and FPL to assess the information and develop a new strategy that can be agreed upon by all four parties. Such a new agreed upon strategy would be proposed by FWC in a DEP initiated modification to certification.

e. The interim warm-water refuge is described as the area located within the current warm-water refuge created by a portion of the plant's thermal discharge (see Attachments E and F).

f. The Licensee may request modification of applicable FWC conditions upon issuance by the DEP, in consultation with the FWC, of Final NPDES permit modification FL0001546 if such requested modifications to the conditions herein have been adopted into the Final NPDES permit.

g. Licensee shall provide written notification of the commencement of conversion to DEP and the FWC as soon as possible but no later than June 15 of the year when the RBEC conversion commences which is expected to be 2011.

[Sections 403.507 and 403.509, F.S.; Section 379.1025 F.S., Section 379.2291 F.S., Section 379.2431 (2) F.S., Section 20.331 F.S., Section 253.75 F.S., Rules 68A-27 F.A.C.]

2. Environmental Monitoring

The following monitoring requirements are applicable to the operation of the interim heating system during the conversion of the RBEC.

a. Evaluation of the interim heating system shall be conducted at RBEC during winter months (November 15 through March 31) of 2009-201 0. The evaluation of the interim heating system is intended to determine its ability to provide a sufficient manatee warm-water refuge (as described in Interim Heating System and Environmental Monitoring conditions IV., A., 1. and 2. and the Licensee's Thermal Modeling Study) during the winter months shall take place prior to dismantlement of the current warm-water discharge. Evaluation of the system shall include empirical temperature data that will be collected and compared to the thermal modeling results to evaluate the performance of the interim heating system and the accuracy of the thermal model during cold fronts and varying tidal and wind conditions.

(1) By June 1, 2010, the initial monitoring tests of the interim warm-water heating system will have been conducted at the Riviera Beach power plant, the Licensee will contact DEP and FWC to provide and discuss the results. At that time, FWC, in consultation with the DEP and USFWS, and the Licensee, will determine what, if any, modifications need to be made to the operation of the interim heating systems and FWC will request that DEP initiate a modification to certification if necessary.

b. By June 15 of the year when the RBEC conversion commences, which is expected to be 201 1, the Licensee (Florida Power & Light Company) shall submit to the FWC, DEP Siting Office, and the USFWS an Environmental Monitoring Plan. The Environmental Monitoring Plan shall include, at a minimum, the following components:

(1) Monitoring of the interim heating system and warm-water refuge during the conversion process (as described in Interim Heating System and Environmental Monitoring conditions IV., A., 1. and 2. and the Licensee's Thermal Modeling Study) shall take place during the winter months (November 15 through March 31).

(2) Monitoring of the RBEC's interim warm-water refuge during the conversion shall consist of ambient air and water temperatures measured at multiple locations within the interim warm-water refuge. The number and configuration of temperature monitoring stations must be sufficient to provide a three-dimensional view, over time, of the thermal plume.

(3) Temperature monitoring stations will be deployed during the conversion phase in the interim refuge. As part of this Environmental Monitoring Plan as described in this Section 2., the Licensee shall include a plan to convey the data from the temperature monitoring stations to the appropriate agencies on a daily basis when the trigger is on and the heaters are running and on a weekly basis when the ambient temperature is greater than 65 degrees.

(4) Specific locations for the temperature monitoring station(s), sampling frequencies, station depths data collection methods, and reporting frequencies must be identified and may be subject to further revision depending on receipt of any required permits, licenses and approvals.

(5) The Environmental Monitoring Plan, including the proposed monitoring locations, shall be approved prior to implementation. FWC, in consultation with the DEP and USFWS, shall indicate its approval or disapproval of the submitted plan within 90 days of the originally submitted information. In the event that additional information from the licensee is necessary to complete and approve the Plan, FWC, in consultation with the DEP and USFWS, shall make a written request to the licensee for additional information no later than 30 days after receipt of the submitted information. A final plan shall be in place by September 1 of the year when the RBEC conversion commences, which is expected to be 2011.

c. The Licensee will prepare an environmental monitoring report that includes all data (made available in electronic form) and statistical analyses collected as a result of the environmental monitoring requirements. This report will be submitted yearly, by August 1 of each year, while the interim warm-water system is in operation during the construction period of the RBEC. Within 180 days of the submittal of the final yearly environmental monitoring report, a summary report of all environmental monitoring shall be completed and submitted to the FWC and DEP Siting Office for review.

d. If, in the review of the annual environmental monitoring reports, FWC, in consultation with the DEP and USFWS, determines the need to modify the Environmental Monitoring Plan, FWC will notify the Licensee to discuss the findings. At that time, FWC, in consultation with the DEP and USFWS and the Licensee, will determine what, if any, modifications need to be made to the Environmental Monitoring Plan and FWC will request that DEP initiate modifications to certification if necessary.

e. If the Licensee determines the Environmental Monitoring Plan is in need of modifications during the operation of the interim heating system, the Licensee will contact the agencies to discuss the proposed modifications. At that time, FWC, in consultation with the DEP and USFWS and the Licensee, will determine what if any modifications need to be made to the Environmental Monitoring Plan and the FWC will request that DEP initiate a modification to certification if necessary.

[Sections 403.507 and 403.509, F.S.; Section 379.1025 F.S., Section 379.2291 F.S., Section 379.2431(2) F.S., Section 20.331 F.S., Section 253.75 F.S., Rules 68A-27 F.A.C.]

3. Biological Monitoring

The following monitoring requirements for manatee distribution and abundance are applicable to the operation of the interim heating system during the conversion of the RBEC:

a. By June 15 of the year when the RBEC conversion commences, which is expected to be 2011 the Licensee shall submit to the DEP Siting Office and FWC, a Biological Monitoring Plan. The Biological Monitoring Plan shall include at a minimum the following components:

(1) Monitor the winter (October 15 through March 31) distribution and abundance of manatees during the time frame that includes the operation of the interim warm-water heating system.

(2) Biological monitoring shall be conducted through aerial surveys during the winter months (November 15 through March 31) beginning the first winter of

the plant's conversion and continuing through the completion of the RBEC conversion process. However, the FPL will consult with FWC to determine the status of other aerial survey data collection efforts to determine the appropriate start date for these required aerial surveys

(3) Specific aerial survey paths, sampling frequencies, and methodologies for aerial surveys. At a minimum, aerial survey flight paths shall encompass known manatee winter habitat including travel corridors and passive warmwater sites from Hobe Sound (Highway 707 bridge) to Boynton Inlet on a bi-weekly basis while the interim heating system is in operation during the winter months (November 15 through March 31)

(4) Aerial surveys shall be designed so the data collected will provide an evaluation of manatee abundance and distributional changes within the survey area (see IV.A.3.a.(3)) in a statistically valid manner that is consistent with past aerial survey data.

(5) The Biological Monitoring Plan shall be reviewed and approved prior to implementation. FWC, in consultation with the DEP and USFWS, shall recommend its approval or disapproval of the submitted plan to DEP within 90 days of the originally submitted information. In the event that additional information from the licensee is necessary to complete and approve the Plan, FWC, in consultation with the DEP and USFWS, shall make a written request to the Licensee for additional information no later than 30 days after receipt of the submitted information. A final plan shall be in place by September 1 of the year when the RBEC conversion commences, which is expected in 2011.

b. The Licensee shall provide a manatee observer(s) who has sufficient experience in detecting indicators of cold stress in manatees. The monitoring protocols and individuals acting as manatee observer(s) will require approval from the FWC.

c. The manatee observer will be required to conduct a daily visual assessment of the condition and general distribution of manatees using the interim warm-water refuge during the winter months (November 15 through March 31) during the interim period. The visual assessments shall be conducted for a sufficient length of time to assess most of the manatees present at the plant and accessible to the observer on that day. If an approved observer is not available, licensee shall notify FWC as soon as possible, but no later than 48 hours, to coordinate actions necessary to resume the observation program.

d. The Licensee shall provide one moveable land-based observation platform located along the interim warm-water refuge. This will be used by the manatee observer(s) for conducting assessments of cold stress symptoms and by FWC or USFWS staff monitoring manatee use of the interim refuge through photo identification.

e. The Licensee will prepare a biological monitoring report that includes all data (made available in electronic form) and statistical analyses completed as a result of the requirements set forth in the biological monitoring plan. This report will be submitted yearly, by August 1 of each year, when the interim warm-water system is in operation during the construction period. Within 180 days of submittal of the final yearly biological monitoring report a summary of all biological monitoring reports shall be completed and submitted to the FWC and DEP Siting Office for review.

f. If, in the review of the biological monitoring reports, FWC, in consultation with DEP and USFWS, determines the need to modify the Biological Monitoring Plan, FWC will notify the Licensee to discuss the findings. At that time, FWC, in consultation with the DEP and USFWS, and the Licensee will determine what if any modifications need to be made to the Biological Monitoring Plan and the FWC will request that DEP initiate a modification to certification if necessary.

g. If the Licensee determines the Biological Monitoring Plan is in need of modifications during the operation of the interim heating system, the Licensee will contact the agencies to discuss the proposed modifications. At that time, FWC, in consultation with the DEP and USFWS, and the Licensee will determine what, if any, modifications need to be made to the Biological Monitoring Plan and the FWC will request that DEP initiate a modification to certification if necessary.

h. The Licensee will provide personnel from the FWC, USFWS, USGS Sirenia Project, or a designee of these agencies, access to the RBEC property to conduct manatee monitoring activities. Reasonable notice shall be given to the Licensee by the agencies. Access would be limited to normal weekday business hours (8:00 a.m. - 5:00 p.m.) unless arrangements are made in advance with the Licensee.

[Sections 403.507 and 403.509, F.S.; Section 379.1025 F.S., Section 379.2291 F.S., Section 379.2431 (2) F.S., Section 20.331 F.S., Section 253.75 F.S., Rules 68A-27 F.A.C.]

4. Contingency Plan

FWC and USFWS' LOA (Letter of Authorization) network responders will be responsible for all efforts related to manatee rescues, rehabilitation activities, and carcass recovery during the RBEC conversion. In order to effectively implement contingency plans during the plant conversion and to address manatee health-related issues due to a malfunction or inability of the interim warm-water heating system to effectively provide a warm-water refuge during the winter months (November 15 through March 31), the following conditions are required:

a. If the observer (pursuant to Biological monitoring Conditions IV.A.3(a)-(c); identifies manatees with apparent signs of cold stress disease, digital photographs should be taken of the animal(s) and the FWC shall be called as soon as possible on the day of the observations through the following methods. An FWC biologist can be reached via pager at 800-714-0620 (enter the callers contact number followed by the code "03". A page will be returned within 30 minutes; if not, resend the page. For immediate emergency situations FWC's Wildlife Alert number can also be called at 888-404-FWCC.

b. The Licensee will notify FWC and USFWS immediately if there is a mechanical failure of the interim heating system, or if, for any other reason the interim heating system is not operating in a manner that will provide warm-water sufficient to keep the warm-water refuge at a temperature of 68° F or greater.

c. The Licensee shall provide in-kind services and financial assistance, not to exceed $100,000 in total value, to FWC for manatee rescue or recovery in the event that there is a failure of the interim heating system resulting from Licensee's failure to comply with Condition IV.A.1 that causes death or identifiable cold stress to manatees in Palm Beach County. This condition would apply during the winter months (November 15 through March 31). The in-kind assistance and funds would only be used to address manatee-related cold stress issues in the area that the interim system affects.

d. The Licensee will provide personnel from the FWC, USFWS, USGS-Sirenia Project, or a designee of these agencies, access to the RBEC property to conduct manatee monitoring activities. Reasonable notice shall be given to the licensee by the agencies. Access would be limited to normal weekday business hours (8:00 a.m. - 5:00 p.m.) unless arrangements are made in advance with the Licensee.

e. The Licensee will include as part of its safety orientation manatee awareness training for full-time permanent construction personnel at the RBEC site. This training will be designed to educate the construction work force about the legal requirements to avoid manatees and to provide them with contact information if they should spot an injured manatee.

f. All visitors to RBEC will be required to comply with FPL's safety and security requirements. Personnel will receive an orientation from FPL or its contractor prior to commencing observations or other activities.

[Sections 403.507 and 403.509, F.S.; Section 379.1025 F.S., Section 379.2291 F.S., Section 379.2431 (2) F.S., Section 20.331 F.S., Rules 68A-27 F.A.C.]

5. Development of a Long-Term Manatee Strategy

It is expected that at some point in the future the warm-water habitat created by the RBEC will diminish or be terminated in that event the FWC and USFWS believes it is in the best interest of the Licensee, FWC, USFWS, DEP, and the Florida manatee population to begin strategic long term planning to reduce the adverse affects to the Florida manatee population before this occurs.

a. Within two years of the formal approval by FWC and USFWS of a Warm-Water Action Plan (Plan), inclusive of a future-oriented Management Policy for Warm-Water Manatee Habitat, the Licensee shall host and chair a workshop designed to: (a) articulate a strategy for achieving the goals of that Plan, (b) develop a timetable for implementing the strategy, (c) review progress to date in achieving the strategy, and (d) identify impediments and solutions.

b. Within one year of the workshop held pursuant to Condition IV.A.5.a, the Licensee shall provide the FWC and USFWS with a formal report of the workshop, including findings, conclusions, and recommendations.

c. Over the course of the operating life span of the RBEC the Licensee shall develop an exit strategy for the RBEC that prevents significant losses to the manatee population when the Licensee determines reduce or eliminate the RBEC's thermal discharge to the extent that a dependable warm-water refuge is no longer present. The Licensee's strategy shall consider FWC and USFWS's statewide Warm-Water Action Plan approved by FWC and USFWS.

d. The Licensee shall work closely with the FWC and USFWS to evaluate progress toward achieving the vision and goals of the Warm-Water Action Plan and to develop adaptive changes to the Plan as needed to promote manatee recovery through participation in periodic workshops and/or conferences designed to accomplish such evaluation and adaptive changes.

e. The FWC and USFWS must be notified, in writing, within 30 days of any sale, conveyance, or other transfer of the facility.

6. Manatee Construction Conditions for In-Water Work

a. The Standard Manatee Conditions for In-Water Work (revision 2009) are required for all in-water work in or adjacent to waters accessible to manatees. Blasting or pile hammering activities to break rock shall be prohibited in waters accessible to manatees. If no other alternative exists, a modification of these conservation measures can be requested. An adequate Blast and Protected Species Watch Plan must be submitted to and approved by the Imperiled Species Management Section of the FWC prior to these methodologies being used.

b. To reduce the possibility of injuring or killing a manatee during construction, in-water work shall not be performed between November 15 and March 31 unless essential to support the RBEC project's schedule. If in-water work during the winter cannot be avoided the Licensee will contact the agencies to determine alternative conditions that will be implemented to address the proposed activity.

c. At least one person shall be designated as a manatee observer when in-water work is being performed. That person shall have experience in manatee observation, be approved by the FWC two weeks before the beginning of construction, and be equipped with polarized sunglasses to aid in observation. The manatee observer must be on site during all in-water construction activities and will advise personnel to cease operation upon sighting a manatee within 50 feet of any in-water construction activity. Movement of a work barge, other associated vessels, or any in-water work shall not be performed after sunset, when the possibility of spotting manatees is negligible. Observers shall maintain a log detailing manatee sightings, work stoppages, and other protected species-related incidents. A report, summarizing all activities noted in the observer logs, the location and name of project, and the dates and times of work shall be submitted within 30 days following project completion, to the FWC's Imperiled Species Management Section at: 620 South Meridian Street, 6A, Tallahassee, Florida 32399-1600, or e-mailed at fcmpmail@myfwc.com.

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

[Sections 403.507 and 403.509, F.S.; Section 3 79.1025 F.S., Section 379.2291 F. S., Section 3 79.2431 (2) F.S., Section 20.331 F.S., Rules 68A-27 Florida Administrative Code.]

7. Manatee Viewing Center

Once a public viewing venue is established at the manatee embayment, the licensee shall ensure that staff or trained volunteers are always present with the public to prevent manatee disturbance or harassment.

[Section 379.2431 (2) F.S., Section 20.331 F.S., Rules 68A-2 7 Florida Administrative Code.]

8. Force Majeure

If there is an act of God, terrorism, or war that prevents Licensee from providing the requisite warm water conditions, Licensee will notify FWC expeditiously and coordinate efforts to resume compliance with the certification conditions.

[Sections 403.507 and 403.509, F.S.; Section 379.1025 F.S., Section 379.2291 F.S., Section 379.2431 (2) F.S., Section 20.331 F.S., Rules 68A-27 F.A.C.]

B. Terrestrial Wildlife

1. Listed Species Survey

Before land clearing and construction activities within the certified facility occur, the Licensee shall conduct an assessment for listed species which will note all habitat, occurrence or evidence of listed species. Listed species to be included in this survey shall include those listed as endangered, threatened or of special concern by Florida Fish and Wildlife Conservation Commission or those listed as endangered or threatened by U.S. Fish and Wildlife Service.

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

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

c. This survey shall identify locations of breeding locations, 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 a protection radius surrounding nest sites and burrows be included, rather than individual nests and burrows, and be physically marked so that clearing and construction will avoid impacting them.

d. 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 certified facility prior to land clearing and construction activities using GIS.

2. Listed Species Locations

Where any suitable habitat and evidence is found of the presence of listed species within the certified facility, the Licensee will 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 in-service date specified in the Public Service Commission's need determination. The Licensee will not construct in areas where evidence of listed species was identified during the initial survey until the particular listed species issues have been resolved.

a. *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 FFWCC's Office of Policy and Stakeholder Coordination, the appropriate WMD, the appropriate local government(s) and the U.S. Fish and Wildlife Service.

b. *Listed Vegetation Species*: If listed vegetation species are found on public land or water, their presence shall be reported to the DEP Siting Coordination Office and the Florida Department of Agriculture and Consumer Services. Listed wildlife species and listed vegetation species on public land or water shall not be disturbed, if feasible.

c. *Species Management Plan*: If avoidance is not feasible, the Licensee shall consult with DEP, FWC, and, if necessary, the U. S. Fish and Wildlife Service for listed wildlife species, and with the Florida Department of Agriculture and Consumer Services for listed vegetation species on public land or water, to determine the steps appropriate for the species involved which are to be taken to avoid, minimize, mitigate, or otherwise appropriately address impacts within each agency's respective jurisdiction. For wildlife species, these steps shall be memorialized in a Wildlife Management Plan and submitted to DEP, FWC, and the appropriate local government.

[Article IV, Sec. 9, Fla. Const., Chapter 68A-2 7, F. A. C]

C. Scientific Collecting/Institutional Authorizations

FPL shall maintain and comply with a current Scientific Collection/Institutional permit, as applicable for salvaging of non-listed wildlife species at the RBEC, issued by the State of Florida Fish and Wildlife Conservation Commission. All substantive requirements of the permit/authorization are incorporated herein. A copy of the authorization shall be made available at the RBEC site.

[Rules 68A-9.002, 68A-25.002, 68A-27.003-.005]

D. Migratory Bird Nest Authorizations

FPL shall maintain and comply with a current Migratory Bird Nest permit as applicable for removal and replacement of inactive (i.e. containing no eggs or flightless young) nests of ospreys (*Pandion haliaetus*) and other migratory birds, pursuant to the Florida Fish and Wildlife Conservation Commission Osprey Nest Removal Policies, where necessary in the process of routine facility maintenance in Florida. All substantive requirements of the permit/authorization are incorporated herein. A copy of the required permit/authorization shall be made available at the RBEC site.

[Rules 68A-9.002 & 68A-27.005]

V. DEPARTMENT OF STATE – DIVISION OF HISTORICAL RESOURCES

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

B. If historical or archaeological artifacts or features are discovered at any time within the certified facility, the Licensee shall notify the appropriate DEP District office (s) and DHR, R. A. Gray Building,500 S. Bronough Street, Rm 423, Tallahassee, Florida 32399-0250, telephone number (850) 245-6333, and the Licensee shall consult with DHR to determine appropriate action.

[Sections 267.061 and 403.531, and Chapter 372, F.S.]

VI. SOUTH FLORIDA WATER MANAGEMENT DISTRICT

A. Decommissioning

The Licensee will continue to comply with the permit conditions of Consumptive Use Permit No. 50-04187-W and No. 50-04188-W until the existing power plant units are decommissioned.

B. Legal/Administrative Conditions

1. General

a. Responsible Entity

The Licensee shall be responsible for compliance with the Certification Conditions. If contractual rights, duties, or obligations are transferred under this Certification, notice of such transfer or assignment, including the identification of the entity responsible for compliance with the Certification, shall immediately be submitted to the DEP and the SFWMD by the previous certification holder (Licensee) and the Assignee. Any assignment or transfer shall carry with it the full responsibility for the limitations and conditions of this Certification. The previous Licensee shall be responsible for informing the Assignee of all authorized facilities and uses and the conditions under which they were authorized. The previous Licensee shall remain liable for corrective actions that may be required as a result of any violations prior to transfer or assignment of any contractual rights, duties, or obligations under this Certification.

[Sections 373,044,373.1 13,373.223, and 373.342, F.S.; Rules 40E-2.091, 40E-2.301,40E-2.381, 40E-3.101(1), and 40E-6.35 1, F.A.C.]

b. Minimum Standards

This Certification is based on the Licensee's submitted information to the SFWMD which reasonably demonstrates that harm to the site water resources will not be caused by the authorized activities. The plans, drawings and design specifications submitted by the Licensee shall be considered the minimum standards for compliance.

[Sections 373.219, 373.223, 373,229,373,308, and 373.316, F.S.; Rules 40E-2.091,40E-20301, 40E-2.381, and 40E-3.500-531.]

c. Compliance Requirements

This project must be constructed, operated and maintained in compliance with and meet all non-procedural requirements set forth in Chapter 373, F.S., and

Chapters 40E-2 (Consumptive Use), 40E-3 (Water Wells), and 40E-20 (General Water Use Permits), F.A.C.

d. Off-site Impacts

It is the responsibility of the Licensee to ensure that harm to the water resources does not occur during the construction, operation, and maintenance of the project.

[Sections 373.223 and 373.309, F.S.; Rules 40E-2.091,40E-2.381,40E-3.301(3), and 40E-3.301(4), F.A.C.]

e. Liability

The Licensee shall hold and save the SFWMD harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment and/or use of any system authorized by this Certification, to the extent allowed under Florida law.

[Section 373.223, F.S.; Rules 40E-2.091, and 40s-2.381, F.A.C.]

f. Construction, Operation, and Maintenance Responsibilities

The Licensee shall be responsible for the construction, operation, and maintenance of all facilities installed for the proposed project.

[Section 373.309, F.S.; Rule 40E-3.301, F.A.C.]

g. Access

SFWMD representatives shall be allowed reasonable escorted access to the power plant site, the water withdrawal facilities and any associated facilities to inspect and observe any activities associated with the construction of the proposed project and/or the operation and/or maintenance of the on-site wells in order to determine compliance with the conditions of this Certification. The Licensee shall not refuse entry or access to any SFWMD representative who, upon reasonable notice, requests entry for the purpose of the above noted inspection and presents appropriate credentials.

[Sections 373.223 and 373.319, F.S.; Rules 40E-2.091, 40E-2.301, 40E-2.381, and 40E-3.461, F.A.C.]

h. Post Certification Information Submittals

Information submitted to the SFWMD subsequent to Certification, in compliance with the conditions of this Certification, shall be for the purpose of the SFWMD determining the Licensee's compliance with the Certification conditions and the non-procedural criteria contained in Chapters 40E-2, 40E-3, and 40E-20, F.A.C., as applicable, prior to the commencement of the subject construction, operation and/or maintenance activity covered thereunder.

[Rule 62-17.191, F.A.C.]

i. Enforcement

The SFWMD may confer with DEP to request DEP to take any and all lawful actions that are necessary to enforce any condition of this Certification based on the authorizing statutes and rules of the SFWMD.

[Sections 373.223, 373.319, 373.603, and 403.514, F.S.; Rules 40E-2.091, 40E22.3Ol, 40E-2.881, and 40E-3.461, F.A.C.]

2. ***Processing of Informational Requests***

a. Completeness and Sufficiency Review

At least ninety (90) days prior to the commencement of construction of any portion of the project, the Licensee shall submit to SFWMD staff, for a completeness and sufficiency review, any pertinent additional information required under the SFWMD's conditions of Certification for that portion proposed for construction. If SFWMD staff does not issue a written request for additional information within thirty (30) days, the information shall be presumed to be complete and sufficient.

[Sections 373.219 and 373.342, F.S.]

b. Compliance Review and Confirmation

Within sixty (60) days of the determination by SFWMD staff that the additional information is complete and sufficient, the SFWMD shall determine and notify the Licensee in writing whether the proposed activities conform to SFWMD rules, as required by Chapters 40E-2,40E-3, and 40E-20, F.A.C., and the Conditions of Certification. If necessary, the SFWMD shall identify what items remain to be addressed. No construction activities shall begin until the SFWMD has determined either in writing, or by failure to notify the Licensee in writing, that the activities are in compliance with the applicable SFWMD criteria.

[Sections 373.219 and 373.342, F.S.]

c. Revisions to Site Specific Design Authorizations

The Licensee shall submit, consistent with the provisions of Condition B.2., any proposed revisions to the site specific design authorizations specified in this Certification to the SFWMD for review and approval prior to implementation. The submittal shall include all the information necessary to support the proposed request, including detailed drawings, calculations and/or any other applicable data. Such requests may be included as part of the appropriate additional information submittals required by this Certification provided they are clearly identified as a requested amendment or modification to the previously authorized design.

[Sections 373.085, 373.219, 373.223, 373.313, and 373.342, F.S.; Rules 40E-2.091, 40E-2.301, and 40E-3.461, F.A.C.]

d. Dispute Resolution

Since this Certification is the only form of permit required from any agency, it is understood that the Licensee and the SFWMD shall strive to resolve disputes by mutual agreement.

[Sections 373,044,373,085, 373.1 13, and 373.129, F.S.; Rule 40E-1.601, F.A.C.]

e. Objections

Objections to modifications of the terms and conditions of this Certification shall be resolved through the process established in Section 403.5 16, F.S.

f. **Changes to Information Requirements**

The SFWMD and the Licensee may jointly agree to vary the informational requirements.

[Sections 373.085 and 373.229, F.S.; Rules 40E-2.101(1) and 40E-3.101(2), F.A.C.]

C. **Water Use Conditions**

1. General

a. **Water Shortage Compliance**

In the event of a declared water shortage, the Licensee must comply with any water withdrawal reductions ordered by the SFWMD in accordance with the Water Shortage Plan, Chapter 40E-21, F.A.C.

[Section 373.246, F.S.; Rule 40E-2.381, F.A.C.]

b. **Interference with Existing Legal Uses**

The Licensee shall mitigate interference with existing legal uses, in existence at the time of issuance of the Certification Order, caused in whole or in part by the Licensee's withdrawals, consistent with the approved mitigation plan. As necessary to offset the interference, mitigation may include pumpage reduction, replacement of the impacted individual's equipment, relocation of wells, change in withdrawal source, or other means. Interference to an existing legal use is defined as an impact that occurs under hydrologic conditions equal to or less severe than a 1 in 10 year drought event that results in the:

(1) Inability to draw water consistent with the provisions of the permit, such as when remedial structural or operational actions not materially authorized by existing permits must be taken to address the interference;

(2) Change in the quality of water pursuant to primary State Drinking Water Standards to the extent that the water can no longer be used for its authorized purpose, or such change is imminent; or

(3) Inability of an existing legal user to meet its permitted demands without exceeding the permitted allocation.

[Reference: Section 373.223, F.S.; Rules 40E-2.091,40E-2.301, and 40E-2.381, F.A.C.]

c. **Harm to Existing Off-Site Land Uses**

The Licensee shall mitigate harm to existing off-site land uses caused by the Licensee's withdrawals, as determined through reference to the conditions for permit issuance. When harm occurs, or is imminent, the SFWMD will require the Licensee to modify withdrawal rates or mitigate the harm. Harm, as determined through reference to these Conditions of Certification includes:

(1) Significant reduction in water levels on the property to the extent that the designed function of the water body and related surface water management improvements are damaged, not including aesthetic values. The designed function of a water body

is identified in the original permit or other government authorization issued for the construction of the water body. In cases where a permit was not required, the designed function shall be determined based on the purpose for the original construction of the water body (e.g., fill for construction, mining, drainage canal, etc.);

(2) Damage to agriculture, including damage resulting from reduction in soil moisture resulting from consumptive use;

(3) Land collapse or subsidence caused by reduction in water levels associated with consumptive use.

[Reference: Sections 373.223, F.S.; Rules 40E-2.091,40E-2.301, and 40E-2.381, F.A.C.]

d. Harm to Natural Resources

The Licensee shall mitigate harm to natural resources caused by the Licensee's withdrawals, as determined through reference to the conditions for permit issuance. When harm occurs, or is imminent, the SFWMD will require the Licensee to modify withdrawal rates or mitigate the harm. Harm, as determined through reference to these Conditions of Certification includes:

(1) Reduction in ground or surface water levels that results in harmful lateral movement of the fresh water/salt water interface;

(2) Reduction in water levels that harm the hydroperiod of wetlands;

(3) Significant reduction in water levels or hydroperiod in a naturally occurring water body such as a lake or pond;

(4) Harmful movement of contaminants in violation of state water quality standards; or

(5) Harm to the natural system including damage to habitat for rare or endangered species.

[Reference: Sections 373.223, F.S.; Rules 40E-2.091,40E-2.301, and 40E-2.381, F.A.C.]

e. Well System Operation

At any time, if there is an indication that the well casing, valves, or controls associated with the on-site well system leak or have become inoperative, the Licensee shall be responsible for making the necessary repairs or replacement to restore the well system to an operating condition acceptable to the SFWMD. Failure to make such repairs shall be the cause for requiring that the well(s) be filled and abandoned in accordance with the procedures outlined in Chapter 40E-3, F.A.C.

[Reference: Sections 373.308 and 373.316, F.S.; Rules 40E-30041,40E-3.101, 40E-3.41 I, and 40E-3.500-531, F.A.C.]

2. Site Specific Design Authorizations/Requirements

a. Authorized Monthly Withdrawals

This Certification authorizes a maximum monthly withdrawal of 6.169 MGM from the Surficial aquifer for water pump bearing cooling water and landscape irrigation water.

b. Authorized Annual Withdrawals

This Certification authorizes an average annual withdrawal of 37.318 MGY from the Surficial aquifer for water pump bearing cooling water and landscape irrigation water.

c. Authorized Withdrawal Facilities

1 - 6" X 85' X 225 GPM WELL WITH UNKNOWN CASED DEPTH

1 - 6" X 100' X 225 GPM WELL CASED TO 84 FEET

1 - 6" X 175' X 225 GPM WELL WITH UNKNOWN CASED DEPTH

d. Emergency Withdrawals

Any withdrawals from the Surficial aquifer in excess of the withdrawals authorized under this Certification shall require prior SFWMD approval. Any withdrawals from alternative surface or ground water supply sources shall require prior SFWMD approval. The SFWMD may grant such approval for any emergency withdrawals less than 90 days in duration without modifying these Conditions of Certification. The SFWMD's approval shall be based on the non-procedural requirements of Chapter 40E-2, F.A.C.

e. Consistency Review of Authorized Withdrawals

Within five years from the date of issuance of the Certification Order and every five years thereafter, unless extended by mutual agreement between the Licensee and the SFWMD, the Licensee shall submit to the SFWMD a report on the project's consistency with SFWMD's Water Use Conditions of Certification contained herein. Within 90 days after receipt of the completed report, the SFWMD shall evaluate the information contained therein and issue a written notification to the DEP and the Licensee as to whether the ground water withdrawals for consumptive use authorized by this Certification remain in compliance with the provisions of Chapter 373, F.S., and Chapter 40-2, F.A.C., in effect at the time the certification was issued by the Siting Board. In determining whether the Licensee has established that its use of water complies with rule 40E-2, F.A.C., and the Basis of Review for Water Use Permit Applications within the SFWMD, the SFWMD shall evaluate whether the Licensee's use of water interferes with a legal use of water that existed at the time the certification was issued by the Siting Board. If the notification indicates that the withdrawals are not in compliance with these provisions, the SFWMD shall recommend to the Licensee possible alternatives for bringing the withdrawals into compliance with SFWMD's Water Use Conditions of Certification contained herein. In addition, if DEP determines, in consultation with SFWMD, based upon a review of a report submitted pursuant to this condition, that the Licensee has failed to establish that the Licensee's use of water meets the consumptive water use requirements described herein, DEP may seek to modify the authorization to use water in the certification or take other appropriate measures to ensure that the consumptive use of water meets the conditions for issuance in Chapter 40E-2, F.A.C., as described herein. Any modification made pursuant to this condition shall not be subject to competing applications provided there is no increase in the allocation and no change in source.

f. Request for Modification of Withdrawals

The SFWMD may request a modification of the ground water withdrawals for consumptive use authorized by this Certification, in accordance with the provisions of Section 403.516, F.S. and Section 62-17.21 1, F.A.C. Any request for an increase in water withdrawals shall be made pursuant to the provisions of Section 403.516, F.S., and Section 62-17.21 1, F.A.C.

g. Dewatering Activities

Prior to commencement of construction of those portions of the project that involve dewatering activities, the Licensee shall submit a detailed plan for any such activities to the SFWMD for a determination of compliance with the non-procedural requirements of Chapters 40E-2, 40E-3 and 40E-20, F.A.C., in effect at the time of submittal. The following information, referenced to NGVD where appropriate, shall be submitted:

(1) A detailed site plan which shows the location(s) for each proposed dewatering area;

(2) The method(s) used for each dewatering operation;

(3) The maximum depth for each dewatering operation;

(4) The location and specifications for all proposed wells and/or pumps associated with each dewatering operation;

(5) The duration of each dewatering operation;

(6) The discharge method, route, and location of receiving waters generated by each dewatering operation, including the measures (Best Management Practices) that will be taken to prevent water quality problems in the receiving water(s);

(7) An analysis of the impacts of the proposed dewatering operations on any existing on and/or off-site legal users, wetlands, or existing groundwater contamination plumes;

(8) The location of any infiltration trench(es) and/or recharge barriers; and

(9) All plans must be signed and sealed by a Professional Engineer or a Professional Geologist registered in the State of Florida.

[Sections 373.229 and 373.308, F.S.; Rules 40E-2.091, 40E-2.301, and 40E-3.500-531, F.A.C.]

h. Monitoring and Reporting Requirements

Prior to commencement of operation of the new plant, the Licensee shall install one (1) saline water intrusion monitoring well east of the existing Surficial aquifer production wells, pursuant to the Licensee's proposed Saline Water Intrusion Monitoring Plan. Prior to the use of any withdrawal facility authorized under this Certification, the Licensee shall equip each withdrawal facility with a SFWMD-approved operating water use accounting system and submit a report of calibration to the SFWMD, pursuant to Section 4.1 of the Basis of Review For Water Use Permit Applications. Recalibration reports for the water use accounting system for each water withdrawal facility (existing and proposed) authorized under this Certification shall be submitted to the SFWMD every five years from each previous calibration, continuing at five year increments. The Licensee shall report monthly withdrawals for each withdrawal facility to the SFWMD quarterly. The quarterly reports shall include water levels in the monitoring well referenced to feet NGVD and conductivity, temperature, and chloride concentration for the monitoring and production wells. The Licensee shall specify the water accounting method and means of calibration on each report.

[Section 373.223, F.S.; Rules 40E-2.091, 40E-2.301, and 40E-2.381, F.A.C.]

i. Existing Well Repair, Replacement, Abandonment

If any of the existing on-site wells require repair, replacement, and/or abandonment, the Licensee shall submit the information described in Chapter 40E-3, F.A.C., for review by the SFWMD prior to initiating such activities.

[Sections 373.308 and 373.316, F.S.; Rules 40E-3.041,40E-3.101,40E-3.41, and 40E-3.000-531, F.A.C.]

j. New Well Construction

Prior to construction of any new or replacement production or monitoring wells, the Licensee shall submit the drilling plans and other pertinent information, required by Chapter 40E-3, F.A.C., to the SFWMD for review and approval. If the well locations are different from those previously reviewed and approved in this Certification, the Licensee shall also submit to the SFWMD, for review and approval, an evaluation of the impacts of the proposed pumpage from the proposed well location(s) on adjacent existing legal users, pollution sources, environmental features, and water bodies.

[Section 373.223, F.S.; Rules 40E22.09l,40E-2.301, and 40E-2.381, F.A.C.]

k. Water Conservation Plan

Prior to commencement of construction the Licensee shall submit a Water Conservation Plan, as required by Chapter 40E-2, F.A.C., in effect at that time, for review and approval by SFWMD staff. The plan shall, at a minimum, incorporate the following components:

(1) An audit of the amount of water needed in the Licensee's operational processes. The following measures shall be implemented within one year of audit completion if found to be cost effective in the audit:

i. Implementation of a leak detection and repair program;

ii Implementation of a recovery/recycling or other program providing for technological, procedural or programmatic improvements to the Licensee's facilities; and iii Use of processes to decrease water consumption.

(2) Development and implementation of an employee awareness program concerning water conservation.

VII. CITY OF RIVIERA BEACH

A. The site plan and approved use shall be vested for development upon the receipt of a Final Order granting certification pursuant to the Florida Electric Power Plant Siting Act (PPSA). FPL shall record a copy of the Final Site Plan approved by the Siting Board in the public r cords of the City of Riviera Beach prior to commencement of development.

B. FPL shall comply with the Florida Building Code for the construction of the administration portion of the administration/warehouse/control building.

C. At least thirty (30) days prior to recording the Final Site Plan, FPL shall submit a construction coordination plan to the City to address issues such as fire coordination, demolition coordination, traffic coordination and inspections.

D. FPL shall complete the landscaping on the site plan within ninety (90) days of the commercial operation date of the Riviera Beach Clean Energy Center.

E All future advertising must state that the development is in the City of Riviera Beach.

[Resolution 124-08]

VIII. CITY OF WEST PALM BEACH

A. Any contractor who will perform demolition or construction activity on property included within the Riviera Beach Energy Center Site Certification that is within the corporate limits of the City of West Palm Beach shall be registered to work in the City of West Palm Beach prior to commencing the demolition or construction activity.

[Sections 18-3 and 22-101 of the City of West Palm Beach Code of Ordinances]

B. Any contractor or sub-contractor who will utilize the Construction Support Area shall register to work within the City of West Palm Beach prior to utilizing the Construction Support Area.

[Sections 18-3 and 22-101 of the City of West Palm Beach Code of Ordinances]

C. The demolition, construction and operation of the Riviera Beach Energy Center, the Construction Support Area and the Manatee Viewing Center shall not create direct or indirect light exceeding 0.5 foot candles when measured in a residential district.

[Section 94-3 10(d) of the City of West Palm Beach Code of Ordinances]

D. Florida Power & Light (FPL) shall provide a Construction Traffic Management Plan (Plan) to the City of West Palm Beach that addresses the impact of the construction traffic no later than 90 days prior to the commencement of site preparation work for the Construction Support Area on North Flagler Drive. The Construction Traffic Management Plan shall address the items listed in 1 through 6 below and shall provide for mitigation of the impacts of the construction traffic. The Plan will be reviewed by the City's Traffic Engineer and the Planning and Zoning Department Staff to ensure that the mitigation measures listed in the Plan are appropriate. If the City identifies additional mitigation measures or modifies the proposed measures, these shall be incorporated into the Plan by FPL.

[Chapters 78 and 86 of the City of West Palm Beach Code of Ordinances]

1. Provide specifics on how the Construction Support Area and the Riviera Beach site and staging area will be accessed, to include hours, types and numbers of vehicles, access route, etc.

2. Provide information on who will park at the Construction Support Area and the plan to regulate the use of the parking.

3. Provide information on how FPL will prevent construction traffic from parking on the City of West Palm Beach local street network.

4. Provide information on how FPL will prevent construction trucks and equipment from driving on the local street network to access the construction support area or the south portion of the plant (Gate 9).

5. Provide an updated traffic study showing the impact/distribution of the vehicles using the Construction Support Area.

6. Provide the specification on the re-striped left turn lane on Broadway Avenue north of 59th Street and the specifics of how the new turn lane will function.

E. The Construction Support Area may not be used to support demolition activities at the Riviera Beach site.

F. No construction traffic, to include workers, deliveries, or construction vehicles, shall park on the City's local street network (North Flagler Drive, 58th and 59th Streets).

[City of West Palm Beach Comprehensive Plan Transportation Element Map 7 "Future (201 8) Roadway Functional Classification"; Chapters 78 and 86 of the City of West Palm Beach Code of Ordinances]

G. No construction vehicles, including deliveries of fuel and materials, shall utilize the City's local street network (North Flagler Drive 58th and 59th Streets). In the event that circumstances require the temporary use of the local street network, FPL shall submit a written request to the City Administrator at least one week prior to the proposed use for approval by the City Administrator or designee.

[City of West Palm Beach Comprehensive Plan Transportation Element Map 7 "Future (2018) Roadway Functional Classification; Chapters 78 and 86 of the City of West Palm Beach Code of Ordinances]

H. No removal of demolition debris shall occur on the City's local street network (North Flagler Drive, 58th and 59th Streets).

[City of West Palm Beach Comprehensive Plan Transportation Element Map 7 "Future (2018) Roadway Functional Classification; Chapters 78 and 86 of the City of West Palm Beach Code of Ordinances]

I. No storage of construction vehicles or outdoor storage of building materials or debris is permitted on the Construction Support Area property.

[Section 94-273(d)(74) of the City of West Palm Beach Code of Ordinances]

J. FPL shall install "Do not block intersection" signs at the intersection of Broadway Avenue and 59th Street at locations as approved by the Florida Department of Transportation in conjunction with the re-striping of Broadway Avenue or thirty (30) days prior to the use of the Construction Parking and Laydown Area, whichever first occurs.

[Chapters 78 and 86 of the City of West Palm Beach Code of Ordinances]

K. The layout of the Construction Support Area, including trailer location, parking, drive aisles, buffering, ADA compliance, etc., shall conform to all City Codes and be submitted for review and approval as a Level I Site Plan (Informal Site Plan Review) at least 120 days prior to beginning site preparation work for the Construction Support Area.

[City of West Palm Beach Comprehensive Plan Coastal Management Element Policy 1.1.1 ; Section 94-35 of the City of West Palm Beach Code of Ordinances]

L. A landscape buffer, including a hedge, shall be installed on the perimeter of any fence used to secure the Construction Support Area within five (5) days of the installation of the fence.

[Section 94-443 of the City of West Palm Beach Code of Ordinances]

M. During active use of the Construction Support Area FPL shall provide a six (6) foot high perimeter fence, and 24 hour security monitoring, with lighting to illuminate the site, the fence perimeter and the parking area.

[City of West Palm Beach Comprehensive Plan Future Land Use Element Objective 2.3 and Policy 2.3.2]

N. At least sixty (60) days prior to beginning site preparation work for the Construction Support Area, FPL shall submit a Construction Site Security and Management Plan which shall include, but is not limited to, temporary lighting, security personnel, vehicle barriers, construction/visitor pass, reduce/minimize entry/exit points, encourage subcontractors to secure machinery, tools at end of work day, fencing with screening and or any other measure deemed appropriate to provide a safe and secure working environment for approval by the City of West Palm Beach Police Department CPTED official.

[City of West Palm Beach Comprehensive Plan Future Land Use Element Objective 2.3 and Policy 2.3.2]

O. After site clearing and placement of construction trailers, FPL shall immediately institute the security measures outlined in the Construction Site Security and Management Plan and maintain the measures throughout until the construction is complete.

[City of West Palm Beach Comprehensive Plan Future Land Use Element Objective 2.3 and Policy 2.3.2]

P. After site clearing and placement of construction trailers, FPL shall immediately post "No Trespassing" signs every 500 feet around the Construction Support Area.

[City of West Palm Beach Comprehensive Plan Future Land Use Element Objective 2.3 and Policy 2.3.2]

Q. No burning may be used to remove the vegetation.

[Section 38-44 of the City of West Palm Beach Code of Ordinances]

R. The large trees on the Construction Support Area shall be preserved in place so that they may be designed into the Manatee Viewing Center. The Tree Alteration Calculations are required for any non-invasive trees removed, and the mitigation plan for any lost canopy shall be provided at least 180 days prior to beginning site preparation work for the Construction Support Area. All non-native and invasive non-native vegetation shall be removed.

[City of West Palm Beach Comprehensive Plan Coastal Management Element Policies 1.1.1 and 1.1.4; Sections 94-41 and 94-448 of the City of West Palm Beach Code of Ordinances]

S. FPL shall provide a Stormwater Pollution Prevention Plan for the set up and use of the Construction Support Area and construction of the manatee viewing area. The Stormwater Pollution Prevention Plan shall include the paving of the parking area, including all drive aisles and the access point, and a 20 foot sodded area surrounding all paved areas and structures, including the construction trailers. The parking area shall be paved as necessary to provide sufficient erosion and sediment control. The Stormwater Pollution Prevention Plan shall be submitted at least 180 days prior to beginning site preparation work for the Construction Support Area for review and approval by the City's Engineering Services.

[City of West Palm Beach Comprehensive Plan Utilities Element, Stormwater Management Sub-element Policy 1.1.1 ; Sections 90-201 to 90-207 and Section 94-450 of the City of West Palm Beach Code of Ordinances; Ordinance No. 4098-07)]

T. FPL shall comply with the substantive requirements of Section 94-450(f) 30 days prior to the site preparation work for the Construction Support Area.

[Section 94-450 of the City of West Palm Beach Code of Ordinance]

U. At least 90 days prior to beginning site preparation work for the Manatee Viewing Area, FPL shall assist the City in correcting the location of the drainage easement that exists on the property at the northeast corner of the intersection of 59th Street and Flagler Drive.

V. At least 180 days prior to beginning site preparation work for the Construction Support Area, FPL shall coordinate with the City regarding what may be constructed over the stormwater pipe located within the drainage easement.

W. No later than 60 days prior to the commencement of construction of the new facility, FPL and the City of West Palm Beach will agree on a drawdown schedule for the removal of the construction support trailers and other construction related items and structures that relate to the RBEC facility and restoration of the Construction Support Area In any case, all construction support trailers that relate to the RBEC facility will be removed and the Construction Support Area restored no later than one year following the date upon which FPL provides written notice to the City that the RBEC is placed into commercial operations for purposes of regulatory recovery.

[Section 94-273(d)(74) of the City of West Palm Beach Code of Ordinances, Section 94-450(e)(l)(f) of the City's Zoning and Land Development Regulations]

X. The layout of the Manatee Viewing Center parcel, including the building location, parking, drive aisles, landscape, ADA compliance, lighting levels, provision of overflow parking, bus access, preservation of on-site trees, signage, etc., shall conform to all City Code requirements and be submitted for review and approval as a Level I Site Plan (Informal Site Plan Review) at least 180 days prior to the start of construction of the Manatee Viewing Center parcel improvements. At least 30 days prior to the submittal of the Level I Site Plan for the Manatee Viewing Center to the City's Planning and Zoning Department, FPL shall present the proposed plan to the Northwood Harbor Neighborhood Association for neighborhood comment. The Planning and Zoning Department shall be notified at least seven (7) days prior to the meeting.

[City of West Palm Beach Comprehensive Plan Coastal Management Element Policy 1.1.1 ; Section 94-35 of the City of West Palm Beach Code of Ordinances]

Y. Subject to timely receipt of necessary approvals, FPL shall begin construction of the Manatee Viewing Center parcel improvements as proposed by FPL in the Riviera Beach Energy Center Site Certification Application within one (1) year from the issuance of the commencement of commercial operations at the Riviera Beach Energy Center. FPL may request extensions of such commencement of construction date from the City's Planning Director provided that such extensions shall not exceed two (2) years from the commencement of operations at the Riviera Beach Energy Center also subject to timely receipt of necessary approvals.

[City of West Palm Beach Comprehensive Plan Coastal Management Element Policy 1.1.19]

Z. FPL shall get its potable water and wastewater service for all properties within the City of West Palm Beach's municipal boundary (59th Street landscape buffer and the North Flagler property) from the City of West Palm Beach.

[Section 90-1 of the City of West Palm Beach Code of Ordinances]

AA. After construction on the Riviera Beach Energy Center is complete, fuel trucks shall not access the new oil tank from 59th Street or North Flagler Drive. In the event that circumstances require temporary access for fuel trucks from 59th Street or North Flagler Drive, FPL shall submit a written request to the City Administrator at least one week prior to the proposed access for approval by the City Administrator or designee.

[Chapters 78 and 86 of the City of West Palm Beach Code of Ordinances]

BB. After construction on the Riviera Beach Energy Center is complete only passenger vehicles may enter the site through Gate 9. In the event that circumstances require temporary access through Gate 9 for commercial vehicles, FPL shall submit a written request to the City Administrator at least one week prior to the proposed access for approval by the City Administrator or designee.

[Chapters 78 and 86 of the City of West Palm Beach Code of Ordinances]

CC. After construction on the Riviera Beach Energy Center is complete, no FPL generated traffic, except passenger and security vehicles, may use 59th Street or North Flagler Drive. In the event that circumstances require temporary access for such vehicles from 59th Street or North Flagler Drive, FPL shall submit a written request to the City Administrator at least one week prior to the proposed use for approval by the City Administrator or designee.

[Chapters 78 and 86 of the City of West Palm Beach Code of Ordinances]

DD. FPL shall maintain an opaque wall at least six (6) feet high at the northern boundary of the 59th Street landscape buffer area.

[Section 94-443 of the City of West Palm Beach Code of Ordinances]

EE. FPL shall maintain the existing landscape in the 59th Street buffer in accordance with the material shown on the "Boundary and Topographic Survey, Riviera Plant Landscape Buffer Area: created by Avirom & Associates, Inc. and dated January 21, 2009. Any missing material shall be replaced within 14 calendar days of becoming evident or if notified by the City of West Palm Beach.

[Section 94-448 of the City of West Palm Beach Code of Ordinances]

FF. Palm Beach County's use of the North Flagler property as a staging area for the County's Artificial Reef Program shall be discontinued and all equipment and material removed from the property by September 1, 2011; provided, however, that FPL may continue to provide access to the water to the County for the Reef Program until June 1, 2014

[Section 94-272(d) of the City of West Palm Beach Code of Ordinances]

GG. Unless the existing dock on the site is integrated into the Manatee Viewing Center, it shall be removed by the time the Construction Support Area is vacated.

[Section 94-304(a) of the City of West Palm Beach Code of Ordinances]

HH. At least 60 days prior to beginning site preparation work for the Construction Support Area, FPL shall submit to the City of West Palm Beach, for its review and approval, applicable construction documents which comply with the City's substantive non-procedural requirements demonstrating that the Construction Support Area structures and improvements that do not directly involve the generation, transmission or distribution of electricity, conform with all provisions of the City of West Palm Beach Code of Ordinances, to include Construction Services, Fire, Engineering and Land Development.

[Section 18-32 of the City of West Palm Beach Code of Ordinances]

II. At least 60 days prior to beginning site preparation work for the Manatee Viewing Center parcel improvements that do not directly involve the generation, transmission or distribution of electricity, FPL shall submit to the City of West Palm Beach, for its review and approval, applicable construction documents which comply with the City's substantive non-procedural requirements demonstrating that the Manatee Viewing Center parcel improvements conform with all provisions of the City of West Palm Beach Code of Ordinances, to include Construction Services, Fire, Engineering and Land Development.

[Section 18-32 of the City of West Palm Beach Code of Ordinances]

JJ. FPL shall request inspections in accordance with the requirements of the building permits issued for any structures or improvements that do not directly involve the generation, transmission or distribution of electricity for the property included within the Riviera Beach Energy Center Site Certification that is within the corporate limits of the City of West Palm Beach.

[Section 18-32 of the City of West Palm Beach Code of Ordinances]

KK. All activity, to include construction related activity, on property included within the Riviera Beach Energy Center Site Application that is within the corporate limits of the City of West Palm Beach shall adhere to the City of West Palm Beach Code of Ordinances.

[Chapters 18, 22,34,38,78,86,90 and 94 of the City of West Palm Beach Code of Ordinances]

LL. Prior to construction of the Manatee Viewing Center, FPL shall submit to the City of West Palm Beach all of the necessary information to ensure compliance with the substantive requirements of a Class B Special Use Permit.

IX. PORT OF PALM BEACH

1. Easements:

a. FPL shall provide a copy of the easement associated with FPL's underground water intake at its current location (Attachment G) to the DEP Siting Coordination Office prior to commencing commercial operation of the RBEC. This condition shall not be construed to affect the validity of existing easements.

b. FPL shall provide a copy of any easement obtained (Attachment H) for the installation, operation, monitoring, inspection, maintenance, repair, and improvement of FPL's underground fuel pipelines and appurtenant equipment to the DEP Siting Coordination Office prior to commencing commercial operation of the RBEC. This condition shall not be construed to suggest that FPL is required to obtain any such easement, unless required for the construction, operation or maintenance of the certified site.

c. Surveys of as-built acquired easements, certified to the Port, shall be provided by FPL within six months of commercial operation of the RBEC.

2. Dismantlement:

No less than 30 days prior to finalizing the details of any dismantlement plan, FPL shall submit a proposed dismantlement plan to the Port Director for review and comment, in order to ensure that the dismantlement minimizes interference and/or interruption with port operations.

3. Steam Blows:

Steam cleaning techniques shall be carried out such that impacts on Port operations are limited. No less than 5 business days prior to the commencement of steam blows, FPL shall notify the Port Director of the planned techniques and timeframes for review.

4. Staging:

Unless otherwise approved by the Port, Port property shall not be used as a staging area for materials or equipment, nor shall any other use of Port property be made by the Licensee for the project without proper Port authorization.

HISTORY

Units 3 Certified XX/XX/2009

ATTACHMENT A: SURVEY MAP OF SITE

To be attached after certification pursuant to Section A. Condition I.C.

ATTACHMENT B: SURVEY MAP OF CERTIFIED FACILITY

To be attached after certification pursuant to Section A. Condition I.D.

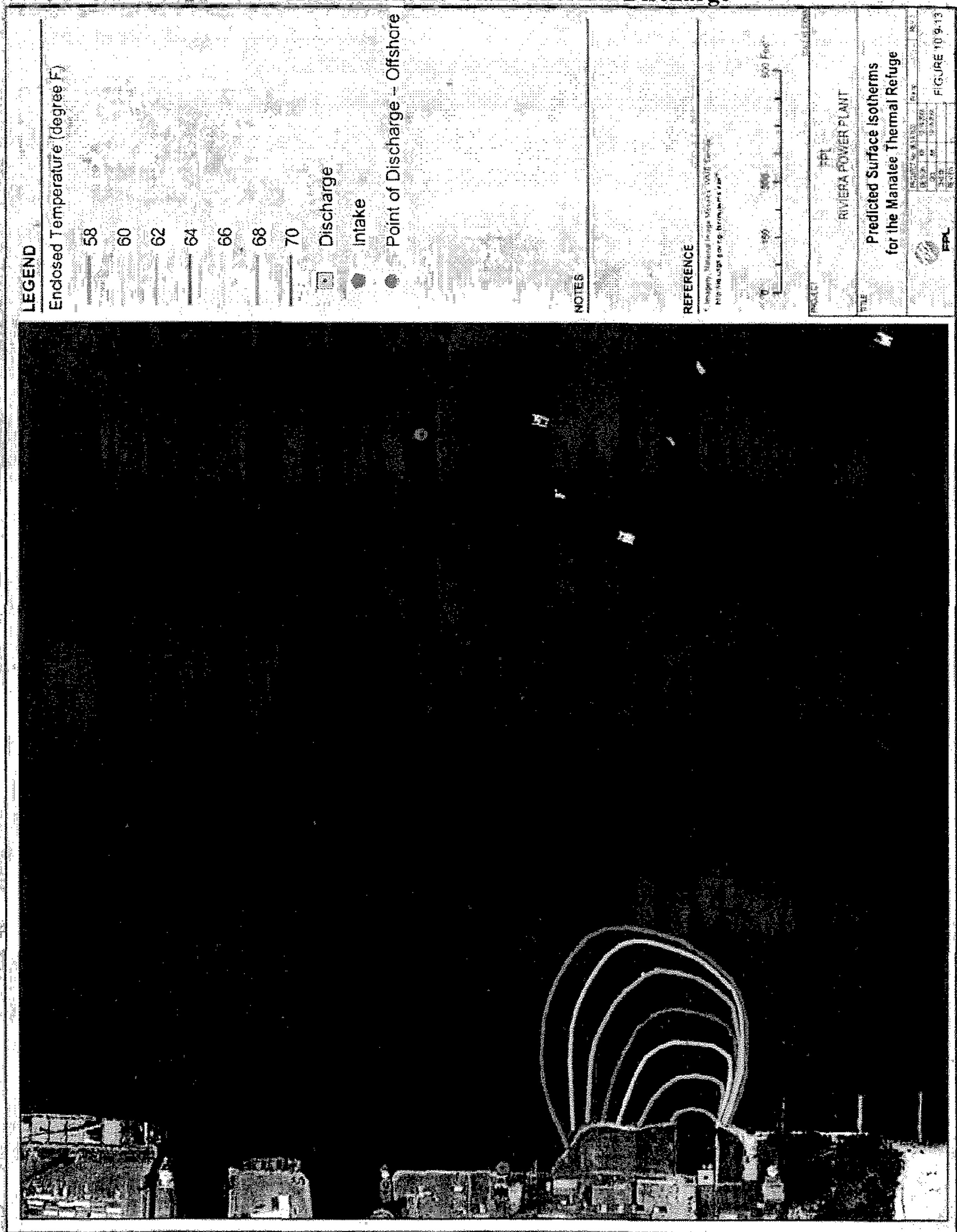
ATTACHMENT C: MITIGATION PLAN

To be attached after certification pursuant to Section A. Condition XXXI.B.4.b.

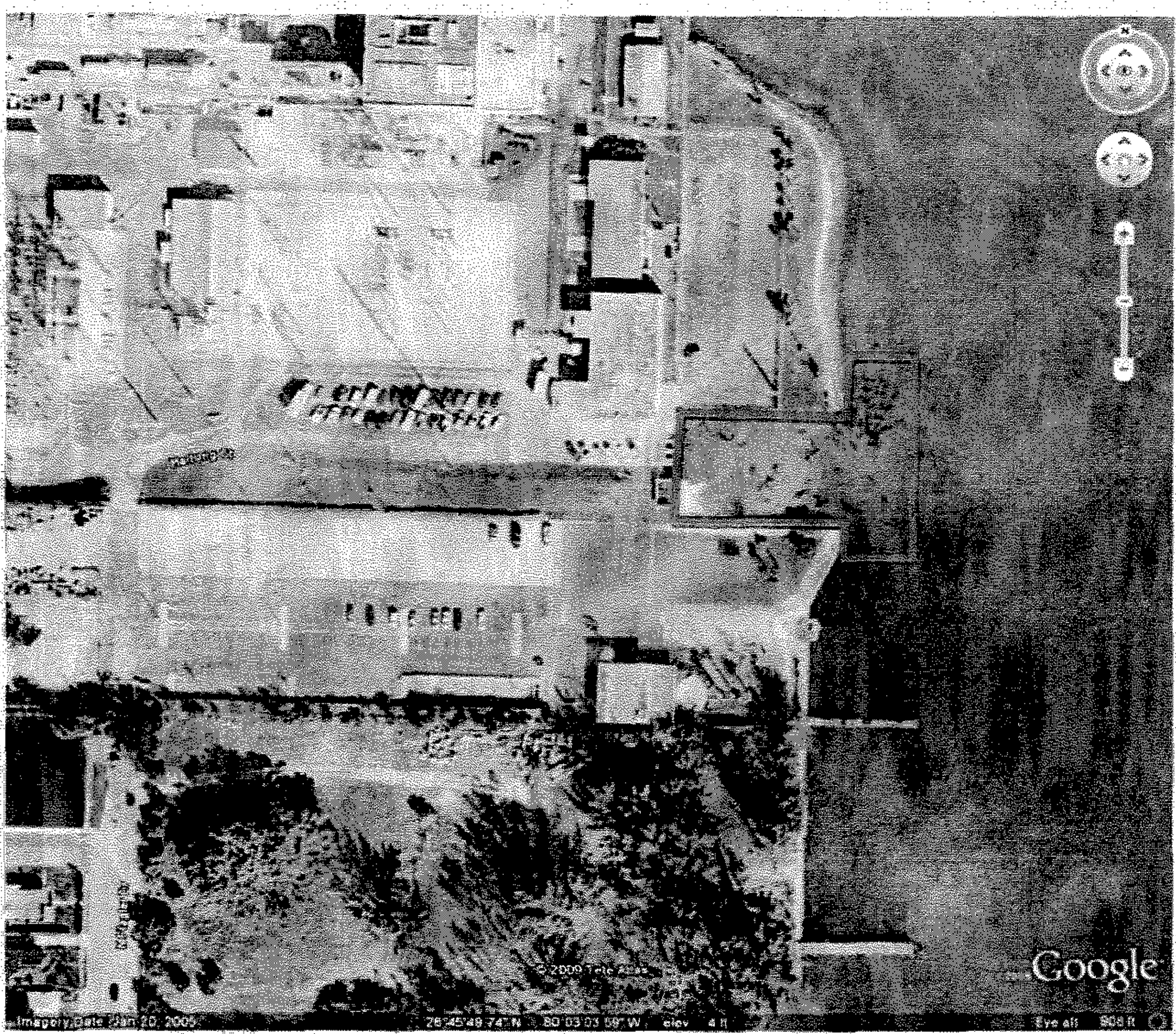
ATTACHMENT D: SOVEREIGN SUBMERGED LEASE

Required pursuant to Section B, Condition II. To be attached upon receipt.

Attachment E: Plant Thermal Discharge



Attachment F: Plant Thermal Discharge



APPENDIX A: Air Construction Permit 0990042-006-AC

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF FINAL PERMIT

In the Matter of an
Application for Permit by:

Mr. Randall R. LaBauve, Vice President
Florida Power and Light Company (FPL)
700 Universe Boulevard
Juno Beach, Florida 33408

DEP File No. 0990042-006-AC
FPL Riviera Beach Energy Center
Conversion Project
Palm Beach County

Enclosed is the final air construction permit, which authorizes construction/installation of a nominal 1,250 megawatts (MW) natural gas-fueled combined cycle unit and requires the shut down and dismantlement of the two 300 MW residual oil and gas-fueled units at the FPL Riviera Plant located at 200-300 Broadway, Riviera Beach in Palm Beach County. This permit is issued pursuant to Chapter 403, Florida Statutes (F.S.).

Any party to this order has the right to seek judicial review of it under Section 120.68, F.S. by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department of Environmental Protection (Department) in the Office of General Counsel (Mail Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000) and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The notice must be filed within 30 days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida.

Trina L Vielhauer

Trina Vielhauer, Chief
Bureau of Air Regulation

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Notice of Final Permit (including the Final Permit and Final Determination), or a link to these documents available electronically on a publicly accessible server was sent by electronic mail with received receipt requested before the close of business on 6/10/09 to the persons listed below.

Randall R. LaBauve: randall_labauve@fpl.com
Chair, Palm Beach Board of County Commissioners: agreene@co.palm-beach.fl.us
Mayor, Riviera Beach through the City Clerk: cclerk@rivierabch.com
Mayor, Palm Beach: jmcdonald@townofpalmbeach.com
Mayor, West Palm Beach: lfrankel@wpb.org
Mayor, Mangonia Park through the Town Clerk: salbury@townofmangoniapark.com
Mayor, Palm Beach Shores: tmills@pbstownhall.org
Mayor, Lake Park through the Town Clerk: townclerk@lakeparkflorida.gov
Heather Abrams, EPA: abrams.heather@epa.gov
Katy Forney, EPA: forney.kathleen@epa.gov
Dee Morse, U.S. National Park Service: dee_morse@nps.gov
Jack Long, DEP SED: jack.long@dep.state.fl.us
Lennon Anderson, DEP SED: anderson.lennon@dep.state.fl.us
Mike Halpin, DEP Siting: mike.halpin@dep.state.fl.us
Jim Stormer, Palm Beach County Public Health Unit: james_stormer@doh.state.fl.us
Barbara Linkiewicz, FPL: barbara_p_linkiewicz@fpl.com
Scott Osbourn, P.E., Golder: sosbourn@golder.com
Victoria Gibson (read file), DEP BAR: victoria.gibson@dep.state.fl.us

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to Section 120.52(7), F.S., with the designated agency clerk, receipt of which is hereby acknowledged.

(Clerk) 6/10/09 (Date)

Florida Department of Environmental Protection

Bob Martinez Center
2600 Blairstone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor
Jeff Kottkamp
Lt. Governor
Michael W. Sole
Secretary

PERMITTEE:

Florida Power and Light Company (FPL)
700 Universe Boulevard
Juno Beach, Florida 33408

Authorized Representative:
Randall R. LaBauve, Vice President

DEP File No. 0990042-006-AC
FPL Riviera Beach Energy Center
Plant Conversion Project
Palm Beach County
SIC No. 4911
Expires: December 31, 2015

PROJECT AND LOCATION

This permit authorizes the construction of one nominal 1,250 megawatts (MW) combined cycle unit and ancillary equipment at the FPL Riviera Beach Energy Center previously known as the Riviera Plant.

Two existing steam generators with a total nominal capacity of 600 MW will be shut down and dismantled as part of this project.

The proposed project will be located at 200-300 Broadway, Riviera Beach in Palm Beach County. The UTM coordinates are Zone 17, 594.249 km East and 2960.632 km North.

STATEMENT OF BASIS

This air construction permit is issued under the provisions of Chapter 403 of the Florida Statutes (F.S.), Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297 of the Florida Administrative Code (F.A.C.). The permittee is authorized to install the proposed equipment in accordance with the conditions of this permit and as described in the application, approved drawings, plans, and other documents on file with the Department.

CONTENTS

Trina L. Vielhauer 6/10/09

Joseph Kahn, Director (Date)
Division of Air Resource Management

FACILITY DESCRIPTION

FPL operates the Riviera Plant (RP), which is an existing power plant (SIC No. 4911). The plant currently consists of two steam generating units designated as Units 3 and 4 that produce 300 MW each of electrical power. Units 3 and 4 use residual fuel oil and natural gas. There are two 298-foot stacks, four fuel oil storage tanks, water intake structures for once-through cooling and other ancillary equipment.

The project is a plant conversion that includes the construction of a nominal 1,250 MW natural gas-fueled combined cycle unit (Unit 5) and requires the permanent shutdown and dismantling of Units 3 and 4. The converted plant will be called the Riviera Beach Energy Center (RBEC). Unit 5 will consist of:

- Three nominal 265 MW combustion turbine-electrical generators (CTG) with evaporative inlet cooling systems;
- Three supplementary-fired heat recovery steam generators (HRSG) with selective catalytic reduction (SCR) reactors;
- Three maximum 460 million Btu per hour, lower heating value (mmBtu/hr, LHV), natural gas-fueled duct burners (DB) located in the three HRSG (one DB/HRSG);
- Three 149-feet exhaust stacks;
- One nominal 6.3 million gallon distillate fuel oil storage tank; and
- One common nominal 500 MW steam-electrical generator (STG).

Unit 5 will use ultralow sulfur distillate (ULSD) fuel oil as backup fuel.

Additional ancillary equipment to be installed includes: a permanent auxiliary boiler; a temporary boiler used during the construction phase; two emergency generators; two process (fuel) heaters; a diesel fire pump; and a gas compression station. The details of the equipment to be installed are listed in the table below.

The project includes and requires the permanent shutdown and dismantling of Units 3 and 4 and the respective stacks as well as four fuel oil storage tanks. When emissions from Unit 5 are considered and offset by reductions from the shut down and dismantlement of Units 3 and 4, there will not be a significant net emission increase in any PSD pollutant.

{Note: Throughout this permit, the electrical generating capacities represent nominal values for the given operating conditions.}

NEW EMISSIONS UNITS

This permit authorizes construction and installation of the following new emissions units.

ID	Emission Unit Description
007	Unit 5A – one nominal 265 MW CTG with supplementary-fired HRSG
008	Unit 5B – one nominal 265 MW CTG with supplementary-fired HRSG
009	Unit 5C – one nominal 265 MW CTG with supplementary-fired HRSG
010	One nominal 85,000 pounds per hour (lb/hr) auxiliary boiler (99.8 mmBtu/hr)
011	Two nominal 10 mmBtu/hr natural gas-fired process heaters (one is a spare)
012	Seven nominal 1,340 horsepower (hp) natural gas compressors
013	Two nominal 2,250 kilowatts (kW) liquid fueled emergency generators
014	One nominal 300-hp emergency diesel fire pump engine and 500 gallon fuel oil storage tank
015	One temporary 110 mmBtu/hr natural gas-fueled boiler to be used only during construction
016	One nominal 6.3 million gallon distillate fuel oil storage tank

REGULATORY CLASSIFICATION

The RP is a "Major Stationary Source" as defined in Rule 62-210.200, Florida Administrative Code (F.A.C.). The RBEC project does not trigger the rules for the Prevention of Significant Deterioration (PSD) pursuant to Rule 62-212.400, F.A.C. and does not require a best available control technology (BACT) determination.

The RBEC will be a Title V or "Major Source" of air pollution in accordance with Chapter 213, F.A.C. because the potential emissions of at least one regulated pollutant exceed 100 tons per year (TPY). Regulated pollutants include pollutants such as carbon monoxide (CO), nitrogen oxides (NO_X), particulate matter ($PM/PM_{10}/PM_{2.5}$), sulfur dioxide (SO_2), volatile organic compounds (VOC) and sulfuric acid mist (SAM).

The RBEC will be subject to several subparts under 40 Code of Federal Regulations (CFR), Part 60 – Standards of Performance for New Stationary Sources (NSPS). Unit 5 is subject to 40 CFR 60, Subpart KKKK – NSPS for Stationary Combustion Turbines that Commence Construction after February 18, 2005. This rule also applies to duct burners (DB) that are incorporated into combined cycle projects.

Two emergency generators will be subject to 40 CFR 60, Subpart IIII – NSPS for Stationary Compression Ignition Internal Combustion Engines.

Natural gas compressors will be subject to 40 CFR 60, Subpart JJJJ – NSPS for Stationary Spark Ignition Internal Combustion Engines.

The temporary natural gas-fueled boiler will be subject to 40 CFR 60, Subpart Db – NSPS for Industrial-Commercial-Institutional Steam Generating Units.

The auxiliary boiler and two process (fuel) heaters will be subject to 40 CFR 60, Subpart Dc – NSPS Requirements for Small Industrial-Commercial-Institutional Steam Generating Units.

The RBEC will be a minor (area source) of hazardous air pollutants (HAP). The RBEC will include emission units that will be subject to certain area source provisions of 40 CFR Part 63 - National Emission Standards for Hazardous Air Pollutants (NESHAP). The specific subpart is 40 CFR 63, Subpart ZZZZ – NESHAP for Stationary Reciprocating Internal Combustion Engines (RICE).

The RBEC will operate units subject to the Title IV Acid Rain provisions of the Clean Air Act (CAA).

The RBEC is subject to the Clean Air Interstate Rule (CAIR) in accordance with the Final Department Rules issued pursuant to CAIR as implemented by the Department in Rule 62-296.470, F.A.C.

The project is subject to certification under the Florida Power Plant Siting Act, 403.501-518, Florida Statutes (F.S.) and Chapter 62-17, F.A.C.

APPENDICES

The following Appendices are attached as part of this permit.

Appendix A: Identification of General Provisions Subpart A from NSPS 40 CFR 60 and Subpart A from NESHAP 40 CFR 63.

Appendix GC: General Conditions.

Appendix Db: NSPS Subpart Db Requirements for Industrial-Commercial-Institutional Steam Generating Units.

Appendix Dc: NSPS Subpart Dc Requirements for Small Industrial Commercial-Institutional Steam Generating Units.

Appendix IIII: NSPS Requirements for Compression Ignition Internal Combustion Engines.

Appendix JJJJ: NSPS Requirements for Stationary Spark Ignition Internal Combustion Engines.

Appendix KKKK: NSPS Requirements for Gas Turbines, 40 CFR 60, Subpart KKKK.

Appendix SC: Standard Conditions.

Appendix XS: Semiannual NSPS Excess Emissions Report.

Appendix ZZZZ: NESHAP Requirements for Stationary Reciprocating Internal Combustion Engines, 40 CFR 63, Subpart ZZZZ.

RELEVANT DOCUMENTS

The documents listed below are not a part of this permit; however, they are specifically related to this permitting action and are on file with the Department.

- Permit application received on February 13, 2009;
- Department request for additional information (RAI) dated March 13, 2009;
- Electronic mail dated April 13, 2009 summarizing resolution of key RAI issue; and
- Draft permit package issued on April 17, 2009.
- Final Determination summarizing FPL comments and responses thereto issued concurrently with this Final permit.

SECTION II. ADMINISTRATIVE REQUIREMENTS

1. Permitting Authority: All documents related to applications for permits to construct, operate or modify an emissions unit shall be submitted to the Permitting Authority, which is the Bureau of Air Regulation of the Florida Department of Environmental Protection (DEP or the Department) at 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. Copies of all such documents shall also be submitted to the Compliance Authority. Telephone: (850)488-0114. Fax: (850)921-9533.

2. Compliance Authority: All documents related to compliance activities such as reports, tests, and notifications shall be submitted to the Southeast District Office. The mailing address and phone number of the Southeast District Office are Department of Environmental Protection, Southeast District Office, 400 North Congress Avenue, Suite 200, West Palm Beach, Florida 33401. Telephone: (561)681-6632. Fax: (561)681-6790.

3. Appendices: The following Appendices are attached as part of this permit: Appendices A, Db, Dc, GC (General Conditions), IIII, JJJJ, KKKK, SC, XS and ZZZZ.

4. Applicable Regulations, Forms and Application Procedures: Unless otherwise specified in this permit, the construction and operation of the subject emissions units shall be in accordance with the capacities and specifications stated in the application. The facility is subject to all applicable provisions of: Chapter 403, F.S.; and Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-214, 62-296, and 62-297, F.A.C. Issuance of this permit does not relieve the permittee from compliance with any applicable federal, state, or local permitting or regulations.

5. New or Additional Conditions: For good cause shown and after notice and an administrative hearing, if requested, the Department may require the permittee to conform to new or additional conditions. The Department shall allow the permittee a reasonable time to conform to the new or additional conditions, and on application of the permittee, the Department may grant additional time. [Rule 62-4.080, F.A.C.]

6. Modifications: No emissions unit shall be constructed or modified without obtaining an air construction permit from the Department. Such permit shall be obtained prior to beginning construction or modification. [Rules 62-210.300(1) and 62-212.300(1)(a), F.A.C.]

7. Construction and Expiration: The permit expiration date includes sufficient time to complete construction, perform required testing, submit test reports, and submit an application for a Title V operation permit to the Department. For good cause, the permittee may request that this air construction permit be extended. Such a request shall be submitted to the Department's Bureau of Air Regulation at least sixty (60) days prior to the expiration of this permit. [Rules 62-4.070(4), 62-4.080, and 62-210.300(1), F.A.C.]

8. Permanent Shutdown and Dismantlement of Units 3 and 4: Units 3 and 4 shall be permanently shut down and dismantled before December 31, 2012.
[Application and Avoidance of Rule 62-212.400(4) through (12), F.A.C.]

9. Source Obligation: At such time that a particular source or modification becomes a major stationary source or major modification (as these terms were defined at the time the source obtained the enforceable limitation) solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of subsections 62-212.400(4) through (12), F.A.C., shall apply to the source or modification as though construction had not yet commenced on the source or modification. [Rule 62-212.400(12)(b), F.A.C.]

10. Title IV Permit: At least 24 months before the date on which the new unit begins serving an electrical generator greater than 25 MW, the permittee shall submit an application for a Title IV Acid Rain Permit to the Department's Bureau of Air Regulation in Tallahassee and a copy to the Region 4 Office of the U.S. Environmental Protection Agency (EPA) in Atlanta, Georgia. This permit does not specify the Acid Rain program requirements. These will be included in the Title V air operation permit. [40 CFR 72]

11. Title V Permit: This permit authorizes specific modifications and/or new construction on the affected emissions units as well as initial operation to determine compliance with conditions of this permit. A Title V operation permit is required for regular operation of the permitted emissions unit. The permittee shall apply for a Title V operation permit at least 90 days prior to expiration of this permit, but no later than 180 days after completing the required work and commencing operation. To apply for a Title V operation permit, the applicant shall submit the appropriate application form, compliance test results, and such additional information as the Department may by law require. The application shall be submitted to the Bureau of Air Regulation with copies to the Compliance Authority.
[Rules 62-4.030, 62-4.050, 62-4.220, and Chapter 62-213, F.A.C.]

A. UNIT 5 – COMBUSTION TURBINE GENERATORS (EU 007, 008, and 009)

This section of the permit addresses the following emissions units.

Unit 5 and associated equipment
Description: Unit 5 will be comprised of emissions units (EU) 007, 008, and 009. Each EU will consist of: a CTG with automated control, inlet air filtration system and evaporative cooling, a gas-fired HRSG with DB, a HRSG stack, and associated support equipment. The project also includes one STG that will serve the combined cycle unit.
Fuels: Each CTG fires natural gas as the primary fuel and ULSD fuel oil as a restricted alternate fuel.
Generating Capacity: Each of the three CTG has a nominal generating capacity of 265 MW. The STG has a nominal generating capacity of 500 MW. The total nominal generating capacity of the "3 on 1" combined cycle unit is approximately 1,250 MW.
Controls: The efficient combustion of natural gas and restricted firing of ULSD fuel oil minimizes the emissions of CO, PM/PM_{10}, SAM, SO_2 and VOC. Dry Low-NO_X (DLN) combustion technology for gas firing and water injection for oil firing reduce NO_X emissions. A SCR system further reduces NO_X emissions.
Stack Parameters: Each HRSG has a stack at least 149 feet tall with a nominal diameter of 22 feet. The Department may require the permittee to perform additional air dispersion modeling should the actual specified stack dimensions change.
Continuous Monitors: Each stack is equipped with continuous emissions monitoring systems (CEMS) to measure and record CO and NO_X emissions as well as flue gas oxygen or carbon dioxide content.

APPLICABLE STANDARDS AND REGULATIONS

1. NSPS Requirements: The CTG shall comply with all applicable requirements of 40 CFR 60, listed below, adopted by reference in Rule 62-204.800(7)(b), F.A.C. The Department determines that compliance with the emissions standards in Condition 10 below also assures compliance with the New Source Performance Standards given in 40 CFR 60, Subpart KKKK. Some separate reporting and monitoring may be required by the individual subparts.

   a. *Subpart A, General Provisions*, including:
      - 40 CFR 60.7, Notification and Record Keeping
      - 40 CFR 60.8, Performance Tests
      - 40 CFR 60.11, Compliance with Standards and Maintenance Requirements
      - 40 CFR 60.12, Circumvention
      - 40 CFR 60.13, Monitoring Requirements
      - 40 CFR 60.19, General Notification and Reporting Requirements

   b. *Subpart KKKK, Standards of Performance for Stationary Gas Turbines*: These provisions include standards for CTG and DB.

EQUIPMENT AND CONTROL TECHNOLOGY

2. Combustion Turbines-Electrical Generators (CTG): The permittee is authorized to install, tune, operate, and maintain three "G" or "H" technology CTG each with a nominal generating capacity of 265 MW. Each CTG shall include an automated control system and have dual-fuel capability. Ancillary equipment includes an inlet air filtration system and an evaporative inlet air-cooling system. The CTG will utilize DLN combustors. [Application and Design]

3. Heat Recovery Steam Generators (HRSG): The permittee is authorized to install, operate, and maintain three new HRSG with separate exhaust stacks. Each HRSG shall be designed to recover exhaust heat energy from one of the three CTG (5A to 5C) and deliver steam to the steam turbine-electrical generator (STG). Each HRSG may be equipped with a gas-fired duct burner (DB) having a maximum heat input rate of 460 mmBtu per hour (LHV).

4. CTG/Supplementary-fired HRSG Emission Controls

   a. *Dry Low NO_X (DLN) Combustion*: The permittee shall operate and maintain the DLN system to control NO_X emissions from each CTG when firing natural gas. Prior to the initial emissions performance tests required for each CTG, the DLN combustors and automated control system shall be tuned to achieve sufficiently low CO and NO_X values to meet the CO and NO_X limits with the additional SCR control technology described below. Thereafter, each turbine shall be maintained and tuned in accordance with the manufacturer's recommendations.

   b. *Wet Injection (WI)*: The permittee shall install, operate, and maintain a WI system (water or steam) to reduce NO_X emissions from each CTG when firing ULSD fuel oil. Prior to the initial emissions performance tests required for each CTG, the WI system shall be tuned to achieve sufficiently low CO and NO_X values to meet the CO and NO_X limits with the additional SCR control technology described below. Thereafter, each turbine shall be maintained and tuned in accordance with the manufacturer's recommendations.

   c. *Selective Catalytic Reduction (SCR) System*: The permittee shall install, tune, operate, and maintain an SCR system to control NO_X emissions from each CTG when firing either natural gas or distillate fuel oil. The SCR system consists of an ammonia (NH_3) injection grid, catalyst, ammonia storage, monitoring and control system, electrical, piping and other ancillary equipment. The SCR system shall be designed, constructed and operated to achieve the permitted levels for NO_X and NH_3 emissions.

   d. *Oxidation Catalyst*: The permittee shall design and build the project to facilitate possible future installation of an oxidation catalyst system to control CO emissions from each CTG/supplementary-fired HRSG.

   e. *Ammonia Storage:* In accordance with 40 CFR 60.130, the storage of ammonia shall comply with all applicable requirements of the Chemical Accident Prevention Provisions in 40 CFR 68.

   [Application and Design; Rule 62-4.070, F.A.C.]

PERFORMANCE RESTRICTIONS

5. Permitted Capacity – Combustion Turbine-Electric Generators (CTG): The maximum heat input rate to each CTG is 2,586 mmBtu per hour when firing natural gas and 2,440 mmBtu per hour when firing distillate fuel oil (based on a compressor inlet air temperature of 59° F, LHV of each fuel, and 100% load). Heat input rates will vary depending upon CTG characteristics, ambient conditions, alternate methods of operation, and evaporative cooling. The permittee shall provide manufacturer's performance curves (or equations) that correct for site conditions to the Permitting and Compliance Authorities within 45 days of completing the initial compliance testing. Operating data may be adjusted for the appropriate site conditions in accordance with the performance curves and/or equations on file with the Department. [Rule 62-210.200(PTE), F.A.C.]

6. Permitted Capacity - HRSG Duct Burners (DB): The total maximum heat input rate to the DB for each HRSG is 460 mmBtu per hour based on the LHV of natural gas. Only natural gas shall be fired in the DB. [Rule 62-210.200(PTE), F.A.C.]

7. Authorized Fuels: The CTG shall fire natural gas as the primary fuel, which shall contain no more than 2.0 grains of sulfur per 100 standard cubic feet (gr S/100 SCF) of natural gas. As a restricted alternate fuel, the CTG may fire ULSD fuel oil containing no more than 0.0015% sulfur by weight. Fuel oil may be fired up to the fuel equivalent of 2,550 hours aggregated over the three CTG during any calendar year.
[Rules 62-210.200(PTE), F.A.C.]

8. Hours of Operation: Subject to the operational restrictions of this permit, the CTG may operate throughout the year (8760 hours per year). Restrictions on individual methods of operation are specified below.
[Rules 62-210.200(Definitions - PTE), F.A.C.]

9. Methods of Operation: Subject to the restrictions and requirements of this permit, the CTG may operate under the following methods of operation.

   a. *Combined Cycle Operation*: Each CTG/HRSG system may operate to produce direct, shaft-driven electrical power and steam-generated electrical power from the steam turbine-electrical generator as a three-on-one combined cycle unit subject to the restrictions of this permit. In accordance with the specifications of the SCR and HRSG manufacturers, the SCR system shall be on line and functioning properly during combined cycle operation or when the HRSG is producing steam.

   b. *Inlet Conditioning*: In accordance with the manufacturer's recommendations and appropriate ambient conditions, the evaporative cooling system may be operated to reduce the compressor inlet air temperature and provide additional direct, shaft-driven electrical power.

   c. *Duct Burner (DB) Firing*: When firing natural gas in a CTG, the respective HRSG may fire natural gas in the DB to raise additional steam for use in the STG or in the operation of CTG components. The total combined heat input rate to the DB (all three HRSG) shall not exceed 3,697,920 mmBtu (LHV) during any consecutive 12 months.

   [Application; Rule 62-210.200(PTE), F.A.C.]

EMISSIONS STANDARDS

10. Emissions Standards: Emissions from each CTG/DB shall not exceed the following standards developed under state implementation plan (SIP) permitting procedures. Compliance with these limits also assures compliance with the emission limitations in 40 CFR 60, Subpart KKKK.

Pollutant	Fuel	Method of Operation	Initial Stacks Tests		CEMS Rolling Average Limit
			ppmvd [a]	lb/hr [b]	ppmvd [a]
CO [d]	Oil	CTG	10.0	61.0	10.0, 30 unit operating days [c,d]
	Gas	CTG & DB	7.6	52.7	7.5, 30 unit operating days [c,d]
		CTG Normal Mode	5.0	29.0	
NO_X [e]	Oil	CTG	8.0	80.0	8.0, 30 unit operating days [c,e]
	Gas	CTG & DB	2.0	22.8	2.0, 30 unit operating days [c,e]
		CTG Normal Mode	2.0	19.3	
VOC [f]	Oil	CTG	6.0	18.9	NA
	Gas	CTG & DB	1.9	7.2	
		CTG Normal Mode	1.5	4.8	
NH_3 [g]	Oil/Gas	CTG, All Modes	5	NA	NA
SAM/SO_2 [h]	Oil/Gas	All Modes	2 gr S/100 SCF of gas, 0.0015% sulfur fuel oil		
PM/PM_{10} [i]			Visible emissions shall not exceed 10% opacity for each 6-minute block average.		

a. Concentration standards are given in terms of parts per million, by volume, dry at 15 percent oxygen and abbreviated as ppmvd.
b. The mass emission rate standards in pounds per hour (lb/hr) are based on a turbine inlet condition of 59° F and may be adjusted to actual test conditions in accordance with the performance curves and/or equations filed with the Department.
c. "Unit operating day" means a 24-hour period between 12 midnight and the following midnight during which any fuel is combusted at any time in the unit. It is not necessary for fuel to be combusted continuously for the entire 24-hour period. [40 CFR 60.4420]
d. Compliance with the continuous 30-unit operating days rolling CO standard shall be demonstrated based on data collected by the required CEMS. The initial EPA Method 10 tests associated with the certification of the CEMS instruments shall also be used to demonstrate initial performance guarantees for natural gas, oil, and DB mode.
e. Continuous compliance with the 30-unit operating days rolling NO_X standards shall be demonstrated based on data collected by the required CEMS and will also insure compliance with the less stringent Subpart KKKK limits of 15 and 42 ppmvd for gas and fuel oil respectively on a 30-unit operating day rolling average basis. The initial EPA Method 7E or Method 20 tests associated with demonstration of compliance with 40 CFR 60, Subpart KKKK or certification of the CEMS instruments shall also be used to demonstrate compliance with the individual standards for natural gas, fuel oil, and duct burner modes during the time of those tests. NO_X mass emission rates are defined as oxides of nitrogen expressed as nitrogen dioxide (NO_2).
f. Compliance with the VOC standards shall be demonstrated by conducting tests in accordance with EPA Method 25A. Optionally, EPA Method 18 may also be performed to deduct emissions of methane and ethane. The emission standards are based on VOC measured as methane. After initial compliance with the VOC standards is demonstrated, annual compliance tests for VOC emissions are not required.
g. Compliance with the NH_3 slip standard shall be demonstrated by conducting tests in accordance with EPA Method CTM-027 or EPA Method 320.
h. The clean fuel sulfur specifications and visible emissions standard effectively limit the potential emissions of SAM and SO_2 from the CTG. Compliance with the fuel sulfur specifications shall be determined by the ASTM methods for determination of fuel sulfur as detailed in the draft permit.
i. The clean fuel sulfur specifications, low CO and NO_X limits, and the visible emissions standard will effectively limit $PM/PM_{10}/PM_{2.5}$ emissions. Compliance with the visible emissions standard shall be demonstrated by conducting tests in accordance with EPA Method 9.

[Application and Avoidance of Rule 62-212.400(4) through (12), F.A.C.; 40 CFR 60, Subpart KKKK]

EXCESS EMISSIONS

{Permitting Note: The following conditions apply only to the SIP-based emissions standards specified in Condition No. 10 of this section. Rule 62-210.700, F.A.C. (Excess Emissions) cannot vary or supersede any federal provision of the NSPS, or Acid Rain programs.}

11. Operating Procedures: The emission standards established by this permit rely on "good operating practices" to reduce emissions. Therefore, all operators and supervisors shall be properly trained to operate and maintain the CTG, DB, HRSG, and pollution control systems in accordance with the guidelines and procedures established by each manufacturer. The training shall include good operating practices as well as methods of minimizing excess emissions. [Rules 62-4.070(3), F.A.C.]

12. Alternate Visible Emissions Standard: Visible emissions due to startups, shutdowns, and malfunctions shall not exceed 10% opacity except for up to ten, 6-minute averaging periods during a calendar day, which shall not exceed 20% opacity. [Applicant Request and Rule 62-4.070(3), F.A.C.]

13. Definitions:

    a. *Startup* is defined as the commencement of operation of any emissions unit which has shut down or ceased operation for a period of time sufficient to cause temperature, pressure, chemical or pollution control device imbalances, which result in excess emissions. [Rule 62-210.200(245), F.A.C.]

    b. *Shutdown* is the cessation of the operation of an emissions unit for any purpose. [Rule 62-210.200(230), F.A.C.]

c. *Malfunction* is defined as any unavoidable mechanical and/or electrical failure of air pollution control equipment or process equipment or of a process resulting in operation in an abnormal or unusual manner. [Rule 62-210.200(159), F.A.C.]

14. Excess Emissions Prohibited: Excess emissions caused entirely or in part by poor maintenance, poor operation or any other equipment or process failure that may reasonably be prevented during startup, shutdown or malfunction shall be prohibited. All such preventable emissions shall be included in any compliance determinations based on CEMS data. [Rule 62-210.700(4), F.A.C.]

15. Excess Emissions Allowed: As specified in this condition, excess emissions resulting from startup, shutdown, fuel switching and documented malfunctions are allowed provided that operators employ the best operational practices to minimize the amount and duration of emissions during such incidents. For each CTG/HRSG system, NO_X and CO emission data exclusions resulting from startup, shutdown, or documented malfunctions shall not exceed two hours in any 24-hour period except for the specific cases listed below. A "documented malfunction" means a malfunction that is documented within one working day of detection by contacting the Compliance Authority by telephone, facsimile transmittal, or electronic mail.

   a. *STG/HRSG System Cold Startup: For cold startup of the steam turbine system, NO_X and CO emission data exclusions for any CTG/HRSG system shall not exceed eight (8) hours in any 24-hour period. A cold "startup of the steam turbine system" is defined as startup of the 3-on-1 combined cycle system following a shutdown of the steam turbine lasting at least 48 hours.*

   {Permitting Note: During a cold startup of the STG system, each CTG/HRSG system is sequentially brought on line at low load to gradually increase the temperature of the STG and prevent thermal metal fatigue. Note that shutdowns and documented malfunctions are separately regulated in accordance with the requirements of this condition.}

   b. *Shutdown Steam Turbine System: For shutdown of steam turbine system, NO_X and CO emission data exclusions for any CTG/HRSG system shall not exceed three (3) hours in any 24-hour period.*

   c. *CTG/HRSG System Cold Startup: For cold startup of a CTG/HRSG system, NO_X and CO emission data exclusions shall not exceed four (4) hours in any 24-hour period. "Cold startup of a CTG/HRSG system" is defined as a startup after the pressure in the high-pressure (HP) steam drum falls below 450 psig for at least a one-hour period.*

   d. *Fuel Switching: For fuel switching, NO_X and CO emission data exclusions shall not exceed two (2) hours in any 24-hour period.*

16. Ammonia Injection: Ammonia injection shall begin as soon as operation of the CTG/HRSG system achieves the operating parameters specified by the manufacturer. As authorized by Rule 62-210.700(5), F.A.C., the above conditions allow excess emissions only for specifically defined periods of startup, shutdown, fuel switching, and documented malfunction of the CTG.
[Design; Rules 62-4.070(3) and 62-210.700, F.A.C.]

17. DLN Tuning: CEMS data collected during initial or other major DLN tuning sessions may be excluded by the permittee from the CEMS compliance demonstration provided the tuning session is performed in accordance with the manufacturer's specifications. A "major tuning session" may occur after completion of initial construction, a major repair, or other similar circumstances. Prior to performing any major tuning session, where the intent is to exclude data from the CEMS compliance demonstration, the permittee shall provide the Compliance Authority with an advance notice of at least 7 days that details the activity and proposed tuning schedule. The notice may be by telephone, facsimile transmittal, or electronic mail.
[Design; Rule 62-4.070(3), F.A.C.]

EMISSIONS PERFORMANCE TESTING

18. Test Methods: Required tests shall be performed in accordance with the following reference methods.

Method	Description of Method and Comments
CTM-027 or 320	Procedure for Collection and Analysis of Ammonia in Stationary Source. {Notes: This is an EPA conditional test method. The minimum detection limit shall be 1 ppm.} Measurement of Vapor Phase Organic and Inorganic Emissions by Extractive Fourier Transform Infrared (FTIR) Spectroscopy
7E	Determination of Nitrogen Oxide Emissions from Stationary Sources
9	Visual Determination of the Opacity of Emissions from Stationary Sources
10	Determination of Carbon Monoxide Emissions from Stationary Sources {Notes: The method shall be based on a continuous sampling train. The ascarite trap may be omitted or the interference trap of section 10.1 may be used in lieu of the silica gel and ascarite traps.}
18	Measurement of Gaseous Organic Compound Emissions by Gas Chromatography {Note: EPA Method 18 may be used (optional) concurrently with EPA Method 25A to deduct emissions of methane and ethane from the measured VOC emissions.}
20	Determination of Nitrogen Oxides, Sulfur Dioxide and Diluent Emissions from Stationary Gas Turbines
25A	Determination of Volatile Organic Concentrations

No other methods may be used for compliance testing unless prior written approval is received from the administrator of the Department's Emissions Monitoring Section in accordance with an alternate sampling procedure pursuant to 62-297.620, F.A.C.
[Rules 62-204.800 and 62-297.100, F.A.C.; 40 CFR 60, Appendix A]

19. Initial Compliance Determinations: Initial compliance tests shall be conducted within 60 days after achieving the maximum production rate at which the unit will be operated, but not later than 180 days after the initial startup of the unit. Each CTG shall be stack tested to demonstrate initial compliance with the emission standards for CO, NO_X, VOC, visible emissions, and ammonia slip. Each unit shall be tested when firing natural gas, when using the duct burners and when firing distillate fuel oil. Referenced method data collected during the required Relative Accuracy Test Audits (RATAs) may be used to demonstrate compliance with the initial CO and NO_X standards. With appropriate flow measurements (or fuel measurements and approved F-factors), CEMS data may be used to demonstrate compliance with the CO and NO_X mass rate emissions standards. CO and NO_X emissions recorded by the CEMS shall also be reported for each run during tests for visible emissions, VOC and ammonia slip. The Department may require the permittee to conduct additional tests after major replacement or major repair of any air pollution control equipment, such as the SCR catalyst, oxidation catalyst, DLN combustors, etc.
[Rule 62-297.310(7)(a)1, F.A.C. and 40 CFR 60.8].

20. Continuous Compliance: The permittee shall demonstrate continuous compliance with the 30-unit operating days rolling average CO and NO_X emissions standards based on data collected by the certified CEMS. Within 45 days of conducting any RATA on a CEMS, the permittee shall submit a report to the Compliance Authority summarizing results of the RATA. Compliance with the CO emission standards also serves as an indicator of efficient fuel combustion and oxidation catalyst operation, which reduces emissions of particulate matter and volatile organic compounds.
[Rule 62-4.070(3), F.A.C.; 40 CFR 60, Subpart KKKK]

21. Annual Compliance Tests: During each federal fiscal year (October 1st to September 30th), each CTG shall be tested to demonstrate compliance with the emission standards for visible emissions and ammonia slip. Testing to determine the ammonia slip shall be conducted while firing the primary fuel. NO_X emissions recorded by the CEMS shall be reported for each ammonia slip test run. CO emissions recorded by the CEMS shall be reported for the visible emissions observation period.

   {Permitting Note: After initial compliance with the VOC standards is demonstrated, annual compliance tests for VOC emissions are not required. Compliance with the continuously monitored CO standards shall indicate efficient combustion and low VOC emissions. The Department retains the right to require VOC testing if CO limits are exceeded or for the reasons given in Appendix SC, Condition 17, Special Compliance Tests.}

   [Rules 62-4.070(3) and 62-297.310(7)(a)4, F.A.C.]

22. Compliance for SAM, SO_2 and $PM/PM_{10}/PM_{2.5}$: In stack compliance testing is not required for SAM, SO_2 and $PM/PM_{10}/PM_{2.5}$. Compliance with the limits and control requirements for SAM, SO_2 and $PM/PM_{10}/PM_{2.5}$ is based on the recordkeeping required in Specific Condition 28, the visible emissions standard and the CO/NO_X continuous monitoring. [Rule 62-4.070(3), F.A.C.]

CONTINUOUS MONITORING REQUIREMENTS

23. Continuous Emissions Monitoring System(s) (CEMS): The permittee shall install, calibrate, maintain, and operate CEMS to measure and record the emissions of CO and NO_X from the combined cycle CTG in a manner sufficient to demonstrate continuous compliance with the CEMS emission standards of this section. Each monitoring system shall be installed, calibrated, and properly functioning prior to the initial performance tests. Within one working day of discovering emissions in excess of a CO or NO_X standard (and subject to the specified averaging period), the permittee shall notify the Compliance Authority.

    a. *CO Monitors:* The CO monitors shall be certified pursuant to 40 CFR 60, Appendix B, Performance Specification 4 or 4A within 60 calendar days of achieving permitted capacity as defined in Rule 62-297.310(2), F.A.C., but no later than 180 calendar days after initial startup. Quality assurance procedures shall conform to the requirements of 40 CFR 60, Appendix F, and the Data Assessment Report in Section 7 shall be made each calendar quarter, and reported semiannually to the Compliance Authority. The RATA tests required for the CO monitor shall be performed using EPA Method 10 in Appendix A of 40 CFR 60 and shall be based on a continuous sampling train. The CO monitor span values shall be set appropriately considering the allowable methods of operation and corresponding emission standards.

    b. *NO_X Monitors:* Each NO_X monitor shall be certified, operated, and maintained in accordance with the requirements of 40 CFR 75. Record keeping and reporting shall be conducted pursuant to Subparts F and G in 40 CFR 75. The RATA tests required for the NO_X monitor shall be performed using EPA Method 20 or 7E in Appendix A of 40 CFR 60.

    c. *Diluent Monitors:* The oxygen (O_2) or carbon dioxide (CO_2) content of the flue gas shall be monitored at the location where CO and NO_X are monitored to correct the measured emissions rates to 15% oxygen. If a CO_2 monitor is installed, the oxygen content of the flue gas shall be calculated using F-factors that are appropriate for the fuel fired. Each monitor shall comply with the performance and quality assurance requirements of 40 CFR 75.

24. CEMS Data Requirements:

    a. *Data Collection*: Emissions shall be monitored and recorded at all times including startup, operation, shutdown, and malfunction except for continuous monitoring system breakdowns, repairs, calibration checks, and zero and span adjustments. The CEMS shall be designed and operated to sample, analyze, and record data evenly spaced over an hour. If the CEMS measures concentration on a wet basis, the CEM system shall include provisions to determine the moisture content of the exhaust gas and an algorithm to enable correction of the monitoring results to a dry basis (0% moisture). Alternatively, the owner or operator may develop through manual stack test measurements a curve of moisture contents in the exhaust gas versus load for each allowable fuel, and use these typical values in an algorithm to enable correction of the monitoring results to a dry basis (0% moisture). Final results of the CEMS shall be expressed as ppmvd corrected to 15% oxygen. The CEMS shall be used to demonstrate compliance with the CEMS emission standards for CO and NO_X as specified in this permit. For purposes of determining compliance with the CEMS emissions standards of this permit, missing (or excluded) data shall not be substituted. Upon request by the Department, the CEMS emission rates shall be corrected to International Organization of Standardization (ISO) conditions.

b. *Valid Hour*: Hourly average values shall begin at the top of each hour. Each hourly average value shall be computed using at least one data point in each fifteen-minute quadrant of an hour, where the unit combusted fuel during that quadrant of an hour. Notwithstanding this requirement, an hourly value shall be computed from at least two data points separated by a minimum of 15 minutes (where the unit operates for more than one quadrant of an hour). If less than two such data points are available, the hourly average value is not valid. An hour in which any oil is fired is attributed towards compliance with the permit standards for oil firing. The permittee shall use all valid measurements or data points collected during an hour to calculate the hourly average values.

c. *30-Unit Operating Day Rolling Averages*: Compliance shall be determined after each operating day by calculating the arithmetic average of all the valid hourly averages from that operating day and the prior 29 operating days. For purposes of determining compliance with the 30-unit operating day rolling CEMS standards, the missing data substitution methodology of 40 CFR Part 75, subpart D, shall not be utilized. Instead, the 30-unit operating day rolling average shall be determined using the remaining hourly data in the 30-day rolling period.

{Permitting Note: There may be more than one 30-unit operating day compliance demonstration required for CO and NO_X emissions depending on the use of alternate fuels.}

d. *Data Exclusion:* Each CEMS shall monitor and record emissions during all operations including episodes of startup, shutdown, malfunction, fuel switches and DLN tuning. Some of the CEMS emissions data recorded during these episodes may be excluded from the corresponding CEMS compliance demonstration subject to the provisions of Condition Nos. 15 and 17 of this section. All periods of data excluded shall be consecutive for each such episode and only data obtained during the described episodes (startup, shutdown, malfunction, fuel switches, DLN tuning) may be used for the appropriate exclusion periods. The permittee shall minimize the duration of data excluded for such episodes to the extent practicable. Data recorded during such episodes shall not be excluded if the episode was caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure, which may reasonably be prevented. Best operational practices shall be used to minimize hourly emissions that occur during such episodes. Emissions of any quantity or duration that occur entirely or in part from poor maintenance, poor operation, or any other equipment or process failure, which may reasonably be prevented, shall be prohibited.

e. *Data Exclusion during Installation of Oxidation Catalyst:* The permittee may exclude CO CEMS data in excess of the 7.5 ppmvd @15% O_2 from the 30 operating day rolling average calculation during the installation of the oxidation catalyst (which shall not exceed 12 months) provided all reasonable efforts are used to minimize such emissions. However, all CEMS data must be included when determining whether there is a net emission increase [as defined in Section 62-210.200 (definitions), F.A.C.] of CO greater or equal to the significant emissions rate of 100 tons per year.

f. *Availability*: Monitor availability for the CEMS shall be 95% or greater in any calendar quarter. The quarterly excess emissions report shall be used to demonstrate monitor availability. In the event 95% availability is not achieved, the permittee shall provide the Department with a report identifying the problems in achieving 95% availability and a plan of corrective actions that will be taken to achieve 95% availability. The permittee shall implement the reported corrective actions within the next calendar quarter. Failure to take corrective actions or continued failure to achieve the minimum monitor availability shall be violations of this permit, except as otherwise authorized by the Department's Compliance Authority.

[Rule 62-297.520, F.A.C.; 40 CFR 60.7(a)(5) and 40 CFR 60.13; 40 CFR Part 51, Appendix P; 40 CFR 60, Appendix B - Performance Specifications; 40 CFR 60, Appendix F - Quality Assurance Procedures; and Rules 62-4.070(3), F.A.C.]

25. Ammonia Monitoring Requirements: In accordance with the manufacturer's specifications, the permittee shall install, calibrate, operate and maintain an ammonia flow meter to measure and record the ammonia injection rate to the SCR system by the time of the initial compliance tests. The permittee shall document and periodically update the general range of ammonia flow rates required to meet permitted emissions levels over the range of load conditions allowed by this permit by comparing NO_X emissions recorded by the CEM system with ammonia flow rates recorded using the ammonia flow meter. During NO_X monitor downtimes or malfunctions, the permittee shall operate at the ammonia flow rate and, as applicable for fuel oil firing, the water-to-fuel ratio, that are consistent with the documented flow rate for the combustion turbine load condition. [Rules 62-4.070(3), F.A.C.]

RECORDS AND REPORTS

26. Monitoring of Capacity: The permittee shall monitor and record the operating rate of each CTG and HRSG DB system on a daily average basis, considering the number of hours of operation during each day (including the times of startup, shutdown, malfunction and fuel switching). Such monitoring shall be made using a monitoring component of the CEMS required above, or by monitoring daily rates of consumption and heat content of each allowable fuel in accordance with the provisions of 40 CFR 75 Appendix D. [Rule 62-4.070(3), F.A.C.]

27. Monthly Operations Summary: By the fifth calendar day of each month, the permittee shall record the following for each fuel in a written or electronic log for each CTG for the previous month of operation: fuel consumption, hours of operation, hours of duct firing, and the updated 12-month rolling totals for each. Information recorded and stored as an electronic file shall be available for inspection and printing within at least three days of a request by the Department. The fuel consumption shall be monitored in accordance with the provisions of 40 CFR 75, Appendix D. [Rules 62-4.070(3), F.A.C.]

28. Fuel Sulfur Records: The permittee shall demonstrate compliance with the fuel sulfur limits specified in this permit by maintaining the following records of the sulfur contents.

a. *Natural Gas:* Compliance with the fuel sulfur limit for natural gas shall be demonstrated by keeping reports obtained from the vendor indicating the average sulfur content of the natural gas being supplied from the pipeline for each month of operation. Methods for determining the sulfur content of the natural gas shall be ASTM methods D4084-82, D4468-85, D5504-01, D6228-98 and D6667-01, D3246-81 or more recent versions.

b. *ULSD Fuel Oil:* Compliance with the distillate fuel oil sulfur limit shall be demonstrated by taking a sample, analyzing the sample for fuel sulfur, and reporting the results to each Compliance Authority before initial startup. Sampling the fuel oil sulfur content shall be conducted in accordance with ASTM D4057-88, Standard Practice for Manual Sampling of Petroleum and Petroleum Products, and one of the following test methods for sulfur in petroleum products: ASTM methods D5453-00, D129-91, D1552-90, D2622-94, or D4294-90. More recent versions of these methods may be used. For each subsequent fuel delivery, the permittee shall maintain a permanent file of the certified fuel sulfur analysis from the fuel vendor. At the request of a Compliance Authority, the permittee shall perform additional sampling and analysis for the fuel sulfur content.

The above methods shall be used to determine the fuel sulfur content in conjunction with the provisions of 40 CFR 75, Appendix D. [Rules 62-4.070(3) and 62-4.160(15), F.A.C.]

29. Emissions Performance Test Reports: A report indicating the results of any required emissions performance test shall be submitted to the Compliance Authority no later than 45 days after completion of the last test run. The test report shall provide sufficient detail on the tested emission unit and the procedures used to allow the Department to determine if the test was properly conducted and if the test results were properly computed. At a minimum, the test report shall provide the applicable information listed in Rule 62-297.310(8)(c), F.A.C. and in Appendix SC of this permit. [Rule 62-297.310(8), F.A.C.].

30. Excess Emissions Reporting:

a. *Malfunction Notification:* If emissions in excess of a standard (subject to the specified averaging period) occur due to malfunction, the permittee shall notify the Compliance Authority within (1) working day of: the nature, extent, and duration of the excess emissions; the cause of the excess emissions; and the actions taken to correct the problem. In addition, the Department may request a written summary report of the incident.

b. *SIP Quarterly Permit Limits Excess Emissions Report*: Within 30 days following the end of each calendar-quarter, the permittee shall submit a report to the Compliance Authority summarizing periods of CO and NO_X emissions in excess of the permit emission standards following the NSPS format in 40 CFR 60.7(c), Subpart A. Periods of startup, shutdown and malfunction, shall be monitored, recorded and reported as excess emissions when emission levels exceed the standards specified in this permit. In addition, the report shall summarize the CEMS systems monitor availability for the previous quarter.

c. *NSPS Semi-Annual Excess Emissions Reports*: For purposes of reporting emissions in excess of NSPS Subpart KKKK, excess emissions from the CTG are defined as: a specified averaging period over which either the NO_X emissions are higher than the applicable emission limit in 40 CFR 60.4320; or the total sulfur content of the fuel being combusted in the affected facility exceeds the limit specified in 60.4330. Within thirty (30) days following each calendar semi-annual period, the permittee shall submit a report on any periods of excess emissions that occurred during the previous semi-annual period to the Compliance Authority.

{Note: If there are no periods of excess emissions as defined in NSPS Subpart KKKK, a statement to that effect may be submitted with the SIP Quarterly Report to suffice for the NSPS Semi-Annual Report.}

[Rules 62-4.130, 62-204.800, 62-210.700(6), F.A.C.; 40 CFR 60.7, and 60.4420]

31. Annual Operating Report: The permittee shall submit an annual report that summarizes the actual operating hours and emissions from this facility. The permittee shall also keep records sufficient to determine the annual throughput of distillate fuel oil for the fuel oil storage tank for use in the Annual Operating Report. Annual operating reports shall be submitted to the Compliance Authority by April 1st of each year. [Rule 62-210.370(2), F.A.C.]

B. AUXILIARY BOILER AND TEMPORARY CONSTRUCTION BOILER (010 AND 015)

This section of the permit addresses the following emissions units.

ID	Emission Unit Description
010	One nominal 85,000 pounds per hour (lb/hr) natural gas fueled auxiliary boiler (99.8 mmBtu/hr)
015	One temporary 110 mmBtu/hr natural gas-fueled boiler to be used only during construction

AUXILIARY BOILER REQUIREMENTS

1. Equipment: The permittee is authorized to install, operate, and maintain one auxiliary boiler with a maximum design heat input of 99.8 mmBtu/hr (85,000 lb/hr) to produce steam during start up of the CTG. [Applicant Request; Rule 62-210.200(PTE), F.A.C.]

2. Hours of Operation: The hours of operation of the auxiliary boiler shall not exceed 750 hours per year. [Applicant Request; Rule 62-210.200(PTE), F.A.C.]

3. NSPS Subpart Dc Applicability: The auxiliary boiler is subject to all applicable requirements of 40 CFR 60, Subpart Dc which applies to Small Industrial, Commercial, or Institutional Steam Generating Units. Specifically, this emission unit shall comply with 40 CFR 60.48c Reporting and Recordkeeping Requirements. [40 CFR 60, NSPS-Subpart Dc - Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, attached as Appendix Dc].

4. Auxiliary Boiler Emissions Limits: The auxiliary boiler shall comply with the following emission limits.

NO_X	CO	VOC, SO_2, PM/PM_{10}
0.05 lb/mmBtu	0.08 lb/mmBtu	2 gr S/100 SCF natural gas spec and 10% Opacity

   [Applicant request; Rule 62-4.070(3), F.A.C.]

   {Permitting note: There are no Subpart Dc emission standards for auxiliary boilers fueled by natural gas.}

5. Auxiliary Boiler Testing Requirements: The auxiliary boiler shall be stack tested to demonstrate initial compliance with the emission standards for CO, NO_X and visible emissions. The tests shall be conducted within 60 days after achieving the maximum production rate at which the unit will be operated, but not later than 180 days after the initial startup. [Rule 62-297.310(7)(a)1, F.A.C.]

   Test Methods: Any required tests shall be performed in accordance with the following reference methods.

Method	Description of Method and Comments
7E	Determination of Nitrogen Oxide Emissions from Stationary Sources
9	Visual Determination of the Opacity of Emissions from Stationary Sources
10	Determination of Carbon Monoxide Emissions from Stationary Sources

6. Notification: Initial notification is required for the auxiliary boiler pursuant to 40 CFR 60.7.

7. Reporting: The permittee shall maintain records of the amount of natural gas used in the auxiliary boiler. These records shall be submitted to the Compliance Authority on an annual basis or upon request. [Rule 62-4.070(3), F.A.C.]

B. AUXILIARY BOILER AND TEMPORARY CONSTRUCTION BOILER (010 AND 015)

TEMPORARY BOILER REQUIREMENTS

8. Equipment: The permittee is authorized to install, operate, and maintain a temporary boiler during the construction of the RBEC with a maximum design heat input of 110 mmBtu/hr.
   [Applicant Request; Rule 62-210.200(PTE), F.A.C.]

9. Hours of Operation: The hours of operation of the temporary boiler shall not exceed 1000 hours per year and the temporary boiler shall not operate beyond the expiration date of this permit.
   [Applicant Request; Rule 62-210.200(PTE), F.A.C.]

10. NSPS Subpart Db Applicability: The temporary 110 mmBtu natural gas-fueled boiler is subject to all applicable requirements of 40 CFR 60, Subpart Db which applies to Industrial, Commercial, or Institutional Steam Generating Units.
    [40 CFR 60, NSPS-Subpart Db - Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, attached as Appendix Db].

C. PROCESS HEATERS (EU 011)

This section of the permit addresses the following emissions unit.

ID	Emission Unit Description
011	Two nominal 10 mmBtu/hr natural gas-fired process heaters (one is a spare)

1. Equipment: The permittee is authorized to install, operate, and maintain two 10 mmBtu/hr process heaters for the purpose of heating the natural gas supply to the CTG.
[Applicant Request and Rule 62-210.200(PTE), F.A.C.]

2. Hours of Operation: The two natural gas-fueled process heaters are allowed to operate a combined total of 8760 hours per year. [Applicant Request and Rule 62-210.200(PTE), F.A.C.]

3. NSPS Subpart Dc Applicability: Each process heater is subject to all applicable requirements of 40 CFR 60, Subpart Dc which applies to Small Industrial, Commercial, or Institutional Boiler. Specifically, each emission unit shall comply with 40 CFR 60.48c Reporting and Recordkeeping Requirements.
[40 CFR 60, NSPS-Subpart Dc - Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, attached as Appendix Dc]

4. Emission Limits: Each natural gas fired process heater shall comply with the following emission limits.

NO_X	CO	VOC, SO_2, PM/PM_{10}
0.095 lb/mmBtu	0.08 lb/mmBtu	2 gr S/100 SCF natural gas spec and 10% Opacity

[Applicant request; Rule 62-4.070(3), F.A.C.]

{Permitting note: There are no Subpart Dc emission standards for gas-fired process heaters fueled by natural gas.}

5. Testing Requirements: Each unit shall be stack tested to demonstrate initial compliance with the emission standards for CO, NO_X and visible emissions. The tests shall be conducted within 60 days after achieving the maximum production rate at which the unit will be operated, but not later than 180 days after the initial startup. As an alternative, a Manufacturer certification of emissions characteristics of the purchased model that are at least as stringent as the emission limits values can be used to fulfill this requirement.
[Rule 62-297.310(7)(a)1, F.A.C.]

Test Methods: Any required tests shall be performed in accordance with the following reference methods.

Method	Description of Method and Comments
7E	Determination of Nitrogen Oxide Emissions from Stationary Sources
9	Visual Determination of the Opacity of Emissions from Stationary Sources
10	Determination of Carbon Monoxide Emissions from Stationary Sources

6. Notification, Recordkeeping and Reporting Requirements: The permittee shall maintain records of the amount of natural gas used in the process heaters and shall comply with the notification, recordkeeping and reporting requirements pursuant to 40 CFR 60.48c and 40 CFR 60.7. These records shall be submitted to the Compliance Authority on an annual basis or upon request.
[Rule 62-4.070(3), F.A.C.; 40 CFR 60, Subparts A and Dc]

This section of the permit addresses the following emissions unit.

ID	Emission Unit Description
012	Seven nominal 1,340 horsepower (hp) natural gas compressors

1. Equipment: The permittee is authorized to install, operate, and maintain seven nominal 1,340 horsepower (hp) natural gas compressors. Maximum heat input shall not exceed 10.11 mmBtu/hr each.
[Applicant Request and Rule 62-210.200(PTE), F.A.C.]
2. Hours of Operation and Fuel Specifications: Each compressor is allowed to operate continuously (8760 hr/yr). The compressors are allowed to burn natural gas only.
[Applicant Request and Rule 62-210.200(PTE), F.A.C.]
3. NSPS Subpart JJJJ Applicability: These compressors are Stationary Spark Ignition Internal Combustion Engines and shall comply with applicable provisions of 40 CFR 60, Subpart JJJJ.
[40 CFR 60, Subpart JJJJ - Standards of Performance for Stationary Spark Ignition Internal Combustion Engines]
4. NESHAPS Subpart ZZZZ Applicability: These compressors are Reciprocating Internal Combustion Engines (RICE) and shall comply with applicable provisions of 40 CFR 63, Subpart ZZZZ. Pursuant to 40 CFR 63.6590(c) the compressors must meet the requirements of Subpart ZZZZ by meeting the requirements of 40 CFR 60, Subpart JJJJ.
[40 CFR 63, Subpart ZZZZ - National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (RICE)]
5. Pollution Control Equipment: Each gas compressor shall be equipped with an oxidation catalyst to control CO and VOC/hydrocarbons. [Applicant request; Rule 62-4.070(3), F.A.C.]
6. Visible Emission (VE) Limit: Each natural gas compressor shall comply with a visible emission limit of 10% opacity. [Applicant request; Rule 62-4.070(3), F.A.C.]
7. Emissions Limits: Each natural gas compressors shall comply with the following emission limits.

Standard (manufacture date)	CO (g/hp-hr)[a]	VOC (g/hp-hr)	NO_X (g/hp-hr)	PM (g/hp-hr)	SO_2 (gas S spec.)
Permit Emission Limit	0.10	0.16	1.5[b]	0.034	2 gr/100 SCF
Subpart JJJJ (1/1/2008)	4.0	1.0	2.0	NA	
Subpart JJJJ (7/1/2010)	2.0	0.7	1.0		

a. grams per horsepower-hour (g/hp-hr)

b. Reduced to 1.0 g/hp-hr if manufacture date is 7/1/2010 or later to insure compliance with Subpart JJJJ.

{Permitting note: Installation of an oxidation catalyst and adherence to the visible emission standard and fuel specification shall be considered sufficient to insure compliance with the listed PM limit.}

[Applicant request; 40 CFR 60, Subpart JJJJ; Rule 62-4.070(3), F.A.C.]

8. Compressor Testing Requirements: Each unit shall be stack tested to demonstrate initial compliance with the emission standards for CO, VOC, NO_X and visible emissions. The tests shall be conducted within 60 days after achieving the maximum production rate at which the unit will be operated, but not later than 180 days after the initial startup. With the exception of visible emissions testing, manufacturer certification can be provided to the Department in lieu of actual testing.
[Rule 62-297.310(7)(a)1, F.A.C.; 40 CFR 60.8 and 40 CFR 60.4244]

9. Test Methods: Any required tests shall be performed in accordance with the following reference methods.

Method	Description of Method and Comments
7E	Determination of Nitrogen Oxide Emissions from Stationary Sources
9	Visual Determination of the Opacity of Emissions from Stationary Sources
10	Determination of Carbon Monoxide Emissions from Stationary Sources
18	Determination of Volatile Organic Compounds Emissions from Stationary Sources

[Rule 62-4.070(3), F.A.C.; 40 CFR 60, Subpart JJJJ and 40 CFR 60.8]

10. Notification, Recordkeeping and Reporting Requirements: The permittee shall maintain records of the amount of natural gas used in the compressor station and shall comply with the notification, recordkeeping and reporting requirements pursuant to 40 CFR 60.4245 and 40 CFR 60.7. These records shall be submitted to the Compliance Authority on an annual basis or upon request.
[Rule 62-4.070(3), F.A.C.; 40 CFR 60, Subparts A and JJJJ]

E. EMERGENCY GENERATORS (013)

This section of the permit addresses the following emissions units.

ID	Emission Unit Description
013	Two nominal 2,250 kilowatts (kW) liquid fueled emergency generators

1. Equipment: The permittee is authorized to install, operate, and maintain two 2,250 kW emergency generators. [Applicant Request and Rule 62-210.200(PTE), F.A.C.]

2. Hours of Operation and Fuel Specifications: The hours of operation shall not exceed 160 hours per year per generator. The generators shall burn ultralow sulfur diesel fuel oil (0.0015% sulfur). [Applicant Request and Rule 62-210.200(PTE), F.A.C.]

3. NSPS Subpart IIII Applicability: These emergency generators are Stationary Compression Ignition Internal Combustion Engines (Stationary ICE) and shall comply with applicable provisions of 40 CFR 60, Subpart IIII, including emission testing or certification. [40 CFR 60, Subpart IIII - Standards of Performance for Stationary Compression Ignition Internal Combustion Engines]

4. NESHAPS Subpart ZZZZ Applicability: These emergency generators are Liquid Fueled Reciprocating Internal Combustion Engines (RICE) and shall comply with applicable provisions of 40 CFR 63, Subpart ZZZZ. Pursuant to 40 CFR 63.6590(c) the compressors must meet the requirements of Subpart ZZZZ by meeting the requirements of 40 CFR 60, Subpart IIII.
[40 CFR 63, Subpart ZZZZ - National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (RICE)]

5. Emissions Limits: Each emergency generator shall comply with the following emission limits and demonstrate compliance in accordance with the procedures given in 40 CFR 60, Subpart IIII. Manufacturer certification can be provided to the Department in lieu of actual testing.

Source (model year)	CO (g/hp-hr)	PM (g/hp-hr)	Hydrocarbons (g/hp-hr)	NO_X (g/hp-hr)
Subpart IIII (2007-2010)	8.5	0.4	1.0	6.9
Subpart IIII (2011 and later)	2.6	0.15	4.8 (NMHC[a]+NO_X)	

a. NMHC means Non-Methane Hydrocarbons.

[Applicant Request; 40 CFR 60, Subpart IIII and Rule 62-4.070(3), F.A.C.]

6. Visible Emission (VE) Limit: Each liquid-fueled emergency generator shall comply with a visible emission limit of 10% opacity. An initial VE test shall be conducted in accordance with EPA Method 9 within 60 days after achieving the maximum production rate at which the unit will be operated, but not later than 180 days after initial startup. [Applicant request; Rule 62-4.070(3), F.A.C.]

7. Notification, Recordkeeping and Reporting Requirements: The permittee shall maintain records of the amount of fuel used in the emergency generators and shall comply with the notification, recordkeeping and reporting requirements pursuant to 40 CFR 60.4214 and 40 CFR 60.7. These records shall be submitted to the Compliance Authority on an annual basis or upon request.
[Rule 62-4.070(3), F.A.C.; 40 CFR 60, Subparts A and IIII]

F. EMERGENCY FIRE PUMP (014)

This section of the permit addresses the following emissions unit.

ID	Emission Unit Description
014	One emergency diesel fire pump engine (≤ 300 hp) and a nominal 500 gallon fuel oil storage tank

1. Equipment: The permittee is authorized to install, operate, and maintain one diesel engine driven fire pump (≤ 300 hp) and an associated nominal 500 gallon fuel oil storage tank.
[Applicant Request and Rule 62-210.200(PTE), F.A.C.]

2. Hours of Operation: The fire pump may operate in response to emergency conditions and 80 non-emergency hours per year for maintenance testing. [Applicant Request; Rule 62-210.200 (PTE), F.A.C.]

3. Authorized Fuel: This unit shall fire ULSD fuel oil, which shall contain no more than 0.0015% sulfur by weight. [Applicant Request]

4. NSPS Subpart IIII Applicability: The fire pump engine is an Emergency Stationary Compression Ignition Internal Combustion Engine (Stationary ICE) and shall comply with applicable provisions of 40 CFR 60, Subpart IIII. [40 CFR 60, Subpart IIII - Standards of Performance for Stationary Compression Ignition Internal Combustion Engines]

5. Emissions Limits: The emergency fire pump engine shall comply with the following emission limits and demonstrate compliance in accordance with the procedures given in 40 CFR 60, Subpart IIII.

Model Year	CO (g/hp-hr)	NMHC + NO_X (g/hp-hr)	PM (g/hp-hr)
Subpart IIII (2008)	2.6	7.8	0.40
Subpart IIII (2009 or later)	NA	3.0	0.15

[Applicant Request; 40 CFR 60, Subpart IIII and Rule 62-4.070(3), F.A.C.]

6. Fire Pump Engine Certification: Manufacturer certification shall be provided to the Department in lieu of actual testing. [40 CFR 60.4211 and Rule 62-4.070(3), F.A.C.]

G. DISTILLATE FUEL OIL STORAGE TANK (016)

This section of the permit addresses the following emissions unit.

ID	Emission Unit Description
016	One nominal 6.3 million gallon distillate fuel oil storage tank

NSPS APPLICABILITY

1. NSPS Subpart Kb Applicability: The distillate fuel oil tank is not subject to Subpart Kb, which applies to any storage tank with a capacity greater than or equal to 10,300 gallons (40 cubic meters) that is used to store volatile organic liquids for which construction, reconstruction, or modification is commenced after July 23, 1984. Tanks with a capacity greater than or equal to 40,000 gallons (151 cubic meters) storing a liquid with a maximum true vapor pressure less than 3.5 kilopascals (kPa) are exempt from the General Provisions (40 CFR 60, Subpart A) and from the provisions of NSPS Subpart Kb.
[40 CFR 60.110b(a) and (c); Rule 62-204.800(7)(b), F.A.C.]

EQUIPMENT SPECIFICATIONS

2. Equipment: The permittee is authorized to install, operate, and maintain one nominal 6.3 million gallon distillate fuel oil storage tank designed to provide ultra low sulfur diesel fuel oil to the gas turbines.
[Applicant Request; Rule 62-210.200(PTE), F.A.C.]

EMISSIONS AND PERFORMANCE REQUIREMENTS

3. Hours of Operation: The hours of operation are not restricted (8760 hours per year).
[Applicant Request; Rule 62-210.200(PTE), F.A.C.]

NOTIFICATION, REPORTING AND RECORDS

4. Oil Tank Records: The permittee shall keep readily accessible records showing the dimension of the storage vessel and an analysis showing the capacity of the storage tank. Records shall be retained for the life of the facility. The permittee shall also keep records sufficient to determine the annual throughput of distillate fuel oil for the storage tank for use in the Annual Operating Report. [Rule 62-4.070(3) F.A.C]

5. Fuel Oil Records: The permittee shall keep readily accessible records showing the maximum true vapor pressure of the stored liquid. The maximum true vapor pressure shall be less than 3.5 kPa. Compliance with this condition may be demonstrated by using the information from the respective MSDS for the ULSD fuel oil stored in the tank. [Rule 62-4.070(3), F.A.C.; Avoidance of 40 CFR 60, Subpart Kb]

   {Permitting Note: An evaluation of several Material Safety Data Sheets (MSDS) by the Department and applicant demonstrated that the vapor pressure is much less than 3.5 kPa for ULSD fuel oil.}

CONTENTS

NSPS Subpart A and NESHAP Subpart A, Identification of General Provisions

NSPS - Subpart A, Identification of General Provisions

The provisions of this Subpart may be provided in full upon request. Emissions units subject to a New Source Performance Standard of 40 CFR 60 are also subject to the applicable requirements of Subpart A, the General Provisions, including:

§ 60.1 Applicability.

§ 60.2 Definitions.

§ 60.3 Units and abbreviations.

§ 60.4 Address.

§ 60.5 Determination of construction or modification.

§ 60.6 Review of plans.

§ 60.7 Notification and Record Keeping.

§ 60.8 Performance Tests.

§ 60.9 Availability of information.

§ 60.10 State Authority.

§ 60.11 Compliance with Standards and Maintenance Requirements.

§ 60.12 Circumvention.

§ 60.13 Monitoring Requirements.

§ 60.14 Modification.

§ 60.15 Reconstruction.

§ 60.16 Priority List.

§ 60.17 Incorporations by Reference.

§ 60.18 General Control Device Requirements.

§ 60.19 General Notification and Reporting Requirements.

Individual subparts may exempt specific equipment or processes from some or all of these requirements. The general provisions may be provided in full upon request.

NESHAP - Subpart A, Identification of General Provisions

The provisions of this Subpart may be provided in full upon request. Emissions units subject to a National Emission Standards for Hazardous Air Pollutants of 40 CFR 63 are also subject to the applicable requirements of Subpart A, the General Provisions, including:

§ 63.1 Applicability.

§ 63.2 Definitions.

§ 63.3 Units and abbreviations.

§ 63.4 Prohibited Activities and Circumvention.

§ 63.5 Preconstruction Review and Notification Requirements.

§ 63.6 Compliance with Standards and Maintenance Requirements.

§ 63.7 Performance Testing Requirements.

§ 63.8 Monitoring Requirements.

§ 63.9 Notification Requirements.

§ 63.10 Recordkeeping and Reporting Requirements.

§ 63.11 Control Device Requirements.

§ 63.12 State Authority and Delegations.

§ 63.13 Addresses of State Air Pollution Control Agencies and EPA Regional Offices.

§ 63.14 Incorporation by Reference.

§ 63.15 Availability of Information and Confidentiality.

Individual subparts may exempt specific equipment or processes from some or all of these requirements. The general provisions may be provided in full upon request.

NSPS FOR INDUSTRIAL-COMMERCIAL-INSTITUTIONAL STEAM GENERATING UNITS

The temporary 110 mmBtu/hr boiler is regulated as ARMS Emissions Unit (EU) No. 015. This EU is subject to the applicable requirements of 40 CFR 60, Subpart Db-- Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units. The provisions of this Subpart may be provided in full upon request and are also available at the following link:

Link to Subpart Db

NSPS FOR SMALL INDUSTRIAL-COMMERCIAL-INSTITUTIONAL STEAM GENERATING UNITS

The auxiliary boiler rated at 99.8 mmBtu/hr is regulated for the purposes of ARMS as EU 010. Two natural gas process heaters are regulated as one unit for purposes of the ARMS or EU No. 011. These two EU are subject to all applicable provisions of 40 CFR 60, Subpart Dc-- Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units. The provisions of this Subpart may be provided in full upon request and are also available at the following link:

Link to Subpart Dc

The key reporting and recordkeeping requirements are listed below.

§ 60.48c Reporting and recordkeeping requirements.

(a) The owner or operator of each affected facility shall submit notification of the date of construction or reconstruction, anticipated startup, and actual startup, as provided by § 60.7 of this part. This notification shall include:

(1) The design heat input capacity of the affected facility and identification of fuels to be combusted in the affected facility.

(2) Not applicable.

(3) The annual capacity factor at which the owner or operator anticipates operating the affected facility based on all fuels fired and based on each individual fuel fired.

(b)-(f) Not applicable.

(g) The owner or operator of each affected facility shall record and maintain records of the amounts of each fuel combusted during each day.

(h) Not applicable.

(i) All records required under this section shall be maintained by the owner or operator of the affected facility for a period of two years following the date of such record.

(j) The reporting period for the reports required under this subpart is each six-month period. All reports shall be submitted to the Administrator and shall be postmarked by the 30th day following the end of the reporting period.

The permittee shall comply with the following general conditions from Rule 62-4.160, F.A.C.

1. The terms, conditions, requirements, limitations, and restrictions set forth in this permit are "Permit Conditions" and are binding and enforceable pursuant to Sections 403.161, 403.727, or 403.859 through 403.861, Florida Statutes. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in Subsections 403.087(6) and 403.722(5), Florida Statutes, the issuance of this permit does not convey and 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 permit is not a waiver or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at a reasonable time, access to the premises, where the permitted activity is located or conducted to:
   a. Have access to and copy and records that must be kept under the conditions of the permit;
   b. Inspect the facility, equipment, practices, or operations regulated or required under this permit, and,
   c. Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

   Reasonable time may depend on the nature of the concern being investigated.
8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:
   a. A description of and cause of non-compliance; and
   b. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

   The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Sections 403.73 and 403.111, Florida Statutes. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance, provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.
11. This permit is transferable only upon Department approval in accordance with Florida Administrative Code Rules 62-4.120 and 62-730.300, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
12. This permit or a copy thereof shall be kept at the work site of the permitted activity.
13. This permit also constitutes:
    a. Determination of Best Available Control Technology (Not applicable);
    b. Determination of Prevention of Significant Deterioration (Not applicable);
    c. Compliance with National Emission Standards for Hazardous Air Pollutants (X); and
    d. Compliance with New Source Performance Standards (X).
14. The permittee shall comply with the following:
    a. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
    b. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application or this permit. These materials shall be retained at least three 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.
15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

NSPS REQUIREMENTS FOR STATIONARY COMPRESSION IGNITION INTERNAL COMBUSTION ENGINES

The two nominal 2,250 kilowatts emergency generators are regulated as one unit for purposes of the ARMS or EU No. 013. The nominal 300 horsepower (hp) fire engine pump is regulated as ARMS EU No. 014. These two EU are subject to the applicable requirements of 40 CFR 60, Subpart IIII--Standards of Performance for Stationary Compression Ignition Internal Combustion Engines. The provisions of this Subpart may be provided in full upon request and are also available at the following link:

Link to Subpart IIII

SECTION IV. APPENDIX JJJJ

NSPS REQUIREMENTS FOR NSPS FOR STATIONARY SPARK IGNITION INTERNAL COMBUSTION ENGINES

The seven nominal 1,340 horsepower (hp) natural gas compressors are regulated as one unit for purposes of the ARMS or EU No. 012. They are subject to the applicable requirements of 40 CFR 60, Subpart JJJJ--Standards of Performance for Stationary Spark Ignition Internal Combustion Engines. The provisions of this Subpart may be provided in full upon request and are also available at the following link:

Link to Subpart JJJJ

NSPS SUBPART KKKK REQUIREMENTS FOR GAS TURBINES AND DUCT BURNERS

Combined Cycle Unit 5 is regulated as ARMS EU 007, 008 and 009. These EU are subject to the applicable requirements of 40 CFR 60, Subpart KKKK--Standards of Performance for Stationary Combustion Turbines that Commence Construction after February 18, 2005. The provisions of this Subpart may be provided in full upon request and are also available at the following link:

Link to Subpart KKKK

Table 1 of Subpart KKKK is a listing of the key NO_X limits from Subpart KKKK that apply to the RBEC Unit 5 project. The provisions of this Subpart may be provided in full upon request and are also available at the following link:

Table 1 to Subpart KKKK of Part 60. NO_X Emission Limits for New Stationary Combustion Turbines.*

Combustion turbine type	Combustion turbine heat input at peak load (higher heating value)	NO_X emission standard
New, modified, or reconstructed turbine firing natural gas	> 850 MMBtu/h	15 ppm at 15 percent O_2 or 54 ng/J of useful output (0.43 lb/MWh).
New, modified, or reconstructed turbine firing fuels other than natural gas	> 850 MMBtu/h	42 ppm at 15 percent O_2 or 160 ng/J of useful output (1.3 lb/MWh).

* Only the portion of the table that includes the NO_X Requirements applicable to the RBEC Unit 5 project.

STANDARD CONDITIONS

Unless otherwise specified in the permit, the following conditions apply to all emissions units and activities at this facility.

EMISSIONS AND CONTROLS

1. Plant Operation - Problems: If temporarily unable to comply with any of the conditions of the permit due to breakdown of equipment or destruction by fire, wind or other cause, the permittee shall notify each Compliance Authority as soon as possible, but at least within one working day, excluding weekends and holidays. The notification shall include: pertinent information as to the cause of the problem; steps being taken to correct the problem and prevent future recurrence; and, where applicable, the owner's intent toward reconstruction of destroyed facilities. Such notification does not release the permittee from any liability for failure to comply with the conditions of this permit or the regulations. [Rule 62-4.130, F.A.C.]
2. Circumvention: The permittee shall not circumvent the air pollution control equipment or allow the emission of air pollutants without this equipment operating properly. [Rule 62-210.650, F.A.C.]
3. Excess Emissions Allowed: Excess emissions resulting from startup, shutdown or malfunction of any emissions unit shall be permitted providing (1) best operational practices to minimize emissions are adhered to and (2) the duration of excess emissions shall be minimized but in no case exceed two hours in any 24 hour period unless specifically authorized by the Department for longer duration. [Rule 62-210.700(1), F.A.C.]
4. Excess Emissions Prohibited: Excess emissions caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure that may reasonably be prevented during startup, shutdown or malfunction shall be prohibited. [Rule 62-210.700(4), F.A.C.]
5. Excess Emissions - Notification: In case of excess emissions resulting from malfunctions, the permitee shall notify the Department or the appropriate Local Program in accordance with Rule 62-4.130, F.A.C. A full written report on the malfunctions shall be submitted in a quarterly report, if requested by the Department. [Rule 62-210.700(6), F.A.C.]
6. VOC or OS Emissions: No person shall store, pump, handle, process, load, unload or use in any process or installation, volatile organic compounds or organic solvents without applying known and existing vapor emission control devices or systems deemed necessary and ordered by the Department. [Rule 62-296.320(1), F.A.C.]
7. Objectionable Odor Prohibited: No person shall cause, suffer, allow or permit the discharge of air pollutants, which cause or contribute to an objectionable odor. An "objectionable odor" means any odor present in the outdoor atmosphere which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance. [Rules 62-296.320(2) and62-210.200(203), F.A.C.]
8. General Visible Emissions: No person shall cause, let, permit, suffer or allow to be discharged into the atmosphere the emissions of air pollutants from any activity equal to or greater than 20 percent opacity. [Rule 62-296.320(4)(b)1, F.A.C.]
9. Unconfined Particulate Emissions: During the construction period, unconfined particulate matter emissions shall be minimized by dust suppressing techniques such as covering and/or application of water or chemicals to the affected areas, as necessary. [Rule 62-296.320(4)(c), F.A.C.]

TESTING REQUIREMENTS

10. Required Number of Test Runs: For mass emission limitations, a compliance test shall consist of three complete and separate determinations of the total air pollutant emission rate through the test section of the stack or duct and three complete and separate determinations of any applicable process variables corresponding to the three distinct time periods during which the stack emission rate was measured; provided, however, that three complete and separate determinations shall not be required if the process variables are not subject to variation during a compliance test, or if three determinations are not necessary in order to calculate the unit's emission rate. The three required test runs shall be completed within one consecutive five-day period. In the event that a sample is lost or one of the three runs must be discontinued because of circumstances beyond the control of the owner or operator, and a valid third run cannot be obtained within the five-day period allowed for the test, the Secretary or his or her designee may accept the results of two complete runs as proof of compliance, provided that the arithmetic mean of the two complete runs is at least 20% below the allowable emission limiting standard. [Rule 62-297.310(1), F.A.C.]

11. Operating Rate During Testing: Testing of emissions shall be conducted with the emissions unit operating at permitted capacity. Permitted capacity is defined as 90 to 100 percent of the maximum operation rate allowed by the permit. If it is impractical to test at permitted capacity, an emissions unit may be tested at less than the maximum permitted capacity; in this case, subsequent emissions unit operation is limited to 110 percent of the test rate until a new test is conducted. Once the unit is so limited, operation at higher capacities is allowed for no more than 15 consecutive days for the purpose of additional compliance testing to regain the authority to operate at the permitted capacity. [Rule 62-297.310(2), F.A.C.]

12. Calculation of Emission Rate: For each emissions performance test, the indicated emission rate or concentration shall be the arithmetic average of the emission rate or concentration determined by each of the three separate test runs unless otherwise specified in a particular test method or applicable rule. [Rule 62-297.310(3), F.A.C.]

13. Test Procedures: Tests shall be conducted in accordance with all applicable requirements of Chapter 62-297, F.A.C.

    a. Required Sampling Time. Unless otherwise specified in the applicable rule, the required sampling time for each test run shall be no less than one hour and no greater than four hours, and the sampling time at each sampling point shall be of equal intervals of at least two minutes. The minimum observation period for a visible emissions compliance test shall be thirty (30) minutes. The observation period shall include the period during which the highest opacity can reasonably be expected to occur.

    b. Minimum Sample Volume. Unless otherwise specified in the applicable rule or test method, the minimum sample volume per run shall be 25 dry standard cubic feet.

    c. Calibration of Sampling Equipment. Calibration of the sampling train equipment shall be conducted in accordance with the schedule shown in Table 297.310-1, F.A.C.

    [Rule 62-297.310(4), F.A.C.]

14. Determination of Process Variables

    a. Required Equipment. The owner or operator of an emissions unit for which compliance tests are required shall install, operate, and maintain equipment or instruments necessary to determine process variables, such as process weight input or heat input, when such data are needed in conjunction with emissions data to determine the compliance of the emissions unit with applicable emission limiting standards.

    b. Accuracy of Equipment. Equipment or instruments used to directly or indirectly determine process variables, including devices such as belt scales, weight hoppers, flow meters, and tank scales, shall be calibrated and adjusted to indicate the true value of the parameter being measured with sufficient accuracy to allow the applicable process variable to be determined within 10% of its true value.

    [Rule 62-297.310(5), F.A.C.]

15. Sampling Facilities: The permittee shall install permanent stack sampling ports and provide sampling facilities that meet the requirements of Rule 62-297.310(6), F.A.C.

16. Test Notification: The owner or operator shall notify the Department, at least 15 days prior to the date on which each formal compliance test is to begin, of the date, time, and place of each such test, and the test contact person who will be responsible for coordinating and having such test conducted for the owner or operator. [Rule 62-297.310(7)(a)9, F.A.C.]

17. Special Compliance Tests: When the Department, after investigation, has good reason (such as complaints, increased visible emissions or questionable maintenance of control equipment) to believe that any applicable emission standard contained in a Department rule or in a permit issued pursuant to those rules is being violated, it shall require the owner or operator of the emissions unit to conduct compliance tests which identify the nature and quantity of pollutant emissions from the emissions unit and to provide a report on the results of said tests to the Department. [Rule 62-297.310(7)(b), F.A.C.]

18. Test Reports: The owner or operator of an emissions unit for which a compliance test is required shall file a report with the Department on the results of each such test. The required test report shall be filed with the Department as soon as practical but no later than 45 days after the last sampling run of each test is completed. The test report shall provide sufficient detail on the emissions unit tested and the test procedures used to allow the Department to determine if the

test was properly conducted and the test results properly computed. As a minimum, the test report, other than for an EPA or DEP Method 9 test, shall provide the following information:

1) The type, location, and designation of the emissions unit tested.
2) The facility at which the emissions unit is located.
3) The owner or operator of the emissions unit.
4) The normal type and amount of fuels used and materials processed, and the types and amounts of fuels used and material processed during each test run.
5) The means, raw data and computations used to determine the amount of fuels used and materials processed, if necessary to determine compliance with an applicable emission limiting standard.
6) The type of air pollution control devices installed on the emissions unit, their general condition, their normal operating parameters (pressure drops, total operating current and GPM scrubber water), and their operating parameters during each test run.
7) A sketch of the duct within 8 stack diameters upstream and 2 stack diameters downstream of the sampling ports, including the distance to any upstream and downstream bends or other flow disturbances.
8) The date, starting time and duration of each sampling run.
9) The test procedures used, including any alternative procedures authorized pursuant to Rule 62-297.620, F.A.C. Where optional procedures are authorized in this chapter, indicate which option was used.
10) The number of points sampled and configuration and location of the sampling plane.
11) For each sampling point for each run, the dry gas meter reading, velocity head, pressure drop across the stack, temperatures, average meter temperatures and sample time per point.
12) The type, manufacturer and configuration of the sampling equipment used.
13) Data related to the required calibration of the test equipment.
14) Data on the identification, processing and weights of all filters used.
15) Data on the types and amounts of any chemical solutions used.
16) Data on the amount of pollutant collected from each sampling probe, the filters, and the impingers, are reported separately for the compliance test.
17) The names of individuals who furnished the process variable data, conducted the test, analyzed the samples and prepared the report.
18) All measured and calculated data required to be determined by each applicable test procedure for each run.
19) The detailed calculations for one run that relate the collected data to the calculated emission rate.
20) The applicable emission standard, and the resulting maximum allowable emission rate for the emissions unit, plus the test result in the same form and unit of measure.
21) A certification that, to the knowledge of the owner or his authorized agent, all data submitted are true and correct. When a compliance test is conducted for the Department or its agent, the person who conducts the test shall provide the certification with respect to the test procedures used. The owner or his authorized agent shall certify that all data required and provided to the person conducting the test are true and correct to his knowledge.

[Rule 62-297.310(8), F.A.C.]

RECORDS AND REPORTS

19. Records Retention: All measurements, records, and other data required by this permit shall be documented in a permanent, legible format and retained for at least five (5) years following the date on which such measurements, records, or data are recorded. Records shall be made available to the Department upon request. [Rules 62-4.160(14) and 62-213.440(1)(b)2, F.A.C.]

20. Annual Operating Report: The permittee shall submit an annual report that summarizes the actual operating rates and emissions from this facility. Annual operating reports shall be submitted to the Compliance Authority by April 1st of each year. [Rule 62-210.370(2), F.A.C.]

SEMIANNUAL NSPS EXCESS EMISSIONS REPORT

FIGURE 1. SUMMARY REPORT - GASEOUS AND OPACITY EXCESS EMISSION AND MONITORING SYSTEM PERFORMANCE

[Note: This form is referenced in 40 CFR 60.7, Subpart A-General Provisions]

Pollutant *(Circle One)*: SO_2 NO_X TRS H_2S CO Opacity

Reporting period dates: From ______________ to ______________

Company: ______________

Emission Limitation: ______________

Address: ______________

Monitor Manufacturer: ______________

Model No.: ______________

Date of Latest CMS Certification or Audit: ______________

Process Unit(s) Description: ______________

Total source operating time in reporting period [1]: ______________

Emission data summary [1]	**CMS performance summary** [1]
1. Duration of excess emissions in reporting period due to:	1. CMS downtime in reporting period due to:
a. Startup/shutdown .... ____	a. Monitor equipment malfunctions .... ____
b. Control equipment problems .... ____	b. Non-Monitor equipment malfunctions .... ____
c. Process problems .... ____	c. Quality assurance calibration .... ____
d. Other known causes .... ____	d. Other known causes .... ____
e. Unknown causes .... ____	e. Unknown causes .... ____
2. Total duration of excess emissions .... ____	2. Total CMS Downtime .... ____
3. Total duration of excess emissions x (100) / [Total source operating time] .... ____ %[2]	3. [Total CMS Downtime] x (100) / [Total source operating time] .... %[2]

1 For opacity, record all times in minutes. For gases, record all times in hours.

2 For the reporting period: If the total duration of excess emissions is 1 percent or greater of the total operating time or the total CMS downtime is 5 percent or greater of the total operating time, both the summary report form and the excess emission report described in 40 CFR 60.7(c) shall be submitted.

Note: *On a separate page, describe any changes since the last in CMS, process or controls.*

I certify that the information contained in this report is true, accurate, and complete.

Name: ______________

Signature: ______________ *Date*: ______________

Title: ______________

SECTION IV. APPENDIX ZZZZ

NESHAPS REQUIREMENTS-STATIONARY RECIPROCATING INTERNAL COMBUSTION ENGINES

The seven nominal 1,340 horsepower (hp) natural gas compressors are regulated as one Unit for purposes of the ARMS or Emissions Unit No. 012. The two nominal 2,250 kilowatts emergency generators are regulated as one Unit for purposes of the ARMS or Emissions Unit No. 013. These reciprocating internal combustion engines (RICE) are subject to the notification requirements of 40 CFR 63, Subpart ZZZZ--National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

The complete provisions of Subpart ZZZZ may be provided in full upon request and are also available beginning at Section 63.6580 at:

<u>Link to Subpart ZZZZ</u>

APPENDIX B: TITLE V PERMIT

To be attached upon issuance of Final TV permit revision for RBEC.

APPENDIX C: NPDES PERMIT

To be attached upon issuance of Final NPDES permit revision for RBEC.