

**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**IN RE: FLORIDA POWER AND LIGHT)
COMPANY TURKEY POINT UNIT 3 AND 4)
UPRATE POWER PLANT SITING)
APPLICATION NO. PA74-02)**

**OGC CASE NO. 08-0089
DOAH CASE NO. 08-0378EPP**

FINAL ORDER APPROVING SITE CERTIFICATION

This matter is before me as Secretary of the Department of Environmental Protection ("DEP" 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 September 19, 2008, the Administrative Law Judge ("ALJ") assigned by the Division of Administrative Hearings ("DOAH") issued an order relinquishing jurisdiction that 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 Between Parties ("Joint Stipulation") 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 cancellation of the site certification hearing 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

Pursuant to Section 403.508(4), Florida Statutes, the parties are the Applicant, Florida Power & Light Company ("FPL"), the DEP, Miami-Dade County ("County"), the

Department of Community Affairs ("DCA"), the South Florida Regional Planning Council ("SFRPC"), the Department of Transportation ("DOT"), and South Florida Water Management District ("SFWMD"). 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(3)(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 party has intervened in this proceeding as of the last date for intervention prior to the scheduled certification hearing.

STATEMENT OF THE ISSUE

The issue to be decided in this proceeding is whether DEP, 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 undertake its proposed Uprate Project for the existing FPL Turkey Point Units 3 and 4 and to continue to operate those units subsequent to the completion of the Uprate Project, pursuant to the proposed conditions of certification. The Project will be located in unincorporated Miami-Dade County at FPL's existing Turkey Point Power Plant site.

PRELIMINARY STATEMENT

On January 18, 2008, FPL filed its application for site certification ("SCA") under the PPSA for the Turkey Point Uprate Project. The Project will be located in unincorporated Miami-Dade County at FPL's existing Turkey Point Power Plant site. On February 27, 2008, DEP issued its determination of completeness for the Project application. On March 28, 2008, FPL submitted its responses to the determination of

completeness issued by the DEP. DEP determined the application to be complete on May 8, 2008. On April 7, 2008, the County issued its land use and zoning determination for the Project. The County determined that the Project site was consistent and in compliance with its adopted land use plans and zoning ordinances. Following public notice by FPL and DEP of the County's land use and zoning determination, no person challenged the County's determination.

On September 10, 2008, DEP issued its written Staff Analysis Report ("SAR"), pursuant to Section 403.507, Florida Statutes. The SAR contains reports and proposed Conditions of Certification of several agencies: DEP, SFWMD, DCA, Public Service Commission ("PSC"), Florida Fish and Wildlife Conservation Commission ("FWC"), SFRPC, DOT, and the County. The Florida Division of Emergency Management was not required to file a report but indicated to DEP that the Turkey Point Uprate Project does not trigger revision to the State of Florida's Radiological Emergency Management Plan. The SAR contains a compiled set of proposed Conditions of Certification for the Project. On August 14, 2008, the SFWMD submitted its Agency Report, pursuant to Section 403.507(2)(a)2, Florida Statutes, recommending approval conditioned upon FPL's future ground and surface water monitoring of the area surrounding the Turkey Point cooling canal system to monitor potential impacts to the Biscayne Aquifer and Biscayne Bay associated with the Uprate Project. On August 27, 2008, the County submitted its Amended Agency Report, pursuant to Section 403.507(2)(a)3, Florida Statutes, recommending approval conditioned upon FPL's future ground and surface water monitoring of the area surrounding the Turkey Point cooling canal system to monitor potential impacts to the Biscayne Aquifer and Biscayne Bay associated with the

Uprate Project. Pursuant to Section 403.519, Florida Statutes, the PSC issued its determination of need for the Turkey Point Uprate Project on January 7, 2008.

A site certification hearing was scheduled to be held in Miami-Dade County, beginning on October 6, 2008. Notice of that hearing was published by FPL in the Miami Herald in Miami-Dade County and by DEP in the Florida Administrative Weekly, as required by Section 403.5115(1)(e) and (4)(f), Florida Statutes. No party to this proceeding objected to or recommended denial of final certification for the Project. The SFWMD, DEP, and the County are recommending approval of the project with certain conditions as described in the agencies' proposed Conditions of Certification. A copy of the proposed Conditions of Certification is attached hereto as Exhibit "A".

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 Turkey Point Uprate Project should be certified subject to the proposed Conditions of Certification in the SAR. The parties also recommended that the ALJ relinquish jurisdiction and return the case to DEP for entry of a Final Order pursuant to Section 403.509(1)(a), Florida Statutes. The ALJ timely issued an order relinquishing jurisdiction on September 19, 2008, granting the parties' request to cancel the certification hearing.

FINDINGS OF FACT¹

BACKGROUND

1. FPL is the principal subsidiary of FPL Group, Inc. FPL is the largest electric utility in Florida, serving more than 8.6 million people or approximately 4.4 million customer accounts in all or parts of 35 Florida counties. FPL operates 14 electrical power plants that are distributed geographically around this service territory. These power plants consist of nuclear steam units, coal units, combined cycle units, fossil steam units, combustion turbines, and diesel units.

2. FPL's existing Turkey Point Power Plant is located in unincorporated Miami-Dade County and comprises 11,000 acres. The Turkey Point Plant lies approximately 8 miles east of Florida City, and 4.5 miles east of the southeastern municipal limits of Homestead, Florida. The Plant is adjacent to FPL's 13,000-acre Everglades Mitigation Bank. Biscayne Bay is to the east of the Turkey Point Plant site.

3. The Turkey Point Power Plant consists of five electric generating units. Units 1, 2 and 5 are fossil-fuel fired electric generating units. Units 3 and 4 are nuclear-powered steam electric generating units, and are the subject of this proceeding. These two units are not currently certified under the PPSA. Unit 5 was certified under the PPSA in 2005. These five units and supporting facilities occupy approximately 130 acres of the 11,000 acre Turkey Point Plant. Support facilities at the larger Turkey Point plant site include service buildings, an administration building, fuel tanks, water treatment facilities, circulating water intake and outfall structures, wastewater treatment

¹ The parties stipulated or did not object to the factual findings, which are supported by the Site Certification Application, FPL's Responses to Completeness Comments, and the FDEP's Staff Analysis Report (SAR) dated September 10, 2008.

basins, and a system substation. The cooling canal system at the Turkey Point Plant occupies approximately 5,900 acres.

4. Turkey Point's Units 3 and 4 are south of the Turkey Point Units 1, 2 and 5. The 30-acre site for which certification is sought contains the two 700-megawatt ("MW") (nominal) units. Unit 3 has been in service since 1972 and Unit 4 since 1973. Turkey Point Units 3 and 4 are currently authorized to operate under various federal, state and local environmental permits. Permit requirements related to the operation of the cooling canal system will also be incorporated into the Conditions of Certification. The federal Nuclear Regulatory Commission ("NRC") oversees the construction safety and operation of all nuclear power plants in the United States. The Turkey Point nuclear Units 3 and 4 are currently licensed under the NRC until 2032 and 2033, respectively.

5. Turkey Point Units 3 and 4 are pressurized water reactor ("PWR") units. In a typical PWR unit, heat is created in the reactor core by nuclear fission. There is a pressurized primary closed water loop that resides completely within the containment structure that carries heat from the reactor core to the steam generator. The steam generator is part of a secondary water loop (also closed) that directs steam from the steam generator to the steam turbine which drives the electrical generator to produce electricity. Following the steam turbine, steam within the secondary loop is condensed back into water with the use of cooling water from a third "open" water loop and sent back to the steam generator. The Turkey Point units are configured in a two-loop, three-stage heat transfer design with two steam turbines each. The two units have a combined net capability of about 1400 MW.

6. The containment building for each Unit contains the nuclear steam supply system, including the reactor, steam generators, reactor cooling pumps and related equipment. The turbine generator building contains the turbine generator and associated main condensers which are used to cool the steam. The auxiliary building contains waste management facilities, engineered safety components and other facilities. New and spent fuel is stored in the fuel handling building. Dry cask storage facilities for spent fuel may be installed in the future, subject to NRC approval. However, no changes to the existing layout of Units 3 and 4 will be made for the Uprate Project.

7. The Turkey Point Plant is interconnected to FPL's transmission system through a common switchyard and 230 kilovolt ("kV") (nominal) transmission lines. No changes or expansion in the transmission lines are required for the Uprate Project.

8. FPL proposes to add a total of approximately 208 MW of additional generating capacity at the Turkey Point Units 3 and 4, representing about a 14% increase in the electrical generation from the two units. An increase in the maximum allowable operating level of a nuclear power plant is known as a power "uprate". However, the Uprate Project will increase the electrical output from both units without changing the footprint of the existing plants. The increase in output will be accomplished by modifications to the existing plant equipment and will require no new construction. The two units will require modifications to the turbine-generators and attendant control and support systems. All turbine modifications will incorporate state-of-the-art technology that will provide greater efficiency in the turbines, resulting in fuel savings over the long term. The Project will also increase the reactor power of the units

which will be manifested in a higher reactor coolant exit temperature and the heat transfer through the steam generators.

9. The increase in electrical output at the Turkey Point Units 3 and 4 requires certification of both Units under the PPSA as it represents an expansion of steam generating capacity for each unit. See § 403.506(1), Fla. Stat.

10. The proposed Uprate Project will involve refurbishment and improvement activities primarily occurring during two outages per unit, each lasting about 60 days. Construction activities associated with the Unit 3 Uprates are expected to begin during that unit's Fall outage in 2010 and be completed during the Spring outage in 2012. Unit 4 Uprates are expected to begin during that unit's Spring outage in 2011 and be completed during the Fall outage in 2012. Certain improvements will also be made while the units are in operation. Outages at Turkey Point Units 3 and 4 occur on a periodic basis for maintenance and refueling activities and will continue to occur after the Project is completed.

11. The site boundary for Units 3 and 4 which is proposed for certification comprises approximately 30 acres of developed land within the Turkey Point Plant boundary. During construction phases for the Project, existing parking and laydown areas will be utilized to support construction activities and will continue to be utilized in the future.

12. Foundation and dewatering activities are not required for the Project construction. Fugitive dust generation during construction is not expected to be significant since no new areas will be impacted. No explosives will be used during construction. Solid wastes from construction will be disposed of in accordance with

applicable rules and regulations. Construction and demolition wastes will be transferred to a storage area at the site where they will be separated for salvage and recycling. General waste materials will be collected in appropriate waste collection containers for disposal at an approved offsite location. All hazardous wastes from construction will be properly stored, transported and disposed of in accordance with applicable regulations and internal procedures.

13. Site topography will not be affected by construction-related activities. There will be no effects on existing aesthetics or view shed since no physical changes will be made to the topography or the units' profiles. During construction, surface waters and ground waters at the site will not be affected by the Project. Storm water will be handled by the existing facilities and no new areas will be impacted. Due to the existing developed nature of Turkey Point Units 3 and 4, no adverse impacts to ecological resources or threatened and endangered species are expected to occur during the construction of the Project.

14. The primary access to the Turkey Point Plant is provided via SW 344th Street (Palm Drive) which connects the Plant with SW 117th Avenue and U.S. Highway 1. No new roads are proposed to connect the Project site with State roads. Impacts of construction traffic were evaluated and shown not to change the existing level of service on area roadways. Project-related traffic of 1400 workers is less than the previous combined work forces at the Plant site, which have exceeded 2000 employees per day in the past.

15. Construction noise impacts were evaluated and shown to not change the character of noise levels in the vicinity of the Turkey Point plant. Project construction will not affect any archeological or historical sites in the area.

16. There is a significant labor pool of construction workers in the surrounding and adjacent counties with most construction workers expected to come from those counties. Construction workers who relocate are expected to use existing available public accommodations in Miami-Dade County. These workers are not expected to relocate with their families and thus, there will be little in-migration of school age children during construction.

17. Project construction is expected to benefit the local economy of Miami-Dade County and surrounding areas. The Project will provide employment opportunities as well as jobs indirectly generated through the purchase of goods and services in the area during construction. The peak construction work force is estimated to be about 1400 workers per outage, with an average work force of 1000 employees. The Project will increase skilled job opportunities within the region during construction. It is expected that the majority of \$308 million in construction wages will be spent within Miami-Dade County and the surrounding area. This will create additional demands for goods and services resulting in a multiplier effect within the region, generating additional jobs and earnings.

18. Existing Turkey Point Units 1 through 4 utilize a 5,900 acre closed cooling canal system for condenser cooling. Circulating water for the existing units is pumped from the canals on the eastern, cool side of the cooling canal system and this circulating water passes through the condensers in each unit where it picks up heat. The heated

water is then discharged to the northern end of the 32 westernmost canals in the cooling canal system. The cooling water flows south through these canals, east across the southern end of the cooling canal system and then north in the easternmost canals. The cooling canal system does not directly discharge to surface water although groundwater does interact with the water in the canal system. Makeup water for the cooling canal system comes from process water, rainfall, storm water runoff, and groundwater infiltration to replace evaporative seepage losses from the cooling canal system. The water in the cooling canal system has elevated levels of salinity due to the effects of evaporation caused by the heated cooling water leaving the units. An interceptor ditch is located just west of and adjacent to the cooling canal system, and is intended to restrict the movement of saline water west of the cooling canal system. The effectiveness of the interceptor ditch operation to achieve its intended purpose is being evaluated by SFWMD and Miami-Dade County and will be further monitored pursuant to the proposed Conditions of Certification.

19. The maximum predicted increase in water temperature of water entering the cooling canal system resulting from the Uprate Project is projected by FPL to be about 2.5 degrees Fahrenheit ("F") and the maximum increase in water temperature returning to the existing units is projected by FPL to be about 0.9 degrees F. The increased temperature in the cooling canal system is expected by FPL to increase the salinity of the water in the cooling canal system by up to 3.6 parts per thousand. The temperature and salinity changes will be evaluated through monitoring under the proposed Conditions of Certification.

20. The cooling canal system has no intake from surface waters of the United States ("U.S"). Therefore, withdrawals of cooling water will continue to have no impingement or entrainment effects on aquatic life within surface waters of the U.S.

21. The cooling canal system and adjacent canals are within an area designated as critical habitat for the American crocodile. Crocodiles were first observed at Turkey Point in 1976 and nesting was first documented within the canal system in 1978. FPL has developed and implemented a Crocodile Management Plan which focuses on creation and enhancement of habitat for crocodile nesting, as well as monitoring the reproductive success, growth and survival of crocodile hatchlings. These measures have resulted in a significant increase in the number of crocodile nests and hatchlings in the cooling canal system over the past 25 years. Observed crocodile nests have increased from 1-2 in the late 1970s, to 316 in 2006.

22. The maximum predicted temperature increase of 2.5 degrees F. in the cooling canal system is not expected by FPL to result in a significant impact on crocodiles' ability to thermo regulate their body temperatures. The berms in the cooling canal system contain constructed fresh water ponds which provide important fresh water refugia for hatchling crocodiles. The temperature and associated salinity changes in the cooling canal system as a result of the Uprate Project are not expected by FPL to have an adverse impact on crocodile breeding success or hatchling growth. Conditions of Certification have been developed to monitor any impacts on crocodiles and their habitat in the cooling canal system.

23. FPL will undertake an expanded monitoring program for the crocodile population in the cooling canal system pursuant to a Condition of Certification set forth

in the Staff Analysis Report. If adverse impacts to the crocodile population or critical habitat are observed, FPL will take corrective actions in accordance with all applicable federal, state, and local regulatory requirements for the protection of endangered species habitat.

24. Plant wastewaters are recycled to the cooling canal system, which is a DEP permitted wastewater treatment facility. The Plant has no intake or direct discharge to surface waters and therefore is designated as a zero-discharge facility under the National Pollutant Discharge Elimination System ("NPDES") Permit. The NPDES permit requires monitoring of water quality at the internal outfalls that handle facility wastewater.

25. Potential impacts associated with the cooling canal system also are monitored under a longstanding Agreement between FPL and the SFWMD related to the operation and monitoring of the cooling canal system and the related interceptor ditch. Operation of the interceptor ditch is intended to restrict movement of saline water from the cooling canal system westward of Levee 31 E, to those amounts which would occur without the existence of the cooling canal system. FPL also currently conducts monitoring of the cooling water system pursuant to SFWMD requirements.

26. To monitor the potential impacts of the Uprate Project, the Conditions of Certification provide that FPL and SFWMD enter into a revised agreement and corresponding monitoring plan to establish expanded monitoring of groundwaters, surface waters, and wetlands to determine the impacts, if any, to the surficial aquifer and Biscayne Bay from the Uprate Project. In the event that this monitoring results in a determination of potential adverse impacts or harm to water resources, including

ecological resources, or of inconsistency with the goals and objectives of the CERP² Biscayne Bay Coastal Wetlands Project as a result of the Uprate Project, the condition provides for further monitoring, modeling of groundwater, or measures to abate or mitigate the impacts that result from the Project.

27. There will be no increase in municipal solid wastes or hazardous wastes as a result of the Project. These wastes will continue to be handled during operation in the current manner for the plant site.

28. Operation of Turkey Point Units 3 and 4 does not create fossil fuel-related air emissions. Nine diesel-fired emergency generators are associated with Units 3 and 4 and are operated monthly for maintenance and reliability. These air emission sources associated with Units 3 and 4 will continue to meet the applicable permit limits established under the DEP Title V Air Operation Permit using DEP-approved emissions controls. There will be no changes in the operation or emissions of the generators as a result of the Project.

29. The Project will not result in an increase of Carbon Dioxide ("CO₂") or other greenhouse gas emissions. The Uprate Project will avoid approximately 0.6 million tons per year of CO₂ emissions that would be emitted from a comparable natural gas-fired plant.

30. Evaluation of noise impacts associated with the operation of the uprated Turkey Point Units was conducted. This evaluation showed that the Uprate Project will not result in an increase of noise levels from the Turkey Point plant during operations.

² Comprehensive Everglades Restoration Program ("CERP").

Noise impacts associated with the Project are therefore expected to fully comply with the Miami-Dade County nuisance ordinance that regulates noise impacts.

31. The Uprate Project area has been disturbed during prior construction of the existing facilities. The Turkey Point Units 3 and 4 Project 30-acre site does not provide critical habitat for wildlife. Therefore, operation of the uprated units is not anticipated to result in the reduction of any wildlife population at the 30-acre site after the Project is completed.

32. No sites of historic or archaeological significance will be impacted due to the operation of the Turkey Point Units 3 and 4 after the Project is completed. No listed historical sites are found on the Project site, and no direct or indirect impacts are expected from operation of the uprated units.

33. The proposed Project's long term external cost impacts will be minimal and localized. The Uprate Project will not result in any increase in local traffic. Local roadways are expected to continue to operate at acceptable levels of service.

34. The modifications to the existing Units 3 and 4 will improve their operation but will not cause any impairment to local recreational values, result in any deterioration of aesthetic and scenic values, or restrict access to areas of scenic value. The Project will not displace any persons or result in any significant costs to local governments. Since there will not be an increase in operational work force, no changes are anticipated from the direct and indirect impacts upon local services, such as schools and police. After completion of the Project, the two uprated units will continue to have a long-term economic benefit for Miami-Dade County and the surrounding communities.

35. On January 7, 2008, the Florida PSC issued its determination that FPL needs the Uprate Project. No persons intervened in the PSC docket and no public testimony was presented at the PSC's hearing on the Uprate Project. The PSC found that without the Uprate Project, FPL's electric system reliability and integrity will be significantly reduced. FPL would fail to meet its 20 percent reserve margin beginning in 2012 without the Project. All cost effective demand side management or energy conservation measures had been reflected in FPL's resource planning work. FPL's projected 287 MW of renewable energy purchases did not defer the need for additional capacity beyond the 2012 timeframe for the projects. The PSC also concluded that increasing nuclear generation through the nuclear Uprate Project at the FPL Turkey Point Units 3 and 4 will enhance fuel diversity. With the nuclear Uprate Projects on FPL's system, nuclear energy would provide approximately 20 percent of FPL's energy by 2013 and decrease the amount of natural gas-fueled production. The Uprate Project will improve and maintain FPL's fuel diversity, as well as decreasing reliance on natural gas as a fuel for electric generation. Adding incremental capacity by the Uprate Project maximizes the use of existing sites as compared to constructing a generating plant of equivalent capacity at a new site. The Turkey Point Uprate Project, along with the similar Uprate at the FPL St. Lucie Plant, were estimated to have total net savings for customers in the range from \$222 million to \$963 million on a cumulative present value revenue requirement basis.

AGENCY POSITIONS

36. The DEP, the DCA, the Florida PSC, the FWC, the SFWMD, the SFRPC, the DOT, and the County each submitted reports and proposed Conditions of

Certification for the Project. They all recommended approval of the Turkey Point Uprate Project subject to the proposed Conditions of Certification or otherwise did not object to certification. The Florida Division of Emergency Management was not required to file a report but indicated to the DEP that the Turkey Point Uprate Project does not trigger revisions to the State of Florida's Radiological Emergency Management Plan.

37. In the SAR, DEP reviewed the projected environmental and socioeconomic impacts of the Project. DEP concluded that the Turkey Point Uprate Project is not reasonably anticipated to cause or contribute to a violation of the state's air or water quality standards. Subject to conformance with the proposed Conditions of Certification, for compliance with state and local water quality standards, no variances to non-procedural regulations of the reviewing agency would be necessary to implement the Uprate Project for Turkey Point Units 3 and 4. DEP also reported that the Turkey Point Plant was in full compliance with the existing NRC operating license. DEP concluded that the construction-related activities associated with the Uprate Project would have no known direct environmental impacts while providing economic benefits for Miami-Dade County through construction jobs and construction payroll. DEP found that based on the project's design, the DEP has reasonable assurance that FPL Turkey Point Units 3 and 4 Uprate Project will be able to comply with applicable agency standards and criteria as long as compliance with the proposed Conditions of Certification is achieved. DEP recommended certification of the Turkey Point Uprate Project.

CONCLUSIONS OF LAW

1. Under Subsection 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. All necessary and required governmental agencies participated in the certification process. Reports and studies were issued by DEP, DCA, SFWMD, FWC, SFRPC, DOT, and Miami-Dade County, all in accordance with their respective statutory duties.

4. The Florida PSC certified the need for the electric power to be supplied by the Turkey Point Uprate Project as required by Section 403.519, Florida Statutes.

5. Based upon information provided by FPL in the application for site certification and by the DEP in its Staff Analysis Report, FPL has shown its entitlement to certification for the Turkey Point Uprate Project pursuant to Section 403.509(3), Florida Statutes.

6. FPL has provided reasonable assurance, based on information presented and in conjunction with the proposed Conditions of Certification, that operational safeguards for the Uprate Project are technically sufficient for the public welfare and protection in accordance with Section 403.509(3)(a), Florida Statutes. The Uprate

Project will be undertaken within the existing facilities, utilizing existing operational equipment and safeguards. No expansion of existing facilities is required and no new sources of air emissions or direct water discharges are proposed for the Uprate Project. Impacts to local communities and to natural resources will be avoided during construction and will be minimized during operation.

7. As long as the proposed Conditions of Certification are implemented and complied with, the Uprate Project for Turkey Point Units 3 and 4 will comply with applicable nonprocedural requirements of agencies in accordance with Section 403.509(3)(b), Florida Statutes. DEP'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, including for air emission or water discharges. Miami-Dade County determined that the Project will comply with its comprehensive plan and water quality standards, subject to the proposed Conditions of Certification. The Project will comply with the County's noise regulations. Local roadways will operate at acceptable levels of service.

8. Miami-Dade County determined that the Uprate Project will be consistent with its local government comprehensive plans and land development regulations, in accordance with Section 403.509(3)(c), Florida Statutes, subject to the proposed Conditions of Certification.

9. The Florida PSC determined that the Uprate Project will meet the electrical energy needs of the State in a timely and orderly fashion, in accordance with Section 403.509(3)(d), Florida Statutes.

10. Certification of the Uprate Project in accordance with the proposed Conditions of Certification effects a reasonable balance between the need for the facility, as determined by the Florida 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 Turkey Point Uprate Project. See § 403.509(3)(e), Fla. Stat. The Project will not cause any new impacts on air quality. The Project will avoid the future emissions of greenhouse gases from electric generating facilities using fossil fuels. Minimal impacts to fish and wildlife are expected from the project. The SFWMD did not identify any consumptive use permitting issues associated with the Uprate Project to the extent that FPL has not requested a change in the allocation for the Uprate Project.

11. Through the use of an already developed 30-acre site, the Uprate 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 air quality and water quality standards at the Turkey Point plant will minimize and avoid adverse effects on human health as well as upon the environment. Use of the existing Turkey Point Plant site and facilities will minimize impacts to wetlands and or wildlife.

12. DEP will incorporate into the final Conditions of Certification those permits and approvals that regulate the operation of the cooling canal system. Such permits and approvals shall also be fully enforceable by both the permitting agency and as Conditions of Certification for Units 3 and 4. Any violation of such permits and

approvals, where it is determined that Units 3 and 4 are the cause, shall also be a violation of the Conditions of Certification.

13. 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 Turkey Point Uprate Project will serve and protect the broad interests of the public, so long as the proposed Conditions of Certification are implemented and complied with.

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 Turkey Point Units 3 and 4 and the Uprate Project, as described in the Site Certification Application and the record as a whole, is hereby APPROVED.

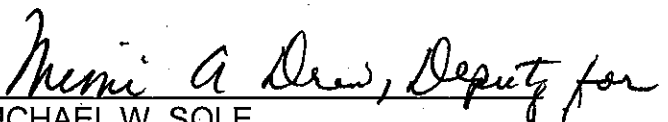
B. The Project is subject to and FPL shall comply with the Proposed Conditions of Certification (Units 3 and 4 Nuclear Power Plant and Unit 5 Combined Cycle Plant), which are attached as Exhibit A and are incorporated by reference herein.

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.

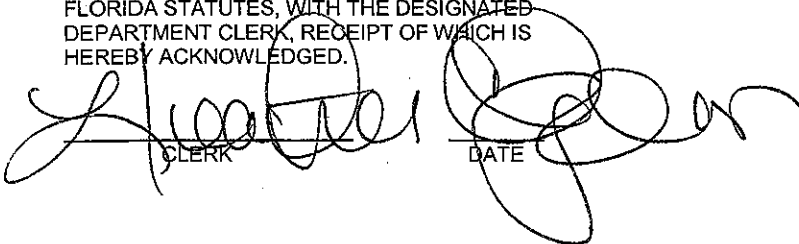
DONE AND ORDERED this 29th day of October, 2008, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


MICHAEL W. SOLE
Secretary

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

 10/29/08
CLERK DATE

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing Final Order has been sent by United States Postal Service to:

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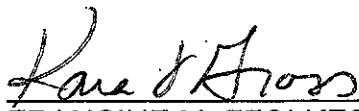
Claudia Llado, Clerk and
P. Michael Ruff, Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, FL 32399-1550

and by hand delivery to:

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

this 29 day of October, 2008.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


for FRANCINE M. FFOLKES
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**STATE OF FLORIDA
DEPARTMENT
OF
ENVIRONMENTAL PROTECTION**



**Proposed
Conditions of Certification**

**Florida Power & Light Company
Turkey Point Plant
Units 3 and 4 Nuclear Power Plant
Unit 5 Combined Cycle Plant**

PA 03-45

September 10, 2008

EXHIBIT A

CONDITIONS OF CERTIFICATION

Modified XX/XX/08

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Appendix D: NPDES Permit No. FL0001562-004-IW1N

I. CERTIFICATION CONTROL

A. Pursuant to s. 403.501-518, F.S., the Florida Electrical Power Plant Siting Act, this certification is issued to Florida Power & Light Company (FPL) as owner/operator of the Turkey Point Plant. The Department recognizes that Nuclear Units 3 & 4 and Fossil Unit 5 are under the control of different divisions of FPL. Unless otherwise specified, FPL shall be responsible for the compliance with the conditions herein. Violation of any conditions specific to Units 3, 4, or 5 shall solely affect the license of the responsible generating units. Under the control of these Conditions of Certification the Florida Power & Light Company (FPL) may construct and operate a 1,150 MW (nominal) facility (Unit 5) consisting of four new 170 MW natural gas fired combustion turbines with light oil as back-up fuel, four heat recovery steam generators and one 470 MW steam turbine, and one nuclear plant consisting of two 800 MW (nominal) pressurized water reactors (Units 3 & 4), and all ancillary equipment. ~~This will bring the total generating capacity of the Turkey Point site to 3,350 MW (nominal). The new unit will be Unit 5 is located on approximately 90 acres of the existing 11,000 acres Turkey Point site in Miami-Dade County, Florida. Units 3 & 4 are located on approximately 30 acres of the existing site.~~

B. These Conditions of Certification, unless specifically amended or modified, are binding upon the Licensee and shall apply to the construction and operation of the certified facility. If a conflict should occur between the design criteria of this project 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.

II. APPLICABLE RULES

The construction and operation of the certified facility shall be in accordance with all applicable provisions of Florida Statutes and Florida Administrative Code, including, but not limited to, the following regulations: Chapters 403 and 373, Florida Statutes (F.S.); South Florida WMD Chapters 40E-1, 40E-2, 40E-3, 40E-4, 40E-8, 40E-21, 40E-40, 40E-45; and 62-4, 62-17, 62-256, 62-296, 62-297, 62-301, 62-302, 62-531, 62-532, 62-550, 62-555, 62-560, 62-600, 62-601, 62-604, 62-610, 62-620, 62-621, 62-650, 62-699, 62-660, 62-701, 62-762, 62-767, 62-769, and 62-770, and 62-780, Florida Administrative Code (F.A.C.), or their successors as they are renumbered.

III. DEFINITIONS

The meaning of terms used herein shall be governed by the definitions contained in Chapters 373 and 403, Florida Statutes, 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. ~~In addition, the following shall apply~~ As used herein:

A. "Applications" shall mean the Site Certification Applications (SCAs) for the certified facilities, as supplemented.

B. "DCA" shall mean the Florida Department of Community Affairs.

C. "DEP" or "Department" shall mean the Florida Department of Environmental Protection.

D. A. "DERM" shall mean the Department of Environmental Resources Management of Miami-Dade County, Florida.

E. "DHR" shall mean the Florida Department of State, Division of Historical Resources.

F. "Emergency conditions" shall mean urgent circumstances involving potential adverse consequences to human life or property as a result of weather conditions or other calamity, and necessitating new or replacement gas pipeline, transmission lines, or access facilities.

G. "Facility" shall mean the certified electrical power generation facilities and all associated structures, including but not limited to: nuclear steam generating units, combined cycle generating units, team turbine generators, transformers, substations, fuel and water storage tanks, air and water pollution control equipment, storm water control ponds and facilities, cooling towers, and related structures.

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

I. F. "FWCC" shall mean the Florida Fish and Wildlife Conservation Commission.

J. G. "IWW Permit" shall mean the Florida Industrial Wastewater permit issued by the Department in accordance with the federal Clean Water Act.

K. H. "Licensee" shall mean an applicant which has obtained a certification order for the subject electrical power plant.

L. I. "NPDES permit" shall mean any federal National Pollutant Discharge Elimination System permit issued in accordance with the federal Clean Water Act.

M. "NRC" shall mean Nuclear Regulatory Commission.

N. J. "NSPS" shall mean new source performance standards as identified in 40 CFR 60.

O. K. "Power plant", "facility", or "project" shall mean an electrical power generating plant as defined in Section 403.503(12), F.S. and as described in the Site Certification Application.

P. L. "PSD permit" shall mean the federal Prevention of Significant Deterioration air emissions permit issued in accordance with the federal Clean Air Act.

Q. "SED" shall mean the Department's Southeast District Office.

R. "SFWMD" shall mean the South Florida Water Management District.

S. M. "Title III permit" shall mean any federal permit issued in accordance with Title III of the federal Clean Air Act (Hazardous Air pollutants).

T. N. "Title IV permit" shall mean any federal permit issued in accordance with Title IV of the federal Clean Air Act (Acid Rain).

U. O. "Title V permit" shall mean any federal permit issued in accordance with Title V of the federal Clean Air Act (Operation).

~~P.~~ "SED" shall mean the Department's Southeast District Office.

~~Q.~~ "SFWMD" shall mean the South Florida Water Management District.

V. R. "WASD" shall mean the Water and Sewer Department of Miami-Dade County, Florida.

IV. GENERAL CONDITIONS

These General Conditions shall be applicable to all areas of the certified site. Compliance with the General Conditions shall be the joint responsibility of FPL Nuclear Plant (Units 3 & 4) and FPL Fossil Fuel Plant (Unit 5). Any violation of a General Condition shall be a violation by Florida Power & Light Company.

A. IV. FACILITY Facilities Operation

The Licensee shall at all times properly operate and maintain the Turkey Point Unit 3, 4 and 5 facilities 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.

Any directly associated linear facilities connecting the collector yard to the switchyard shall be maintained in accordance with the site certification application and any appropriate state and federal regulations concerning use of herbicides. The Licensee shall notify the Southeast District of the Department and the Siting Coordination Office of the type of herbicides to be used at least 60 days prior to their first use.

B. V. Records Maintained at the Facility

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

2. 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.

C. VI. Change in Discharge or Emissions

All discharges or emissions authorized herein shall be consistent with the terms and conditions of this certification. The discharge or emission of any 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. 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 steam generating capacity must be reported by submission of an appropriate application for amendment, certification or modification pursuant to Chapter 403.516, F.S.

D. VII. Compliance

1. A. The Licensee shall comply with all rules adopted by the Department subsequent to the issuance of this certification, which prescribe new or stricter criteria to the extent that the rules are applicable to electric power plants. Except where express variances have been granted, subsequently adopted rules which prescribe new or stricter criteria, which are applicable to electrical power plants, shall operate as a modification pursuant to Section 403.511(5)(a), F.S.

2. B. Pursuant to Section 403.511(5)(b), F.S., upon written notification to the Department's Siting Coordination Office, the Licensee may choose to operate in compliance with any rule subsequently adopted by the Department which prescribes criteria more lenient than the criteria required by the terms and conditions in this certification, so long as this operation causes no violation of standards or these Conditions of Certification.

3. C. If, for any reason, the Licensee does not comply with or is unable to comply with any limitation specified in this certification, the Licensee shall notify the Southeast District Office of the Department by telephone during the working

day that said noncompliance occurs. After normal business hours, the Licensee shall report any condition that poses a public health threat to the State Warning Point at telephone number (850) 413-9911 or (850) 413-9912. The Licensee shall confirm this situation to the Southeast DEP District Office in writing within seventy-two (72) hours of becoming aware of such conditions and shall supply the following information:

- a. 1. A description of the discharge and cause of noncompliance; and,
- b. 2. The period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and,
- c. 3. Steps being taken to reduce, eliminate and prevent recurrence of the non-complying event.
- d. 4. The Licensee shall take all reasonable steps to minimize any adverse impact resulting from noncompliance with any limitation specified in this certification, including such accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying event.

E. VIII. Right of Entry

The Licensee shall allow authorized agency personnel, including but not limited to representatives of the Florida Department of Environmental Protection, and/or Water Management District, when applicable, upon presentation of credentials or other documents as may be required by law, and at reasonable times, and recognizing the security that must be maintained at the facility, depending upon the nature of the concern being investigated:

1. A. To enter upon the Licensee's premises where an effluent source is located or in which records are required to be kept under the terms and conditions of this permit; and
2. B. To have access to and copy any records required to be kept under the conditions of this certification; and
3. C. To inspect the facilities, equipment, practices, or operations regulated or required under these Conditions; and
4. D. To sample or monitor any substances or parameters at any location necessary to assure compliance with these Conditions of Certification or Department rules.

F. IX. Enforcement

1. 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. Any noncompliance with a condition of certification or condition of a federally delegated or approved permit constitutes a violation of chapter 403, F.S., and

is grounds for enforcement action, permit termination, permit revocation, or permit revision. The Licensee is placed on notice that the Department will review this certification periodically and may initiate enforcement action for any violation of these conditions.

2. ~~B.~~ All records, notes, monitoring data and other information relating to the construction or operation of this certified source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the certified source arising under the Florida Statutes or Department rules, except where such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

3. The specific terms of the Fifth Supplemental Agreement and the Revised Plan, referenced in Condition X of these Conditions of Certification, shall remain enforceable by the SFWMD by the terms of the Fifth Supplemental Agreement.

G. ~~X.~~ **Revocation or Suspension**

This certification may be suspended or revoked pursuant to Section 403.512, Florida Statutes, 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 certified facilities that are the cause of such action, and other facilities at the Turkey Point Plant shall remain unaffected by such action.

H. ~~XI.~~ **Civil and Criminal Liability**

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, F.S., the issuance of this certification does not convey 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.

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 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 total project under federally delegated or approved programs.

I. ~~XII.~~ **Property Rights**

The issuance of this certification does not convey any property rights in either real or personal property, or any exclusive privileges thereto. The applicant shall

obtain title, lease, easement, or right of use from the State of Florida to any sovereign submerged lands utilized by the project.

J. ~~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 circumstances, is held invalid, the application of such provision to other circumstances and the remainder of the certification shall not be affected thereby.

K. ~~XIV.~~ Procedural Rights

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.

L. Review of Site Certification

The certification shall be final unless revised, revoked or suspended pursuant to law.

M. 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.

N. ~~XV.~~ Modification of Conditions

The conditions of this certification may be modified in the following manner:

1. Pursuant to Section 403.516(1), 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 Secretary of the Department of Environmental Protection who further delegates to the Siting Office the authority to modify, after notice and opportunity for hearing, any conditions herein which would not otherwise require approval from the Siting Board, to modify these Conditions of Certification:

2. A. 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 project. In the event of a conflict, the more stringent of the conditions of such permits or of these Conditions of Certification shall be controlling.

3. B. The Secretary of the Department may modify any condition of this certification except those pertaining to a change in fuel.

4. C. The Secretary of the Department may modify any condition of this certification if the Secretary finds that an immediate danger to the public health,

safety, or welfare requires the issuance of an immediate final order temporarily modifying these Conditions of Certification. If the Secretary elects to exercise this delegated authority, the Secretary shall prepare an immediate final order that recites with particularity the facts underlying the Secretary's finding of an immediate danger to the public health, safety, or welfare. The immediate final order and the modification to the Conditions of Certification shall be effective only for so long as is necessary to address the immediate danger and shall be applicable or enjoined from the date rendered.

5. ~~D.~~ In the event of a prolonged [thirty (30) days or more] equipment malfunction or shutdown of pollution control equipment, the Secretary of the Department may allow facility operation to resume and continue to take place under an immediate final order temporarily modifying these Conditions of Certification, provided that the Licensee demonstrates that such operation will be in compliance with all applicable ambient air quality standards and PSD increments, water quality standards and rules, solid waste rules, domestic wastewater rules and industrial wastewater rules. During such malfunction or shutdown, the operation of the facility shall comply with all other requirements of this certification and all applicable state and federal emission and effluent standards not affected by the malfunction or shutdown.

6. All other modifications to these conditions shall be made in accordance with Section 403.516, Florida Statutes.

7. Any modification to these conditions shall only affect the units or other facilities that are the subject of the modification request or the Department's proposed order of modification.

Q. **XVI. Transfer of Certification**

This certification is transferable only upon Department approval in accordance with Section 403.516, F.S., and Rule 62-17.211(3) and 62-730.300, F.A.C. The Licensee shall be liable for any noncompliance of the approved activity until the transfer is approved by the Department.

P. **XVII. Safety**

The overall design, layout, and operation of the facilities shall be such as to minimize hazards to humans and the environment. Security control measures shall be utilized to prevent exposure of the public to hazardous conditions. The applicable Federal Occupational Safety and Health Standards shall be complied with during construction and operation.

Q. **XVIII. Screening**

The Licensee shall provide maintain existing screening of the site to the extent feasible through the use of acceptable structures, vegetated earthen walls, or existing or planted vegetation.

R. XIX. Toxic, Deleterious or Hazardous Materials

1. A. 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 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. Specific criteria are established for such components in Section 62-520.420, F.A.C.

2. B. 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 telephone report shall be submitted by calling the DEP Southeast 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 Material Safety Data 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.

3. The Licensee shall notify the Department's Siting Coordination Office of any amendments, modifications, or renewals of NRC-issued Operating Licenses.

S. XX. Noise

Construction and operation noise shall not exceed noise criteria or any applicable requirements of Miami-Dade County. The Licensee shall notify area residents in advance of the onset and anticipated duration of the steam blowout of the facility's heat recovery steam generator and steam lines

T. XXI. Flood Control Protection

Any construction of new facilities for the certified The plant and associated facilities shall be protected from flood damage by construction in such a manner as to comply with the appropriate Miami-Dade County flood protection requirements or by flood proofing or by raising the elevation of the facilities above the 100-year flood level, whichever is more stringent. However, existing facilities are not required to be modified to comply with such flood control protection standards.

U. XXII. Historical or Archaeological Finds

If historical or archaeological artifacts are discovered at any time within the project site, the Licensee shall notify the DEP Southeast District office and the Bureau of Historic Preservation, Division of Historical Resources, R.A. Gray Building, Tallahassee, Florida 32399-0250, telephone number (850) 487-2073.

V. XXIII. Endangered and Threatened Species

Prior to start of construction, the Licensee shall survey the portion of the certified site which may be affected by construction for species of animal and plant life listed as endangered or threatened by the federal government or listed as endangered by the state. If these species are found, their presence shall be reported to the Siting Coordination Office, the SED, and the Florida Fish & Wildlife Conservation Commission's Office of Environmental Services Policy and Stakeholder Coordination. These species shall not be disturbed, if practicable. If avoidance is not practicable, the endangered species shall be treated as recommended by the appropriate agency. Entombment of gopher tortoises shall not be allowed.

W. XXIV. Dispute Resolution

If a dispute situation arises between the Licensee and an agency exercising its regulatory jurisdiction, the Department shall act as mediator to resolve it. If, after mediation, a mutual agreement cannot be reached between the parties, then the matter shall be immediately referred to the Division of Administrative Hearings (DOAH) for disposition in accordance with the provisions of Chapter 120, F.S.

X. XXV. Laboratories and Quality Assurance

1. A. The Licensee shall ensure that all laboratory analytical data submitted to the Department, as required by this certification, are from a laboratory which is approved by the Department and meets the requirements of Chapter 62-160, F.A.C.

2. 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. Records of monitoring information shall follow the guidelines in Rule 62-160.600, 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.

3. Records of monitoring information shall include:

- a. the date, exact place, and time of sampling or measurements;
- b. the person responsible for performing the sampling or measurements;
- c. the dates analyses were performed;

- d. the person responsible for performing the analyses;
- e. the analytical techniques or methods used; and,
- f. the results of such analyses.

Y. ~~XXVI.~~ Procedures for Post-Certification Submittals

~~A. Post certification Submittals shall be handled pursuant to Rule 62-17.191, F.A.C.~~

1. 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. Such submittals shall include, but are not limited to, monitoring reports, management plans, wildlife surveys, etc. The summary shall be provided to the Siting Coordination Office and any affected agency or agency subunit to whom the submittal is required to be provided, in a sortable spreadsheet, via CD and hard copy, in the format identified below or equivalent. (62-17.191, F.A.C.)

<u>Condition Number</u>	<u>Requirement and timeframe</u>	<u>Due Date</u>	<u>Name of Agency or agency subunit to whom the submittal is required to be provided</u>

2. 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 monitoring by the Department of the effects arising from the certified facilities. This monitoring is for DEP to assure, in consultation with other agencies with applicable regulatory jurisdiction, continued compliance with the conditions of certification, without any further agency action.

3. Filings: All post-certification submittals of information by the licensee or copies of applications for separate federal permits which are to be issued by State agencies are to be filed with DEP Siting Office. Copies of each submittal shall also be simultaneously copied to any other agency indicated in the specific conditions requiring the post-certification submittals.

4. Completeness: The DEP shall promptly review each post-certification submittal for completeness. This review shall include consultation with the other agencies receiving the post-certification submittal. For the purposes of this condition, completeness shall mean that the information submitted is both complete and sufficient. If the submittal is found to be incomplete, the licensee shall be so notified. Failure to issue such a notice within forty-five (45) days after filing of the submittal shall constitute a finding of completeness. (62-17.191, F.A.C.)

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

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

V. XXVII. CONSTRUCTION

A. Standards and Review of Plans

1. All construction at the facility shall be pursuant to the design standards presented in the application or amended application and the standards or plans and drawings submitted and signed by an engineer registered in the state of Florida. The site plan layout for Unit 5 shall be consistent with or have wetland impacts less than the plan attached hereto as Exhibit A. Any subsequent revisions to the site plan shall avoid and minimize wetland impacts at least to the same extent as is accomplished in Exhibit A. Specific DEP Southeast District Office acceptance of plans will be required based upon a determination of consistency with approved design concepts, regulations, and these conditions prior to initiation of construction of any: industrial waste treatment facility; domestic waste treatment facility; potable water treatment and supply system; ground water monitoring system, storm water runoff system; solid waste disposal area; and hazardous or toxic handling facility or area. The Licensee shall present specific plans for these facilities for review by the DEP Southeast District Office at least ninety (90) days prior to construction of those portions of the

facility for which the plans are then being submitted, unless other time limits are specified in the following conditions herein. Review and approval or disapproval shall be accomplished in accordance with Chapter 120, F.S., or these Conditions of Certification as applicable.

2. The Department must be notified in writing and prior written approval obtained for any material change or revision to be made to the project during construction which is in conflict with these Conditions of Certification. If there is any material change or revision made to a project approved by the Department without this prior written approval, the project will be considered to have been constructed without Departmental approval, the construction will not be cleared for service, and the construction will be considered a violation of these Conditions of Certification.

3. Ninety (90) days prior to the anticipated date of first operation, the Licensee shall provide the Department with an itemized list of any changes made to the facility design and operation plans that would affect a change in discharge, as referenced in Condition IV.C.VI, subsequent to the time of issuance of this Certification. This pre-operational review of the final design and operation shall demonstrate continued compliance with Department rules and standards.

4. Final drainage plans illustrating any new or modified stormwater treatment facilities and conveyances for construction phases of the certified facility site shall be submitted to the DEP Southeast District Manager and the SFWMD as applicable for review and approval prior to construction of any such conveyance or facility. The Department shall indicate its approval or disapproval within 60 days of the submittal. Analysis report of the produced ground samples shall be submitted 30 days before surface water discharge begins.

B. Control Measures

1. To control runoff which may reach and thereby pollute waters of the state, necessary measures shall be utilized to settle, filter, treat or absorb silt containing or pollutant laden storm water to ensure against spillage or discharge of excavated material that may cause turbidity in excess of 29 Nephelometric Turbidity Units (NTU) above background in waters of the state or significant degradation of Outstanding Florida Waters in violation of Rule 62-4.242, F.A.C. Control measures may consist of sediment traps, barriers, berms, and vegetation plantings. Exposed or disturbed soil shall be protected and stabilized as soon as possible to minimize silt and sediment-laden runoff. The pH of the runoff shall be kept within the range of 6.0 to 8.5. The Licensee shall comply with the applicable nonprocedural requirements in Rules 40B-4, 40C-42, 40D-4 and/or 40E-4, F.A.C.

2. Any open burning in connection with initial land clearing shall be in accordance with Chapter 62-256, F.A.C., Chapter 51-2, F.A.C., Uniform Fire Code Section 33.101, Addendum, and any other applicable county regulation. 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., shall be approved by the DEP Southeast

District office in conjunction with the Division of Forestry and any other county regulations that may apply. 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.

3. Disposal of sanitary wastes from construction toilet facilities shall be in accordance with applicable regulations of the appropriate local health agency.

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

5. The Licensee shall employ proper odor and dust control techniques to minimize odor and fugitive dust emissions. The applicant shall employ control techniques sufficient to prevent nuisance conditions which interfere with enjoyment of residents of adjoining property.

6. The Licensee shall develop the site so as to retain the buffer of natural vegetation as described in the Unit 5 application and in Condition IV.Q. XVIII, Screening.

7. Dewatering operations during construction shall be carried out in accordance with Rule 62-621.300(2), F.A.C.

C. Environmental Control Program

An environmental control program shall be established under the supervision of a Florida registered professional engineer or other qualified person to assure that all construction activities conform to applicable environmental regulations and the applicable Conditions of Certification. If a violation of standards, harmful effects or irreversible environmental damage not anticipated by the application or the evidence presented at the certification hearing is detected during construction, the Licensee shall notify the DEP District Office as required by Condition IV.D. VII, Compliance.

D. Reporting

Notice of commencement of construction shall be submitted to the Siting Coordination Office and the DEP Southeast District Office within fifteen (15) days after initiation. Starting three (3) months after construction commences, a quarterly construction status report shall be submitted to the DEP Southeast District Office. The report shall be a short narrative describing the progress of construction.

VI. UNIT 5 SPECIFIC CONDITIONS

A. XXIII. Air

A. General

1. The construction and operation of the Turkey Point Unit 5 project shall be in accordance with all applicable provisions of Title V Air Operation Permit No. 0250003-009-AV, and Permit No. PSD-FL-338 (DEP Permit No. 0250003-0067-AC),

(attached as Appendices A and B) as well as any other permit required under a federal program such as Title III, Title IV and/or Title V issued for Turkey Point Unit 5 and any revisions, amendments, corrections or modifications thereto, and of Chapters 62-210 through 62-297, F.A.C.

2. All documents related to compliance activities such as reports, tests, and notifications shall be submitted to the Compliance Authority at:

Air Quality Division
DEP Southeast District Office
400 North Congress, Suite 200
West Palm Beach, Florida 33401

Copies of all such documents shall also be submitted to Miami-Dade County at:

Air Quality Management
Department of Environmental Resources Management
33 Southwest 2nd Avenue, Suite 900
Miami, Florida 33130-1540

All documents related to applications for permits to construct, operate or modify an emissions unit shall be submitted to:

Bureau of Air Regulation
Florida Department of Environmental Protection
2600 Blair Stone Road (MS #5505)
Tallahassee, Florida 32399-2400

and notice of all applications for permits to construct, operate or modify an emissions unit shall be submitted to:

Siting Coordination Office
Florida Department of Environmental Protection
2600 Blair Stone Road (MS #48)
Tallahassee, Florida 32399-2400

B. XXIX. Wetlands

1. A. Mitigation – Mitigation shall include on-site restoration and enhancement, purchase of credits in a mitigation bank, and contribution of wetlands for conservation purposes, as described in the document “Turkey Point Expansion Project, Refined Mitigation Proposal, FPL, April 2004” or as subsequently amended or modified.

a. 4. Initial mitigation, by planting wetland plant species and hydrologic improvements, shall occur within 30 days of completion of construction; at this time the Licensee shall submit to the Department a baseline (“time zero”) report. The report shall include details on the progress of the hydrologic improvements, a list of species planted, the number of individuals planted, and the date of the plantings. The report shall contain photographs, taken from referenced locations, to represent the

entire site. Additionally, a drawing shall be included to show the location and direction of the camera. Subsequent monitoring reports shall be submitted quarterly, the first report being due 90 days after the baseline report. The quarterly reports shall include the number of plants surviving from the initial planting, additional seedlings planted, and explanations if survivorship is trending toward failure. The reports shall include photographs from the locations referenced in the baseline report.

b. 2. Mitigation will be deemed successful when all of the following criteria have been continuously met on the mitigation site for a period of at least two growing seasons (but no earlier than two years after the initial planting), without intervention in the form of irrigation, dewatering, removal of undesirable vegetation, or replanting of desirable vegetation:

i. a. The percent cover of the mitigation wetland area exceeds 80% of native wetland plants

ii. b. Nuisance and exotic species are limited to 5% or less of the total cover.

iii. c. The desirable plants are reproducing naturally, either by normal, healthy vegetative spread, or through seedling establishment, growth and survival.

iv. d. The size distribution of the desirable species increases with time.

v. a. The functional assessment scores indicate that the functional value of the wetlands have made up for the functional loss of the project's impacts.

c. 3. The Licensee shall notify the SED whenever the Licensee believes the mitigation is successful, but in no event earlier than two years after the mitigation is implemented.

i. a. The notice shall include a copy of the most recent Annual Progress and Mitigation Success Report and a narrative that describes how the reported data support the claim that each of the mitigation success criteria has been met. The Licensee shall allow SED personnel the opportunity to schedule and conduct an on-site inspection of the mitigation site.

ii. b. Within 60 days of receipt of the notice, the SED shall notify the Licensee by certified mail that:

(1) That the mitigation has been successfully completed,
or

(2) That the mitigation is not successful, identifying specifically those elements of the mitigation that do not meet the success criteria, or

(3) That the mitigation cannot be determined to be successful at this time, identifying specifically those elements of the mitigation that prevent the SED from determining whether the mitigation is successful.

iii. e. When the SED notifies the Licensee that the mitigation is successful, or, if the SED fails to notify the Licensee within the time period prescribed by this condition, then the Licensee's mitigation obligation under the terms of this certification shall be deemed satisfied.

d. 4. The Licensee shall prepare a revised mitigation plan if, three (3) years after completion of planting, it is determined by the SED or the Licensee that the mitigation site will not meet the success criteria. The revised plan shall be submitted to the SED for review and approval and shall include the following:

i. a. The plan shall discuss why the mitigation site is not meeting the success criteria and propose a plan of action by which to correct any deficiencies in the original plan.

ii. b. The Licensee shall propose a schedule for implementation and completion of the provisions of the revised mitigation plan. Upon approval by the SED, the Licensee shall begin implementing the revised plan within 60 days of SED approval. The approved revised plan shall be copied to the Siting Coordination Office and shall be made a part of these Conditions of Certification.

2. B. Narrative progress reports shall be submitted every 6 months indicating the status of the mitigation efforts. The cover page shall indicate the certification number, project name and the Licensee name. The first semi-annual progress report shall be submitted six months after the date of certification issuance. Reports shall be submitted every six (6) months thereafter until all mitigation work required by these conditions of certification has been completed. The reports shall include the following information:

a. 4. The date activities were begun. Indicate whether work has begun on-site.

b. 2. A brief description of the extent of work (i.e., dredge, fill, monitoring, mitigation, management, maintenance) completed since the previous report or since this certification was issued. Show on copies of the site drawings those areas where work has been completed.

c. 3. A brief description and the extent of work (i.e. dredge, fill, monitoring, mitigation, management, maintenance) anticipated to be accomplished within the next six months. Indicate on copies of the site drawings those areas where it is anticipated that work will be done.

d. 4. The reports shall include photographs taken from the permanent stations, some of which must be in the vegetation sampling areas, a description of problems encountered and solutions undertaken, and anticipated work for the next six months.

e. 5. The reports shall include, on the first page and just below the title, a signed certification by the individual who supervised preparation of the report the following statement: "This report represents a true and accurate description of the activities conducted during the six month period covered by this report."

3. ~~G.~~ Best management practices for erosion control shall be implemented and maintained at all times during construction to prevent siltation and turbid discharges in excess of State water quality standards pursuant to Rule 62-302, F.A.C., or in excess of the ambient turbidity levels of Outstanding Florida Waters. Methods shall include, but are not limited to the use of staked hay bales, staked filter cloth, sodding, seeding, and mulching; staged construction; and the installation of turbidity screens around the immediate project site.

4. ~~D.~~ The Licensee shall be responsible for ensuring that erosion control devices/procedures are inspected and maintained daily during all phases of construction authorized by these Conditions of Certification until all areas that were disturbed during construction are sufficiently stabilized to prevent erosion, siltation, and turbid discharges.

5. ~~E.~~ The following measures shall be taken immediately by the Licensee whenever turbidity levels within waters of the State surrounding the project site exceed 29 NTUs above background or exceed the ambient water quality levels of Outstanding Florida Waters:

a. 1. Immediately cease all work contributing to the water quality violation. Operations may not resume until the SED gives authorization to do so.

b. 2. Notify the SED Environmental Resource Compliance/Enforcement Section at 561/681-6643 within 24 hours of the time the violation is first detected.

c. 3. Stabilize all exposed soils contributing to the violation. Modify the work procedures that were responsible for the violation, install additional turbidity containment devices and repair any non-functioning turbidity containment devices.

6. ~~F.~~ The Licensee shall be responsible for ensuring that the construction and operation of the Project results in no significant degradation of the adjacent Biscayne National Park, an Outstanding Florida Water, in violation of Rule 62-4.242 and 62-302, F.A.C.

C. ~~XXX.~~ Domestic and Industrial Waste

~~A. The construction and operation of the Turkey Point Unit 5 project shall be in accordance with all applicable provisions of any permit required under a federal program such as any NPDES permit issued for Turkey Point Unit 5 and of any updates or modifications thereto.~~

~~B.~~ The Licensee is hereby authorized to operate water and wastewater facilities as shown or described in the Turkey Point Unit 5 Site Certification Application and other documents on file with the Department and made a part hereof. The Licensee shall give the Department written notice at least 60 days before inactivation or abandonment of a wastewater facility and shall specify what steps will be taken to safeguard public health and safety during and following inactivation or abandonment.

D. XXXI. Stormwater

1. ~~A.~~ Prior to construction, the Licensee shall submit a revised analysis to demonstrate that:

a. ~~4.~~ The post-development peak discharge rate does not exceed the pre-development discharge rate for the 25-year, 72-hour design storm, and

b. ~~2.~~ That the volume of the water quality treatment facility for off-site discharges is adequate to handle the post-development peak flow.

2. ~~B.~~ Final drainage plans illustrating all stormwater treatment facilities and conveyances for construction phase and for the operational phase of the Unit 5 site shall be submitted to the SED for review and approval prior to construction of any such conveyance or facility. The SED shall indicate its approval or disapproval within 60 days of the submittal or the submittal shall be considered approved.

3. ~~C.~~ Site construction activities 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 pollution control to prevent violation of state water quality standards. Temporary erosion control measures shall be implemented prior to any construction, and installation of permanent control measures shall be completed within seven (7) days of the start of any construction activity.

4. ~~D.~~ Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into a receiving water body exists. Turbidity barriers shall remain in place at all locations until construction is completed, soils are stabilized, and vegetation has been established. The Licensee shall correct any erosion or shoaling that causes adverse impacts to water resources.

5. ~~E.~~ All construction at the facility shall be pursuant to the design standards presented in the application or amended application and the standards or plans and drawings submitted and signed by an engineer registered in the state of Florida. Specific SED acceptance of plans will be required based upon a determination of consistency with approved design concepts, regulations, and these conditions prior to initiation of construction of the stormwater management system. Review and approval or disapproval shall be accomplished in accordance with Chapter 120, F.S., or these conditions of certification as applicable.

6. ~~F.~~ Within 30 days after completion of construction of the Stormwater management system, 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 form "Environmental Resource Permit As-Built Certification by a Registered Professional" (Form No. 62-343.900(5), F.A.C.). The statement of completion and certification shall be based on on-site observation of construction or review of as-built drawings for the purpose of determining if the work was completed in compliance with permitted plans and specifications. This submittal shall serve to notify the Department that the system is ready for inspection. Additionally, if deviation from the approved drawings is discovered during the certification process, the certification must be accompanied by a copy of the approved permit drawings with deviations noted. Both the original and revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawing. All surveyed dimensions and elevations shall be certified by a registered surveyor.

E. XXXII. Solid and Hazardous Waste

No solid or hazardous waste is to be permanently stored onsite. Any hazardous waste generated on site shall be contained and transferred for disposal to a properly licensed contractor in accordance with the Department's rules and regulations.

VII. UNIT 3 & 4 SPECIFIC CONDITIONS

A. Air

The operation of the Turkey Point Unit 3 and 4 Nuclear Plant shall be in accordance with all applicable provisions of Title V Air Operation Permit 0250003-004-AV. Title V Air Operation Permit 0250003-004-AV is incorporated by reference herein as part of this Certification and attached as Appendix C.

The provisions of the above shall be conditions of this certification. The licensee shall comply with the substantive provisions and limitations set forth in Title V Air Operation Permit Number 0250003-004-AV 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.

B. Radiological

1. Decommissioning

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

2. Emergency Plan

The applicant shall work with the State Division of Emergency Management in the Department of Community Affairs and the State Department of Health, Bureau of Radiation Control, and Miami-Dade County in biennial updating of the emergency procedures and evacuation planning as necessary, including but not limited to improvements in communication and warning systems and in updating predicted plume overlays.

3. Radiological Release Limitations

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

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

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

The Department has the statutory duty to insure that the location and operation of Turkey Point 3 and 4 will produce minimal adverse effects on human health, the environment, the ecology and the land and its wildlife, and the ecology of State waters and their aquatic life. (Fla. Stat. Section 403.502.) The Department has determined that the construction and operation of Turkey Point 3 and 4 must comply with the above radiological release limitations in order to minimize adverse effects on human health and the environment. This certification is conditioned upon full compliance by the applicant with the applicable above regulations, requirements and standards.

The NRC has the duty and responsibility imposed by statute, to enforce compliance by the applicant with NRC standards and technical specifications, to assure that the construction and operation of Turkey Point 3 and 4 will be in accord with the common defense and security and will provide adequate protection to the health and safety of the public. See Section 103(d) of the Atomic Energy Act, 42 U.S.C. section 2133(d) (1970); accord. 42 U.S.C. section 2332(a) (1970) including any revisions.

However, should the Department determine that the NRC has failed to discharge its duty and responsibility, it may bring any such deficiencies to the attention of the applicant and the NRC, and maintains the right to initiate a request.

consistent with NRC procedural requirements, that appropriate enforcement action be taken to correct the deficiencies. Should such appropriate enforcement action not be forthcoming, and the Department determines that such enforcement action is necessary to insure that adverse effects on human health and the environment by continued operation of Turkey Point 3 and 4 are minimized, the Department reserves the right to take appropriate State enforcement action pursuant to Chapter 403, Florida Statutes, against the applicant for violation of any of the above radiological release limitations on the grounds that the violation of such limitations constitutes a violation of this express condition of certification.

4. Monitoring

The applicant shall comply with the most recent Department of Health Environmental Surveillance Agreement or its equivalent or future replacement. Should the Department of Health determine that additional monitoring is required, it may take appropriate action to require such monitoring by modification of this condition of certification.

5. Interagency Agreement

The applicant shall comply with the Emergency Response Capability Agreement between the Florida Department of Health and the Florida Power and Light Company effective July 1, 1982, or as may be subsequently revised. (Attached as Exhibit B.)

6. Reservation of Legal Rights

The Department recognizes that the NRC has exclusive authority in certain areas related to the construction and operation of Turkey Point Units 3 and 4. These conditions of certification do not limit, expand or supersede any federal requirement or restriction under federal law, regulation, or regulatory approval or license. Compliance with the conditions herein does not constitute a waiver of the applicant's responsibility to comply with all applicable NRC requirements. Applicant's acceptance of these radiological conditions of certification does not, in and of itself, constitute a waiver by Applicant of any claim that any such radiological conditions are invalid under the doctrine of federal preemption or otherwise by law.

7. Annual Radiological Environmental Operating Report

Upon submittal to the NRC, a copy of the Annual Radiological Environmental Operating Report for Turkey Point Units 3 & 4 shall be provided to the Department's Siting Coordination Office.

VIII. INDUSTRIAL WASTE DISCHARGES

Any discharges during construction and operation of Units 3, 4 & 5 shall be in accordance with all applicable provisions of NPDES permit No. FL0001562-004-IW1N (attached as Appendix D) as well as any subsequent modifications, amendments and/or renewals.

IX. BISCAYNE BAY SURFACE WATER MONITORING

As proposed, the Turkey Point Units 3 and 4 uprate project may cause an increase in temperature and salinity in the cooling canal system. Field data is needed in order to determine impacts of the proposed changes in the Turkey Point cooling canal system on Biscayne Bay.

A. Within 180 days following certification of Units 3 & 4, FPL shall submit a Biscayne Bay Surface Water Monitoring Plan (Plan) pursuant to Chapter 62-320, F.A.C. to the DEP Southeast District Office for review and approval. The Plan shall include, at a minimum, the following components:

1. salinity and temperature monitoring within the surface waters of the Bay, including the Biscayne Bay Aquatic Preserve; (Specific parameters to be measured, including specific conductance and temperature, shall be sampled in accordance with Chapter 62-160, F.A.C.);

2. a minimum of five monitoring stations located near shore in the vicinity of the Turkey Point Plant; and

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

B. This monitoring data shall be compared to data using compatible monitoring instrumentation already in place in Biscayne Bay.

C. FPL shall continue the monitoring of salinity and temperature in the cooling canals under its industrial waste water facility permit.

D. If the Department determines that the pre- and post-Uprate salinity and temperature monitoring data indicate potential adverse changes in the surface water in Biscayne Bay, then the Department may propose additional measures to evaluate or to abate such impacts to Biscayne Bay.

E. The Plan, including monitoring locations, shall be approved prior to implementation. The Department shall indicate its approval or disapproval of the submitted plan within 90 days of the originally submitted information. In the event that the Department requires additional information for the licensee to complete, and the Department to approve the Plan, the Department shall make a written request to the licensee for additional information no later than 30 days after receipt of the submitted information. Any changes to the approved Surface Water Monitoring Plan shall be approved by Coastal and Aquatic Managed Areas personnel in consultation with other FDEP personnel.

[62-160, 62-320, 62-302.700, 62-520.600, F.A.C.]

X. SURFACE WATER, GROUND WATER, ECOLOGICAL MONITORING

This is a consolidated condition agreed upon by three agencies, Department of Environmental Protection (DEP), Miami-Dade County Department of Environmental Resource Management (DERM) and the South Florida Water Management District (SFWMD). This consolidated condition sets forth the framework for new monitoring and, as may be needed, abatement or mitigation measures, for approval of FPL's Turkey Point Units 3 and 4 Uprate Application. Specific monitoring and potential modeling parameters will be identified and implemented pursuant to a monitoring plan as part of a supplemental agreement between FPL and the SFWMD as described below.

A. In addition to the monitoring framework set forth in this consolidated condition, within 180 days after Certification, FPL shall execute a SFWMD approved Fifth Supplemental Turkey Point Agreement ("Fifth Supplemental Agreement") to the original 1972 Agreement between FPL and the SFWMD pertaining to FPL's obligation to monitor for impacts of the Turkey Point cooling canal system on the water resources of the SFWMD in general and the facilities and operations of the SFWMD (the "Agreement"). Subject to the SFWMD's approval, FPL shall also amend the Agreement's Revised Operating Manual as referenced in paragraph C. "Monitoring Provisions" (the "Revised Plan") of the Fourth Supplemental Agreement, dated July 15, 1983. The Revised Plan shall be incorporated into the Fifth Supplemental Agreement and shall include assessment of potential impacts to surface water and ground water including wetlands, as needed, in the vicinity of the cooling canal system. The specific monitoring boundaries shall be determined as part of the Revised Plan.

B. The Revised Plan shall be designed to be in concurrence with other existing and ongoing monitoring efforts in the area and shall include but not necessarily be limited to, surface water, groundwater and water quality monitoring, and ecological monitoring to:

1. delineate the vertical and horizontal extent of the hyper-saline plume that originates from the cooling canal system and to characterize the water quality including salinity and temperature impacts of this plume for the baseline condition;
2. determine the extent and effect of the groundwater plume on surface water quality as a baseline condition; and
3. detect changes in the quantity and quality of surface and ground water over time due to the cooling canal system associated with the Uprate project. The Revised Plan shall include installation and monitoring of an appropriate network of wells and surface water stations. The Revised Plan shall be approved by the SFWMD in consultation with the DEP Office of Coastal and Aquatic Managed Areas, the DEP Southeast District Office and DERM.

C. FPL shall transmit electronic copies of all data and reports required under the Fifth Supplemental Agreement and the Revised Plan in accordance with timeframes as approved in the Fifth Supplemental Agreement to:

SFWMD, Director, Water Supply (or alternative transmittal procedures to be described in the Fifth Supplemental Agreement);

Miami-Dade County, Director, DERM;

DEP, Director, Southeast District Office;

DEP Siting Coordination Office

DEP, Director, Biscayne Bay Aquatic Preserve Manager,

D. If the DEP in consultation with SFWMD and DERM determines that the pre- and post-Uprate monitoring data: is insufficient to evaluate changes as a result of this project; indicates harm or potential harm to the waters of the State including ecological resources; exceeds State or County water quality standards; or is inconsistent with the goals and objectives of the CERP Biscayne Bay Coastal Wetlands Project, then additional measures, including enhanced monitoring and/or modeling, shall be required to evaluate or to abate such impacts. Additional measures include but are not limited to:

1. the development and application of a 3-dimensional coupled surface and groundwater model (density dependent) to further assess impacts of the Uprate Project on ground and surface waters; such model shall be calibrated and verified using the data collection during the monitoring period;

2. mitigation measures to offset such impacts of the Uprate Project necessary to comply with State and local water quality standards, which may include methods and features to reduce and mitigate salinity increases in groundwater including the use of highly treated reuse water for recharge of the Biscayne Aquifer or wetlands rehydration;

3. operational changes in the cooling canal system to reduce any such impacts; and/or

4. other measures to abate impacts as may be described in the Revised Plan.

[Sections 373.016, 373.223, F.S.; Rules 40E-4.011, 40E-4.301, 40E-4.302, F.A.C.; Sections 62-302 and 62-520, F.A.C.; Section 24-42, Code of Miami-Dade County, Miami-Dade County Comprehensive Development Master Plan (CDMP) Land Use Element, Conservation Element, Intergovernmental Coordination Element, Coastal Management Element.]

XI. ~~XXXIII.~~ WATER MANAGEMENT DISTRICT

A. General

1. If this Certification is transferred, pursuant to Condition IV.O. ~~XVI.~~, from the Licensee to another party, the Licensee from whom the Certification is transferred shall remain liable for corrective actions that may be required as a result of any violations that occurred prior to the transfer.

2. This Certification is based in part 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 with conditions XI ~~XXXIII.~~.

3. 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.

4. 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.

5. 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.

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

7. 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 these Conditions of 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.

8. Information submitted to the SFWMD subsequent to Certification, in compliance with these Conditions of Certification, shall be for the purpose of the SFWMD determining the Licensee's compliance with conditions XI ~~XXXIII.~~ 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 by this Certification.

9. The SFWMD may 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. Prior to initiating such action, the SFWMD shall notify the Siting Coordination Office of DEP of the proposed action.

10. 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 conditions ~~XI XXXIII~~ for that portion of project. 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.

11. Within sixty (60) days of the determination by SFWMD staff that any 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 these Conditions of Certification. If the information is not complete or sufficient, the SFWMD shall identify what items remain to be addressed. No construction activities shall begin until the SFWMD has notified the Licensee in writing that the activities are in compliance with the applicable SFWMD criteria, or failed to notify the Licensee in writing within sixty (60) days of finding the information to be complete and sufficient.

12. The Licensee shall submit 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 an appropriate additional information submittal required by this Certification provided they are clearly identified as a requested amendment or modification to the previously authorized design

B. Water Use Authorizations

1. 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.

2. The Licensee shall mitigate interference with existing legal uses that were caused in whole or in part by the Licensee's withdrawals, consistent with the approved mitigation plan. As necessary to offset the interference, mitigation will 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:

a. Inability to draw water consistent with 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; or

b. 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.

c. The inability of an existing legal user to meet its permitted demands without exceeding the permitted allocation.

3. 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:

a. 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.);

b. Damage to agriculture, including damage resulting from reduction in soil moisture resulting from consumptive use;

c. Land collapse or subsidence caused by reduction in water levels associated with consumptive use.

4. 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 the conditions for permit issuance includes:

a. Reduction in ground or surface water levels that results in harmful lateral movement of the fresh water/salt water interface;

b. Reduction in water levels that harm the hydroperiod of wetlands;

d. Significant reduction in water levels or hydroperiod in a naturally occurring water body such as a lake or pond;

e. Harmful movement of contaminants in violation of state water quality standards; or

f. Harm to the natural system including damage to habitat for rare or endangered species.

5. 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.

C. Site Specific Design Authorizations

1. This Certification authorizes an average daily withdrawal of 14.06 MGD and an average annual withdrawal of 4,599 MGY from the Upper production zone of the Floridan aquifer for cooling water for Unit 5 and process water for Units 1, 2, and 5. The 14.06 MGD average daily withdrawal represents the average expected 90-day water demand of the heat dissipation system for the cooling tower and for process water.

2. Upon written notification from the SFWMD that a reliable source of reclaimed water is available at the project site to serve Unit 5 in a quantity and quality acceptable to the Licensee for cooling purposes for Unit 5, the Licensee shall provide the SFWMD with a schedule for use of reclaimed water, for the SFWMD's review and approval, within 90 days of such notification. Once the use of reclaimed water has been established, the use of Floridan Aquifer water shall be reduced in proportion to the volume of reclaimed water made available to Unit #5, such that the combined sources meet the total demand of a 90-day average withdrawal of 14.06 MGD and an average annual withdrawal of 4,599 MGY. Should reclaimed water become temporarily unavailable, the Licensee shall notify the SFWMD within 24 hours of commencing temporary withdrawals from the Floridan aquifer.

3. The Licensee is authorized to construct four withdrawal wells as follows:

ID	Casing Diameter (inches)	Cased Depth (feet)	Max. Depth (feet)	Max Flow (gpm)
1	36	1,100	1,400	5,000
2	36	1,100	1,400	5,000
3	36	1,100	1,400	5,000
4	36	1,100	1,400	5,000

4. Prior to the use of any proposed withdrawal facilities authorized under this Certification, the Licensee shall equip each 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. In addition, the Licensee shall submit a report of recalibration for the water use accounting system for each water withdrawal facility (existing and proposed) authorized -under this Certification 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 Licensee shall specify the water accounting method and means of calibration on each report.

5. Modifications

a. 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.

b. The SFWMD may request a modification of the around water withdrawals for consumptive use authorized by this Certification in accordance with the provisions of Section 403.516, F.S. and Section 62-17.211, 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 62-17.211, F.A.C.

6. Prior to the commencement of construction of those portions of the project which involve dewatering activities, the Licensee shall submit a detailed plan for the proposed dewatering 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:

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

- b. The method(s) used for each dewatering operation;
- c. The maximum depth for each dewatering operation;
- d. The location and specifications for all proposed wells and/or pumps associated with each dewatering operation;
- e. The duration of each dewatering operation;
- f. 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);
- g. 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;
- h. The location of any infiltration trenches and/or recharge barriers; and
- i. All plans must be signed and sealed by a Professional Engineer or a Professional Geologist registered in the State of Florida.

7. If, during the control of these conditions of certification, any 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.

8. Prior to construction of the proposed on-site 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 final well locations are different from those originally proposed in the site certification application, the Licensee shall also submit to the SFWMD for review and approval an evaluation of the impacts of the proposed pumpage from the alternate well location(s) on adjacent existing legal users, pollution sources, environmental features, and water bodies.

9. *Groundwater Monitoring Plan*

a. Within three months of issuance of this Certification, a preliminary groundwater monitoring plan shall be submitted to the SFWMD for a determination of compliance with the non-procedural requirements of Chapter 40E-2, F.A.C. In developing the monitoring plan, the Licensee shall consider well locations, depth and method of construction, types of screens, and frequency of data collection.

b. Within six months of issuance of this Certification, the Licensee shall implement the groundwater monitoring plan.

10. *Water Conservation Plan*

a. Prior to the commencement of construction, the Licensee shall submit a water conservation plan, as described in Chapter 40E-2, F.A.C., for review and approval by SFWMD staff.

b. The water conservation plan shall incorporate the following components:

i. (4) 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:

(1) (a) Implementation of a leak detection and repair program;

(2) (b) Implementation of a recovery/recycling or other program providing for technological, procedural or programmatic improvements to the Licensee's facilities; and

(3) (c) Use of processes to decrease water consumption.

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

XII. XXXIV. DEPARTMENT OF TRANSPORTATION

A. ~~Traffic control is to be maintained during plant construction and operations in compliance with the standards in the Manual on Uniform Traffic Control Devices; Statewide Minimum Level of Service Standards, Rule Chapter 14-94, F.A.C.; Florida Department of Transportation's Roadway and Traffic Design Standards; and Florida Department of Transportation Standard Specifications for Road and Bridge Construction, whichever is more stringent.~~

B. ~~Operation of overweight or overdimensional vehicles by the applicant on State transportation facilities during the construction and operation of Turkey point Unit 5, shall be subject to safety and permitting requirements of Chapter 316, F.S., and Safety Regulations and Permit Fees for Overweight and Overdimensional Vehicles, Rule Chapter 14-26, F.A.C.~~

C. ~~Any new access to the State Highway System shall follow the provisions of, State Highway System Connection Permits, Administrative Process, Chapter 14-96, F.A.C. and State Highway Access Management Classification System and Standards, Rule Chapter 14-97, F.A.C.~~

D. ~~Any use of State of Florida right of way and certain activities on State transportation facilities will be subject to the requirements of the Department of Transportation's Utility Accommodation Manual (Document 710-020-001) and Utilities Installation or Adjustment, Rule Chapter 14-46, F.A.C.~~

~~E. Any drainage onto State of Florida right of way and transportation facilities will be subject to the requirements of Drainage Connections, Rule Chapter 14-86, F.A.C.~~

~~F. Any structures proposed in the application which exceed 200 feet in height will be subject to an aeronautical study by the Federal Aviation Authority under the provisions of 14 CFR Part 77. The Licensee must obtain any necessary variances.~~

A. Access Management to the State Highway System:

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

B. 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, Florida Statutes, and Rule Chapter 14-26, Safety Regulations and Permit Fees for Overweight and Overdimensional Vehicles, Florida Administrative Code.

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

All usage and crossing of State of Florida right of way or transportation facilities will be subject to Rule Chapter 14-46, Utilities Installation or Adjustment, Florida Administrative Code; Florida Department of Transportation's Utility Accommodation Manual (Document 710-020-001); Design Standards for Design, Construction, Maintenance and Utility Operation on the State Highway System; Standard Specifications for Road and Bridge Construction; and pertinent sections of the Florida Department of Transportation's Project Development and Environmental Manual. U.S. 1 has been identified as Florida Intrastate Highway System (FIHS) and Strategic Intermodal System's (SIS) facilities.

D. Standards:

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

E. Drainage:

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

F. Use of Air Space:

Any newly proposed structure or alteration of an existing structure will be subject to the requirements of Chapter 333, F.S., and Rule 14-60.009, Airspace Protection, F.A.C. Additionally, notification to the Federal Aviation Administration (FAA) is required prior to beginning construction, if the structure exceeds notification requirements of 14 CFR Part 77, Objects Affecting Navigable Airspace, Subpart B, Notice of Construction or Alteration. Notification will be 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 725-040-11, Airspace Obstruction Permit Application, in accordance with the instructions therein.

G. Level of Service on State Roadway Facilities:

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

H. Best Management Practices

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

Construction; and Florida Department of Transportation's Utility Accommodation Manual, whichever is more stringent.

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

1. Placing a bulletin board on site for car pooling advertisements.
2. Requiring that heavy construction vehicles remain onsite for the duration of construction to the extent practicable.

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, Florida Statutes, and Rule Chapter 14-26, Safety Regulations and Permit Fees for Overweight and Overdimensional Vehicles, Florida Administrative Code.

I. Railroad Spur

Any newly proposed railroad crossing must comply with the criteria established in Rule Chapter 14-57, Florida Administrative Code (FAC). The following criteria must be considered in opening a new public highway-rail grade crossing on any state, county, or city roadway:

1. Safety
2. Necessity for rail and vehicle traffic.
3. Alternate routes.
4. Effect on rail operations and expenses.
5. Closure of one or more public railroad-grade crossings to offset opening a new crossing.
6. Design of the grade crossing and road approaches.
7. Presence of multiple tracks and their effect upon railroad and highway operations.

The installation of a new public highway-rail grade crossing must have as a minimum roadside flashing lights and gates on all roadway approaches to the crossing. The installation of the crossing surface and signals must be in accordance with current Manual of Uniform Traffic Control Devices (MUTCD), Federal Railroad Administration Rules and Regulations, American Association of State Highway and Transportation Officials (AASHTO) Policy, and the Department's Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways (Florida's Green Book).

Areas of concern to be considered in determining the rail crossing location are as follows:

1. Roads crossing the tracks at a skewed angle or where the track is curved or super-elevated;
2. Impaired sight distance for motorists and rail engineers;
3. Highway intersections within 75 feet of the crossing which create a greater potential for accidents and create minimal vehicle storage distance;
4. Crossings that are blocked for long periods of time;
5. Switching movements or turnouts;
6. Different elevations of tracks.

XIII. ~~XXXV.~~ EMERGENCY MANAGEMENT

A. FPL shall incorporate the Unit 5 site into the Comprehensive Hurricane Preparation and Recovery Plan for the overall Turkey Point Power Plant Site.

B. FPL shall submit a formal update of the Comprehensive Hurricane Preparation and Recovery Plan to the Department of Community Affairs, the Miami-Dade County Office of Emergency Management every five (5) years following commencement of commercial operation of the Unit 5 and whenever an additional electrical generating unit is brought into service at the Turkey Point Plant site.

XIV. ~~XXXVI.~~ MIAMI-DADE COUNTY

A. General

Construction and operation of the certified facilities shall be in accordance with all applicable nonprocedural requirements of the laws and ordinances of Miami Dade County in effect on November 14, 2003, including, but not limited to, the Miami Dade Comprehensive Development Master Plan and Chapters 8, 11C, 14, 18A, 24, and 33 of the Code of Miami Dade County, Florida.

B. Unit 5 Expansion Project

1. ~~B.~~ Protection of Existing Legal Water Users

a. ~~4.~~ As provided in Condition ~~XI.XXXIII.B.2.~~, if SFWMD determines that the potential exists for Licensee's proposed Floridan Aquifer withdrawals to cause interference with existing legal users, authorization for such withdrawals shall be contingent upon SFWMD establishing acceptable withdrawal rates and requiring necessary and appropriate mitigation, pursuant to SFWMD's Basis of Review for Water Use Permits, to prevent interference with existing legal users. Licensee shall submit copies of any reports on additional modeling, alternative water supplies, and mitigation plans to WASD.

b. 2. Licensee shall provide a copy to WASD of any notice received from SFWMD pursuant to Condition ~~XI.XXXIII.C.3.~~, that a reliable source of reclaimed water is available at the Project site to serve Unit 5.

c. 3. If reclaimed water from the South District Wastewater Treatment Plant is used as a source of makeup to the Unit 5 cooling tower, blowdown from the cooling tower shall be returned to the South District Wastewater Treatment Plant for treatment and disposal. The requirements of Section 24-11(9) of the Code of Miami Dade County, as revised in March 2004, or as subsequently revised pursuant to federal or state law, shall apply to such blowdown returned to the South District Wastewater Treatment Plant.

2. ~~B.~~ The following detailed plans must be submitted to Miami Dade County Department of Environmental Resources Management (DERM) prior to initiation of work in tidal waters or wetlands:

a. 4. The site plan layout shall be consistent with, or have wetland impacts less than, the plans described in the document "Turkey Point Expansion Project, Refined Mitigation Proposal, FPL, April 2004" or as subsequently amended or modified.

b. 2. Two or more sets of construction drawings and engineering calculations signed and sealed by a professional engineer registered in the State of Florida and a land survey sealed by a licensed land surveyor registered in the State of Florida for those elements of the project that involve wetlands. These plans must include sufficient detail and be prepared at a scale that clearly identifies the limits of filling in wetlands and tidal waters, on-site mitigation areas, structures other than fill in tidal waters or wetlands, and typical cross-sections of all elements of the project that affect wetlands.

c. 3. A construction management plan which shall include methods or best management practices for preventing or controlling secondary impacts from turbidity, siltation, fugitive dust, unpermitted impacts to adjoining waters or wetlands, fill or excavated material, construction debris, noise, or artificial lighting.

d. 4. A plan for further assessment of materials proposed to be used for filling tidal water and wetlands, including physical, chemical and biological effects tests as determined in cooperation with local and state environmental agencies. Placement of fill shall not commence until additional testing and analysis of physical, chemical, and biological characteristics of fill material have been completed in accordance with requirements of DERM.

e. 5. A water quality and biological monitoring plan for documenting compliance with narrative and numerical water quality targets during construction.

f. 6. A post-construction long-term water quality and biological monitoring plan for areas near or downstream of the built areas, on-site mitigation areas, and on-site restoration areas.

g. 2. A detailed on-site mitigation and restoration plan including signed and sealed construction drawings (plan views and cross-sections), planting configuration and species list, hydraulic or tidal exchange calculations, exotic control and maintenance methods, and success criteria. This plan shall be consistent with the document "Turkey Point Expansion Project, Refined Mitigation Proposal, FPL, April 2004" or as subsequently amended or modified.

h. 3. A plan for monitoring and responding to the occurrence of endangered (or other listed species) in the construction area.

i. 4. A stormwater management plan, including calculations and construction drawings.

j. 5. A plan for training all on-site construction-related workers with respect to environmental resource protection requirements.

3. ~~D.~~ The applicant shall mark in a conspicuous fashion the boundaries or limits of all work/fill areas, mitigation areas, preservation areas, or protected species habitat. This may be accomplished with fencing, flagging, buoys, silt barriers, hay bales, or other forms of durable demarcation. Field markers shall include survey benchmarks or reference points that can be compared to approved construction plans and drawings. Prior to construction in wetlands or tidal waters, the layout must be approved by DERM. The markers shall be maintained for the entirety of construction to facilitate compliance inspections and also to reduce the chance of unauthorized impacts to resources.

4. E. Seven days prior to the start of construction in wetlands or tidal waters, the Licensee shall allow prior approved third party access for the salvage of desirable native vegetation occurring within the areas to be filled or cleared.

5. F. Dredging and filling of coastal wetlands shall be limited to the minimum amount for public necessity or enhancement of biological, chemical or physical characteristics of adjacent waters.

6. G. On-site mitigation and restoration areas shall be maintained free (less than 1% cover) of invasive exotic vegetation in perpetuity.

7. H. Within 90 days of the start of construction, the Licensee shall convey title of 307 acres of wetland, as defined in the "Turkey Point Expansion Project, Refined Mitigation Proposal, FPL, April 2004" or as subsequently amended or modified, to the appropriate federal, state, or local resource management agency for conservation or restoration purposes consistent with the goals of ongoing regional restoration plans.

8. I. Unconsolidated shorelines created as a result of the project shall be stabilized with native vegetation, such as but not limited to mangroves. If

seawalls or bulkheads are constructed in or adjacent to tidal waters, they shall include the use of rip-rap or similar wave attenuation devices in their design.

9. J. Construction of on-site mitigation shall be initiated within 90 days of the beginning of filling of coastal wetlands or tidal waters. Construction of on-site mitigation shall be completed within 90 days of the completion of filling of wetlands except areas to be restored after completion of project construction.

10. K. Restoration of temporarily filled wetlands shall commence within 60 days of completion of construction on the power block or by January 2010, whichever first occurs.

11. L. Should upland construction damage or require removal of upland trees, the Licensee shall be required to preserve specimen trees (trunk > 18 in. DBH) and replace upland tree canopy in accordance with the requirements of Article III. Tree Preservation and Protection Sec. 24-60 of the Code of Miami-Dade County. This requirement includes trees along entrance roads and existing landscaped areas, and shall be in addition to establishment of coastal hammocks proposed as part of on-site mitigation.

12. M. Exotic pest plant species on the development site uplands shall be removed prior to development.

13. N. Temporary and permanent fill pads shall be graded to slope away from tidal waters and wetlands.

14. O. Construction of permanent parking areas, walkways, and amenities shall use semi-pervious materials to reduce runoff where feasible and compatible with safety requirements.

15. P. This Certification does not replace or eliminate the need for appropriate annual operating permits from Miami-Dade County for any existing, new or improved facilities located at the Turkey Point Power Plant site but not within the area covered by this Certification as delineated in the Site Certification Application. If reclaimed water is used as makeup to the Unit 5 cooling tower and cooling tower blowdown is returned to the South District Wastewater Treatment Plant, FPL shall apply for such permit from DERM as may be required under Chapter 24 of the Code of Miami-Dade County for such disposal pursuant to federal law.

XV. FISH AND WILDLIFE CONSERVATION COMMISSION

Cooling Canal System Crocodile Population Protection

A. Continuation of Current Monitoring

The applicant shall continue with current crocodile monitoring efforts including identification surveys, breeding surveys, nest locations monitoring, and captures, and these efforts shall continue throughout the Unit 3 and Unit 4 uprating process.

B. Additional Monitoring

Specific protocols shall be followed for additional monitoring of crocodiles within the Turkey Point cooling canal system. These protocols based upon work by Mazzotti and Cherkiss shall be followed for the additional monitoring described below.

1. Surveys shall be conducted both pre- and post- Unit 3 and 4 uprate to determine any effects of temperature and salinity changes on crocodiles in the cooling canal system. Surveys shall be initially conducted for a one-year period, after which protocols shall be reviewed for appropriateness. Any changes shall be submitted to the FWC.

2. Additional data shall be collected to determine changes in spatial distribution within the canal system. Data shall be collected monthly from the entire system. Monthly events shall consist of 3 to 4 nights per event, and data collected shall include animal size, GPS location, salinity, and air and water temperatures.

3. Additional data shall be collected to determine changes to growth and survival of crocodiles within the cooling canal system. The entire cooling canal system shall be monitored at least twice a year for five days and four nights per event. Data collected shall include biometric data for each individual hand captured or trapped.

4. If it is determined that there is a negative effect on crocodiles within the cooling canal system due to the Uprate project, the licensee shall monitor the crocodile population outside of the system, particularly in the FPL mitigation areas, to determine if there is no net negative effect. If growth and survival is affected within the system, then using telemetry data on crocodiles moving into and out of the system may show whether or not there is an overall change in the crocodile population at Turkey Point. A summary of monitoring efforts and results shall be included in the Annual Report.

5. If negative effects on crocodile habitat occur, as evidenced by monitoring of crocodile growth, population, and survivorship, FPL shall implement corrective actions in accordance with all applicable federal, state, and local regulatory requirements for the protection of endangered species habitat.

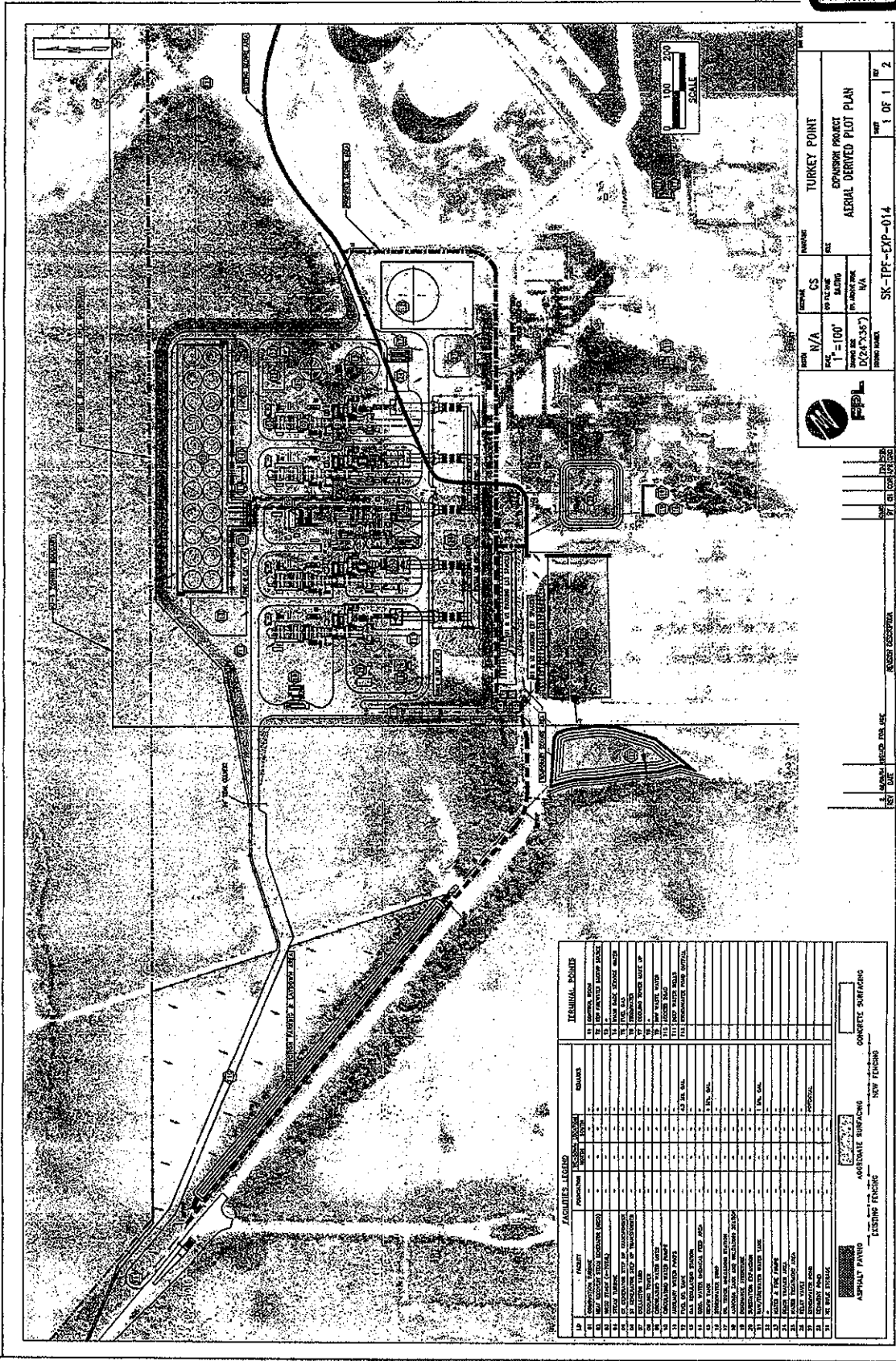
C. Annual Report

FPL shall submit an Annual Report including all data and statistical analyses resulting from the above monitoring requirements to FWC in order for FWC to assess changes in the crocodile population. The report shall be submitted beginning 12 months from initial monitoring, and every 12 months thereafter. Copies of these annual reports shall be provided to the DEP Siting Coordination Office, DERM and the Manager of the Biscayne Bay Aquatic Preserve. FPL shall notify DERM and the Manager of the Biscayne Bay Aquatic Preserve of any meeting with FWCC and DEP to address issues raised in these annual reports. [Chapter 68A – 27, F.A.C.; Miami-Dade CDMP Coastal Management – 1E]

XVI. ~~XXXVII.~~ HISTORY

Unit 5 Certified on 02/07/05; signed by Governor Bush
Modified on 06/22/06, signed by Siting Administrator Owen
Modified on 04/24/07; signed by Siting Administrator Halpin
Units 3 & 4 Certified on XX/XX/XX; signed by Governor Crist

Exhibit A:



PROJECT	TURKEY POINT
CLIENT	FLORIDA DEPARTMENT OF CORRECTIONS
DATE	02/25/2007
SCALE	1"=100'
PROJECT NO.	SK-TPF-EXP-014
REV	1 OF 1
SHEET	2

Exhibit B: Emergency Agreement

EMERGENCY RESPONSE CAPABILITY AGREEMENT

This Agreement, shall be effective as of July 1, 1982, by and between the Parties hereto, to wit: the State of Florida Department of Health and Rehabilitative Services (hereinafter "Department"), and Florida Power & Light Company (hereinafter "Company").

WITNESSETH

WHEREAS, the Department is an agency designated under Chapter 252, Florida Statutes, to protect the public health and safety in the State of Florida regarding matters relating to radioactive materials; and

WHEREAS, the Company owns and operates the Turkey Point and St. Lucie Nuclear Power Plants (hereinafter "the Plants"); and

WHEREAS, the Parties desire to enter into an Agreement by which the Department, pursuant to applicable federal and state regulations, will maintain an adequate capability to respond to radiological emergencies at the Plants.

NOW THEREFORE, in consideration of the mutual promises contained herein, the Parties agree as follows:

1.0 DUTIES OF THE DEPARTMENT

1.1 The Department shall receive and record all reports of radiological emergencies at the Plants, as provided in the State of Florida Radiological Emergency Management Plan for Nuclear Power Plants (hereinafter referred to as "the Plan" and incorporated herein by reference); assess the impact or potential impact of such emergencies; and activate provisions of the Plan to assess levels of

radioactivity in off-site areas. Off-site areas are all areas other than owner-controlled areas as that term is defined in Company's Radiological Emergency Plans. The Department will be guided but not bound by the criteria of 10 CFR 140.84 in establishing that there has been substantial discharge or dispersal of radioactive material to off-site areas or owner-controlled areas occupied by members of the general public.

1.2 The Department shall coordinate the provisions of the Plan as applicable to the required emergency response capability of the Department.

1.3 The Department shall coordinate action taken pursuant to the Plan with similar applicable plans of federal, state and local governmental agencies with jurisdiction.

1.4 The Department shall train Department personnel, and assist in training other state and local governmental personnel, in order to familiarize them with the health hazards and emergency operating procedures applicable to radiological emergencies and to assure an adequate emergency response capability on the part of the Department.

1.5 The Department shall assist state and local governmental agencies in planning for required protective actions.

1.6 The Department shall provide radiological laboratory capability, including mobile laboratory facilities, and field radiological instrumentation, equipment and supplies for use by the Department to ensure that measures outlined above are properly and effectively carried out.

1.7 In the event of an on-site radiological emergency, the Department shall aid and advise the Company in its efforts to contain the release of radioactive materials.

2.0 DUTIES OF THE COMPANY

- 2.1 The Company shall pay the Department in accordance with Section 3.0 - "Payment".
- 2.2 The Company shall comply with the insurance requirements of Section 4.0 - "Insurance".

3.0 PAYMENT

- 3.1 Company shall pay to Department actual costs incurred by Department's Office of Radiation Control in the implementation of Florida Statutes Section 252.60 "Radiological Emergency Preparedness" on behalf of the Company.
- 3.2 The Department shall submit to the Company for its approval an annual budget for expenses to be incurred hereunder.
- 3.3 Payment by the Company shall be made in advance on a quarterly basis. The Department shall submit an invoice for such payments. Upon receipt of such invoice, the Company will review same for approval and use reasonable effort to make payment to the Department no later than thirty days from receipt of said invoice, provided such invoiced costs are within budget limits set forth herein. Supporting documentation shall be made available to the Company upon request.
- 3.4 The Department shall provide to the Company a quarterly accounting of all costs incurred by the Department during the quarter immediately prior thereto. Should the amount of such costs differ from the amount paid to the Department by the Company for such quarter, the difference in payment shall be added to or subtracted from Department's next invoice, as applicable.
- 3.5 The Company will allow flexibility for the Department to increase the budget, without the necessity of approval by the Company, in an amount not to

exceed 5% of the Company's portion of total budget. In addition, the Department may transfer up to 10% among expense categories without prior approval of the Company upon the condition that: (a) such transfers will only be authorized by the Department in the event of an unexpected need in a particular category; and (b) such transfers will be reported to the Company in the quarterly accounting provided for herein. Said transfers shall be made only to enhance the Department's capability to perform its obligations under this Agreement.

4.0 INSURANCE

4.1 For the purposes of this Section only, the terms below shall be defined as follows:

- 4.1.1 Act: Atomic Energy Act of 1954, as amended.
- 4.1.2 ANI/MAELU: American Nuclear Insurers/Mutual Atomic Energy Liability Underwriters.
- 4.1.3 Government Indemnity: An indemnity agreement between the Company and the NRC entered into pursuant to Subsection 170(c) of the Act.
- 4.1.4 NML: Nuclear Mutual Limited
- 4.1.5 NRC: Nuclear Regulatory Commission
- 4.1.6 Nuclear Damage: Any loss, damage, or loss of use, which in whole or in part is caused by, arises out of, results from, or is in any way related, directly or indirectly to the hazardous properties of source, special nuclear or byproduct material, as those materials are defined in the Act.
- 4.1.7 Nuclear Liability Protection System: Liability insurance from ANI/MAELU or other financial protection in such amount and such

form as shall meet the financial protection requirements of the NRC pursuant to Subsection 170(b) of the Act.

4.1.8 Nuclear Energy Hazard: Shall be as defined in the ANI/MAELU insurance policies held by Company.

4.1.9 Nuclear Facility: Shall be as defined in the ANI/MAELU insurance policies held by Company.

4.1.10 Nuclear Plant Site: The description and location of property insured contained on the Declarations page of the NML policy held by Company.

4.2 Company shall, at its expense, maintain Nuclear Liability Protection and Government Indemnity to meet the requirements of Section 170 of the Act. Department shall be included as an insured under the liability insurance. Company waives any right of recourse that it may have against Department on account of liability of Company to third parties caused by or arising out of the Nuclear Energy Hazard to the extent it is indemnified for such liability. This Agreement shall not be construed to be a waiver of the state's sovereign immunity or protection afforded to the state by Chapter 768, Florida Statutes.

In the event that the Act expires, is repealed, or the protection provided is reduced, Company shall, without cost to Department, procure on the date the protection is so effected, and maintain in effect during the period of time Company owns the Nuclear Facility, to the extent available on reasonable terms and consistent with then current customary U.S. electric utility industry practice, contractual indemnity, limitation of liability and/or liability insurance from a recognized market, or in lieu thereof, equivalent protection from alternate sources in order to minimize impairment of the protection afforded Department as set forth above.

4.3 Company shall maintain, at its expense, nuclear property damage insurance

covering property on the Nuclear Plant Site from NML or other acceptable markets. Terms of coverage shall be at the discretion of Company. Company waives and will require its insurers to waive all rights of recovery against Department and its suppliers of every tier for Nuclear Damage to any property located at the Nuclear Plant Site to the extent Company is indemnified for such damage by its nuclear property damage insurers. To the extent that Company recovers damages from a third party for Nuclear Damage to any property located at the Nuclear Plant Site, Company shall indemnify Department and its suppliers against any liability for any damages which such third party recovers from Department or suppliers for such Nuclear Damage. This Agreement shall not be construed to be a waiver of the state's sovereign immunity or protection afforded to the state by Chapter 768, Florida Statutes.

5.0 MISCELLANEOUS

5.1 Nothing expressed or implied in this Agreement shall relieve the Company of its legal responsibilities under the laws of Florida or from compliance with any law, regulation or requirement of the U. S. Nuclear Regulatory Commission or other governmental agency having jurisdiction over the licensing or operation of the Plants.

5.2 The Company and the Department shall use their best efforts to implement provisions of the Company's Radiological Emergency Plans and the Plan in a coordinated manner.

5.3 The Parties shall notify each other, as provided in this Agreement, of any and all changes made in their respective plans.

5.4 This Agreement shall not serve to limit any action of the Department or

other State agencies under the laws of Florida to protect the public health and safety not specifically prohibited by law.

5.5 All notices pertaining to or affecting the provisions of this Agreement shall be in writing and delivered either in person or by registered or certified mail to the Parties at the following addresses:

The Department

Mailed or Delivered: Department of Health and Rehabilitative Services
Assistant Secretary for Operations
1317 Winewood Blvd.
Tallahassee, Florida 32301

The Company

Mailed: Florida Power & Light Company
Vice President Nuclear Energy
P. O. Box 529100
Miami, Florida 33152

Delivered: Florida Power & Light Company
Vice President Nuclear Energy
9250 West Flagler Street
Miami, Florida 33174

Either Party may, at any time, by written notice to the other Party, designate different or additional persons or different addresses for the giving of notices hereunder.

5.6 This Agreement is intended as the exclusive statement of the agreement between the Parties. Parol or extrinsic evidence shall not be used to vary or contradict the express terms of this Agreement, and recourse shall not be had to alleged prior dealings, usage of trade, course of dealing, or course of performance to explain or supplement the express terms of this Agreement. This Agreement shall not be amended or modified, and no waiver of any provision hereof shall be effective unless set forth in a written instrument authorized and executed by duly designated and authorized officers of the Parties with the same formality as this Agreement.

5.7 In the event of a default in any of the terms or conditions of this Agreement, within ten days after receipt of written notice of the existence and nature of the default, the defaulting Party shall take all steps necessary to cure such default as promptly and completely as possible.

5.8 The effective date of this Agreement is July 1, 1982. The term of this Agreement shall be fifty years from the effective date hereof, or until decommissioning of the Plants is completed, whichever is later; provided, however, that either Party may cancel this Agreement at any time, with reasonable cause, upon ninety days prior written notice to the other Party. "Reasonable cause" shall include, but not be limited to, substantial amendment to Chapter 252 of the Florida Statutes.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed .

FLORIDA POWER & LIGHT COMPANY

STATE OF FLORIDA
DEPARTMENT OF HEALTH AND
REHABILITATIVE SERVICES

BY: _____



TITLE: Vice President, Nuclear Energy

BY: _____



TITLE: Assistant Secretary for
Operations

STATE OF FLORIDA



DEPARTMENT OF

Health & Rehabilitative Services

Bob Graham, Governor

1317 WINEWOOD BOULEVARD

TALLAHASSEE, FLORIDA 32301

April 18, 1983

Mr. Jay J. Maisler
Florida Power & Light Company
Post Office Box 529100
Miami, Florida 33152

Dear Mr. Maisler:

Enclosed is the original fully executed copy of the Emergency Response Capability Agreement between the State of Florida, Department of Health & Rehabilitative Services and Florida Power & Light Company.

A proposed budget of our funding requirements for Fiscal Year 1983-84 has been finalized and is presently in review by the Department. We anticipate that it will be returned to us in the near future, at which time we will send to FPL for review and approval.

We are pleased to have finalized the Agreement under which our emergency response plans and preparedness will operate.

Sincerely,


Dyle E. Terrett, Ph.D.
Director, Office of
Radiation Control

Enclosure

Copy to Wallace B. Johnson, HRS

Appendices A and B

Appendices A and B (copies of federal air permits) are referenced in, and are a part of the current Conditions of Certification for the Unit 5 combined cycle plant. Appendices A and B will not change as a result of this certification, and are not included herein. Copies of these appendices (along with the current Conditions of Certification) can be viewed and downloaded from the following website:

http://www.dep.state.fl.us/siting/Highlights/Conditions/8055TurkeyPt/FPL%20Turkey%20Point_ModB.pdf

Appendix A	Current Title V Air Operation Permit 0250003-009-AV for Fossil Plant
Appendix B	Air Construction Permit PSD-FL-388

Appendix C: Title V Air Operation Permit 0250003-004-AV

Florida Power & Light
Turkey Point Nuclear Plant
Facility ID No.: 0250003
Dade County

Title V Air Operation Permit Renewal
FINAL Permit No.: 0250003-004-AV
Renewal of Title V Air Operation Permit No.: 0250003-002-AV

Permitting Authority:
State of Florida
Department of Environmental Protection
Division of Air Resource Management
Bureau of Air Regulation
Title V Section

Mail Station #5505
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Telephone: 850/488-0114
Fax: 850/922-6979

Compliance Authority:
Dade County Department of Environmental Resources Management
33 Southwest Second Avenue, Suite 900
Miami, Florida 33130-1540

Telephone: 305/372-6925
Fax: 305/372-6954

Title V Air Operation Permit Renewal
FINAL Permit No.: 0250003-004-AV
Renewal of Title V Air Operation Permit No.: 0250003-002-AV

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Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

David B. Struhs
Secretary

Permittee:

Florida Power & Light Company
Turkey Point Nuclear Plant
9760 S.W. 344th Street
Florida City, Florida 33035

FINAL Permit No.: 0250003-004-AV

Facility ID No.: 0250003

SIC Nos.: 49, 4911

Project: Title V Air Operation Permit Renewal

This permit is for the operation of the Turkey Point Nuclear Plant, and to renew Title V Air Operation Permit No. 0250003-002-AV. This facility is located 10 miles east of Florida City on Palm Drive, Dade County; UTM Coordinates: Zone 17, 567.2 km East and 2813.2 km North; Latitude: 25° 26' 09" North and Longitude: 80° 19' 52" West.

This Title V Air Operation Permit Renewal is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, 62-213, and 62-214. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents, attached hereto or on file with the permitting authority, in accordance with the terms and conditions of this permit.

Referenced attachments made a part of this permit:

Appendix U-1, List of Unregulated Emissions Units and Activities

Appendix I-1, List of Insignificant Emissions Units and Activities

APPENDIX SS-1, STACK SAMPLING FACILITIES (version dated 10/07/96)

TABLE 297.310-1, CALIBRATION SCHEDULE (version dated 10/07/96)

APPENDIX TV-4, TITLE V CONDITIONS (version dated 02/12/02)

Effective Date: January 1, 2004

Renewal Application Due Date: July 5, 2008

Expiration Date: December 31, 2008

Michael G. Cooke, Director,
Division of Air Resource Management

MGC/sms/bb

Section I. Facility Information

Subsection A. Facility Description

The Turkey Point Title V Source is composed of two separate co-located power plants: the Fossil Plant and the Nuclear Plant. This permit, No. 0250003-004-AV, addresses only the (non-nuclear) operations at the Nuclear Plant. The operations at the Fossil Plant are addressed in a separate Title V permit, No. 0250003-005-AV.

The Nuclear Plant consists of two nuclear generating units with a combined capacity of 1,332 megawatts, nine diesel emergency generators, miscellaneous diesel engines, and miscellaneous unregulated and insignificant emissions units and/or activities. This permit does not address the two nuclear generating units which are regulated by the Nuclear Regulatory Commission (NRC).

Based on the initial Title V permit renewal application received May 12, 2003, this Title V Source is a major source of hazardous air pollutants (HAPs).

Subsection B. Summary of Emissions Unit ID No.s and Brief Descriptions

E.U. ID

<u>No.</u>	<u>Brief Description</u>
-005	(4) 2.5 MW Diesel Emergency Generators
-006	(5) Other Diesel Emergency Generators
-007	Miscellaneous Diesel Plant Equipment
-008	Unregulated Emissions Units and/or Activities (See Appendix U-1)

Please reference the Permit No., Facility ID No., and appropriate Emissions Unit ID No(s). on all test report submittals, applications, and other correspondence.

Subsection C. Relevant Documents

The documents listed below are not a part of this permit; however, they are specifically related to this permitting action.

These documents are provided to the permittee for information purposes only:

Table 1-1, Summary of Air Pollutant Standards and Terms
Table 2-1, Summary of Compliance Requirements
Appendix A-1, Abbreviations, Acronyms, Citations, and Identification Numbers
Appendix H-1, Permit History
Statement of Basis

These documents are on file with the permitting authority:

Title V Permit Renewal Application received May 12, 2003

Section II. Facility-wide Conditions

The following conditions apply facility-wide:

1. APPENDIX TV-4, TITLE V CONDITIONS, is a part of this permit. {Permitting note: APPENDIX TV-4, TITLE V CONDITIONS, is distributed to the permittee only. Other persons requesting copies of these conditions shall be provided a copy when requested or otherwise appropriate.}

2. Not Federally Enforceable. General Pollutant Emission Limiting Standards. Objectionable Odor Prohibited. The permittee shall not cause, suffer, allow, or permit the discharge of air pollutants which cause or contribute to an objectionable odor. [Rule 62-296.320(2), F.A.C.]

3. General Particulate Emission Limiting Standards. General Visible Emissions Standard. Except for emissions units that are subject to a particulate matter or opacity limit set forth or established by rule and reflected by conditions in this permit, no person shall cause, let, permit, suffer or allow to be discharged into the atmosphere the emissions of air pollutants from any activity, the density of which is equal to or greater than that designated as Number 1 on the Ringelmann Chart (20 percent opacity). EPA Method 9 is the method of compliance pursuant to Chapter 62-297, F.A.C.
[Rule 62-296.320(4)(b)1. & 4., F.A.C.]

4. Prevention of Accidental Releases (Section 112(r) of CAA).

a. The permittee shall submit its risk management plan (RMP) to the Chemical Emergency Preparedness and Prevention Office (CEPPO) RMP Reporting Center when, and if, such requirement becomes applicable. Any Risk Management Plans, original submittals, revisions, or updates to submittals, should be sent to

RMP Reporting Center
Post Office Box 3346
Merrifield, VA 22116-3346
Telephone: 703/816-4434

and,

b. The permittee shall submit to the permitting authority Title V certification forms or a compliance schedule in accordance with Rule 62-213.440(2), F.A.C. [40 CFR 68]

5. Unregulated Emissions Units and/or Activities. Appendix U-1, List of Unregulated Emissions Units and/or Activities, is a part of this permit. [Rule 62-213.440(1), F.A.C.]

6. Insignificant Emissions Units and/or Activities. Appendix I-1, List of Insignificant Emissions Units and/or Activities, is a part of this permit.
[Rules 62-213.440(1), 62-213.430(6), and 62-4.040(1)(b), F.A.C.]

7. General Pollutant Emission Limiting Standards. Volatile Organic Compounds (VOC) Emissions or Organic Solvents (OS) Emissions. The permittee shall allow no person to store, pump, handle, process, load, unload or use in any process or installation, volatile organic compounds (VOC) or organic solvents (OS) without applying known and existing vapor emission control devices or systems deemed necessary and ordered by the Department.
[Rule 62-296.320(1)(a)]

8. Not Federally Enforceable. Reasonable precautions to prevent emissions of unconfined particulate matter at this facility include:

1. Paving of roads, parking areas and equipment yards;
2. Landscaping and planting vegetation;
3. Use of thick poly-flaps over doorways to prevent any sandblasting material from leaving the sandblast facility. The facility also constructs temporary sandblasting enclosures when necessary in order to perform sandblasting on fixed plant equipment.
4. Maintenance of paved areas;
5. Regular mowing of grass and care of vegetation;
6. Limiting access to plant property by unnecessary vehicles;
7. Bagged chemical products are stored in weather-tight buildings until they are used. Spills of powdered chemical products are cleaned up as soon as possible.
8. Vehicles are restricted to slow speeds on the plant site.

[Rule 62-296.320(4)(c)2., F.A.C.]

9. When appropriate, any recording, monitoring, or reporting requirements that are time-specific shall be in accordance with the effective date of the permit, which defines day one.

[Rule 62-213.440. F.A.C.]

10. Statement of Compliance. The annual statement of compliance pursuant to Rule 62-213.440(3), F.A.C., shall be submitted to the Department and EPA within 60 (sixty) days after the end of the calendar year using DEP Form No. 62-213.900(7), F.A.C. [Rules 62-213.440(3) and 62-213.900, F.A.C.]

{Permitting Note: This condition implements the requirements of Rules 62-213.440(3)(a)2. & 3., F.A.C. (see Condition 51. of APPENDIX TV-4, TITLE V CONDITIONS)}

11. The permittee shall submit all compliance related notifications, and reports required of this permit to:

Dade County Department of Environmental Resources Management (DERM)
33 Southwest Second Avenue, Suite 900
Miami, Florida 33130-1540
Telephone: 305/372-6925
Fax: 305/372-6954

Note: if acceptable to the agency, applicable correspondence may be submitted by electronic mail.

12. Any reports, data, notification, certifications, and requests required to be sent to the United States Environmental Protection Agency, Region 4, should be sent to:

United States Environmental Protection Agency
Region 4
Air, Pesticides, & Toxics Management Division
Operating Permits Section
61 Forsyth Street
Atlanta, Georgia 30303
Telephone: 404/562-9099
Fax: 404/562-9163

13. Certification by Responsible Official (R.O.). In addition to the professional engineering certification required for applications by Rule 62-4.050(3), F.A.C., any application form, report, compliance statement, compliance plan and compliance schedule submitted pursuant to Chapter 62-213, F.A.C., shall contain a certification signed by a responsible official that, based on information and belief formed after reasonable inquiry, that statements and information in the document are true, accurate, and complete. Any responsible official who fails to submit any required information or who has submitted incorrect information shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary information or correct information.

[Rule 62-213.420(4), F.A.C.]

Section III. Emissions Units and Conditions

<u>E.U. ID</u>	<u>Brief Description</u>
<u>No.</u>	
-005	(4) 2.5 MW Diesel Emergency Generators
-006	(5) Other Diesel Emergency Generators
-007	Miscellaneous Diesel Plant Equipment

Emissions unit -005 consists of four Electro-Motive (GM) Model 20-645-E4 emergency diesel generators. The generators are referred to by facility personnel as units 3A, 3B, 4A, and 4B. The generators supply backup power to the nuclear power plant auxiliary equipment. These units fire low sulfur (0.5%) diesel fuel. Units 3A and 3B commenced operation in November, 1972, while units 4A and 4B commenced operation in 1991.

Emissions unit -006 consists of five other diesel emergency generators used for the plant's security system, wastewater treatment, and meteorological assessment. These generators also fire low sulfur (0.5%) diesel fuel.

Emissions unit -007, consists of the following miscellaneous diesel plant equipment:

- (6) Service Air compressor diesel engines;
- (3) hydrolazer diesel engines;
- (2) instrument air compressor diesel engines;
- (1) standby steam generator feed pump diesel engine;
- (1) service water diesel pump

{Permitting note: These units are regulated under Reasonably Available Control Technology (RACT) - Requirements for Major VOC- and NOx-Emitting Facilities Rule 62-297.570, F.A.C. Note: these emissions units exceed the fuel usage limits to qualify for exemption under Rule 62-210.300(3)(a).20. and 21., F.A.C.}

Essential Potential to Emit (PTE) Parameters

A.1. Permitted Capacity. The maximum heat input to each generator in emissions unit -005 shall not exceed 24.89 MMBtu per hour. Heat input may be determined by using fuel flow meters in conjunction with the Btu content of the fired fuel. The maximum heat input to each generator in emissions unit -006 shall not exceed 4.08 MMBtu per hour. Emissions unit -007 heat input shall not exceed 5.85 MMBtu per hour.

[Rules 62-4.160(2) & 62-210.200 (PTE), F.A.C.]

A.2. Emissions Unit Operating Rate Limitation After Testing. See specific condition A.13.

[Rule 62-297.310(2), F.A.C.]

A.3. Methods of Operation - Fuels. The only fuel authorized to be burned is new diesel fuel. The sulfur content shall not exceed 0.5 percent by weight.
[Rules 62-4.160(2), 62-210.200, and 62-213.440(1), F.A.C.; applicant requested per Title V application.]

A.4. Annual Hours of Operation. The units may operate continuously, i.e., for 8,760 hours per year.
[Rule 62-210.200, F.A.C.]

Emission Limitations and Standards

{Permitting note: Table 1-1, Summary of Air Pollutant Standards and Terms, summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.}

{Permitting Note: Unless otherwise specified, the averaging time(s) for Specific Condition A.5 is based upon specified averaging time of the applicable test method.}

A.5. Nitrogen Oxides. NOx emissions shall not exceed 4.75 lb. per million Btu heat input. These limits shall apply at all times except during periods of startup, shutdown, or malfunction.
[Rule 62-296.570(4)(b)7. and (c), F.A.C.]

Excess Emissions

A.6. Excess emissions resulting from malfunction shall be permitted provided that best operational practices to minimize emissions are adhered to and 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 or DERM for longer duration.
[Rule 62-210.700(1), F.A.C.]

A.7. Excess emissions resulting from startup or shutdown shall be permitted provided that best operational practices to minimize emissions are adhered to and the duration of excess emissions shall be minimized.
[Rule 62-210.700(2), F.A.C.]

A.8. Excess emissions which are caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure which may reasonably be prevented during startup, shutdown or malfunction shall be prohibited.
[Rule 62-210.700(4), F.A.C.]

Test Methods and Procedures

{Permitting Note: The attached Table 2-1, Summary of Compliance Requirements, summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.}

A.9. NOx Emissions: For units that are not equipped with a continuous emissions monitoring system (CEMS) for NOx, compliance with the emission limits shall be demonstrated by annual emission testing in accordance with applicable EPA Reference Methods from Rule 62-297.401, F.A.C., or other methods approved by the Department in accordance with the requirements of Rule 62-297.620, F.A.C., except as otherwise provided in Rule 62-296.570(4)(b), F.A.C. Annual emission testing shall be conducted during each federal fiscal year (October 1 - September 30). ***Annual compliance testing while firing oil is unnecessary for units operating less than 400 hours in the current federal fiscal year.*** Emissions units that are required to conduct an annual compliance test may submit the most recent annual compliance test to satisfy the requirements of this provision.

For small diesel engines (heat input less than 5 million Btu per hour) operating 400 hours per year or more, compliance shall be demonstrated by a stack test on at least one representative engine for each group of identical engines within the facility.
[Rules 62-296.570(4)(a)3., and 62-297.310(7)(a)3., F.A.C.]

A.10. The test method for NOx shall be EPA Method 7 or 7E, incorporated and adopted by reference in Chapter 62-297, F.A.C.
[Rules 62-296.570(4)(a)3. and 62-297.401(7), F.A.C.]

A.11. 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.]

A.12. 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 the two complete runs as proof of compliance, provided that the arithmetic

mean of the results of the two complete runs is at least 20 percent below the allowable emission limiting standards.

[Rule 62-297.310(1), F.A.C.]

A.13. Operating Rate During Testing. Testing of emissions shall be conducted with each emissions unit operating at permitted capacity, which is defined as 90 to 100 percent of the maximum operation rate allowed by the permit. If it is impracticable to test at permitted capacity, an emissions unit may be tested at less than the permitted capacity; in this case, subsequent emissions unit operation is limited to 110 percent of the test load until a new test is conducted. Once the emissions 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.

[Rules 62-297.310(2) & (2)(b), F.A.C.]

A.14. Calculation of Emission Rate. The indicated emission rate or concentration shall be the arithmetic average of the emission rate or concentration determined by each of the separate test runs unless otherwise specified in a particular test method or applicable rule.

[Rule 62-297.310(3), F.A.C.]

A.15. Applicable Test Procedures.

(a) Required Sampling Time.

1. 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.

2. (Not applicable.)

(b) Minimum Sample Volume. Unless otherwise specified in the applicable rule, the minimum sample volume per run shall be 25 dry standard cubic feet.

(c) (Not applicable.)

(d) Calibration of Sampling Equipment. Calibration of the sampling train equipment shall be conducted in accordance with the schedule shown in Table 297.310-1.

(e) (Not applicable.)

[Rule 62-297.310(4), F.A.C.]

A.16. Required Stack Sampling Facilities. When a mass emissions stack test is required, the permittee shall comply with the requirements contained in Appendix SS-1, Stack Sampling Facilities, attached to this permit. Additionally, the permittee of an emissions unit that is not required to conduct a compliance test on at least an annual basis may use permanent or temporary stack sampling facilities. If the permittee chooses to use temporary sampling facilities on an emissions unit, and DERM elects to test the unit, such temporary facilities shall be installed on the emissions unit within five days of a request by DERM and remain on the unit until the testing is complete.

[Rule 62-297.310(6), F.A.C.]

A.17. Frequency of Compliance Tests. The following provisions apply only to those emissions units that are subject to an emissions limiting standard for which compliance testing is required.

(a) General Compliance Testing.

1. (Not applicable.)
2. For excess emission limitations for particulate matter specified in Rule 62-210.700, F.A.C., a compliance test shall be conducted annually while the emissions unit is operating under soot blowing conditions in each federal fiscal year during which soot blowing is part of normal emissions unit operation, except that such test shall not be required in any federal fiscal year in which a fossil fuel steam generator does not burn liquid fuel for more than 400 hours other than during startup.
3. The owner or operator of an emissions unit that is subject to any emission limiting standard shall conduct a compliance test that demonstrates compliance with the applicable emission limiting standard prior to obtaining a renewed operation permit. Emissions units that are required to conduct an annual compliance test may submit the most recent annual compliance test to satisfy the requirements of this provision. In renewing an air operation permit pursuant to Rule 62-210.300(2)(a)3.b., c., or d., F.A.C., the Department shall not require submission of emission compliance test results for any emissions unit that, during the year prior to renewal:
 - a. Did not operate; or
 - b. In the case of a fuel burning emissions unit, burned liquid fuel for a total of no more than 400 hours.
4. During each federal fiscal year (October 1 - September 30), unless otherwise specified by rule, order, or permit, the owner or operator of each emissions unit shall have a formal compliance test conducted for:
 - a. Visible emissions, if there is an applicable standard;
 - b. Each of the following pollutants, if there is an applicable standard, and if the emissions unit emits or has the potential to emit: 5 tons per year or more of lead or lead compounds measured as elemental lead; 30 tons per year or more of acrylonitrile; or 100 tons per year or more of any other regulated air pollutant; and
 - c. Each NESHAP pollutant, if there is an applicable emission standard.
5. An annual compliance test for particulate matter emissions shall not be required for any fuel burning emissions unit that, in a federal fiscal year, does not burn liquid fuel, other than during startup, for a total of more than 400 hours.
6. (Not applicable.)
7. (Not applicable.)
8. (Not applicable.)
9. (See Specific Condition A.22.)
10. An annual compliance test conducted for visible emissions shall not be required for units exempted from permitting at Rule 62-210.300(3)(a), F.A.C., or units permitted under the General Permit provisions at Rule 62-210.300(4), F.A.C.

(b) Special Compliance Tests. When the Department or DERM, 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 may 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.

(c) Waiver of Compliance Test Requirements. If the owner or operator of an emissions unit that is subject to a compliance test requirement demonstrates to the Department or DERM, pursuant to the procedure established in Rule 62-297.620, F.A.C., that the compliance of the emissions unit with an applicable weight emission limiting standard can be adequately determined by means other than the designated test procedure, such as specifying a surrogate standard of no visible emissions for particulate matter sources equipped with a bag house or specifying a fuel analysis for sulfur dioxide emissions, the Department shall waive the compliance test requirements for such emissions units and order that the alternate means of determining compliance be used, provided, however, the provisions of Rule 62-297.310(7)(b), F.A.C., shall apply.
[Rule 62-297.310(7)(a)2., 3., 4., 5., 10., (b) & (c), F.A.C.; SIP approved]

A.18. By this permit, annual and permit renewal compliance testing for NO_x emissions is not required for these emissions units while burning diesel fuel for less than 400 hours in each generator or engine in the current federal fiscal year.
[Rules 62-297.310(7)(a)3. and 4., F.A.C.]

Recordkeeping and Reporting Requirements

A.19. In the case of excess emissions resulting from malfunctions, the permittee shall notify the Dade County Department of Environmental Resources Management 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 Dade County Department of Environmental Resources Management.
[Rule 62-210.700(6), F.A.C.]

A.20. Submit to the Dade County Department of Environmental Resources Management a written report of emissions in excess of emission limiting standards as set forth in Rule 62-296.405(1), F.A.C., for each calendar quarter. The nature and cause of the excess emissions shall be explained. This report does not relieve the permittee of the legal liability for violations. All recorded data shall be maintained on file by the Source for a period of five years.
[Rules 62-213.440 and 62-296.405(1)(g), F.A.C.]

A.21. Test Reports

- (a) The owner or operator of an emissions unit for which a compliance test is required shall file a report with the Department and Dade County Department of Environmental Resources Management on the results of each such test.
- (b) The required test report shall be filed with the Department and Dade County Department of Environmental Resources Management as soon as practical but no later than 45 days after the last sampling run of each test is completed.
- (c) The test report shall provide sufficient detail on the emissions unit tested and the test procedures used to allow the Department and Dade County Environmental Resources Management to determine if the test was properly conducted and the test results properly

computed. The test report other than for an EPA or DEP Method 9 test, shall provide the following information, as appropriate:

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.

[Rules 62-213.440 and 62-297.310(8), F.A.C.]

A.22. The owner or operator shall notify the Department or DERM, 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.]

Appendix H-1: Permit History

Florida Power and Light
Turkey Point Nuclear Station

FINAL Permit No.: 0250003-004-AV
Facility ID No.: 0250003

E.U. ID No.	Description	Permit No.	Effective Date	Expiration Date	Project Type ¹
All	Facility	0250003-002-AV	1/1/1999	12/31/2003	Initial
All	Facility	0250003-004-AV	1/1/2004	12/31/2008	Renewal

¹ Project Type (select one): Title V: Initial, Revision, Renewal, or Admin. Correction; Construction (new or mod.); or, Extension (AC only).

Appendix I-1, List of Insignificant Emissions Units and Activities

Florida Power & Light
Turkey Point Nuclear Station
Page 1 of 4

FINAL Permit No.: 0250003-004-AV

The facilities, emissions units, or pollutant-emitting activities listed in Rule 62-210.300(3)(a), F.A.C., Categorical Exemptions, are exempt from the permitting requirements of Chapters 62-210 and 62-4, F.A.C.; provided, however, that exempt emissions units shall be subject to any applicable emission limiting standards and the emissions from exempt emissions units or activities shall be considered in determining the potential emissions of the facility containing such emissions units. Emissions units and pollutant-emitting activities exempt from permitting under Rule 62-210.300(3)(a), F.A.C., shall not be exempt from the permitting requirements of Chapter 62-213, F.A.C., if they are contained within a Title V source; however, such emissions units and activities shall be considered insignificant for Title V purposes provided they also meet the criteria of Rule 62-213.430(6)(b), F.A.C. No emissions unit shall be entitled to an exemption from permitting under Rule 62-210.300(3)(a), F.A.C., if its emissions, in combination with the emissions of other units and activities at the facility, would cause the facility to emit or have the potential to emit any pollutant in such amount as to make the facility a Title V source.

The below listed emissions units and activities are considered insignificant pursuant to Rule 62-213.430(6), F.A.C.

Brief Description of Emissions Unit and Activities

1. Internal combustion engines in boats, aircraft and vehicles used for transportation of passengers or freight.
2. Cold storage refrigeration equipment, except for any such equipment located at a Title V source using an ozone-depleting substance regulated under 40 CFR Part 82.
3. Vacuum pumps in laboratory operations.
4. Equipment used for steam cleaning.
5. Belt or drum sanders having a total sanding surface of five square feet or less and other equipment used exclusively on wood or plastics or their products having a density of 20 pounds per cubic foot or more.
6. Equipment used exclusively for space heating, other than boilers.
7. Laboratory equipment used exclusively for chemical or physical analyses.
8. Brazing, soldering or welding equipment.
9. One or more emergency generators located within a single facility provided:
 - a. None of the emergency generators is subject to the Federal Acid Rain Program; and
 - b. Total fuel consumption by all such emergency generators within the facility is limited to 32,000 gallons per year of diesel fuel, 4,000 gallons per year of gasoline, 4.4 million standard cubic feet per year of natural gas or propane, or an equivalent prorated amount if multiple fuels are used.
10. One or more heating units and general purpose internal combustion engines located within a single facility provided:
 - a. None of the heating units or general purpose internal combustion engines is subject to the Federal Acid Rain Program; and
 - b. Total fuel consumption by all such heating units and general purpose internal combustion engines within the facility is limited to 32,000 gallons per year of diesel

Appendix I-1, List of Insignificant Emissions Units and Activities

- fuel, 4,000 gallons per year of gasoline, 4.4 million standard cubic feet per year of natural gas or propane, or an equivalent prorated amount if multiple fuels are used.
11. Fire and safety equipment.
 12. Surface coating operations within a single facility if the total quantity of coatings containing greater than 5.0 percent VOCs, by volume, used is 6.0 gallons per day or less, averaged monthly, provided:
 - a. Such operations are not subject to a volatile organic compound Reasonably Available Control Technology (RACT) requirement of Chapter 62-296, F.A.C.; and
 - b. The amount of coatings used shall include any solvents and thinners used in the process including those used for cleanup.
 13. Surface coating operations utilizing only coatings containing 5.0 percent or less VOCs, by volume.
 14. Degreasing units using heavier-than-air vapors exclusively, except any such unit using or emitting any substance classified as a hazardous air pollutant.
 15. Bakery ovens and confection cookers when the products are edible and intended for human consumption.
 16. Laundry dryers, extractors or tumblers for fabrics cleaned with only water solutions of bleach or detergents.
 17. Portable air curtain incinerators except any air curtain incinerator intended to be continuously operated at one site for more than six months or at any Department-permitted landfill for any length of time; provided:
 - a. Only land clearing debris or clean dry wood is burned;
 - b. Pit width, length, and side walls are properly maintained so that combustion of the waste within the pit is maintained at an adequate temperature and with sufficient air recirculation to provide enough residence time and mixing for complete combustion and control of emissions. Pit width shall not exceed twelve (12) feet, and vertical side walls shall be maintained;
 - c. No waste is positioned to be burned above the level of the air curtain in the pit;
 - d. Visible emissions do not exceed 40 percent opacity except for up to 30 minutes during periods of startup and shutdown;
 - e. The air curtain incinerator is located at least 300 feet away from any occupied building if it has refractory-lined walls and forced underdraft air or otherwise at least 1,000 feet away from any occupied building; and
 - f. The burning is ignited after 9:00 a.m. and extinguished at least one hour before sunset, except that, in the case of an air curtain incinerator with refractory-lined walls and forced underdraft air which is located at least 1,000 feet away from any off-site occupied building, the burning may commence at sunrise, and the air curtain incinerator may be charged until sunset provided it does not create a nuisance.
 18. Turbine Lube Oil system components.
 19. Activities and/or emission sources regulated by the Nuclear Regulatory Commission pursuant to the Atomic Energy Act.

Appendix I-1, List of Insignificant Emissions Units and Activities

Insignificant Activities

Reactor Power Operation	Refueling Water Tank	Pressurizer
Fuel Pool Cooling	Reactor Drain Tank	Letdown Heat Exchanger
Safety Injection Tanks	RCP Seal Injection	Reactor Refueling
Misc. Primary System Cooling	Contaminant Cleanup	Laundry Drain Tank
Contaminant Purge	Equipment Drain Tank	Plant Vent
Waste Hold-up Tanks	PCP Oil Collection Tank	Waste Ion Exchange and Filters
Volume Control Tank	Spent Resin Tank	Hol-up Tanks
Surge Tank	Primary Water Tank/Degas	Gas Decay Tanks
Boric Acid Storage Tank	Control Room kitchen vents	Aux Building Exhaust
Control Room Toilet Vents	Chemical Add Tank	Lead Acid Battery Room Vents
High Pressure Safety Injection	Health Physics Office Vent	Low Pressure Safety Injection
Laundry Rooms Vents	Containment Spray	Resin Transfer Operations
Chemical Hot Labs	RCS Sample System	PASS Sample System
Demineralizer Water Tank	Fuel Pool	Chemistry/HP Counting Rooms
Fuel Building Exhaust	Diesel Oil Storage Tanks	Dry Storage Warehouse
Offices/ computer rooms	Electrical Generator CO ₂	Electrical Generator H ₂
Turbine Switch Gear	Transformer Cooling Fans	Transformer Maintenance
Atmospheric Dumps	Safety Relief Valves	Auxiliary Steam
Steam Jet Air Ejector	Water Box Priming	Gland Steam Recovery Tank
Condensate Polisher	Chemical Addition Tanks	Wet Lay-up System and Tank
System Generator Blowdown	Chemistry Cold Lab	Chemistry Operations Offices
Chemistry Store Room	Turbine Lube Oil Tank	Oily Water Separators
Satellite Accumulation Drum	Used Oil Collection	Screen Wash Collection Pit
Raw Water Storage Tank	Resin and Charcoal Vessels	Neutralization Basin
Neutralization Tank	Sulfuric Acid Tank	Sodium Hydroxide Tanks
Brine Heating Tank	Degasifier	AC Shop Vents
Equipment	Gas house	Nitrogen Dewar / Trailer
Hydrogen tube Trailer	Hydrolazing	Pesticide Application
Lawn Maintenance	Open Material Stockpiles	Storm Basins
Temporary Trailer Offices	Port-a-johns	Feed Pump Seal Leakoff/Tank
Ranger Hut Vents	Machine Stop Vents	Sewage Plant gases
Sludge Tankers	Maintenance Building Vents	Covered Work Area Vents
Cafeteria Vents	ANPO Vents	Fire House Materials
Break Area Vents	Carpenter Shop/Office Vents	Weld Test Shop Vents
Speakout Vents	HP Support Office Vents	Shop Vents
Backfit QC Building Vents	Paint Building Vents	Oil Storage Building Vents
Switchyard Transformer Vents	Fitness Center Vents	Picnic Pavillion Vents
Gun Range	Day Care Center Vents	'Slime Sucker' pumps @ L.U.

Insignificant Activities Cont.

Operations Support Center Vents
Backfit Maintenance Building Vents
Security Building Vents
Radioactive Source Building Vents
Haz Waste Storage Building Vents
Liquid Radwaste Monitoring Tanks
Waste Gas Compressors

Lube Oil Vapor Extractor System
Turbine Cooling Water System
Steam Generator Wet Lay-up
Water Treatment Plant control building
Use of spray cans and solvents for routine Maintenance

Warehouse offices Vents
Steam Generator Sludge Lancing
HP/FFD/Site Med/Sec Office Vents
Nuclear Administration Building Vents
Aerosol Can Puncturing
Boric Acid Make-up Tanks
CVCS Ion Exchange and Filters
DEH System Reservoir
Excitor Cooling System
Flammable Liquid Storage Cabinets
Condenser Storage Tank and Degasifier

Appendix U-1, List of Unregulated Emissions Units and Activities

Florida Power & Light Company

FINAL Permit No.: 0250003-004-AV

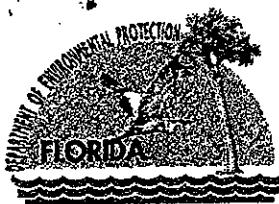
Turkey Point Nuclear Station

Unregulated Emissions Units and Activities. An emissions unit which emits no "emissions-limited pollutant" and which is subject to no unit-specific work practice standard, though it may be subject to regulations applied on a facility-wide basis (e.g., unconfined emissions, odor, general opacity) or to regulations that require only that it be able to prove exemption from unit-specific emissions or work practice standards.

The emissions units and activities listed below are neither 'regulated emissions units' nor 'insignificant emissions units'.

<u>E.U. ID No.</u>	<u>Brief Description of Emissions Unit and Activity</u>
008	Lube oil vapor extractor system
	Turbine lube oil tank
	Sulfuric Acid Tank
	Open material stockpiles
	Wastewater treatment plant gases
	Paint building vents
	Hazardous waste storage building vents
	Aerosol can puncturing
	Miscellaneous Diesel Driven Pumps
	Slime Sucker pumps
	Chemical add tanks
	Gun Range
	70,000 gallon No. 2 light oil tank
	40,400 gallon No. 2 light oil tank
	4,000 gallon unleaded fuel tank
	(4) 2,000 gallon diesel fuel storage tanks
	(2) 4,000 gallon diesel oil storage tanks
	200 gallon unleaded fuel tank
	Unleaded gasoline dispensing facilities with monthly throughput of less than 2,000 gallons
	Fugitive emissions, Particulate matter and VOC's

Appendix D: NPDES Permit FL0001562-004-IW1N



Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Colleen M. Castille
Secretary

In the Matter of an
Application for Permit by:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Turkey Point Power Plant
9760 S.W. 344 Street
Florida City, FL 34428

DEP File # FL0001562-004-IWIN/NR
Miami-Dade County
Florida Power & Light Company

Attention: Mr. Terry O. Jones

NOTICE OF PERMIT

Enclosed is Permit Number FL0001562, issued under Section 403.0885, Florida Statutes and DEP Chapter 62-620, Florida Administrative Code, authorizing renewal of a "No Discharge" NPDES permit for internal discharge to an onsite closed-loop recirculating cooling canal system at the Turkey Point Power Plant located at 9670 S.W. 344 Street, Florida City, Miami-Dade County, Florida.

Any party to this order (permit) has the right to seek judicial review of the permit under section 120.68 of the Florida Statutes, by the filing of a Notice of Appeal under rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the Department of Environmental Protection, 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 of appeal must be filed within thirty days after this notice is filed with the Clerk of the Department.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Mimi Drew
Director
Division of Water Resource Management
2600 Blair Stone Road
Tallahassee, FL 32399-2400
(850) 245-8336

More Protection Less Process

FPL
Turkey Point Power Plant
Permit Number FL0001562

Page 2

FILING AND ACKNOWLEDGMENT

FILED, on this date, under Section 120.52, Florida Statutes, with the designated deputy clerk, receipt of which is hereby acknowledged.

C. Shields 15-13-05
Clerk Date

Copies furnished to:

Roosevelt Childress, EPA
Chairman, Miami-Dade County Board of Commissioners
Tim Powell, P.E., DEP SED, West Palm Beach
Buck Oven, P.E., DEP Tallahassee
Betsy Hewitt, DEP Tallahassee (w/o enclosure)

SECOND AMENDMENT TO THE FACT SHEET

DATE: January 28, 2004

PERMIT NUMBER: FL0001562

PERMITTEE: Florida Power & Light Company
Turkey Point Power Plant

The following minor corrections have been made to the proposed permit. None of these corrections alter any of the discharge limitations monitoring requirements in the permit.

1. Permittee Comments

The Permittee requested the following minor corrections to the permit

Typographical errors in the Draft Permit: The Applicant pointed out several typographical errors by the Department which are not listed in the items below. The Department has corrected these errors, which were non-substantive and did not affect any permit limitations or monitoring requirements.

Condition I.A.6.&7. The Permittee pointed out that that previous permits did not include these conditions, which refer to floating foam and visible sheen on surface waters of the state due to discharge of wastewater. The Permittee noted that the conditions are not appropriate because the facility does not discharge to surface waters. The Department concurs, and notes that it included the conditions in error. The conditions have been deleted from the final permit

**STATE OF FLORIDA
INDUSTRIAL WASTEWATER FACILITY PERMIT**

PERMITTEE:

Florida Power & Light Company
9760 S.W. 344 Street
Florida City, FL 33035

PERMIT NUMBER:

FL0001562 (Major)

PA FILE NUMBER:

FL0001562-004-IW1N

ISSUANCE DATE:

May 6, 2005

EXPIRATION DATE:

May 5, 2010

RESPONSIBLE AUTHORITY:

Mr. Terry O. Jones
Vice President

FACILITY:

FPL Turkey Point Power Plant
9760 S.W. 344 Street
Florida City, FL 33035
Dade County

Latitude: See Note Below Longitude: See Note Below

Note: Latitude and longitude are not shown at Permittee's request, for purposes of Homeland Security pursuant to federal regulations found at 18 CFR 388.113(c)(i) and (ii) and by Presidential Directive dated December 17, 2003.

This permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.) and applicable rules of the Florida Administrative Code (F.A.C.), and constitutes authorization to discharge to waters of the state under the National Pollutant Discharge Elimination System (NPDES). The above named permittee is hereby authorized to operate the facilities shown on the application and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

The facility consists of four steam-electric generating units: Two fossil fuel oil-fired units (Units 1&2) and two nuclear units (Units 3&4). Units 1&2 each have a continuous generating capability of 404 megawatts (MW), and Units 3&4 each have a continuous generating capability of 693 MW.

WASTEWATER TREATMENT:

Wastewater from the Turkey Point facility consists of a non-contact once-through condenser cooling water (OTCW), auxiliary equipment cooling water (AECW), low-volume waste (LVW), and stormwater. LVW consists of chemical treatment system wastewater, boiler blowdown, reverse osmosis concentrate, condensate polishing system backwash water, and other process wastestreams. Stormwater includes stormwater associated with industrial activity and stormwater not associated with industrial activity.

OTCW and AECW discharge to the facility's approximately 6,700 acre onsite closed loop cooling canal system. LVW, equipment area stormwater, and non-equipment area stormwater/drainage discharge either directly to the onsite closed loop cooling canal system or indirectly to the same system via solids settling basins and/or neutralization basin. The cooling canal system is not lined, and therefore, discharges to Class G-III groundwater. The cooling canal system does not discharge to surface waters of the state.

PERMITTEE:

Florida Power & Light Company
9760 S.W. 344 Street
Florida City, FL 33035

PERMIT NUMBER: FL0001562

Issuance date: May 6, 2005
Expiration date: May 5, 2010

EFFLUENT DISPOSAL:

Surface Water Discharge:

This permit does not authorize discharge to surface waters of the state.

Internal Outfalls:

This permit authorizes discharge from existing internal outfalls I-001 and I-002 to the facility's onsite closed loop cooling canal system.

Groundwater Discharge

This permit authorizes an existing discharge from the onsite closed loop cooling canal system to the surficial aquifer which is a Class G-III groundwater.

IN ACCORDANCE WITH: The limitations, monitoring requirements and other conditions as set forth in Part I through Part VIII on pages 3 through 14 of this permit.

PERMITTEE:

Florida Power & Light Company
9760 S.W. 344 Street
Florida City, FL 33035

PERMIT NUMBER: FL0001562

Issuance date: May 6, 2005
Expiration date: May 5, 2010

I. Effluent Limitations and Monitoring Requirements

A. Surface Water Discharges

1. This permit does not authorize discharge to surface waters of the state
2. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge non process wastewater consisting of non-contact once-through condenser cooling water (OTCW), non-contact auxiliary equipment cooling water (AECW), and other wastestreams (as indicated in the permit renewal application) from Internal Outfall I-001 to the onsite feeder canal within the facility's onsite closed loop cooling canal system. Such discharge shall be limited and monitored by the permittee as specified below:

Parameters (units)	Discharge Limitations			Monitoring Requirements		
	Maximum Daily Average	Daily Maximum	Daily Minimum	Monitoring Frequency	Sample Type	Sample Point
Temperature (F), Water (DEG.F)	--	Report	--	Monthly	Instantaneous	OUI-1
Solids, Total Suspended (MG/L)	--	Report	--	Quarterly	Grab	OUI-1
pH (SU)	--	Report	Report	Quarterly	Grab	OUI-1
Salinity (PPT)	--	Report	--	Quarterly	Grab	OUI-1
Specific Conductance (UMHO/CM)	--	Report	--	Quarterly	Grab	OUI-1
Copper, Total Recoverable (UG/L)	--	Report	--	Semiannually	Grab	OUI-1
Iron, Total Recoverable (MG/L)	--	Report	--	Semiannually	Grab	OUI-1
Zinc, Total Recoverable (UG/L)	--	Report	--	Semiannually	Grab	OUI-1

3. Effluent samples shall be taken at the monitoring site locations listed in permit condition I.A.2. and as described below:

Sample Point	Description of Monitoring Location
OUI-1	Cooling water discharge prior to entering the feeder canal within the closed loop cooling canal system

PERMITTEE:

Florida Power & Light Company
9760 S.W. 344 Street
Florida City, FL 33035

PERMIT NUMBER: FL0001562

Issuance date: May 6, 2005
Expiration date: May 5, 2010

4. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge process wastewater and stormwater from Internal Outfall I-002 into the facility's onsite closed loop cooling canal system. Such discharge shall be limited and monitored by the permittee as specified below:

Parameters (units)	Discharge Limitations			Monitoring Requirements		
	Monthly Average	Daily Maximum	Daily Minimum	Monitoring Frequency	Sample Type	Sample Point
Solids, Total Suspended (MG/L)	--	Report	--	Semiannually	Grab	OUI-2
PH (SU)	--	Report	Report	Monthly	Grab	OUI-2
Specific Conductance (UMHO/CM)	--	Report	--	Quarterly	Grab	OUI-2
Lead, Total Recoverable (UG/L)	--	Report	--	Semiannually	Grab	OUI-2
Oil and Grease (MG/L)	--	Report	--	Semiannually	Grab	OUI-2
Copper, Total Recoverable (UG/L)	--	Report	--	Semiannually	Grab	OUI-2
Zinc, Total Recoverable (UG/L)	--	Report	--	Semiannually	Grab	OUI-2

5. Effluent samples shall be taken at the monitoring site locations listed in permit condition I A 4. and as described below:

Sample Point	Description of Monitoring Location
OUI-2	discharge from the two solids settling basins or neutralization basin prior to mixing with water in the closed loop cooling canal system

B. Underground Injection Control Systems

1. This section is not applicable to this permit. Discharge by underground injection is regulated under permit UC-13-277655.

C. Land Application Systems

1. This section is not applicable to this facility.

D. Other Methods of Disposal or Recycling

1. There shall be no discharge of industrial wastewater from this facility to ground or surface waters, except as authorized by this permit.

E. Other Limitations and Monitoring and Reporting Requirements

1. Monitoring requirements under this permit are effective on the first day of the second month following permit issuance. Until such time, the permittee shall continue to monitor and report in accordance with previously effective permit requirements, if any. During the period of operation authorized by this permit, the permittee shall complete and submit to the Southeast District Office Discharge Monitoring Reports (DMRs) in accordance

PERMITTEE:

Florida Power & Light Company
9760 S.W. 344 Street
Florida City, FL 33035

PERMIT NUMBER: FL0001562

Issuance date: May 6, 2005
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with the frequencies specified by the REPORT type (i.e., monthly, toxicity, quarterly, semiannual, annual, etc.) indicated on the DMR forms attached to this permit. Monitoring results for each monitoring period shall be submitted in accordance with the associated DMR due dates below.

REPORT Type on DMR	Monitoring Period	DMR Due Date
Monthly or Toxicity	first day of month – last day of month	28 th day of following month
Quarterly	January 1 - March 31	April 28
	April 1 - June 30	July 28
	July 1 - September 30	October 28
	October 1 - December 31	January 28
Semiannual	January 1 - June 30	July 28
	July 1 - December 31	January 28
Annual	January 1 - December 31	January 28

DMRs shall be submitted for each required monitoring period including months of no discharge.

The permittee shall make copies of the attached DMR form(s) and shall submit the completed DMR form(s) to the Department's Southeast District Office at the address specified in Permit Condition IE 2.

2. Unless specified otherwise in this permit, all reports and notifications required by this permit, including twenty-four hour notifications, shall be submitted to or reported to the Southeast District Office at the address specified below:

Southeast District Office
400 North Congress, Suite 200
West Palm Beach, FL 33401-3303
Phone Number - (561) 681-6702

3. All reports and other information shall be signed in accordance with requirements of Rule 62-620 305, F.A.C.
4. The permittee shall provide safe access points for obtaining representative samples which are required by this permit.
5. If there is no discharge from the facility on a day scheduled for sampling, the sample shall be collected on the day of the next discharge
6. Bypasses subject to General Conditions VIII.20 and VIII.22 shall be monitored or estimated daily, or as approved by the Department for flow and other parameters required for the specific outfall that is bypassed. Monitoring results shall be reported to the Department.
7. There shall be no discharge of polychlorinated biphenyl compounds such as those commonly used for transformer fluid.
8. This permit authorizes the use of the following biocides, or their generic equivalents, in various closed cooling water systems without limitations or monitoring; NALCO 7338, NALCO 7330, NALCO 7348, BUL AB 6001/6002, BETZ POWERLINE 3610. The Permittee shall notify the Department if there is a discharge of any of these products into the closed cycle cooling canal system in other than de-minimus amounts which contain concentrations of active ingredients above the MDLs for those ingredients.

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- 9 A permit revision from the Department shall be required prior to the use of any biocide or chemical additive, which may be toxic to aquatic life, (except as authorized elsewhere in this permit) in the cooling water system or any other portion of the industrial wastewater system. The permit revision request shall include:

- a. Name and general composition of biocide or chemical
- b. Frequencies of use
- c. Quantities to be used
- d. Proposed effluent concentrations
- e. Acute and/or chronic toxicity data (laboratory reports shall be prepared according to Section 12 of EPA document no. EPA/600/4-90/027 entitled, Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters for Freshwater and Marine Organisms, or most current addition.)
- f. Product data sheet
- g. Product label

The Department shall review the above information to determine if a major or minor permit revision is necessary. Discharge associated with the use of such biocide or chemical is not authorized without prior authorization by the Department. Permit revisions shall be processed in accordance with the requirements of Chapter 62-620, F.A.C.

10. Discharge of any product registered under the Federal Insecticide, Fungicide, and Rodenticide Act to any waste stream which ultimately may be released to waters of the State is prohibited unless specifically authorized elsewhere in this permit. This requirement is not applicable to products used for lawn and agricultural purposes or to the use of herbicides if used in accordance with labeled instructions and any applicable State permit.

11. Hydrazine and Monoethanolamine (ETA) Monitoring Requirements

- a) Discharge of hydrazine, carbohydrazide, dimethylamine, and monoethanolamine (ETA) in the boiler or steam generator blowdown is authorized without limitation or monitoring requirements.
- b) Hydrazine from plant layup water during overhauls and/or refueling outages shall be measured at the outlet from the unit being serviced. Sampling shall be once per day of discharge by grab sample at the maximum expected concentration. Results of sampling will be submitted to the Department upon request. To determine the hydrazine concentration being discharged to the cooling canal system, the following equation shall be used:

$$\frac{(B/S) \text{ Blowdown Flow} \times (B/S) \text{ Hydrazine Concentration}}{\text{Once-through Cooling Water Flow}} = \text{Hydrazine concentration at the closed cycle cooling canal system}$$

Where (B/S) refers to boiler or steam generator

In the event that any value exceeds 3.4 mg/l, the permittee shall immediately modify its release pattern and resample. The Department's Southeast District office will be notified of the situation within five days.

12. Molybdate, Tolytriazole, and Nitrite Discharge Requirements

The discharge of molybdate, tolytriazole, and nitrite to the closed cycle recirculating cooling canal system during maintenance of the auxiliary closed water system is allowed without limitations and monitoring requirements.

13. Non-discharging/Closed Loop Vehicle Wash Recycle System Requirements

- a) No discharge of recycle system wastewater, including filter backwash water, is authorized to surface water or to ground water

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- b) The rainwater diversion system shall be operated in accordance with the facility's Best Management Practice Procedure as indicated on amended drawing No. 297-036, Alternate No. 6, signed and sealed 4/23/99.
 - c) A placard shall be conspicuously posted in the area of the non-discharging/closed loop recycle equipment which indicates the proper operation of the rainwater diversion system i.e. TRUCK WASH RAINWATER VALVE OPERATING PROCEDURE as indicated on amended drawing No. 297-036 Alternate No. 6, signed and sealed 4/23/99.
 - d) Spent process wastewater shall be disposed of at a Department permitted wastewater treatment facility which is capable of treating the wastewater
 - e) Any oil collected from the oil/water separator shall be disposed by a licensed used oil recycler in accordance with Florida Administrative Code 62-710 or otherwise recycled on site through Department approved methods and procedures.
 - f) Any accidental discharge to ground water or surface water shall be reported to the Southeast District office.
14. Notwithstanding any other requirements of this "No Discharge" permit, the permittee shall comply with all applicable provisions of the Final Judgement dated September 10, 1971, in Civil Action Number 70-328-CA issued by the U.S. District Judge C. Clyde Atkins of the Southern District of Florida.

II. Industrial Sludge Management Requirements

A. Basic Management Requirements

- 1. Sludge or other solids generated from the facility shall be reused, reclaimed, or otherwise disposed of in accordance with the requirements of Chapter 62-701, F.A.C.
- 2. The permittee shall keep records at the facility of the amount of sludge or residuals disposed, transported, or incinerated. If a person other than the permittee is responsible for sludge transporting, disposal, or incineration, the permittee shall also keep the following records:
 - a. name, address and telephone number of any transporter, and any manifests or bill of lading used;
 - b. name and location of the site of disposal, treatment or incineration;
 - c. name, address, and telephone number of the entity responsible for the disposal, treatment, or incineration site

III. Ground Water Monitoring Requirements

- 1. This section is not applicable to this facility.

IV. Other Land Application Requirements

- 1. The Permittee's discharge to ground water shall not cause a violation of the minimum criteria for ground water specified in Rule 62-520.400, F.A.C. and 62-520.430, F.A.C.

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V. Operation and Maintenance Requirements

A. Operation of Treatment and Disposal Facilities

1. The permittee shall ensure that the operation of this facility is as described in the application and supporting documents.
2. The operation of the pollution control facilities described in this permit shall be under the supervision of a person who is qualified by formal training and/or practical experience in the field of water pollution control.

B. Record keeping Requirements:

1. The permittee shall maintain the following records on the site of the permitted facility and make them available for inspection:
 - a. Records of all compliance monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, including, if applicable, a copy of the laboratory certification showing the certification number of the laboratory, for at least three years from the date the sample or measurement was taken;
 - b. Copies of all reports, other than those required in items a. and f. of this section, required by the permit for at least three years from the date the report was prepared, unless otherwise specified by Department rule;
 - c. Records of all data, including reports and documents used to complete the application for the permit for at least three years from the date the application was filed, unless otherwise specified by Department rule;
 - d. A copy of the current permit;
 - e. A copy of any required record drawings;
 - f. Copies of the logs and schedules showing plant operations and equipment maintenance for three years from the date on the logs or schedule.

VI. Schedules

1. The permittee shall achieve compliance with the other conditions of this permit as follows:

Operational level attained	Issuance Date of permit
----------------------------	-------------------------

2. No later than 14 calendar days following a date identified in the above schedule(s) of compliance, the permittee shall submit either a report of progress or, in the case of specific actions being required by an identified date, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

VII. Other Specific Conditions

A. Specific Conditions Applicable to All Permits

1. Drawings, plans, documents or specifications submitted by the permittee, not attached hereto, but retained on file at the Southeast District Office, are made a part hereof.

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2. Where required by Chapter 471 (P.E.) or Chapter 492 (P.G.) Florida Statutes, applicable portions of reports to be submitted under this permit, shall be signed and sealed by the professional(s) who prepared them.
3. This permit satisfies Industrial Wastewater program permitting requirements only and does not authorize operation of this facility prior to obtaining any other permits required by local, state or federal agencies.

B. Specific Conditions Related to Construction

1. This section is not applicable to this facility.

C. Duty to Reapply

1. The permittee shall submit an application to renew this permit at least 180 days before the expiration date of this permit.
2. The permittee shall apply for renewal of this permit on the appropriate form listed in Rule 62-620.910, F.A.C., and in the manner established in Chapter 62-620, F.A.C., and the Department of Environmental Protection Guide to Wastewater Permitting including submittal of the appropriate processing fee set forth in Rule 62-4.050, F.A.C.
3. An application filed in accordance with subsections 1. and 2. of this part shall be considered timely and sufficient. When an application for renewal of a permit is timely and sufficient, the existing permit shall not expire until the Department has taken final action on the application for renewal or until the last day for seeking judicial review of the agency order or a later date fixed by order of the reviewing court.
4. The late submittal of a renewal application shall be considered timely and sufficient for the purpose of extending the effectiveness of the expiring permit only if it is submitted and made complete before the expiration date.

D. Specific Conditions Related to Existing Manufacturing, Commercial, Mining, and Silviculture Wastewater Facilities or Activities

1. Existing manufacturing, commercial, mining, and silvicultural wastewater facilities or activities that discharge into surface waters shall notify the Department as soon as they know or have reason to believe:
 - a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following levels
 - (1) One hundred micrograms per liter,
 - (2) Two hundred micrograms per liter for acrolein and acrylonitrile; five hundred micrograms per liter for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter for antimony, or
 - (3) Five times the maximum concentration value reported for that pollutant in the permit application.
 - b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following levels
 - (1) Five hundred micrograms per liter,
 - (2) One milligram per liter for antimony, or
 - (3) Ten times the maximum concentration value reported for that pollutant in the permit application.

E. Reopener Clause

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1. The permit shall be revised, or alternatively, revoked and reissued in accordance with the provisions contained in Rules 62-620.325 and 62-620.345 F.A.C., if applicable, or to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2) and 307(a)(2) of the Clean Water Act (the Act), as amended, if the effluent standards, limitations, or water quality standards so issued or approved:
 - a Contains different conditions or is otherwise more stringent than any condition in the permit/or;
 - b Controls any pollutant not addressed in the permit.

The permit as revised or reissued under this paragraph shall contain any other requirements then applicable.

2. The permit may be reopened to adjust effluent limitations or monitoring requirements should future Water Quality Based Effluent Limitation determinations, water quality studies, DEP approved changes in water quality standards, or other information show a need for a different limitation or monitoring requirement.
3. The Department may develop a Total Maximum Daily Load (TMDL) during the life of the permit. Once a TMDL has been established and adopted by rule, the Department shall revise this permit to incorporate the final findings of the TMDL.

VIII. General Conditions

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit are binding and enforceable pursuant to Chapter 403, F.S. Any permit noncompliance constitutes a violation of Chapter 403, F.S., and is grounds for enforcement action, permit termination, permit revocation and reissuance, or permit revision. [62-620.610(1), F.A.C.]
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 constitutes grounds for revocation and enforcement action by the Department. [62-620.610(2), F.A.C.]
3. As provided in Subsection 403.087(6), F.S., the issuance of this permit 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 authorize any infringements of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit or authorization that may be required for other aspects of the total project which are not addressed in this permit [62-620.610(3), F.A.C.]
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. [62-620.610(4), F.A.C.]
5. This permit does not relieve the permittee from liability and penalties 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; 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. The permittee shall take all reasonable steps to minimize or prevent any discharge, reuse of reclaimed water, or residuals use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. It shall not be

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- a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [62-620.610(5), F.A.C.]
6. If the permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee shall apply for and obtain a new permit. [62-620.610(6), F.A.C.]
 7. The permittee shall at all times properly operate and maintain the facility and systems of treatment and control, and related appurtenances, that are installed and used by the permittee to achieve compliance with the conditions of this permit. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to maintain or achieve compliance with the conditions of the permit. [62-620.610(7), F.A.C.]
 8. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. [62-620.610(8), F.A.C.]
 9. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, including an authorized representative of the Department and authorized EPA personnel, when applicable, upon presentation of credentials or other documents as may be required by law, and at reasonable times, depending upon the nature of the concern being investigated, to
 - a. Enter upon the permittee's premises where a regulated facility, system, or activity is located or conducted, or where records shall be kept under the conditions of this permit;
 - b. Have access to and copy any records that shall be kept under the conditions of this permit;
 - c. Inspect the facilities, equipment, practices, or operations regulated or required under this permit; and
 - d. Sample or monitor any substances or parameters at any location necessary to assure compliance with this permit or Department rules.[62-620.610(9), F.A.C.]
 10. 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 as such use is proscribed by Section 403.111, Florida Statutes, or Rule 62-620.302, F.A.C. Such evidence shall only be used to the extent that it is consistent with the Florida Rules of Civil Procedure and applicable evidentiary rules. [62-620.610(10), F.A.C.]
 11. When requested by the Department, the permittee shall within a reasonable time provide any information required by law which is needed to determine whether there is cause for revising, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also provide to the Department upon request copies of records required by this permit to be kept. If the permittee becomes aware of relevant facts that were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be promptly submitted or corrections promptly reported to the Department. [62-620.610(11), F.A.C.]
 12. Unless specifically stated otherwise in Department rules, the permittee, in accepting this permit, 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. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard. [62-620.610(12), F.A.C.]
 13. The permittee, in accepting this permit, agrees to pay the applicable regulatory program and surveillance fee in accordance with Rule 62-4.052, F.A.C. [62-620.610(13), F.A.C.]

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14. This permit is transferable only upon Department approval in accordance with Rule 62-620.340, F.A.C. The permittee shall be liable for any noncompliance of the permitted activity until the Department approves the transfer. [62-620.610(14), F.A.C.]
15. The permittee shall give the Department written notice at least 60 days before inactivation or abandonment of a wastewater facility and shall specify what steps will be taken to safeguard public health and safety during and following inactivation or abandonment. [62-620.610(15), F.A.C.]
16. The permittee shall apply for a revision to the Department permit in accordance with Rule 62-620.300, F.A.C., and the Department of Environmental Protection Guide to Wastewater Permitting at least 90 days before construction of any planned substantial modifications to the permitted facility is to commence or with Rule 62-620.325(2), F.A.C., for minor modifications to the permitted facility. A revised permit shall be obtained before construction begins except as provided in Rule 62-620.300, F.A.C. [62-620.610(16), F.A.C.]
17. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. The permittee shall be responsible for any and all damages which may result from the changes and may be subject to enforcement action by the Department for penalties or revocation of this permit. The notice shall include the following information:
 - a. A description of the anticipated noncompliance;
 - b. The period of the anticipated noncompliance, including dates and times; and
 - c. Steps being taken to prevent future occurrence of the noncompliance[62-620.610(17), F.A.C.]
18. Sampling and monitoring data shall be collected and analyzed in accordance with Rule 62-4.246, Chapters 62-160 and 62-601, F.A.C., and 40 CFR 136, as appropriate.
 - a. Monitoring results shall be reported at the intervals specified elsewhere in this permit and shall be reported on a Discharge Monitoring Report (DMR), DEP Form 62-620.910(10)
 - b. If the permittee monitors any contaminate more frequently than required by the permit, using Department approved test procedures, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
 - c. Calculations for all limitations which require averaging of measurements shall use an arithmetic mean unless otherwise specified in this permit.
 - d. Any laboratory test required by this permit shall be performed by a laboratory that has been certified by the Department of Health (DOH) under Chapter 64E-1, F.A.C., where such certification is required by Rule 62-160.300(4), F.A.C. The laboratory must be certified for any specific method and analyte combination that is used to comply with this permit. For domestic wastewater facilities, the on-site test procedures specified in Rule 62-160.300(4), F.A.C., shall be performed by a laboratory certified test for those parameters or under the direction of an operator certified under Chapter 62-602, F.A.C.
 - e. Fields activities including on-site tests and sample collection, whether performed by a laboratory or a certified operator, must follow the applicable procedures described in DEP-SOP-001/01 (January 2002). Alternate field procedures and laboratory methods may be used where they have been approved according to the requirements of Rules 62-160.220, 62-160.330, and 62-160.600, F.A.C. [62-620.610(18), F.A.C.]
19. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule detailed elsewhere in this permit shall be submitted no later than 14 days following each schedule date. [62-620.610(19), F.A.C.]
20. The permittee shall report to the Department's Southeast District Office any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of

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

a. The following shall be included as information which must be reported within 24 hours under this condition:

- (1) Any unanticipated bypass which causes any reclaimed water or effluent to exceed any permit limitation or results in an unpermitted discharge,
- (2) Any upset which causes any reclaimed water or the effluent to exceed any limitation in the permit,
- (3) Violation of a maximum daily discharge limitation for any of the pollutants specifically listed in the permit for such notice, and
- (4) Any unauthorized discharge to surface or ground waters.

b. Oral reports as required by this subsection shall be provided as follows:

- (1) For unauthorized releases or spills of untreated or treated wastewater reported pursuant to subparagraph a.4 that are in excess of 1,000 gallons per incident, or where information indicates that public health or the environment will be endangered, oral reports shall be provided to the Department by calling the STATE WARNING POINT TOLL FREE NUMBER (800) 320-0519, as soon as practical, but no later than 24 hours from the time the permittee becomes aware of the discharge. The permittee, to the extent known, shall provide the following information to the State Warning Point:
 - (a) Name, address, and telephone number of person reporting;
 - (b) Name, address, and telephone number of permittee or responsible person for the discharge;
 - (c) Date and time of the discharge and status of discharge (ongoing or ceased);
 - (d) Characteristics of the wastewater spilled or released (untreated or treated, industrial or domestic wastewater);
 - (e) Estimated amount of the discharge;
 - (f) Location or address of the discharge;
 - (g) Source and cause of the discharge;
 - (h) Whether the discharge was contained on-site, and cleanup actions taken to date;
 - (i) Description of area affected by the discharge, including name of water body affected, if any; and
 - (j) Other persons or agencies contacted.
- (2) Oral reports, not otherwise required to be provided pursuant to subparagraph b(1) above, shall be provided to Department's Southeast District Office within 24 hours from the time the permittee becomes aware of the circumstances.

c. If the oral report has been received within 24 hours, the noncompliance has been corrected, and the noncompliance did not endanger health or the environment, the Department's Southeast District Office shall waive the written report.

[62-620.610(20), F.A.C.]

21. The permittee shall report all instances of noncompliance not reported under Conditions VIII. 18 and 19 of this permit at the time monitoring reports are submitted. This report shall contain the same information required by Condition VIII. 20. of this permit. [62-620.610(21), F.A.C.]

22. Bypass Provisions.

- a. Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless the permittee affirmatively demonstrates that:
 - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - (3) The permittee submitted notices as required under Condition VIII.22.b. of this permit.

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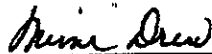
- b. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Department, if possible at least 10 days before the date of the bypass. The permittee shall submit notice of an unanticipated bypass within 24 hours of learning about the bypass as required in Condition VIII.20. of this permit. A notice shall include a description of the bypass and its cause; the period of the bypass, including exact dates and times; if the bypass has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.
- c. The Department shall approve an anticipated bypass, after considering its adverse effect, if the permittee demonstrates that it will meet the three conditions listed in Condition VIII.22 a (1) through (3) of this permit.
- d. A permittee may allow any bypass to occur which does not cause reclaimed water or effluent limitations to be exceeded if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of Condition VIII.22. a. through c. of this permit.
[62-620.610(22), F.A.C.]

23. Upset Provisions

- a. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (2) The permitted facility was at the time being properly operated;
 - (3) The permittee submitted notice of the upset as required in Condition VIII.20. of this permit; and
 - (4) The permittee complied with any remedial measures required under Condition VIII.5. of this permit
- b. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.
- c. Before an enforcement proceeding is instituted, no representation made during the Department review of a claim that noncompliance was caused by an upset is final agency action subject to judicial review
[62-620.610(23), F.A.C.]

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION



Mimi A. Drew
Director, Division of Water Resource Management
2600 Blair Stone Road
Tallahassee, Florida 32399-2400
(850) 245-8592

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

When Completed mail this report to: Department of Environmental Protection, Wastewater Compliance Evaluation Section, MS 3551, 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME: Florida Power & Light Company
MAILING ADDRESS: 9760 S.W. 344 Street
Florida City, FL 33035

PERMIT NUMBER: FL0001562

LIMIT: Final
CLASS SIZE: Major

REPORT: Monthly
GROUP: Industrial

FACILITY: FPL Turkey Point Power Plant
LOCATION: 9760 S.W. 344 Street
Florida City, FL 33035

MONITORING GROUP NUMBER: I-001
MONITORING GROUP DESC: non-contact once through condenser cooling water

COUNTY: Dade

NO DISCHARGE FROM SITE: ☐
MONITORING PERIOD From: _____ To: _____

Parameter		Quantity or Loading	Units	Quality or Concentration	Units	No. Ex.	Frequency of Analysis	Sample Type
Temperature (F), Water	Sample Measurement							
PARM Code 000 F, W, P	Permit Requirement			Report (Day/Max)	DEG/F		Monthly	Instantaneous
Mon. Site No. GUL-1	Sample Measurement							
	Permit Requirement							
	Sample Measurement							
	Permit Requirement							
	Sample Measurement							
	Permit Requirement							
	Sample Measurement							
	Permit Requirement							
	Sample Measurement							
	Permit Requirement							
	Sample Measurement							
	Permit Requirement							
	Sample Measurement							
	Permit Requirement							

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE NO	DATE (YY/MM/DD)

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here):

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

When Completed mail this report to: Department of Environmental Protection, Wastewater Compliance Evaluation Section, MS 3551, 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME: Florida Power & Light Company
MAILING ADDRESS: 9760 S.W. 344 Street
Florida City, FL 33035

PERMIT NUMBER

FL0001562

LIMIT:
CLASS SIZE:

Final
Major

REPORT:
GROUP:

Quarterly
Industrial

FACILITY: FPL Turkey Point Power Plant
LOCATION: 9760 S.W. 344 Street
Florida City, FL 33035

MONITORING GROUP NUMBER: I-001

MONITORING GROUP DESC: non-contact once through condenser cooling water

COUNTY: Dade

NO DISCHARGE FROM SITE: ☐

MONITORING PERIOD From: _____ To: _____

Parameter		Quantity or Loading	Units	Quality or Concentration	Units	No. Ex.	Frequency of Analysis	Sample Type
Solids, Total Suspended	Sample Measurement							
PARM CD# 00330 P Mon. Sta. No. 00101	Permit Requirement			Report (Day/Max)	MG/L		Quarterly	Grab
pH	Sample Measurement							
PARM CD# 00400 P Mon. Sta. No. 00101	Permit Requirement			Report (Day/Min)	SU/L		Quarterly	Grab
Salinity	Sample Measurement							
PARM CD# 00450 P Mon. Sta. No. 00101	Permit Requirement			Report (Day/Max)	PPT		Quarterly	Grab
Specific Conductance	Sample Measurement							
PARM CD# 00505 P Mon. Sta. No. 00101	Permit Requirement			Report (Day/Max)	UMHO/CM		Quarterly	Grab
	Sample Measurement							
	Permit Requirement							
	Sample Measurement							
	Permit Requirement							

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COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here):

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

When Completed mail this report to: Department of Environmental Protection, Wastewater Compliance Evaluation Section, MS 3551, 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME: Florida Power & Light Company
MAILING ADDRESS: 9760 S.W. 344 Street
Florida City, FL 33035

PERMIT NUMBER FL0001562

LIMIT: Final
CLASS SIZE: Major

REPORT: Semiannual
GROUP: Industrial

FACILITY: FPL Turkey Point Power Plant
LOCATION: 9760 S.W. 344 Street
Florida City, FL 33035

MONITORING GROUP NUMBER: I-001
MONITORING GROUP DESC: non-contact once through condenser cooling water

COUNTY: Dade

NO DISCHARGE FROM SITE: ☐
MONITORING PERIOD From: _____ To: _____

Parameter		Quantity or Loading	Units	Quality or Concentration	Units	No. Ex.	Frequency of Analysis	Sample Type
Copper, Total Recoverable	Sample Measurement							
PARM Code 01119 P Mon Site No. 0011	Permit Requirement			Report (Day Max)	UG/L		Semiannually	Grab
Iron, Total Recoverable	Sample Measurement							
PARM Code 01980 P Mon Site No. 0011	Permit Requirement			Report (Day Max)	MG/L		Semiannually	Grab
Zinc, Total Recoverable	Sample Measurement							
PARM Code 01094 P Mon Site No. 0011	Permit Requirement			Report (Day Max)	UG/L		Semiannually	Grab
	Sample Measurement							
	Permit Requirement							
	Sample Measurement							
	Permit Requirement							
	Sample Measurement							
	Permit Requirement							

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COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here):

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

When Completed mail this report to: Department of Environmental Protection, Wastewater Compliance Evaluation Section, MS 3551, 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME: Florida Power & Light Company
MAILING ADDRESS: 9760 S.W. 344 Street
Florida City, FL 33035

PERMIT NUMBER

FL0001562

LIMIT:

Final
Major

REPORT:
GROUP:

Monthly
Industrial

FACILITY: FPL Turkey Point Power Plant
LOCATION: 9760 S.W. 344 Street
Florida City, FL 33035

MONITORING GROUP NUMBER: I-002

MONITORING GROUP DESC: low volume wastewater (LVW) and equipment area stormwater discharged

COUNTY: Dade

NO DISCHARGE FROM SITE: ☐

MONITORING PERIOD From: _____ To: _____

Parameter		Quantity or Loading	Units	Quality or Concentration	Units	No. Ex.	Frequency of Analysis	Sample Type
pH	Sample Measurement							
PARAMETER 00400 - P Mon. Stat. No. 001002	Permit Requirement			Report (Day/Min)	Report (Day/Max)	10	Monthly	Grab
	Sample Measurement							
	Permit Requirement							
	Sample Measurement							
	Permit Requirement							
	Sample Measurement							
	Permit Requirement							
	Sample Measurement							
	Permit Requirement							
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	Sample Measurement							
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	Sample Measurement							
	Permit Requirement							

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COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here):

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

When Completed mail this report to: Department of Environmental Protection, Wastewater Compliance Evaluation Section, MS 3551, 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME: Florida Power & Light Company
MAILING ADDRESS: 9760 S.W. 344 Street
Florida City, FL 33035

PERMIT NUMBER FL0001562

LIMIT: Final
CLASS SIZE: Major

REPORT: Quarterly
GROUP: Industrial

FACILITY: PPL Turkey Point Power Plant
LOCATION: 9760 S.W. 344 Street
Florida City, FL 33035

MONITORING GROUP NUMBER: I-002
MONITORING GROUP DESC: low volume wastewater (LVW) and equipment area stormwater discharged

COUNTY: Dade

NO DISCHARGE FROM SITE: ☐

MONITORING PERIOD From: _____ To: _____

Parameter		Quantity or Loading	Units	Quality or Concentration	Units	No. Ex.	Frequency of Analysis	Sample Type
Specific Conductance	Sample Measurement							
PARM Code 00095 - P Mon. Site No. QUL002	Permit Requirement			Report (Day Max.)	µMHO/cm		Quarterly	Grab
	Sample Measurement							
	Permit Requirement							
	Sample Measurement							
	Permit Requirement							
	Sample Measurement							
	Permit Requirement							
	Sample Measurement							
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	Permit Requirement							
	Sample Measurement							
	Permit Requirement							

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DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

When Completed mail this report to: Department of Environmental Protection, Wastewater Compliance Evaluation Section, MS 3551, 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME: Florida Power & Light Company
MAILING ADDRESS: 9760 S.W. 344 Street
Florida City, FL 33035

PERMIT NUMBER FL0001562

LIMIT: Final
CLASS SIZE: Major

REPORT: Semiannual
GROUP: Industrial

FACILITY: FPL Turkey Point Power Plant
LOCATION: 9760 S.W. 344 Street
Florida City, FL 33035

MONITORING GROUP NUMBER: I-002
MONITORING GROUP DESC: low volume wastewater (LVW) and equipment area stormwater discharged

COUNTY: Dade

NO DISCHARGE FROM SITE: ☐
MONITORING PERIOD From: _____ To: _____

Parameter		Quantity or Loading	Units	Quality or Concentration	Units	No. Ex.	Frequency of Analysis	Sample Type
Solids, Total Suspended	Sample Measurement							
PARM C-001530 - P Mon. Site No. 001-002	Permit Requirement			Report (Day/Max)	MGL		Semiannually	Grab
Lead, Total Recoverable	Sample Measurement							
PARM C-001194 - P Mon. Site No. 001-002	Permit Requirement			Report (Day/Max)	UGL		Semiannually	Grab
Oil and Grease	Sample Measurement							
PARM C-001530 - P Mon. Site No. 001-002	Permit Requirement			Report (Day/Max)	MGL		Semiannually	Grab
Copper, Total Recoverable	Sample Measurement							
PARM C-001195 - P Mon. Site No. 001-002	Permit Requirement			Report (Day/Max)	UGL		Semiannually	Grab
Zinc, Total Recoverable	Sample Measurement							
PARM C-001194 - P Mon. Site No. 001-002	Permit Requirement			Report (Day/Max)	UGL		Semiannually	Grab
	Sample Measurement							
	Permit Requirement							

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COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here):

INSTRUCTIONS FOR COMPLETING THE WASTEWATER DISCHARGE MONITORING REPORT

Read these instructions as well as the SUPPLEMENTAL INSTRUCTIONS FOR COMPLETING THE WASTEWATER DISCHARGE MONITORING REPORT before completing the DMR. Hard copies and/or electronic copies of the required parts of the DMR were provided with the permit. All required information shall be completed in full and typed or printed in ink. A signed, original DMR shall be mailed to the address printed on the DMR by the 28th of the month following the monitoring period. The DMR shall not be submitted before the end of the monitoring period.

The DMR consists of three parts--A, B, and D--all of which may or may not be applicable to every facility. Facilities may have one or more Part A's for reporting effluent or reclaimed water data. All domestic wastewater facilities will have a Part B for reporting daily sample results. Part D is used for reporting ground water monitoring well data.

When results are not available, the following codes should be used on parts A and D of the DMR and an explanation provided where appropriate. Note: Codes used on Part B for raw data are different.

CODE	DESCRIPTION/INSTRUCTIONS
ANC	Analysis not conducted.
DRY	Dry Well
FLD	Flood disaster.
IFS	Insufficient flow for sampling.
LS	Lost sample.
MNR	Monitoring not required this period.

CODE	DESCRIPTION/INSTRUCTIONS
NOD	No discharge from/to site.
OPS	Operations were shutdown so no sample could be taken.
OTH	Other. Please enter an explanation of why monitoring data were not available.
SEF	Sampling equipment failure.

When reporting analytical results that fall below a laboratory's reported method detection limits or practical quantification limits, the following instructions should be used:

1. Results greater than or equal to the PQL shall be reported as the measured quantity.
2. Results less than the PQL and greater than or equal to the MDL shall be reported as the laboratory's MDL value. These values shall be deemed equal to the MDL when necessary to calculate an average for that parameter and when determining compliance with permit limits.
3. Results less than the MDL shall be reported by entering a less than sign ("<") followed by the laboratory's MDL value, e.g. < 0.001. A value of one-half the MDL or one-half the effluent limit, whichever is lower, shall be used for that sample when necessary to calculate an average for that parameter. Values less than the MDL are considered to demonstrate compliance with an effluent limitation.

PART A -DISCHARGE MONITORING REPORT (DMR)

Part A of the DMR is comprised of one or more sections, each having its own header information. Facility information is preprinted in the header as well as the monitoring group number, whether the limits and monitoring requirements are interim or final, and the required submittal frequency (e.g. monthly, annually, quarterly, etc.). Submit Part A based on the required reporting frequency in the header and the instructions shown in the permit. The following should be completed by the permittee or authorized representative:

No Discharge From Site: Check this box if no discharge occurs and, as a result, there are no data or codes to be entered for all of the parameters on the DMR for the entire monitoring group number; however, if the monitoring group includes other monitoring locations (e.g., influent sampling), the "NOD" code should be used to individually denote those parameters for which there was no discharge.

Monitoring Period: Enter the month, day, and year for the first and last day of the monitoring period (i.e. the month, the quarter, the year, etc.) during which the data on this report were collected and analyzed.

Sample Measurement: Before filling in sample measurements in the table, check to see that the data collected correspond to the limit indicated on the DMR (i.e. interim or final) and that the data correspond to the monitoring group number in the header. Enter the data or calculated results for each parameter on this row in the non-shaded area above the limit. Be sure the result being entered corresponds to the appropriate statistical base code (e.g. annual average, monthly average, single sample maximum, etc.) and units.

No. Ex.: Enter the number of sample measurements during the monitoring period that exceeded the permit limit for each parameter in the non-shaded area. If none, enter zero.

Frequency of Analysis: The shaded areas in this column contain the minimum number of times the measurement is required to be made according to the permit. Enter the actual number of times the measurement was made in the space above the shaded area.

Sample Type: The shaded areas in this column contain the type of sample (e.g. grab, composite, continuous) required by the permit. Enter the actual sample type that was taken in the space above the shaded area.

Signature: This report must be signed in accordance with Rule 62-620.305, F.A.C. Type or print the name and title of the signing official. Include the telephone number where the official may be reached in the event there are questions concerning this report. Enter the date when the report is signed.

Comment and Explanation of Any Violations: Use this area to explain any exceedances, any upset or by-pass events, or other items which require explanation. If more space is needed, reference all attachments in this area.

PART B: DAILY SAMPLE RESULTS

Monitoring Period: Enter the month, day, and year for the first and last day of the monitoring period (i.e. the month, the quarter, the year, etc.) during which the data on this report were collected and analyzed.

Daily Monitoring Results: Transfer all analytical data from your facility's laboratory or a contract laboratory's data sheets for all day(s) that samples were collected. Record the data in the units indicated. Table 1 in Chapter 62-160, F.A.C., contains a complete list of all the data qualifier codes that your laboratory may use when reporting analytical results. However, when transferring numerical results onto Part B of the DMR, only the following data qualifier codes should be used and an explanation provided where appropriate.

CODE	DESCRIPTION/INSTRUCTIONS
<	The compound was analyzed for but not detected.
A	Value reported is the mean (average) of two or more determinations.
J	Estimated value, value not accurate.
Q	Sample held beyond the actual holding time.
Y	Laboratory analysis was from an unpreserved or improperly preserved sample.

Add the results to get the Total and divide by the number of days in the month to get the Monthly Average.

Plant Staffing: List the name, certificate number, and class of all state certified operators operating the facility during the monitoring period. Use additional sheets as necessary.

PART D: GROUND WATER MONITORING REPORT

Monitoring Period: Enter the month, day, and year for the first and last day of the monitoring period (i.e. the month, the quarter, the year, etc.) during which the data on this report were collected and analyzed.

Date Sample Obtained: Enter the date the sample was taken. Also, check whether or not the well was purged before sampling.

Time Sample Obtained: Enter the time the sample was taken.

Sample Measurement: Record the results of the analysis. If the result was below the minimum detection limit, indicate that.

Detection Limits: Record the detection limits of the analytical methods used.

Analysis Method: Indicate the analytical method used. Record the method number from Chapter 62-160 or Chapter 62-601, F.A.C., or from other sources.

Sampling Equipment Used: Indicate the procedure used to collect the sample (e.g. airlift, bucket/bailer, centrifugal pump, etc.)

Sample Filtered: Indicate whether the sample obtained was filtered by laboratory (L), filtered in field (F), or unfiltered (N).

Signature: This report must be signed in accordance with Rule 62-620.305, F.A.C. Type or print the name and title of the signing official. Include the telephone number where the official may be reached in the event there are questions concerning this report. Enter the date when the report is signed.

Comments and Explanation: Use this space to make any comments on or explanations of results that are unexpected. If more space is needed, reference all attachments in this area.

SPECIAL INSTRUCTIONS FOR LIMITED WET WEATHER DISCHARGES

Flow (Limited Wet Weather Discharge): Enter the measured average flow rate during the period of discharge or divide gallons discharged by duration of discharge (converted into days). Record in million gallons per day (MGD).

Flow (Upstream): Enter the average flow rate in the receiving stream upstream from the point of discharge for the period of discharge. The average flow rate can be calculated based on two measurements; one made at the start and one made at the end of the discharge period. Measurements are to be made at the upstream gauging station described in the permit.

Actual Stream Dilution Ratio: To calculate the Actual Stream Dilution Ratio, divide the average upstream flow rate by the average discharge flow rate. Enter the Actual Stream Dilution Ratio accurate to the nearest 0.1.

No. of Days the SDF > Stream Dilution Ratio: For each day of discharge, compare the minimum Stream Dilution Factor (SDF) from the permit to the calculated Stream Dilution Ratio. On Part B of the DMR, enter an asterisk (*) if the SDF is greater than the Stream Dilution Ratio on any day of discharge. On Part A of the DMR, add up the days with an "*" and record the total number of days the Stream Dilution Factor was greater than the Stream Dilution Ratio.

CBOD: Enter the average CBOD of the reclaimed water discharged during the period shown in duration of discharge.

TKN: Enter the average TKN of the reclaimed water discharged during the period shown in duration of discharge.

Actual Rainfall: Enter the actual rainfall for each day on Part B. Enter the actual cumulative rainfall to date for this calendar year and the actual total monthly rainfall on Part A. The cumulative rainfall to date for this calendar year is the total amount of rain, in inches, that has been recorded since January 1 of the current year through the month for which this DMR contains data.

Rainfall During Average Rainfall Year: On Part A, enter the total monthly rainfall during the average rainfall year and the cumulative rainfall for the average rainfall year. The cumulative rainfall for the average rainfall year is the amount of rain, in inches, which fell during the average rainfall year from January through the month for which this DMR contains data.

No. of Days LWWD Activated During Calendar Year: Enter the cumulative number of days that the limited wet weather discharge was activated since January 1 of the current year.

Reason for Discharge: Attach to the DMR a brief explanation of the factors contributing to the need to activate the limited wet weather discharge.

Appendix I: Draft Conditions of Certification

Appendix II-1: Public Service Commission Determination of Need

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for determination of need for expansion of Turkey Point and St. Lucie nuclear power plants, for exemption from Bid Rule 25-22.082, F.A.C., and for cost recovery through the Commission's Nuclear Power Plant Cost Recovery Rule, Rule 25-6.0423, F.A.C.

DOCKET NO. 070602-EI
ORDER NO. PSC-08-0021-FOF-EI
ISSUED: January 7, 2008

The following Commissioners participated in the disposition of this matter:

LISA POLAK EDGAR, Chairman
MATTHEW M. CARTER II
KATRINA J. McMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP

APPEARANCES:

BRYAN S. ANDERSON, ESQUIRE, R. WADE LITCHFIELD, ESQUIRE,
MITCH ROSS, ESQUIRE, and JESSICA A. CANO, ESQUIRE, 700 Universe
Boulevard, Juno Beach, Florida 33408-0420
On behalf of Florida Power & Light Company.

JENNIFER S. BRUBAKER, ESQUIRE, and KATHERINE E. FLEMING,
ESQUIRE, Florida Public Service Commission, 2540 Shumard Oak Boulevard,
Tallahassee, Florida 32399-0850
On behalf of the Florida Public Service Commission.

FINAL ORDER GRANTING PETITION FOR DETERMINATION OF NEED
FOR PROPOSED EXPANSION OF NUCLEAR POWER PLANTS

BY THE COMMISSION:

Background

On September 17, 2007, Florida Power & Light Company (FPL) filed a petition for a determination of need for the proposed expansion of nuclear power plants in Dade and St. Lucie Counties. FPL filed its petition pursuant to Section 403.519, Florida Statutes (F.S.). FPL's proposal consists of the expansion ("uprate") of the electric generating capacity of its existing Turkey Point and St. Lucie nuclear power plants, in Dade and St. Lucie Counties, respectively. FPL's proposed uprate would increase the power output at Turkey Point, units 3 and 4, from approximately 700 megawatts (MW) to 804 MW per unit, for a two-unit total of about 208 MW. At St. Lucie, units 1 and 2, net electrical generation per unit is expected to increase from

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

approximately 840 MW to 943 MW, for a two-unit total of 206 MW. FPL proposes to complete the uprate to all four nuclear units during separate outages beginning in 2011 and ending in 2012.

This matter was scheduled for a formal administrative hearing on December 10-13, 2007. No persons intervened in this docket, and no public testimony was presented at the hearing on December 10. At the hearing, after taking all evidence, we considered the proposed stipulations regarding the appropriate resolution of all issues identified for this proceeding. We approved the stipulated positions by a bench decision, thereby resolving all issues in this docket and granting FPL's petition for determination of need. This Order reflects our decision and serves as our report under the Power Plant Siting Act, as required by Section 403.507(4)(a), F.S.

Standard of Review

Section 403.519(4), Florida Statutes, sets forth those matters that we must consider in a proceeding to determine the need for the expansion of an existing electrical power plant, or the construction of a new nuclear power plant:

In making its determination on a proposed electrical power plant using nuclear materials or synthesis gas produced by integrated gasification combined cycle power plant as fuel, the commission shall hold a hearing within 90 days after the filing of the petition to determine need and shall issue an order granting or denying the petition within 135 days after the date of the filing of the petition. The commission shall be the sole forum for the determination of this matter and the issues addressed in the petition, which accordingly shall not be reviewed in any other forum, or in the review of proceedings in such other forum. In making its determination to either grant or deny the petition, the commission shall consider the need for electric system reliability and integrity, including fuel diversity, the need for base-load generating capacity, the need for adequate electricity at a reasonable cost, and whether renewable energy sources and technologies, as well as conservation measures, are utilized to the extent reasonably available.

Findings

As discussed above, we were presented a series of stipulations which serve to address each of the issues that had been identified for hearing. We have reviewed the proposed stipulations, and find that they are appropriate based on the record development of this docket, and that they provide a reasonable resolution of the outstanding issues regarding FPL's petition. We, therefore, approve the stipulations set forth below.

Need for Electric System Reliability and Integrity

There is a need for the Turkey Point nuclear power plant ("PTN") and St. Lucie nuclear power plant ("PSL") uprates, taking into account the need for electric system reliability and integrity, as this criterion is used in Section 403.519(4), Florida Statutes. Without the uprates,

FPL's electric system reliability and integrity will be significantly reduced, and FPL will fail to meet its 20% reserve margin beginning in 2012, as shown in the table below.

Estimated Impact on FPL's Summer Reserve Margin		
Year	Reserve Margin w/o Uprates	Reserve Margin with Uprates
2010	22.6%	22.6%
2011	20.1%	20.1%
2012	17.8%	19.2%
2013	16.1%	17.9%
2014	14.2%	16.0%
2015	11.7%	13.4%

FPL has future resource needs of 490 MW of incremental capacity in 2012. All demand side management ("DSM") that is known to be cost-effective through 2013 is already reflected in FPL's 2006/2007 resource planning work, which identified this capacity need. Consequently, to meet FPL's summer reserve margin criterion of 20% through 2013, FPL needs new capacity in the form of power plant construction and/or purchases.

The data in the table above actually reflects an optimistic view by also including 287 MW of renewable energy purchases that are not yet certain. Three contracts for 143 MW from municipal solid waste facilities will expire in 2009-2010, but are assumed to be extendable. FPL is also analyzing three new proposals for a total of 144 MW of capacity beginning in 2011-2012. Even combined, the 287 MW of renewable generation does not significantly defer the need for additional capacity beyond the 2012 time frame.

As the table above shows, considering load projections today, the proposed uprates do not satisfy all reliability needs. Without the uprates, the gap between capacity and need becomes even larger.

Need for Fuel Diversity

There is a need for the PTN and PSL uprates, taking into account the need for fuel diversity, as this criterion is used in Section 403.519(4), Florida Statutes. Increasing nuclear generation through the nuclear uprates will enhance fuel diversity.

During 2006, about 21% of the energy produced by FPL was generated using nuclear fuel. Without the nuclear uprates, due to system growth, the percentage of nuclear-fueled production will decrease to about 17% by 2013 and decline thereafter. In contrast, FPL's analysis shows that the nuclear uprates would contribute to FPL's system supplying approximately 19% of its energy with nuclear-fueled energy by 2013. Likewise, with the uprates, natural gas-fueled production will decrease from 67% to 65%. Thus, the nuclear uprates contribute to improving and maintaining FPL's fuel diversity as well as decreasing reliance on natural gas as a fuel for electric generation. The diversification of fuel type, technology type and

transportation method provided by the uprates will enhance system reliability for FPL's customers.

Need for Baseload Generating Capacity

There is a need for the PTN and PSL uprates, taking into account the need for baseload generating capacity, as this criterion is used in Section 403.519(4), Florida Statutes. The uprates will add approximately 414 MW of nuclear-fueled baseload generating capacity, which is needed to keep pace with the increasing demand for reliable power and the steady growth that the state of Florida continues to experience.

Need for Adequate Electricity at a Reasonable Cost

There is a need for the PTN and PSL uprates, taking into account the need for adequate electricity at a reasonable cost, as this criterion is used in Section 403.519(4), Florida Statutes. The uprates will increase the amount of highly efficient nuclear-fueled generation on FPL's system, and will displace large amounts of higher-cost fossil fuel and purchase power generation, resulting in fuel savings that provide a net benefit (i.e., lower system cost) to customers. In addition, customers will benefit from reduced capacity costs due to the deferral effect of the nuclear uprates upon the timing of subsequent additional units in the 2014-2017 time period.

Furthermore, adding incremental capacity by uprating plants maximizes use of existing sites, as compared to constructing a generating plant of equivalent capacity at a new site. FPL already owns the necessary land at Turkey Point and St. Lucie, it is permitted for electric generation plants, and most of the necessary infrastructure is already in place. The proposed project precludes these costs at a new site.

No Mitigating Renewable Energy Sources and Technologies or Conservation Measures

There are no renewable energy sources and technologies or conservation measures taken by or reasonably available to FPL which might mitigate the need for the proposed expansion of the Turkey Point and St. Lucie nuclear power plants. FPL's forecasted need already accounts for all of the cost-effective DSM identified through the year 2014, plus a projection of continued DSM for the years 2015-2020. This DSM includes FPL's current Commission-approved DSM goals and a significant amount of additional DSM that FPL has identified as cost-effective, and we have since approved, since the current DSM goals were approved. Additional conservation measures cannot be implemented to eliminate the need for the PTN and PSL uprates.

For purposes of analysis, FPL's forecast assumed successful contracting for and delivery of 144 MW of renewable firm capacity bid in response to its 2007 request for proposals for renewable energy, and successful extension of 143 MW of renewable firm capacity from three expiring municipal waste-to-energy contracts. There are not sufficient additional renewable energy options to mitigate the need for the 414 MW of nuclear baseload capacity that will be provided by the uprates. The table previously shown in this Order shows the need for additional capacity even after including DSM and purchased power from renewable energy sources.

Most Cost-Effective Source of Power

The proposed uprates will provide the most cost-effective source of power, as this criterion is used in Section 403.519(4), Florida Statutes. The estimated nominal costs for the PTN and PSL uprates, not including construction carrying costs, are approximately \$750 million and \$651 million, respectively. The costs of changes to the transmission system that are needed to support the uprates are estimated at \$45 million.

To fully evaluate the system impacts of the nuclear uprates, FPL developed a long-term resource plan that included the uprates ("the Plan with Nuclear Uprates") and an alternate resource plan not including the nuclear uprates ("the Plan without Nuclear Uprates"). The Plan without Nuclear Uprates represents the addition of combined-cycle (CC) units that could be sited and receive permitting approval in the relative near term. FPL also utilized three different fuel cost forecasts and four different environmental compliance cost forecasts in its economic analysis to address the impacts of uncertainty in future fuel and environmental compliance costs. Because 3 of these 12 scenarios represent a highly unlikely combination of low natural gas costs and high CO₂ environmental compliance cost, FPL used 9 scenarios in its economic analysis. FPL's analysis shows that in eight of the nine economic scenarios comparing the generating technology choices represented in the two plans, the Plan with Nuclear Uprates is the most cost effective option. The estimate is that total net savings realized by customers are expected to range from \$222 million to \$963 million on a cumulative present value revenue requirement basis.

Proposed Expansion is Exempt from Rule 25-22.082, F.A.C.

The PTN and PSL uprates are within the definition of electrical power plants utilizing nuclear materials as fuel (see Sections 403.513(13), 403.506(1), and 366.93, Florida Statutes). Accordingly, pursuant to Section 403.519.(4)(c), the proposed uprates are exempt from Rule 25-22.082, Florida Administrative Code.

Rule 25-6.0423, F.A.C., Applicable to the costs of the Proposed Expansion

Rule 25-6.0423, F.A.C., is applicable to the costs of the proposed expansion of the Turkey Point and St. Lucie Nuclear Power Plants after the issuance of our order granting this determination of need. For example, if FPL were to file for recovery by May 1, 2008, as called for in Rule 25-6.0423(5)(c)(1)(b), F.A.C., carrying costs on construction that we determine to be reasonable and prudent pursuant to the Rule would be included for cost recovery purposes as a component of the 2009 Capacity Cost Recovery Factor in the annual Fuel and Purchased Power Cost Recovery proceeding, pursuant to Rule 25-6.0423(5)(c)(4), F.A.C.

Conclusion

Based on the resolution of the foregoing issues, and as more fully developed in FPL's prefiled testimony and its petition, we hereby find it appropriate and in the public interest to approve the proposed stipulations set forth above, and grant FPL's petition to determine the need for the proposed expansion of the Turkey Point and St. Lucie Nuclear Power Plants.

Based on the foregoing, it is therefore

ORDERED by the Florida Public Service Commission that Florida Power & Light Company's petition for determination of need for expansion of Turkey Point and St. Lucie nuclear power plants is hereby approved. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 7th day of January, 2008.



ANN COLE
Commission Clerk

(SEAL)

JSB

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request:

- 1) reconsideration of the decision by filing a motion for reconsideration with the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within five (5) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or
- 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Office of Commission Clerk, and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.