

**STATE OF FLORIDA
DEPARTMENT
OF
ENVIRONMENTAL PROTECTION**



Conditions of Certification

Tampa Electric Company
Big Bend Unit 4

PA 79-12Q

January 28, 2010

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Air Construction Permit No. 0570039-012-AC
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Air Construction Permit No. 0570039-036-AC
- Appendix II: Air Operation (Title V) Permit No. 0570039-039-AV
- Appendix III: NPDES Permit No. FL0000817
NPDES Permit No. FL0000817 (Rev A)
NPDES Permit No. FL0000817 (Rev B)

I. Air

The construction and operation of Big Bend Unit 4 at the Tampa Electric Company steam electric power plant site shall be in accordance with all applicable provisions of Title 62, Florida Administrative Code, and the Air Construction and Title V Permits, including their subsequent modifications, amendments, or renewals. The Air Construction Permits are incorporated by reference herein as part of this Certification and attached as Appendix I. The current Title V Air Operation Permit (0570039-039-AV) is incorporated by reference herein as part of this Certification attached as Appendix II.

II. Water Discharges

Any discharges into any waters of the State during construction and operation of Big Bend Unit 4 shall be in accordance with all applicable provisions of the NPDES Permit FL0000817 (hereto attached as Appendix III) and any amendments or revisions to this permit, Chapter 62-301, Florida Administrative Code, and 40 CFR, 423, Effluent Guidelines and Standards for Steam Electric Power Generating Point Source Category except as provided herein. Also, the licensee shall comply with the following conditions of certification:

A. *Plant Effluents and Receiving Body of Water*

For discharges made from the power plant the following conditions shall apply:

1. Receiving Body of Water (RBW)

The receiving body of water has been determined by the Department to be those waters of the Tampa Bay and any other waters affected which are considered to be waters of the State within the definition of Chapter 403, Florida Statutes.

2. Point of Discharge (P.O.D.)

The point of discharge will be determined by the Department to be where the effluent physically enters the waters of the State.

3. Thermal Mixing Zone

The instantaneous zone of thermal mixing for the cooling system shall not exceed an area of 4980 acres. The temperature at the point of discharge into

the Tampa Bay shall not be greater than 109 degrees F. The temperature of the water at the edge of the mixing zone shall not exceed the limitations of Paragraph 17-3.05(l)(d). The licensee shall validate the size of this mixing zone by submission of a verified or calibrated thermal dispersion model at least six months prior to commencement of operation. The Department and TECO shall agree to a program for selecting, verifying and utilizing an appropriate model.

4. Chemical Wastes

All discharges of low volume wastes (demineralizer regeneration, floor drainage, lab drains and similar wastes) shall comply with Chapter 62-302. If violations of Chapter 17-3 occur, corrective action shall be taken. These wastewaters shall be discharged to an adequately sized and constructed treatment facility. Preoperational and operational metal cleaning wastes, low volume wastes, boiler fireside wash, air preheater wash, and stack wash shall be disposed of in an adequately sized percolation pond and spray irrigation facility. The low volume liquid waste stream from the flue gas desulfurization system (FGD) may be discharged from internal outfall IO130 to outfalls DO011, DO012, or DO014 in accordance with the provisions of Permit No. FL0000817 REV A.

5. Coal Pile

Coal pile runoff shall be disposed of in the wastewater treatment/spray irrigation system and shall not be directly discharged to surface waters.

6. Chlorine

The concentration of total residual chlorine discharged from Unit 4 shall not exceed 0.2 mg/l at the POD nor 0.01 mg/l beyond an instantaneous mixing zone of 6.1 acres. The condensers for Unit 4 shall not be chlorinated more than two hours per day and shall not be chlorinated simultaneously with any other unit.

7. pH

The pH of the combined discharges shall be such that the pH be within the range of 6.0 to 8.5.

8. Polychlorinated Biphenyl Compounds

There shall be no net discharge of polychlorinated biphenyl compounds.

9. FGD Chloride Bleedstream

The bleedstream from the FGD system shall be treated, discharged

and monitored in accordance with the provisions of Permit No. FL0000817 REV A.

a. Such discharge shall be limited and monitored by the licensee as specified below:

EFFLUENT CHARACTERISTIC	DISCHARGE LIMITATIONS	MONITORING REQUIREMENTS		
		Measurement Frequency	Sample Type	Sample Point
Flow, MGD	See Item c. below	Continuous	Recorder	NA
Total Suspended Solids, mg/l	30.0	Quarter	Grab	EFF-3
Oil & Grease, mg/l	15.0	Quarter	Grab	EFF-3
Total Recoverable Arsenic (total), µ/l	Report ¹	Quarter	Grab	EFF-3
Total Recoverable Chromium, µ/l	Report ¹	Quarter	Grab	EFF-3
Total Recoverable Copper, µ/l	Report ¹	Quarter	Grab	EFF-3
Total Recoverable Lead, µ/l	Report ¹	Quarter	Grab	EFF-3
Total Recoverable Mercury, µ/l	Report ¹	Quarter	Grab	EFF-3
Total Recoverable Nickel, µ/l	Report ¹	Quarter	Grab	EFF-3
Total Recoverable Selenium, µ/l	Report ¹	Quarter	Grab	EFF-3
Gross Alpha, pCi/l	Report ¹	Quarter	Grab	EFF-3
Radium (226 & 228), pCi/l	Report ¹	Quarter	Grab	EFF-3
pH, standard units (range)	See Item d, below	Quarter	Grab	EFF-3

¹. After four quarters of reporting the licensee may request by minor permit revision a reduction or discontinuance of monitoring for these parameters.

b. The facility shall at all times ensure that treated effluent from Outfall IO130 is being discharged to one of four once-through cooling water (OTWC) outfall discharge pipes that is discharging at a flow rate of approximately 250,000 gpm. This shall be achieved by rerouting the flow from IO130 to another OTWC outfall pipe if flow in the first outfall pipe is being discontinued or reduced.

c. The maximum daily average and monthly average shall be reported.

d. The pH shall not be less than 6.0, nor greater than 9.0 standard units.

e. The Department reserves the right to require toxicity testing during the first year after start-up of the new FGD treatment system if monitoring results required above indicate a potential for toxicity violations at the point of discharge to State waters.

f. Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

EFF-3 - at a location after final treatment but prior to discharge to Outfalls DO011, DO012, DO013, or DO014.

10. Boiler Blowdown

Blowdown from the boiler shall be treated as appropriate prior to discharge to the cooling water system. The following effluent limitations shall apply:

Effluent	Daily Maximum	Maximum 30-Day Daily Average
TSS	100 mg/l	30 mg/l
Oil and Grease	20 mg/l	15 mg/l
pH	6-9	6-9

11. Gypsum Storage Area

There shall be no direct discharge of stormwater runoff to surface waters from the gypsum storage area.

12. Storm Water Runoff

During plant operation, necessary measures shall be used to settle, filter, treat, or absorb silt-containing or pollutant-laden stormwater runoff to limit the suspended solids to 50 mg/l or less at the POD during rainfall periods less than the 10-year, 24-hour rainfall, and to prevent an increase in turbidity of more than 50 Jackson Turbidity Units above background in waters of the State beyond 150 meters from the POD at Station E 4500 and N 3712.

Control measures shall consist at the minimum of filters, sediment traps, barriers, berms or vegetative planting. Exposed or disturbed soil shall be protected as soon as possible to minimize silt- and sediment-laden runoff. The pH shall be kept within the range of 6.0 to 8.5 at the POD.

13. Percolation Pond Overflow

There shall be no discharge from the wastewater treatment system percolation pond except during emergency conditions caused by severe weather. Any discharge from the existing overflow pipe shall be reported to the Department and the Environmental Protection Agency. All discharges from this overflow system shall be monitored for pH, TSS, oil and grease, and the metals listed in condition II, B. I.; the flow and duration of flow shall be estimated.

B. Water Monitoring Programs

The licensee shall monitor and report to the Department the listed parameters on the basis specified herein. The methods and procedures utilized shall receive written approval by the Department. The monitoring program may be reviewed annually by the Department, and a determination may be made as to the necessity and extent of continuation, and may be modified in accordance with Condition No. XXV.

1. Chemical Monitoring

The following parameters shall be monitored during discharge as shown, discharge commencing with the start of commercial operation of Unit 4, and reported monthly to the Department's Southwest District Office:

Parameter	Location	Sample Type	Frequency
Flow, Cooling	Intake	Pump Log	Continuous
Flow, Boiler Blowdown	Prior to CWS	Daily Log	Daily
Flow, FGD Bleed	Prior to CWS	Recorder	Continuous
pH	CWS and prior to CWS on FGD Bleed and Boiler Blowdown	Grab	Two per Week
Temperature	CWS Outfall	Recorder	Continuous
TSS	FGD Bleed and Boiler Blowdown	Grab	Two per Week
Chlorine, Total Residual	Outfall of CWS	Multiple Grab	Weekly
Oil and Grease	Boiler Blowdown and FGD bleed	Grab	Two per Month
Metals	FGD Bleed Stream prior to discharge to CWS	Two-Grab composite, not less than two hours between samples	One per Month

Parameter	Location	Sample Type	Frequency
Arsenic	"	"	"
Cadmium	"	"	"
Iron	"	"	"
Lead	"	"	"
Mercury	"	"	"
Selenium	"	"	"
Zinc	"	"	"
Copper	"	"	"
Chromium	"	"	"
Nickel	"	"	"

*CWS - Cooling Water System

2. Biological Monitoring

a. Thermal Studies

Sampling shall be done on a bimonthly basis commencing one month after certification and shall continue for a period of one year after Unit 4 is on line. Such sampling shall consist of a baseline survey and an intensive survey. Sampling methodology shall be the same as that in the 1979 aquatic biology studies. Deviations from that methodology shall be approved by the DEP.

All raw data shall be available upon request by DEP. At the end of the first year of post-operational study, the Department shall review all of the data in the form of an annual report and shall determine if mitigative action must be taken by TECO and shall determine if the impacts of the thermal discharge are in compliance with the requirements of Section 62-302.520, F.A.C., and if the thermal mixing zone granted by Condition II.A.3 is appropriate. If the data are sufficient to convince the Department that severe thermal effects have been confined to an acceptably limited area, the monitoring studies shall be terminated. If not, the studies shall be continued until such time as the thermal impact can be thoroughly evaluated.

(1) Baseline Survey

In order to put the 1979 benthic study in proper ecological perspective regarding the regular cyclical biotic fluctuations which are known to occur in Tampa Bay, the following program shall be implemented:

(a) Benthic macroinvertebrate sampling shall be carried out on a bimonthly basis one month after the time of enactment of certification until a period of 12 months prior to commencement of operation of Unit 4. Five stations corresponding to stations 5, 6, 8, 11, and 12 of the 1979 Benthic Ecology Study* shall

be sampled according to the methods outlined in the TECO benthic report. Deviations from that methodology shall be approved by the DEP.

(b) Water quality parameters shall be monitored during the benthic sampling program on a bimonthly basis at each of the above stations. Parameters to be examined shall include salinity, dissolved oxygen, turbidity, and water temperature (top and bottom).

(c) A sediment analysis shall be carried out at each of these stations on a bimonthly basis corresponding to the benthic sampling according to the methods outlined in the 1979 Benthic Study. If sediment samples show little bimonthly variability, TECO may request a less rigorous sampling frequency.

*"A Study of Thermal Effects on Benthic Communities of Big Bend, Tampa Bay (Florida)", July 1980. TECO

(2) Intensive Survey

In order to adequately assess the thermal impact of Big Bend Unit 4 in conjunction with the combined plume discharge from Units 1, 2, and 3, the following biological monitoring program shall be implemented one year before and shall continue for one year after commencement of operation of Unit 4. A proposal for these intensive studies shall be prepared by the applicant and shall be submitted to DEP for approval at least 18 months prior to commercial operation of Unit 4. Such a proposal shall reflect the methodologies employed during the 1979 study so that both data sets can be compared for evaluation of thermal impact from Unit 4.

(a) The applicant shall collect bimonthly benthic samples. The stations to be chosen for the Benthic sampling program shall be taken from the 1979 Benthic Ecology Study plus three additional stations. These three stations shall be located on a transect running into the bay from station 8, paralleling stations 5, 6, and 7 of the 1979 study. Water quality parameters and sediment samples shall be collected and analyzed as in the baseline survey.

(b) Stations 1 and 2 shall be deleted from the proposed studies.

(c) Trammel (or gill net) and trawl samples shall be taken each month during the day and at night in the vicinity of the embayment-Apollo Beach pass. If possible, night sampling shall be during a flood tide. Additionally, monthly seine samples shall be collected in the area during the day.

b. Entrainment

(1) In order to evaluate the entrainment mortality at the

Big Bend Station, TECO shall conduct a Fine Mesh Screen Survivability Study (similar to the 1980 Prototype FMS study) for one full spawning period (March through September). Sampling for the study will be conducted at three locations pertaining to Unit 4:

Station 1: Front of screen after organisms are impinged and washed to the screen return system.

Station 2: Behind the screen.

Station 3: At the discharge point in the Organism Return Canal (ORC).

Stations 1 and 2 will be sampled simultaneously to estimate the total number of organisms entrained at the plant. Initial and latent mortality tests will be conducted on organisms collected at stations 1 and 3 only. A detailed scope of study shall be submitted by TECO at least twelve months prior to the commencement of commercial operation of Unit 4.

The applicant shall implement the fine mesh screens inspection and maintenance program submitted to the Department on July 21, 1987, to assure that the screens are properly maintained and operated. The applicant shall maintain logs of inspections, maintenance, and repairs. The logs shall include the date of inspection, items inspected, repairs needed, and date maintenance job request submitted.

III. Water Use

A. Use of Water

TECO shall use the lowest quality water which it has the ability to use. To the extent that a dependable supply of non-potable water can be provided, TECO shall use the non-potable water in lieu of the potable water from the public water supply system of Hillsborough County. However, if TECO can demonstrate that non-potable water is not available due to technical or environmental reasons, then the use of potable water may be authorized by the Secretary upon the concurrence of the Southwest Florida Water Management District (SWFWMD).

B. Consumptive Use of Groundwater

1. In the event that fresh groundwater in excess of quantities permitted by SWFWMD should be required for the operation of Big Bend Unit 4, TECO shall demonstrate to the satisfaction of the SWFWMD that such a consumptive use of

groundwater will be in compliance with the regulations and policies of the District and will have no significant adverse effect on regional water supplies.

2. In the event that use of brackish groundwater should become necessary, an intensive investigation and aquifer testing program shall be performed by TECO. The aquifer testing program shall be submitted to the Department and the Director, Regulatory Division of SWFWMD, and approved prior to commencement of the investigation. The investigation should include but need not be limited to the following:

- a. The geology encountered while drilling the well, with emphasis placed on the depth, thickness and hydraulic characteristics of formations encountered.
- b. The aquifer systems that are encountered, along with the discussion on water quality and availability.
- c. Performance of a pump test, description of aquifer characteristics and evaluation procedure.
- d. Interpretations of geophysical logs.
- e. Discussion of aquifer recharge and ultimate source.

Upon completion of the investigations, TECO shall submit a report on the feasibility of utilizing brackish groundwater for cooling tower make-up, and at that time the SWFWMD may authorize withdrawals. If SWFWMD should authorize withdrawals of brackish water, TECO shall submit monthly pumpage reports and chlorides, sulfate and TDS analysis on the production well to the SWFWMD.

C. Emergency Shortages

In the event an emergency water shortage should be declared pursuant to Section 373.175 or 373.246, F.S., by Southwest Florida Water Management District for an area including Hillsborough County, the Department pursuant to Section 403.516, F.S., may alter, modify, or declare to be inactive all or parts of Condition III.A.-E. An authorized SWFWMD representative at any reasonable time may enter the property to inspect the facilities.

D. Monitoring and Reporting

Tampa Electric Company shall monitor the groundwater at Big Bend Station in accordance with the approved groundwater monitoring program:

IV. Control Measures During Construction

A. Stormwater Runoff

During construction, necessary measures shall be used to settle, filter, treat or absorb silt-containing or pollutant-laden stormwater runoff to limit the suspended solids to 50 mg/l or less at the POD during rainfall periods less than the 10-year, 24-hour rainfall, and to prevent an increase in turbidity of more than 50 Jackson Turbidity Units above background in waters of the State beyond 150 meters from the POD.

Control measures shall consist at the minimum of filters, sediment traps, barriers, berms or vegetative planting. Exposed or disturbed soil shall be protected as soon as possible to minimize silt- and sediment-laden runoff. The pH shall be kept within the range of 6.0 to 8.5 at the POD.

B. Sanitary Wastes

Disposal of sanitary wastes from construction toilet facilities shall be in accordance with applicable regulations of the Department and appropriate local health agency. The sewage treatment plant shall be operated in accordance with Chapters 62-302, 62-600, and 62-601, F.A.C., section 403.867, F.S. and the rules promulgated thereunder.

C. Environmental Control Program

An environmental control program shall be established under the supervision of a qualified person to assure that all construction activities conform to good environmental practices and the applicable conditions of certification.

The licensee shall notify the Department by telephone if unexpected harmful effects or evidence of irreversible environmental damage are detected during construction, shall immediately report in writing to the Department and shall within two weeks provide an analyses of the problem and a plan to eliminate or significantly reduce the harmful effects or damage and a plan to prevent reoccurrence.

D. Discharge of Construction Dewatering Effluent

Construction dewatering effluent shall be treated as appropriate to limit suspended solids to no more than 50 mg/l. The discharge of construction dewatering

liquids shall not cause turbidity in excess of 50 Jackson Turbidity Units above ambient beyond a 20 meter radius from the point of discharge. Weekly grab samples will be collected and analyzed for suspended solids.

V. Solid Wastes

Solid wastes resulting from construction or operation shall be disposed of in accordance with the applicable regulations of Chapter 62-701 and 62-702, F.A.C. The licensee shall submit a program for approval outlining the methods to be used in handling and disposal of solid wastes. Such program shall indicate at the least methods for erosion control, covering, vegetation and quality control.

Open burning in connection with land clearing shall be in accordance with Chapter 62-256, F.A.C. No additional permits shall be required, but the Division of Forestry shall be notified prior to burning. Open burning shall not occur if the Division of Forestry has issued a ban on burning due to fire hazard conditions.

VI. Operation Safeguards

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 Federal Occupational Safety and Health Standards will be complied with during construction and operation. The Safety Standards specified under Section 440.56, F.S., by the Industrial Safety Section of the Florida Department of Commerce will also be complied with.

VII. Screening

The licensee shall provide screening of the site through the use of aesthetically acceptable structures, vegetated earthen walls and/or existing or planted vegetation in accordance with Hillsborough County ordinances.

VIII. Potable Water Supply System

The potable water supply system shall be designed and operated in conformance with Chapter 62-555, F.A.C. Information as required in 62-555, F.A.C., shall be submitted to the Department prior to construction and operation. The operator of the potable water supply system shall be certified in accordance with section 403.067, F.S., and rules promulgated thereunder.

IX. Transformer and Electric Switching Gear

The foundations for transformers, capacitors, and switching gear necessary to connect Big Bend Unit 4 to the existing distribution system shall be constructed of an impervious material and shall be constructed in such a manner as to allow complete collection and recovery of any spills or leakage of oily, toxic, or hazardous substances. Should a spill occur, the following steps shall be taken:

- A. The spill will be assessed and cleanup activities will be initiated;
- B. Equipment will be isolated, if necessary, and the source of the spill will be stopped;
- C. Gravel and mineral oil will be removed and clean gravel will be replaced; and
- D. Measures will be implemented as necessary in accordance with the Oil Spill Prevention Control and Countermeasure Plan for Big Bend Station.

X. Toxic, Deleterious, or Hazardous Materials

The spill of any toxic, deleterious, or hazardous materials shall be reported in the manner specified by Condition XV.

XI. Construction in Waters of the State

A. Intake and Discharge

- 1. No construction on sovereignty submerged lands shall commence without obtaining lease or title from the Department of Environmental Protection.
- 2. Construction of intake and discharge structures should be done in a manner to minimize turbidity. Turbidity screens should be used to prevent turbidity in excess of 50 JTUs above background beyond 150 meters from the dredging, pile driving, or construction site.
- 3. The construction methodology for the intake structure and screens shall be provided to the Department's Southwest District Office for review prior to construction.
- 4. All spoil shall be piped hydraulically or trucked to an upland disposal site of sufficient capacity to retain all material.

5. Effective stabilization of submerged bottom sediments at the Cooling Water System discharge should be achieved and maintained during the period of operation by the placement of concrete, riprap or other suitable material.

B. Relocation of Jackson Branch

1. An equivalent square footage of mangroves will be replanted in the new creek cut.

2. The new creek will have 6:1 side slopes from +1' MSL to -1' MSL.

3. *Juncus* sp. are to be planted at three foot intervals for the entire length of the relocated segment of the branch according to sound management practices.

4. The 90° turn in the creek should be stabilized by riprap as well as the planting of a higher concentration of *Juncus* sp. on the outside of the turn.

5. The relocated cut is to be excavated and stabilized behind an upstream plug before being connected to the existing creek; conversely, the existing branch shall not be taken off line until the new cut is stabilized and JTUs are less than 25 in the new channel.

6. Licensee should submit to the Southwest District Office a replanting proposal at least 60 days prior to commencement of construction, including species, methods and placement details.

7. Licensee will monitor the outfall of Jackson Branch twice daily during construction for turbidity in JTUs and report these results weekly to the Southwest District Office.

C. Newman Branch

1. In the construction of the FGD/gypsum disposal areas, TECO shall not alter the ditch along the east side of Beach Road, as that ditch is tidally connected to Newman Branch.

2. To mitigate against the loss of the grass pond in the area designated as Phase I of the FGD/gypsum disposal area, TECO shall reconstruct the northernmost east-west drainage canal. The side slopes of this drainage canal from Beach Road to the eastern side of the Phase I area shall be reduced to at least 6:1 (horizontal to vertical) and planted with *Juncus* sp. The remaining portion of the

reconstructed ditch-from the Phase I area east to U.S. Highway 41 shall have side slopes of at least 3:1 (horizontal to vertical). Such reconstruction shall be done in a manner to prevent violation of Section 62-302, F.A.C., Water Quality Criteria, and in accordance with the plans approved by the Department.

XII. FGD/Gypsum Landfill

The proposed FGD/gypsum landfill area shall be monitored and studied pursuant to a detailed groundwater testing and monitoring program as defined in Condition III D.

The results of the program will be used by the Department in determining whether TECO has affirmatively demonstrated that Florida Water Quality Criteria (Chapter 62-302, F.A.C) will not be violated.

If the Department determines that TECO has failed to affirmatively demonstrate that Florida Water Quality Criteria (Chapter 62-302, F.A.C) will not be violated, TECO shall within 90 days of such determination present to the Department a plan of correction (which may include, if appropriate, an impermeable liner) for review and approval by the Department and for timely implementation by TECO.

Construction of perimeter berms shall be in conformance with the provisions of Chapter 62-672, F.A.C., regarding earthen dams.

XIII. Transmission Lines

Directly associated transmission lines shall be constructed and maintained in order to minimize environmental impacts in accordance with Chapter 403, F.S.

XIV. Change in Discharge

All discharges or emission authorized herein shall be consistent with the terms and conditions of this certification. The discharge of any pollutant not identified in the application or any discharge more frequent 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 modification which will result in new, different or increased discharges or expansion in steam generating capacity will require a submission of a new or supplemental application pursuant to Chapter 403, Florida Statutes.

XV. Noncompliance Notification

If, for any reason, the licensee does not comply with or will be unable to comply with any limitation specified in this certification, the licensee shall notify the Director of DEP's Southwest District Office by telephone during the working day in which licensee becomes aware of said noncompliance and shall confirm this situation in writing within seventy-two (72) hours supplying the following information:

A. A description and cause of noncompliance; and

B. The period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the noncomplying event.

XVI. Facilities Operation

The licensee shall at all times maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the licensee to achieve compliance with the terms and conditions of this certification. Such systems are not to be bypassed without prior Department approval. The one exception is that during periods when light oil is used for ignition, the FGD system may be bypassed.

XVII. Adverse Impact

The licensee shall take all reasonable steps to minimize any adverse impact resulting from noncompliance with any limitation specified in this certification, including, but not limited to, such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying event.

XVIII. Right of Entry

The licensee shall allow the Secretary of the Florida Department of Environmental Protection and/or authorized representatives, upon the presentation of credentials:

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

B. To have access to and copy all records required to be kept under the conditions of this certification; and

C. To inspect and test any monitoring equipment or monitoring method

required in this certification and to sample any discharge or pollutants; and

D. To assess any damage to the environment or violation of ambient standards.

XIX. Revocation or Suspension

This certification may be suspended or revoked pursuant to Section 403.512, Florida Statutes, or for violations of any Condition of Certification.

XX. Civil and Criminal Liability

This certification does not relieve the licensee from civil or criminal liability for noncompliance with any conditions of this certification, applicable rules or regulations of the Department, or Chapter 403, Florida Statutes, or regulations thereunder.

Subject to Section 403.511, Florida Statutes, this certification shall not preclude the institution of any legal action or relieve the licensee from any responsibilities or penalties established pursuant to any other applicable State Statutes or regulations.

XXI. Property Rights

The issuance of this certification does not convey any property rights in either real or personal property, tangible or intangible, nor any exclusive privileges, nor does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations. The applicant will obtain title, lease or right of use to any sovereign submerged lands occupied by the plant, transmission line structures, or appurtenant facilities from the State of Florida.

XXII. Severability

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

XXVIII. Definitions

The meaning of terms used herein shall be governed by the definitions contained in Chapter 403, Florida Statutes, and any regulation adopted pursuant thereto. In the

event of any dispute over the meaning of a term used in these general or special 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.

XXIV. Review of Site Certification

The certification shall be final unless revised, revoked or suspended pursuant to law. At least every five years from the date of issuance of this certification or any National Pollutant Discharge Elimination System Permit issued pursuant to the Federal Water Pollution Control Act Amendments of 1972 for the plant units, the Department shall review all monitoring data that has been submitted to it during the preceding five-year period for the purpose of determining the extent of the licensee's compliance with the conditions of this certification of the environmental impact of this facility. The Department shall submit the results of its review and recommendations to the licensee. Such review will be repeated at least every five years thereafter.

XXV. Modification of Conditions

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

A. The Board hereby delegates to the Secretary the authority to modify, after notice and opportunity for hearing, any conditions pertaining to consumptive use of water, monitoring, sampling, groundwater, mixing zones, zones of discharge or variances to water quality standards.

B. All other modifications shall be made in accordance with Section 403.516, Florida Statutes.

XXVI. Flood Control Protection

The plant and associated facilities shall be constructed in such a manner as to comply with the Hillsborough County flood protection requirements.

XXVII. Effect of Certification

Certification and conditions of certification are predicated upon design and performance criteria indicated in the application. Thus, conformance to those criteria, unless specifically amended, modified, or as the Department and parties are otherwise notified, is binding upon the applicant in the preparation, construction and maintenance

of the certified project. In those instances where a conflict occurs between the application's design criteria and the conditions of certification, the conditions shall prevail.

XXVIII. Fine Mesh Screens

Fine mesh screens, similar to those tested and described by TECO in the 316 Demonstration, shall be installed on the intakes of Units 3 and 4 with the appropriate sprays and screen wash sluice return system to minimize entrainment. The screen wash sluice return system shall discharge to the east end of the canal north of the intake canal or to a location acceptable to the Department and EPA. The applicant shall operate the fine mesh screens for Units 3 and 4 intake structures and the organism return mechanism from March 15 through October 15 of each year.

XXIX. Noise

To mitigate the effects of noise produced by the steam blowout of steam boiler tubes and by construction of the Phase IV FGD byproduct disposal area, TECO shall conduct public awareness campaigns prior to such activities to forewarn the public of the estimated time and duration of the noise.

XXX. Variances

TECO is granted variances for discharges of FGD system blowdown pursuant to Sections 403.201 and 403.511(2) F.S., for a period of two years from October 1, 1989 for the following parameters:

- A. Arsenic - 62-302.530(5), F.A.C.
- B. Cadmium - 62-302.530(16), F.A.C.
- C. Chromium - 62-302.530(20), F.A.C.
- D. Copper - 62-302.530(24), F.A.C.
- E. Iron - 62-302.530(39), F.A.C.
- F. Mercury - 62-302/530(42), F.A.C.
- G. Nickel - 62-302.530(45), F.A.C.
- H. Selenium - 62-302.530(59), F.A.C.

During the period that the variance is in effect, TECO shall (1) determine the concentrations of the above metals as well as lead in the two discharge streams; (2) operate the FGD blowdown treatment system so as to minimize the metal content of the discharge from the system; and (3) submit reports of the above studies by October 31, 1990, and June 30, 1991.

Upon receipt of the aforementioned reports, the Secretary shall determine whether the variances should be renewed and may impose appropriate conditions to minimize the discharges and their impacts.

XXXI. History

Certification issued 08/17/81; signed by Governor Graham
Modified 09/17/81; signed by Secretary Tschinkel
Modified 11/18/82; signed by Governor Graham
Modified 03/19/84; signed by Governor Graham
Modified 03/16/87; signed by Secretary Twachtmann
Modified 10/12/87; signed by Governor Martinez
Modified 06/06/90; signed by Secretary Twachtmann
Modified 04/06/94; signed by Secretary Wetherell
Modified 06/19/95; signed by Secretary Wetherell
Modified 09/18/95; signed by Secretary Wetherell
Modified 02/07/00, signed by Secretary Struhs
Modified 05/17/01; signed by Deputy Secretary Green
Modified 07/29/03, signed by Program Administrator Oven
Modified 09/13/05, signed by Program Administrator Oven
Modified 12/23/08; signed by Program Administrator Halpin
Modified 01/28/09; signed by Program Administrator Halpin