

CONDITIONS OF CERTIFICATION

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I. GENERAL

A. Definitions

The meaning of the terms used herein shall be governed by the definitions contained in Chapters 403, 378, 373, 372, and 253, Florida Statutes, and any regulation adopted pursuant thereto and the statutes and regulations of any agency. In the event of any dispute over the meaning of a term used in these conditions which is not defined in such statutes or regulations, such dispute shall be resolved by reference to the most relevant definitions contained in any other state or federal statute or regulation or, in the alternative, by the use of the commonly accepted meaning as determined by the department. As used herein:

1. "Application" shall mean the Site Certification Application for the Hardee Power Station, as supplemented.
2. "CFRPC" shall mean the Central Florida Regional Planning Council.
3. "DEP" shall mean the Florida Department of Environmental Protection.
4. "DHR" shall mean the Florida Department of State, Division of Historical Resources.
5. "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.
6. "Feasible" or "practicable" shall mean reasonably achievable considering a balance of land use impacts, environmental impacts, engineering constraints, and costs.
7. "FWCC" shall mean the Florida Fish and Wildlife Conservation Commission.
8. "Lee transmission line" shall mean the corridor depicted in Attachment A.
9. "Linear facility" shall mean any one of the three transmission lines or the natural gas pipeline associated with the Hardee Power Station.
10. "M/C" shall mean mitigation/compensation.

11. "Pebbledale transmission line" shall mean the corridor depicted in Attachment B.

12. "Permittees" shall mean Hardee Power Partners Limited (HPPL), Tampa Electric Company (TEC), and Seminole Electric Cooperative, Inc. (SECI).

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

14. "Project" shall mean the Hardee Power Station and all associated facilities, including: the power plant and related facilities; the cooling reservoir and related facilities; any off-site mitigation/compensation areas; and all of the linear facilities.

15. "ROW" shall mean the transmission line and natural gas pipeline rights-of-way to be selected by the Permittees within the certified corridors in accordance with the conditions of certification.

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

17. "SWFRPC" shall mean the Southwest Florida Regional Planning Council.

18. "SWFWMD" shall mean the Southwest Florida Water Management District.

19. "USFWS" shall mean the United States Fish and Wildlife Service.

20. "Vandolah transmission line" shall mean the corridor depicted in Attachment C.

21. "WMD" shall mean Water Management District.

22. "ISO" shall mean International Organization for Standardization, ISO 3977-1978(E) standard conditions for gas turbines = 14.7 psia, 15 C, relative humidity 60%.

B. Identification of Permittees Responsible for Compliance

In general, where a specific condition is intended to apply solely to one of the Permittees, this shall be indicated in the title for that specific condition by the following abbreviations:

HPPL - Hardee Power Partners Limited
TEC - Tampa Electric Company
SECI - Seminole Electric Cooperative, Inc.

Similarly, where a specific condition is intended to apply to any two of the Permittees, this shall be indicated by listing in the title the respective abbreviations. Where a specific condition is intended to apply to HPPL, TPS, TEC, and SECI, the designation "HPS" (for "Hardee Power Station") shall appear.

C. *Applicable Rules*

The construction and operation of the HPS shall be in accordance with all applicable provisions of at least the following regulations of the Department: Chapters 62-4, 62-17, 62-25, 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, 62-660, 62-699, 62-701, 62-762, 62-769, 62-770, and 62-814, Florida Administrative Code (F.A.C.) or their successors as they are renumbered.

II. AIR (HPPL)

The construction and operation of HPS shall be in accordance with all applicable provisions of Chapters 62-204, 62-210, 62-256, 62-296, 62-701, and 62-704, F.A.C., Permit PSD-FL-140 and approved Title V permit program where applicable and as those provisions may be modified, amended, or renewed in the future by the Department. The current Title V Air Operation Permit (049001-005-AV) is incorporated by reference herein as part of this Certification and is attached as Appendix II. The provisions of the Title V Air Operation Permit shall be conditions of this certification and shall be fully enforceable. Any violation of such provisions shall be a violation of these Conditions of Certification.

III. SURFACE WATER DISCHARGES (HPPL)

A. Industrial Wastewater Permit Number FL0041751 which is attached as Appendix I, is incorporated by reference herein as part of this certification. The provisions of Industrial Wastewater Permit Number FL0041751 shall be conditions of this certification. The licensee shall comply with the substantive provisions and limitations set forth in Industrial Wastewater Permit Number FL0041751 as part of these Conditions of Certification, and as those provisions may be modified 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. The outfall from the cooling reservoir to waters of the state (OSN 001) shall be used in common by all power generating facilities certified under certification

Order No. 89-25SA and this certification. Discharges from OSN 001 are regulated by these certifications and by separate NPDES Permits issued to HPPL (NPDES Permit No. FL0041571 or as subsequently revised) and to SECI for Unit 3 (NPDES Permit No. FL0044229 or as subsequently revised). Both permittees (HPPL and SECI) are authorized to discharge from the cooling reservoir to Payne Creek via OSN 001. Both permittees are joint operators of the cooling reservoir with respect to discharges from OSN 001. In any civil action (judicial or administrative), EPA or DEP may allege that the joint operators are jointly and severally liable for penalties, damages, costs and expenses, or corrective actions for violations at OSN 001, and neither permittee shall assert as an affirmative defense any violations at OSN 001 were caused by the conduct of the other permittee. This provision shall not limit or affect the rights, liability, claims, or defenses that the separate permittees may have in actions between themselves or with other parties, or in any criminal action arising out of the separate permits.

IV. GROUND WATER (HPPL)

A. Water Well Construction Permit

Prior to the construction, modification, or abandonment of a production well for the HPS, the permittee must notify the SWFWMD pursuant to Chapter 40D-4, Florida Administrative Code. Construction, modification, or abandonment of a production well will require modification of the HPS consumptive use conditions when such construction, modification or abandonment is other than that specified and described on HPS consumptive use information as addressed in the application. The construction, modification, or abandonment of a monitor well specified in Condition IV.F. will require the prior approval of the Department.

B. Well Criteria, Tagging and Wellfield Operating Plan

Leaking or inoperative well casings, valves, or controls must be repaired or replaced as required to put the system back in an operative condition acceptable to the SWFWMD. Failure to make such repairs will be cause for deeming the well abandoned in accordance with Chapter 62-232, Florida Administrative Code, Chapter 373.309, Florida Statutes. Wells deemed abandoned will require plugging according to applicable regulations.

A SWFWMD-issued identification tag must be prominently displayed at each withdrawal site by permanently affixing such tag to the pump, headgate, valve or other withdrawal facility as provided by Section 40D-2, Florida Administrative Code. The HPS must notify the SWFWMD in the event that a replacement tag is needed.

C. Maximum Annual Withdrawals

The use of groundwater from the proposed wellfield shall not exceed 3.8 million gallons per day ("mgd") on an average daily basis (averaged over a 12 month

period) or a maximum 8.64 mgd on any day.

The use of the Floridan aquifer potable water for control of fugitive dust emissions is prohibited when alternatives are available, such as treated discharges, shallow aquifer wells, or stormwater. The use of Floridan aquifer potable water for the sole purpose of waste stream dilution is prohibited.

D. Water Use Transfer

The SWFWMD must be notified, in writing, within 90 days of the transfer of this certification. All transfers are subject to the provisions of Chapter 40D-2, Florida Administrative Code, which state that all terms and conditions of the permit shall be binding of the transferee.

E. Emergency Shortages

Nothing in this certification is to be construed to limit the authority of the SWFWMD to declare a water shortage and issue orders pursuant to Section 373.175, Florida Statutes, or to formulate a plan for implementation during periods of water shortage, pursuant to Section 373.246, Florida Statutes. In the event of a water shortage, as declared by the District Governing Board, the HPS shall adhere to reductions in water withdrawals as specified by the SWFWMD.

In the event SWFWMD declares that a water shortage exists pursuant to Chapter 40D-21, FAC, SWFWMD may alter, modify, or declare inactive all or parts of this certification as necessary to address the water shortage, after notice and a reasonable opportunity for compliance.

F. Monitoring and Reporting

1. Report Submission

All required reports of data shall be submitted to SWFWMD on or before the tenth day of each month and shall be addressed to

Permits Data Group
Southwest Florida Water Management District
2379 Broad Street
Brooksville, Florida 33469-6988

2. Flow Meters

HPS wells identified with District withdrawal Nos. 1, 2, and 3 shall be equipped with totalizing flow meters or other flow measuring devices as approved in

writing by the Director, Bartow Permitting Department, Resource Regulation. Such devices shall have and maintain an accuracy within 5 percent of actual flow. Those designated withdrawal points not equipped with such devices on the date the site certification is granted must be equipped within 120 days of the site certification date or upon completion of construction of the withdrawal facility, unless an extension is approved in writing by the Director, Bartow Permitting Department, Resource Regulation.

3. Total withdrawal from each monitored source shall be recorded on a monthly basis and reported to SWFWMD (using District forms) on or before the tenth day of the following month.

G. Sampling and Analysis Report

1. The Permittee shall submit a report describing the sampling and analytical methodologies employed. The report shall address all parameters for which analyses are performed. The report shall be included with the first data submitted after the date the site certification is granted and upon any change in sampling and/or analytical method.

2. Reports of the analyses shall be submitted to SWFWMD (using District forms) on or before the tenth day of the following month. The parameters and frequency of sampling and analysis may be modified by SWFWMD staff as necessary to ensure the protection of the resource. Water quality samples shall be collected and analyzed for the specified withdrawal point, parameter, and frequency.

District I.D. No.	Parameter	Sampling Frequency
1	Chlorides, Sulfates, Total Dissolved Solids	Quarterly

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

H. Ground Water Monitoring Requirements

After consultation with the DEP and SWFWMD, the permittee shall install a monitoring well network to monitor ground water quality horizontally and vertically through the aquifer above the Hawthorn Formation. Ground water quantity and flow directions will be determined seasonally at the site through the preparation of seasonal water table contour maps, based upon water level data obtained during the applicant's preoperational monitoring program. From these maps and the results of the detailed subsurface investigation of site stratigraphy, the water quality monitoring well network will be located. A ground water monitoring plan that meets the requirements of Section

62-522, F.A.C., shall be submitted to the Department's Southwest District Office for review. Approval or disapproval of the ground water monitoring plan shall be given within 60 days of receipt. Ground water monitoring shall be required at HPS's sedimentation pond. Insofar as possible, the monitoring wells may be selected from the existing wells and piezometers used in the Permittee's preoperational monitoring program, provided that the wells' construction will not preclude their use. Existing wells will be properly sealed in accordance with Chapter 62-532, F.A.C., whenever they are abandoned due to construction of facilities. The water samples collected from each of the monitor wells shall be collected immediately after removal by pumping of a quantity of water equal to at least three casing volumes. The water quality analyses shall be performed monthly during the year prior to commercial operation and quarterly thereafter. No sampling or analysis is to be initiated until receipt of written approval of a site-specific quality assurance project plan (QAPP) by the Department. Results shall be submitted to the DER by the fifteenth (15th) day of the month following the month during which such analyses were performed. Testing for the following constituents is required around unlined ponds or storage areas:

TDS	Cadmium
Conductance	Zinc
pH	Copper
Redox	Nickel
Sulfate	Selenium
Sulfite	Chromium
Color	Arsenic
Chloride	Beryllium
Iron	Mercury
Aluminum	Lead
Radium 226	Gross Alpha

I. Zone of Discharge

The HPS shall meet the groundwater criteria of Chapter 62-520, F.A.C. at the boundary of a mixing zone extending 100 feet from the outside toe of the cooling reservoir. A ground water monitoring program as described in Condition IV.H. shall be implemented to verify compliance with these requirements. Such sampling program shall commence at least 12 months prior to start of commercial operation of the HPS.

J. Water Samples

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

K. SWFWMD Access

The Permittee shall provide access to an authorized SWFWMD

representative to enter the property at any reasonable time to inspect the facility and make environmental or hydrologic assessments. The Permittee shall either accompany SWFWMD staff onto the property or make provision for access onto the property.

L. *Surface Water Reduction*

The Permittee shall cease or reduce surface water withdrawal as directed by SWFWMD if water levels in lakes, other than the cooling reservoir, fall below applicable minimum water level established in Chapter 40D-8, F.A.C., or rates of flow in streams fall below the minimum levels established in Chapter 40D-8, F.A.C.

M. *Conservation*

The Permittee shall cease or reduce withdrawal as directed by SWFWMD if water levels in aquifers fall below the minimum levels established by the SWFWMD Governing Board.

The Permittee shall practice water conservation to increase the efficiency of transport, application, and use, as well as to decrease waste and to minimize runoff from the property. At such time as the SWFWMD Governing Board adopts specific conservation requirements for the Permittee's water use classification, the Permittee shall be subject to those requirements upon notice and after a reasonable period for compliance.

N. *Special Regulations*

SWFWMD may establish special regulations for Water-Use Caution Areas. At such time as the SWFWMD Governing Board adopts such provisions, the Permittee shall be subject to them upon notice and after a reasonable period for compliance.

O. *Legal Use Impacts Mitigation*

The Permittee shall mitigate, to the satisfaction of SWFWMD, any adverse impact to existing legal uses caused by withdrawals. When adverse impacts occur or are imminent, SWFWMD may require the Permittee to mitigate the impacts. Adverse impacts include:

1. A reduction in water levels which impairs the ability of a well to produce water;
2. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams or other watercourses; or
3. Significant inducement of natural or manmade contaminants into a water supply or into a usable portion of an aquifer or water body.

P. *Environmental Impact Mitigation*

The Permittee shall mitigate to the satisfaction of SWFWMD any adverse impact to environmental features or offsite land uses as a result of withdrawals. When adverse impacts occur or are imminent, SWFWMD may require the Permittee to mitigate the impacts. Adverse impacts include the following:

1. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams, or other watercourses;
2. Sinkholes or subsidence caused by reduction in water levels;
3. Damage to crops and other vegetation causing financial harm to the owner; and
4. Damage to the habitat of endangered or threatened species.

Q. *Alternative Source Investigation*

The Permittee shall investigate alternate sources of water supply on an on-going basis in an effort to reduce groundwater withdrawals. SWFWMD may direct the Permittee to report on the investigation through a written request, and allow the Permittee adequate time to prepare such a report.

V. CONTROL MEASURES DURING CONSTRUCTION (HPPL)

A. *Sanitary Wastes*

Disposal of sanitary wastes from construction toilet facilities shall be in accordance with applicable regulations of the Department and the Hardee County Health Department.

B. *Environmental Control Program*

Each permittee shall establish an environmental control program under the supervision of a qualified person to assure that all construction activities conform to good environmental practices and the applicable conditions of certification. A written plan for controlling pollution during construction shall be submitted to DEP within sixty days of issuance of the Certification. The plan shall identify and describe all pollutants and waste generated during construction and the methods for control, treatment and disposal. Each permittee shall notify the Department's Southwest District Office by telephone within 24 hours if possible if unexpected harmful effects or evidence of irreversible environmental damage are detected by it during construction, shall immediately report in writing to the Department, and shall within two weeks provide an

analysis of the problem and a plan to eliminate or significantly reduce the harmful effects or damage and a plan to prevent reoccurrence.

C. Construction Dewatering Effluent

Should the permittee's dewatering operation create shoaling in adjacent water bodies, the permittee is responsible for removing such shoaling.

All offsite discharges resulting from dewatering activities must be in compliance with water quality standards required by DER Chapters 62-4, and 62-302, F.A.C., or such standards as issued through a variance by DER.

VI. SAFETY (HPPL)

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 (HPPL)

The permittee shall provide screening of the site to the extent feasible through the use of aesthetically acceptable structures, vegetated earthen walls and/or existing or planted vegetation.

VIII. TOXIC, DELETERIOUS OR HAZARDOUS MATERIALS (HPPL)

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

IX. SOLID WASTE STORAGE AND DISPOSAL (HPPL)

Solid waste produced by the operation of the HPS shall be removed from site and disposed of in a permitted disposal facility.

X. CHANGE IN DISCHARGE (HPPL)

All discharges or emissions authorized herein to HPS 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 this 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 new or supplemental application to DEP's Siting Coordination Office pursuant to Chapter 403, F.S.

XI. NONCOMPLIANCE NOTIFICATION (HPPL)

If, for any reason, either permittee does not comply with or will be unable to comply with any limitation specified in this certification, the permittee shall notify the Director of District Management of DEP's Southwest District office by telephone as soon as possible but not later than the first DEP working day after the permittee becomes aware of said noncompliance, and shall confirm the reported 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.

XII. FACILITIES OPERATION (HPPL)

Unless granted an exception by a specific condition herein, each Permittee shall at all times maintain good working order and operate as efficiently as possible all of its treatment or control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this certification. Such systems are not to be bypassed without prior notice to the Department (Southwest District) and approval, except where otherwise authorized by applicable regulations.

XIII. ADVERSE IMPACT (HPS)

The permittees 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.

XIV. RIGHT OF ENTRY (HPPL)

The Permittees shall allow DEP authorized representatives, upon the presentation of credentials:

A. To enter upon the Permittees' premises where an effluent source is located or, during business hours, in which records are required to be kept under the terms and conditions of this permit;

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

C. To inspect 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.

E. SWFWMD authorized staff, upon proper identification, will have permission to enter, inspect, and observe surface water management facilities in order to determine compliance with the approved plans, specifications, and conditions of this certification.

F. SWFWMD authorized staff, upon proper identification, will have permission to enter, inspect, and observe permitted and related transmission line facilities in order to determine compliance with the approved plans, specifications, and conditions of this certification.

G. Moreover, the Permittees shall allow authorized representatives of DEP and other appropriate agencies, acting within the scope of their jurisdiction and authority, upon the presentation of credentials:

1. To enter upon the project site or mitigation area, or during business hours to enter the Permittees' premises in which records are required to be kept under the terms and conditions of this certification; and

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

XV. REVOCATION OR SUSPENSION (HPS)

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

XVI. CIVIL AND CRIMINAL LIABILITY

This certification does not relieve either permittee from civil or criminal responsibility or 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 either permittee from any responsibilities or penalties established pursuant to any other applicable State Statutes or regulations.

XVII. PROPERTY RIGHTS (HPS)

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 Permittees shall 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.

XVIII. SEVERABILITY (HPS)

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.

XIX. CERTIFIED SITE (HPS)

The site of the certified power plant is generally depicted in the application. The sites of directly associated transmission line and natural gas pipeline corridors for which certification is granted are generally depicted in the application. Except where noted otherwise, ROWs of linear facilities will be established in the post-certification information submittal and review process in accordance with the conditions of certification.

XX. REVIEW OF SITE CERTIFICATION (HPS)

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 Control Act Amendments of 1972 for the plant units, the Department shall review all monitoring data, including groundwater quality monitoring data, that has been submitted to it or its agent(s) during the preceding five-year period for the purpose of determining the extent of the Permittee'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

Permittees. Such review will be repeated at least every five years thereafter.

XXI. MODIFICATION OF CONDITIONS (HPS)

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

A. The Siting Board pursuant to 403.516(1), Florida Statutes, hereby delegates to the Secretary of DEP the authority to modify, upon application by the Permittees and after notice and opportunity for hearing, any conditions pertaining to monitoring; sampling; mixing zone; zone of discharge; surface water, groundwater, and air effluent or emission limitations; variances or exemptions to water quality standards; and transmission lines.

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

Replacement of any portion of the gas pipeline, transmission lines, or access roads constructed under this certification necessitated by emergency conditions shall not be considered a modification. A verbal report of any such emergency shall be made to DEP as soon as possible. Within 14 calendar days after correction of an emergency which would require the Permittees to perform an activity not in accordance with the conditions of certification, a report to the DEP shall be made outlining the details of the emergency and the steps taken for its temporary relief. The report shall be a written description of all of the work performed and shall set forth any pollution control measures or mitigative measures which were utilized or are being utilized to prevent pollution of waters, harm to sensitive areas, or alteration of archaeological or historical resources.

XXII. FLOOD CONTROL PROTECTION (HPS)

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

XXIII. EFFECT OF CERTIFICATION (HPS)

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

XXIV. NOISE (HPPL)

To mitigate the effects of noise produced by the steam blowout of steam boiler tubes, the Permittees shall conduct public awareness campaigns prior to such activities to forewarn the public of the estimated time and duration of the noise.

XXV. ENFORCEMENT (HPS)

A. The Secretary may take any and all lawful actions as he or she deems appropriate to enforce any condition of this certification.

B. Any participating agency (federal, state, local) may take any and all lawful actions to enforce any condition of this certification that is based on the rules of that agency. Prior to initiating such action the agency head shall notify the Secretary of that agency's proposed action.

XXVI. ENDANGERED AND THREATENED SPECIES (HPS)

Prior to start of construction, the permittee shall survey the site for endangered and threatened species of animal and plant life. Plant species on the endangered or threatened list shall be transplanted to an appropriate area if practicable. Gopher Tortoises and any commensals on the rare or endangered species list shall be relocated after consultation with the FWCC. A relocation program, as approved by the FWCC, shall be followed.

XXVII. DESIGN AND PERFORMANCE CRITERIA (HPS)

The power plant may be operated at up to 115% of the maximum electrical output at ISO conditions projected from design information without the need for modifying these conditions. Treatment or control facilities or systems installed or used to achieve compliance with the terms and conditions of this certification are not to be bypassed without prior DEP approval. Moreover, the Permittees shall take all reasonable steps to minimize any adverse impacts 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.

XXVIII. COMPLIANCE (HPS)

Except as otherwise provided herein and in the certification order, and subject to Section 403.511(5), Florida Statutes, construction, maintenance, and operation of the permitted facility shall comply with the applicable nonprocedural rules of all agencies,

unless a variance or waiver was obtained as part of the certification process.

XXIX. ROW DELINEATION AND COMPLIANCE VERIFICATION (HPS)

TPS is responsible for compliance with this General Condition with respect to the natural gas pipeline. TEC is responsible for compliance with this condition with respect to the Pebbledale transmission line. SECI is responsible for complying with this condition with respect to the Vandolah and Lee transmission lines.

At least 90 days prior to commencement of construction, three copies of blue-line reproductions of aerial photographs of at least 1:400 scale shall be submitted to DEP and one copy to each water management district (insofar as an area within its jurisdiction is involved) delineating the ROW routes selected, boundaries, preliminary pole and pad locations, and access roads. The Permittees shall notify all parties of such filing. These photographs shall be submitted prior to commencement of construction on the various segments of the linear facility; it is recommended that this information be submitted in segments rather than waiting until the entire ROW is acquired. DEP, the water management districts, and any other party who requests to do so shall have 30 days from receipt of notice to review the photographs and to call any apparent conflicts with the requirements of the conditions of certification to the Permittees' attention. However, this paragraph shall not operate to avoid the need for post-certification submittals and compliance reviews otherwise required by the conditions of certification.

If DEP or any substantially affected party has reason to believe that the construction of the linear facility and access roads within the Permittees' designated ROW cannot be accomplished in compliance with the conditions of certification, the Permittees shall be so notified in writing. Failure of such a notice to be served on Permittees within 30 days from the notice of filing of the various segments in the aerial photographs with DEP constitutes acknowledgment that construction of the linear facility and access roads can be accomplished in compliance with the conditions of certification within the designated ROW or the various segments of ROW submitted for review.

The acquisition of a particular ROW or the expenditure of funds toward acquisition of a particular ROW prior to post-certification review pursuant to this condition will be at the Permittees' risk, and no party will be estopped by such acquisition to seek disapproval of the construction of the linear facility or access roads within the ROW in accordance with these conditions of certification.

XXX. DISPUTE RESOLUTION (HPS)

If a situation arises in which mutual agreement cannot be reached between the Permittees and an agency exercising its regulatory jurisdiction, then the matter shall be immediately referred to the Division of Administrative Hearings (DOAH) for disposition in

accordance with the provisions of Chapter 120, Florida Statutes. A hearing under Section 120.57, Florida Statutes, shall be held within 30 days after its referral to DOAH.

The hearing officer shall issue the decision 30 days after the termination of such hearing. All exceptions to the hearing officer's order shall be filed with the Governor and Cabinet within 10 days of the issuance of such order. The Governor and Cabinet shall issue a decision within 30 days of the filing of the exceptions.

XXXI. POST-CERTIFICATION SUBMITTALS (HPS)

Conditions of certification which provide for the post-certification submittal of information to agencies by the Permittees are intended to allow the agencies to monitor the effects arising from the location of the natural gas pipeline and transmission line rights-of-way and the construction and maintenance of the permitted activities to thereby assure continued compliance with state water quality requirements, other agency nonprocedural rules and standards, and the conditions of certification, without any further government action.

XXXII. TRANSMISSION (TEC and SECI) AND PIPELINE (HPPL) ROWs

A. Construction

1. The Permittee shall avoid impacting wetlands within all certified corridors wherever practicable. When necessary and feasible, the location of the span between power poles shall be maximized or varied to eliminate or reduce wetland impacts.

2. The Permittee shall, wherever practicable, utilize adjacent existing public roads for access to the ROW for construction, operation and/or maintenance purposes.

3. The Permittee shall consult with the Bureau of Wetland Resource Management prior to final determination of the access road locations, (including those not located on the ROW), tower locations, and construction techniques which are to be reflected on any post-certification review information submittals. At DEP's request, the Permittee shall conduct field inspection with staff of this agency.

4. Prior to clearing activities within any of the ROW associated with the various linear facilities, an ecological survey shall be conducted to identify the presence of threatened or endangered species (plant and animals) as defined in the application, likely to occur in the ROW based on range and habitat. This survey shall also identify the location of any wading bird colonies. Results of this survey shall be submitted to the DEP and the FWCC and the United States Fish and Wildlife Service (USFWS). If any clearing activity will take place in or otherwise adversely affect jurisdictional wetlands, survey results will also be submitted to the appropriate water

management district. If it is determined that any of these species will be affected by the construction of any of the linear facilities, the Permittee shall consult with DEP and FWCC to determine the appropriate steps to be take to avoid, minimize, mitigate or otherwise appropriately deal with, any adverse impacts within each agency's respective jurisdiction.

5. After all ROWs have been selected, the Permittee shall conduct a survey of archaeological sensitive areas, as determined in consultation with the Department of State, Division of Historical Resources, where they are crossed by the ROW. This report shall be submitted to DHR. If practicable, sites considered to be eligible for the National Register shall be avoided during construction of the linear facilities, and subsequently during maintenance of the ROWs. For any other significant site, Permittee shall consult with DHR to determine appropriate action. If avoidance is not practicable, impact shall be mitigated through archaeological salvage operations or other methods acceptable to DHR.

6. All materials used for any purpose related to the construction of the transmission lines or other linear facilities shall come from fill sources in compliance with applicable local ordinances. No fill materials shall be obtained from excavated wetlands within the ROW unless authorized by DEP and appropriate water management district in accordance with a mitigation plan submitted in compliance with certification.

7. The Permittee shall provide mitigation/compensation (M/C) for any wetland or open water habitat within the jurisdiction of DEP or WMD which is degraded or destroyed as a result of the construction of any portion of the transmission lines, natural gas pipelines or power plant facilities. M/C may include the creation of new wetland or open water habitat, the restoration of degraded habitat, the enhancement of functions and values provided by existing wetland or open water habitats, removal of exotics, or other activities found by the relevant agencies and appropriate local government to be in compliance with their applicable regulations. Prior to the elimination or degradation of any such wetland or open water habitat, the Permittee shall concurrently submit mitigation plans to DEP, Bureau of Submerged Lands and Environmental Resources and the appropriate water management district and receive approval of such plans. These mitigation plans shall, at a minimum, include the following:

(a) Specific acreage figures, descriptions and locations of all jurisdictional wetlands, both within the ROW as well as adjacent to it which would be impacted by the construction or ROW maintenance activities, including an explanation of why no feasible alternative exists which would avoid impact to these wetlands;

(b) A discussion and a detailed set of plan-view and cross-sectional drawings of the proposed M/C activities to be undertaken, including the location of all M/C areas and a description of the manner in which these areas will be created, restored or otherwise enhanced. Success standards will be determined based on the functional values of wetlands impacted and created. The Permittees will work

with the appropriate agency staff to establish success criteria. The M/C plans proposed by Permittees shall be submitted concurrently to DEP and the appropriate water management district for review and compliance monitoring.

(c) A timetable for accomplishing the proposed M/C activities (i.e., the time for commencement and completion of activities for each mitigation area) concurrently with the construction of the various aspects of proposed facilities and any associated wetland impacts.

(d) A monitoring and maintenance program including success criteria, to ensure the survival and success of any created, restored, or enhanced wetlands.

8. M/C plans must be found to fully compensate for the functions and values provided by wetlands that will be degraded or eliminated. DEP and WMDs will work with the Permittee in the development of acceptable mitigation plans. The mitigation plans proposed by the Permittee shall be submitted for review and compliance monitoring to DEP and the appropriate water management district and such review shall be subject to the time constraints set forth in specific conditions XXXII.9., and XXXV. C. below, as appropriate.

9. For all construction activities in waters of the State where DEP has wetland resource protection jurisdiction pursuant to Chapter 402, Florida Statutes, the Permittees shall file with DEP, Office of Siting Coordination and Bureau of Wetland Resource Management the information described in Florida Administrative Code Rule 62-17.665.

a. DEP shall promptly review the submittal for completeness and sufficiency. If the submittal is found to be incomplete or insufficient, Permittee shall be so notified. Failure to issue such a notice within 30 days after filing of the submittal shall constitute a finding of completeness and sufficiency.

b. Within 90 days filing complete and sufficient information, DEP shall determine whether there is reasonable assurance of compliance with applicable substantive agency regulations as required by the conditions of certification if the plans are executed as filed. If it is determined that reasonable assurance has not been provided, the Permittee shall be notified with particularity and possible corrective measures suggested. Failure to notify Permittee in writing within 90 days of receipt of a complete information submittal shall constitute a compliance verification.

c. If DEP does not object within the time period specified, Permittee may begin construction pursuant to the terms of the conditions of certification and the subsequently submitted construction details and DEP shall provide to the Corps of Engineers a letter indicating that the full requirements of this condition have been met and the water quality certification for the purposes of 33 USC Section 1341 is thereby conveyed.

d. Permittee, at its option, may submit information for different wetlands modification activities at different time intervals. Each submittal shall be processed by DEP separately.

10. Semi-annual narrative reports shall be submitted to DEP's Bureau of Wetlands Resource Management in Tallahassee and DEP's Southwest District Office, indicating the status of all construction activities within waters of the State. These reports shall be submitted until all construction in that respective area is complete. The reports include the following information:

(a) Date the activity (dredge and fill) began; if work has not begun on-site, please so indicate.

(b) Brief description and extent of work completed since the previous report.

(c) Brief description and extent of work anticipated in the next six months.

11. Upon completion of construction, the Permittee shall provide DEP with detailed engineering drawings which depict the pre and post construction contours in all areas in which construction occurred in waters of the State.

12. During construction all Brazilian Pepper, Australian Pine, and melaleuca in each ROW shall be removed or the trees cut and the stumps treated with an approved herbicide consistent with these conditions. A plan for removal and disposal of such exotic species which minimizes seed dispersal shall be developed by the Permittee in consultation with DEP. The Permittee shall abide by the plan.

13. Following construction, a plan for maintenance and control of Brazilian Pepper, Australian pine, and melaleuca within the ROWs shall be developed by the Permittee in consultation with DEP. The Permittee shall abide by the plan.

14. The Permittee shall perform the work authorized under the certification in a manner so as to minimize any adverse impacts on fish, wildlife, native vegetation, natural environmental values, water resources, and water quality.

15. The Permittee shall develop a water quality monitoring program to measure the turbidity generated by construction in all open waters to be crossed by the proposed natural and liquid gas pipelines. This program shall be developed in coordination with the Bureau of Wetland Resource Management and approved by the Department prior to the commencement of construction.

16. The Permittee shall be responsible for the correction of any water quality problems that result from the construction, operation and/or maintenance of

works authorized under this certification. The Permittee will work with DEP to determine additional methods necessary to ensure that State Water Quality Standards are not violated as a result of construction.

17. Where necessary to prevent secondary impacts to adjacent wetlands during construction, adjacent wetland areas outside of the limits of construction shall be isolated from the construction area by silt fences. These silt containment devices shall be maintained and remain in place until all construction is complete and all associated side slopes or areas denuded of vegetation have been adequately stabilized. The Permittee shall be responsible for explaining the significance of these barriers to all construction personnel prior to construction. The Permittee shall use turbidity control as necessary so that turbidity levels in adjacent areas do not exceed 29 N.T.U.'s above natural background. Any placement of fill or encroachment into jurisdictional wetlands or water bodies outside the limits of construction shall be immediately reported to DEP, Southwest District Office in Tampa, and the Bureau of Submerged Lands and Environmental Resources in Tallahassee. Appropriate remedial action to restore the affected area shall be immediately undertaken.

18. In addition to the erosion and turbidity control measures specified above, best management practices, including but not limited to the use of floating silt screens in flowing waters, as well as the use of staked hay bales and silt curtains shall be used wherever necessary at all times during project construction. These erosion and turbidity control devices shall be regularly inspected and maintained when necessary. These devices shall remain in place until all construction is complete and all fill side slopes or denuded areas have been stabilized with suitable vegetation.

19. No dewatering operation shall be allowed unless the Permittee can provide reasonable assurances to DEP that no adverse, off-site water resource impacts will occur as a result of the construction, operation, and/or maintenance of the project.

B. Operation

1. Ground vehicles to be used in wetlands for maintenance access shall be low ground pressure vehicles unless limited to the access roads and structure pads.

2. Only EPA approved herbicides may be used in waters of the State, or the use of other herbicides in any areas of the ROW shall only be allowed with the concurrence of DEP.

XXXIII. MINE RECLAMATION (SEC1)

A. General Conditions to Approval of the AGR-CPC Conceptual Plan Modification and AGR-PC-PC1 LRU Applications

1. Approval of these applications shall not constitute a statement, admission or waiver by the State of Florida concerning the ownership of any interest in lands within the conceptual plans.

2. In restoring drainage patterns, the DEP and Agrico and its successors reserve the right to reexamine, in each stage of reclamation and restoration program application, the placement and configuration of the lakes, streams, wetlands, and watersheds which have been proposed in the conceptual plan, to assure that the natural functions of the lakes, streams, and wetlands are restored in accordance with the provisions of the then-existing standards and criteria of Chapter 16C-16, F.A.C.

B. Specific Conditions to Approval of the AGR-PC-CPC Conceptual Plan Modification and AGR-PC-PC1 LRU Applications

1. SECI and its successors shall assure that vegetation adversely affected by cooling water, prior to release of the wetlands, within the reservoir's zone of fluctuation shall be replaced in accordance with subparagraph 16C-16.0051(9)(d)1., F.A.C. A monoculture of nuisance species will not be an acceptable form of herbaceous vegetation in reclamation. Exotic species will be controlled within the cooling reservoir until the water body and its associated herbaceous wetlands are completely released of the reclamation obligation.

2. Agrico and its successors shall perform the proposed compensation in compliance with reclamation standards detailed in Chapter 16C-16, F.A.C. Should the operator propose a reduction in wetland or upland forest to be vegetated within the AGR-PC-PC1, AGR-PC-PC2, and AGR-PC-SP(2) LRUs, the bureaus will review the reduction considering the impacts to the intent of the waiver of paragraphs 16C-16.0051(5)(a and b), F.A.C., and the approved mitigation.

3. SECI and its successors shall insure that the water quality conditions of AGR-PC-PC1 meet the water quality requirements of the Hardee Power Plant Site Certification Order.

XXXIV. DIVISION OF FORESTRY (SECI)

SECI shall consult with the Division of Forestry (DOF) to locate the proposed HPS - Lee Substation 230 kV transmission line as far from the DOF's Punta Gorda Work Station as practicable or maintain at least a 500 foot separation between the line and DOF facilities.

XXXV. PROJECT SURFACE WATER AND STORMWATER MANAGEMENT FACILITIES (HPS)

Permittees shall be responsible for the construction, operation, and maintenance

of the surface water management systems and stormwater facilities installed for the project. TPS is responsible for compliance with this specific condition in regard to the power plant and natural gas pipeline. TEC is responsible in regard to the Pebbledale transmission line. SECI is responsible in regard to the Vandolah and Lee transmission lines.

A. General

1. Permittees - Confirmation

The operational phases of the surface water management systems authorized under this certification shall not become effective until the Permittees confirm in writing, upon completion of each phase, that these facilities have been constructed consistent with the conditions of certification. Such confirmation shall include a certification by an engineer (practicing in the State of Florida, having the appropriate experience in surface water management design and construction, and in compliance with Chapter 471, Florida Statutes, unless exempt thereunder) that the facilities have been constructed in accordance with the approved project design. Within 30 days after completion of construction of each phase of the surface water management system, the Permittees shall submit the confirmation, including "as-built" construction drawings with the engineer's certification and a description of any deviations, and notify the water management district that the facilities are ready for inspection for consistency with the conditions of certification and information submitted hereunder.

2. Minimum Standards

This certification is predicated on Permittees submitted information to SWFWMD and SFWMD which reasonably demonstrates that adverse off-site water resources related impacts will not be caused by the authorized activities. The plans, drawings, and design specifications submitted shall be considered minimum standards for compliance.

3. Post-Certification Information Submittals

Information submitted to the water management districts subsequent to certification, in compliance with the conditions of this certification, shall be for the purpose of water management district monitoring and confirming compliance with the conditions of certification and the criteria contained in 40D-4 and 40E-4 (Surface Water Management), Florida Administrative Code, as applicable, prior to the commencement of the subject construction, operation and/or maintenance activity covered thereunder.

4. Liability

Permittees shall hold and save SWFWMD and SFWMD harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, operation, maintenance and/or use of any facility authorized by this certification, to the extent allowed under Florida law.

5. Enforcement

Authorized representatives of the SWFWMD and SFWMD shall be allowed reasonable escorted access to the project site and any authorized off-site mitigation/compensation areas to inspect and observe any activities associated with the project construction and/or the operation and/or maintenance of the surface water management system(s) and stormwater facilities in order to determine compliance with the conditions of this certification.

6. Monitoring

Post-certification monitoring requirements may be determined and specified as a result of technical review of construction information, where necessary, to demonstrate compliance with water management district regulations. If monitoring data is required by SWFWMD or SFWMD in conjunction with post-certification review, it shall be submitted to the respective water management district and the DEP. Parameters to be monitored may include those listed in Chapter 62-302, Florida Administrative Code. Permittees also shall, if required, provide data to SWFWMD or SFWMD regarding: construction, operation, and maintenance of surface water management systems; NGVD levels; volumes and timing of water discharged, including total volume discharged during period of sampling and total discharges from the property. Environmental monitoring may also be required in conjunction with wetlands compensation/mitigation.

B. Construction Conditions

This project must be constructed in compliance with and meet all applicable requirements set forth in Chapter 373, Florida Statutes, and Chapters 40D-4 and 40E-4, Florida Administrative Code, as applicable.

C. Project Informational Requirements

1. General

a. At least 90 days prior to the commencement of construction of any portion of the project for which additional information is required under Condition

XXV.C.2. below, for that portion proposed for construction, the Permittees shall submit such information to SWFWMD or SFWMD staff, as applicable, for a completeness and sufficiency review. If the water management district staff does not issue a written request for additional information within 30 days of receipt of the information, the information will be deemed to be complete and sufficient.

b. Within 60 days of the determination by SWFWMD or SFWMD staff that the additional information is complete and sufficient, the management district shall determine and notify the Permittees in writing whether the proposed activities conform to applicable criteria in Chapters 40D-4 and 40E-4, Florida Administrative Code, and the conditions of certification. If necessary, the water management district shall identify what items are in need of clarification. Construction activities which impact works of the water management district or have surface water management impacts shall not begin until the water management district has an opportunity to assure that the activities are in compliance with the applicable water management district rule criteria and conditions of site certification, either in writing or by failure to notify the Permittees in writing.

c. Subsequent modifications to the drawings and supporting calculations submitted to SWFWMD or SFWMD which may significantly alter the quantity and/or quality of waters discharged off site shall also be submitted to the respective water management district for a determination that the modifications are in compliance with Chapters 40D-4 or 40E-4, Florida Administrative Code, as appropriate, prior to the commencement of construction. However, minor deviations from construction plans deemed necessary in the field, including, but not necessarily limited to changes in the number, size, and location of culverts and other structures, shall be allowed.

d. The respective water management districts and the Permittees may mutually agree to vary the information requirements.

2. Surface Water Management

Prior to the commencement of construction of any portion or phase of the project which may obstruct, divert, control, or impound waters of the State, such construction must be reviewed by the water management district with jurisdiction for a determination of compliance with Chapters 40D-4 or 40E-4, Florida Administrative Code, and the conditions of certification, as appropriate. Construction activities for which such review is required includes but is not limited to installation of all surface water and stormwater management facilities, the placement of structure pads, dredging and filling, the installation of access/maintenance roads and culverts and fill materials, wetlands mitigation/compensation and related activities in circumstances where a permit from the water management district would ordinarily be required under applicable rules. For all construction activities, the applicable information requirements of Chapters 40D-4 and 40E-4, Florida Administrative Code, shall be submitted as may be

appropriate. The Permittee shall submit to SWFWMD erosion control plans for the HPS construction project (or discrete phases of the project) detailing measures to be taken to prevent the offsite discharge of turbid waters during construction. These plans must also be provided to the construction contractor prior to the initiation of construction. For all construction activities related to linear facilities, the following information shall be provided at a minimum:

- a. A centerline profile of existing topographic features along the proposed access/maintenance road(s) sufficient to show contours and drainage patterns;
- b. Construction plans and designs of the proposed access/maintenance and finger road(s) with elevations and dimensions shown;
- c. Typical cross-sections of the proposed access/maintenance and finger road(s);
- d. Cross-section(s) of each wetland, stream or creek at the points to be crossed by the access/maintenance and finger road(s) or other construction;
- e. Specifications showing the location of each linear facility structure, finger and maintenance/access road, and culvert to be constructed, including all areas to be filled or excavated;
- f. Specifications, including supporting assumptions and calculations, showing the type and size of water control structures (ditch, culvert, equalizer, etc.) To be used, with proposed flowline elevations marked, drainage areas identified and design capacity verified;
- g. A cross-section of all proposed fill/excavation areas, with the exception of fill/excavation directly associated with transmission line support poles, showing the proposed depth;
- h. Identification of wet season water table elevations for each basin affected by construction.

3. In addition to the requirements of Section 2 above, specific detailed information shall be provided by the Permittees before, during and after construction which will be required to be submitted to the appropriate water management district to demonstrate compliance with recognized standards for reservoir and dam design, safety, construction, operation, and maintenance. The Permittees shall develop technical criteria and requirements which represent commonly recognized and accepted engineering and technical standards for reservoir and earthen dam design, safety, construction, operation, and maintenance. The criteria or standards shall be submitted to the District prior to final design of the dam and reservoir for consideration in

accordance with the information submittal and review process outlined in the conditions of certification.

4. The Permittee shall employ culverts or other appropriate techniques and implement suitable maintenance practices where necessary to comply with the applicable regulation of the applicable WMD or DEP and to maintain existing drainage patterns, hydroperiods, and sheetflow along the ROWs. The exact number, spacing, diameter, orientation, and length of culvert necessary to maintain existing hydrologic conditions and to maintain surface water flow conditions in the area shall be determined by the Permittees in consultation with applicable WMD or DEP based on site-specific information. This information shall be submitted to SFWMD or SWFWMD as applicable for approval prior to construction to ensure that the culverting or other appropriate techniques meets applicable standards within all affected wetlands areas.

XXXVI. WEBB WILDLIFE MANAGEMENT AREA (SECI)

A. Parties to Agreement

Florida Fish and Wildlife Conservation Commission (Commission) and Seminole Electric Cooperative, Inc. (Seminole) are parties to the following agreement relating to the location of a ROW in the Cecil M. Webb Wildlife Management Area as generally depicted in Exhibit A.

B. Conditions of Agreement

This Agreement shall bind the parties hereto and their assigns and successors in interest, provided however, that this Agreement is contingent upon the following:

1. Issuance of a Site Certification Order by the Siting Board in accordance with the terms of this Agreement.
2. Approval of this Agreement by the Board of Trustees of the Internal Improvement Trust Fund, in accordance with section 372.023, Florida Statutes.
3. Approval of this Agreement by the United States Department of the Interior, Fish and Wildlife Service, in accordance with the provision of the Federal Aid in Wildlife Restoration Act and regulations promulgated thereunder.
4. Approval of the Hardee Power Station Project by the United States Rural Electrification Administration.

C. Actions by Seminole

Upon issuance of the approvals listed in paragraph XXXVI.B. hereof,

Seminole shall allocate the sum of \$1,025,000.00 (one million twenty-five thousand dollars) to be expended for the purchase of the 427 acres, more or less, adjacent to the Webb WMA (Hall Acquisition), as shown in Exhibit B. Fee simple title to the Hall Acquisition shall be conveyed to the Commission, by warranty deed, no later than one hundred and twenty (120) days following the granting of an easement of the Commission for the transmission line ROW, or following receipt of all of the approvals listed in paragraph 5, below, whichever is later. Cost of closing, including title insurance and survey, shall be borne by Seminole.

D. Actions by Commission

Contingent upon paragraph XXXVI.B. hereof, the Commission shall, no later than thirty (30) days following issuance of site certification by the Siting Board, execute and deliver to Seminole a ROW easement for the area described and depicted in Exhibit A, which easement shall convey to Seminole the right and privilege to construct, operate, and maintain the proposed 230 kV transmission line for such period of time as Seminole may use the line or until use thereof is abandoned; this right shall include the right to construct, operate and maintain necessary communication and other wires, poles, guys, anchors, ground connections, attachments, fixtures, equipment, and accessories in connection with the Lee Transmission Line over, up and across the ROW in the Webb WMA. The Commission and Seminole reserve the right to mutually agree to minor adjustments in the final ROW location depicted in Exhibit A. Said easement shall also grant Seminole the right to patrol, inspect, alter, improve, repair, rebuild, or remove the Lee line equipment and accessories, including the right to trim, cut and clear such trees, limbs, and undergrowth along the line and trees adjacent thereto as may endanger the proper operation thereof, including the reasonable right to enter upon lands of the Commission for the purpose of exercising the rights therein granted. The Commission covenants that it has the right to convey said easement and that Seminole, its successors and assigns, shall have quiet and peaceful possession, use and enjoyment of the easement for the consideration set forth in paragraph C. above.

E. Joint Conditions (SECI)

1. The transmission line right of way (ROW) in Cecil M. Webb Wildlife Management Area (Webb WMA) shall generally follow the route described and depicted in Exhibit A, and shall, except where specifically agreed to by the Commission, directly adjoin the property boundary of the Webb WMA.

2. Yellow aviation marker balls or their equivalent shall be placed on each of the two ground wires at 100 foot intervals in a staggered fashion in any area, identified by the Commission, and as shown generally on the transmission line location map contained in Exhibit A, where bird collisions are reasonably possible. Final locations of marker balls may be adjusted depending upon field surveys.

3. Single pole transmission structures shall be utilized in the area of the I-75/Tucker's Grade Interchange as generally depicted in Exhibit A, the ROW in this

area shall not, absent Commission approval, exceed 75 (seventy-five) feet in width.

4. Seminole shall install and, in conjunction with the Commission's prescribed burning plans for the Webb WMA, annually (by November 1 of each year) maintain fire lanes, (which may include the access road) no less than 15 feet in width, along and within the ROW boundary.

5. Seminole shall control vegetation in the ROW as dictated by fire safety considerations; provided, however, that no herbicides shall be used in the Webb WMA without written approval of the Commission.

6. Seminole shall coordinate with Commission personnel during any prescribed burns so as to minimize the possibility of interference between use of the ROW by Seminole and the prescribed burning activities of the Commission.

7. Seminole shall control exotic vegetation species such as Melaleuca and Australian Pine within the ROW during the construction process in coordination with the Commission personnel.

8. Seminole shall install gates with high security locks at the entrance and exit of the ROW through the Webb WMA, and at all interior fences crossed by the ROW, in order to prevent unauthorized user access.

9. Seminole shall protect all affected Commission boundary and interior fences during construction and utilization of the ROW, and shall be responsible for all fence repairs necessitated by utilization of the ROW.

10. To the extent necessary to maintain the natural flow of water through the ROW, Seminole shall, in consultation with the Commission, install culverts or such other water control structures as may be required.

11. Seminole shall coordinate with the FWCC to assure that construction and maintenance of the transmission line and its right-of-way on the Webb Wildlife Management Area shall, to the extent practicable, be conducted in a manner which does not interfere with public hunting or other recreational use of the area. Activities occurring during established hunting seasons for construction and maintenance shall be coordinated in order to avoid interference with public use or hazards to area users or Seminole employees or agents.

12. H-frame transmission line structures emplaced within the Webb Wildlife Management Area may be constructed of steel.

XXXVII. PEACE RIVER (SECI) AND EAGLES NEST (TEC) RESTRICTIONS

A. In the area of the Peace River floodplain west of the City of Arcadia, the

Lee transmission line ROW shall be located in a manner which avoids those areas designated as Zone "A" on Exhibit C, attached hereto. In addition, to the extent practicable the ROW shall avoid those areas designated as Zone "B" on the attached Exhibit C. To the extent avoidance of areas designated as Zone "B" is impracticable, SECI shall take all reasonable measures to avoid or minimize the loss or modification of wildlife habitat in such areas.

B. Within the proposed corridor for the Hardee Power Station to Pebbledale substation transmission line, adjacent to Polk County Road 663, in Township 32 South, Range 23 East, Section 1, the 150 foot ROW shall be located a minimum of 750 feet from the eagle's nest as shown on the attached Exhibit D.

XXXVIII. CHARLOTTE COUNTY CONDITIONS (SECI)

A. The Lee transmission line shall span Shell Creek without employing transmission line structures within the minimum buffer zone required by Section 5.A. of Ordinance No. 89-53. Moreover, the Lee transmission line shall comply with the upland buffer zone requirements set forth at Section 7.B. of Ordinance No. 89-54. The natural vegetative buffer adjacent to Shell Creek shall be managed in accordance with environmentally acceptable techniques given in the site specific conditions of the transmission line ROW.

B. The Permittee shall perform the work authorized under the certification in a manner so as to minimize any adverse impact of the work on fish, wildlife, and water quality. The Permittees shall institute necessary measures during the construction period, including necessary compaction of any fill material placed around newly installed structures, to reduce erosion, turbidity, nutrient loading and sedimentation in the receiving waters.

C. The Permittees shall be responsible for the correction of any sedimentation, turbidity, erosions, and/or shoaling problems that result from the construction, operation and/or maintenance of the project.

D. It is the responsibility of the permittees to provide reasonable measures to assure that unauthorized adverse off-site water resource related impacts do not occur during construction, operation and/or maintenance of the project.

E. The Permittee shall, where practicable, utilize adjacent existing roads for access to the linear facility ROWs for construction, operation and/or maintenance purposes.

F. Access road construction in Charlotte County shall include culverts as necessary and feasible to preserve preconstruction hydric flows.

XXXIX. DESOTO COUNTY CONDITIONS (HPS)

A. Seminole Electric Cooperative, Inc. shall comply with DeSoto County Ordinance No. 87-19, Sec. 2-6.

B. Consistent with sound transmission line design and ROW location practices, the Lee and Vandolah transmission lines shall be located and constructed in a manner that minimizes impacts on adjacent land uses. To the extent feasible, Permittee shall locate the ROWs so as to avoid the taking of homes.

XL. HARDEE COUNTY CONDITIONS (SECI)

A. The Hardee Power Station and all associated facilities shall be operated in conformance with the substantive performance standards set forth in Section 2.13 of Hardee County Ordinance No. 82-2.

B. Consistent with sound transmission line design and ROW location practices, the Lee and Vandolah transmission lines shall be located and constructed in a manner that minimizes impacts on adjacent land uses. To the extent feasible, Permittee shall locate the ROWs so as to avoid the taking of homes.

XLI. LEE COUNTY CONDITIONS (SECI)

A. After Lee County portions of the Lee transmission line ROW have been selected, following certification of the corridor and prior to any project related land clearing or ground disturbing activities, any level two archeological areas crossed by the ROW, as identified in An Archaeological Site Inventory and Zone Management Plan for Lee County, Florida (1987), will be subjected to a professional archaeological survey. Prior to conduction this survey, SECI's project archaeologist will consult with Lee County staff and coordinate regarding appropriate field methodology. The survey report shall be forwarded to the Lee County Department of Community Development. If avoidance is not feasible, SECI shall mitigate impacts through archaeological salvage excavation or by other methods acceptable to Lee County.

B. New access roads providing entry into previously inaccessible areas of Lee County north of Cape Coral shall be gated, if the owner of the subject property consents.

C. Access road construction within wetlands regulated under the Lee County Wetlands Protection Ordinance shall be at grade where feasible; culverts shall be included as necessary and feasible to preserve preconstruction hydric flows.

D. Where not inconsistent with restraints imposed under the Lee County Protected Species Ordinance, as many shrubs as practicable shall be retained within

the Lee County portion of the Lee transmission line ROW.

E. The Lee transmission line ROW shall be sited, to the extent feasible, so as to avoid scrub inhabited by Florida scrub jays near the Lee substation.

F. After portions of the Lee transmission line ROW in Lee County, north and east of Cape Coral, have been selected, following certification of the corridor and prior to any project related land clearing or ground disturbing activities, the ROW will be surveyed for plant and animal species of special concern, and threatened or endangered species as identified in the Protected Species Ordinance (No. 89-29). Prior to conducting this survey, SECI's project biologist will consult with Lee County staff and coordinate regarding proper survey areas and methodology. The resulting survey report shall include aerial depictions of appropriate FLUCCS registers, transects walked and applicable visibility limits, and locations of sitings within the ROW. The survey report shall also include tables indicating the percentage of the area surveyed, calculated densities and abundance, dates and times the survey was conducted, and the name(s) of the surveyor(s). The survey report shall be submitted to Lee County's Department of Community Development. If listed species are determined to be present within the Lee transmission line ROW, SECI shall consult with the Lee County Department of Community Development to determine whether appropriate steps need to be taken to minimize and/or mitigate for any adverse impacts.

XLII. ROAD CROSSINGS CONDITIONS (HPPL)

A. All crossings of highways, streets, and roads shall be as nearly perpendicular to, and all transmission line structures shall be as far from state, county, and city road ROWs as practicable, while still maintaining proper road clearance, in order to allow future widening of those roads.

B. In accordance with Section 403.509(3), Florida Statutes, within 30 days of entry of certification, DOT and cities and counties that are parties to this proceeding shall issue any required permits or other approvals required for use, connection to, or crossing of highways, streets, and roads.

C. For all locations where permits or other approvals to use, cross, or connect to county or city highways, streets, or roads are required generally for transmission lines and access roads, the applicant shall submit the applicable and required information to the county or city engineer 30 days prior to construction so that the county or city may monitor compliance with applicable requirements. The Permittee shall comply with all applicable nonprocedural county or city regulations pertaining to roadway crossings or connections by transmission lines and access roads.

D. For all locations where the transmission line will cross state highways, the applicant shall submit the data requested pursuant to the Department of Transportation's (DOT) "Utility Accommodation Guide" to DOT within 30 days prior to

starting construction for a particular crossing. The Permittee shall comply with the criteria in the Utility Accommodation Guide and with all applicable regulations pertaining to roadway crossings by transmission lines, including these conditions of certification, unless the DOT and the Permittee agree to change those requirements for good cause shown.

XLIII. History

Certification Issued 11/27/90; signed by Governor Martinez

Modified 08/12/91; signed by Secretary Browner

Modified 10/28/91; signed by Secretary Browner

Modified 08/21/00; signed by Deputy Secretary Green

Modified 07/08/03; signed by Program Administrator Oven

Modified 08/09/06; signed by Siting Administrator Oven

APPENDIX I. NPDES Permit No. FL0041751

STATE OF FLORIDA
INDUSTRIAL WASTEWATER FACILITY PERMIT

PERMITTEE: PERMIT NUMBER: FL0041751 Major
Hardee Power Partners Limited ISSUANCE DATE: December 20, 2002
Post Office Box 111 EXPIRATION DATE: December 19, 2007
Tampa, Florida 33601-0111

FACILITY:

Hardee Power Station
Combined Cycle Units 1 and 2
County Road 663
Fort Green, FL 33834

This permit is issued under the provisions of Chapter 403, Florida Statutes, and applicable rules of the Florida Administrative Code and constitutes authorization to discharge to waters of the state under the National Pollutant Discharge Elimination System. 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:

Operation: The facility consists of one nominal 220 Megawatt (Mw) Combined Cycle Unit (Hardee Unit 1) and one 75 Mw combustion turbine (CT) for a total nominal capacity of 295 Mw. Phase 1-B for the facility includes the addition of one nominal 75 Mw CT and one nominal 70 Mw heat recovery steam generator which in combination with the existing nominal 75 Mw CT would complete the second nominal 220 Mw Combined Cycle (Hardee Unit 2). Cooling water for the facility is provided by a 570-acre cooling reservoir. The cooling reservoir has been designed to operate as a closed-loop circulation cooling water system that discharges during extreme or cumulative storm events in excess of the 10-year, 24-hour storm. The plant is fueled by natural gas (with oil as back-up).

TREATMENT FACILITIES: Low volume waste, contaminated runoff from fuel oil storage areas, and domestic wastewater generated during the operation of the Hardee Units 1 and 2 will be treated prior to discharge to the on-site cooling reservoir. Treatment of the various low volume waste streams will consist of neutralization, sedimentation, and oil and grease removal. Contaminated runoff from fuel oil storage areas will be routed through an oil/water separator. Domestic wastewater will receive secondary biological treatment.

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Operation and treatment of domestic wastewater consists of the following:

Operation of an existing 0.006 mgd 3-month average daily flow Type III extended aeration domestic wastewater treatment plant (WWTP) consisting of the following units: an on-site lift station; a headworks consisting of a flow diversion box, a coarse bar screen and a comminutor; a single aeration basin of 6,700 gallons volume; a single clarifier of approximately 1,800 gallons capacity and a surface area of 20 ft²; a chlorine contact chamber of approximately 200 gallons volume, with flow through tablet disinfection; a single aerobic digester of approximately 1,800 gallons volume; and a single effluent pumping station. Effluent from the plant is pressure dosed to the reuse system described below. Residuals from the plant are disposed of by transport to a permitted Residuals Management Facility.

EFFLUENT DISPOSAL:

Surface Water Disposal:

This permit authorizes the discharge from Outfall D-001- Cooling Reservoir Overflow; Outfall D-002 - Storm Water Detention Pond Overflow; and Outfall I-003 - Treated Low Volume Wastes. Outfall D-001 and D-002 discharge to Payne Creek, a Class III fresh water. Outfall I-003 is an internal discharge that discharges to the cooling reservoir.

Outfall D-001 - Latitude: 27° 38' 26", Longitude: 81° 58' 23"
Outfall D-002 - Latitude: 28° 38' 03", Longitude: 81° 57' 55"
Outfall I-003 - Latitude: 27° 38' 28", Longitude: 81° 57' 58"

Discharge of Treated Domestic Wastewater:

Industrial Reuse: R-001 - An existing 0.006 mgd annual average daily flow permitted capacity industrial reuse system consisting of a 570 acre power plant cooling reservoir. This is an industrial usage allowed under Rule 62-610.650, F.A.C. in which the effluent is used to augment industrial process waters. Reuse system R001 is located approximately at latitude 27° 38' 16" N, longitude 81° 57' 52" W.

IN ACCORDANCE WITH: The limitations, monitoring requirements and other conditions set forth in
Pages 1 through 26 of this permit.

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I. Effluent Limitations and Monitoring Requirements
 1. Surface Water Discharges

During the period beginning on the issuance date of this permit and lasting through expiration, the permittee is authorized to discharge from Outfall D-001 - Cooling Reservoir Overflow1 to Payne Creek from extreme or cumulative rainfall in excess of a 10-year, 24-hour rainfall event (includes Outfall I-003 and condenser cooling water).

a. Such discharges shall be limited and monitored by the permittee as specified below:

	DISCHARGE LIMITATIONS	MONITORING REQUIREMENTS		
EFFLUENT CHARACTERISTIC	Instantaneous Maximum	Sampling Frequency	Sample Type	Sample Point
Flow, MGD	Report	1/day during discharge	Calculation	FLW-1
Flow, MGD	Report	Once per discharge ²	Calculation	FLW-2, FLW-3
Temperature, °F	95.73	2/day	Grab	EFF-1
Temperature, °F	Report	Once per discharge ²	Grab	SWU-1, SWD-1
pH, standard units	See item c. below	Once per discharge ²	Grab	EFF-1
pH, standard units	Report	Once per discharge ²	Grab	SWU-1, SWD-1
Beryllium, µg/l	1.63	Once per discharge ²	Grab	EFF-1

1 Hardee Power Partners, LTD (HPP) and Seminole Electric Cooperative, Inc. (SECI) jointly occupy the Hardee Power Station site. SECI owns and operates a new 500 megawatt (MW) combined cycle power plant (Unit 3) which is authorized to discharge to waters of the State pursuant to NPDES permit No. FL0044229. HPP owns and operates Units 1 and 2 which have a buildout capacity of 440 MW. Both permittees will jointly operate the Cooling Reservoir which discharges via Outfall D-001. See Specific Condition I.C.6.

2 Sampling shall be once per week if the discharge is continuous for more than one week.

3 Notwithstanding the limitations above, effluent from this outfall shall not cause an exceedance of Water Quality Standards criteria contained in Section 62-302 of the Florida Administrative Code (FAC) at the edge of the mixing zone (extending 50 feet downstream from the point where the discharge waters first enter the Payne Creek flow channel) (except for temperature which extends 75 feet) for: temperature (92.0°F); temperature rise [5.0°F instantaneous maximum increase above ambient (natural) temperature]and total recoverable beryllium (0.00013 mg/l). Compliance with these limitations shall be deemed met without additional monitoring, if effluent sampling results are less than or equal to those provided in I.A.1.a of this section. The mixing zones previously granted for cyanide, iron, radioactivity (gross alpha and radium 226 and 228), cadmium, copper; lead, mercury; selenium, silver, zinc, and turbidity have been suspended, as explained in the Fact Sheet to this permit.

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Beryllium, µg/l	Report	Once per discharge ²	Grab	SWU-1, SWD-1
Dissolved Oxygen, mg/l	Report	Once per discharge ²	Grab	EFF-1
Total Dissolved Solids, mg/l	Report	Once per discharge ²	Grab	EFF-1
Total Residual Chlorine, mg/l	0.01	Once per discharge ²	Grab	EFF-1
Additional Monitoring	See item d. below	1/six months	Grab	IMP-1

b. The location of sampling points as specified above are as follows:

Monitoring Location	Description of Monitoring Location
FLW-1	Calculated flow, discharge for the cooling reservoir.
FLW-2	Measured flow, downstream from the point of discharge in Payne Creek
FLW-3	Measured flow, upstream from the point of discharge in Payne Creek
EFF-1	Point of discharge from the cooling reservoir prior to mixing with any other waste stream or the receiving waters
SWU-1	Upstream from the point of discharge in Payne Creek.
SWD-1	Downstream from the point of discharge in Payne Creek.
IMP-1	Within the cooling reservoir at the cooling water intake.

c. The pH shall not be less than 6.0 standard units nor greater than 8.5 standards units⁴.

d. The permittee shall conduct additional monitoring within the cooling reservoir once per six months for the following parameters: chlorophyll A; nitrogen (total ammonia, calculated un-ionized ammonia using field pH and temperature, total kjeldahl, and nitrite/nitrate); pH; phosphorus (orthophosphate and total phosphorus); temperature; beryllium; cadmium; copper; cyanide; iron; lead; mercury; selenium; silver; zinc; gross alpha; radium 226 and 228; total dissolved solids; turbidity (NTU); and hardness. If the

⁴ A mixing zone for pH has been granted in Payne Creek, extending 4.6 meters downstream and 1.3 meters out into the creek at the point of discharge. Compliance with the pH limitation in Section I.A.1.c above will provide demonstration that the Florida Surface Water Quality Criterion pursuant to FAC 62-302.530 will be achieved at the edge of the approved mixing zone.

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concentrations of any of the above parameters that have a numerical water quality standard (WQS) (except pH, beryllium, and temperature) should reach 80% of the WQS as contained in Rule 62-302 FAC, the permittee shall conduct follow-up monitoring for the elevated parameters. The follow-up monitoring shall begin within two weeks of receiving results from the original sampling event and shall consist of three additional grab samples to be taken once every two weeks. If the results of any of the follow-up samples exceed 80 % of the WQS the permittee shall notify the Department in writing and provide the results of all follow-up samples. Upon such notification, the Department may require the permittee to provide a Plan of Action (POA) for ensuring compliance with applicable WQS's at the point of discharge from the cooling reservoir. The POA should consider treatment alternatives, source reduction of the pollutant(s) of concern and applicability of moderating provisions such as mixing zones. Additional sampling to support a mixing zone evaluation will include in-stream monitoring upstream and downstream of the point of discharge to the cooling reservoir. The permittee shall submit the results of all sampling events conducted in accordance with Rule 62-620.610(18), FAC.

e. Discharge of seepage water from the Reservoir as a point source to any stream that enters surface waters of the State (except back into the reservoir) is not authorized by this permit.

This permit authorizes the discharge from the cooling reservoir only in the case of a 10-year, 24-hour rainfall events or extreme cumulative rainfall events. The permittee shall, to the maximum extent practicable, maintain the necessary freeboard within the cooling reservoir to accommodate such extreme or cumulative rainfall.

2. During the period beginning on the issuance date of this permit and lasting through expiration, the permittee is authorized to discharge from Outfall D-002 - STORM WATER DETENTION POND Overflow to Payne Creek (includes runoff associated with industrial activities other than the fuel storage area runoff).

a. Such discharges shall be limited and monitored by the permittee as specified below:

	DISCHARGE LIMITATIONS	MONITORING REQUIREMENTS		
EFFLUENT CHARACTERISTIC	Instantaneous Maximum	Measurement Frequency	Sample Type	Sample Location
Flow, MGD	Report	Once per discharge ⁵	Calculation	FLW-4

⁵ Sampling shall be once per week if the discharge is continuous for more than one week.

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Total Suspended Solids (mg/l)	50.0	Once per discharge5	Grab	EFF-2
pH, standards units	See item d. below	Once per discharge5	Grab	EFF-2

b. The location of sampling points as specified above are as follows:

Monitoring Location	Description of Monitoring Location
FLW-4	Calculated flow, discharge from the detention pond
EFF-2	Discharge from the detention pond prior to mixing with any other waste stream or discharge to the receiving waters.

c. The permittee shall maintain a record of daily rainfall at the power plant site. Daily rainfall amounts in excess of the 10Y24H event shall be reported as an attachment to the Discharge Monitoring Report (DMR).

d. The pH shall not be less than 6.0 standard units nor greater than 8.5 units.

e. The detention pond volume when empty shall be adequate to retain the total volume of water equal to a 10-year 24-hour rainfall. The permittee shall, to the extent possible, maintain the maximum amount of freeboard within the detention pond.

3. During the period beginning on the issuance date of this permit and lasting through expiration, the permittee is authorized to discharge from Outfall I-003 - TREATED LOW VOLUME WASTES to the Cooling Reservoir. Low volume wastes are those wastes generated from "low volume waste sources" as defined in 40 CFR Part 423.11(b) plus storm water from the diked petroleum storage areas and treated domestic wastewater (Outfall R-001).

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

EFFLUENT CHARACTERISTIC	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS		
	Daily Average	Daily Maximum	Measurement Frequency	Sample Type	Sample Location

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Flow, MGD	Report	Report	Continuous	Recorder	FLW-5
Oil and Grease, mg/l	15.0	20.06	1/Month	Grab	OUI-1
Total Suspended Solids, mg/l	30.0	100.06	1/Month	Grab	OUI-1
pH, standards units	See item c. below		1/Month	Grab	OUI-1

b. The location of sampling points as specified above are as follows:

Monitoring Location	Description of Monitoring Location
FLW-5 OUI-1	Measured flow, discharge to the cooling reservoir. Point of discharge from Outfall I-003 prior to discharge to the cooling reservoir.

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

⁶ During any month in which only one sample is taken, the applicable limitations are those listed under "Daily Average."

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B. Reuse and Land Application Systems

1. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge reclaimed domestic wastewater to the cooling reservoir via Industrial Reuse System R-001. Such reclaimed water shall be limited and monitored by the permittee as specified below:
 [62-600, 12-24-96] [62-601, 12-24-96] [62-610, 08-08-99]

Parameter	Units	Max./Min.	Reclaimed Water Limitations				Monitoring Requirements		
			Annual Average	Monthly Average	Weekly Average	Single Sample	Monitoring Frequency	Sample Type	Monitoring Location Site Number
Flow (R001)	mgd	Maximum	0.006 (See Item I.B.4 below)	-	-	-	Daily, 5/week Rolling Annual Average	Calculated	FLW-6
Carbonaceous Biochemical Oxygen Demand (5 day)	mg/L	Maximum	20.0	30.0	NA	60.0	1/month	Grab	OUI-2
Total Suspended Solids	mg/L	Maximum	20.0	30.0	NA	60.0	1/month	Grab	OUI-2
Fecal Coliform Bacteria	See Permit Condition I.B.6. below						1/month	Grab	OUI-2
pH	std. Units	Range	-	-	-	6.0-8.5	Daily, 5/week	Grab	OUI-2

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Total Residual Chlorine (For Disinfection)	mg/L	Minimum	-	-	-	0.5 (See Item I.B.7 below)	Daily, 5/week	Grab	OUI-2
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2. During the period beginning on the issuance date and lasting through the expiration date of this permit, the domestic treatment facility influent shall be limited and monitored by the permittee as specified below:
 [62-601.300(1), 12-24-96]

Limitations

Parameter	Units	Max/Min	Annual Average	Monthly Average	Weekly Average	Single Sample	Monitoring Frequency	Sample Type	Monitoring Location Site Number
Flow (Total Plant)	mgd	Maximum	-	0.006 (See Item I.B.4 below)	-	-	Daily, 5/week Report Monthly	Calculated Rolling 3 Mo Avg	FLW-06
Carbonaceous Biochemical Oxygen Demand (5 day)	mg/L	Report Only	-	-	-	-	Monthly	Grab	INF-1
Total Suspended Solids	mg/L	Report Only	-	-	-	-	Monthly	Grab	INF-1

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3. The location of sampling points as specified in I.B.1 and I.B.2 above are as follows:

Monitoring Location	Description of Monitoring Location
FLW-6	Flow measurement point at master lift station (pump rates/hour meters).
OUI-2	Final effluent, after disinfection at outlet from Chlorine Contact Chamber, and prior to discharge to R001.
INF-1	At or prior to inlet to aeration basin, prior to treatment and ahead of any return flows.

4. The annual average daily discharge flow to Industrial Reuse System R001 shall not exceed 0.006 mgd calculated as a 12 month rolling annual average. The 3 month average daily flow through the WWTP shall not exceed 0.006 mgd calculated as a 3 month rolling average.

5. Lift station pumping rates and hour meters shall be utilized to measure flow and calibrated at least annually. [62-601.200(17)and .500(6), 12-24-96]

6. The arithmetic mean of the monthly fecal coliform values collected during an annual period shall not exceed 200 per 100 mL of sample. The geometric mean of the fecal coliform values for a minimum of 10 samples, each collected on a separate day during a period of 30 consecutive days (monthly), shall not exceed 200 per 100 mL of sample. No more than 10 percent of the samples collected (the 90th percentile value) during a period of 30 consecutive days shall exceed 400 fecal coliform values per 100 mL of sample. Any one sample shall not exceed 800 fecal coliform values per 100 mL of sample. Note: To report the 90th percentile value, list the fecal coliform values obtained during the month in ascending order. Report the value of the sample that corresponds to the 90th percentile (multiply the number of samples by 0.9). For example, for 30 samples, report the corresponding fecal coliform number for the 27th value of ascending order. [62-600.440(4)(c), 12-24-96]

7. A minimum of 0.5 mg/L total residual chlorine must be maintained for a minimum contact time of 15 minutes based on peak hourly flow. [62-600.440(4)(b), 12-24-96]

8. Influent samples shall be collected so that they do not contain digester supernatant or return activated sludge, or any other plant process recycled waters. [62-601.500(4), 12-24-96]

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C. Other Limitations and Monitoring and Reporting Requirements

The Sampling and Testing Methods and Method of Detection Limits applicable to this permit shall be in accordance with Department established and published approved analytical methods and corresponding Department established MDL's (method detection limits) and PQL's (practical quantification limits). The approved list, which is titled "Florida Department of Environmental Protection Table Required By Rule 62-4.246(4) Testing Methods for Discharge to Surface Water" dated June 21, 1996, is available from the Department upon request. Any method and corresponding MDL and PQL listed in the above described table may be used for reporting as long as it meets the following requirements;

The PQL for the specific parameter measured is less than or equal to the permit limit or the water quality criteria stated in the applicable section of 62-302 FAC. Parameters that are listed as "report only" in the permit shall use methods which provide a PQL which is equal to or less than the applicable water quality criteria stated in 62-302 FAC. If the PQL's for all methods available in the approved list are above the stated permit limit or applicable water quality criteria for that parameter then the method with the lowest available PQL shall be used.

In general the MDL's and PQL's as described above shall constitute the minimum reporting levels and the Department shall not accept results for which the laboratory's MDL's or PQL's are greater than those described above. However, minimally higher MDL/PQL's may be used if those MDL/PQL's are included in an update of the Permittee's Department Approved Comprehensive Quality Assurance Plan (CompQAP) and the permittee has notified the Department's Industrial Wastewater Section. In Addition, certain other method MDL/PQL's may be acceptable if the PQL value for a particular method is less than the permit limit, the MDL/PQL is included in the Department approved CompQAP, and the permittee has notified the Department's Industrial Wastewater Section.

Unless otherwise specified, sample results shall be reported as indicated on the instructions included with the Discharge Monitoring Report.

Monitoring results obtained for each calendar month shall be summarized for that month and reported on a Discharge Monitoring Report (DMR), Form 62-620.910(10), postmarked no later than the 28th day of the month following the completed calendar month. For example, data for January shall be submitted by February 28. Signed copies of the DMR shall be submitted to the address specified below:

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

If no discharge occurs during the reporting period, sampling requirements of this

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permit do not apply. The statement "No discharge" shall be written on the DMR form. If, during the term period of this permit, the facility ceases to discharge, the Department shall be notified immediately upon cessation of discharge. Such notification shall be in writing.

Unless specified otherwise in this permit, all other reports and notifications required by this permit, including twenty-four hour notifications, shall be submitted to or reported to the Department's Southwest District Office at the address specified below:

Florida Department of Environmental Protection
 Southwest District
 3804 Coconut Palm Drive
 Tampa, Florida 33618-8318
 Phone Number (813) 744-6100

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

REPORT Type	Monitoring Period	Due Date
Monthly or Toxicity	first day of month – last day of month	28th day of following month
Quarterly	January 1 - March 30	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 and shall submit the completed DMR form to the Department at the address specified in Permit Condition I.C.2 above.

- There shall be no discharge of floating debris, scum, oil, or other matter in such

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amounts as to form nuisances or produce color, odor, taste, turbidity, or other conditions to such degree as to create a nuisance or otherwise interfere with the beneficial use of the receiving waters in accordance with FAC 62-302.500(1)(a) and 62-302.530(500)(b).

Any such discharges to waters of the State shall be reported to the Department when submitting DMR's.

6. Outfall D-001 is included in this permit and in NPDES Permit No. FL0044229, issued to Seminole Electric Cooperative, Inc. (SECI) and both permittees are authorized to discharge from the Cooling Reservoir to Payne Creek via D-001. HPP is currently discharging into the cooling reservoir. Upon commencement of discharges to the reservoir by SECI, the two permittees will become joint operators of the Cooling Reservoir with respect to discharges from D-001. In any civil action (judicial or administrative), FDEP may allege that the joint operators are jointly and severally liable for penalties, damages, costs and expenses, or corrective actions for violations at D-001, and neither permittee shall assert as an affirmative defense that any violations at D-001 were caused by the conduct of the other permittee. This provision shall not limit or affect the rights, liability, claims, or defenses that the separate permittees may have in actions between themselves or with other parties, or in any criminal action arising out of separate permits.

7. There shall be no discharge of polychlorinated biphenyl compounds such as those commonly used for transformer fluid.

8. There shall be no discharge of metal cleaning wastes to any effluent stream which discharges to surface waters of the State. "Metal cleaning wastes" means any wastewater (including all rinse waters) resulting from cleaning (with or without chemical cleaning compounds) any metal process equipment whether due to preoperational or operational cleaning, including, but not limited to, cleaning of boiler tubes, boiler fireside, air preheaters, stacks, etc. This definition does not include exterior rinsing of process equipment. Any metal cleaning wastes disposed of off-site shall be disposed of in an environmentally acceptable manner and in compliance with all applicable Federal and State Regulations. Details of such disposal shall be provided to the Department not less than 30 days prior to any proposed metal cleaning waste disposal off-site.

9. Discharge of any product registered under the Federal Insecticide, Fungicide, and Rodenticide Act to any waste stream which ultimately may be released to lakes, rivers, streams, or other waters of the United States 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. Discharge of chlorine from the use of chlorine gas, sodium hypochlorite, or other similar chlorination compounds for disinfection in plant potable and service water systems and in sewage treatment is

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authorized in D-001, Cooling Reservoir discharge. Discharge of hydrazine in HRSG blowdown via D-001 is authorized.

The company shall notify the Department in writing no later than six (6) months prior to instituting use of any biocide or chemical (except chlorine or hydrazine as authorized elsewhere in this permit) used in the cooling systems or any other portion of the treatment system which may be toxic to aquatic life. Such notification 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 approval by the Department.

10. Discharge of any waste resulting from the combustion of toxic, hazardous, or metal cleaning wastes to any waste stream which ultimately discharges to waters of the United States is prohibited, unless specifically authorized elsewhere in this permit.

Sludge Management Requirements Industrial Sludge

1. Industrial sludge produced by the operation of Units 1 and 2 shall be removed from site and disposed of in a solid waste management facility permitted by the Department..

2. The disposal of industrial sludge in a solid waste management facility permitted by the Department shall be in accordance with the requirements of Chapter 62-701, F.A.C.

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3. The treatment, disposal, storage, and/or handling of residuals, septage, or other solids from the domestic wastewater treatment plant shall be in accordance with the following:

a) If residuals are disposed in a solid waste landfill, only a Class I or II landfill will be used. The method of residuals use or disposal by this facility is transport to the Blue Septic Tank Service, Inc. Residuals Management Facility (FLA16189) for further treatment and disposal, or disposal in a Class I or II solid waste landfill.

b) The permittee shall be responsible for proper treatment, management, use, and land application or disposal of its residuals. [62-640.300(5), 03-30-98]

c) The permittee shall not be held responsible for treatment, management, use, or land application violations that occur after its residuals have been accepted by a permitted residuals management facility with which the source facility has an agreement in accordance with Rule 62-640.880(1)(c), F.A.C., for further treatment, management, use or land application. [62-640.300(5), 03-30-98]

d) Disposal of residuals, septage, and other solids in a solid waste landfill, or disposal by placement on land for purposes other than soil conditioning or fertilization, such as at a monofill, surface impoundment, waste pile, or dedicated site, shall be in accordance with Chapter 62-701, F.A.C. [62-640.100(6)(k)3&4, 03-30-98]

e) If the permittee intends to accept residuals from other facilities, a permit revision is required pursuant to Rule 62-640.880(2)(d), F.A.C. [62-640.880(2)(d), 03-30-98]

f) Storage of residuals or other solids at the permitted facility shall require prior written notification to the Department. [62-640.300(4), 03-30-98]

g) The permittee shall keep hauling records to track the transport of residuals between facilities. The hauling records shall contain the following information:

- a. Date and Time Shipped
- b. Amount of Residuals Shipped
- c. Degree of Treatment (if applicable)
- d. Name and ID Number of Residuals Management Facility or Treatment Facility

These records shall be kept for five years and shall be made available for inspection upon request by the Department. A copy of the hauling records information maintained by the source facility shall be provided to the residuals management facility or treatment

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facility upon delivery of the residuals. The permittee shall report to the Department within 24 hours of discovery any discrepancy in the quantity of residuals leaving the source facility and arriving at the residuals management facility or treatment facility. [62-640.880(4), 03-30-98]

III. Ground Water Monitoring Requirements

1. The permittee shall comply with all ground water monitoring requirements as specified in the Conditions of Certification, PA 89-25.

IV. Additional Reuse and Land Application Requirements

1. Advisory signs shall be posted around the portion of the industrial site in which reclaimed water is used and at the main entrances to the industrial site. [62-610.658(1), 08-08-99]

2. Cross-connections to the potable water system are prohibited. [62-610.660(1), 08-08-99]

3. There shall be readily identifiable "non-potable" or "do not drink" notices, marking, or coding on application/distribution facilities and appurtenances. [62-610.660(2), 08-08-99]

V. Operation and Maintenance Requirements

Domestic Wastewater Treatment Plant Staffing Requirements

1. During the period of operation authorized by this permit, the wastewater facilities shall be operated under the supervision of a(n) operator(s) certified in accordance with Chapters 61E12-41, F.A.C. or 62-602, F.A.C. In accordance with Chapter 62-699, F.A.C., this facility is a Category III, Class D facility and, at a minimum, operators with appropriate certification must be on the site as follows:

A Class D or higher operator for 2 non-consecutive visits per week, for a total of 1 hour per week. The lead operator must be a Class D operator, or higher.

2. A certified operator shall be on call during periods the plant is unattended. Daily checks of the plant shall be performed by the permittee or his representative or agent 5 days per week. [62-699.311(1), 05-20-92]

Capacity Analysis Report and Operation and Maintenance Performance Report Requirements

3. A capacity analysis report shall be submitted to the Department at time of renewal of this permit or upon request of the Department. The capacity analysis report shall be prepared in accordance with Rule 62-600.405, F.A.C. [62-600.405(5), 12-24-

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4. The application to renew this permit shall include a detailed operation and maintenance performance report prepared in accordance with Rule 62-600.735, F.A.C. [62-600.735(1), 12-24-96]

Recordkeeping Requirements

5. The permittee shall maintain the following records and make them available for inspection on the site of the permitted facility.

- a. Records of all compliance monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation and 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, including evidence of most recent calibration or certification of flow measurement system and RPZ backflow preventers;
- b. Copies of all reports required by the permit for at least three years from the date the report was prepared;
- 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;
- d. Monitoring information, including a copy of the laboratory certification showing the laboratory certification number, related to the residuals use and disposal activities for the time period set forth in Chapter 62-640, F.A.C., for at least three years from the date of sampling or measurement;
- e. A copy of the current permit;
- f. A copy of the current operation and maintenance manual as required by Chapter 62-600, F.A.C.;
- g. A copy of the facility record drawings;
- h. Copies of the licenses of the current certified operators; and
- i. Copies of the logs and schedules showing plant operations and equipment maintenance for three years from the date of the logs or schedules. The logs shall, at a minimum, include identification of the plant; the signature and certification number of the operator(s) and the signature of the person(s) making any entries; date and time in and out; specific operation and maintenance activities; tests performed and samples taken; and major repairs made. The logs shall be maintained on-site in a location accessible to

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24-hour inspection, protected from weather damage, and current to the last operation and maintenance performed.

[62-620.350,12-24-96][61E12-41.010(1)(e), 07-15-96] [62-602, 12-30-99]

B. Operation of Industrial Treatment and Disposal Facilities

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 appropriate for those facilities.

Record keeping Requirements:

3. 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 b. 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. Compliance Schedules and Self-imposed Improvement Schedules

A. Schedule of Compliance

1. The permittee shall achieve compliance with the effluent limitations specified for discharges in accordance with the following schedule:
 - a. Operational level attained.....Issuance Date (ID) of permit
 - b. Best Management Practices Pollution Prevention Plan (BMP3)(See Part VII, Subpart D)

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- (1) Update plan..... ID of permit plus 3 months
- (2) Implement plan..... ID of permit plus 6 months

2. No later than 14 calendar days following a date identified in the above schedule 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.

3. This permit is being issued in conjunction with Administrative Order # AO010TAL which sets forth an interim maximum limitation and compliance schedule for the water quality parameter pH. The permittee shall comply with the terms and conditions of AO010TAL, which is hereby incorporated by reference.

Other Specific Conditions

Specific Conditions Applicable to Domestic Wastewater

1. In the event that the treatment facilities or equipment no longer function as intended, are no longer safe in terms of public health and safety, or odor, noise, aerosol drift, or lighting adversely affects neighboring developed areas at the levels prohibited by Rule 62-600.400(2)(a), FAC, corrective action (which may include additional maintenance or modifications of the permitted facilities) shall be taken by the permittee.

Other corrective action may be required to ensure compliance with rules of the Department. Additionally, the treatment, management, use or land application of residuals shall not cause a violation of the odor prohibition in Rule 62-296.320(2), FAC [62-600.410(8), 12-24-96 and 62-640.400(6), 03-30-98]

2. The deliberate introduction of stormwater in any amount into collection/transmission systems designed solely for the introduction (and conveyance) of domestic/industrial wastewater; or the deliberate introduction of stormwater into collection/transmission systems designed for the introduction or conveyance of combinations of storm and domestic/industrial wastewater in amounts which may reduce the efficiency of pollutant removal by the treatment plant is prohibited. [62-604.130(3), 12-26-96]

3. Collection/transmission system overflows shall be reported to the Department in accordance with Permit Condition IX. 20. [62-604.550, 12-26-96] [62-620.610(20), 03-02-00]

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4. The acceptance, by the operating authority of a collection/transmission system or by the permittee of a treatment plant, of connections of wastewater discharges which have not received necessary pretreatment or which contain materials or pollutants (other than normal domestic wastewater constituents):

a. Which may cause fire or explosion hazards; or

b. Which may cause excessive corrosion or other deterioration of wastewater facilities due to chemical action or pH levels; or

c. Which are solid or viscous and obstruct flow or otherwise interfere with wastewater facility operations or treatment; or

d. Which result in treatment plant discharges having temperatures above 40oC is prohibited. [62-604.130(4), 12-26-96]

5. The treatment facility shall be enclosed with a fence or otherwise provided with features to discourage the entry of animals and unauthorized persons. [62-600.400(2)(b), 12-24-96]

6. Disposal of screenings and grit from preliminary treatment components of wastewater treatment facilities, solids from sewer line cleaning operations, and solids from lift stations and pump stations shall be in accordance with Chapter 62-701, FAC [62-640.100(6)(k)8., 03-30-98 and 62-701.300(1)(a), 04-23-97]

7. The permittee shall provide adequate notice to the Department of the following:

a. Any new introduction of pollutants into the facility from an industrial discharger which would be subject to Chapter 403, F.S., and the requirements of Chapter 62-620, FAC, if it were directly discharging those pollutants; and

b. Any substantial change in the volume or character of pollutants being introduced into that facility by a source which was identified in the permit application and known to be discharging at the time the permit was issued.

Adequate notice shall include information on the quality and quantity of effluent introduced into the facility and any anticipated impact of the change on the quantity or quality of effluent or reclaimed water to be discharged from the facility. [62-620.625(2), 03-02-00]

B. Specific Conditions Applicable to All Permits

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

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.

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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.

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, FAC, and in the manner established in Chapter 62-620, FAC, and the Department of Environmental Protection Guide to Wastewater Permitting including submittal of the appropriate processing fee set forth in Rule 62-4.050, FAC

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 Best Management Practices Pollution Prevention (BMP3) Plan Condition**1. Best Management Practices Plan :**

In accordance with Rule 62-620.620(1)(n), FAC, the permittee shall develop and implement a BMP3 plan. References which may be used in developing the plan are "Criteria and Standards for Best Management Practices Authorized Under Section 304(e) of the Act", found at 40 CFR Section 122.44(k), the Storm Water Management Industrial Activities Guidance Manual, EPA/833-R92-002 and other EPA documents relating to Best Management Practice guidance.

2. Definitions:

a. The term "pollutants" refers to conventional, non-conventional and toxic pollutants, as appropriate for the NPDES storm water program and toxic pollutants.

b. Conventional pollutants are: biochemical oxygen demand (BOD), suspended solids, pH, fecal coliform bacteria and oil & grease.

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c. Non-conventional pollutants are those which are not defined as conventional or toxic, such as phosphorus, nitrogen or ammonia. (Ref: 40 CFR Part 122, Appendix D, Table IV)

d. For purposes of this part, Toxic pollutants include, but are not limited to: a) any toxic substance listed in Section 307(a)(1) of the CWA, any hazardous substance listed in Section 311 of the CWA, and b) any substance (that is not also a conventional or non-conventional pollutant) for which EPA has published an acute or chronic toxicity criterion, or that is a pesticide regulated by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

e. "Pollution prevention" refers to the first category of EPA's preferred hazardous waste management strategy - source reduction.

f. "Significant Materials" is defined as raw materials; fuels; materials such as solvents and detergents; hazardous substances designated under Section 101(14) of CERCLA; and any chemical the facility is required to report pursuant to EPCRA, Section 313; fertilizers; pesticides; and waste products such as ashes, slag and sludge.

g. "Source reduction" means any practice which: i) reduces the amount of any pollutant entering a waste stream prior to recycling, treatment or disposal; and ii) reduces the hazards to public health and the environment associated with the release of such pollutant. The term includes equipment or technology modifications, process or procedure modifications, substitution of raw materials, and improvements in housekeeping, maintenance, training, or inventory control. It does not include any practice which alters the physical, chemical, or biological characteristics or the volume of a pollutant through a process or activity which itself is not integral to, or previously considered necessary for, the production of a product or the providing of a service.

h. "BMP3" means a Best Management Practices Pollution Prevention Plan incorporating the requirements of 40 CFR § 125, Subpart K, plus pollution prevention techniques, except where other existing programs are deemed equivalent by the permittee. The permittee shall certify the equivalency of the other referenced programs.

i. "Reportable Quantity (RQ) Discharge" A RQ release occurs when a quantity of a hazardous substance or oil is spilled or released within a 24-hour period of time and exceeds the RQ level assigned to that substance under CERCLA or the Clean Water Act. These levels or quantities are defined in terms of gallons or pounds. Regulations listing these quantities are contained at 40 CFR 302.4, 40 CFR 117.21 and 40 CFR 110.

j. The term "material" refers to chemicals or chemical products used in any plant

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operation (i.e., caustic soda, hydrazine, degreasing agents, paint solvents, etc.). It does not include lumber, boxes, packing materials, etc.

3. Best Management Practices/Pollution Prevention Plan:

The permittee shall develop and implement a BMP3 plan for the facility which is the source of wastewater and storm water discharges. The plan shall be directed toward reducing those pollutants of concern which discharge, or could discharge, to surface waters to and shall be prepared in accordance with good engineering and good housekeeping practices. For the purposes of this permit, pollutants of concern shall be limited to toxic pollutants and significant materials, as defined above, known to the discharger. The plan shall address all activities which could or do contribute these pollutants to the surface water discharge, including storm water, water and waste treatment, and plant ancillary activities.

4. Signatory Authority & Management Responsibilities:

A copy of the BMP3 plan shall be retained at the facility and shall be made available to the permit issuing authority upon request.

The BMP3 plan shall contain a written statement from corporate or plant management indicating management's commitment to the goals of the BMP3 program. The BMP3 plan shall be signed and reviewed by the plant management.

5. BMP3 Plan Requirements:

The following requirements may be incorporated by reference from existing facility procedures:

a. Name and description of facility

b. A site map - At a minimum the site map must include information of the following: discharge points ("outfalls"); drainage patterns; identification of the types of pollutants likely to be discharged from each drainage area; direction of flow; surface water bodies, including any proximate stream, river, lake, or other waterbody receiving storm water discharge from the site; structural control measures (physically constructed features used to control storm water flows); locations of "significant materials" exposed to storm water; locations of industrial activities (such as fueling stations, loading and unloading areas, vehicle or equipment maintenance areas, waste disposal areas, storage areas).

c. A materials inventory including the types of materials that are handled, stored, or processed onsite, particularly significant materials. To complete the materials inventory,

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the permittee must list materials that have been exposed to storm water in the past 3 years (focus on areas where materials are stored, processed, transported, or transferred and provide a narrative description of methods and location of storage and disposal areas, materials management practices, treatment practices, and any structural/nonstructural control measures.

d. A list of significant spills and leaks of toxic or hazardous materials that have occurred in the past 3 years. "Significant spills" includes releases in excess of reportable quantities.

e. A summary of any existing storm water sampling data and a description of the sample collection procedures used.

f. A site evaluation summary - The Site Evaluation Summary should provide a narrative description of activities with a high potential to contaminate storm water at the site, including those associated with materials loading and unloading, outdoor storage, outdoor manufacturing or processing, onsite disposal, and significant dust or particulate generating activities. The summary should also include a description of any pollutants of concern that may be associated with such activities.

g. A narrative description of the following BMP's:

(i) - Good Housekeeping Practices

(ii) - Preventive Maintenance The permittee must develop a preventive maintenance program that involves inspections and maintenance of storm water management devices and routine inspections of facility operations to detect faulty equipment. Equipment (such as tanks, containers, and drums) should be checked regularly for signs of deterioration.

(iii) - Visual Inspections Regular inspections shall be performed by qualified, trained plant personnel. Reports shall note when inspections were done, the name of the person who conducted the inspection, which areas were inspected, what problems were found, and what steps were taken to correct any problems.

(iv) - Spill Prevention and Responses Areas where spills are likely to occur and their drainage points must be clearly identified in the BMP3 plan. Employees shall be made aware of response procedures, including material handling and storage requirements, and should have access to appropriate cleanup equipment.

(v) - Sediment and Erosion Control The BMP3 must identify activities that present a

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potential for significant soil erosion and measures taken to control such erosion.

(vi) - Management of Runoff The permittee must describe existing storm water controls found at the facility and any additional measures that can be implemented to improve the prevention and control of polluted storm water. Examples include: vegetative swales, reuse of collected storm water, infiltration trenches, and detention ponds.

6. Best Management Practices & Pollution Prevention Committee:

A Best Management Practices Committee (Committee) should be established to direct or assist in the implementation of the BMP3 plan. The Committee should be comprised of individuals within the plant organization who are responsible for developing, implementing, monitoring of success, and revision of the BMP3 plan. The activities and responsibilities of the Committee should address all aspects of the facility's BMP3 plan. The scope of responsibilities of the Committee should be described in the plan.

7. Employee Training:

Employee training programs shall inform appropriate personnel of the components & goals of the BMP3 plan and shall describe employee responsibilities for implementing the plan. Training shall address topics such as good housekeeping, materials management, recordkeeping and reporting, spill prevention & response, as well as specific waste reduction practices to be employed. The plan shall identify periodic dates for such training.

8. Plan Review & Modification:

If following review by the Permit Issuing Authority, or authorized representative, the BMP3 plan is determined insufficient, he/she may notify the permittee that the BMP3 plan does not meet one or more of the minimum requirements of this Part. Upon such notification from the Permit Issuing Authority, or authorized representative, the permittee shall amend the plan and shall submit to the Permit Issuing Authority a written certification that the requested changes have been made. Unless otherwise provided by the Permit Issuing Authority, the permittee shall have 30 days after such notification to make the changes necessary.

The permittee shall modify the BMP3 plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential

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for the discharge of pollutants to surface waters of the State or if the plan proves to be ineffective in achieving the general objectives of reducing pollutants in wastewater or storm water discharges. Modifications to the plan may be reviewed by Permit Issuing Authority in the same manner as described above.

9. Annual Site Compliance Evaluation:

Qualified personnel must conduct site compliance evaluations at appropriate intervals, but at least once a year. Compliance evaluations shall include:

- inspection of storm water drainage areas for evidence of pollutants entering the drainage system;
- evaluation of the effectiveness of BMP's;
- observations of structural measures, sediment controls, and other storm water BMP's to ensure proper operation;
- revision of the plan as needed within 4 weeks of the inspection, and implementation of any necessary changes within 12 weeks of the inspection; and
- preparation of a report summarizing inspection results and follow-up actions, identifying the date of inspection and personnel who conducted the inspection.

The inspection report shall be signed by the plant environmental engineering staff and plant management and kept with the BMP3 plan.

10. Recordkeeping and Internal Reporting:

For at least one year after the expiration of this permit, the permittee shall record and maintain records of spills, leaks, inspections, and maintenance activities. For spills and leaks, records should include information such as the date and time of the incident, weather conditions, cause, and resulting environmental problems.

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

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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.

F. Reopener Clause

The permit shall be modified, or alternatively, revoked and reissued 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 standard or limitation 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 modified or reissued under this paragraph shall contain any other requirements of the Act then applicable.

The permit may be reopened to adjust effluent limitations or monitoring requirements should future wasteload allocation determinations, water quality studies, DEP approved changes in water quality standards, or other information show a need for a different limitation or monitoring requirement.

VIII. General Conditions

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit are binding and enforceable pursuant to Chapter 403, Florida Statutes (FS). Any permit noncompliance constitutes a violation of Chapter 403, Florida Statutes, and is

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December 19, 2007

grounds for enforcement action, permit termination, permit revocation and reissuance, or permit revision. [62-620.610(1), 10-23-00]

2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviations from the approved drawings, exhibits, specifications or conditions of this permit constitute grounds for revocation and enforcement action by the Department. [62-620.610(2), 10-23-00]

3. As provided in Subsection 403.087(6), FS, 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), 10-23-00]

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), 10-23-00]

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 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), 10-23-00]

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), 10-23-00]

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), 10-23-00]

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

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termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. [62-620.610(8), 10-23-00]

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), 10-23-00]

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, FAC. 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), 10-23-00]

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), 10-23-00]

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, FAC, shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard.

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[62-620.610(12), 10-23-00]

13. The permittee, in accepting this permit, agrees to pay the applicable regulatory program and surveillance fee in accordance with Rule 62-4.052, FAC [62-620.610(13), 10-23-00]

14. This permit is transferable only upon Department approval in accordance with Rule 62-620.340, FAC The permittee shall be liable for any noncompliance of the permitted activity until the transfer is approved by the Department. [62-620.610(14), 10-23-00]

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), 10-23-00]

16. The permittee shall apply for a revision to the Department permit in accordance with Rules 62-620.300 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) for minor modifications to the permitted facility. A revised permit shall be obtained before construction begins except as provided in Rule 62-620.300, FAC [62-620.610(16), 10-23-00]

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), 10-23-00]

18. Sampling and monitoring data shall be collected and analyzed in accordance with Rule 62-4.246, Chapter 62-160 and 62-601, FAC and 40CFR 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 contaminant 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

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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. 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. Under Chapter 62-160, F.A.C., field procedures for sample collection and laboratory methods shall be performed by following the protocols 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.

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), 10-23-00]

20. The permittee shall report to the Department 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 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:

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

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

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

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 above 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;

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(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. (a) Oral reports, not otherwise required to be provided pursuant to subparagraph b.1 above, shall be provided to the Department's Southwest District Office within 24 hours from the time the permittee becomes aware of the discharge.

(b) 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 Southwest 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), 10-23-00]

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: Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and

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

The permittee submitted notices as required under Condition VIII.22.b of this permit.

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

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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), 10-23-00]

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:

An upset occurred and that the permittee can identify the cause(s) of the upset;

The permitted facility was at the time being properly operated;

The permittee submitted notice of the upset as required in Condition VIII.20 of this permit; and

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), 10-23-00]

Executed in Tallahassee, Florida.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

Mimi Drew
Director
Division of Water Resource Management

PERMITTEE:

Hardee Power Station Units 1 & 2
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Tampa, Florida 33601-0111

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2600 Blair Stone Road
Tallahassee, FL 32399-2400
(850) 245-8336

APPENDIX II – Air Operation Permit 0490015-005-AV

Hardee Power Partners (A Subsidiary of Invenergy, LLC)
Hardee Power Station
Facility ID No. 0490015
Hardee County

Title V Air Operation Permit Renewal
FINAL Permit No.: 0490015-005-AV

Permitting Authority:

State of Florida
Department of Environmental Protection
Division of Air Resources Management
Bureau of Air Regulation

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

Telephone: 850/488-0114
Fax: 850/922-6979
Fax: 850/921-9533

Compliance Authority:

Department of Environmental Protection
Southwest District Office
3804 Coconut Palm Drive
Tampa, Florida 33619-8218

Title V Air Operation Permit Renewal
FINAL Permit No.: 0490015-005-AV

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Permittee:
Hardee Power Partners
A Subsidiary of Invenergy, LLC
P.O. Box 111
Tampa, Florida 33602

FINAL Permit No. 0490015-005-AV
Facility ID No. 0490015
SIC Nos. 49, 4911
Project: Title V Air Operation Permit Renewal

This permitting action is for the renewal of the Title V Air Operation Permit. The Hardee Power Station is located at 6695 County Road 663 North, Fort Green Springs, in Hardee County; UTM Coordinates: Zone 17, 405.02 km East and 3,057.18 km North; Latitude: 27° 38' 13" North and Longitude: 81° 57' 45" 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 G-1, Manufacturer's Performance Curves
Appendix U-1, List of Unregulated Emissions Units and Activities
Appendix I-1, List of Insignificant Emissions Units and Activities
APPENDIX TV-4, TITLE V CONDITIONS (version dated 02/12/02)
APPENDIX SS-1, STACK SAMPLING FACILITIES (version dated 10/07/96)
TABLE 297.310-1, CALIBRATION SCHEDULE (version dated 10/07/96)
FIGURE 1 - SUMMARY REPORT-GASEOUS AND OPACITY EXCESS EMISSION AND
MONITORING SYSTEM PERFORMANCE REPORT (version dated 07/96)
Appendix CAM

Effective Date: January 1, 2005
Renewal Application Due Date: July 5, 2009
Expiration Date: December 31, 2009

Michael G. Cooke, Director
Division of Air Resource Management

MGC/jkp/bm

Section I. Facility Information.

Subsection A. Facility Description.

Hardee Power Partners (A Subsidiary of Invenergy, LLC), operates a nominal 370 megawatt (MW) electric generation facility located approximately nine miles northwest of Wauchula in Hardee County, Florida. The Hardee Power Station includes four General Electric (GE) dual-fuel fired combustion turbines (CTs). The facility utilizes pipeline natural gas as its primary fuel source, with No. 2 distillate fuel oil serving as a backup fuel. Three of the CTs (CT-1A, CT-1B and CT-2A) are identical emissions units, GE Model No. PG-7111EA, and CTs 1A and 1B together comprise a combined-cycle unit operation and CT 2A is a simple cycle unit operation. All of the CTs have a nominal power production output of 75 MW; and, for CTs 1A and 1B, each has a generator nameplate rating of 113 MW (total of the CT and associated HRSG). CT-1A and CT-1B are each equipped with a heat recovery steam generator (HRSG), which feed one common steam turbine (ST). CT-1A and CT-1B are each equipped with a stack to bypass each unit's HRSG. The maximum permitted heat input rate to each CT is 1,312.3 MMBtu/hr while firing oil, and 1,268.4 MMBtu/hr while firing natural gas. Water injection is used to reduce NO_x emissions when firing natural gas and low sulfur distillate oil (backup fuel). The fourth and latest CT (CT-2B) is also manufactured by GE, Model No. PG-7121 (7EA), and is a simple cycle unit operation. The CT has an electrical generator with a nominal power production output of 75 MW. Dry low-NO_x (DLN) combustion technology will be used to control nitrogen oxide emissions, when firing the primary fuel of pipeline natural gas. Water injection will be used to control NO_x emissions, when firing low sulfur distillate oil as a backup fuel. Combustion design and clean fuels will be used to minimize emissions of CO, PM/PM₁₀, SAM, SO₂, and VOC.

Compliance Assurance Monitoring (CAM) is applicable to CTs 1A, 1B and 2A, for NO_x.

Also included in this permit are miscellaneous unregulated and insignificant emissions units and activities.

Based on the renewal Title V permit application received December 22, 2003, this facility is a major source of hazardous air pollutants (HAPs).

Subsection B. Summary of Emissions Units

E.U. ID No.	Brief Description
001	CT-1A with an associated unfired HRSG
002	CT-1B with an associated unfired HRSG
003	CT-2A
005	CT-2B

Subsection C. Relevant Documents

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

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

Appendix A-1, Abbreviations, Acronyms, Citations, and Identification Numbers

Appendix H-1, Permit History/ID Number Changes

These documents are on file with the permitting authority:

Title V Permit Renewal Application received December 22, 2003

Mr. Byron Burrows' e-mail with attachment (water injection system for CTs 1A, 1B and 2A) received January 21, 2004.

Mr. Byron Burrows' letter and Acid Rain Part Application (DEP Form No. 62-210.900(1)(a)) received January 22, 2004.

RAI dated February 18, 2004.

Mr. Byron Burrows' e-mail with attachments received June 4, 2004.

Mr. Alex C. George's letter with enclosure received August 9, 2004.

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. No person shall 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.

[Rules 62-296.320(4)(b)1. & 4., F.A.C.]

{Permitting Note: Although the Permittee is not required to perform a visible emissions compliance test to demonstrate compliance with the facility-wide limitations annually or before renewal, if the Department believes that the general visible emissions standard is being violated, the Department may require that the owner or operator perform a visible emissions compliance test per Chapter 62-297.310(7)(b), Special Compliance Tests.}

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 1515
Lanham-Seabrook, MD 20703-1515
Telephone: 301/429-5018

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 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 Emissions or Organic Solvents Emissions. The Permittee shall allow no person to store, pump, handle, process, load, unload or use in any process or installation, volatile organic compounds or organic solvents without applying known and existing vapor emission control devices or systems deemed necessary and ordered by the Department.

{Permitting Note: “**Nothing was deemed necessary and ordered at this time.**”}

[Rule 62-296.320(1)(a), F.A.C.]

8. Reasonable precautions shall be taken to prevent emissions of unconfined particulate matter at this facility as necessary.

[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. The Permittee shall submit all compliance related notifications and reports required of this permit to the Department’s Southwest District office:

Department of Environmental Protection
Southwest District Office
3804 Coconut Palm Drive
Tampa, Florida 33619-8218
Telephone: 813/744-6100
Fax: 813/744-6084

11. Any reports, data, notifications, 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
Air and EPCRA Enforcement Branch, Air Enforcement Section
61 Forsyth Street
Atlanta, Georgia 30303
Telephone: 404/562-9155
Fax: 404/562-9164

12. Statement of Compliance. The annual statement of compliance pursuant to Rule 62-213.440(3)(a)2., 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)*}

13. Certification by Responsible Official (RO). 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, the 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.]

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

Section III. Emissions Units and Conditions.

Subsection A. This section addresses the following emissions unit(s).

E.U. ID No.	Brief Description
001	Combustion Turbine -1A (CT-1A) with an associated unfired HRSG
002	CT-1B with an associated unfired HRSG
003	CT-2A

These emissions units are three identical General Electric (GE) Model No. PG-7111EA dual-fuel fired CTs (CT-1A, CT-1B and CT-2A), each having a nominal power production output of 75 MW; and, for CTs 1A and 1B, each has a generator nameplate rating of 113 MW (total of the CT and associated HRSG). CT-1A and CT-1B are each equipped with an associated unfired heat recovery steam generator (HRSG), which feed one common steam turbine (ST). CT-1A and CT-1B are each equipped with a stack to bypass each unit's HRSG. CTs 1A and 1B comprise a combined-cycle unit operation and CT 2A is a simple cycle unit operation. CAM applies for NO_x.

The facility utilizes pipeline natural gas as its primary fuel source with No. 2 distillate fuel oil serving as a backup fuel. The maximum annual average of the fuel oil sulfur content is 0.3%, by weight, and the maximum fuel oil sulfur content is 0.5%, by weight. Water injection is used to reduce NO_x emissions; and, the water-to-fuel ratio is required to be continuously monitored for NO_x purposes. The maximum permitted heat input rate to each CT is 1,312.3 MMBtu/hr, while firing oil, and 1,268.4 MMBtu/hr, while firing natural gas.

Exhaust gases from the CTs exit a 90 foot high stack (14.5 feet diameter) at approximately 245 °F, with an actual volumetric flow rate of 751,000 acfm. These parameters are based on firing natural gas at 100% base load.

{Permitting Notes: These emission units are regulated under Rule 62-210.300, F.A.C., Permits Required; NSPS - 40 CFR 60, Subpart GG, Standards of Performance for Stationary Gas Turbines, adopted and incorporated by reference in Rule 62-204.800(8), F.A.C.; NSPS - 40 CFR 60, Subpart A; Rule 62-212.400, F.A.C., Prevention of Significant Deterioration; PSD-FL-140; and, the emissions units are **not** affected by the Acid Rain Program since they meet the requirements of 40 CFR 72.6(b)(6).}

The following specific conditions apply to the emissions unit(s) listed above:

Essential Potential to Emit (PTE) Parameters

A.1. Permitted Capacity. The maximum heat input to each CT, at an ambient temperature of 32° F, shall not exceed 1,312.3 MMBtu/hr, while firing fuel oil, nor 1,268.4 MMBtu/hr, while firing natural gas. [PSD-FL-140]

A.2. Methods of Operation - Fuels. The only fuels allowed to be burned in these emissions units are natural gas or No. 2 fuel oil. The annual average sulfur content of the fuel oil shall not exceed 0.3 percent, by weight; and, the maximum sulfur content shall not exceed 0.5%, by weight.
[Rule 62-213.440(1), F.A.C.; and, PSD-FL-140]

A.3. Hours of Operation.

These emissions units are allowed to operate continuously, i.e., 8,760 hours per year.
[PSD-FL-140]

Emission Limitations and Standards

{ Permitting Note: Unless otherwise specified, the averaging times for specific conditions **A.4.** thru **A.9.** are based on the specified averaging time of the applicable test method. }

A.4. Nitrogen Oxides. NO_x emissions from each CT shall not exceed:
a. 42 ppmvd at 15% O₂ and 215.9 lbs/hr, while firing natural gas; and,
b. 65 ppmvd at 15% O₂ and 383.8 lbs/hr, while firing fuel oil.
[PSD-FL-140]

A.5. Sulfur Dioxide. SO₂ emissions from each CT shall not exceed 35.8 lbs/hr, while firing natural gas, and 734.4 lbs/hr, while firing fuel oil.
[PSD-FL-140]

A.6. Particulate Matter (PM)/PM₁₀. PM/PM₁₀ emissions from each CT shall not exceed 5 lbs/hr, while firing natural gas, and 10 lbs/hr, while firing fuel oil.
[PSD-FL-140]

A.7. Carbon Monoxide. CO emissions from each CT shall not exceed 10 ppmvd and 31.3 lbs/hr, while firing natural gas, and 26 ppmvd and 93.4 lbs/hr, while firing fuel oil.
[PSD-FL-140]

A.8. Volatile Organic Compounds. VOC emissions from each CT shall not exceed 2 ppmvd and 3.6 lbs/hr, while firing natural gas, and 5 ppmvd and 10.3 lbs/hr, while firing fuel oil.
[PSD-FL-140]

A.9. Visible Emissions. Visible emissions from each CT shall not exceed 10 percent opacity, while firing natural gas, and 20 percent opacity, while firing fuel oil.
[PSD-FL-140]

Monitoring Requirements

A.10. CMS Requirements. The Permittee shall install, operate, and maintain a continuous monitoring system (CMS) to monitor and record the fuel consumption, the ratio of water to fuel being fired in the turbine. The system shall be accurate to within ± 5.0 percent and shall be approved by the Department.
[40 CFR 60.334(a); and, PSD-FL-140]

A.11. Critical Fuel Parameters. The Permittee shall monitor sulfur content and nitrogen content of the fuel being fired in the CTs. Pursuant to the custom monitoring schedule provisions of 40 CFR 60.334(b)(2), the frequency of determination of these values shall be as follows:

1. Monitoring of the nitrogen content of No. 2 fuel oil is not required. The sulfur content of distillate fuel oil shall be determined for each shipment of No. 2 fuel oil received; and,
 2. Monitoring of the nitrogen content of pipeline natural gas is not required. The sulfur content of pipeline natural gas will be based on twice-monthly analyses provided by the natural gas supplier.
- [40 CFR 60.334(b)(1) & (2)]

Test Methods & Procedures

A.12. Testing of emissions shall be conducted with the emissions unit operating at permitted capacity. Permitted capacity is defined as 90 to 100 percent of the manufacturer's rated heat input achievable for the average ambient (or conditioned) air temperature during the test. If it is impracticable to test at permitted capacity, then the emissions unit may be tested at less than 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. Data, curves, and calculations necessary to demonstrate the heat input rate correction at both design and test conditions shall be submitted to the Department with the compliance test report. If testing shows that NO_x emissions exceed the Subpart GG standard when operating at capacity, the Department may require a performance test in accordance with 40 CFR 60.335 testing procedures. [Rule 62-4.070(3), F.A.C.; and, 40 CFR 60.8(a)]

A.13. 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 emissions 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.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. Opacity Compliance Tests. When either EPA Method 9 or DEP Method 9 is specified as the applicable opacity test method, the required minimum period of observation for a compliance test shall be sixty (60) minutes for emissions units which emit or have the potential to emit 100 tons per year or more of particulate matter, and thirty (30) minutes for emissions units which have potential emissions less than 100 tons per year of particulate matter and are not subject to a multiple-valued opacity standard. The opacity test observation period shall include the period during which the highest opacity emissions can reasonably be expected to occur.

Exceptions to these requirements are as follows:

a. (not applicable)

b. (not applicable)

c. The minimum observation period for opacity tests conducted by employees or agents of the Department to verify the day-to-day continuing compliance of a unit or activity with an applicable opacity standard shall be twelve minutes.

(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) Required Flow Rate Range. For EPA Method 5 particulate sampling, acid mist/sulfur dioxide, and fluoride sampling which uses Greenburg Smith type impingers, the sampling nozzle and sampling time shall be selected such that the average sampling rate will be between 0.5 and 1.0 actual cubic feet per minute, and the required minimum sampling volume will be obtained.

(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. (See attachment.)

(e) Allowed Modification to EPA Method 5. When EPA Method 5 is required, the following modification is allowed: the heated filter may be separated from the impingers by a flexible tube.

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

A.16. Special Compliance Tests. When the Department, after investigation, has good reason (such as complaints, increased visible emissions or questionable maintenance of control equipment) to believe that any applicable emission standard contained in a Department rule or in a permit issued pursuant to those rules is being violated, it 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.

[Rule 62-297.310(7)(b), F.A.C.; and, SIP approved]

A.17. 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, 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)(c), F.A.C.]

A.18. An annual compliance test shall be performed on each CT if the CT operated for more than 400 hours in the preceding 12-month period. Annual compliance tests shall be performed on the CTs while firing natural gas if No. 2 fuel oil was used for 400 hours or less in the preceding 12-month period. Annual compliance tests shall be performed on the CTs while firing No. 2 fuel oil if the No. 2 fuel was used for more than 400 hours in the preceding 12-month period. Tests shall be conducted using the following EPA reference methods in accordance with 40 CFR 60, Appendix A, as adopted by reference in Chapter 62-297, F.A.C.:

- a. Reference Method 5, 5B or 17 for PM/PM₁₀ (fuel oil only).
- b. Reference Method 9 for VE.
- c. Reference Method 10 for CO.
- d. Reference Method 20 for NO_x.
- e. Reference Method 25A for VOC.
- f. Other methods may be used for compliance testing after obtaining prior Departmental approval, in writing.

[Rule 62-297.310(7)(a)(4), F.A.C.; and, PSD-FL-140]

A.19. Sulfur Content. The Permittee shall determine compliance with the sulfur content standard in 40 CFR 60.333(b) as follows: ASTM D 2880-96, or more recent version, shall be used to determine the sulfur content of liquid fuels and ASTM D 1072-90(94)E-1, D 3031-81(86), D 4084-94, or D 3246-92, or more recent versions, shall be used for the sulfur content of gaseous fuels (incorporated by reference - see 40 CFR 60.17). The applicable ranges of some ASTM methods mentioned above are not adequate to measure the levels of sulfur in some fuel gases. Dilution of samples before analysis (with verification of the dilution ratio) may be used, subject to the approval of the Department.

[40 CFR 60.335(d); and, PSD-FL-140]

A.20. To meet the requirements of 40 CFR 60.334(b), the owner or operator shall use the methods specified in 40 CFR 60.335(a) and 40 CFR 60.335(d) of 40 CFR 60.335 to determine the nitrogen and sulfur contents of the fuel being burned. The analysis may be performed by the owner or operator, a service contractor retained by the owner or operator, the fuel vendor, or any other qualified agency.

[40 CFR 60.335(e)]

Common Conditions

A.21. These emissions units are also subject to specific conditions **C.1.** through **C.19.**, contained in **Subsection C. Common Conditions.**

Special Conditions

A.22. On or before April 1 of each year, the Permittee shall submit to DARM and the Department's Southwest District Office an annual report for the previous year showing:

- a. The annual average capacity factor (CF) for each individual generating unit;
- b. The cumulative lifetime average CF for each individual generating unit;
- c. The annual average CF for the Hardee Power Station; and,
- d. The cumulative lifetime average CF for the Hardee Power Station.

The annual average CF shall be calculated by dividing each unit's megawatt hours output of generation by the product of the official megawatt rating of the unit and the number of hours in a year. Cumulative lifetime average CF shall be calculated by dividing the cumulative total of megawatt hours output of

generation by the product of the official combined cycle megawatt rating and the cumulative period of hours since commercial operation.

[PSD-FL-140]

A.23. To determine compliance with the capacity factor condition, the Permittee shall maintain daily records of power generation for each CT.

[PSD-FL-140]

A.24. Should any annual report demonstrate that the cumulative lifetime CF for the Hardee Power Station exceeds 60% at any time, the Permittee shall install SCR or another technology of equal or greater NO_x reduction capability. In no event shall any such SCR or equivalent NO_x control technology installation and compliance testing occur later than 30 months from the date that the Permittee requested or the facility exceeded the 60% cumulative average CF.

[PSD-FL-140]

A.25. If start/black start capability for the CTs is provided by a combustion unit, the Department shall be notified of the type and model, output capacity, anticipated hours of operation, and the air emissions of the unit.

[PSD-FL-140]

Miscellaneous

A.26. Modification. Any change in the method of operation, fuels, equipment, or phase design, shall be submitted for approval to the Department's permitting authority.

[Rules 62-210.300(1) & (1)(a); and, PSD-FL-140]

A.27. Sampling Facilities. Permanent stack sampling facilities shall be installed for the bypass stack (CT) and the main stack (HRSG) in accordance with Rule 62-297.310(6), F.A.C.

[Rules 62-204.800 and 62-297.310(6), F.A.C.; 40 CFR 60.8(e); and, PSD-FL-140]

Section III. Emissions Units and Conditions.

Subsection B. This section addresses the following emissions unit.

E.U. ID No.	Brief Description
005	Combustion Turbine-2B (CT-2B)

This emissions unit is a General Electric Model No. PG-7121 (7EA), which is a dual-fuel fired CT with an electrical generator having a nominal power production output of 75 MW. Dry low-NO_x (DLN) combustion technology will be used to control nitrogen oxide emissions when firing the primary fuel of pipeline natural gas. Water injection will be used to control NO_x emissions when firing low sulfur distillate oil as a backup fuel. Combustion design and clean fuels will be used to minimize emissions of CO, PM/PM₁₀, SAM, SO₂, and VOC. CAM does not apply.

Exhaust gases from the CT will exit an 85 feet high rectangular stack (9 feet by 19 feet) at approximately 1000 °F with a volumetric flow rate of 1,465,518 acfm. These parameters are based on firing natural gas at 100% base load, cooling the CT inlet air to 59 °F, and ambient conditions of 60% relative humidity and 14.7 psi.

{Permitting Notes: This emissions unit is regulated under Rule 62-210.300, F.A.C., Permits Required; NSPS - 40 CFR 60, Subpart GG, Standards of Performance for Stationary Gas Turbines, adopted and incorporated by reference in Rule 62-204.800(8), F.A.C.; NSPS - 40 CFR 60, Subpart A; Rule 62-212.400, F.A.C., Prevention of Significant Deterioration; Rule 62-212.400(6), F.A.C. (BACT); PSD-FL-140A; and, the applicable provisions of the Acid Rain Program. }

The following specific conditions apply to the emissions unit listed above:

Essential Potential to Emit (PTE) Parameters

B.1. Permitted Capacity. The CT shall operate only in simple-cycle mode and generate a nominal 75 MW of electrical power. Operation of this emissions unit shall not exceed 880 MMBtu per hour of heat input from firing natural gas nor 950 MMBtu per hour of heat input from firing low sulfur distillate oil. The maximum heat inputs are based on the lower heating value (LHV) of each fuel, an inlet air supply cooled to 59 °F, a relative humidity of 60%, an ambient air pressure of 14.7 psi, and 100% base load. Therefore, maximum heat input rates will vary depending upon ambient conditions and the CT characteristics. Manufacturer's performance curves, corrected for site conditions or equations for correction to other ambient conditions, have been provided and are a part of this permit. See Attachment G-1.

[PSD-FL-140A]

B.2. Methods of Operation - Fuels. The CT shall be fired by pipeline natural gas containing no more than 2 grains of sulfur per 100 dry standard cubic feet of gas. As a backup fuel, the CT may be fired with No. 2 distillate oil (or a superior grade) containing no more than 0.05% sulfur content, by weight. Compliance with limits on fuel sulfur content shall be demonstrated by the record keeping requirements and/or the conditions of the Alternate Monitoring Plan specified in this permit. It is noted that these limitations are much more stringent than the NSPS sulfur dioxide limitation and assure compliance with 40 CFR 60.333 and 60.334. See specific conditions **B.9., B.15. thru B.17. and C.19.b.**
[PSD-FL-140A]

B.3. Hours of Operation. The hours of operation of the CT are not limited when firing natural gas (8760 hours per year). The CT shall not fire low sulfur distillate oil for more than 876 hours during any consecutive 12 months. Operation below 50% of baseline operation shall be limited to two (2) hours per unit cycle (breaker open to breaker closed).
[Rule 62-212.400(6), F.A.C. (BACT); and, PSD-FL-140A]

B.4. Simple Cycle Operation. The CT shall operate only in simple cycle mode. This requirement is based on the permittee's request, which formed the basis of the NO_x BACT determination and resulted in the emission standards specified in this permit. Specifically, the NO_x BACT determination eliminated several control alternatives based on technical considerations and costs due to the elevated temperatures of the exhaust gas. Any request to convert this unit to combined cycle operation by installing a new heat recovery steam generator or connecting this unit to an existing heat recovery steam generator shall require the permittee to perform a new NO_x BACT analysis and the approval of the Department through a permit modification. The results of this analysis may validate the initial BACT determination or result in the submittal of a full PSD permit application, new control equipment, and new emissions standards.
[Rule 62-212.400(6)(b), F.A.C.; and, PSD-FL-140A]

Performance Restrictions

B.5. Operating Procedures. The Best Available Control Technology (BACT) determinations established by this permit rely on "good operating practices" to minimize emissions. Therefore, all operators and supervisors shall be properly trained to operate and maintain the CT and pollution control devices in accordance with the guidelines and procedures established by each equipment manufacturer. The training shall include good operating practices as well as methods of minimizing excess emissions.
[Rule 62-4.070(3), F.A.C.; Rule 62-212.400(6), F.A.C. (BACT); and, PSD-FL-140A]

B.6. Plant Operation - Problems. If temporarily unable to comply with any of the conditions of the permit due to breakdown of equipment or destruction by fire, wind or other cause, the owner or operator shall notify the Compliance Authority as soon as possible, but at least within one (1) working day, excluding weekends and holidays. The notification shall include: pertinent information as to the cause of the problem; the steps being taken to correct the problem and prevent future recurrence; and, where applicable, the owner's intent toward reconstruction of destroyed facilities. Such notification does not release the permittee from any liability for failure to comply with the conditions of this permit and the regulations.
[Rule 62-4.130, F.A.C.; and, PSD-FL-140A]

Emission Limitations and Standards

{Permitting Note: Unless otherwise specified, the averaging times for specific conditions **B.7.**, **B.8.**, and **B.10.** thru **B.12.**, are based on the specified averaging time of the applicable test method.}

B.7. Nitrogen Oxides.

(a) Gas Firing: When firing natural gas in the CT, NO_x emissions shall not exceed 32.0 lbs/hr nor 9.0 ppmvd, corrected to 15% oxygen, based on a 3-hour test average. In addition, NO_x emissions shall not exceed 9.0 ppmvd, corrected to 15% oxygen, based on a 24-hour block average for data collected from the continuous emissions monitor.

(b) Oil Firing: When firing low sulfur distillate oil in the CT, NO_x emissions shall not exceed 167.0 lbs/hr nor 42.0 ppmvd, corrected to 15% oxygen, based on a 3-hour test average. In addition, NO_x emissions shall not exceed 42.0 ppmvd, corrected to 15% oxygen, based on a 3-hour block average for data collected from the continuous emissions monitor.

NO_x emissions are defined as emissions of oxides of nitrogen measured as NO₂. Compliance with the 3-hour (applicable during distillate fuel oil-firing) and 24-hour (applicable during natural gas-firing) block averages shall be demonstrated by collecting and reporting data in accordance with the conditions for the NO_x continuous emissions monitor specified by this permit.

[PSD-FL-140A]

B.8. Carbon Monoxide.

(a) Gas Firing: When firing natural gas in the CT, CO emissions shall not exceed 43.0 lbs/hr nor 20.0 ppmvd, corrected to 15% oxygen, based on a 3-hour test average.

(b) Oil Firing: When firing low sulfur distillate oil in the CT, CO emissions shall not exceed 43.0 lbs/hr nor 20.0 ppmvd, corrected to 15% oxygen, based on a 3-hour test average.

[PSD-FL-140A]

B.9. Sulfur Dioxide and Sulfuric Acid Mist (SAM). SO₂ and SAM emissions shall be limited by the good combustion techniques and the fuel sulfur limitations specified in this permit: natural gas containing no more than 2 grains of sulfur per 100 dry standard cubic feet of gas and No. 2 distillate oil (or a superior grade) containing no more than 0.05% sulfur content, by weight.

[PSD-FL-140A]

B.10. Particulate Matter/PM₁₀. PM/PM₁₀ emissions from the CT shall be limited by the good combustion techniques and the fuel sulfur limitations specified in this permit: natural gas containing no more than 2 grains of sulfur per 100 dry standard cubic feet of gas and No. 2 distillate oil (or a superior grade) containing no more than 0.05% sulfur content, by weight.

[PSD-FL-140A]

B.11. Visible Emissions. As a surrogate for PM/PM₁₀ emissions, visible emissions from the operation of the CT shall not exceed 10% opacity, based on a 6-minute average.

[PSD-FL-140A]

B.12. Volatile Organic Compounds (VOCs).

(a) Gas Firing: When firing natural gas in the CT, VOC emissions shall not exceed 2.0 lbs/hr nor 2.0 ppmvd, based on a 3-hour test average.

(b) Oil Firing: When firing low sulfur distillate oil in the CT, VOC emissions shall not exceed 5.0 lbs/hr nor 4.0 ppmvd, based on a 3-hour test average.

The VOC emissions shall be measured and reported in terms of methane.

[PSD-FL-140A]

Monitoring Requirements.

B.13. CMS Requirements. The permittee shall install, calibrate, operate and maintain a continuous monitoring system (CMS) to monitor and record the fuel consumption, the ratio of water to fuel being fired in the CT. The system shall be accurate to within ± 5.0 percent and shall be approved by the Department. As an alternative to the monitoring requirements of this condition, the permittee may comply with the monitoring requirements of specific condition **B.17** (See Alternate Monitoring Plan).

[40 CFR 60.334(a)]

B.14. NO_x CEMS. The permittee shall install, calibrate, operate, and maintain a continuous emission monitoring system (CEMS) to measure and record NO_x and oxygen concentrations in the CT exhaust stack. A monitor for carbon dioxide may be used in place of the oxygen monitor, but the system shall be capable of correcting the emissions to 15% oxygen. NO_x data collected by the CEMS shall be used to demonstrate compliance with the 3-hour (applicable to distillate fuel oil-firing) and 24-hour (applicable to natural gas-firing) block emissions standards for NO_x. The block averages shall be determined by calculating the arithmetic average of all hourly emission rates for the respective averaging period. Each 1-hour average shall be expressed in units of ppmvd, corrected to 15% oxygen, and calculated using at least two valid data points at least 15 minutes apart. Valid hourly emission rates shall not include periods of startup, shutdown, or malfunction unless prohibited by Rule 62-210.700, F.A.C. (See specific condition **B.33.(b)**). When NO_x monitoring data is not available, substitution for missing data shall be handled as required by Title IV (40 CFR 75) to calculate any specified averaging period.

(a) The monitoring devices shall comply with the certification and quality assurance, and any other applicable requirements of: Rule 62-297.520, F.A.C., including certification of each device in accordance with 40 CFR 60, Appendix B, Performance Specifications 2 and 3; 40 CFR 60.7(a)(5); 40 CFR 60.13; 40 CFR 60, Appendix F; and, 40 CFR Part 75.

(b) Continuous emission monitoring data required by this permit shall be collected and recorded during all periods of operation including startup, shutdown, and malfunction, except for continuous monitoring system breakdowns, repairs, calibration checks, and zero and span adjustments. Although recorded, emissions during periods of startup, shutdown and malfunction are subject to the excess emission conditions specified in this permit. When the CEMS reports NO_x emissions in excess of the standards allowed by this permit, the owner or operator shall notify the Compliance Authority within one (1) working day of: the nature, extent, and duration of the excess emissions; the cause of the excess emissions; and the actions taken to correct the problem. The Department may request a written report summarizing the excess emissions incident.

[Rules 62-204.800, 62-210.700, 62-4.130 and 62-4.160(8), F.A.C.; 40 CFR 60.7; and, PSD-FL-140A]

B.15. Critical Fuel Parameters. The Permittee shall monitor sulfur content and nitrogen content of the fuel being fired in the CT. Pursuant to the custom monitoring schedule provisions of 40 CFR 60.334(b)(2), the frequency of determination of these values shall be as follows:

1. Monitoring of the nitrogen content of No. 2 fuel oil is not required. The sulfur content of distillate fuel oil shall be determined for each shipment of No. 2 fuel oil received; and,
2. Monitoring of the nitrogen content of pipeline natural gas is not required. The sulfur content of pipeline natural gas will be based on twice-monthly analyses provided by the natural gas supplier.
[40 CFR 60.334(b)(1) & (2)]

Compliance Demonstrations

B.16. Fuel Records.

(a) Natural Gas. The permittee shall demonstrate compliance with the fuel sulfur limit for natural gas specified in this permit by maintaining records of the sulfur content of the natural gas being supplied for each month of operation. Methods for determining the sulfur content of the natural gas shall be ASTM methods D4084-82, D3246-81, or equivalent methods. These methods shall be used to determine the sulfur content of the natural gas fired in accordance with any EPA-approved custom fuel monitoring schedule (see Alternate Monitoring Plan: specific condition **B.17.**) or natural gas supplier data or the natural gas sulfur content referenced in 40 CFR 75, Appendix D. The analysis may be performed by the owner or operator, a service contractor retained by the owner or operator, the fuel vendor, or any other qualified agency pursuant to 40 CFR 60.335(e). However, the permittee is responsible for ensuring that the procedures in 40 CFR 60.335 or 40 CFR 75 are used to determine the fuel sulfur content for compliance with the 40 CFR 60.333 SO₂ standard.

(b) Low Sulfur Distillate Oil. For all bulk shipments of low sulfur distillate oil received at this facility, the permittee shall obtain from the fuel vendor an analysis identifying the sulfur content. Methods for determining the sulfur content of the distillate oil shall be ASTM D129-91, D2622-94, or D4294-90, or equivalent methods. Records shall specify the test method used and shall comply with the requirements of 40 CFR 60.335(d).

[Rules 62-4.070(3) and 62-4.160(15), F.A.C.]

B.17. Alternate Monitoring Plan.

1. The following alternate monitoring may be used to demonstrate compliance.

(a) The NO_x CEMS data may be used in lieu of the monitoring system for water-to-fuel ratio and the reporting of excess emissions in accordance with 40 CFR 60.334(c)(1), Subpart GG. Subject to EPA approval, the calibration of the water-to-fuel ratio-monitoring device required in 40 CFR 60.335(c)(2) will be replaced by the 40 CFR 75 certification tests of the NO_x CEMS.

(b) The NO_x CEMS data shall be used in lieu of the requirement for reporting excess emissions in accordance with 40 CFR 60.334(c)(1), Subpart GG.

(c) When requested by the Department, the CEMS emission rates for NO_x on this unit shall be corrected to ISO conditions to demonstrate compliance with the NO_x standard established in 40 CFR 60.332.

(d) A **custom fuel monitoring schedule** pursuant to 40 CFR 75, Appendix D, for natural gas, may be used in lieu of the daily sampling requirements of 40 CFR 60.334(b)(2) provided the following conditions are met.

(1) The permittee shall apply for an Acid Rain Permit within the deadlines specified in 40 CFR 72.30.

(2) The permittee shall submit a monitoring plan, certified by signature of the Authorized Representative, that commits to using a primary fuel of pipeline supplied natural gas containing no more than 2 grains of sulfur per 100 SCF of gas pursuant to 40 CFR 75.11(d)(2).

(3) Each unit shall be monitored for SO₂ emissions using methods consistent with the requirements of 40 CFR 75 and certified by the USEPA.

This custom fuel-monitoring schedule will only be valid when pipeline natural gas is used as a primary fuel. If the primary fuel for these units is changed to a higher sulfur fuel, SO₂ emissions must be accounted for as required pursuant to 40 CFR 75.11(d).

[40 CFR 60, Subpart GG; and, PSD-FL-140A]

(e) The permittee shall monitor the sulfur contents of the No. 2 distillate fuel oil (or a superior grade) and natural gas. These values may be provided by the vendor and the frequency of determinations of these values shall be as follows:

a. No. 2 Distillate Fuel Oil (or a superior grade). The sulfur content shall be determined on each occasion that fuel is transferred to the storage tanks from any other source. Records of these values shall be kept by the facility for a five year period for regulatory agency inspection purposes.

b. Natural Gas. Pursuant to 40 CFR 60.334(b)(2), a custom fuel monitoring schedule for the determination of these values shall be followed for the natural gas fired at this facility and shall be as follows:

Custom Fuel Monitoring Schedule for Natural Gas

2. Sulfur Monitoring.

(a) Analysis for fuel sulfur content of the natural gas shall be conducted using one of the approved ASTM reference methods for the measurement of sulfur in gaseous fuels, or an approved alternative method. The reference methods are ASTM D1072-80, ASTM D3031-81, ASTM D3246-81, and ASTM D4084-82 as referenced in 40 CFR 60.335(b)(2), or the latest edition(s).

(b) This custom fuel monitoring schedule shall become effective on the date this permit becomes effective. Effective the date of this custom schedule, sulfur monitoring shall be conducted twice monthly for six months. If this monitoring shows little variability in the fuel sulfur content, and indicates consistent compliance with 40 CFR 60.333 and the conditions of this permit, then sulfur monitoring shall be conducted once per quarter for six quarters. If monitoring data is provided by the applicant which demonstrates consistent compliance with the requirements herein the applicant may begin monitoring as per the requirements of paragraph 2(c), below.

(c) If after the monitoring required in paragraph 2(b), above, or herein, the sulfur content of the fuel shows little variability and, calculated as sulfur dioxide, represents consistent compliance with the sulfur dioxide emission limits specified under 40 CFR 60.333 and the conditions of this permit, sample analysis shall be conducted twice per annum. This monitoring shall be conducted during the first and third quarters of each calendar year.

(d) Should any sulfur analysis as required in paragraphs 2(b) or 2(c), above, indicate non-compliance with 40 CFR 60.333 and the conditions of this permit, the owner or operator shall notify the Department of such excess emissions and the custom schedule shall be re-examined. Sulfur monitoring shall be conducted weekly during the interim period when this custom schedule is being re-examined.

3. If there is a change in fuel supply, the owner or operator must notify the Department of such change for re-examination of this custom schedule. A substantial change in natural gas quality (i.e., sulfur content varying by more than 10 grains/1000 dry standard cubic feet of gas) shall be considered as a change in fuel supply. Sulfur monitoring shall be conducted weekly during the interim period when this custom schedule is being re-examined.

4. Records of sample analysis and fuel supply pertinent to this custom schedule shall be retained for a period of five years, and be available for inspection by personnel of federal, state, and local air pollution

control agencies.
[40 CFR 60.334(b); and, PSD-FL-140A]

B.18. Monthly Operations Summary. By the fifth calendar day of each month, the owner or operator shall record the following information in a written (or electronic) log for the previous month of operation: the amount of hours each fuel was fired; the quantity of each fuel fired; the calculated average heat input of each fuel fired in MMBtu per hour, based on the lower heating value; and, the average sulfur content of each fuel. In addition, the owner or operator shall record the hours of oil firing for the previous 12 months of operation. The Monthly Operations Summary shall be maintained on site in a legible format available for inspection or printed at the Department's request.
[Rule 62-4.160(15), F.A.C.; and, PSD-FL-140A]

Test Methods & Procedures

B.19. Combustion Turbine Testing Capacity. Testing of emissions shall be conducted with the CT operating at permitted capacity. Permitted capacity is defined as 90-100 percent of the maximum heat input rate allowed by the permit, corrected for the average ambient air temperature during the test (with 100 percent represented by a curve depicting heat input vs. ambient temperature). If it is impracticable to test at permitted capacity, the source may be tested at less than permitted capacity. However, subsequent operation is limited by adjusting the entire heat input vs. ambient temperature curve downward by an increment equal to the difference between the maximum permitted heat input (corrected for ambient temperature) and 110 percent of the value reached during the test until a new test is conducted. Once the unit is so limited, operation at higher capacities is allowed for no more than 15 consecutive days for the purposes of additional compliance testing to regain the authority to operate at the permitted capacity. Emissions performance tests shall meet all applicable requirements of Chapters 62-204 and 62-297, F.A.C.
[Rules 62-4.070(3) and 62-297.310(2), F.A.C.; and, PSD-FL-140A]

B.20. 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 three separate test runs unless otherwise specified in a particular test method or applicable rule.
[Rule 62-297.310(3), F.A.C.]

B.21. 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.

[Rule 62-297.310(4)(a)1., F.A.C.]

2. The minimum observation period for a visible emissions compliance test shall be sixty (60) minutes. The observation period shall include the period during which the highest opacity can reasonably be expected to occur.

[Rule 62-297.310(4)(a)2., F.A.C.]

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

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

(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, F.A.C.

[Rules 62-297.310(4)(a), (b) & (d), F.A.C.]

B.22. 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.

[Rule 62-297.310(5)(a), F.A.C.]

(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)(b), F.A.C.]

B.23. Sampling Facilities. The permittee shall design the CT stack to accommodate adequate testing and sampling locations in order to determine compliance with the applicable emission limits specified by this permit. Permanent stack sampling facilities shall be installed in accordance with Rule 62-297.310(6), F.A.C.

[Rules 62-204.800 and 62-297.310(6), F.A.C.; and, 40 CFR 60.8(e)]

B.24. 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.]

B.25. Test Notification. The permittee shall notify the Compliance Authority in writing at least 30 days prior to initial performance test and at least 15 days prior to any other required tests.

[Rule 62-297.310(7)(a)9., F.A.C.; 40 CFR 60.7; and, 40 CFR 60.8]

B.26. Annual Performance Tests. Annual performance tests for CO, NO_x, and visible emissions from the CT shall be conducted while firing natural gas if low sulfur distillate oil was used for 400 hours or less in the preceding 12-month period. Annual performance tests shall be conducted for CO, NO_x, and visible emissions from the CT while firing low sulfur distillate oil if the distillate oil was used for more than 400 hours in the preceding 12-month period. Tests required on an annual basis shall be conducted at least once during each federal fiscal year (October 1st to September 30th). When conducted at permitted capacity, the annual NO_x continuous monitor RATA required pursuant to 40 CFR 75 may be substituted for the annual compliance stack test.

[Rule 62-297.310(7)(a)4., F.A.C.]

B.27. Tests Prior to Permit Renewal. During the federal fiscal year (October 1st to September 30th) prior to renewing the air operation permit, the permittee shall also conduct individual performance tests for VOC emissions while firing natural gas and low sulfur distillate oil.

[Rule 62-297.310(7)(a)3., F.A.C.]

B.28. Tests After Substantial Modifications. All performance tests required for initial startup shall also be conducted after any substantial modification and appropriate shake-down period of air pollution control equipment including the replacement of dry low-NO_x combustors. Shakedown periods shall not exceed 100 days after re-starting the CT.

[Rule 62-297.310(7)(a)4., F.A.C.]

B.29. VE Tests After Shutdown. Any combustion turbine that does not operate for more than 400 hours per year shall conduct a visible emissions (VE) compliance test once per each five-year period, coinciding with the term of its air operation permit.

[Rule 62-297.310(7)(a)8., F.A.C.]

B.30. Special Compliance Tests. When the Department, after investigation, has good reason (such as complaints, increased visible emissions or questionable maintenance of control equipment) to believe that any applicable emission standard contained in a Department rule or in a permit issued pursuant to those rules is being violated, it 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.

[Rule 62-297.310(7)(b), F.A.C.; and, SIP approved]

B.31. 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, 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)(c), F.A.C.]

B.32. Performance Test Methods. Compliance tests shall be performed in accordance with the following reference methods as described in 40 CFR 60, Appendix A, and adopted by reference in Chapter 62-204.800, F.A.C.

(a) EPA Method 7E, "Determination of Nitrogen Oxide Emissions from Stationary Sources". This method may be used to determine compliance with the annual 3-hour NO_x limit.

(b) EPA Method 9, "Visual Determination of the Opacity of Emissions from Stationary Sources" for VE.

(c) EPA Method 10, "Determination of Carbon Monoxide Emissions from Stationary Sources" for CO. All CO tests shall be conducted concurrently with NO_x emissions tests.

(d) EPA Method 20, "Determination of Oxides of Nitrogen Oxide, Sulfur Dioxide and Diluent Emissions from Stationary Gas Turbines." This test shall be used to determine compliance for the initial performance tests and may be used to determine compliance with the annual 3-hour NO_x limit.

(e) EPA Methods 18, 25 and/or 25A, "Determination of Volatile Organic Concentrations."

No other test methods may be used for compliance testing unless prior DEP approval is received, in writing, from the DEP Emissions Monitoring Section Administrator in accordance with an alternate sampling procedure pursuant to Rule 62-297.620, F.A.C.

[Rule 62-297.310(7)(a)(4), F.A.C.; and, PSD-FL-140A]

Excess Emissions

B.33. Excess Emissions.

(a) Excess Emissions Allowed. Excess emissions resulting from startup, shutdown, or malfunction of the CT shall be permitted provided that best operational practices are adhered to and the duration of excess emissions shall be minimized. Excess emissions resulting from startup to simple cycle mode shall not exceed one (1) hour. In no case shall excess emissions from startup, shutdown, and malfunction exceed two hours in any 24-hour period. If excess emissions occur due to malfunction, the owner or operator shall notify the Compliance Authority within one (1) working day of: the nature, extent, and duration of the excess emissions; the cause of the excess emissions; and, the actions taken to correct the problem.

[Rule 62-210.700, F.A.C.; and, PSD-FL-140A]

(b) Excess Emissions Prohibited. Excess emissions caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure that may reasonably be prevented during startup, shutdown or malfunction, shall be prohibited. These emissions shall be included in the calculation of the 24-hour NO_x averages for compliance determinations.

[PSD-FL-140A]

Common Conditions

B.34. These emissions units are also subject to specific conditions **C.1.** through **C.19.**, contained in **Subsection C. Common Conditions.**

Miscellaneous

B.35. Modification. No emissions unit shall be constructed or modified without obtaining an air construction permit from the Department. Such permit shall be obtained prior to beginning construction or modification.

[Rules 62-210.300(1) & (1)(a); and, PSD-FL-140A]

B.36. New or Additional Conditions. For good cause shown and after notice and an administrative hearing, if requested, the Department may require the permittee to conform to new or additional conditions. The Department shall allow the permittee a reasonable time to conform to the new or additional conditions, and on application of the permittee, the Department may grant additional time.

[Rule 62-4.080, F.A.C.; and, PSD-FL-140A]

Section III. Emissions Units and Conditions.

Subsection C. Common Conditions.

E.U. ID No.	Brief Description
001	CT-1A with an associated unfired HRSG
002	CT-1B with an associated unfired HRSG
003	CT-2A
005	CT-2B

Except as otherwise specified under Section III., Subsections A. through C., the following specific conditions apply to the emissions unit(s) listed above:

General Provisions - 40 CFR 60, Subpart A

C.1. Excess Emissions Reporting. If excess emissions occur due to malfunction, the owner or operator shall notify the Compliance Authority within one (1) working day of: the nature, extent, and duration of the excess emissions; the cause of the excess emissions; and, the actions taken to correct the problem. In addition, the Department may request a written summary report of the incident. Following the NSPS format (40 CFR 60.7, Subpart A), periods of startup, shutdown, malfunction, shall be monitored, recorded, and reported as excess emissions when emission levels exceed the standards specified in this permit. Within thirty (30) days following each calendar quarter, the permittee shall submit a report on any periods of excess emissions that occurred during the previous calendar quarter to the Compliance Authority. This quarterly report shall follow the format provided in Figure 1 (see attached) of this permit.

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

C.2. Quarterly Report. The Permittee shall submit a quarterly excess emissions and monitoring systems performance report. All reports shall be postmarked by the 30th day following the end of each calendar half (or quarter, as appropriate). Written reports of excess emissions shall include the following information:

1. The magnitude of excess emissions computed in accordance with 40 CFR 60.13(h), any conversion factor(s) used, and the date and time of commencement and completion of each time period of excess emissions. The process operating time during the reporting period.
2. Specific identification of each period of excess emissions that occurs during startups, shutdowns and malfunctions of the affected facility. The nature and cause of any malfunction (if known), the corrective action taken or preventative measures adopted.
3. The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments.
4. When no excess emissions have occurred or the continuous monitoring system(s) have not been inoperative, repaired, or adjusted, such information shall be stated in the report.

[40 CFR 60.7(c)]

C.3. Summary Report. The summary report form shall contain the information and be in the format shown in Figure 1 (attached) unless otherwise specified by the Department. One summary report form shall be submitted for each pollutant monitored.

1. If the total duration of excess emissions for the reporting period is less than one percent of the operating time for the reporting period and CMS downtime for the reporting period is less than five percent of the total operating time for the reporting period, only the summary report form shall be submitted and the excess emission report described in 40 CFR 60.7(c) need not be submitted unless requested by the Department.
2. If the total duration of excess emissions for the reporting period is one percent or greater of the total operating time for the reporting period or the total CMS downtime for the reporting period is five percent or greater of the total operating time for the reporting period, the summary report form and the excess emission report described in 40 CFR 60.7(c) shall both be submitted.

[40 CFR 60.7(d)]

C.4. Reporting Frequency.

(1) Notwithstanding the frequency of reporting requirements specified in 40 CFR 60.7(c), an owner or operator who is required by an applicable subpart to submit excess emissions and monitoring systems performance reports (and summary reports) on a quarterly (or more frequent) basis may reduce the frequency of reporting for that standard to semiannual if the following conditions are met:

- (i) For 1 full year (e.g., 4 quarterly or 12 monthly reporting periods), the affected facility's excess emissions and monitoring systems reports submitted to comply with a standard under 40 CFR 60 continually demonstrate that the facility is in compliance with the applicable standard;
- (ii) The owner or operator continues to comply with all recordkeeping and monitoring requirements specified in 40 CFR 60, Subpart A, and the applicable standard; and,
- (iii) The Department does not object to a reduced frequency of reporting for the affected facility, as provided in 40 CFR 60.7(e)(2).

(2) The frequency of reporting of excess emissions and monitoring systems performance (and summary) reports may be reduced only after the owner or operator notifies the Department in writing of his or her intention to make such a change and the Department does not object to the intended change. In deciding whether to approve a reduced frequency of reporting, the Department may review information concerning the source's entire previous performance history during the required recordkeeping period prior to the intended change, including performance test results, monitoring data, and evaluations of an owner or operator's conformance with operation and maintenance requirements. Such information may be used by the Department to make a judgment about the source's potential for noncompliance in the future. If the Department disapproves the Permittee's request to reduce the frequency of reporting, the Department will notify the Permittee in writing within 45 days after receiving notice of the owner or operator's intention. The notification from the Department to the Permittee will specify the grounds on which the disapproval is based. In the absence of a notice of disapproval within 45 days, approval is automatically granted.

(3) As soon as monitoring data indicate that the affected facility is not in compliance with any emission limitation or operating parameter specified in the applicable standard, the frequency of reporting shall revert to the frequency specified in the applicable standard, and the Permittee shall submit an excess emissions and monitoring systems performance report (and summary report, if required) at the next appropriate reporting period following the noncomplying event. After demonstrating compliance with the applicable standard for another full year, the Permittee may again request approval from the Department to reduce the frequency of reporting for that standard as provided for in 40 CFR 60.7(e)(1) and (e)(2).

[40 CFR 60.7(e)]

C.5. Records Retention. The Permittee shall maintain a file of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring

system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and, all other information required by 40 CFR 60 recorded in a permanent form suitable for inspection. The file shall be retained for at least 5 (five) years following the date of such measurements, maintenance, reports, and records. [40 CFR 60.7(f); and, Rule 62-213.440(1)(b)2.b., F.A.C.]

C.6. If requested by the Department pursuant to specific conditions **A.12.** and **B.19.**, performance tests shall be conducted and data reduced in accordance with the test methods and procedures contained in 40 CFR 60, Subpart GG, unless the Department (1) specifies or approves, in specific cases, the use of a reference method with minor changes in methodology, (4) waives the requirement for performance tests because the owner or operator of a source has demonstrated by other means to the Department's satisfaction that the affected facility is in compliance with the standard, or (5) approves shorter sampling times and smaller sample volumes when necessitated by process variables or other factors. Nothing in 40 CFR 60.8 shall be construed to abrogate the Department's authority to require testing under section 114 of the Act.

[40 CFR 60.8(b)(1), (4) & (5)]

C.7. If requested by the Department pursuant to specific conditions **A.12.** and **B.19.**, performance tests shall be conducted under such conditions as the Department shall specify to the plant operator based on representative performance of the affected facility. The owner or operator shall make available to the Department such records as may be necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test nor shall emissions in excess of the level of the applicable emission limit during periods of startup, shutdown, and malfunction be considered a violation of the applicable emission limit unless otherwise specified in the applicable standard.

[40 CFR 60.8(c)]

C.8. Department Notification.

(a) The Permittee shall provide to the Department's Southwest District office at least 15 days prior notice of any compliance or performance test, except as specified under other subparts, to afford the District office the opportunity to have an observer present. Test results shall be submitted to the District office no later than 45 days after completion of the test.

[40 CFR 60.8(d); and, Rule 62-297.310(7)(a)8., F.A.C.]

(b) The Permittee shall give written notification to the Department when there is any modification to this facility. This notice shall be submitted timely and in advance of any critical date involved to allow sufficient time for review, discussion, and revision of plans, if necessary. Such notice shall include, but not be limited to, information describing the precise nature of the change; modifications to any emission control system; production capacity of the facility before and after the change; and, the anticipated completion date of the change.

[Rules 62-4.050(1) thru (7) and 62-4.070(1), F.A.C.]

Compliance with Standards and Maintenance Requirements

C.9. The Permittee shall follow the manufacturer's instructions during periods of start-up, shutdown, malfunction, or load change to ensure that the best operational practices to minimize emissions will be adhered to and the duration of any excess emissions will be minimized. The instructions shall be kept on file at the plant site and made available for inspection upon request by the Department.

[40 CFR 60.11(d)]

C.10. Credible Evidence. For the purpose of submitting compliance certifications or establishing whether or not a person has violated or is in violation of any standard in 40 CFR 60, nothing in 40 CFR 60 shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed.

[40 CFR 60.11(g)]

C.11. Circumvention. No owner or operator subject to the provisions of 40 CFR 60 shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere.

[40 CFR 60.12]

Monitoring Requirements

C.12. After receipt and consideration of written application, the Department may approve alternatives to any monitoring procedures or requirements of 40 CFR 60 including, but not limited to the following:

- (1) Alternative monitoring requirements when installation of a continuous monitoring system or monitoring device specified by 40 CFR 60 would not provide accurate measurements due to liquid water or other interferences caused by substances with the effluent gases.
- (2) Alternative monitoring requirements when the affected facility is infrequently operated.
- (3) Alternative monitoring requirements to accommodate continuous monitoring systems that require additional measurements to correct for stack moisture conditions.
- (4) Alternative locations for installing continuous monitoring systems or monitoring devices when the owner or operator can demonstrate that installation at alternate locations will enable accurate and representative measurements.
- (5) Alternative methods of converting pollutant concentration measurements to units of the standards.
- (6) Alternative procedures for performing daily checks of zero and span drift that do not involve use of span gases or test cells.
- (7) Alternatives to the ASTM test methods or sampling procedures specified by any subpart.
- (8) Alternative continuous monitoring systems that do not meet the design or performance requirements in Performance Specification 1, 40 CFR 60, Appendix B, but adequately demonstrate a definite and consistent relationship between its measurements and the measurements of opacity by a system complying with the requirements in Performance Specification 1. The Department may require that such demonstration be performed for each affected facility.
- (9) Alternative monitoring requirements when the effluent from a single affected facility or the combined effluent from two or more affected facilities are released to the atmosphere through more than one point.

[40 CFR 60.13(i)]

Modifications

C.13. The addition of an affected facility to a stationary source as an expansion to that source or as a replacement for an existing facility shall not by itself bring within the applicability of 40 CFR 60 any other facility within that source.

[40 CFR 60.14(c)]

C.14. Special provisions set forth under an applicable subpart of 40 CFR 60 shall supersede any conflicting provisions of this section.

[40 CFR 60.14(f)]

Additional Reporting and Recordkeeping Requirements

C.15. *Annual Operating Report.* *The permittee shall submit the Annual Operating Report for Air Pollutant Emitting Facility (DEP Form No. 62-210.900(5)) that summarizes the actual operating rates and emissions from this facility. Annual operating reports shall be submitted to the Department's Southwest District's Compliance Authority by March 1st of each year.*

[Rule 62-210.370(3), F.A.C.]

C.16. Emissions Performance 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's Southwest District on the results of each such test.

(b) The required test report shall be filed with the Department's Southwest District 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's Southwest District to determine if the test was properly conducted and the test results properly computed. As a minimum, the test report, other than for an EPA or DEP Method 9 test, shall provide the following information:

1. The type, location, and designation of the emissions unit tested.
2. The facility at which the emissions unit is located.
3. The owner or operator of the emissions unit.
4. The normal type and amount of fuels used and materials processed, and the types and amounts of fuels used and material processed during each test run.
5. The means, raw data and computations used to determine the amount of fuels used and materials processed, if necessary to determine compliance with an applicable emission limiting standard.
6. The type of air pollution control devices installed on the emissions unit, their general condition, their normal operating parameters (pressure drops, total operating current and GPM scrubber water), and their operating parameters during each test run.
7. A sketch of the duct within 8 stack diameters upstream and 2 stack diameters downstream of the sampling ports, including the distance to any upstream and downstream bends or other flow disturbances.
8. The date, starting time and duration of each sampling run.
9. The test procedures used, including any alternative procedures authorized pursuant to Rule 62-297.620, F.A.C. Where optional procedures are authorized in this chapter, indicate which option was used.
10. The number of points sampled and configuration and location of the sampling plane.
11. For each sampling point for each run, the dry gas meter reading, velocity head, pressure drop across the stack, temperatures, average meter temperatures and sample time per point.

12. The type, manufacturer and configuration of the sampling equipment used.
13. Data related to the required calibration of the test equipment.
14. Data on the identification, processing and weights of all filters used.
15. Data on the types and amounts of any chemical solutions used.
16. Data on the amount of pollutant collected from each sampling probe, the filters, and the impingers, are reported separately for the compliance test.
17. The names of individuals who furnished the process variable data, conducted the test, analyzed the samples and prepared the report.
18. All measured and calculated data required to be determined by each applicable test procedure for each run.
19. The detailed calculations for one run that relate the collected data to the calculated emission rate.
20. The applicable emission standard, and the resulting maximum allowable emission rate for the emissions unit, plus the test result in the same form and unit of measure.
21. A certification that, to the knowledge of the owner or his authorized agent, all data submitted are true and correct. When a compliance test is conducted for the Department or its agent, the person who conducts the test shall provide the certification with respect to the test procedures used. The owner or his authorized agent shall certify that all data required and provided to the person conducting the test are true and correct to his knowledge.

[Rule 62-297.310(8), F.A.C.]

Excess Emissions

{Permitting Note: The Excess Emissions Rule at Rule 62-210.700, F.A.C., cannot vary any requirement of an NSPS, NESHAP, or Acid Rain program provision. }

C.17. Excess emissions from the CTs resulting from start-up, shutdown, malfunction, or load change shall be acceptable providing (1) best operational practices to minimize emissions are adhered to and (2) the duration of excess emissions shall be minimized, but in no case exceed two hours in any 24-hour period unless specifically authorized by the Department for a longer duration.

[Rule 62-210.700(1), F.A.C.]

C.18. Reserved. See specific condition **B.33.(b)**.

C.19. Excess Emissions Defined. For the purpose of reports required under 40 CFR 60.7(c) (see specific conditions **C.1.** through **C.4.**), periods of excess emissions that shall be reported are defined as follows:

a. *Nitrogen oxides.* For CT-1A, CT-1B and CT-2A, any one-hour period during which the average water-to-fuel ratio, as measured by the continuous monitoring system, falls below the water-to-fuel ratio determined to demonstrate compliance with 40 CFR 60.332 by the performance test required in 40 CFR 60.8 or any period during which the fuel-bound nitrogen of the fuel is greater than the maximum nitrogen content allowed by the fuel-bound nitrogen allowance used during the performance test required in 40 CFR 60.8. Each report shall include the average water-to-fuel ratio, average fuel consumption, ambient conditions, gas turbine load, and nitrogen content of the fuel during the period of excess emissions, and the graphs or figures developed under 40 CFR 60.335(a).

For CT-2B, NO_x CEMS data will be used in accordance with specific conditions **B.17.(a)** and **(b)**.

b. *Sulfur dioxide.* Any daily period during which the sulfur content of the fuel being fired in the gas turbine exceeds 0.8 percent, by weight.

[40 CFR 60.60.334(c)(1) & (2)]

Section IV. This section is the Acid Rain Part.

Operated by: Hardee Power Partners

ORIS Code: 50949

Subsection A. This subsection addresses Acid Rain, Phase II.

The emissions unit listed below is regulated under Acid Rain, Phase II.

E.U. ID No.	Brief Description
005	Combustion Turbine-2B

A.1. The Phase II permit application submitted for this facility, as approved by the Department, is a part of this permit. The owners and operators of this Phase II acid rain unit must comply with the standard requirements and special provisions set forth in the application listed below:

- a. DEP Form No. 62-210.900(1)(a), dated/signed 12/22/03.
[Chapter 62-213 and Rule 62-214.320, F.A.C.]

A.2. Sulfur dioxide (SO₂) allowance allocations and nitrogen oxide (NO_x) requirements for each Acid Rain unit are as follows:

E.U. ID No.	EPA ID	Year	2005	2006	2007	2008	2009
005	2B	SO₂ allowances, under Table 2 of 40 CFR Part 73	0*	0*	0*	0*	0*

*The number of allowances held by an Acid Rain source in a unit account may differ from the number allocated by the USEPA under Table 2 of 40 CFR 73.

A.3. Emission Allowances. Emissions from sources subject to the Federal Acid Rain Program (Title IV) shall not exceed any allowances that the source lawfully holds under the Federal Acid Rain Program. Allowances shall not be used to demonstrate compliance with a non-Title IV applicable requirement of the Act.

1. No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the Federal Acid Rain Program, provided that such increases do not require a permit revision pursuant to Rule 62-213.400(3), F.A.C.
2. No limit shall be placed on the number of allowances held by the source under the Federal Acid Rain Program.
3. Allowances shall be accounted for under the Federal Acid Rain Program.
[Rule 62-213.440(1)(c), F.A.C.]

A.4. Fast-Track Revisions of Acid Rain Parts. Those Acid Rain sources making a change described at

Rule 62-214.370(4), F.A.C., may request such change as provided in Rule 62-213.413, F.A.C., Fast-Track Revisions of Acid Rain Parts.

[Rules 62-213.413 and 62-214.370(4), F.A.C.]

A.5. Comments, notes, and justifications: None.

A.6. Where an applicable requirement of the Act is more stringent than an applicable requirement of regulations promulgated under Title IV of the Act, both provisions shall be incorporated into the permit and shall be enforceable by the Administrator.

[40 CFR 70.6(a)(1)(ii); and, Rule 62-210.200, Definitions - Applicable Requirements, F.A.C.]

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Directory: Z:\Siting\Case Files\PPSA\PA89-25 - Hardee-
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Title: State of Florida Department of Environmental Regulation
Subject:
Author: seiler_a
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