

**STATE OF FLORIDA
DEPARTMENT OF
ENVIRONMENTAL PROTECTION**



**MARTIN EXPANSION PROJECT
FLORIDA POWER & LIGHT**

**CONDITIONS OF CERTIFICATION
Modification N (PA89-27N)**

Modified 01/12/10

TABLE OF CONTENTS

I. CERTIFICATION CONTROL..... 1

II. APPLICABLE RULES 1

III. DEFINITIONS 1

IV. AIR 2

V. SURFACE WATER DISCHARGES 3

 A. *Exemptions*..... 3

 B. *Ground Water* 3

VI. SOUTH FLORIDA WATER MANAGEMENT DISTRICT 3

 A. *Legal/Administrative Conditions* 3

 1. General.....3

 2. Processing of Informational Requests.....5

 B. *Water Use Conditions* 5

 1. General.....5

 2. Site Specific Standards Design Requirements7

 C. *Surface Water Management Conditions* 10

 1. General Conditions10

 2. Site Specific Design Requirements11

 3. Additional Information Requirements11

 D. *Environmental Conditions* 14

 1. General.....14

 2. Additional Information Requirements14

 E. *SFWMD Lands*..... 16

 1. Future Modifications.....16

VII. CONTROL MEASURES DURING CONSTRUCTION 18

 A. *Sanitary Wastes*..... 18

 B. *Environmental Control Program*..... 18

 C. *Construction Dewatering Effluent*..... 18

VIII. SAFETY..... 18

IX. SCREENING..... 18

X. TOXIC, DELETERIOUS OR HAZARDOUS MATERIALS..... 18

XI. SOLID WASTE STORAGE AND DISPOSAL 19

XII. CHANGE IN DISCHARGE 19

XIII. NONCOMPLIANCE NOTIFICATION..... 19

XIV. FACILITIES OPERATION 19

XV. ADVERSE IMPACT 21

XVI. RIGHT OF ENTRY..... 21

XVII. REVOCATION OR SUSPENSION..... 21

XVIII. CIVIL AND CRIMINAL LIABILITY 21

XIX. PROPERTY RIGHTS..... 22

XX. SEVERABILITY 22

XXI. CERTIFIED SITE 22

XXII. REVIEW OF SITE CERTIFICATION..... 22

XXIII. MODIFICATION OF CONDITIONS..... 22

XXIV.	FLOOD CONTROL PROTECTION	23
XXV.	EFFECT OF CERTIFICATION.....	24
XXVI.	NOISE	24
XXVII.	ENFORCEMENT	24
XXVIII.	ENDANGERED AND THREATENED SPECIES.....	24
XXVIII.	DESIGN AND PERFORMANCE CRITERIA	25
XXIX.	COMPLIANCE.....	25
XXX.	ROW DELINEATION AND COMPLIANCE VERIFICATION.....	25
XXXI.	DISPUTE RESOLUTION	26
XXXII.	POST-CERTIFICATION SUBMITTALS.....	26
XXXIII.	TRANSMISSION AND PIPELINE ROWs.....	26
	A. <i>Regulatory Approval (Phase II).....</i>	26
	B. <i>Construction.....</i>	27
	C. <i>Operation.....</i>	30
XXXIV.	DEPARTMENT OF COMMUNITY AFFAIRS.....	30
XXXV.	TREASURE COAST REGIONAL PLANNING COUNCIL.....	31
XXXVI.	MARTIN COUNTY.....	31
XXXVII.	DEPARTMENT OF TRANSPORTATION.....	32
XXXVIII.	BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST	
FUND	35
XXXIX.	TROUP-INDIANTOWN IRRIGATION DISTRICT	35
XL.	CONSTRUCTION.....	35
	A. <i>Standards and Review of Plans.....</i>	35
	B. <i>Control Measures.....</i>	36
	C. <i>Reporting.....</i>	37
	History Notes	37

LIST OF APPENDICES & ATTACHMENTS

Appendix I: Title V Air Operation Permit 0850001-021-AV

Appendix II: PSD-FL-146

PSD-FL-146-A

PSD-FL-146-B

PSD-FL-146-C

PSD-FL-146-D

PSD-FL-146-G

PSD-FL-286 (0850001-008-AC)

PSD-FL-286-A (0850001-011-AC)

PSD-FL-327(0850001-010-AC)

PSD-FL-327-A (0850001-015-AC)

PSD-FL-327-C (0850001-020-AC)

Air Construction Permit 0850001-016-AC

Appendix III: NPDES Permit FL0030988-007-IW1S

Permit FL0030988-009-IWB-MR

Attachment A: General Location of West and Southwest Buffers (COC.XXXV.B.)

I. CERTIFICATION CONTROL

A. Pursuant to s. 403.501-518, F.S., the Florida Electrical Power Plant Siting Act, this certification is issued to Florida Power and Light Company (FPL) owner/operator of the Martin Power Plant. Under the control of these Conditions of Certification the FPL will operate the Martin Expansion Project consisting of two natural gas-fired Combined Cycle Units No. 3 and No. 4 (each 450 MW nominal) Unit 8, a "4 on 1" Combined Cycle Gas Turbine facility (total 1100 MW Nominal) and ancillary equipment, and the Martin Solar Energy Center. The Martin Expansion Project includes future facilities, given preliminary approval, namely gas-fired Combined Cycle Units renewable energy facilities; those facilities will require approval in subsequent proceedings under the Act. These units are located on an 11,300-acre site located in Sections 29&30/Township 39 South/Range 37 East in southwestern Martin County;

B. The general and specific conditions contained in these Conditions of Certification, unless specifically amended or modified, are binding upon the Licensee and shall apply to the construction and operation of the certified facility. If a conflict should occur between the design criteria of this project and the Conditions of Certification, the Conditions shall prevail unless amended or modified.

II. APPLICABLE RULES

The construction and operation of the certified facility shall be in accordance with all applicable provisions of Florida Statutes and Department and Water Management District rules, including the following regulations: [South Florida WMD: 40E-2, 40E-3, 40E-4, 40E-6, 40-E20] 62-4, 62-17, 62-256, 62-296, 62-297, 62-301, 62-302, 62-531, 62-532, 62-550, 62-555, 62-560, 62-600, 62-601, 62-604, 62-610, 62-620, 62-621, 62-650, 62-699, 62-660, 62-701, and 62-814, Florida Administrative Code (F.A.C.), or their successors as they are renumbered, as these regulations existed on the date of the certification of a specific phase, or as they may become applicable pursuant to subsection 403.511 5(a), F.S.

III. DEFINITIONS

Unless otherwise indicated herein, the meaning of the terms used herein shall be governed by the definitions contained in Chapters 403, 378, 373, 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 definition 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 of Environmental Protection:

A. "Application" shall mean the Site Certification Applications for the Martin Coal Gasification/Combined Cycle (CG/CC) Project, peaking units 8A and 8B and Combined Cycle Unit 8, and the Martin Solar Energy Center site modification request as supplemented.

B. "DEP" shall mean the Florida Department of Environmental Protection.

C. "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 operating equipment, gas pipeline, transmission lines, or access facilities.

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

- E. "FWC" shall mean the Florida Fish and Wildlife Conservation Commission.
- F. "Licensee" shall mean Florida Power and Light Company (FPL) or Gulfstream Natural Gas System, L.L.C. [Gulfstream] (where applicable) as owners and operators of the certified facilities.
- G. "Power plant" shall mean the electric power generating equipment and appurtenances to be constructed on the certified portion of the Martin site in Martin County, as generally depicted in the Application.
- H. "Project" shall mean the Martin Expansion Project and all associated facilities, including: Units 3 and 4, , Combined Cycle Unit 8, the Martin Solar Energy Center, the cooling pond, gas pipeline, supplemental cooling tower, transmission lines and related facilities. The project consists of several phases. Phase I involved natural gas-fired, combined cycle Units 3 and 4 with distillate fuel oil as backup and an associated natural gas pipeline and transmission line upgrade. Phase II involves incorporation of Units 8A and 8B into combined-cycle Unit 8. Phase III involves initial development of the Martin Solar energy Center. Future phases may involve additional gas-fired combined cycle units (which include Units 5 and 6) and renewable energy facilities using solar, biomass and other energy sources. Those future phases beyond Phases III require approval in subsequent proceedings under the Act.
- I. "SFWMD" shall mean the South Florida Water Management District.
- J. "ISO" shall mean International Organization for Standardization, ISO 3977-1978(E) standard conditions for gas turbines = 14.7 psia, 150° C, relative humidity 60%.
- K. "Facility" shall mean the certified electrical power generation facility and all associated structures, including but not limited to: combustion turbine generators, heat recovery steam generators, duct burners, steam turbine generators, selective catalytic reduction units, solar thermal arrays and heat exchangers, heat transfer fluid expansion storage tanks, transformers, associated transmission lines, substations, fuel and water storage tanks, natural gas delivery metering station, air and water pollution control equipment, storm water control ponds and facilities, cooling towers, and related structures.
- L. "DHR" shall mean the Florida Department of State, Division of Historical Resources.
- M. "NPDES permit" shall mean the federal National Pollutant Discharge Permit System permit issued in accordance with the federal Clean Water Act.
- N. "PSD permit" shall mean the federal Prevention of Significant Deterioration air emissions permit issued in accordance with the federal Clean Air Act.
- O. "Title V permit" shall mean the federal permit issued in accordance with Title V of the federal Clean Air Act.
- P. "The SE District Office" shall mean the Department's Southeast District Office located at 400 North Congress Avenue, West Palm Beach, FL 33401, (561) 681-6600.

IV. AIR

The construction and operation of Martin Expansion Project shall be in accordance with all applicable provisions of Chapters 62-204, 62-210, 62-212, 62-296, and 62-297, F.A.C. In addition to the foregoing, the project shall comply with all applicable provisions and requirements of PSD Permits FL-146, FL-286 and FL 327, Air Permit No. 0850001-016-AC incorporated by reference herein as part of this Certification attached as Appendix II and DEP Permit 0850001-021-AV incorporated by reference herein as part of this Certification attached as Appendix I as may be subsequently modified, amended or renewed. 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.

V. SURFACE WATER DISCHARGES

Discharges into surface waters of the state during construction and operation of the project shall be in accordance with applicable provisions of 62-4, 62-160, 62-302, 62-601, 62-650, and 62-660, F.A.C., DEP (NPDES) Permit No. FL0030988-007-IW1S, attached as Appendix III, as well as any subsequent revisions, renewals, amendments or modifications, and the following Conditions of Certification:

A. Exemptions

Pursuant to Rule 62-520(8), F.A.C., the existing Martin cooling pond is exempt from secondary drinking water standards for chloride, sulfate and total dissolved solids.

B. Ground Water

Within six months of issuance of the certification of the applicable phase (Phase I), the Licensee shall develop and implement a new ground water monitoring plan: a) acceptable to DEP; b) detailed according to the criteria of Rule 62-522.600, F.A.C., and c) specifically addressing seepage from the cooling pond, the area expected to be affected by seepage. A zone of discharge is granted within the applicant's property.

VI. SOUTH FLORIDA WATER MANAGEMENT DISTRICT

A. Legal/Administrative Conditions

1. General

a. Minimum Standards.

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

b. Compliance Requirements.

This project must be constructed, operated and maintained in compliance with and meet all nonprocedural requirements set forth in Chapter 373, F.S., and Chapters 40E-2 (Consumptive Use), 40E-3 (Water Wells), 40E-4 (Environmental Resource Permits), 40E-6 (Utilization of District Works), and 40E-20 (General Water Use Permits), F.A.C.

c. Off site Impacts.

It is the responsibility of the Licensee to ensure that adverse off site water resource related impacts do not occur during the construction, operation, and maintenance of the project.

d. Liability.

The Licensee shall hold and save 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.

e. Construction, Operation, and Maintenance Responsibilities.

The Licensee shall be responsible for the construction, operation, and maintenance of all facilities installed for the proposed project. All structures on SFWMD works or lands constructed by the Licensee shall remain the property of the Licensee, who shall be solely responsible for ensuring

that such structures and other uses remain in a safe condition and comply with all applicable federal, state, and local safety standards. SFWMD assumes no duty with regard to ensuring that such uses are so maintained and assumes no liability with regard to injuries caused others by any such failure. SFWMD further assumes no duty to ensure that the permitted use complies with the safety standards of other governmental entities. SFWMD is not responsible for any damages to installations located within its rights-of-way. The Licensee shall be responsible for the repair and/or replacement of existing facilities located within the SFWMD's rights-of-way. Canal right-of-way disturbed during construction, installation or maintenance of any authorized facilities shall be restored to original or better condition.

f. Non-interference with District Operations.

Except as may be authorized by this Certification, the Licensee shall not engage in any activity regarding the authorized use which interferes with the construction, alteration, maintenance or operation of the works of SFWMD, including, but not limited to:

- (1) discharging pollutants, debris or aquatic weeds into SFWMD works;
- (2) causing erosion or shoaling within SFWMD works; and
- (3) planting trees or shrubs or erecting structures which limit or prohibit access by SFWMD equipment and vehicles.

The Licensee shall be responsible for any costs incurred by SFWMD resulting from any such interference.

g. Access.

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

h. Post Certification Information Submittals.

Information submitted to SFWMD subsequent to Certification, in compliance with the conditions of this Certification, shall be for the purpose of SFWMD determining the Licensees compliance with the Certification conditions and the non-procedural criteria contained in Chapters 40E-2, 40E-3, 40E-4, and 40E-6, F.A.C., as applicable, prior to the commencement of the subject construction, operation, and/or maintenance activity covered thereunder.

i. Post Certification Permit Modification.

Once the final Certification for a phase of the project, including the transmission line and gas pipeline, has been issued, SFWMD will require modification of the appropriate permits issued by SFWMD for any affected entities to reflect the activities authorized by the certification order.

j. Enforcement.

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

k. Post Certification Construction Notifications.

At least 30 days prior to the commencement of construction of any phase of this project, the Licensee or Project Engineer shall notify SFWMD staff in the Martin/St. Lucie Service Center Environmental Resource Compliance Division (using the appropriate SFWMD form) of the actual or anticipated construction start date and the expected completion date/duration of construction. Annual construction status reports shall be submitted by the Licensee to the SFWMD Environmental Resource Compliance Division (using the appropriate SFWMD form) beginning one year after the initial construction date.

2. Processing of Informational Requests.

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

b. Within sixty (60) days of the determination by SFWMD staff that the additional information is complete and sufficient, the SFWMD shall determine and notify the Licensee in writing whether the proposed activities conform to SFWMD non procedural criteria, as required by Chapters 40E-2, 40E-3, 40E-4, and 40E-6, F.A.C., and the conditions of Certification. If necessary, SFWMD shall identify what items remain to be addressed. No construction activities shall begin until SFWMD has determined either in writing, or by failure to notify the Licensee in writing, that the activities are in compliance with the applicable SFWMD criteria.

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

d. If mutual agreement cannot be reached, then the matter shall be immediately referred to the Division of Administrative Hearings (DOAH) for disposition in accordance with the provisions of Chapter 120, F.S.

e. Subsequent modifications to the drawings and supporting calculations submitted to the SFWMD which may alter the quantity and/or quality of waters discharged off site shall be made pursuant to Section 403.516, F.S., and Rule 62-17.211, F.A.C. They shall also be submitted to SFWMD for a determination that the modifications are in compliance with the non-procedural provisions of Chapters 40E-2, 40E-3, 40E-4, and 40E-6, F.A.C., prior to the commencement of construction.

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

B. Water Use Conditions

1. General

a. Water Shortage Compliance.

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

b. Impacts on Existing Legal Uses.

The Licensee shall mitigate any adverse impact on existing legal uses caused by the ground water withdrawals authorized by this Certification. When adverse impacts occur or are imminent, the SFWMD reserves the right to curtail future withdrawal rates pursuant to the enforcement provisions of Condition A.1.j of these conditions. The adverse impacts can include:

- (1) A reduction in well water levels that impairs the ability of an adjacent well, including a domestic well, lawn irrigation well, or public water supply well, to produce by 10% or greater;
- (2) A significant reduction in water levels in an adjacent water body such as a lake, pond, wetland, or canal system that impairs the ability to produce water by 10% or greater;
- (3) Saline water intrusion or induced movement of pollutants into the water supply of an adjacent water user, resulting in a significant reduction in water quality; and/or
- (4) A change in water quality caused by the Licensee that results in significant impairment or loss of use of a well or water body.

c. Impacts On Existing Off Site Land Uses. The Licensee shall mitigate any adverse impacts on existing off-site land uses that are a consequence of the groundwater withdrawals authorized by this Certification. If increased withdrawals cause an adverse impact on existing land uses, the SFWMD reserves the right to curtail future withdrawal rates pursuant to the enforcement provisions of Condition A.1.j of these conditions. Adverse impacts can include:

- (1) A significant reduction in water levels in an adjacent water body, including impoundments, to the extent that the designed function of the water body is impaired;
- (2) Land collapse or subsidence caused by a reduction in water levels; and/or
- (3) Damage to crops and other types of vegetation.

d. Impacts to Natural Resources. The Licensee shall mitigate any adverse impacts to natural resources as a consequence of the groundwater withdrawals authorized by this Certification. When adverse impacts occur, or are imminent, the SFWMD reserves the right to curtail future withdrawal rates pursuant to the enforcement provisions of Condition A.1.j of these conditions. Adverse impacts can include:

- (1) A reduction in ground water levels that results in significant lateral movement of the fresh water/salt water interface;
- (2) A reduction in water levels that adversely impacts the hydroperiod of protected wetland environments;
- (3) A significant reduction in water levels or hydroperiod in a naturally occurring water body such as a lake or pond;
- (4) Induced movement or induction of pollutants into the water supply resulting in a significant reduction in water quality; and/or
- (5) Harm to the natural system including damage to habitat for rare or endangered species.

e. Well System Operation. At any time, if there is an indication that the well casing, valves, or controls associated with an on site well system leak or have become inoperative, the Licensee shall be responsible for making the necessary repairs or replacement to restore the well system to an operating condition acceptable to SFWMD. Failure to make such

repairs shall be cause for requiring that the well be filled and abandoned in accordance with the procedures outlined in Chapter 40E-3 (Water Wells), F.A.C.

2. Site Specific Standards Design Requirements

a. Authorized Daily Withdrawals. This Certification authorizes a maximum daily withdrawal of 0.067 MGD from the surficial aquifer for potable water demands, and a continued maximum daily withdrawal of 518.40 MGD from the St. Lucie Canal (C-44) as provided in the June 14, 1983, Revised Permit Agreement Between SFWMD and FPL to supplement evaporation, seepage and cooling losses from the on site cooling pond upon build out of Units 3 and 8. This Certification also authorizes, on an interim basis, a maximum withdrawal of 9.6 MGD from the on-site cooling pond for the processing and related industrial water demands of Units 3, 4 and 8 until such time as additional generating units are constructed and operational or the withdrawals authorized by this Certification are modified pursuant to Condition VI.B.2.e, whichever occurs first. These authorizations also include the daily applicable surface water demands of the existing Units 1 and 2.

b. Authorized Annual Withdrawals. This Certification authorizes a maximum annual withdrawal of 10.22 MGY from the surficial aquifer, and a continued maximum annual withdrawal of 26,808.50 MGY from the St. Lucie Canal (C-44) as provided in the June 14, 1983, Revised Permit Agreement Between SFWMD and FPL to supplement evaporation, seepage and cooling losses from the on site cooling pond upon buildout of Units 3, 4, 5, 6 and 8. These authorizations also include the applicable annual surface water demands of the existing Units 1 and 2. This Certification also authorizes, on an interim basis, a maximum annual withdrawal of 2,911.74 MGY from the on site cooling pond for the processing and related industrial water demands of Units 3, 4 and 8 until such time as any additional generating units are constructed and operational or the withdrawals authorized by this Certification are modified pursuant to Condition VI.B.2.e. whichever occurs first.

c. Authorized Withdrawal Facilities:

1 -- 8" X 100' X 50 GPM well cased to 50' withdrawing from the surficial aquifer
4 -- 1000 HP X 90,000 GPM surface water pumps with an intake elevation of 8.00 ft. NGVD withdrawing from the C 44 canal

4 -- 50 HP X 550 GPM surface water pumps with an intake elevation of 7.50 ft. NGVD withdrawing from the C-44 canal (for screen wash purposes)

1 -- 3 HP X 200 GPM surface water pump with an intake elevation of 7.0 ft. NGVD withdrawing from the C-44 canal (for screen wash purposes)

2 -- 25 HP X 1500 GPM surface water pumps withdrawing from the on site cooling pond on a temporary basis to meet processing and related industrial water demands of Units 3 and 4, consistent with Conditions V.B.2.a, b, and e

2 -- 100 HP X 4000 GPM surface water pumps withdrawing from the on-site cooling pond (to meet make-up water demands of Unit 8

2 -- 150 HP X 4000 GPM surface water pumps with an intake elevation of 7.0 ft. NGVD withdrawing from the C-44 Canal (for emergency back-up for Unit 8.

d. Cooling Pond Maximum Elevation. In accordance with Amendment Two to the June 14, 1983, Revised Permit Agreement between SFWMD and FPL, the Licensee, is authorized to fill the cooling pond at the Martin Plant to surface water elevations of 33.67 NGVD during the period of October 16 through May 14 of each year ("dry season") and 32.83 feet NGVD during the period May 15 through October 15 of each year ("wet season"), provided that if rainfall events cause these dry and wet season water levels to be exceeded, the Licensee shall refrain from adding make-up water to the cooling pond from the St. Lucie (C-44)

Canal via the 90,000 GPM intake pumps until such time as seepage and evaporative losses or flood control releases have lowered the cooling pond elevation below these levels.

e. Modification of Authorized Withdrawals. By June 13, 2003, and every ten years thereafter, unless extended by mutual agreement between the Licensee and SFWMD the Licensee shall submit to the SFWMD a report on the project's consumptive water use which contains the information required by Chapter 40E-2, F.A.C., as in effect at that time. Within 90 days after receipt of the report, SFWMD shall evaluate the information, and issue a written notification to DEP and the Licensee as to whether the maximum annual withdrawals of water for consumptive use authorized by this Certification remains in compliance with the provisions of Chapter 373, F.S., and Chapter 40E-2, F.A.C., as in effect at that time. If the notification indicates that the withdrawals are not in compliance with those provisions, it shall recommend possible alternatives for bringing the withdrawals into compliance or otherwise meeting the minimum consumptive water use needs of the certified project. If mutual agreement cannot be reached within 180 days after issuance of the written notification on whether the maximum annual withdrawals of water for consumptive use remain in compliance, then the written notification shall be immediately referred to the Division of Administrative Hearings (DOAH) for resolution in accordance with the procedural provisions of Sections 403.516(1)(c) and 120.57, F.S. (1989). In any proceeding conducted pursuant to this Condition of Certification, SFWMD shall demonstrate that the authorized water uses are no longer consistent with SFWMD's nonprocedural criteria. The Licensee shall then demonstrate its entitlement to maintaining the authorized water uses by showing that the authorized water use is consistent with the nonprocedural criteria of SFWMD for such water uses or that a variance or other relief is warranted. The Administrative Law Judge shall submit a recommended order to the Siting Board on whether the authorized water uses should be modified. The Siting Board shall then enter a final order on the matter, which order will constitute final agency action.

3. Additional Information Requirements

a. Dewatering Operations. Prior to the commencement of construction of those portions of the project which involve dewatering activities, including any dewatering activities that may be associated with the construction of the proposed transmission line and fuel pipeline, a detailed plan for the proposed dewatering activities must be reviewed by SFWMD for a determination of compliance with the nonprocedural provisions of Chapter 40E-2, 40E-3, and 40E-4, F.A.C. The following information must be submitted:

- (1) A detailed site plan which shows the locations of the proposed dewatering areas;
- (2) The methods of dewatering operations;
- (3) The maximum depth for each dewatering operation;
- (4) The location and specifications for all proposed wells and/or pumps associated with each dewatering operation;
- (5) The discharge method, route, and location of receiving waters generated by each dewatering operation, including the measures (best management practices) to be taken to prevent water quality problems in the receiving waters;
- (6) The duration of each dewatering operation;
- (7) An analysis of the impacts of the proposed dewatering operations which indicates that no significant impacts will occur to any existing on site and/or off site legal users or wetlands and that the stability of the dike for the on site cooling pond will not be threatened. FPL may submit the existing plans that were submitted and reviewed during the site Certification application sufficiency review process, which require the installation of

sheet pilings and infiltration trenches to protect the stability of the dike and the adjacent wetlands, to meet this requirement if no changes are made in the proposed dewatering activities which would impact the assumptions on which the analysis is based;

(8) The location of any infiltration trenches; and

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

b. Monthly Reporting Requirements.

(1) Both groundwater and surface water withdrawal quantities, separated by source, as authorized by this Certification for the project, shall be submitted to SFWMD on a monthly basis beginning with the month following issuance of this Certification. FPL shall also submit, on a monthly basis, end of the month cooling pond stages, monthly seepage loss, monthly evaporation loss, monthly withdrawal from the cooling pond, and the accumulated totals of each for the year. Surface water withdrawal quantities shall be reported in millions of gallons and acre/feet.

(2) Prior to the first day of the month, the Licensee shall notify SFWMD of its projected monthly withdrawal requirements and the date of any proposed withdrawals from the St. Lucie Canal (C-44). Copies of the monthly notification shall be provided to the Director of the Operations and Control Department, the Director of the Operations Control Division, the Director of the Water Supply Department, and the Director of the Water Use Regulation Division. The notification should include the current stage elevation of the cooling reservoir. The Licensee must receive prior approval from SFWMD for any withdrawals from the St. Lucie Canal (C-44). Subject to the enforcement provisions of Condition VI.A.1.j and the water shortage compliance provisions of Condition VI.B.1.a of these conditions, the SFWMD reserves the right to limit or terminate withdrawals by the Licensee from the St. Lucie Canal (C-44) depending upon water availability at the time of notification. In addition, during periods of declared water shortage, pursuant to the provisions of Condition VI.B.1.a of these conditions, the Licensee should coordinate with the Director of the Water Use Regulation Division to project the seasonal withdrawal requirements from the St. Lucie Canal (C-44) through the end of the restriction period.

c. Existing Well Repair, Replacement, Abandonment. If, in the future, any of the existing on site wells require repair, replacement and/or abandonment as defined by Chapter 373, Part II.E, F.S., the Licensee shall submit the information described in Chapter 40E-3, F.A.C., for review and approval by SFWMD prior to initiating such activities.

d. New Well Construction. If any new wells are required to replace the existing on site wells, and the proposed well locations are different from the locations of the previously authorized wells, the Licensee shall submit to SFWMD for review and approval an evaluation of the impacts of pumpage from the proposed well locations on adjacent existing legal users, pollution sources, environmental features, the saline water interface, and water bodies.

e. Water Conservation Plan. By June 13, 2003, the Licensee shall submit a Water Conservation Plan as required by Chapter 40E-2, F.A.C., in effect at that time, for review and approval by SFWMD staff. The plan shall, at a minimum, incorporate the following components:

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

- program;
- (a) Implementation of a leak detection and repair
 - (b) Implementation of a recovery/recycling or other program providing for technological, procedural or programmatic improvements to the Licensee's facilities; and
 - (c) Use of processes to decrease water consumption.
- (2) Development and Implementation of an employee awareness program concerning water conservation.

C. *Surface Water Management Conditions*

1. General Conditions

a. Professional Engineer Certificate. The operation of any phase of the surface water management system authorized under this Certification shall not become effective until a Florida Registered Professional Engineer certifies, upon completion of each phase, that these facilities have been constructed in accordance with the design approved by the SFWMD. Within 90 days after completion of construction of the surface water management system, the Licensee or authorized agent shall submit the engineer's certification and notify SFWMD staff in the Martin/St. Lucie Service Center Environmental Resource Compliance Division that the facilities are ready for inspection and approval. As part of such notification, the Licensee or authorized agent shall submit as-built drawings of the site. The as-built drawings shall include elevations, locations, and dimensions of components of the surface water management system.

b. Impacts on Fish, Wildlife, Natural Environment Values and Water Quality. The Licensee shall prosecute the work authorized under this Certification in a manner so as to minimize any adverse impacts of the authorized works on fish, wildlife, natural environment values, and water quality. The Licensee shall institute necessary measures during the construction period, including necessary compaction of any fill materials placed around newly installed structures and/or the use of silt screens, hay bales, seeding and mulching, and/or other similar techniques, to reduce erosion, turbidity, nutrient loading and sedimentation in the receiving waters.

c. Access Roads. The Licensee shall, whenever available, utilize adjacent existing roads for access to the transmission line and gas pipeline rights-of-way for construction, operation, and/or maintenance purposes. Finger roads connecting the existing roads to the structure pads and access roads which must be constructed in areas where an existing road is not available shall be constructed in a manner which does not impede natural drainage flows and minimizes impacts to on site and adjacent wetlands.

d. Off site Discharges. Off site discharges during construction and development of any phase of this project shall be made only through the discharge facilities authorized by the final Certification for that phase. No roadway or building construction shall commence on site until completion of the permitted discharge structure and detention areas for the applicable phase of the Project. Water discharged from the project shall be through structures having a mechanism suitable for regulating upstream water stages. Stages may be subject to operating schedules satisfactory to SFWMD.

e. Discharge Structures. Discharge structures, where appropriate, shall include a baffle, skimmer, or other mechanism suitable for preventing oil, grease, or other floatable materials from discharging to and/or from retention/detention areas.

f. Correction of Water Quality Problems. The Licensee shall be responsible for the correction of any sedimentation, turbidity, erosion, shoaling and/or other water quality problems that result from the construction, operation, and/or maintenance of the works authorized under this Certification.

g. Additional Water Quality Requirements. The Licensee may be required to incorporate additional water quality treatment methods into the surface water management system if such measures are shown to be necessary pursuant to the enforcement provisions of Condition VI.A.1.j. of these conditions.

2. Site Specific Design Requirements

a. Expansion Area Allowable Discharge. The surface water management system for the proposed project facilities located within the expansion area will be designed such that peak post-development discharges from the project site do not exceed 550 cfs for the 25 year/3 day design storm.

b. Restoration/Mitigation Area Allowable Discharge. The peak post development discharge rate from the proposed northwest restoration/mitigation area shall be based on an analysis of the additional information on the Restoration Area Construction Plans (as required under Condition VI.C.3.c).

c. Eastern Perimeter Ditch Control Elevation. Pursuant to the provisions of Condition VI. A.2. of these conditions, the Licensee may be required to change the control elevation for the eastern perimeter ditch, as necessary, if significant adverse impacts are shown to occur as a result of the existing control elevation of 18' NGVD.

3. Additional Information Requirements

a. Water Table Monitoring Program. For the Unit 8 solar energy project, the Licensee shall submit, for review and approval by the SFWMD, a water table monitoring proposal based on the results of published sources of information, a site-specific geotechnical investigation, and soil profile examinations. Prior to a determination of completeness for any supplemental application for any subsequent phase beyond the Unit 8 solar energy project, the Licensee shall undertake and complete a water table monitoring program for the proposed power plant expansion area located east of the Plant Road. The proposed program shall be submitted to SFWMD for review and approval 90 days prior to the implementation of such a program. In developing the water table monitoring program, the Licensee shall incorporate monitoring well locations which encompass the entire expansion area east of the Plant Road and regularly scheduled monitoring intervals throughout at least one normal wet season.

b. Expansion Area Construction Plans. Prior to the commencement of construction of any portion of the project within the expansion area which affects the movement of waters, all construction activities for that portion of the proposed project which may obstruct, divert, control, impound or cross waters of the state must be reviewed by SFWMD for a determination of compliance with the nonprocedural requirements of Chapters 40E-2 and 40E-4, F.A.C., including the Basis of Review For Environmental Resource Permit Applications. For all construction activities, the following information shall be submitted:

(1) Detailed paving, grading and drainage plans, including on site and perimeter site grades, which clearly indicate how runoff will be routed and discharged in each of the four proposed subbasins for the expansion area; demonstrate that the design storm will be held on site; and verify the stage/storage assumptions;

(2) If control elevations are revised for any portion of the proposed surface water management system, revised calculations which demonstrate compliance with the SFWMD's retention/detention criteria for both quantity and quality purposes;

(3) If control elevations are revised for any portion of the proposed surface water management system, revised soil storage calculations;

(4) Detailed plans of all proposed roads, parking lots and building pads which demonstrate compliance with Martin County and SFWMD flood protection criteria;

(5) Cross sections of all proposed control structures which demonstrate compliance with SFWMD water quality and quantity criteria; and

(6) Documentation that the proposed surface water management system for the expansion area will not adversely impact any of the 75 acres of wetlands to be preserved on site unless additional mitigation is provided by the Licensee for the wetland impacts which may result from its construction. Upon the provision of documentation that the 75 acres of wetlands will not be adversely impacted, the Licensee shall also submit a draft instrument in recordable form agreeing with the SFWMD that, if any of the 75 acres are nonetheless adversely affected, FPL shall conduct additional mitigation as directed by SFWMD, to mitigate for such adverse impacts. Upon SFWMD's approval, the Licensee shall execute and record the instrument within 90 days of receipt of SFWMD's approval.

c. Restoration Area Construction Plans. Prior to the commencement of construction and/or modification of any portion of the proposed and/or existing facilities associated with the restoration plan for the northwest mitigation/restoration area, all proposed activities must be reviewed by SFWMD for a determination of compliance with the nonprocedural requirements of Chapters 40E-2 and 40E-4, F.A.C. including the Basis of Review For Environmental Resource Permit Applications. The following information, to any extent it has not already been furnished to SFWMD, shall be provided:

(1) Inverts, elevations and current condition of the discharge culverts along SR 710 that provide drainage for the three off site drainage basins north of SR 710 which drain through and/or around the northwest restoration/mitigation area;

(2) Detailed descriptions of any existing drainage structures and facilities, including cross sections, elevations, dimensions and conditions, within the four drainage basins which drain through and/or around the northwest restoration/mitigation area which support the Licensee's assumptions and analysis of the basins;

(3) A representative sampling of existing finished floor elevations which demonstrates that the existing dwelling units will not be adversely impacted by the proposed improvements within the northwest restoration/mitigation area;

(4) Detailed construction plans, including supporting assumptions and calculations, for the proposed control structures, culverts, berms, swales, ditches, etc., in the northwest;

(5) Documentation that demonstrates that the proposed sump pump discharges into the northwest restoration/mitigation area will not cause erosion impacts;

(6) A detailed field study, that may include additional topography, which documents the need for the proposed ditch connection from Structure C to Black Bottom Slough; and

(7) Documentation that the proposed flows from Black Bottom Slough into L-65 will not exceed preexisting flows into L-65.

d. Transmission Line and Fuel Pipeline Construction Plans for Phase

I. Prior to the commencement of construction of any portion of the proposed transmission line or fuel pipeline, all construction activities for that portion of the transmission line or fuel pipeline which may obstruct, divert, control, impound or cross waters of the state either temporarily or permanently, must be reviewed by SFWMD for a determination of compliance with the nonprocedural requirements of Chapters 40E-2 and 40E-4, F.A.C., including the Basis of Review For Environmental Resource Permit Applications. "Construction activities" in this situation shall include the placement of structure pads, access/maintenance roads, culverts, and/or fill materials excavation activities, and related activities. For all such construction activities, the following information shall be submitted:

- (1) A centerline profile of existing topographic features along the proposed access/maintenance road(s) and/or pipeline excavation route;
- (2) A preliminary design of the proposed access/maintenance and finger road(s) and/or pipeline excavation route with elevations marked;
- (3) A typical cross section of the proposed access/maintenance and finger roads and/or pipeline excavation route;
- (4) A cross section of each stream or creek at the points to be crossed by the access/maintenance and finger road(s), pipeline excavation route, and/or other construction;
- (5) Specifications showing the location of each transmission tower, finger and access/maintenance road, culvert, pipeline section, and/or other related structure or facility to be constructed, including all areas to be filled or excavated,
- (6) Specifications, including supporting assumptions and calculations, showing the type and size of water control structures (pipe, culvert, equalizer, etc.) to be used, with proposed flowline elevations marked, drainage areas identified and design capacity verified;
- (7) A cross section of all proposed excavation areas showing the proposed depth of excavation;
- (8) Calculations and the supporting documentation which demonstrate compliance with all applicable criteria, particularly as they relate to allowable discharge;
- (9) Identification of wet season water table elevations for each basin in which facilities will be located;
- (10) Calculations and supporting documentation which demonstrate that the proposed construction activities associated with the transmission line and/or fuel pipeline will not have an adverse water quantity and/or water quality impact on existing and/or permitted surface water management systems; and
- (11) If construction of the proposed transmission line and/or fuel pipeline contributes to the necessity for future modifications to adjacent/existing roads, water quality treatment for the requested modifications must be addressed in the surface water management system design for the transmission line and/or fuel pipeline.

e. Surface Water Quality Sampling and Monitoring. Surface water quality sampling and monitoring data shall be collected and analyzed in accordance with applicable DEP and EPA criteria.

f. Hazardous Materials Management. Prior to the commencement of any phase of this Project, the Licensee shall submit for review by SFWMD for consistency with the requirements of Chapter 40E-4, F.A.C., a revised Comprehensive Oil, Hazardous Materials, and Hazardous Waste Management Program Plan for the Martin Expansion Project. The plan shall provide an adequate level of detail for early warning and detection of hazardous materials within the shallow groundwater.

D. Environmental Conditions

1. General

a. Wetland Avoidance. The Licensee shall avoid impacting wetlands within the power plant site, transmission line and fuel pipeline corridors wherever practicable. Where necessary and feasible the location and span between power poles and the location of the pipeline within the right of way shall be varied to eliminate or reduce wetland impacts.

b. Fill Materials. Except as authorized by this Certification and other permits issued for this project, no fill materials may be obtained from excavated wetlands within the project site, unless in accordance with a mitigation plan submitted in compliance with the conditions of this Certification.

c. Determination of Compliance with SFWMD Wetland Mitigation Requirements. Based on the wetland mitigation criteria of Chapter 40E-4, including the Basis of Review for Environmental Resource Permit Applications, SFWMD has determined that the Licensee's proposed restoration, preservation and enhancement program (Program), if its objectives are successfully achieved, would result in mitigation beyond that required by SFWMD's criteria. This extra mitigation may be employed to compensate, as necessary, for wetland impacts associated with the Project's associated linear facilities, pursuant to Condition VI.D.2.c; for additional wetland impacts of the Project; or to provide additional compensation to achieve the Program's success, as identified in Conditions VI.D.2.b.(8). and VI.D.2.c.(6).

d. Additional Wetlands Mitigation. The Licensee may be required to provide additional mitigation and/or other measures if wetland monitoring and/or other information demonstrates that adverse impacts to protected, restored and/or mitigated wetlands have occurred as a result of project-related activities, including the proposed transmission line and fuel pipeline.

2. Additional Information Requirements

a. Expansion Area Wetlands Protection. Prior to the commencement of construction of any facilities located adjacent to the wetlands identified for preservation in the expansion area, the Licensee shall stake and rope off the protected wetland areas to prevent encroachment during construction. Staking shall remain in place until all adjacent construction activities are completed. Verification by SFWMD staff shall be required prior to commencement and upon completion of any construction activities.

b. Northwest Restoration/Mitigation Area Plan. Prior to the commencement of construction of any portion of the restoration/mitigation areas for the proposed expansion project, final details of the proposed restoration/mitigation plan must be submitted to SFWMD for a determination of compliance with the non procedural requirements of Chapters 40E-2 and 40E-4, F.A.C., including the Basis of Review for Environmental Resource Permit Applications. This plan shall include the following:

1) Specific acreage figures and locations of all wetlands to be preserved, created and restored;

- (2) Identification of all proposed areas of inundation;
- (3) Identification of proposed control elevations;
- (4) Documentation that the proposed restoration/mitigation activities will not adversely impact adjacent land owners;
- (5) A discussion of any additional mitigation activities to be undertaken, including the location of all mitigation areas and a description of the manner in which these areas will be created restored or otherwise enhanced;
- (6) A timetable of accomplishing the proposed mitigation activities prior to, or concurrent with, the construction of Phase I of this Project;
- (7) Documentation, including a draft instrument in recordable form that, for each phase of the Project, an appropriate portion of the northwest mitigation parcel commensurate with the wetlands to be impacted by that Project phase will be preserved prior to commencement of construction of that phase such that it will be managed in a manner consistent with its proposed use as a conservation area; and
- (8) A detailed monitoring and maintenance program designed to ensure the success of the restoration, enhancement and preservation program proposed by the Licensee. The success of this Program shall be based upon an assessment of the Program's measured progress toward achieving a restored, functional hydrologic regime the improvement of hydric soils within appropriate areas and the natural, beneficial changes in vegetation composition, diversity, growth rates and canopy characteristics within the areas this Program is to be undertaken. For any created wetland excluding any designated woodstork feeding areas, the measure of success shall be predicated on a guaranteed survival or coverage of 80% of the appropriate wetland vegetation. At a minimum, the monitoring plan shall be conducted for a period of 5 years, with reports submitted to SFWMD annually, and all monitoring stations identified on a plan view. This monitoring may be continued on a year-to-year basis depending on the extent to which the program has successfully achieved its objectives. However, SFWMD may at any time determine that such monitoring may be discontinued upon success of the program being demonstrated by the Licensee.

c. Transmission Line and Fuel Pipeline Mitigation Plan. Prior to the commencement of construction of any portion of the proposed transmission line and fuel pipeline, a mitigation plan to offset any wetland impacts associated with that portion of the transmission line or pipeline must be submitted to the SFWMD for a determination of compliance with the non-procedural requirements of Chapters 40E-2, 40E-4 and 40E-6, F.A.C., including the Basis of Review for Environmental Resource Permit Applications This plan shall include the following:

- (1) Specific acreage figures and locations of all wetlands, both within the transmission line or fuel pipeline right of way and adjacent to it, which would be impacted by the construction activities, including an explanation of why no feasible alternative exists;
- 2) Documentation that none of the proposed excavation activities will adversely impact off site wetlands;
- (3) A discussion of the proposed mitigation activities to be undertaken, including the location of all mitigation areas and a description of the manner in which these areas will be created, restored or otherwise enhanced;
- (4) If such mitigation shall occur within the northwest restoration/mitigation area, documentation that sufficient wetland mitigation areas within the

restoration/mitigation area have been legally reserved to compensate for the proposed wetland impacts;

(5) A timetable for accomplishing the proposed mitigation activities concurrently with the construction of the transmission line or fuel pipeline and any associated wetland impacts, unless documentation for doing otherwise is submitted and approved in writing by SFWMD prior to the commencement of construction; and

(6) A detailed monitoring and maintenance program designed to ensure the success of the restoration, enhancement and preservation program proposed by the Licensee. The success of this program shall be based upon an assessment of the Program's measured progress toward achieving a restored, functional hydrologic regime; the improvement of hydric soils within appropriate areas; and the natural, beneficial changes in vegetation composition, diversity, growth rates and canopy characteristics within the areas this Program is to be undertaken. For any created wetland excluding any designated woodstork feeding areas, the measure of success shall be predicated on guaranteed survival or coverage of 80% of the appropriate wetland vegetation. At a minimum, the monitoring plan shall be conducted for a period of 5 years, with reports submitted to SFWMD annually, and all monitoring stations identified on a plan view. This monitoring may be continued on a year-to-year basis depending on the extent to which the program has successfully achieved its objectives. However, SFWMD may at any time determine that such monitoring may be discontinued upon success of the program being demonstrated by the Licensee.

d. Expansion Area Secondary Wetland Impacts. Prior to commencement of construction of any phase located adjacent to wetlands identified for preservation, the Licensee shall submit documentation to the SFWMD, pursuant to Chapter 40E-4, F.A.C., and the Basis of Review For Environmental Resource Permit Applications, demonstrating that no adverse secondary wetland impacts will occur. If the SFWMD determines that secondary impacts will occur to wetland functions or listed wildlife species, then the Licensee shall conduct additional mitigation, as directed by the SFWMD, to mitigate such adverse impacts. Upon SFWMD's approval, the Licensee shall execute and record the instrument within 90 days of receipt of the SFWMD's approval.

E. SFWMD Lands

1. Future Modifications.

If, in the future, the Licensee proposes modifications and/or additions to any existing, permitted power plant, transmission line and/or fuel pipeline facilities that are currently located within SFWMD's right-of-way that were not anticipated in the Site Certification Application submitted, complete drawings showing the proposed and/or modified facility(ies) shall be submitted for review by SFWMD for a determination of compliance with Chapter 40E-6, F.A.C., prior to the commencement of construction of any facilities which will cross over, on, under, or otherwise use SFWMD's right-of-way. These drawings shall depict the proposed use in both plan and profile views and shall show, as a minimum:

- a. For aerial electrical transmission/ distribution crossings:
 - (1) The canal right-of-way lines;
 - (2) The top of the canal bank and its elevation;
 - (3) The centerline of the levee and its elevation;
 - (4) The canal maintenance berm and its elevation at its highest

point;

- (5) The location of any poles, towers, access roads, pipelines, etc., located within SFWMD's right-of-way;
- (6) The location of any anchors, downguys or spanguys within SFWMD's right-of-way;
- (7) The elevation of the lowest line, wire, or cable crossing over SFWMD's right-of-way, given at the lowest point of sag in the span within SFWMD's right-of-way;
- (8) The location and elevation of any buried facilities; and
- (9) The location of the facilities in relation to a section line, major road, or other prominent well-known landmark by which the facilities have been located in the field.

b. For bridges and other pile supported crossings and arch, free span and subaqueous crossings (such as gas, fuel oil, water, sewage, communications lines, etc.):

- (1) The canal right-of-way lines;
- (2) The top of the canal bank and its elevation;
- (3) The width and elevation of any berms or levees;
- (4) The existing cross section of the canal taken at the centerline of the point of crossing plus one cross section each taken 50' upstream and 50' downstream of the faces of the proposed crossing. The cross sections will be taken at 10' intervals from top of bank to top of bank and shall be plotted on standard 10 x 10 cross section paper to the same horizontal and vertical scale using NGVD datum. If applicable, the ultimate design section for the canal shall also be plotted on the cross sections submitted;
- (5) If applicable the locations at which the crossing shall enter and emerge from the banks or berms;
- (6) If applicable, the pile spacing measured center to center for any and all approach spans and measured face to face for the pile bents of the center span;
- (7) If applicable the burial depth below the bank, berm and bottom elevation;
- (8) If applicable the elevation of the bottom and top of any pipe, conduit or casing;
- (9) If applicable, the wall thickness or "schedule" of the pipe;
- (10) If applicable, any appurtenances such as fences, guardrails, security enclosures, paving, meters, valves, blow off lines, cathodic protection systems (whether buried or exposed), etc.;
- (11) The location of the proposed facilities in relation to a section line, major road or other prominent well-known landmark by which the facilities have been located in the field;
- (12) If applicable, the locations of any existing facilities located within SFWMD's right-of-way at the proposed project site; and
- (13) If applicable, the manner in which SFWMD will be provided access to bridge approaches, including drop curbing, reinforced sidewalk sections, guardrail openings, stabilized berm ramps having a minimum top width of 15 feet with a maximum slope of 1 vertical to 10 horizontal.

c. For general short term construction activities on SFWMD right-of-way or where the use of the right of way is proposed for short or long term access to the site:

- (1) If applicable, any work areas, spoil disposal or drying areas, materials storage areas, temporary construction or office trailer sites;

- (2) If applicable, any temporary or permanent ingress/egress routes to the work site; and
- (3) The location of the proposed facilities in relation to a section line, major road or other prominent well-known landmark by which the facilities have been located in the field.

VII. CONTROL MEASURES DURING CONSTRUCTION

A. Sanitary Wastes

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

B. Environmental Control Program

The Licensee 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 for the applicable phase. The plan shall identify and describe all pollutants and wastes generated during construction and the methods for control, treatment and disposal. The Licensee shall notify DEP's Southeast 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 DEP, 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 recurrence.

C. Construction Dewatering Effluent

Should the Licensee's dewatering operation create shoaling in adjacent water bodies, the Licensee is responsible for removing such shoaling. All offsite discharges resulting from dewatering activities must be in compliance with water quality standards required by DEP Chapters 62-4 and 62-302, F.A.C., or such standards as issued through a variance by DEP.

VIII. SAFETY

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

IX. SCREENING

The Licensee 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.

X. TOXIC, DELETERIOUS OR HAZARDOUS MATERIALS

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

XI. SOLID WASTE STORAGE AND DISPOSAL

Solid waste produced by the operation of the Martin Expansion Project shall be disposed of on site or in a permitted disposal facility.

XII. CHANGE IN DISCHARGE

All discharges or emissions authorized herein to the Martin Expansion Project shall be consistent with the terms and conditions of these Conditions. 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 these Conditions. Any anticipated facility expansion, production increase, or process modification which will result in new, different or increased discharges or expansion in steam generation capacity will require a submission of new or supplemental application to DEP's Siting Coordination Office pursuant to Chapter 403, F.S.

XIII. NONCOMPLIANCE NOTIFICATION

If, for any reason, the Licensee does not comply with or will be unable to comply with any limitation specified in these Conditions, the Licensee shall notify the District Manager of DEP's Southeast District Office by during the working day that said noncompliance occurs. After normal business hours, the Licensee shall report any condition that poses a public health threat to the State Warning Point at telephone number (850) 413-9911 or (850) 413-9912. The Licensee shall confirm this situation to the DEP District Office in writing within seventy-two (72) hours of becoming aware of such conditions and shall supply the following information:

- A. A description of the discharge 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.

XIV. FACILITIES OPERATION

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

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

- C. Records Maintained at the Facility

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

2. The Licensee shall hold at the facility, or other location designated by this approval, records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation required by this approval, copies of all reports required by this approval, and records of all data used to complete the application for this approval. These materials shall be retained at least three (3) years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule. The Licensee shall provide copies of these records to the Department upon request. If the Licensee becomes aware of relevant facts that were not submitted or were incorrect in any report to the Department, such facts or information shall be promptly submitted or corrected.

D. Toxic, Deleterious or Hazardous Materials

1. The Licensee shall not discharge to surface waters wastes which are acutely toxic, or present in concentrations which are carcinogenic, mutagenic, or teratogenic to human beings or to significant locally occurring wildlife or aquatic species. The Licensee shall not discharge to ground waters wastes in concentrations which, alone or in combination with other substances, or components of discharges (whether thermal or non-thermal) are carcinogenic, mutagenic, teratogenic, or toxic to human beings (unless specific criteria are established for such components in Section 62-520.420, F.A.C.) or are acutely toxic to indigenous species of significance to the aquatic community within surface waters affected by the ground water at the point of contact with surface waters.

2. The Licensee shall report all spills of materials having potential to significantly pollute surface or ground waters and which are not confined to a building or similar containment structure, by telephone immediately after discovery of such spill. The Licensee shall submit a written report within forty-eight hours, excluding weekends, from the original notification. The telephone report shall be submitted by calling the DEP District Office Industrial Wastewater Compliance/Enforcement Section. After normal business hours, the Licensee shall contact the State Warning Point by calling (850) 413-9911 or (850) 413-9912. The written report shall include, but not be limited to, a detailed description of how the spill occurred, the name and chemical make-up (include any MSDS sheets) of the substance, the amount spilled, the time and date of the spill, the name and title of the person who first reported the spill, the size and extent of the spill and surface types (impervious, ground, water bodies, etc.) it impacted, the cleanup procedures used and status of completion, and include a map or aerial photograph showing the extent and paths of the material flow. Any deviation from this requirement must receive prior approval from the Department.

E. Laboratories And Quality Assurance

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

2. The Licensee shall ensure that all samples required pursuant to these Conditions are taken by an appropriately trained technician following EPA and Department approved sampling procedures and chain-of-custody requirements in accordance with Rule 62-

160, F.A.C. All chain-of-custody records shall be retained on-site for at least three (3) years and made available to the Department immediately upon request.

3. Records of monitoring information shall include:
 - a. the date, exact place, and time of sampling or measurements;
 - b. the person responsible for performing the sampling or measurements;
 - c. the dates analyses were performed;
 - d. the person responsible for performing the analyses;
 - e. the analytical techniques or methods used; and,
 - f. the results of such analyses.

XV. ADVERSE IMPACT

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

XVI. RIGHT OF ENTRY

The Licensee shall allow DEP's and SFWMD's authorized representatives, upon the presentation of credentials:

- A. To enter upon the Licensee's premises or, during business hours, to enter the Licensee's premises in which records are required to be kept under the terms and conditions of this certification
- B. To have access to and to make copies of all records required to be kept under the conditions of this certification;
- C. To sample or monitor any substances or parameters at any location necessary to assure compliance with these Conditions or Department rules.

XVII. REVOCATION OR SUSPENSION

This certification may be suspended or revoked pursuant to Section 403.512, F.S., or for violations of any condition of certification. This approval is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this approval may constitute grounds for revocation and enforcement action by the Department.

XVIII. CIVIL AND CRIMINAL LIABILITY

- A. This certification does not relieve the Licensee from civil or criminal responsibility or liability for noncompliance with any conditions of this certification, applicable rules or regulation of DEP, or Chapter 403, F.S., or regulations thereunder.
- B. This certification does not relieve the Licensee from liability for harm or injury to human health or welfare, animal or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the Licensee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.

C. As provided in Subsections 403.087(7), 403.511, and 403.722(5), F.S., the issuance of this certification does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This approval is not a waiver of any other Department approval that may be required for other aspects of the total project under federally delegated programs.

D. Subject to Section 403.511, F.S., this certification shall not preclude the institution of any legal action or relieve the Licensee from any responsibilities or penalties established pursuant to any other state statute or regulations.

XIX. PROPERTY RIGHTS

The issuance of this certification does not, unless noted otherwise, convey any property rights in either real or personal property, tangible or intangible, nor any exclusive privilege, 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 Licensee 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.

XX. SEVERABILITY

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

XXI. CERTIFIED SITE

The site of the certified power plant project is generally depicted in the application. The sites of directly associated transmission lines 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.

XXII. REVIEW OF SITE CERTIFICATION

The certification shall be final unless revised, revoked, or suspended pursuant to law. At least every five years from the date of issuance of certification or any National Pollutant Discharge Elimination System permit for the plant, DEP 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 Licensee's compliance with the conditions of this certification and the environmental impact of this facility. DEP shall submit the results of its review and recommendations to the Licensee. Such review will be repeated at least every five years thereafter.

XXIII. MODIFICATION OF CONDITIONS

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

A. The Licensee shall comply with rules, adopted by the Department subsequent to the issuance of the certification, which prescribe new or stricter criteria to the extent that the

rules are applicable to electric power plants. Except where express variances, exceptions, exemptions, or other relief have been granted, subsequently adopted rules which prescribe new or stricter criteria shall operate as automatic modifications to the certification.

B. The Licensee may choose to operate in compliance with any rule subsequently adopted by the Department which prescribes criteria more lenient than the criteria required by the terms and conditions in the certification which are not site specific. Should the Licensee choose to do so, it must notify the Department to do so in writing at least 15 days prior to such operation.

C. The Siting Board pursuant to Section 403.516(1), F.S., hereby delegates to the Secretary of DEP the authority to modify, upon application by the Licensee and after notice and opportunity for hearing, any conditions pertaining to monitoring or sampling and conditions of Certification pertaining to consumptive use of water, monitoring, sampling, specification of control equipment, related time schedules, effluent or emission standards or limitations, groundwater, mixing zones, zones of discharge, leachate control programs, railroad spur, transmission lines, access roads or pipeline construction, source of treated effluent cooling water, mitigation, transfer or assignment of the Certification or related federally delegated permits, or any special studies conducted, as necessary to attain the objectives of Chapter 403, Florida Statutes.

D. This certification shall be automatically modified to conform to any subsequent amendments, modifications, or renewals made by DEP under a federally delegated or approved program to any separately issued Prevention of Significant Deterioration (PSD) permit, Title V Air Permit, or National Pollutant Discharge Elimination (NPDES) permit for the certified facility. FPL shall send each party to the original certification proceedings (at the party's last known address as shown in the record of such proceeding) notice of requests submitted by FPL for modifications or renewals of the above listed permits if the request involves a relief mechanism (e.g., mixing zone, variance, etc.) from state standards, a relaxation of conditions included in the permit due to state permitting requirements, or the inclusion of less restrictive air emission limitations in the air permits. DEP shall notify all parties to the certification proceeding of any intent to modify conditions under this section prior to taking final agency action.

E. All other modifications shall be made in accordance with Section 403.516 F.S.

F. Replacement of any portion of the gas pipeline, transmission lines, or access roads constructed under these Conditions 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 Licensee 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.

XXIV. FLOOD CONTROL PROTECTION

The plant and associated facilities shall be constructed in such a manner as to comply with the Martin County flood protection requirements, either by flood proofing or by raising the elevation of the facilities above the 100 year flood level.

XXV. EFFECT OF CERTIFICATION

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 or modified, is binding upon the applicant in the preparation, construction, and maintenance of the certified project. In those instances where a conflict occurs between the application's design criteria and the conditions of certification, the conditions shall prevail.

XXVI. NOISE

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

XXVII. ENFORCEMENT

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

B. SFWMD 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 DEP of that agency's proposed action.

XXVIII. ENDANGERED AND THREATENED SPECIES

A. Prior to clearing and construction activities on site including those related to the Solar Energy Farm, the Licensee shall complete species-specific surveys relative to the following species;

Common Name	Scientific Name	Status*
Gopher frog	<i>Rana capito</i>	SSC
Gopher tortoise	<i>Gopherus polyphemus</i>	ST
Eastern indigo snake	<i>Drymarchon corais couperi</i>	ST; FT
Limpkin	<i>Aramus guarauna</i>	SSC
Snowy egret	<i>Egretta thula</i>	SSC
White ibis	<i>Eudocimus albus</i>	SSC
Florida burrowing owl	<i>Athene cunicularia floridana</i>	SSC
Audubon's crested caracara	<i>Polyborus plancus audubonii</i>	ST; FT
Florida sandhill crane	<i>Grus canadensis partensis</i>	ST
Wood stork	<i>Mycteria americana</i>	SE; FE
Sherman's fox squirrel	<i>Sciurus niger shermani</i>	SSC

* SSC – Species of Special Concern; ST – State Threatened; SE- State Endangered; FT – Federally Threatened; FE – Federally Endangered

1. Federal surveying and permitting protocols will apply to the Eastern indigo snake.

2. FWC's permitting guidelines for the gopher tortoise may be downloaded from http://myfwc.com/permits/Protected-Wildlife/policy/tortoise_relocation_guidelines.pdf
3. Surveys, for the other species listed shall be conducted in the nesting/breeding season immediately preceding all clearing or construction activities for each potentially effected species at appropriate locations. In the case of the gopher frog, as an alternative, the applicant may follow those procedures that the FWC finds acceptable for this species if gopher tortoises are observed onsite.
4. If impacts to these species cannot be avoided, then the Licensee must contact the FWC and obtain all required permits before taking any action that might result in an impact to those species.
5. The state's lists of protected wildlife species are found in Chapter 68A-27, F.A.C.
6. Available survey protocols may be downloaded from the Fish and Wildlife Research Institute webpage (<http://research.myfwc.com/publications/>) or available from FWC.
7. State of Florida surveying and permitting conditions apply to the Bald Eagle. The Bald Eagle management plan can be reviewed at: http://myfwc.com/imperiledspecies/plans/Eagle_Plan_April_2008.pdf

XXVIII. DESIGN AND PERFORMANCE CRITERIA

The certified units at the certified power plant site 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 Licensee shall take all reasonable steps to minimize any adverse impacts resulting from noncompliance with any limitation specified in these Conditions, including but not limited to, such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying event.

XXIX. COMPLIANCE

Except as otherwise provided herein and in the certification order, and subject to Section 403.511(5), F.S., 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.

XXX. ROW DELINEATION AND COMPLIANCE VERIFICATION

At least 90 days prior to commencement of new transmission line or pipeline construction, three copies of blue line reproductions of aerial photographs of at least 1:400 scale shall be submitted to DEP's Southeast District Office and one copy to SFWMD delineating the ROW routes selected, boundaries, preliminary pole and pad locations, and access roads. The Licensee shall notify all parties of such filing. These photographs shall be submitted prior to commencement of construction of 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, SFWMD, 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 Licensee's 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 Licensee's designated ROW cannot be accomplished in compliance with the conditions of certification, the Licensee shall be so notified in writing. Failure of such a notice to be served on Licensee 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 these conditions will be at the Licensee's risk, and no party will be estopped by such acquisition to seek disapproval of the linear facility or access roads within the designated ROW in accordance with these conditions of certification.

XXXI. DISPUTE RESOLUTION

If a situation arises in which mutual agreement cannot be reached between the Licensee 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, F.S. A hearing under Section 120.57, F.S., shall be held within 30 days after its referral to DOAH. All exceptions to any order issued by the Administrative Law Judge 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 60 days of the filing of the exceptions.

XXXII. POST-CERTIFICATION SUBMITTALS

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

XXXIII. TRANSMISSION AND PIPELINE ROWs

A. Regulatory Approval (Phase II)

1. Unless expressly exempt by law or rule, it shall be unlawful for any person to construct or alter wetlands and surface waters, including dredging or filling, without first having obtained approval from the Department pursuant to Condition XXXIII and XXXIV. Pursuant to Rule 62-341.620 (2)(a), F.A.C., the general permit is not offered to those transmission line projects that obtained a certification issued under Part II of Chapter 403, F.S. "*Electrical Power Plant and Transmission Line Siting*." However, it is recognized in Rules 62-341.201(1) and 62-341.620, F.A.C. that construction of power lines and support structures pursuant to the limitations in the 62-341.620, F.A.C. general permit "have minimal impacts to the water resources of the District, both individually and cumulatively" and that "mitigation is neither necessary nor required for [such] activities." The Licensee shall submit to DEP's Southeast District Environmental Resource Permitting Section a Joint Environmental Resource Permit Application, Form#: 62-343.900(1), prior to commencing any activities in wetlands or

other surface waters. Pursuant to Chapter 18-21, F.A.C., all activities on sovereignty lands shall require authorization from the Board of Trustees of the Internal Improvement Trust Fund. Should the transmission line or pipeline corridors cross sovereignty submerged lands an easement shall be applied for and approved by the Department for such utility crossings and rights of way.

2. In determining whether to grant or deny approval, the Department shall consider whether the applicant has implemented practicable design modifications to reduce or eliminate adverse impacts to wetlands and other surface waters. If the Department determines that the Licensee 's proposed system can be modified in a practicable manner that would eliminate or reduce adverse impacts to wetland functions and other surface water functions, and if the applicant refuses to modify the system accordingly, mitigation shall not be approved. Before considering mitigation, all reasonable measures must first be taken to reduce the adverse effects which otherwise render the project unapprovable. To the extent the Project strictly complies with the limitations set forth in Rule 62-341.620(2)(b)-(I), F.A.C. and is not located in forested wetlands located within 550 feet from the mean or ordinary high water line of a wetland or other surface water designated as an Outstanding Florida Water or Outstanding National Resource Water, no mitigation shall be required.

B. Construction

1. The Licensee 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 and other design changes shall be considered to eliminate or reduce wetland impacts.

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

3. The Licensee shall consult with DEP's Southeast District Environmental Resource Permitting Section 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 submittals. At DEP's request, the Licensee shall conduct a field inspection with DEP staff.

4. Prior to clearing activities within any of the ROWs associated with the various linear facilities, an ecological survey shall be conducted to identify the presence of threatened or endangered species (plants 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 within the vicinity of the project ROW that may be affected. Results of this survey shall be submitted to DEP and the Florida Fish and Wildlife Conservation Commission (FWC) and the United States Fish and Wildlife Service (USFWS). If it is determined that any of those species will be affected by the construction of any of the linear facilities, the Licensee shall consult with DEP and FWC to determine the appropriate steps to be taken to avoid, minimize, mitigate or otherwise appropriately deal with, any adverse impacts to resources within each agency's respective jurisdiction.

5. After all ROWs have been selected the Licensee shall conduct a survey of archaeological sensitive areas, as determined in consultation with the Department of State, Division of Historical Resources (DHR), 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, Licensee 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 any excavated wetlands unless authorized by DEP and SFWMD in accordance with a mitigation plan submitted in compliance with certification.

7. The Licensee shall provide mitigation/compensation (M/C) for any unavoidable wetland or open water habitat impacts within the jurisdiction of the DEP or WMD resulting from the construction of any portion of the transmission line, natural gas pipeline 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 Licensee shall concurrently submit mitigation plans to DEP's Southeast District Office Environmental Resources Permitting Section and SFWMD as applicable. Submission of such plans shall be for the purpose of determining compliance with the Conditions of Certification. 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 set of plan view and cross sectional drawings of the proposed mitigation activities to be undertaken, including the location of all mitigation 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 Licensee will work with the appropriate agency staff to establish success criteria.

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 SFWMD will work with the Licensee in the development of acceptable mitigation plans. The mitigation plans proposed by the Licensee shall be submitted for review and compliance monitoring to DEP and SFWMD and such review shall be subject to the time constraints set forth in specific Conditions XXXIV.B.9 below and VI.A.2 above, as appropriate.

9. For all construction activities in waters of the state where DEP has wetland resource protection jurisdiction pursuant to Chapter 403, F.S., and the Memorandum of Understanding between the Department and SFWMD, the Licensee shall file with DEP's Office of Siting Coordination and the SE District Office Environmental Resources Permitting Section the information described in F.A.C. Rule 62-17.665; and a Joint Environmental Resource Permit Application, Form#: 62-343.900(1).

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

b. Within 90 days of 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 Licensee shall be notified with particularity and possible corrective measures suggested. Failure to notify Licensee in writing within 60 days of receipt of a sufficient information submittal shall constitute a compliance verification.

c. If DEP does not object within the time period specified, Licensee 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. Licensee, 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 Southeast 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 Licensee 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 exotic invasive plant species listed on the Florida Exotic Pest Plant Council's (EPPC) 2001 (or current year) Category I Invasive Exotic Species list located in each ROW shall be removed or the plants/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 Licensee in consultation with DEP. The Licensee shall abide by the plan.

13. Following construction, a plan for maintenance and control of exotic invasive plant species within the ROWs shall be developed by the Licensee in consultation with DEP. The Licensee shall abide by the plan. This maintenance clause refers to the planting or natural recruitment of the referenced plants.

14. The Licensee 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 Licensee 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 gas pipeline. This program shall be developed in coordination with DEP's SE District Office Environmental Resources Permitting Section and approved by DEP prior to the commencement of construction.

16. The Licensee shall be responsible for the correction of any water quality problems that result from the construction, operation and/or maintenance of works authorized under these Conditions. The Licensee 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 Licensee shall be responsible for explaining the significance of these barriers to all construction personnel prior to construction. The Licensee 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 waterbodies outside the limits of construction shall be immediately reported to DEP's Southeast District Office. 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 Licensee can provide reasonable assurances to DEP that no unauthorized, adverse, off site water resource impacts will occur as a result of the dewatering operation.

C. 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.

XXXIV. DEPARTMENT OF COMMUNITY AFFAIRS

A. The Licensee shall investigate complaints of, and provide mitigation for, impacts to radio or television reception shown to be caused by the transmission line upgrade.

B. The Licensee shall develop a comprehensive hurricane preparation and recovery plan for the Martin Unit 8 Combined Cycle Project, as part of the Florida Power & Light Martin Plant. The plan shall be submitted to the Department of Community Affairs and the Martin county Office of Emergency Management no later than start of construction of the Martin Unit 8 combined cycle conversion project. The Licensee shall formally update the plan every 5 years following commercial operation of the Unit 8 Combined Cycle Project or whenever an additional generating unit is brought into commercial service at the Martin Plant site and shall submit these

updated versions of the plan to the Department of Community Affairs and the Martin County Office of Emergency Management. If the Department deems the plan or any of its periodic updates not to be in compliance with the requirements of this condition, it may petition for enforcement of this condition pursuant to the Florida Electrical Power Plant Siting Act.

XXXV. TREASURE COAST REGIONAL PLANNING COUNCIL

A. FPL shall neither eliminate nor negatively impact any wetlands on those portions of the Project site necessary for the construction and operation of Units 5 and 6 and the associated coal gasification facilities until the Florida Public Service Commission has made an affirmative Determination of Need for those facilities.

B. FPL shall modify its land management practices in the areas along the west and southwest sides of the existing cooling pond west and south of the distribution line paralleling the pond dike shown on ~~the attached Exhibit~~ Attachment A. In these areas FPL shall discontinue mowing and allow natural vegetation to establish itself. The goal of this practice modification will be to create a naturally vegetated corridor for wildlife passing through this area between other natural areas onsite and in the region. This practice modification shall take place consistent with safety, inspection and maintenance procedures for the dike and the adjacent distribution line and with continued access to ditches, equipment and other related facilities. To the extent feasible, within FPL routine land management practices for the site, FPL shall attempt to control exotics (specifically Melaleuca, Australian Pine and Brazilian Pepper) within this corridor.

C. FPL shall reserve the remainder of the Northwest Parcel, over and above those portions identified by FPL during these proceedings for wetland restoration, enhancement and preservation, for use in future ecological mitigation activities or preservation, and activities related to such purposes (including education and passive recreation), as may be required for the Martin Expansion project or any other project of FPL, and shall not use or develop the remainder of the Northwest Parcel for any other purpose. However, any future wetland creation undertaken within this area shall avoid conversion of high quality forested uplands. To the extent feasible, within FPL's routine land management practices for the site, FPL shall attempt to control exotic vegetation (specifically Melaleuca, Australian Pine, and Brazilian Pepper) within this area.

D. FPL shall not begin commercial operation of Martin Units 3 and 4 until the turn lane at State Road 710 and Plant Road at the FPL Martin site is lengthened to a minimum length of 600 feet along State Road 710.

E. Notwithstanding DOT conditions contained under XXXVIII below, FPL shall not begin commercial operation of Martin Units 5 and 6 until the road improvements proposed by the Florida Department of Transportation for State Road 710 through Indiantown have been completed, including the road widening of State Road 710 and the installation of a protected turn lane at State Road 710 and Adams Avenue in Indiantown.

XXXVI. MARTIN COUNTY

A. Construction and operation of the Martin Expansion Project shall be undertaken in accordance with the first amendment to the planned unit development (industrial) agreement between the Licensee and Martin County, Florida, dated June 3, 2008 Said agreement is incorporated into these Conditions of Certification by this reference and shall be complied with and enforced as if the provisions of that agreement were contained in these Conditions.

B. Martin County shall issue a permit for each transmission line crossing a Martin County road or property within the right of way identified in the ROW delineation required by Condition XXXI within 60 days after such filing.

C. Martin County shall issue a permit for each natural gas pipeline crossing a road between the junction of the Florida Turnpike and SR 714 and the site of the project within 30 days of the submission of a complete utility permit application for such natural gas pipeline.

D. In the construction of associated transmission lines, FPL shall:

1. Follow the standards of Martin County, Florida for a U 2 Permit unless FPL and Martin County subsequently agree to the contrary.
2. Make all crossings as nearly perpendicular to and place all transmission Line structures as far from state and county road rights of-way as practicable in order to allow future widening and expansion.

E. In the construction of natural gas pipeline crossings, FPL shall:

1. Follow the standards of Martin County, Florida for a U 2 Permit unless FPL and Martin County subsequently agree to the contrary.
2. Avoid locating pipeline facilities in road rights-of-way to the greatest extent practicable; in order to minimize conflict with future roadway improvements.

XXXVII. DEPARTMENT OF TRANSPORTATION

A. DOT has reviewed and approved the highway traffic analysis presented by FPL showing that there will be adequate highway capacity on State Road 710 for the implementation (construction and operation) of Phases I (consisting of Units 3 and 4), II (consisting of Martin Unit 8), and III (consisting of future Units 5 and 6) of the Project and the Martin Solar Energy Center, subject to Conditions B and C below.

B. FPL is required to reconstruct an extension to the left turn lane on State Road 710 at Plant Road, at its own expense, conforming to DOT design Standards, as approved by the District Traffic Operations Engineer. The Department agrees to process the permit application within 30 days of submittal.

C. If FPL onsite construction of Units 5 and 6 (Phase III) is accelerated, FPL shall develop and implement, at its own expense, the following traffic flow maintenance procedures, commensurate with traffic impact, as deemed necessary by DOT to mitigate impacts of traffic generated by FPL Phase III construction. These procedures shall be implemented during the period of overlap between FPL s Phase III construction and DOT's Project No. 89070-3517:

1. Public information program on traffic coordination within and adjacent to Indiantown, between M.P. 9.715 (Plant Road) and M.P. 17-822 (SR 76 Connector) during DOT construction of SR 710 between M.P. 14.415 and M.P. 16.620 as part of WPI No 4126244,
2. The use of existing railroad facilities for delivery of equipment and materials to the FPL construction site to the extent practicable,
3. Park and ride and/or car pooling programs for FPL construction personnel and/or operations staff,
4. Provision of officials, at FPL expense, to direct traffic within and adjacent to the DOT construction site,
5. Provision of temporary traffic control devices, which may include traffic signals, signage, pavement markings or construction barricades, at FPL expense, as deemed necessary by DOT to mitigate impacts of FPL construction traffic within the construction zone of the DOT project, including approaches and exits,
6. Provision of temporary travel lanes, to the extent practicable, within the DOT right-of-way and within the limits of the DOT project, at FPL expense, as deemed necessary by DOT, to mitigate impacts of FPL construction traffic.

D. Adequacy of highway capacity on State Road 710 to serve the operation of Phase IV of FPL's Project shall be addressed by FPL and DOT during the supplemental application for site certification authorizing construction and operation of Phase IV.

E. There is adequate distance between the intersections of State Road 710 with Adams Avenue and of the CSX Railroad track with Adams Avenue, in Indiantown, Martin County, Florida, for satisfactory movement of road traffic without requiring signal synchronization at the two intersections.

F. It is unnecessary for FPL and DOT to address any question concerning the impacts of rail traffic on highway traffic in connection with Phase I; however, FPL and DOT each reserve the right to take any position with respect to any question of the impacts of rail traffic on highway traffic in supplemental application proceedings for the certification of Phases III and IV for construction and operation.

G. For Phase I, The Department of Transportation Turnpike Office shall issue a utility permit for a natural gas pipeline crossing at a location mutually agreed upon by the permit applicant and the Turnpike, consistent with requirements of the Site Certification Order, within 60 days of the submission of a satisfactorily completed utility permit form 592 02, executed by the owner of proposed gas pipeline, and which utility permit form and applicant information is in compliance with the requirements of the Utility Accommodation Guide (dated May, 1990). The plans referenced in 2.B. (1) of the Utility Accommodation Guide (UAG) and the elevations of this pipeline referenced in the UAG shall be tied to the State Planes Coordinates, for the purpose of loading the information into DOT's Computer Aided Design and Drafting (CADD) System. Any references in the Utility Accommodation Guide and permit to Department District Officials shall be deemed to mean Turnpike Officials.

H. In the construction of the natural gas pipeline system for Phase I, FPL shall comply with the requirements of the UAG, Turnpike Bond Resolution conditions and permit conditions based on either of them.

I. For Phase I, DOT shall issue a permit for the transmission line crossing of State Road 710 within the FPL right of way for such transmission line as identified in the SCA within 30 days of the submission of a complete utility permit application and detailed construction plans for such transmission line crossing.

J. In the construction of the associated transmission line crossing of State Roads 710 and 76, FPL shall:

1. Comply with the requirements of the DOT Utility Accommodation Guide and permit conditions based on them;
2. Construct such transmission line crossing with the same alignment as the existing transmission line at the same crossing; and
3. Place transmission line structures as far from the right-of-way of State Roads 710 and 76 as practicable in order to allow future road widening and expansion.

K. For Phase I, DOT shall issue a permit for the natural gas pipeline crossing of any state road within the corridor for such facility as identified in the SCA within 30 days of submission of a complete utility permit application and detailed construction plans for such pipeline crossing; provided, however, that:

1. DOT shall have 60 days to issue a permit for any crossing of Interstate 95 to allow time for review of the crossing by the Federal Highway Administration; and
2. DOT shall have the additional time reasonably necessary under the applicable bond indenture(s) to issue a permit for any crossing of the Florida Turnpike.

- L. In the construction of the natural gas pipeline crossings for Phase I, FPL shall:
 - 1. Comply with the requirements of the DOT Utility Accommodation Guide and permit conditions based on them; and
 - 2. Avoid locating pipeline facilities in road rights-of-way to the greatest extent practicable in order to minimize conflict with future roadway improvements;
 - 3. Make no pipeline placement longitudinally in the rights-of-way for Interstate 95 or the Florida Turnpike; and
 - 4. Comply with any special provisions governing crossings of the Florida Turnpike made applicable under the bond indenture(s) for the Florida Turnpike.

- M. Post Certification Review Of Specific Problems (Phase II)

- 1. Access Management to the State Highway System

No new access to the State highway system is proposed in the site certification application. If new access is later proposed, access permitting as defined in Rule Chapters 14-96, State highway System Connection Permits, Administrative process, and 14-97, State highway System Access Management Classification System and Standards, Florida Administrative Code, will be required.

- 2. Overweight or Over Dimensional Loads

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

- 3. Use of State of Florida Right of Way or Transportation Facilities

Any use of State of Florida right of way and certain activities on State transportation facilities will be subject to the requirements of the Department of Transportation's Utility Accommodation Manual (Document 710-020-001) and Rule Chapter 14-46, Railroads/Utilities Installation or Adjustment, Florida Administrative Code. Any new or additional interconnections between the power plant and any off-site water reuse system may require the applicants to meet the requirements of the Utility Accommodation Manual if the installation of these interconnections fall within State of Florida right of way or a state transportation facility.

- 4. Drainage

Any drainage onto State of Florida right of way and transportation facilities will be subject to the requirements of Rule Chapter 14-86, Drainage Connections, Florida Administrative Code. FPL shall submit information to FDOT on adopted agency forms demonstrating compliance with applicable drainage-related standards. That submittal shall be governed by the procedures of Conditions XXXII and XXXIII for post-certification submittals. FPL shall locate and construct transmission lines in such a manner so as not to interfere with, obstruct, or otherwise adversely impact any drainage from DOT's existing or announced planned transportation facilities. FPL agrees to provide DOT a drainage easement to accommodate such transportation facilities in or across the fee-owned transmission line right of way consistent with the operation of the transmission line, if such becomes necessary to comply with requirements of a water management district or DEP.

- N. Best Management Practices

- 1. Transportation Control

Traffic control will be maintained during plant construction and maintenance in compliance with the standards contained in the Manual of Uniform Traffic Control Devices, Rule Chapter 14-94, Statewide Minimum Level of Service Standards, Florida Administrative

Code; Florida Department of Transportation's Design Standards; and Florida Department of Transportation's Specifications for Roads and Bridge Construction, whichever is more stringent.

2. **Overweight/Overdimensional Vehicles**

If the applicant uses contractors for the delivery of any overweight or overdimensional loads to the site during construction, the applicant should assure that its contractors adhere to the necessary standards and receive the necessary permits required under Chapter 316, Florida Statutes, and Rule Chapter 14-26, Safety Regulations and Permitting Fees for Overweight and Overdimensional Vehicles, Florida Administrative Code.

XXXVIII. BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

A. The Board of Trustees of the Internal Improvement Trust Fund (Board), or its staff shall issue the appropriate approval for a natural gas pipeline crossing lands and waterways between the junction of the Florida Turnpike and SR 714 under the jurisdiction of the Board within 30 days of the submission of a complete application for such natural gas pipeline crossing demonstrating compliance with the applicable provisions of Chapter 18-21, Florida Administrative Code.

B. In the Phase I construction of the associated transmission line or the natural gas pipeline system, FPL shall follow the standards of the Board as established in Chapter 18-21, Florida Administrative Code, unless FPL and the Board subsequently agree to the contrary.

XXXIX. TROUP-INDIANTOWN IRRIGATION DISTRICT

A. FPL shall locate all transmission line structures installed as part of the proposed transmission line upgrade within the existing FPL right-of-way where it crosses any canal or roadway under the jurisdiction of the Troup-Indiantown Irrigation District (District). Prior to installing any new transmission line structures as part of this Project within any canal or road rights-of-way under the jurisdiction of the District, FPL shall consult with District staff on the appropriate location of such structures so as to avoid any conflict or interference with the District's activities within those rights-of-way.

B. Upon completion of construction of the transmission line structures, FPL shall supply the District with drawings or other appropriate information depicting the location of those transmission line structures installed adjacent to roads and canals under the District's jurisdiction.

XL. CONSTRUCTION

A. *Standards and Review of Plans*

1. All construction at the facility shall be pursuant to the design standards presented in the application or amended application and the standards or plans and drawings submitted and signed by an engineer registered in the state of Florida. Specific Southeast DEP District Office acceptance of plans will be required based upon a determination of consistency with approved design concepts, regulations, and these conditions prior to initiation of construction of any phases: industrial waste treatment facility; domestic waste treatment facility; potable water treatment and supply system; ground water monitoring system, storm water control system; solid waste disposal area; and hazardous or toxic handling facility or area. The Licensee shall present specific plans for these facilities including any required application for an NPDES Construction Stormwater Discharge Permit for review by the DEP Southeast District Office or

SFWMD as applicable at least ninety (90) days prior to construction of those portions of the facility for which the plans are then being submitted, unless other time limits are specified in the conditions herein. Review and approval or disapproval shall be accomplished in accordance with Chapter 120, F.S., or these conditions of certification as applicable.

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

3. Ninety (90) days prior to the anticipated date of first operation, the Licensee shall provide the Southeast District and the Siting Coordination Office of the Department with an itemized list of any changes made to the facility design and operation plans that would affect a change in discharge as referenced in Condition XII. since the time of the approval of these conditions. This pre-operational review of the final design and operation shall demonstrate continued compliance with Department rules and standards.

4. Final drainage plans illustrating all stormwater treatment facilities and conveyances for construction phases and ultimate operations for the entire Martin Expansion Project site shall be submitted to the SFWMD in accordance with Condition VI.C. for review and approval prior to construction of any such conveyance or facility. The SFWMD shall indicate its approval or disapproval within 60 days of the submittal.

B. Control Measures

1. To control runoff which may reach and thereby pollute waters of the state, necessary measures shall be utilized to settle, filter, treat or absorb silt containing or pollutant laden storm water to ensure against spillage or discharge of excavated material that may cause turbidity in excess of 29 Nephelometric Turbidity Units (NTU) above background in waters of the state at the site boundary. Oil and grease shall not exceed 5 mg/l at any discharge from the makeup water storage supply pond or any other pond. Control measures may consist of sediment traps, barriers, berms, and vegetation plantings. Exposed or disturbed soil shall be protected and stabilized as soon as possible to minimize silt and sediment-laden runoff. The pH of the runoff shall be kept within the range of 6.0 to 8.5. The Licensee shall comply with the applicable nonprocedural requirements in Chapter 62-25, F.A.C.

2. Any open burning in connection with initial land clearing shall be in accordance with Chapter 62-256, F.A.C., Chapter 51-2, F.A.C., Uniform Fire Code Section 33. 1 01 Addendum, and any other applicable County regulation. Any burning of construction-generated material, after initial land clearing that is allowed to be burned in accordance with Chapter 62-256, F.A.C., shall be approved by the DEP Southeast District office in conjunction with the Division of Forestry and any other county regulations that may apply. Burning shall not occur if not approved by the appropriate agency or if the Department or the Division of Forestry has issued a ban on burning due to fire safety conditions or due to air pollution conditions.

3. Disposal of sanitary wastes from construction toilet facilities shall be in accordance with applicable regulations of the appropriate local health agency. The sewage treatment plant shall be operated in accordance with Chapters 62-600-62-699, F.A.C.

4. The Licensee shall employ proper odor and dust control techniques to minimize odor and fugitive dust emissions. The applicant shall employ control techniques

sufficient to prevent nuisance conditions which interfere with enjoyment of residents of adjoining property.

5. Directly associated transmission lines from the facility electric switchyard to existing transmission lines shall be maintained in accordance with the application and the appropriate state and federal regulations concerning use of herbicides. The Licensee shall notify the Department of the type of herbicides to be used at least 60 days prior to their first use.

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

C. Reporting

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

History Notes

Certification Issued 02/20/91; signed by Governor Chiles

Modification 08/11/93; signed by Secretary Wetherell

Modification 09/27/94; signed by Secretary Wetherell

Modification 04/28/95; signed by Secretary Wetherell

Modification 04/22/96; signed by Secretary Wetherell

Modification 11/23/98; signed by Secretary Green

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

Modification 06/15/01; signed by Secretary Struhs

Expansion Project Certification Issued 04/14/03; signed by Governor Bush

Modification (H) 09/14/04; signed by Program Administrator Oven

Modification (I) 05/20/05; signed by Program Administrator Oven

Modification (J) withdrawn 12/28/05

Modification (K) 11/15/06; signed by Program Administrator Oven

Modification (L) 07/09/07; signed by Program Administrator Halpin

Modification (M) 08/21/08; signed by Program Administrator Halpin

Modification (N) 01/12/10; signed by Program Administrator Halpin

Attachment A: (Condition XXXV.B.)

EXHIBIT A
General Location of West
and Southwest Buffer Areas

