

**STATE OF FLORIDA
SITING BOARD**

**IN RE: PROGRESS ENERGY FLORIDA) OGC CASE NO. 08-1621
LEVY NUCLEAR PROJECT UNITS 1 AND 2) DOAH CASE NO. 08-2727EPP
PPSA NO. PA08-51)**

FINAL ORDER APPROVING CERTIFICATION

On May 15, 2009, an administrative law judge ("ALJ") with the Division of Administrative Hearings ("DOAH") submitted his Recommended Order on Certification ("RO") in this certification proceeding. The RO indicates that copies were served upon counsel for Florida Power Corporation, doing business as Progress Energy Florida, Inc. ("Progress Energy"), and the Department of Environmental Protection ("DEP" or "Department"). The RO also shows that copies were served to counsel for other designated state, regional and local agencies; and counsel and representatives for other named parties and intervenors. A copy of the RO is attached hereto as Exhibit A. No exceptions were filed by any party to the proceeding. This matter is now before the Governor and Cabinet, sitting as the Siting Board, for final action under the Florida Electrical Power Plant Siting Act ("PPSA"), Sections 403.501 et seq., Florida Statutes.

BACKGROUND

Progress Energy provides electricity and related services to approximately 1.7 million customers in the state of Florida. Its service area spans 35 counties over approximately 20,000 square miles in central and west Florida. In Florida, Progress Energy operates and maintains more than 43,600 miles of distribution and transmission lines that serve a population of more than 5 million people. On June 2, 2008, Progress Energy filed an application for site certification ("SCA") with the Department. Progress

Energy proposes to build and operate a two-unit nuclear-powered electrical generating facility in Levy County ("Levy Nuclear Project Units 1 and 2" or "LNP"). Directly associated facilities include a heavy haul road used for construction in Levy County, two site access roads in Levy County, and cooling water intake and discharge pipelines in Levy and Citrus Counties. Progress Energy also seeks certification of nine transmission corridors associated with eleven electrical transmission lines:

- (1) Citrus 1 and 2 Transmission Lines — proposed LNP to proposed Citrus Substation, two 500-kiloVolt ("kV") Transmission Lines in Levy and Citrus Counties, also referred to as the "LPC" Lines;
- (2) Crystal River Transmission Line — proposed LNP to existing Crystal River Energy Complex ("CREC") Switchyard, one 500-kV Transmission Line in Levy and Citrus Counties, also referred to as the "LCR" Line;
- (3) Sumter Transmission Line — proposed LNP to proposed Central Florida South Substation, one 500-kV Transmission Line in Levy, Citrus, Marion, Sumter and Lake Counties, and the municipalities of Wildwood and Leesburg, also referred to as the "LCFS" Line;
- (4) Crystal River East 1 and 2 Transmission Lines — proposed Citrus Substation to existing Crystal River East Substation, two 230-kV Transmission Lines in Citrus County, also referred to as the "CCRE" Lines;
- (5) Levy North Transmission Line — proposed LNP to existing 69-kV Inglis-High Springs Transmission Line, one 69-kV Transmission Line for LNP construction/administration in Levy County, also referred to as the "IS" Line;

- (6) Levy South Transmission Line — proposed LNP to existing 69-kV Inglis-Ocala Transmission Line, one 69-kV Transmission Line for LNP construction/administration in Levy County and the Town of Inglis, also referred to as the "IO" Line;
- (7) Brookridge Transmission Line — existing CREC Switchyard to existing Brookridge Substation, one 230 kV Transmission Line in Citrus and Hernando Counties, also referred to as the "CB" Line;
- (8) Brooksville West Transmission Line — existing Brookridge Substation to existing Brooksville West Substation, one 230-kV Transmission Line in Hernando County, also referred to as the "BBW" Line; and
- (9) Polk-Hillsborough-Pinellas Transmission Line — existing Kathleen Substation to existing Lake Tarpon Substation, one 230-kV Transmission Line in Polk, Hillsborough and Pinellas Counties and the municipalities of Tampa, Plant City and Oldsmar, also referred to as the "Kathleen" or "PHP" Line.

The LNP site is east of U.S. Highway 19 and approximately four miles north of the Town of Inglis and the Levy-Citrus County border. The site contains approximately 3,105 acres, with the two reactors and ancillary power production support facilities located near the center of the site. The majority of the LNP site is currently active silviculture and is unimproved. The proposed heavy haul road and pipelines will be located in corridors south of the LNP site. Two site access roads will connect to U.S. Highway 19 west of the site and proceed east to the main plant area. Progress Energy also owns a 2,000-acre tract contiguous with the southern boundary of the LNP site, which provides access to a water supply in the Cross Florida Barge Canal ("CFBC") as

well as containing the heavy haul road and electrical transmission line corridors that exit the LNP site.

The LNP will include two 1,100 megawatt (“MW”) (nominal) generating units (“LNP 1” and “LNP 2”) designed by Westinghouse Electric Company, LLC (“Westinghouse”). The reactor design received an official design certification from the Nuclear Regulatory Commission (“NRC”) and is referred to as the Westinghouse AP1000 Reactor (“AP1000”). The AP1000 is a standardized, advanced passive pressurized-water nuclear reactor. The Florida Public Service Commission (“PSC”) issued a determination of need for the LNP, associated facilities and nine electrical transmission line corridors (“Project”) in August 2008. That order was not appealed and is now final. Progress Energy proposes to place LNP 1 in commercial service by 2016 and LNP 2 in commercial service by 2017.

PARTIES

Progress Energy and the Department were parties to the certification hearing pursuant to Section 403.508(3)(b), Florida Statutes. The following filed notices of intent to be parties: (1) the Environmental Protection Commission of Hillsborough County (“Hillsborough EPC”); (2) Hernando County; (3) Sumter County; (4) the Southwest Florida Water Management District (“SWFWMD”); (5) Polk County; (6) the Florida Department of Community Affairs (“DCA”); (7) Lake County; (8) City of Oldsmar; (9) Hillsborough County; (10) Levy County; (11) the St. John’s River Water Management District (“SJRWMD”); (12) Citrus County; (13) the Rainbow River Railroad Committee (“RRRC”); (14) the Rainbow Springs Property Owners Association, Inc.; (15) the City of Dunnellon; (16) the City of Tampa; (17) Marion County; (18) the Suwannee-St. John’s

Group of the Sierra Club (“Sierra Club”); (19) the Florida Fish and Wildlife Conservation Commission (“FWC”); (20) Pinellas County; (21) the Florida Department of Transportation (“DOT”); and (22) the City of Wildwood.

The following parties intervened: the Withlacoochee Area Residents, Inc. (“WAR”); Calvin Partin, LeRoy Partin, Anne Stevens, Mary Holmes, Mary Humphries, John Lott, and Louise Partin (collectively “the Partin Family”); Cool Springs Farm, LLC; Southern Alliance for Clean Energy (“SACE”); Rainbow IV Partners, RLLP; Rainbow IV Investments, RLLP; and the RRRC.

The Partin Family; the RRRC; the Rainbow Springs Property Owners Association, Inc.; Cool Springs Farm, LLC; Rainbow IV Partners, RLLP; Rainbow IV Investments, RLLP; WAR; and the Sierra Club all subsequently voluntarily withdrew from the certification proceeding.

PUBLIC NOTICE AND OUTREACH

Progress Energy engaged in extensive public outreach for the selection of the LNP site and for the transmission line corridors. For the LNP site, outreach efforts included communications with local community leaders, press releases, communications with state and federal legislators, dissemination of information to the general public and property owners in the vicinity of the LNP plant via mailings and open houses, and participation in community and advisory groups. For the electrical transmission line portion of the Project, public involvement was a key part of the corridor selection process. Progress Energy developed a Community Partnership for Energy Planning (“CPEP”) process to get feedback from members of the community in a

manner that would most effectively involve the community in the transmission line corridor selection process.

Using the CPEP process, Progress Energy established leadership teams in three geographic regions: 1) Hillsborough, Pinellas, Pasco, and Polk Counties; 2) Citrus, Hernando, and Levy Counties; and 3) Lake, Marion, and Sumter Counties. The leadership teams identified and selected more than 100 community representatives to participate in regional Utility Search Conferences. The Utility Search Conferences involved intensive two-day discussions of local issues and the future of electricity supply in the region. The purpose of the Conferences was to inform the participants about the Project, to gain public input, and to allow participants to nominate community members who became part of the Community Working Groups for the remainder of the Project. Progress Energy and the Community Working Groups further studied and refined the recommendations of the Conferences. The Community Working Groups also provided ongoing input to Progress Energy throughout the Project.

Progress Energy held open houses in February and March 2008, to involve the public in the transmission line corridor selection process. It used newspaper advertisements, press releases, and direct mail letters to inform the public about the open houses. Over 2,900 people attended the open houses, and Progress Energy received completed written questionnaires from 2,071 attendees. The goal of Progress Energy's public outreach program (for both the plant and transmission lines) was to provide information in a transparent manner to the public and to provide ample opportunity and many avenues for the public to give input during all phases of the Project. In total, Progress Energy conducted over 40 public presentations and sent

communications to more than 125,000 property owners and stakeholders regarding the Project. Many of Progress Energy's outreach efforts were beyond those required by law.

In accordance with Section 403.5115(6), Florida Statutes, Progress Energy provided direct notice by mail of the filing of the SCA to all landowners whose property and residences were located within: (1) three miles of the proposed main site boundaries of the LNP; (2) one-quarter mile of a transmission line corridor that only includes a transmission line as defined by Section 403.522(22), Florida Statutes; and (3) one-quarter mile for all other linear associated facilities extending away from the main site boundary. Progress Energy timely submitted a list of the landowners and residences that were notified to DEP's Siting Coordination Office ("SCO"), as required by Section 403.5115(6)(b), Florida Statutes. Progress Energy made copies of the SCA available at two of its offices and ten public libraries. In addition, it provided copies to all local governments and agencies within whose jurisdiction portions of the Project will be located. The Department made an electronic version of the document available on its website.

On June 19, 2008, Progress Energy published notice of the filing of the SCA in the Ocala Star-Banner, the Hernando Today, the Tampa Tribune, The Lakeland Ledger, The Villages Daily Sun, the Levy County Journal, the Orlando Sentinel, the Gainesville Sun, the Citrus County Chronicle, the Sumter County Times, the Hernando Times, and the North Pinellas Times, satisfying the requirements of Section 403.5115(1)(b), Florida Statutes, and Florida Administrative Code Rule 62-17.281(3). On December 18, 2008, Progress Energy published notice of the certification hearing in the same newspapers,

satisfying the requirements of Section 403.5115(1)(e), Florida Statutes, and Florida Administrative Code Rule 62-17.281(7). It published amended notices of the site certification hearing in the same newspapers on February 17, 2009. The Department also published notices in the Florida Administrative Weekly. All notices required by law were timely published and/or provided in accordance with Section 403.5115, Florida Statutes.

DOAH PROCEEDINGS

The DOAH proceeding was conducted under the PPSA and Florida Administrative Code Chapter 62-17, to consider Progress Energy's application for certification of the Project. On June 2, 2008, Progress Energy filed its SCA with the Department. The application was distributed to 28 agencies, with multiple copies provided to several of those agencies. Agencies requested, and Progress Energy provided, additional information on the Project. The Department found the transmission line portion of the application complete on August 13, 2008. The plant portion of the application was found complete on October 30, 2008. Progress Energy exercised its option pursuant to Section 403.5064(1)(b), Florida Statutes, to allow parties to file alternate electrical transmission line corridors. However, no alternate transmission line corridors were filed in the proceeding. On October 6, 2008, Progress Energy amended the SCA to remove sections addressing two proposed substations called Citrus and Central Florida South. On November 26, 2008, Progress Energy amended the SCA to remove sections addressing a proposed rail corridor.

Various reviewing agencies submitted reports and proposed conditions of certification. The Department filed its corrected Staff Analysis Report ("SAR") for the

transmission line portion of the application on September 26, 2008. On January 12, 2009, the Department issued its SAR for the plant portion of the application, incorporating the reports of the reviewing agencies and proposing a compiled set of conditions of certification for the plant and associated facilities, including transmission lines. These compiled conditions of certification have been superseded by the Fourth Amended Conditions of Certification set forth in DEP Exhibit 1, as amended, attached hereto as Exhibit B.

Hernando County, Hillsborough County, Levy County, and Sumter County all requested that public hearings be held within their respective county boundaries concerning transmission facilities under Section 403.527(4), Florida Statutes, which is incorporated in the PPSA under Section 403.5064(4), Florida Statutes. The intent of these public hearings was to give members of the public who reside within the jurisdiction of the local government and who are not parties to the certification hearing, an opportunity to provide testimony. See § 403.527(4)(b), Fla. Stat. (2008).

Citrus County and Levy County issued determinations on July 17, 2008, and September 23, 2008, respectively, that components of the Project were consistent with their land use plans and zoning ordinances. Under Section 403.5115(1)(c), Florida Statutes, Progress Energy timely published notice of Citrus and Levy Counties' Determinations of Land Use and Zoning Consistency on August 1, 2008, and October 16, 2008, respectively. No person challenged these determinations; therefore, land use hearings under Section 403.50665, Florida Statutes, were not required.

On January 26, 2009, Progress Energy filed a Motion to Strike Portions of SACE's Petition to Intervene in part on the ground that the PSC already determined

issues relating to need and reliability, and in part on the ground that radiological safety is preempted under the Supremacy Clause of the United States Constitution by federal regulation of nuclear energy by the NRC. On February 11, 2009, an Order on Motion to Strike was entered. Issues relating to need and reliability were stricken to the extent of the matters properly determined by the PSC under Section 403.519, Florida Statutes; and radiological safety issues were stricken under the Supremacy Clause. As a result, those issues were not considered in the certification hearing.

The parties entered into a detailed prehearing stipulation prior to the certification hearing, agreeing to numerous findings of fact and conclusions of law. All agency parties who provided position statements recommended or did not object to certification of the Project.¹ Of the remaining parties, only SACE recommended that the Project not be certified.

All notices required by law were timely published in accordance with Section 403.5115, Florida Statutes. The certification hearing was held on February 23, 24, and 26 and March 3, and 9-12, 2009. Public testimony and comment were also received during the hearing: in Inglis, on February 26, 2009; in Crystal River, on March 3 and 9, 2009; in Lutz, on March 10, 2009; in Brooksville, on March 11, 2009; and in The Villages on March 12, 2009. A total of thirty hours was devoted to receiving public comment from approximately 85 individuals at these six separate sessions. Public Exhibits 1-30 also were received, some subject to valid hearsay objections by Progress

¹ In the Prehearing Stipulation, the agency parties stipulated only to those findings of fact and conclusions of law within each agency's knowledge or subject matter jurisdiction. The agency parties stipulated that the Project complies with the nonprocedural requirements of each agency's rules and criteria, so long as the Project complies with the Conditions of Certification.

Energy. Progress Energy presented rebuttal evidence during the final public testimony session in The Villages.

At the conclusion of the hearing, the parties were allowed to file proposed recommended orders ("PROs"). The Transcript of the final hearing (including four volumes of hearing transcript, plus one volume for each public testimony session) was filed with the DOAH on April 6, 2009. The ALJ subsequently issued his RO on May 15, 2009.

SUMMARY OF THE RECOMMENDED ORDER ON CERTIFICATION

In the RO, the ALJ recommended that the Siting Board enter a Final Order approving Progress Energy's SCA to build, operate, and maintain the LNP, including a heavy haul road, site access roads, and cooling water intake and discharge pipelines, subject to the conditions of certification set forth in DEP Exhibit 1, as amended. He further recommended that the Siting Board approve the SCA to build, operate, and maintain each of the nine proposed electrical transmission line corridors as associated facilities, as described in paragraphs 181-189 of the RO, and subject to the conditions of certification set forth in DEP Exhibit 1, as amended.

The ALJ found that the PSC issued its final order determining the need for the Project on August 12, 2008. In that order the PSC found: "a need for Levy Units 1 and 2, taking into account the need for electric system reliability and integrity"; "a need for Levy Units 1 and 2, taking into account the need for fuel diversity"; "a need for Levy Units 1 and 2, taking into account the need for base-load generating capacity"; "a need for Levy Units 1 and 2, taking into account the need for adequate electricity at a reasonable cost"; "[t]here are no renewable energy sources and technologies or

conservation measures taken by or reasonably available to [Progress Energy] which might mitigate the need for Levy Units 1 and 2"; and "Levy Units 1 and 2 will provide the most cost-effective source of power." (RO ¶ 4). The PSC also found a need for the associated transmission lines. New transmission lines are required to interconnect and integrate the proposed plant into Progress Energy's existing transmission grid and to reliably deliver bulk power to its load centers. Load flow studies were conducted by Progress Energy's system planners to identify the appropriate transmission end-points and voltages. The PSC determined that the proposed transmission lines in Progress Energy's proposed corridors satisfy the need for transmission lines. (RO ¶ 5).

The ALJ found that in this certification proceeding Progress Energy proved its entitlement to site certification for the Project under the PPSA. The data and information submitted by Progress Energy to the agencies and at the hearing was not rejected or contested by any of the agency parties, including the DEP. These agency parties have expertise in the matters involved in this Project and reviewed the information submitted by Progress Energy. Other evidence in support of certification included the DEP's SAR and the testimony of DEP staff. The DEP's SAR reflected the agency parties' review of the Project and demonstrated the Project's compliance with applicable regulatory requirements, including the criteria for certification under Section 403.509(3), Florida Statutes. (RO ¶¶ 260-261, 271).

Plant and Associated Facilities

In the RO the ALJ made findings under each of the criteria for certification. He also determined that issues related to radiological safety are not considered under the PPSA because they have been preempted by federal regulation under the Supremacy

Clause of the United States Constitution. (RO ¶¶ 33, 243, 263). The ALJ found that in accordance with Section 403.509(3)(a), Florida Statutes, Progress Energy provided reasonable assurance that the operational safeguards for the construction, operation, and maintenance of the LNP are technically sufficient for the public welfare and protection. (RO ¶¶ 36-51, 94-99, 100-111, 114, 264). He found that under Section 403.509(3)(b), Florida Statutes, the location, construction, and operation of the LNP will comply with applicable non-procedural requirements of agencies, provided that Progress Energy complies with the conditions of certification. (RO ¶ 82-93, 94-99, 100-111, 115-134, 135-137, 149-151, 265). In addition, Progress Energy provided reasonable assurance that its proposed use of groundwater from the Floridan Aquifer satisfied the substantive criteria of the SWFWMD set forth in Chapter 373, Florida Statutes, Rule Chapter 40D-2, Florida Administrative Code, and the SWFWMD's Basis of Review for water permit applications. (RO ¶¶ 73-82, 265).

The ALJ found that in accordance with Section 403.509(3)(c), Florida Statutes, the location, construction, and operation of the LNP will be consistent with applicable provisions of the Levy County Comprehensive Plan and comply with the Levy County Land Development Code; if constructed and operated in accordance with the proposed conditions of certification. (RO ¶¶ 135-137, 152-156, 266). The LNP is also consistent with the State Comprehensive Plan and the Withlacoochee Regional Planning Council's Strategic Regional Policy Plan. (RO ¶¶ 156, 266). The ALJ found that in accordance with Section 403.509(3)(d), Florida Statutes, the LNP will meet the electrical energy needs of the state in an orderly, reliable, and timely fashion. The PSC found in its order determining need for the LNP that Progress Energy demonstrated a need for both Units

1 and 2 to reasonably meet customer reliability needs in the time period from 2016 to 2019, and beyond. The plant design and construction schedule demonstrate that the LNP will meet the electrical energy needs of the state in an orderly, reliable, and timely fashion. (RO ¶¶ 4-5, 18-29, 258, 267).

The ALJ determined that under Section 403.509(3)(e), Florida Statutes, the LNP, if constructed and operated in compliance with the conditions of certification, will effect a reasonable balance between the need for the facility and the impacts resulting from construction and operation of the facility. These include air and water quality, fish and wildlife, water resources, and other natural resources of the state (but not including radiological safety issues, which are preempted by federal regulation under the Supremacy Clause). (RO ¶¶ 4-5, 258, 268). The LNP and associated facilities are expected to produce minimal adverse environmental impacts, and will provide extensive benefits, including substantial economic benefits. (RO ¶¶ 52-72, 107, 111, 115-134, 138-148, 258, 268).

The ALJ found that under Section 403.509(3)(f), Florida Statutes, if constructed and operated in compliance with the conditions of certification, the LNP will minimize, through the use of reasonable and available methods, the adverse effects on human health, the environment, and the ecology of the land and its wildlife and the ecology of state waters and their aquatic life (not including radiological issues, which are preempted by federal regulation under the Supremacy Clause). (RO ¶¶ 52-72, 107, 111, 114, 115-134, 269). The ALJ further found that, in accordance with Section 403.509(3)(g), Florida Statutes, if constructed and operated in compliance with the

conditions of certification, the certification of the LNP will serve and protect the broad interests of the public. (RO ¶¶ 4-5, 31, 138-156, 258, 270).

Transmission Lines

In the RO the ALJ made findings under each of the criteria for certification. He found that in accordance with Section 403.509(3)(a), Florida Statutes, Progress Energy provided reasonable assurances that the operational safeguards for the construction, operation, and maintenance of the transmission lines in the proposed corridors, in compliance with the conditions of certification, are technically sufficient for the public welfare and protection. (RO ¶¶ 166-180, 181-189, 192-201, 272). He also found that the parties stipulated that "the Conditions of Certification attached hereto are the applicable non-procedural requirements of the state, regional and local agencies and governments with regulatory jurisdiction over the transmission lines in the Proposed Corridors." (RO ¶ 273). See Exhibit B attached hereto. In addition, Progress Energy proved at the certification hearing that the construction, operation, and maintenance of each of the proposed transmission lines in the nine proposed corridors will comply with the applicable non-procedural requirements of agencies in accordance with Section 403.509(3)(b), Florida Statutes. (RO ¶¶ 173, 180, 202-204, 273).

The ALJ found that the parties stipulated that construction of transmission lines on established rights-of-way is excepted from the definition of "development" in Section 163.3164(6), Florida Statutes. To the extent that comprehensive plans or land development regulations of the local governments crossed by the transmission lines include provisions that are applicable to non-development activities, Progress Energy's construction, operation, and maintenance of the transmission lines in the nine proposed

corridors in compliance with the conditions of certification, will be consistent with applicable local government comprehensive plans and land development regulations, under Section 403.509(3)(c), Florida Statutes. (RO ¶¶ 173, 205-208, 274). The ALJ further found that the construction, operation, and maintenance of the transmission lines in the nine proposed corridors, in compliance with the conditions of certification, will help meet the electrical energy needs of the state in an orderly, reliable, and timely fashion, in accordance with Section 403.509(3)(d), Florida Statutes. (RO ¶¶ 5, 209-212, 258, 275). He also found that construction, operation, and maintenance of the transmission lines in the nine proposed corridors, in compliance with the conditions of certification, will effect a reasonable balance between the need for the facilities and the impacts upon air and water quality, fish and wildlife, water resources, and other natural resources of the state resulting from the construction and operation of the facilities, in accordance with Section 403.509(3)(e), Florida Statutes. (RO ¶¶ 5, 181-189, 213-220, 258, 276).

The ALJ determined that in accordance with Section 403.509(3)(f), Florida Statutes, the construction, operation, and maintenance of the transmission lines in the nine proposed corridors, in compliance with the conditions of certification, will minimize, through the use of reasonable and available methods, the adverse effects on human health, the environment, and the ecology of the land and its wildlife and the ecology of state waters and their aquatic life. (RO ¶¶ 181-189, 221-228, 277). Finally, the ALJ found that the construction, operation, and maintenance of the transmission lines in the nine proposed corridors, in compliance with the conditions of certification, will serve and protect the broad interests of the public, in accordance with Section 403.509(3)(g), Florida Statutes. Having met the criteria in subsections (3)(a) through (3)(f) of Section

403.509, Florida Statutes, Progress Energy demonstrated that the construction, operation, and maintenance of each of the transmission lines in the proposed corridors will serve and protect the broad interests of the public. (RO ¶¶ 4-5, 229-237, 258, 278).

CONCLUSION

The case law of Florida holds that parties to formal administrative proceedings must alert reviewing agencies to any perceived defects in DOAH hearing procedures or in the findings of fact of ALJs by filing exceptions to DOAH recommended orders. See, e.g., Comm'n on Ethics v. Barker, 677 So.2d 254, 256 (Fla. 1996); Henderson v. Dep't of Health, Bd. of Nursing, 954 So.2d 77 (Fla. 5th DCA 2007); Fla. Dep't of Corrs. v. Bradley, 510 So.2d 1122, 1124 (Fla. 1st DCA 1987). Having filed no exceptions to certain findings of fact the party "has thereby expressed its agreement with, or at least waived any objection to, those findings of fact." Envtl. Coalition of Fla., Inc. v. Broward County, 586 So.2d 1212, 1213 (Fla. 1st DCA 1991); see also Colonnade Medical Ctr., Inc. v. State of Fla., Agency for Health Care Admin., 847 So.2d 540, 542 (Fla. 4th DCA 2003). However, even when exceptions are not filed, an agency head reviewing a recommended order is free to modify or reject any erroneous conclusions of law over which the agency has substantive jurisdiction. See § 120.57(1)(l), Fla. Stat. 2008; Barfield v. Dep't of Health, 805 So.2d 1008 (Fla. 1st DCA 2001); Fla. Public Employee Council, 79 v. Daniels, 646 So.2d 813, 816 (Fla. 1st DCA 1994). In reviewing findings of fact in a recommended order, an agency is constrained to modification of the findings only when the findings are not supported by competent substantial evidence. See § 120.57(1)(l), Fla. Stat. 2008.

Having reviewed the matters of record and being otherwise duly advised, the Siting Board adopts the ALJ's RO. It is therefore ORDERED that:

- A. The Recommended Order on Certification (Exhibit A) is adopted in its entirety and is incorporated by reference herein.
- B. Progress Energy's Application for Certification to build, operate, and maintain a two-unit nuclear powered electrical generating facility in Levy County, Florida, including a heavy haul road, site access roads, and cooling water intake and discharge pipelines, subject to the conditions of certification set forth in Exhibit B attached hereto, is APPROVED; and
- C. Progress Energy's Application for Certification to build, operate, and maintain each of the following electrical transmission line corridors as associated facilities, as described in paragraphs 181-189 of the RO, and subject to the conditions of certification set forth in Exhibit B attached hereto, is APPROVED:
 1. Citrus 1 and 2 Transmission Lines (LPC Corridor),
 2. Crystal River Transmission Line (LCR Corridor),
 3. Sumter Transmission Line (LCFS Corridor),
 4. Crystal River East 1 and 2 Transmission Lines (CCRE Corridor),
 5. Levy North Transmission Line (IS Corridor),
 6. Levy South Transmission Line (IO Corridor),
 7. Brookridge Transmission Line (CB Corridor),
 8. Brooksville West Transmission Line (BBW Corridor), and
 9. Polk-Hillsborough-Pinellas Transmission Line (PHP Corridor).

D. Authority to assure and enforce compliance by Progress Energy and its agents with all of the Conditions of Certification imposed by this Final Order is hereby delegated to the DEP.

JUDICIAL REVIEW

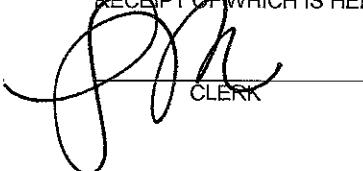
Any party to this proceeding has the right to seek judicial review of this Final Order pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the clerk of the Department in the Office of General Counsel,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

DONE AND ORDERED this 26th day of AUGUST, 2009, in Tallahassee, Florida, pursuant to a vote of the Governor and Cabinet, sitting as the Siting Board, at a duly noticed and constituted Cabinet meeting held on August 11, 2009.

THE GOVERNOR AND CABINET
SITTING AS THE SITING BOARD


THE HONORABLE CHARLIE CRIST
GOVERNOR

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


CLERK

8-26-09
DATE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Final Order was provided by United States Postal Service or electronic mail to:

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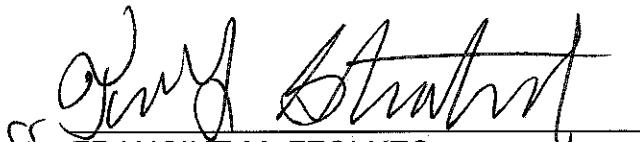
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this 26th day of AUGUST, 2009.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



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STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

IN RE: PROGRESS ENERGY FLORIDA)
LEVY NUCLEAR PROJECT UNITS 1)
AND 2) Case No. 08-2727EPP
)

RECOMMENDED ORDER ON CERTIFICATION

Pursuant to notice, the Division of Administrative Hearings, by its duly-designated Administrative Law Judge, J. Lawrence Johnston, held a certification hearing in the above-styled case on February 23, 24, and 26 and March 3, and 9-12, 2009, in Inglis, Crystal River, Lutz, Brooksville, and The Villages, Florida.

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STATEMENT OF THE ISSUES

The issues to be resolved in this proceeding are: whether the Governor and Cabinet, sitting as the Siting Board, should approve the application of Progress Energy Florida (PEF) to certify and license the construction and operation of a 2200 megawatt (MW) (nominal) nuclear electrical generating facility and associated facilities, including electrical transmission lines; and, if so, what conditions of certification should be imposed.

PRELIMINARY STATEMENT

This proceeding was conducted pursuant to the Florida Electrical Power Plant Siting Act (PPSA), Section 403, Part II, Florida Statutes, and Florida Administrative Code Chapter 62-17, to consider PEF's application for certification of the Levy Nuclear Project Units 1 and 2, associated facilities and nine electrical transmission line corridors (Project).¹

On August 12, 2008, the Florida Public Service Commission (PSC) issued a determination of need for the Project. That order was not appealed and is now final.

On June 2, 2008, PEF filed its application for site certification (SCA) with the Department of Environmental Protection (DEP). The application was distributed to 28 agencies, with multiple copies provided to several of those agencies. Agencies requested, and PEF provided, additional information on the Project. DEP found the transmission line portion of the application complete on August 13, 2008. The plant portion of the application was found complete on October 30, 2008.

PEF exercised its option pursuant to Section 403.5064(1)(b), Florida Statutes, to allow parties to file alternate electrical transmission line corridors. However, no alternate transmission line corridors were filed in this proceeding.

On October 6, 2008, PEF amended the SCA to remove sections addressing two proposed substations called Citrus and Central Florida South. On November 26, 2008, PEF amended the SCA to remove sections addressing a proposed rail corridor.

Various reviewing agencies have submitted reports and have proposed conditions of certification. DEP filed its corrected Staff Analysis Report (SAR) for the transmission line portion of the application on September 26, 2008. On January 12, 2009, DEP issued its SAR for the plant portion of the application, incorporating the reports of the reviewing agencies and proposing a compiled set of conditions of certification for the plant and associated facilities, including transmission lines. These compiled conditions of certification have been superseded by the Fourth Amended Conditions of Certification set forth in DEP Exhibit 1, as amended.

PEF and DEP are parties to the certification hearing pursuant to Section 403.508(3)(b), Florida Statutes. The following filed notices of intent to be parties: (1) the Environmental Protection Commission of Hillsborough County (Hillsborough EPC); (2) Hernando County; (3) Sumter County; (4) the Southwest Florida Water Management District (SWFWMD); (5) Polk County; (6) the Florida Department of Community Affairs (DCA); (7) Lake County; (8) City of Oldsmar; (9) Hillsborough County; (10) Levy County; (11) the St. John's River Water

Management District (SJRWMD); (12) Citrus County; (13) the Rainbow River Railroad Committee (RRRC); (14) the Rainbow Springs Property Owners Association, Inc.; (15) the City of Dunnellon; (16) the City of Tampa; (17) Marion County; (18) the Suwannee-St. John's Group of the Sierra Club (Sierra Club); (19) the Florida Fish and Wildlife Conservation Commission (FWC); (20) Pinellas County; (21) the Florida Department of Transportation (DOT); and (22) the City of Wildwood.

The following parties intervened: the Withlacoochee Area Residents, Inc. (WAR); Calvin Partin, LeRoy Partin, Anne Stevens, Mary Holmes, Mary Humphries, John Lott, and Louise Partin (collectively the Partin Family); Cool Springs Farm, LLC; Southern Alliance for Clean Energy (SACE); Rainbow IV Partners, RLLP; Rainbow IV Investments, RLLP; and the RRRC.

The Partin Family; the RRRC; the Rainbow Springs Property Owners Association; Cool Springs Farm, LLC; Rainbow IV Partners, RLLP; Rainbow IV Investments, RLLP; WAR; and Sierra Club all subsequently voluntarily withdrew from this proceeding.

Hernando County, Hillsborough County, Levy County, and Sumter County all requested that public hearings be held within their respective county boundaries concerning transmission facilities pursuant to Section 403.527(4), Florida Statutes, which was incorporated in the PPSA pursuant to Section 403.5064(4), Florida Statutes. The intent of these public

hearings is to give members of the public who reside within the jurisdiction of the local government and who are not parties to the certification hearing an opportunity to provide testimony.

See § 403.527(4)(b), Fla. Stat.

Citrus County and Levy County issued determinations on July 17, 2008, and September 23, 2008, respectively, that components of the Project were consistent with their land use plans and zoning ordinances. Pursuant to Section 403.5115(1)(c), Florida Statutes, PEF timely published notice of Citrus and Levy Counties' Determinations of Land Use and Zoning Consistency on August 1, 2008, and October 16, 2008, respectively. No person challenged these determinations; therefore, land use hearings pursuant to Section 403.50665, Florida Statutes, were not required.

On January 26, 2009, PEF filed a Motion to Strike Portions of Southern Alliance for Clean Energy's Petition to Intervene in part on the ground that the PSC already has determined issues relating to need and reliability and in part on the ground that radiological safety is preempted under the Supremacy Clause of the United States Constitution by federal regulation of nuclear energy by the Nuclear Regulatory Commission (NRC). On February 11, 2009, an Order on Motion to Strike was entered. Issues relating to need and reliability were stricken to the extent of the matters properly determined by the PSC under

Section 403.519, Florida Statutes; and radiological safety issues were stricken under the Supremacy Clause. As a result, those issues were not considered in the certification hearing.

The parties entered into a detailed prehearing stipulation prior to the certification hearing, agreeing to numerous findings of fact and conclusions of law. All agency parties who provided position statements recommended or did not object to certification of the Project. Of the now-remaining parties, only SACE recommended that the Project not be certified.

All notices required by law were timely published in accordance with Section 403.5115, Florida Statutes. The certification hearing was held on February 23, 24, and 26 and March 3, and 9-12, 2009. At the final hearing, PEF presented the testimony of twenty-five witnesses, mostly experts, and had PEF Exhibits 1-32, 36-39, 42-45, 55-76, 78, 80-83, 85-91, 93-96, and 98-148 admitted into evidence. DEP presented two witnesses and had DEP Exhibits 1 (as amended) and 2 admitted into evidence. No other party presented testimony or exhibits.

Public testimony and comment were also received during the hearing: in Inglis, on February 26, 2009; in Crystal River, on March 3 and 9, 2009; in Lutz, on March 10, 2009; in Brooksville, on March 11, 2009; and in The Villages on March 12, 2009. A total of thirty hours was devoted to receiving public comment from approximately 85 individuals at these six separate

sessions. Public Exhibits 1-30 also were received, some subject to valid hearsay objections by PEF. (Three exhibits were submitted by members of the public who did not attend any public comment session.) PEF presented rebuttal evidence during the final public testimony session in The Villages.

At the conclusion of the hearing, the parties were allowed to file proposed recommended orders (PROs). The Transcript of the final hearing (including four volumes of hearing transcript, plus one volume for each public testimony session) was filed with the Division of Administrative Hearings on April 6, 2009. After two agreed requests for extensions of time were granted, PEF and DEP filed a joint PRO on April 24, 2009. SACE filed a PRO a day late. Both PROs have been considered in the preparation of this Recommended Order.

FINDINGS OF FACT

Background

1. Florida Power Corporation, doing business as Progress Energy Florida, Inc. (PEF), provides electricity and related services to approximately 1.7 million customers in the state of Florida. PEF's retail service area spans 35 counties over about 20,000 square miles in central and west Florida. In Florida, PEF operates and maintains more than 43,600 miles of distribution and transmission lines that serve a population of more than 5 million people.

2. PEF owns and operates a diverse mix of electrical generating units in Florida, including approximately 47 combustion turbines, 5 combined cycle units, 12 fossil units, and one nuclear unit at PEF's Crystal River Energy Complex (CREC). The CREC is located in northwest Citrus County approximately four miles west of U.S. Highway 19 on the Gulf of Mexico. There are five generating facilities within the CREC; four units are coal-fired and one is a nuclear unit. PEF considered locating new nuclear generating capacity at the CREC, but determined that would concentrate too much electrical generation at one site.

3. PEF proposes to build and operate a two-unit nuclear-powered electrical generating facility in Levy County (LNP). Directly associated facilities include a heavy haul road used for construction (Levy County), two site access roads (Levy County), and cooling water intake and discharge pipelines (Levy and Citrus Counties). PEF also seeks certification of nine transmission corridors associated with eleven electrical transmission lines:

(a) Citrus 1 and 2 Transmission Lines – proposed LNP to proposed Citrus Substation, two 500-kV Transmission Lines (Levy and Citrus Counties), also referred to as the "LPC" Lines;

(b) Crystal River Transmission Line – proposed LND to existing CREC Switchyard, one 500-kV Transmission Line (Levy and Citrus Counties), also referred to as the "LCR" Line;

(c) Sumter Transmission Line – proposed LNP to proposed Central Florida South Substation, one 500-kV Transmission Line (Levy, Citrus, Marion, Sumter and Lake Counties and Municipalities of Wildwood and Leesburg), also referred to as the "LCFS" Line;

(d) Levy North Transmission Line – proposed LNP to existing 69-kV Inglis-High Springs Transmission Line, one 69-kV Transmission Line for LNP construction/administration (Levy County), also referred to as the "IS" Line;

(e) Levy South Transmission Line – proposed LNP to existing 69-kV Inglis-Ocala Transmission Line, one 69-kV Transmission Line for LNP construction/administration (Levy County and Town of Inglis), also referred to as the "IO" Line;

(f) Brookridge Transmission Line – existing CREC Switchyard to existing Brookridge Substation, one 230 kV Transmission Line (Citrus and Hernando Counties), also referred to as the "CB" Line;

(g) Brooksville West Transmission Line – existing Brookridge Substation to existing Brooksville West Substation, one 230-kV Transmission Line (Hernando County), also referred to as the "BBW" Line;

(h) Crystal River East 1 and 2 Transmission Lines –

proposed Citrus Substation to existing Crystal River East Substation, two 230-kV Transmission Lines (Citrus County), also referred to as the "CCRE" Lines; and

(i) Polk-Hillsborough-Pinellas Transmission Line –

existing Kathleen Substation to existing Lake Tarpon Substation, one 230-kV Transmission Line (Polk, Hillsborough and Pinellas Counties and municipalities of Tampa, Plant City and Oldsmar), also referred to as the "Kathleen" Line.

Need for the Project

4. The PSC issued its Final Order determining the need for the Project on August 12, 2008. The PSC found: "a need for Levy Units 1 and 2, taking into account the need for electric system reliability and integrity"; "a need for Levy Units 1 and 2, taking into account the need for fuel diversity"; "a need for Levy Units 1 and 2, taking into account the need for base-load generating capacity"; "a need for Levy Units 1 and 2, taking into account the need for adequate electricity at a reasonable cost"; "[t]here are no renewable energy sources and technologies or conservation measures taken by or reasonably available to PEF which might mitigate the need for Levy Units 1 and 2"; and "Levy Units 1 and 2 will provide the most cost-effective source of power."

5. The PSC also found a need for the associated transmission lines. New transmission lines are required to interconnect and integrate the proposed plant into PEF's existing transmission grid and to reliably deliver bulk power to PEF's load centers. Load flow studies were conducted by PEF system planners to identify the appropriate transmission end-points and voltages. The proposed transmission lines in PEF's proposed corridors satisfy the need for transmission lines as determined by the PSC.

Public Notice and Outreach

6. PEF has engaged in extensive public outreach for the selection of the LNP site and for the transmission line corridors.

7. With regard to the plant portion of the Project, PEF's outreach efforts have included communications with local community leaders, press releases, communications with state and federal legislators, dissemination of information to the general public and property owners in the vicinity of the plant via mailings and open houses, and participation in community and advisory groups.

8. With regard to the electrical transmission line portion of the Project, public involvement has been key to the corridor selection process. PEF developed a Community Partnership for Energy Planning (CPEP) process to gain feedback

from members of the community in a manner that would most effectively involve the community in the transmission line corridor selection process.

9. Through the CPEP process, PEF established leadership teams in three geographic regions: Hillsborough, Pinellas, Pasco, and Polk Counties; Citrus, Hernando, and Levy Counties; and Lake, Marion, and Sumter Counties. The leadership teams identified and selected more than 100 community representatives to participate in regional Utility Search Conferences. The Utility Search Conferences involved intensive two-day discussions of local issues and the future of electricity supply in the region. The purpose of the conferences was to inform the participants about the Project, to gain public input, and to allow participants to nominate community members to become part of the Community Working Groups for the remainder of the Project. PEF formed the Community Working Groups to further study and refine the recommendations of the conferences as well as to provide ongoing input to PEF throughout the Project.

10. PEF also held open houses in February and March 2008 to involve the public in the transmission line corridor selection process. PEF used newspaper advertisements, press releases, and direct mail letters to facilitate public awareness of the open houses. Over 2,900 people attended the open houses,

and PEF received completed written questionnaires from 2,071 attendees.

11. The goal of PEF's public outreach program (with regard to both the plant and transmission lines) was to provide information in a transparent manner to the public and to provide ample opportunity and many avenues for the public to provide input during all phases of the Project. In total, PEF has conducted over 40 public presentations and sent communications to more than 125,000 property owners and stakeholders regarding the Project. Many of PEF's outreach efforts have been beyond the efforts required by law.

12. Pursuant to Section 403.5115(6), Florida Statutes, PEF provided direct notice by mail of the filing of the SCA to all landowners whose property and residences are located within: (1) three miles of the proposed main site boundaries of the LNP; (2) one-quarter mile of a transmission line corridor that only includes a transmission line as defined by Section 403.522(22), Florida Statutes; and (3) one-quarter mile for all other linear associated facilities extending away from the main site boundary. PEF timely submitted a list of the landowners and residences notified to DEP's Siting Coordination Office (SCO), as required by Section 403.5115(6)(b), Florida Statutes.

13. PEF made copies of the SCA available at two of its offices and ten public libraries. In addition, PEF provided

copies to all local governments and agencies within whose jurisdiction portions of the Project will be located. DEP made an electronic version of the document available on its website.

14. On June 19, 2008, PEF published notice of the filing of the SCA in the Ocala Star-Banner, the Hernando Today, the Tampa Tribune, The Lakeland Ledger, The Villages Daily Sun, the Levy County Journal, the Orlando Sentinel, the Gainesville Sun, the Citrus County Chronicle, the Sumter County Times, the Hernando Times, and the North Pinellas Times, satisfying the requirements of Section 403.5115(1)(b), Florida Statutes, and Florida Administrative Code Rule 62-17.281(3). On December 18, 2008, PEF published notice of the certification hearing in the same newspapers, satisfying the requirements of Section 403.5115(1)(e), Florida Statutes, and Florida Administrative Code Rule 62-17.281(7). PEF published amended notices of the site certification hearing in the same newspapers on February 17, 2009. DEP also published notices in the Florida Administrative Weekly. All notices required by law were timely published and/or provided in accordance with Section 403.5115, Florida Statutes.

Agency Reports and Stipulations

15. Agency reports and proposed conditions of certification on the plant-related facilities of the Project were submitted to DEP by: (1) the PSC; (2) DCA; (3) SWFWMD; (4)

Levy County; (5) FWC; (6) the Withlacoochee Regional Planning Council; and (7) DOT. All of these agencies either recommended approval of the Project or otherwise did not object to certification. Although Citrus County did not file an agency report, it recommended approval of the LNP in the prehearing stipulation of the parties.

16. Affected state, regional, and local agencies reviewed the SCA and submitted to DEP reports concerning the impact of the transmission lines on matters within their respective jurisdictions and proposed conditions of certification, as required by Section 403.507(2), Florida Statutes. None of the agencies involved in the review process have recommended that the proposed electrical transmission line corridors be denied or modified. On September 25, 2008, DEP issued its written analysis on the transmission line portion of the Project, incorporating the reports of the reviewing agencies and proposing a compiled set of conditions of certification. The conditions of certification were subsequently revised to reflect agreed-upon language. DEP recommended that the PEF proposed transmission line corridors be certified subject to the conditions of certification.

17. On January 12, 2009, DEP prepared a Staff Analysis Report (SAR) compiling all of the agency reports on the power plant, proposing conditions of certification, and making an

overall recommendation. DEP recommended certification of the Project subject to conditions of certification. The conditions of certification attached to the SAR have been superseded by the Fourth Amended Conditions of Certification filed by DEP as DEP Exhibit 1 on March 23, 2009. PEF is committed to constructing the LNP in accord with these conditions.

I. Plant and Associated Facilities²

Project Overview

18. PEF's proposed nuclear-powered electric generating facility (the LNP) will be located in Levy County. The LNP site is east of U.S. Highway 19 and approximately four miles north of the Town of Inglis and the Levy-Citrus County border.

19. The LNP site contains approximately 3,105 acres, with the two reactors and ancillary power production support facilities located near the center of the site. The majority of the LNP site is currently active silviculture and is unimproved. The proposed heavy haul road and pipelines will be located in corridors south of the LNP site. Two site access roads will tie into U.S. Highway 19 west of the site and proceed east to the main plant area.

20. PEF also owns a second 2,000-acre tract contiguous with the southern boundary of the LNP site, which provides access to a water supply in the Cross Florida Barge Canal (CFBC)

as well as containing the heavy haul road and electrical transmission line corridors that exit the LNP site.

Project Description

21. The LNP will include two 1,100 megawatt (MW) (nominal) generating units (LNP 1 and LNP 2) designed by Westinghouse Electric Company, LLC (Westinghouse). The reactor design has received an official design certification from the NRC and is referred to as the Westinghouse AP1000 Reactor (AP1000). The AP1000 is a standardized, advanced passive pressurized-water nuclear reactor. PEF proposes to place LNP 1 in commercial service by 2016 and LNP 2 in commercial service by 2017.

22. In the AP1000, the reactor core heats water which flows through the reactor cooling system in the primary loop. The reactor coolant pump circulates water through the reactor core. A pressurizer is used to maintain a constant pressure in the primary loop. The heated water flows to the steam generator and through a combination of U-shaped tubes, transferring heat to a separate, independent closed-loop water system, or the secondary loop. Inside the steam generator, the water in the secondary loop boils and is separated in dryers which produce high quality steam. The reactor, the four coolant pumps, and the two steam generators are contained in the containment shield building for each unit. Within the shield building, a steel containment structure surrounds the reactor and steam

generators. A passive cooling water tank, which will provide emergency cooling, sits in the top of the containment shield building.

23. The steam in the secondary loop is routed to the adjacent turbine building where it goes into a high-pressure turbine and then three low pressure turbines. The steam produces the force to turn the turbines, which then turn the electrical generator. Electricity is then sent to the on-site switchyard for transmission.

24. The steam exhausting from the turbines moves into the condenser where it comes into contact with the cold surfaces of the tubes in the condenser, which contain water circulating from the cooling tower. The steam condenses back to water. The condensed water is collected in the bottom of the condenser and pumped back into the steam generator. The cycle then repeats.

25. Other components of the AP1000 design include an annex building which contains the main control room; a fuel handling area where new fuel is received and spent fuel is stored; and a diesel generator building. Two cooling towers, three stormwater runoff ponds, and one electrical transmission 500 kV switchyard serving both units are also to be located near the generating units.

26. Each LNP unit will be equipped with a recirculating cooling water system, including a cooling tower, that supplies

cooling water to remove heat from the main condensers. The cooling tower makeup water system supplies water to the cooling tower to replace water consumed as a result of evaporation, drift, and blowdown.

27. The LNP's cooling water intake will be located on the CFBC. Cooling water will be conveyed to the LNP site via pipelines. The proposed corridor for the cooling water intake and wastewater discharge pipelines is approximately 13 miles long and 0.25 miles wide. The intake pipeline corridor extends south from the LNP site to the CFBC. The wastewater discharge corridor then turns westerly along the CFBC for six miles before turning south along the western side of an existing PEF transmission line and enters the CREC. As part of its pending application for an NPDES permit, PEF has proposed that LNP wastewater be released into the existing CREC discharge canal.

28. Materials needed to construct the LNP will be delivered via: (1) U.S. Highway 19; and (2) a barge slip on the CFBC in conjunction with the heavy haul road for large components.

29. The heavy haul road, to be used primarily during construction, will be co-located with the makeup and blowdown pipeline corridor south of the LNP site.

Federally-Required Approvals

30. The LNP is also subject to the construction and operation approval of the NRC. As part of the federal permitting process for nuclear power plants, PEF has submitted a Combined Operating License Application (COLA) to the NRC. PEF submitted the COLA for the LNP on July 30, 2008. The NRC's review is in progress, and a decision on the application is expected in late 2011. PEF has also requested a Limited Work Authorization (LWA) from the NRC. The LWA request covers the installation of a perimeter diaphragm wall and preliminary foundation work for the two units, and related buildings that are not nuclear safety-related items.

31. An NRC-certified design for the AP1000 allows an applicant for NRC COL approval to avoid readdressing matters that the NRC has already considered when reviewing an individual COLA that uses that standard design. This approach is expected to provide more predictability and reduce the NRC's licensing review process. For PEF, the advantages of a standard design include the ability to apply lessons learned from other projects being constructed ahead of the LNP, as well as improved performance in cost and scheduling.

32. PEF is seeking certification under the PPSA prior to completion of the NRC approval because state site certification will allow PEF to begin early site preparation (such as access

roads) and will allow PEF to proceed to acquire property rights within the electrical transmission corridors.

33. The NRC regulates radiological effluents and monitoring at nuclear power plants. The state of Florida does not have regulations specifically applicable to regulation of spent nuclear fuel. Under NRC regulations, nuclear power plants are required to have radiological environmental monitoring programs (REMPs). Part of the REMP is an offsite dose calculation manual (ODCM). The Florida Department of Health (FDOH), Bureau of Radiation Monitoring, performs much of the monitoring in the ODCM at nuclear power plants under an agreement with the NRC. See 42 U.S.C. § 2021(b); Florida Administrative Code Chapter 64E-5. The FDOH also monitors groundwater wells in the vicinity of a nuclear plant for numerous parameters, including radiological releases.

34. In addition to the separate NRC approvals, PEF has filed applications with DEP for [a federally-required Prevention of Significant Deterioration (PSD) air construction permit under the federal Clean Air Act, a National Pollutant Discharge Elimination System (NPDES)] permit under the federal Clean Water Act, and (in accordance with 403.506(3), Florida Statutes) a state-required environmental resource permit (ERP) from DEP for construction of a new barge slip on the CFBC. DEP issued the final PSD air construction permit on February 20, 2009. DEP has

not taken final agency action on the pending NPDES permit application.

35. Federally-required permits issued by the DEP under the Clean Air Act and Clean Water Act are not subject to the PPSA. The PPSA provides that federal permits are reviewed and issued separately by the DEP, but in parallel with the PPSA process to the extent possible. Upon issuance, these federal permits will be incorporated into the conditions of certification. The separate DEP-issued ERP will also be incorporated by reference into the final site certification.

Water Use

36. The LNP has two primary needs for water: (1) saltwater to cool the steam condensers (circulating water); and (2) freshwater for power generation and component cooling (service water). Freshwater will be drawn from the upper Floridan aquifer. Saltwater will be supplied from the Gulf of Mexico via the CFBC.

37. A circulating water system can be designed to use either freshwater or saltwater. Common design practice is to use the most abundant source; so saltwater was selected for the LNP. The service water system components for the LNP are established by Westinghouse for the AP1000 standard design and require freshwater. The service water system for the AP1000 reactor has been designed to provide an efficient means of

cooling plant components with a relatively small demand for freshwater.

38. Most of the water to be used at the LNP site will be needed for steam condenser cooling which will take place in two cooling towers; one for each unit. The source for cooling tower makeup water will be surface saline water withdrawn from the CFBC. Approximately 122 million gallons per day (mgd) will be withdrawn from the CFBC for cooling water needs. A new intake structure would be constructed on the canal bank at a site south of the LNP site and west of the Inglis Lock on the CFBC, approximately 6.5 miles inland from the Gulf of Mexico.

39. Saltwater will be pumped from the CFBC and directed into the cooling tower basin. The circulating water system is a closed-cycle cooling system and is the primary heat sink for the plant during normal operation. Circulating water pumps direct water to the steam condenser to cool the steam after it passes through the main turbines. The heated saltwater is then returned to the cooling towers where it is cooled by air flow and returned to the cooling tower basin.

40. The LNP recirculating cooling water will be cooled by induced draft, counter-flow, mechanical cooling towers. For each unit's cooling tower, there are 44 cooling tower cells, grouped into two banks of 22 cells each. Each of the cooling tower cells will be approximately 75-feet tall. The total

length of each 22-cell cooling tower is approximately 1,200 feet.

41. The LNP will have a continuous need to utilize cooling water. Most of the water loss in the cooling towers is a result of evaporation of the water being cooled in the cooling towers. A small amount of circulating water is lost from the cooling towers as liquid droplets entrained in the exhaust air steam. This is known as "drift."

42. When water evaporates from the cooling tower, minerals and solids are left behind. As more water evaporates, the concentration of these materials increases. This concentration is controlled by continuously releasing and replenishing some water from the tower. Accordingly, both saltwater and freshwater are continuously discharged from the plant to help maintain proper water chemistry. This continuous release of water is called "blowdown" and, as proposed in PEF's pending NPDES application, it will be discharged to the discharge canal for the CREC and then into the Gulf of Mexico, a Class III marine water.

43. The LNP will require up to 1.58 mgd, annual average, of freshwater. This freshwater will be used for plant operations, fire suppression, potable water needs, and demineralized water needs. Groundwater will be withdrawn from

four supply wells at the south end of the PEF-owned property south of the LNP site.

44. The AP1000 service water system requires freshwater for use in component cooling. The service water system provides cooling water for the nonsafety-related component cooling water heat exchangers.

45. Demineralized water is processed to remove ionic impurities and dissolved oxygen and is used for plant operations that require pure water, primarily the feed water and condensate systems used in power production.

46. When operational, the LNP site must be capable of supplying potable water to approximately 800 employees and visitors daily. Potable water will also be needed for onsite construction.

47. The fire protection system will be capable of providing water to points throughout the plant where wet system fire suppression could be required. The fire suppression system is designed to supply water at a flow rate and pressure sufficient to satisfy the demand of automatic sprinkler systems and fire hoses for a minimum of 2 hours.

Cooling Water Intake Structure

48. The LNP cooling water intake structure (CWIS) will be located on the berm that forms the north side of the CFBC

approximately 3 miles south of the LNP, downstream of the Inglis Lock.

49. The CWIS will withdraw surface water into four intake pipelines (two for each nuclear unit) that will convey water to the cooling tower basins for use in the cooling towers. These 54-inch diameter pipelines will generally be buried to a minimum depth of five feet. The pipelines will cross over the Inglis Lock Bypass Channel located north of the CFBC on an approximately 33-foot-wide utility bridge.

50. For each of the LNP units, the CWIS will contain three 50 percent capacity makeup pumps, each with a design flow rate of 23,800 gallons per minute (gpm). Two pumps will provide normal cooling tower makeup flow requirements for each unit. The third spare pump will be in standby mode and automatically start if one of the operating pumps shuts down for any reason.

51. A dual-flow traveling screen upstream of each makeup pump will screen floating and suspended materials in the CFBC water. The screen opening will be 3/8-inch. The screens will be sized to ensure that the through-screen water velocity is no more than 0.5 feet per second (fps) to reduce the impingement and entrainment of aquatic life that could enter the pump bay. The velocity of the water in the intake bay upstream of the traveling screens (the approach velocity) will be about 0.25 fps. Upstream of the traveling screens will be trash racks

(also referred to as bar racks). These are a series of steel bars (4 inches apart) to prevent large objects from entering the CWIS.

Potential Impacts of Surface Water Intake

52. Cooling water will be withdrawn via the CWIS from a section of the CFBC that extends approximately 7 miles from the Inglis Lock west to the Gulf of Mexico. Operation of the Inglis Lock was discontinued in 1999; the lock separates Lake Rousseau (to the east) from this section of the CFBC. This section of the CFBC has a continuous opening to the Gulf of Mexico. The CFBC bisects the Withlacoochee River, severing the original hydraulic connection between Lake Rousseau and the Lower Withlacoochee River. To maintain flow to the Lower Withlacoochee River which is north of the CFBC, the Inglis Lock Bypass Channel and associated Inglis Lock Spillway were built adjacent to the Inglis Lock (north of the CFBC).

53. Flows in the CFBC are primarily a result of tides coming in and out from the Gulf of Mexico and, to a lesser extent, rainfall. Periodically, freshwater is released from Lake Rousseau into the CFBC via the Inglis Dam. Also, there is some groundwater seepage into the CFBC as well as minor leakage from the Inglis Lock. Residence time for water in the CFBC near the proposed CWIS is currently over 200 days; there is very little outflow.

54. Waters in the CFBC downstream of the Inglis Lock vary in salinity seasonally, with tidal influences, and depending on freshwater releases from the Inglis Dam. On average, the salinity in the area of the CFBC where the intake structure is proposed to be located is approximately 10 parts per thousand (ppt). As the CFBC approaches the Gulf of Mexico, salinity increases, averaging over 20 ppt and as high as 30 ppt.

55. The CFBC ranges from approximately 200-to-260 feet wide. There is vegetation along the banks, as well as riprap, the latter consisting of huge rocks to limit erosion. The upper end of this section of the CFBC has algal blooms during the summer and muddy, silty bottom conditions that limit biological activity. The CFBC does not have seagrass beds that serve as aquatic habitat, except downstream where it joins with the Gulf of Mexico.

56. The CFBC does not serve as significant habitat for endangered fish species, such as the Gulf Sturgeon or Smalltooth Sawfish. Although freshwater and saltwater species may use the CFBC occasionally, it does not serve as significant spawning habitat for any migratory, sport, or commercial fish species. Pursuant to the proposed conditions of certification, pre-operational monitoring and sampling in the CFBC will be used to identify any changes in the use of that canal by such fish species.

57. With regard to the remnant section of the Withlacoochee River between the Inglis Dam and the CFBC (Old Withlacoochee River, or OWR), the biota in the middle and lower reaches of that waterbody currently show the effects of variable salinity levels; these areas are characterized by organisms typically found in marine conditions. The upper reach of the OWR has species normally found in freshwater systems. Aquatic species in the OWR are affected by periodic releases from the Inglis Dam.

58. The LNP CWIS hydraulic zone of influence on the CFBC extends about 5 miles to the west down the approximately 7-mile long CFBC. The hydraulic zone of influence defines the point at which the flow of the CFBC would be affected by the CWIS, under static conditions. In its biological analysis, PEF assumed that potential intake impacts would extend beyond this hydraulic zone of influence.

59. After installation and operation of the LNP CWIS, the dominant forces affecting flow conditions in the CFBC will continue to be primarily tidal activity and releases from Lake Rousseau. The CFBC will become more saline. However, installation and operation of the LNP CWIS will improve flow conditions in the CFBC by adding consistent and very slow upstream movement of about 122 mgd.

60. The LNP CWIS will cause the saline-freshwater transition zone to move up the remnant channel of the OWR, south of the CFBC. The increased salinity is not expected to affect the small enclave of freshwater organisms living in that upper segment of the OWR.

61. Potential adverse impacts from a CWIS include entrainment (when organisms smaller than the screen openings enter the cooling water) and impingement (when organisms larger than the screen openings become trapped on the screen). Potential impacts of entrainment and impingement will be minimized because the LNP CWIS will utilize a closed-cycle recirculating cooling water system which will reduce the amount of cooling water required by approximately 90 percent; the through-screen velocity will be 0.5 fps or less; and the LNP will not disrupt thermal stratification in the CFBC. Under federal law, DEP will make the final determination of compliance with Section 316(b) of the Clean Water Act requirements in the NPDES permit.

62. The LNP CWIS is not expected to pose a threat to threatened or endangered species or migratory, sport, or other fish species. Monitoring for fish species in the CFBC will be undertaken under the FWC's proposed conditions of certification to identify any actual impacts to such species and the need for any mitigation for such impacts.

63. Locating the CWIS near the Inglis Lock on the CFBC will result in less entrainment and impingement impacts compared to potential locations closer to the mouth of the CFBC or in nearby off-shore waters.

64. Proposed conditions of certification require PEF to submit a post-certification survey and monitoring plan for the CFBC and Withlacoochee River to assess actual impacts of the withdrawals for the LNP on these water bodies. If, after review of the annual reports required by these conditions by FWC, DEP, and SWFWMD, there is an indication of adverse impacts, PEF must submit a CFBC and/or Withlacoochee River mitigation plan to mitigate those impacts.

65. As part of its pending NPDES permit application, PEF submitted a "316(b) Demonstration Study" to address compliance with intake standards applicable to the LNP CWIS. Final agency action on the NPDES permit application, including a determination of compliance with Section 316(b) regulations, has not been taken by DEP. Under 40 C.F.R., Subpart I, Sections 125.80-125.89, if pre- and post-operational monitoring demonstrates unacceptable adverse impacts associated with the CWIS, operational and technological improvements to the CWIS may be required. Under the proposed conditions of certification, the final NPDES permit for the LNP will be incorporated by reference into the conditions of certification.

66. Operation of the CWIS is expected to have a negligible impact on saltwater intrusion in the area bounded to the south by the CFBC and to the north by the Lower Withlacochee River. The waters of the CFBC are marine waters. There currently is stratification in the CFBC, with higher salinity along the bottom of the water column. The change in density of water in the CFBC as a result of the increased salinity due to the LNP's proposed water use in the CFBC is not expected to affect freshwater resources. The tide in the CFBC currently fluctuates 2-3 feet twice per day.

67. The construction of the CFBC and the bisection of the Withlacochee River have resulted in reduced freshwater flows in the lower portion of the Withlacochee River north of the CFBC. There is no direct connection between the CFBC and the Lower Withlacochee River (north of the CFBC). The flow in the Bypass Channel provides less freshwater from Lake Rousseau to the Withlacochee River than historically flowed into the lower portion of the River. This has caused saltwater to move up the Lower Withlacochee River, particularly during periods of low flow.

68. SWFWMD has evaluated restoration of the River to its original condition, but has not advocated reconnection. Reconnection of the Withlacochee River or downstream impoundment of the CFBC probably would not prevent the impacts

of increased salinity in the Lower Withlacoochee River during periods of low freshwater flow. Although no agency is currently pursuing a project of this type, DEP has proposed a condition of certification to address future public projects for the maintenance, preservation, or enhancement of surface waters requiring modifications to the CFBC.

Potential Impacts to Manatees

69. Manatees use the Withlacoochee River and the CFBC year round, but primarily during the warmer months. The CFBC, including the area of the LNP intake, is not listed as critical habitat for manatees under the federal Endangered Species Act.

70. Construction activities in the CFBC can take place in a manner reasonably likely to avoid adverse impacts to manatees. The FWC has proposed conditions of certification designed to protect manatees from adverse impacts of in-water construction through monitoring and mitigative measures. Compliance with these conditions will minimize impacts to manatees.

71. The operation of the LNP cooling water intake structure (CWIS) is not likely to adversely impact manatees. The potential impacts of the LNP CWIS on manatees will be minimized by the system design and location. Additionally, DEP and FWC have proposed conditions of certification requiring PEF to submit a final CWIS plan for review by FWC prior to construction of the CWIS with regard to manatee safety issues.

72. Potential impacts to manatees from barge traffic on the CFBC related to delivery of Project components and materials for the construction of the LNP is not expected to adversely impact manatees. FWC has proposed conditions of certification to protect manatees during in-water construction. Compliance with the proposed conditions of certification will minimize potential impacts to manatees.

Impacts of Groundwater Withdrawals

73. The LNP's proposed groundwater use meets all of the SWFWMD's water use criteria. To demonstrate that the proposed groundwater withdrawals associated with LNP operations will comply with the SWFWMD water use criteria, including not causing unacceptable adverse environmental impacts, PEF performed a groundwater modeling analysis using the SWFWMD's District-Wide Regulation Model 2 (DWRM2) groundwater flow model. The DWRM2 is an acceptable groundwater flow model for evaluating the effects of groundwater withdrawals. The DWRM2 modeling demonstrated that the proposed groundwater withdrawals would not lower surficial aquifer levels to the point of causing unacceptable adverse impacts to wetlands and other surface waters, or interfere with existing legal users.

74. Groundwater pumping for the LNP is not expected to adversely impact Lake Rousseau, the Withlacoochee River, or other streams or springs in the Project area. Groundwater

withdrawals for the LNP are likewise not expected to induce saline water intrusion, cause the spread of pollutants in the aquifer, adversely impact any offsite land uses, cause adverse impacts to wetland systems, or adversely impact any other nearby uses of the aquifer system.

75. To confirm the values used in the groundwater flow model supporting the application, proposed certification conditions require that an aquifer performance testing plan be submitted by PEF, approved by the SWFWMD, and implemented. If leakance and transmissivity values derived from actual onsite well tests differ more than 20 percent from values determined through earlier modeling, PEF is required to revise its groundwater model to incorporate the aquifer test results and undertake further modeling. Updated groundwater modeling results will be used to determine whether alternative water supplies or additional mitigation will need to be implemented.

76. To help ensure that the proposed groundwater use does not cause unacceptable adverse environmental impacts, SWFWMD and DEP recommended that conditions be included in the site certification requiring an environmental monitoring plan to evaluate the condition of surface waters and wetlands in areas that could potentially be affected by groundwater withdrawals. Monitoring will continue for a minimum of five years after groundwater withdrawals reach a quantity of 1.25 mgd on an

annual average basis. Annual monitoring summaries will be submitted. If, after five years, this monitoring demonstrates that no adverse impacts of groundwater withdrawals are occurring or predicted, PEF may request that monitoring be discontinued.

77. Groundwater withdrawals will be metered and reported to DEP and SWFWMD on a monthly basis. Proposed conditions of certification require periodic water quality sampling be performed on the withdrawn groundwater to ensure no adverse impacts to water quality. Proposed conditions also address ongoing monitoring and compliance by requiring a full compliance report every five years throughout the life of the LNP, to demonstrate continued reasonable assurance that the groundwater use is meeting all of the applicable substantive water use requirements set forth in SWFWMD rules.

78. The SWFWMD has not established water reservations or minimum flows or levels for any waterbody in the vicinity of the LNP. Therefore, the use of water from the CFBC and from the ground will not violate any currently established water reservation or minimum flow or level.

79. Fracture sets (also called solution channels) are small openings through which groundwater moves. Fracture sets are only an issue in groundwater flow if preferential flow paths develop near one of the solution channels. Preferential flow paths tend to develop near existing springs. There are no

springs on the LNP site, and subsurface investigations did not reveal any evidence of solution channels under the site.

80. PEF also proposes to withdraw groundwater as part of the dewatering needed for plant construction. PEF proposes to install an impervious diaphragm wall around and below the foundation excavations for each nuclear unit to minimize water flow into the construction site. It is anticipated that dewatering at each unit could last as much as two years. Additional construction dewatering will also be necessary in some locations for installation of the pipelines and other linear facilities.

81. Naturally-occurring groundwater collected during dewatering and excavation activities will be directed into stormwater runoff ponds and allowed to filter back into the ground to recharge the surficial aquifer. Dewatering is expected to cause only a modest amount of drawdown of the surficial aquifer.

82. Construction-related dewatering activities will be approved by DEP and SWFWMD on a post-certification basis after final construction designs are submitted.

Potential Surface Water Discharge Impacts

83. The LNP will have a combined wastewater discharge comprised of several wastewater streams. Blowdown from the cooling towers will comprise about 98 percent of the LNP

wastewater. The blowdown will be combined with significantly smaller quantities of plant wastewaters, treated plant sanitary wastewater, and occasionally stormwater. LNP wastewaters consist of effluents from process equipment, floor drains, laboratory sample sinks, demineralized water treatment system effluent, and treated steam generator blowdown. Wastewaters will be processed before discharge. The treatment systems include oil separators (to separate oily wastes from the rest of the waste stream) and a wastewater retention basin (to settle out suspended particles). The combined LNP wastewater, as proposed by PEF in its pending NPDES permit application, will be piped to the CREC and released into the existing CREC discharge canal which flows into the Gulf of Mexico.

84. The cooling tower blowdown discharges from the LNP will include saltwater blowdown from the plant recirculating cooling water system and freshwater blowdown from the service water cooling system; the vast majority of this will be saltwater blowdown from the plant recirculating cooling water system. The normal 2-unit recirculating water blowdown rate is expected to be 57,400 gallons per minute (gpm) or 81.4 mgd, and the maximum blowdown rate is expected to be about 59,000 gpm or 84.9 mgd. The 2-unit service water blowdown rate is expected to vary from about 130 gpm during normal operation, to a maximum of about 400 gpm.

85. The CREC currently has two NPDES permits authorizing discharges to surface waters of the State. CREC Units 1, 2, and 3 are cooled with once-through cooling water from the CREC intake canal that is then discharged into the Gulf of Mexico via the existing CREC discharge canal. Once-through cooling water is cooling water that is released after condensing the steam, without being recycled in a cooling tower system. CREC Units 4 and 5 have cooling towers that receive make-up water from the CREC discharge canal and release blowdown into the discharge canal. The discharges for all five CREC units are released to the Gulf of Mexico through a single discharge canal at the CREC site. PEF has proposed to utilize the CREC discharge canal for the LNP discharge; however, the final location will be subject to approval as part of DEP's final agency action on PEF's pending application for an NPDES permit.

86. The wastewater flow at the CREC is limited under the existing CREC NPDES permits to 1,898 mgd during the summer and 1,613 mgd during the winter. The expected day-to-day total wastewater flow from the LNP will be 83.4 mgd, with a conservative maximum total flow rate of 87.9 mgd. The proposed LNP discharge would be equivalent to 4-5 percent of the permitted discharge from the CREC.

87. The design temperature of the LNP wastewater discharge is 89.1°F, which is expected to be met more than 99.5 percent of

the time. This LNP design temperature is cooler than the existing permitted temperature of the existing combined CREC discharge (96.5°F). Even the expected worst case temperature of the LNP discharge (96.4°F), will be cooler than the existing temperature limit applicable to CREC. With the addition of the LNP discharge, the CREC is expected to continue to meet its existing thermal permit limit.

88. The addition of the LNP wastewater to the CREC discharge canal is not expected to significantly change the existing area of thermal impact associated with existing CREC discharges. Evaluation of the Project wastewater in this certification proceeding indicates that impacts to flora and fauna, including seagrasses and shellfish beds, will be minimized. PEF has committed to a condition of certification requiring the post-certification submittal of a surface water monitoring plan to DEP to ensure there will be no adverse impacts to seagrasses. The finding related to shellfish beds is supported by a letter from the Florida Department of Agriculture and Consumer Services to the DEP stating that "[r]eclassification of the shellfish harvesting areas will not be necessary if the Project is built as proposed."

89. The LNP wastewater is projected to meet the limits defined under 10 C.F.R. Part 20. Evaluation of the LNP

wastewater discharge in this certification proceeding indicates that impacts to surface water quality will be minimized.

90. Adding the LNP discharge to the CREC discharge canal is not expected to have an adverse impact on manatees. The LNP discharge structure at the CREC is likewise not expected to cause adverse impacts to manatees that may be present in the CREC discharge canal.

91. Evaluation of the LNP wastewater in this certification proceeding indicates that impacts to benthic invertebrates, fish, and other organisms in the Gulf of Mexico will be minimized. The discharge is not expected to have adverse impacts on endangered fish species.

92. Proposed conditions of certification require PEF to submit a discharge monitoring plan to ensure that the addition of the LNP wastewater to the CREC discharge does not cause adverse impacts. If, after review of the annual reports required under these conditions by FWC, DEP, and SWFWMD, there is an indication of adverse impacts, PEF must submit a mitigation plan to address those impacts.

93. DEP's final agency action on PEF's application for an NPDES permit for the LNP, if issued, will include final action on compliance with water quality standards and will be incorporated by reference into the conditions of certification.

Surface Water Management System

94. The LNP surface water management system consists of pipes and ditches that collect and convey stormwater from the plant area into onsite wet treatment ponds before discharge. Stormwater along the heavy haul road will be collected in roadside swales.

95. The plant area will be raised approximately eight feet. Stormwater will drain from this area into three stormwater ponds. Any cross-flows from the plant site toward the raised areas will pass around the site through culverts or ditches. The stormwater ponds and swales are sized to treat stormwater releases to meet SWFWMD rules. In addition, all construction-related surface water management facilities will comply with SWFWMD's surface water management criteria.

96. The design and proper construction and operation of the surface water management system will satisfy SWFWMD's water quantity and water quality criteria in Rules 40D-4.301 and 40D-4.302. PEF has committed to a post-certification submittal of detailed stormwater design information to address floodplain impacts as required by section 4.7 ("Historic basin storage") of the SWFWMD Basis of Review for Environmental Resource Permit Applications (adopted in Rule 40D-4.091, which is incorporated by reference in Rule 62-330.200(3)(e)).

Solid Waste Disposal

97. There will be no onsite disposal of hazardous waste during construction of the LNP. All hazardous waste will be handled in accordance with applicable federal, state, and local regulations. Contractors will be responsible for having detailed procedures in place to handle hazardous waste.

98. During operation, hazardous waste will be managed and disposed of in accordance with federal and state regulations under the federal Resource Conservation and Recovery Act. PEF has procedures in place for management and control of hazardous materials; such materials will be disposed of offsite through permitted facilities.

99. All solid waste generated during construction will be disposed of at a permitted offsite landfill. There will be no onsite disposal of solid waste. Non-nuclear solid waste generated during operation of the LNP will be disposed of offsite at a permitted landfill. A proposed condition of certification precludes processing or disposal of solid waste onsite.

Air Emissions, Controls, and Impacts

100. The LNP is a nuclear-fueled power generating facility that will use uranium dioxide pellets in fuel rods. The LNP will also use a relatively small amount of diesel fuel in its emergency diesel generators, ancillary generators, and fire pump

engines. Therefore, the LNP will not emit the typical types and quantities of air pollutants from fossil-fueled power generation such as sulfur dioxide, nitrogen oxides, particulates or carbon dioxide (CO_2).

101. The sources of air emissions at the LNP will include the two banks of mechanical draft cooling towers and diesel-fueled emergency power generators and fire pump engines.

102. Air pollutants that will be emitted during normal facility operation will be limited to particulate matter (PM), both more than and less than 10 microns in diameter, which will be emitted from the low profile cooling towers. There will be a small amount of air emissions from the diesel-fueled emergency power generators and fire pump engines; however, these emissions are only expected to occur during the few hours per month when the engines are run for maintenance and testing purposes. There will be no other significant sources of air emissions from operation of the LNP.

103. PM emissions from the draft cooling towers will occur as a result of the entrainment of a small amount of water, as small-diameter droplets, in the exhaust stream from the towers. Particulate matter, consisting of the naturally occurring dissolved solids that will be present in the cooling water, will be contained in these entrained droplets. The droplets and the associated suspended solid particulate matter are known as

cooling tower "drift." The amount of cooling tower "drift" is controlled through the use of very high efficiency mist eliminators that will be in the cooling tower.

104. The use of high efficiency mist eliminators on the LNP cooling towers is consistent with state and federal regulations that require the use of Best Available Control Technology to limit such air emissions.

105. The LNP will be located in Levy County which is currently attaining all ambient air quality standards for all pollutants.

106. The LNP will not have an adverse or discernible impact on ambient air quality at the LNP site, or at any location, for any regulated air pollutant.

107. The LNP will not generate power by combusting any fuel. Therefore, there will be no measurable greenhouse gas emissions, including carbon dioxide, during normal plant operation. The estimated CO₂ emissions from a natural gas-fired combined-cycle generating facility capable of generating the same amount of electricity as the LNP is approximately 6.4 million tons per year. For comparison, the estimated CO₂ emissions from the LNP, which result from periodic testing of the facility's diesel-powered emergency equipment, is only 618 tons/year.

108. Visible plumes from the cooling towers will remain very close to the cooling towers (within approximately 300 feet) under most meteorological conditions. The occurrence of visible vapor plumes at offsite locations is expected to be infrequent.

109. The operation of the cooling towers is expected to have no significant or adverse impacts due to ground level fogging on any roadway or at offsite locations during plant operation.

110. The maximum predicted offsite solids deposition rate from operation of the LNP cooling towers is six pounds per acre per month immediately adjacent to the nearest LNP property boundary. This is below the de minimis adverse impact threshold of nine pounds per acre per month published by the NRC. The rate of deposition is predicted to decrease rapidly and significantly with increasing distance from the plant.

111. Operation of the LNP cooling towers is not expected to cause discernible impacts on any natural resources, including surface waters or wetlands.

Noise Impacts of Construction and Operation

112. The noise limits applicable to the LNP site are set by the Levy County Code of Ordinances. The noise limits defined by the County ordinance for the area surrounding the LNP site are 65 dBA from 7 a.m. to 10 p.m. and 55 dBA from 10 p.m. to

7 a.m. There are no other local, state, or federal noise regulations that apply to the plant.

113. PEF conducted noise impact evaluations for construction and operation of the LNP. Ambient noise levels were measured at six locations around the LNP site. Noise levels were conservatively estimated by adding the composite average noise levels that would be generated by construction equipment during the loudest phases of construction. Equipment sound propagation factors were obtained from industry references. The noise model known as CADNA/A was used to predict noise levels at onsite and offsite locations, including the nearest residences for both construction and operation.

114. The noise levels during construction activities and during normal maximum operation of the LNP plant site are projected to be below the Levy County noise limits for all hours at all offsite locations, including the locations of the nearest residences. Due to the large buffer surrounding the developed area of the site, and the relatively low noise levels associated with the LNP, there are not expected to be any significant or adverse noise impacts during construction or operation of the LNP.

Wetlands and Terrestrial Ecology
(Plant and Transmission Line Corridors)

115. The proposed LNP site has been used for many decades for the production of pine. The clearing of native vegetation, furrowing, bedding, planting, and harvesting (primarily for pine) has altered the site from a natural Florida landscape into a monotypical landscape in both upland and wetland areas with reduced functional attributes.

116. There are no open water bodies or streams on the LNP site. There are some flow-way connections between some of the wetlands, but they are not of the kind that will support long-term fish habitat or aquatic insect communities.

117. Due to the silvicultural nature of the site and recent clearing, the ideal complement of biodiversity on the LNP site is no longer present. The predominant wildlife species are those that tolerate a mono-specific pine tree habitat, such as deer, turkey, and wild hogs. While pre-application surveys indicate that protected species occur at and in the vicinity of the LNP site, several of Florida's listed species are not likely to extensively use the LNP site. Impacts to State-listed and important wildlife species that have been documented or may occur on the LNP site and adjacent uplands will be further minimized under the proposed conditions of certification, including pre-construction wildlife surveys and consultation

with FWC on the results and needed measures to avoid and mitigate such impacts.

118. Historically, the 3,105-acre LNP site was dominated by forested cypress wetland systems. However, over the last century or more, those have been harvested and allowed to regrow, so that many of the wetlands are no longer dominated by cypress trees. Today, most of the forested wetland systems in the footprint of development have been cleared of trees.

119. The anticipated maximum wetland impacts for the entire Project, including the impacts from associated facilities and electrical transmission lines, are estimated to be 765 acres. These impacts are estimated to be: 13.3 acres of open water; 638.4 acres of forested wetlands; and 113.0 acres of herbaceous wetlands. Approximately one-half of the wetland impacts are expected to occur on the LNP site and one-half are expected to occur offsite.

120. The Project's 765-acre wetland impact is a conservative estimate, including long-term and short-term impacts that are the result of direct dredging and filling as well as temporary disturbance. It is likely that the actual impact will decrease as the routing of facilities is refined within the electrical transmission and other corridors and on the LNP site.

121. Based on these anticipated wetland impacts and the functions being provided by these wetlands, PEF calculated the proposed maximum wetland functional loss for the LNP to be 410.9 functional units, as determined under Florida's Uniform Mitigation Assessment Methodology (UMAM) contained in Rule Chapter 62-345.

122. The UMAM scoring indicates that, on average, the wetlands being impacted have approximately one-half of the functional ecological value of an ideal wetland system.

123. To comply with the applicable SWFWMD ERP rules under the PPSA process, PEF must offset the wetland impacts caused by the construction and operation of the LNP, associated transmission lines, roads, and pipelines.

124. PEF submitted to DEP a Wetlands Mitigation Plan for the Progress Energy Levy Nuclear Plant and Associated Transmission Lines (WMP). A primary value of the WMP is an overall increase in ecological function provided across several thousand acres in a regionally-significant location. This regional landscape-level ecosystem benefit substantially augments the value of local-scale mitigation activities. The proposed mitigation for the LNP will potentially achieve greater offset of wetland impacts from a regional perspective and is expected to provide significant long-term ecosystem benefit.

125. The WMP identifies a series of possible scenarios from which the appropriate and ultimate mitigation can be derived. Because impacts are still being refined as corridors are narrowed into actual routes, the information in the WMP is designed to demonstrate that there is available and desirable mitigation to affect the final degree of wetlands impacts, once calculated.

126. The comprehensive mitigation plan, as described in the WMP, is an acceptable alternative to traditional "in-basin" mitigation. DEP conceptually approved this WMP with the understanding that more detailed information will be submitted when final routes are established and actual wetland impacts are known. The amount of mitigation PEF will undertake will be based on the amount of wetlands actually impacted. A condition of certification has been included to require submittal of refinements to the mitigation plan for DEP's approval following final certification.

127. PEF looked at ways to reduce and eliminate wetland impacts at several levels, including site selection, routing of roadways, and commitments through discussions with agencies to further reduce impacts as transmission line routes are selected within the transmission corridors.

128. The Project is designed to comply with SWFWMD ERP criteria in Rules 40D-4.301 and 4.302.

129. There are not expected to be unacceptable secondary wetlands impacts due to the construction of the Project. Under SWFWMD rules, as long as a disturbance is at least 25 feet from a wetland, secondary impacts are deemed avoided. For the LNP site, unimpacted wetlands are dozens to thousands of feet away from Project development. Further, the rural and remote location of the facility, along with the high level of security associated with a nuclear facility (i.e., fencing, buffering, and reduced public access) makes causally-connected offsite development unlikely (with regard to the LNP site).

130. The LNP will comply with the cumulative impact requirements of Section 373.414(8), Florida Statutes. The conceptual WMP is designed to be regionally significant and provides ecological benefits beyond the calculated UMAM functional value increase. For example, the WMP has the potential to connect the Goethe State Forest to the historic floodplain of the Withlacoochee River, which will maintain and enhance a large natural wildlife corridor.

131. The LNP is not anticipated to adversely affect the value or functions provided to fish and wildlife and listed species, including any aquatic and wetland species, or other related-water resources. There are no documented listed aquatic or wetland-dependent species that might be adversely affected by construction at the plant site. Impacts to wetland dependent

species will be further minimized under the proposed conditions of certification, including pre-construction wildlife surveys and consultation with FWC on the results.

132. PEF has addressed all of the wildlife issues subject to the site certification process. The FWC has recommended certification, subject to conditions related to surveying of development areas and appropriate buffers for species prior to clearing, construction, and development to ensure appropriate relocation or mitigation opportunities and implementation of management activities to ensure the long-term well-being of the species.

133. Project wetlands impacts are not expected to adversely affect the quality of receiving waters with respect to the applicable water quality criteria for those receiving waters, or adversely affect fishing or recreational values or marine productivity.

134. Through implementation of the WMP, construction of the Project is not expected to adversely affect the current condition and relative value of the functions being performed by wetlands.

Transportation

135. The primary roadways in the vicinity of the LNP are U.S. Highway 19 (U.S. 19) and County Road 40 (C.R. 40). U.S. Highway 19 is a Florida DOT-maintained, four-lane arterial

roadway west of the Project site. C.R. 40 is a Levy County-maintained, two-lane roadway approximately five miles to the south of the plant site.

136. The Levy County Comprehensive Plan has adopted level of service (LOS) standards for roadways within Levy County. While LOS standards do not apply to temporary construction traffic, PEF evaluated the impacts of both LNP construction and operation traffic on adjacent roadways. This evaluation shows that future traffic levels with the addition of the Project construction and operation traffic are projected to be less than one-half the adopted LOS standards for U.S. 19 and C.R. 40.

137. Roadway links during construction and operation of the LNP are projected to operate within adopted LOS standards.

Socioeconomic Impacts and Benefits

138. There is an approximate population of 4,700 persons within a five-mile radius of the LNP site. This equates to a population density of approximately 60 people per square mile.

139. The closest towns to the LNP site are Inglis and Yankeetown, which are located approximately 4.1 miles and 8.0 miles southwest of the LNP site, respectively.

140. The total cost of the LNP, including the proposed electrical transmission lines, is approximately \$17 billion. The LNP construction workforce is expected to peak at approximately 3,300 workers in 2014. The operation workforce

will consist of approximately 800 employees, with an additional 800 workers needed every 18 months for between 20 and 30 days to refuel the facility.

141. PEF sees retention rate benefits when hiring locally and would like to employ the local workforce for construction and operation of the LNP. PEF has programs in place to train local residents to become part of the future workforce for the LNP. These programs focus on both construction and operation personnel and include programs or potential programs at Bronson High School, Chiefland High School, Dixie County High School, the Withlacoochee Technical Institute, and Santa Fe Community College. PEF is also working in partnership with Dunnellon High School (which draws students from Levy, Citrus, and Marion Counties) on a Power Academy to prepare students for the construction and operation of the LNP. PEF has a successful nuclear engineering program partnership with the University of Florida to train both nuclear engineers and plant operators, including the use of a first-of-its-kind digital training simulator. PEF has provided grants to modernize the nuclear facilities at the University of Florida.

142. In 2005, there were approximately 395,000 workers in the region (defined as a 50-mile radius around the LNP, including Levy, Citrus, Marion, Alachua, Dixie, Gilchrist, Hernando, and Sumter Counties). Specific to construction of a

nuclear power plant, there were 4,900 heavy construction workers in the region in 2006. It is probable that more of these 4,900 workers will be available due to rising unemployment rates across the region. Unemployment rates for the three counties immediately surrounding the LNP site have risen from around four percent in 2005 to eight percent in late 2008.

143. There is sufficient housing available in the region to accommodate both LNP construction and operation employees.

144. Construction of the LNP is not expected to significantly increase the number of pupils in the surrounding school systems. The school systems in the region of the LNP will be able to accommodate the increased number of pupils as a result of LNP operations workers and their families.

145. Public services and facilities in the region of the LNP are sufficient to absorb any incremental population growth associated with construction and operation workers and their families.

146. Construction of the LNP will have little, if any, impact on recreational facilities and uses in the area around the LNP site in Levy and Citrus Counties. During LNP operation, recreational facilities and uses will not be impacted. There are no officially-designated landmarks within five miles of the LNP site.

147. The peak construction workforce in 2014 will result in approximately \$152 million in annual earnings. Construction earnings in other years will also be substantial. In addition to jobs and earnings, the construction of the LNP will contribute an estimated \$263 million annually to the regional economy via direct, indirect, and induced goods and services.

148. The direct social and economic impacts of the LNP operation are expected to include approximately 800 direct jobs; 1,100 indirect or induced jobs; and associated increases in sales, property tax, and output revenues. These operations workers are expected to generate over \$53 million in annual payroll. The LNP overall is expected to contribute nearly \$521 million annually to the regional economy via direct, indirect, and induced goods and services. Local property tax collections will begin when Unit 1 is brought on-line, resulting in approximately \$63 million in tax revenue to Levy County in the first year of operation. Annual property tax collections in Levy County of approximately \$18 million are projected to increase by \$104 million once both LNP units are operational.

Archaeological and Historic Sites

149. Construction and operation of the LNP will not adversely impact archaeologically significant sites or historic standing structures. The Project complies with all federal and

state standards for identification and protection of archaeological sites.

150. Field surveys of the plant site, the corridor extending south to the CFBC, and the pipeline corridor to the CREC did not reveal any archaeological sites or historic standing structures eligible for listing in the National Register of Historic Places (NRHP). The Florida State Historic Preservation Officer (SHPO) concurred with PEF's survey methodology and the determination that no sites are NRHP-eligible.

151. PEF has guidelines designed to protect historic sites, landmarks, artifacts, and archaeological sites in the event of an inadvertent discovery. The Florida SHPO has concurred with PEF's approach to protect inadvertent discoveries during land-disturbing activities.

Land Use

152. PEF filed applications with Levy County for a comprehensive plan amendment and special exception zoning approval for the LNP. Those applications were approved and are now final.

153. The majority of the existing land use on the LNP site is silviculture, and the property is unimproved. The primary existing land use of the property to the south of the LNP, where the heavy haul road, water pipelines, and other facilities will

be located, is likewise silviculture and otherwise unimproved.

The properties along the blowdown pipeline corridor to the CREC are primarily vacant and largely unimproved.

154. The nearest residence to the LNP is approximately 1.5 miles to the northwest of the power block generating facilities, measured from the edge of the nearest power block to the residence. The electrical generating facilities are designed with a minimum 1,000-foot setback from the property line of any property not under the control of PEF. A natural 100-foot vegetative buffer is required to be maintained around the LNP's perimeter where the adjacent property is not under PEF's control. Given the setbacks, the perimeter vegetation, and the 250-foot maximum height limitation under Levy County's special exception for the LNP, the physical structures at the LNP site will not be visible from surrounding properties at ground level.

155. The location of the LNP is consistent with the existing and future land uses surrounding the site. The cooling water blowdown pipelines are located to have the least impact on the existing land uses in the area. The LNP will have little impact on land uses in the vicinity.

156. The LNP is consistent with the Levy County Comprehensive Plan and land development regulations (LDRs), the Strategic Regional Policy Plan of the Withlacoochee Regional

Planning Council, and the State Comprehensive Plan contained in Chapter 187, Florida Statutes.

II. Electrical Transmission Lines

Project Description

157. Generally, the purpose of electrical transmission lines is to transmit large amounts of electricity from a generating facility to one or more substations. Transmission lines operate at voltages above 69 kilovolts (kV). Bulk power, generally operating at 230-kV or 500-kV, is transferred from the generating plant to the substation. At the substation, the voltage of the electricity is changed through transformers and other electrical equipment for further transportation or distribution directly to customers.

158. PEF is seeking certification of nine proposed corridors for transmission lines associated with the LNP. A proposed corridor is associated with each of the proposed transmission lines identified in Findings of Fact 182-189. All of the proposed transmission lines will directly support the construction and operation of the LNP.

Corridor Selection Methodology

159. PEF established a multi-disciplinary team to identify a corridor for each of the proposed transmission lines. The role of this team was to select a proposed corridor for certification for each line based on an evaluation of

environmental, land use, socioeconomic, engineering, and cost considerations. The multi-disciplinary team was composed of experts in transmission line design, land use planning, system planning, real estate acquisition, corporate communications, and environmental disciplines as they relate to transmission lines.

160. The multi-disciplinary team engaged in four major steps in this process. The first was to establish and define a project study area for each transmission line. The second step was to conduct regional screening and mapping. The third step was to select and evaluate candidate corridors using both quantitative and qualitative analysis. The fourth step was to select the proposed corridors and identify the boundaries of those corridors. Data collection was performed in connection with this effort from the databases of federal, state, regional, and local agencies and organizations, as well as from the public in a series of conferences and open houses described in Findings of Fact 8-11. A number of field studies, internal meetings, and individual and small group meetings were held with members of the public as a part of the process.

161. In defining the project study area for each transmission line, the multi-disciplinary team considered the starting and ending points for the lines and other linear facilities in these areas.

162. Within each study area, the multi-disciplinary team gathered regional screening data from a variety of sources to identify the different types of opportunities and potential constraints for siting a transmission line in the project study areas, such as various environmental and land use features, existing infrastructure, archeological and historical sites, roads, railroads, rivers, waterbodies, and similar features.

163. The multi-disciplinary team evaluated each corridor using quantitative environmental, land use, and engineering criteria. Relative weights for each quantitative criterion were developed and validated with input from agency representatives and the public during the public outreach portion of the corridor selection process. The weights were applied to the quantitative values for the criteria for each candidate corridor segment and the scores were tabulated for all candidate corridors. The candidate corridors were then ranked in order from best to worst based on quantitative weighted scores.

164. The high-ranking candidate corridors were then evaluated using predetermined qualitative criteria which do not lend themselves easily to quantification, such as the types of wetlands and vegetation present, safety, constructability considerations, and other similar considerations.

165. Based on the quantitative and qualitative evaluation of the high-ranking candidate corridors, the multi-disciplinary

team ultimately chose the nine proposed corridors. Once the proposed corridors were selected, the multi-disciplinary team refined the boundaries of each of the PEF proposed corridors. The team developed corridor boundaries of varying widths by narrowing the corridor to avoid siting constraints where practicable or widening the corridor to take advantage of siting opportunities.

Transmission Line Design

166. A transmission line generally consists of a steel or concrete structure, the conductor, which is attached to the structure by an insulator, and overhead groundwires used for lightning protection and communications for the protection and control systems located in the substation. Access roads and structure pads are also associated with transmission lines.

167. The Project's 230-kV and 69-kV transmission lines will be constructed using single-shaft tubular steel or spun concrete structures. The conductors will be attached to the structures with braced line post or V-string insulators. The braced line post arrangement is a compressed construction design which minimizes the amount of right-of-way needed. The V-string insulator design allows longer span lengths due to the increased strength of this assembly. Typical heights will range from 80 to 145 feet for the 230-kV structures and 60 to 90 feet for the 69-kV structures.

168. The 500-kV transmission lines will be constructed using tubular steel H-frame or monopole structures. The conductors will be attached to the structures with V-string insulators which provide the necessary strength and minimize the amount of right-of-way needed. Structure heights will range from 110 to 195 feet.

169. The span length between structures and the pole height will vary due to natural or man-made constraints such as wetlands, waterbodies, property boundaries, existing utility poles, utility lines, and roadways.

170. The typical spans between structures supporting 230-kV transmission lines will range from approximately 500 to 700 feet for the braced line post structures and 700 to 1,400 feet for the V-string structures. The typical spans between structures supporting 69-kV transmission lines will range from approximately 250 to 600 feet. The typical spans between structures supporting 500-kV transmission lines will range from approximately 1,000 to 1,500 feet.

171. Access roads and structure pads will be constructed only where necessary. When new roads are required, they will typically be 18 feet wide and unpaved, with the top elevation, two feet above the expected seasonal high water line. Generally, the existing ground will be leveled, a geotextile fabric will be installed, and compacted sand and gravel will be

added to arrive at the desired road elevation. Culverts will be installed as required to maintain preconstruction waterflows.

172. Structure pads will typically be 70 feet wide and 100 feet long and unpaved, with the top elevation, two feet above the expected seasonal high water line. The size of the structure pads will vary depending upon the heights of the structures supported and other site-specific factors. The designs for these access roads and structure pads have been used by PEF in the past and have been previously approved in Florida.

Design Standards

173. The transmission lines will be designed in compliance with all applicable design codes and standards. These include the National Electrical Safety Code, the standards of the North American Electrical Reliability Corporation, DEP's regulations on electric and magnetic fields, applicable local government requirements such as noise ordinances, and the DOT Utility Accommodation Manual. PEF's own internal design standards incorporate appropriate provisions or guidance from design codes and standards of the American Society of Civil Engineers, the Institute of Electrical and Electronics Engineers, and American Society of Testing Materials, the American National Standards Institute, and the American Concrete Institute.

Transmission Line Construction

174. PEF will work with the regulatory agencies and landowners to determine where the rights-of-way, transmission structures, access roads, and structure pads should be located. As rights-of-way are being selected, they will be surveyed to facilitate acquisition of the necessary property interests.

175. After the right-of-way is established within the certified corridor, the initial phase of construction involves clearing the right-of-way. Where the proposed right-of-way is in uplands, the right-of-way clearing for the project will consist of vegetation and tree removal as necessary. Where the proposed right-of-way is in wetlands, vegetation will be cleared utilizing restrictive clearing techniques as necessary for specific sites. Restrictive wetlands clearing will be done by hand, with chainsaws or low ground-pressure shear or rotary machines, to reduce soil compaction and damage to vegetation. The cut material will be removed from the right-of-way utilizing either low ground-pressure equipment or temporary construction mats. Care will be taken to minimize rutting and disturbance of root mat.

176. After the right-of-way is cleared, any necessary access roads and structure pads will be constructed. Existing access roads and structure pads will be used whenever practicable. Where a transmission line will be constructed

adjacent to an existing transmission right-of-way, improvements to the associated access roads and paths may be made. Where adequate access roads or structure pads do not exist, new roads and pads will be constructed.

177. The next phase of construction will involve the erection of the structures. All structures will be supported with engineered foundations. Tangent structure foundations will normally consist of either direct buried structures with concrete backfill or reinforced-concrete drilled piers. Structures may also utilize guys and anchors at angle and deadend structures to help support the load. Transmission structures are generally delivered to the site using semi-trucks with open trailers and are assembled onsite as close as possible to the foundation. Typically, the structures are framed with the structure arms and insulator assemblies while lying on the ground. During the assembly process, poles are maneuvered into place using cranes and other lifting equipment to facilitate connections. Once assembled, a crane is used to lift the structures for final placement on the foundation.

178. After the structures are erected, conductor installation will commence. The process of installing conductors involves stringing a pilot line into each structure stringing block to form a continuous connection between stringing end points. This pilot line is then used to pull the

conductor into position. The conductor is then tensioned to design specifications, transferred to the support clamp, and clipped into position. The operation is performed on all overhead ground wires and conductors. Typical equipment used in the conductor installation operation includes bucket trucks, wire pulling equipment, guard structures, wire reels, trailers, tensioners, and support vehicles.

179. The final stage of construction will be right-of-way restoration which includes removal of all construction equipment and supplies, grading the right-of-way if needed, and planting or seeding of the disturbed area if needed.

180. During all stages of construction, PEF will maintain traffic on any adjacent county, state, or federal roadways in compliance with DOT regulations. Sedimentation management techniques, including turbidity screens, temporary culverts, silt fences or staked hay bales, and the seeding or mulching of side slopes, will be utilized to minimize potential impacts to water quality from erosion and sedimentation.

Corridor Descriptions

181. The LNP will add approximately 185 miles of new 69-kV, 230-kV, and 500-kV transmission lines to be placed within nine proposed corridors. The proposed corridors provide significant opportunities for collocation with other linear facilities such as roads and transmission lines which provides

the opportunity to reduce costs, the amount of new access road construction, impacts to wildlife habitat, and other impacts. The width of the proposed corridors varies along the routes to provide flexibility within the corridors to avoid impacts to existing developments, large wetland areas, and other features. After certification, and following the selection of rights-of-way, the boundaries of the corridors will be reduced to those of rights-of-way.

182. The first proposed corridor is associated with the Citrus 1 and 2 lines. The Citrus lines are also referred to as the "LPC" transmission lines and the proposed corridor is referred to as the LPC corridor. The Citrus lines are two 500-kV transmission lines that will connect the LNP to the proposed Citrus Substation, which is not a facility for which PEF is seeking certification. The Citrus 1 and 2 lines will be located in Levy and Citrus Counties. This proposed corridor is approximately seven miles long and one mile wide. The LPC Corridor begins at the LNP site boundary and proceeds south on PEF-owned property south of the LNP site. Through the southern property, the LPC Corridor is collocated with the proposed Sumter and Crystal River 500-kV lines, the Levy South Administration 69-kV line, and is adjacent to the proposed LNP heavy haul road and water pipeline corridors. Continuing south, the LPC Corridor remains collocated with the Sumter and Crystal

River lines as well as PEF's existing IO 69-kV line at some locations. The LPC corridor will cross C.R. 40, the CFBC and Inglis Island (which is wedged between the LWR and the CFBC), and will terminate at the proposed Citrus Substation located just north of PEF's existing Crystal River Central Florida transmission line in Citrus County.

183. The second proposed corridor is associated with the Crystal River line, which is also referred to as the "LCR" transmission line and the corridor is referred to as the LCR Corridor. The Crystal River line is a 500-kV transmission line that connects the LNP to the existing CREC switchyard in Citrus County. The Crystal River line will be located within Levy and Citrus Counties. The LCR Corridor is approximately 14 miles long and one mile wide. It begins at the LNP site boundary and proceeds south on the PEF-owned property south of the LNP site. Through the southern property, the LCR corridor is collocated with the proposed Sumter and Citrus 1 & 2 500-kV lines, and the Levy South Administration 69-kV line, and is adjacent to the proposed LNP heavy haul road and water pipeline corridors. Continuing south, the corridor remains collocated with the Sumter and Citrus 1 & 2 lines as well as PEF's existing IO 69-kV line in some locations. The LCR Corridor will cross C.R. 40, the CFBC and Inglis Island, and will enter the existing PEF Crystal River to Central Florida transmission line right-of-way.

At this point, the LCR Corridor turns west and follows the general alignment of the existing PEF Crystal River to Central Florida Transmission right-of-way into the CREC where it terminates at the CREC 500-kV switchyard.

184. The third proposed corridor is associated with the Sumter line, which is also referred to as the "LCFS" transmission line. This corridor is referred to as the LCFS Corridor. The Sumter line is a 500-kV transmission line that will connect the LNP to the proposed Central Florida South Substation in Lake and Sumter Counties, which is not a facility for which PEF is seeking certification. The Sumter line will be located in Levy, Citrus, Marion, and Sumter Counties. The LCFS Corridor is approximately 59 miles long and ranges in width from approximately 1,000 feet to one mile wide. For most of its length, the 500-kV LCFS Corridor is collocated with the existing PEF transmission lines, except in the vicinity of the Central Florida South Substation, where it is collocated with the Florida Turnpike. The LCFS Corridor begins at the LNP site boundary and proceeds south on the PEF-owned property south of the LNP site. It will be collocated with the proposed Citrus 1 & 2 and Crystal River 500-kV lines and the Levy South Administration 69-kV line. The LCFS Corridor crosses C.R. 40, the CFBC and Inglis Island, and continues south until reaching the existing PEF Crystal River to Central Florida transmission

line right-of-way. At that point, the LCFS Corridor turns east and follows the existing transmission line right-of-way through Citrus and Marion Counties for approximately 45 miles. The corridor turns southeast crossing into Sumter County and crosses S.R. 44 and I-75. The remaining five miles of the LCFS Corridor follows the general alignment of the Florida Turnpike to the southeast and terminates in the area of the proposed Central Florida Substation near Wildwood.

185. The fourth proposed corridor is associated with the Crystal River East 1 & 2 lines, which are also called the "CCRE" transmission lines. This is the CCRE Corridor. The Crystal River East lines are two 230-kV transmission lines that will connect the proposed Citrus Substation to the existing Crystal River East Substation in Citrus County. The lines will be located entirely within Citrus County. The CCRE Corridor is approximately 2.7 miles in length and one mile wide. The west end of the north boundary of the corridor is approximately one-half mile west of U.S. 19 and runs east approximately one-half mile north of West Dunnellon Road (CR-488). The west end of the south boundary of the corridor starts approximately 1 mile west of U.S. 19 and runs east along the northern boundary of the existing PEF transmission right-of-way. At a point approximately 0.3 miles east of U.S. 19, the corridor shifts south approximately one-half mile and continues east for another

mile. The corridor also includes five existing 115-kV, 230-kV and 500-kV transmission lines and the Crystal River East Substation.

186. The fifth and sixth proposed corridors are associated with the Levy North and South lines, which are also referred to as the "IS" and "IO" transmission lines. The Levy North and South lines are 69-kV transmission lines required to supply power for the construction and administration of the LNP. These lines will be located entirely within Levy County, and are mostly located on property owned by PEF in the immediate vicinity of the proposed LNP. The IS Corridor is approximately 373 feet in length and 400 feet wide. The IO Corridor is approximately 4.5 miles in length and one mile wide. The IO Corridor will begin at the south boundary of the LNP site and extend south to encompass the existing 69-kV transmission line located south of C.R. 40 in Levy County. The IS Corridor will begin at the west boundary of the LNP site and extend west to encompass the existing 69-kV transmission line that is located parallel to and east of U.S. 19 in Levy County.

187. The seventh proposed corridor is associated with the Brookridge line, which is also referred to as the "CB" transmission line. The corridor is referred to as the CB Corridor. The Brookridge line is a 230-kV transmission line that will connect the existing CREC to the existing Brookridge

Substation in Hernando County. The Brookridge line will be located in Citrus and Hernando Counties. The overall length of the CB corridor is approximately 38 miles and ranges in width from approximately 1,000 feet to one mile. The corridor begins at the CREC switchyard and proceeds east towards the existing Crystal River East Substation then southeast to S.R. 44. The corridor collocates with existing transmission line rights-of-way. At S.R. 44, the corridor turns south, following the existing PEF 115-kV transmission right-of-way. Approximately one mile south of Centralia Road, the corridor turns east and ends at the existing Brookridge Substation.

188. The eighth proposed corridor is associated with the Brooksville West line, which is also called the "BBW" transmission line. The corridor is referred to as the BBW Corridor. The Brooksville west line is a 230-kV transmission line that will connect the existing Brookridge Substation to the existing Brooksville West Substation in Hernando County. This line will be located entirely within Hernando County. The overall length of the BBW Corridor is approximately three miles and one-half mile wide. The BBW Corridor exits the Brookridge Substation, collocated with PEF's existing 500/230/115-kV transmission line right-of-way, and travels along Sunshine Grove Road to the south. It terminates at the Brooksville West Substation.

189. The ninth and final proposed corridor is associated with the Kathleen line, which is also called the "PHP" transmission line. The corridor is referred to as the PHP Corridor. The Kathleen line is a 230-kV transmission line that will connect the existing Kathleen Substation in Polk County to the existing Lake Tarpon Substation in Pinellas County. The Kathleen line will be located in Polk, Hillsborough, and Pinellas Counties. The overall length of the PHP Corridor is approximately 50 miles, and it ranges in width from approximately 300 feet to 1000 feet. The corridor begins at the Kathleen Substation and travels west. It crosses U.S. 98 and turns south along the existing transmission line right-of-way to the Griffin Substation. At the Griffin Substation, the corridor turns west paralleling C.R. 582. The corridor crosses U.S. 301 and turns north and then west and crosses I-75, continuing northwest and following the existing transmission right-of-way, and then crosses I-275 and the Veteran's Expressway to the Lake Tarpon Substation.

190. No alternate corridors were proposed for any of the nine proposed transmission line corridors. For each PEF-proposed transmission line corridor, the proposed corridor is the only corridor for the respective line that is proper for certification in this proceeding.

191. For each of the proposed corridors, engineering features of interest, natural resource features, and land use features have been identified and depicted on maps, aerial images, and photographs, which have been utilized in the analysis of the corridors.

Operational Safeguards

192. The operational safeguards for each of the transmission lines proposed by PEF are technically sufficient for the public welfare and protection.

193. Each transmission line will be designed, constructed, operated, and maintained in compliance with all applicable codes, standards, and industry guidelines, including: the National Electric Safety Code; the North American Electric Reliability Corporation; the American National Standards Institute; applicable local government requirements; the DOT Utility Accommodation Guide; and PEF's internal design standards, which incorporate appropriate provisions or guidance from design codes and standards of the American Society of Civil Engineers, the Institute of Electrical and Electronics Engineers, the American Society of Testing Materials, the American National Standards Institute, and the American Concrete Institute.

194. Each of the transmission lines proposed by PEF will be constructed, operated, and maintained in compliance with the

applicable standards which regulate the electric and magnetic fields associated with new transmission lines.

195. Compliance with the electric and magnetic field requirements has been calculated for each of the configurations that may be utilized for the Project. The results were then compared to the requirements contained in DEP's Rule 62-814.450(3). The maximum expected values from all configurations for the electric fields and for the magnetic fields are within the values set forth in the rule.

196. The calculations were performed in accordance with the rule requirements, using the maximum voltage and current for each configuration. Operation of any of these transmission lines at maximum voltage and current is not a likely condition. At normal operating levels of voltage and current, the electric fields produced by the transmission lines will be less than calculated at the maximum operating conditions, and the magnetic fields produced will be about 50 percent less than calculated at the maximum operating conditions.

197. The levels of electric and magnetic fields at the edge of the rights-of-way associated with the transmission lines are similar to levels that are experienced by exposure to common household appliances.

198. Transmission lines can generate audible noise as a result of build-up of particles on the conductor. This is known

as corona. During periods of fair weather, particulate matter can collect on the conductor causing low levels of audible noise. During rain events, the particles are washed off and replaced with water droplets on the conductor that create a condition that can result in slightly higher levels of audible noise. The noise levels experienced during rainfall events are temporary and masked by the sound of rain falling on vegetation and other surfaces, and the noise is reduced as soon as the water droplets evaporate from the conductor.

199. The expected levels of noise have been calculated using an industry standard software program known as the Bonneville Power Administration Corona Field Effects Program. The calculations performed for each of the transmission lines demonstrate that the maximum audible noise levels at the edge of the right-of-way will be less than the noise levels from most rainfall events or conversational speech at a distance of five feet. The calculated noise levels are expected to comply with all applicable noise ordinances.

200. The operation of the proposed transmission lines is expected to cause minimal interference with radio and television reception in the vicinity of the transmission lines. Radio and television interference can be produced by corona on transmission line conductors or as a result of faulty equipment. Based upon the studies that have been performed, it is not

expected that significant interference will occur. Beginning on July 12, 2009, the Federal Communications Commission has directed all television station operators to convert their transmissions to digital format. Digital signals are unaffected by electric fields or weather disturbances. In the event any homeowner or business experiences abnormal interference as a result of the transmission lines, PEF will investigate the complaints and mitigate impacts appropriately.

201. Part of the BBW Corridor has an existing natural gas pipeline and a proposed additional natural gas pipeline that will be operated by Florida Gas Transmission Company. Safety concerns will be addressed in a licensing agreement allowing the pipeline company to utilize the right-of-way. Such collocation is common throughout Florida. The licensing agreement will require that the pipeline company comply with all applicable safety requirements for pipeline operation and will require that the pipeline design be reviewed by an independent engineering company to ensure that the pipeline can be safely operated given the constraints of the design and the proximity of transmission lines. This will ensure that the pipeline can be safely operated near the transmission lines and the electric current.

Compliance with Nonprocedural Standards of Agencies

202. The construction, operation, and maintenance of each of the proposed transmission lines in the proposed corridors is

expected to comply with the applicable nonprocedural requirements of agencies.

203. The parties have agreed that the conditions of certification found in DEP Exhibit 1 are the applicable nonprocedural requirements of the state, regional, and local agencies with regulatory jurisdiction over the transmission lines.

204. PEF has agreed to construct, operate, and maintain the transmission lines in the proposed corridors in compliance with the conditions of certification. No variances or exemptions from applicable state, regional, or local standards or ordinances have been requested or are needed for construction, operation, and maintenance of these transmission lines.

Consistency with Local Government Comprehensive Plans and Land Development Regulations

205. There are a number of different land uses within the nine proposed corridors ranging from open lands, recreational lands, mining and agricultural lands, public and conservation lands, commercial uses, and residential. The construction of the transmission lines in the respective proposed corridors is not expected to impact the existing land uses or change those land uses. The location of the transmission lines in the proposed corridors is appropriate from a land use perspective.

206. The construction, operation, and maintenance of the transmission lines in the respective corridors are compatible with all types of existing land uses occurring in the vicinity of those corridors.

207. Each of the proposed transmission lines will be constructed, operated, and maintained in the proposed corridors consistent with applicable provisions of local government comprehensive plans and land development regulations.

208. After certification of the LNP, each proposed transmission line will be located and constructed established rights-of-way, including easements acquired after certification of the respective corridors. Construction of transmission lines on such established rights-of-way is excepted from the definition of "development" contained in Section 163.3164(6), Florida Statutes. To the extent that comprehensive plans or land development regulations of the local governments crossed by the transmission lines include provisions that are applicable to non-development activities, the transmission lines in each of the designated corridors will be consistent and in compliance with those requirements.

Meet Electrical Energy Needs of the State
In an Orderly, Timely and Reliable Fashion

209. Each proposed transmission line will be constructed, operated, and maintained in the proposed corridor to meet the

electrical energy needs of the state in an orderly, reliable, and timely fashion.

210. The anticipated schedule for the transmission line portion of the Project calls for the permitting, licensing and engineering activities, right-of-way acquisition, and construction to be carried out such that the transmission lines are constructed and operating in 2015 in advance of certain construction and start-up activities for LNP Unit 1.

211. The proposed corridors maximize collocation opportunities for the transmission lines, enabling the collocated transmission lines to be constructed in a more timely and efficient manner.

212. PEF will make all practicable efforts to minimize the impacts to traffic from the proposed transmission lines. PEF will comply with conditions of certification proposed by DOT and local governments to facilitate the orderly construction, operation, and maintenance of each of the transmission lines in the proposed corridors.

Reasonable Balance Between the Need and the Impacts

213. Each of the transmission lines is essential to meet the need identified by the PSC. PEF has a long history of reliably constructing, operating, and maintaining similar transmission lines throughout Florida. Each of the transmission lines is designed to comply with stringent reliability standards

such as the National Electrical Safety Code and the standards of the North American Electric Reliability Corporation.

214. The construction, operation, and maintenance of the transmission lines in the proposed corridors will meet the need identified by the PSC. The PSC determined that there is a reliability need for additional base-load capacity by 2016. Levy Units 1 and 2 will add 2200 MW of capacity, and new transmission lines are necessary to accommodate this capacity on the electrical power system. The required transmission facilities include those necessary to connect the LNP to PEF's existing grid and to reliably integrate the additional capacity into the existing transmission system. PEF cannot meet the need identified by the PSC without these proposed transmission lines.

215. PEF's proposed corridors were chosen using a multidisciplinary team of experts to minimize impacts on the environment. Each transmission line will be constructed, operated, and maintained in the designated corridor with minimal adverse environmental impacts. The corridor selection process involved regional screening to minimize inclusion of areas of ecological constraints. Each corridor maximizes utilization of previously disturbed areas, where possible. The corridor width has been selected for each corridor to provide flexibility for selection of the final right-of-way to provide the ability to

avoid ecological resources within the corridor to the extent practicable.

216. No adverse impacts to air quality are anticipated as a result of the construction or operation of the transmission lines.

217. Each of the transmission lines will be constructed, operated, and maintained in the proposed corridor with minimal, if any, adverse impact to water quality.

218. Each transmission line will be constructed, operated, and maintained in the proposed corridor with minimal adverse impact to fish and wildlife, including protected animal species. The presence of protected animal species was an important consideration during the corridor selection process, and each corridor avoids areas with known concentrations of protected species occurrences to the extent practicable. The agreed-upon conditions of certification require that preconstruction surveys be conducted, and the results will be submitted to the FWC for analysis. Mitigation, as appropriate, may be required.

219. Each transmission line will be constructed, operated, and maintained in the proposed corridor with minimal adverse impact to water resources, including wetlands. Water resources, including wetlands, were an important consideration during the corridor selection process and were avoided to the extent practicable. Structures will not be constructed in major water

bodies. The spans between structures will be varied to avoid wetland areas and other sensitive areas, where practicable. Herbaceous wetland communities, including marsh and wet prairie wetlands, can continue to grow underneath the proposed transmission lines. Best management practices will be utilized during construction to ensure that impacts to water bodies and other water resources are minimized.

220. Each transmission line will be constructed, operated, and maintained in the proposed corridor with minimal adverse impacts to other natural resources, including protected plant species and wildlife habitat. The presence of protected plant species and wildlife habitat were important considerations during the corridor selection process and were avoided to the extent practicable. Wildlife habitat in the vicinity of each of the corridors with collocation opportunities has been altered from its natural state for construction and maintenance of the linear facility already there. This will minimize potential impacts.

Minimize Adverse Effects
Using Reasonable and Available Methods

221. PEF will use reasonable and available methods during construction, operation, and maintenance of the transmission lines in the proposed corridors to minimize adverse effects on human health, the environment, and the ecology of the land and

its wildlife and the ecology of state waters and their aquatic life.

222. Construction, operation, and maintenance of the transmission lines in the designated corridors will comply with the limits for electric and magnetic fields established by DEP in Rule Chapter 62-814 and by the National Electric Safety Code and related standards.

223. In the corridor selection process, collocation opportunities were considered to be a significant criterion, and the corridors were chosen in a way that maximizes collocation with existing linear facilities. This is advantageous because existing linear facilities often provide existing access, and collocation can minimize the need for new access roads and structure pads and the need for new clearing, generally minimizing impacts.

224. PEF will avoid wetlands and water bodies to the extent practicable by varying the length of the spans between structures.

225. PEF will use restrictive clearing practices on forested wetlands, removing vegetation selectively. In cases in which fill is required, PEF will install culverts to maintain water movement.

226. PEF will allow certain vegetation to re-grow, or re-vegetate, in the rights-of-way of the transmission lines

following construction, which will maintain suitable habitat for certain listed species. Wetland impacts that cannot be avoided will be appropriately mitigated.

227. Prior to final rights-of-way determination and the beginning clearing in the rights-of-way for the transmission lines, surveys for protected plant and animal species will be conducted to verify their presence or absence in the proposed transmission line right-of-way for each of the lines. In the event that protected plants or animals cannot be avoided, efforts will be made to relocate the individuals in consultation with the FWC and the United States Fish and Wildlife Service, or to provide appropriate mitigation in accordance with the conditions of certification.

228. PEF has agreed to comply with the conditions of certification in the construction, operation, and maintenance of each of the transmission lines. The conditions require measures to eliminate or minimize potential impacts to the environment, including impacts to the ecology of the land and its wildlife and the ecology of state waters and their aquatic life.

Serve and Protect the Broad Interest of the Public

229. The construction, operation, and maintenance of the transmission lines in the proposed corridors will serve and protect the broad interests of the public. The public's interest is served through the provision of safe, reliable, and

cost-effective electric service. The transmission lines are essential for providing that service.

230. The public outreach program carried out by PEF provided the public with an avenue to voice their concerns. Concerns expressed were considered in the selection process.

231. The corridor selection process maximized collocation opportunities for the selection of each of the corridors, where practicable. By following existing linear features where possible, the corridors and the ultimate rights-of-way can conform to existing development patterns and minimize intrusions into surrounding areas. Collocation reduces costs and impacts.

232. The existing land uses found within the corridors are compatible with each of the proposed transmission lines in part because the corridors are collocated with linear facilities to the extent feasible. The transmission lines that are proposed can coexist with the types of development that are found along each of the corridors.

233. As a result of the process utilized by the multidisciplinary team, the corridors minimize the number of homes that may be affected and avoid public and conservation lands to the maximum degree practicable. The transmission lines will minimize the impacts on cultural and historical resources by avoiding those areas where practicable and by performing a preconstruction survey in consultation with DEP and the Division

of Historical Resources to determine the appropriate action should such resources be found.

234. Disruption to traffic during the construction of each of the transmission lines is expected to be minor. PEF will comply with conditions of certification proposed by DOT and local governments to ensure minimization of traffic impacts.

235. Radio and television interference as a result of the operation of the transmission lines will be minimal, and any impacts will be addressed by PEF.

236. The expected noise levels from the transmission lines will be similar to the noise levels resulting from rainfall events and conversation at five feet. The calculated noise levels will comply with all applicable noise ordinances and requirements.

237. The electric and magnetic fields produced by the transmission lines will comply with the applicable standards established by the DEP.

III. Southern Alliance for Clean Energy (SACE)

238. Following the withdrawal of the other intervenors in this proceeding, SACE was the only remaining party opposing certification of the Project. In the prehearing stipulation of the parties, SACE appears to raise five basic issues: (a) there must be express conditions in the agency reports to address impacts to wetlands, fish, wildlife, water resources, and

necessary mitigation should the Project not be completed; (b) adverse impacts to wetlands and water resources; (c) business risks of "significant delay, default or abandonment"; (d) risks to fish, marine wildlife, and vegetation; and (e) agency reports must address risks to water resources, wetlands, fish, marine wildlife, and vegetation. SACE did not offer the testimony of any witnesses or present any evidence in this proceeding on these or any other issues.

a. With regard to SACE's first issue, SACE has failed to identify which of the reviewing agencies neglected to propose appropriate conditions or what additional conditions are necessary. In any event, the record shows that DEP, FWC, and SWFWMD all proposed extensive conditions in their agency reports related to protection of wetlands, fish, wildlife, water resources, and/or mitigation of Project-related impacts. With regard to wetlands mitigation, if the Project is not completed, PEF will perform mitigation necessary to compensate for wetlands actually impacted. See Finding of Fact 126.

b. SACE's second contention is that the Project will cause adverse impacts to wetlands and water resources. As detailed in Findings of Fact 73, 115-131, 133-134, PEF has presented competent, substantial evidence that the LNP will not cause adverse impacts to wetlands or to water resources that are not fully offset by mitigation. SACE did not present any contrary

evidence. Further, as indicated in Findings of Fact 124-126, 130, and 134, PEF has proposed a comprehensive wetlands mitigation plan that will offset any adverse impacts to wetlands caused by the construction of the LNP. SACE did not present any evidence that this mitigation plan, which has been conceptually approved by the DEP, is inadequate to protect wetlands or meet regulatory requirements.

c. SACE's third contention is related to business risks of "significant delay, default or abandonment." These matters are not relevant under the PPSA criteria, Section 403.509(3), Florida Statutes, but are instead addressed by the PSC. A petition for a determination of need for a new nuclear plant must include a cost estimate, base revenue requirements, and information related to joint ownership discussions. See § 403.519(4)(a), Fla. Stat. The PSC has already determined that the Project is needed, specifically finding that "Levy Units 1 and 2 will provide adequate electricity at a reasonable cost." Under Section 403.519(4), Florida Statutes, the PSC is the "sole forum" for a determination of need. Reconsideration of factors already considered by the PSC in this proceeding is improper. Further, the record does not support SACE's contention regarding alleged business risks. PEF presented uncontroverted evidence that LNP Units 1 and 2 are on schedule to be in service in the

2016/2017 timeframe and that procurement activities have begun.

See Finding of Fact 21.

d. SACE's fourth issue relates to adverse impacts to fish, marine wildlife, and vegetation. As detailed in Findings of Fact 51, 56, 61, 62, 69-72, 88-92, and 131-133, PEF presented competent, substantial evidence that the LNP will not cause adverse impacts to fish, marine wildlife, or vegetation. SACE did not present any contrary evidence.

e. Finally, SACE contends that the agency reports must address risks to water resources, wetlands, fish, marine wildlife, and vegetation. Again, SACE has failed to identify which agency reports failed to address these alleged risks. SACE likewise has not identified any specific regulatory requirement for such evaluations of environmental risks beyond the evaluations provided by the agencies. The record shows that DEP, FWC, SWFWMD, and Levy County all addressed risks to water resources, wetlands, fish, marine wildlife, and/or vegetation in their agency reports and proposed conditions of certification related thereto.

IV. Public Comment and Public Testimony

239. Sworn oral public testimony was received from approximately 69 individuals and unsworn public comment was received from approximately 16 individuals during the portion of the final hearing devoted to that purpose. Many of the

individuals who provided public testimony also submitted written comments. Three written comments were received from members of the public who did not attend one of the public comment sessions. Thirty hours were devoted to allowing members of the public to comment on the Project over six separate sessions.

240. Members of the public testified both in favor of and in opposition to the Project. Several members of the public commented on the benefits of nuclear power in general and the economic benefits of the LNP specifically. Many others spoke in favor of the extensive public outreach conducted by PEF on the Project. Numerous members of the public spoke of PEF's history of being a good corporate neighbor.

241. The individuals who testified in opposition to the Project raised a wide range of questions and concerns. Many of these concerns and questions are addressed by the evidence and are discussed by reference to the relevant Findings of Fact. However, several were outside the scope of the matters considered in this certification hearing.

242. Several members of the public expressed concerns that the Project is not needed, is too costly, and should be deferred in favor of other energy alternatives. But the PSC already considered those issues in certifying a need for the Project. The PSC's determinations are binding, and those issues were not reconsidered in this certification hearing.

243. Several members of the public expressed concerns related to radiological safety, storage of nuclear waste, and radioactive effluent contamination of groundwater via "fracture sets." Radiological issues raised by SACE were stricken because they were preempted by federal regulation under the Supremacy Clause of the United States Constitution. As a result, radiological safety issues were not considered in the certification hearing. The LNP must be approved by the NRC which regulates radiological safety of nuclear power plants. However, there was evidence that the Florida Department of Health monitors groundwater and other media in the vicinity of nuclear plants, and PEF's subsurface investigation did not reveal any evidence of fracture sets below the LNP site. See Finding of Fact 79.

244. Some members of the public expressed concerns regarding potential infrastructure and lifestyle changes to the Town of Inglis. Specifically, members of the public raised concerns related to strain on local public services; traffic impacts; limits on development due to the LNP; and concerns that financial benefits will go only to Levy County and, more specifically, not the Town of Inglis. First, it should be noted that, along with other affected local governments, the Town of Inglis was provided a copy of PEF's nine-volume SCA on June 2, 2008. The Town of Inglis did not file a notice of intent to be

a party to this proceeding pursuant to Section 403.508(3), Florida Statutes, and thus waived its right to be a party. In addition, the Town had the opportunity to submit an agency report or to propose conditions of certification pursuant to Section 403.507, Florida Statutes, but did not. As acknowledged in public testimony by one of the Town Council members, the Town of Inglis's Council is unanimously in favor of the LNP.

245. Nonetheless, as detailed in Findings of Fact 143-146, PEF presented competent substantial evidence that public services and facilities in the region of the LNP (which includes the Town of Inglis) are sufficient to absorb any incremental population growth associated with construction and operation workers and their families. PEF also presented evidence that roadways in the vicinity will continue to operate at or above their adopted level of service capacities. See Findings of Fact 135-137. Further, there is no evidence that development will be restricted as a result of the LNP. Current limitations around the CREC related to increases in density are the result of Citrus County's Comprehensive Plan, not the CREC or state regulatory requirements. Finally, while significant tax revenues will go to Levy County, PEF presented evidence that the LNP's operation will contribute \$521 million annually to the regional economy, which includes the Town of Inglis. See Finding of Fact 148. By way of comparison, although PEF's CREC

is in Citrus County (and outside the Crystal River city limits), the Crystal River City Manager testified that PEF has been good for the Citrus County school system, has provided jobs for residents, and has been very helpful to efforts in the community.

246. Other members of the public expressed concerns that the new jobs created by the LNP will not go to local residents. As indicated in Finding of Fact 141, PEF has and will continue to make efforts to train and employ local residents at the LNP.

247. Other members of the public expressed concern that increased salinity in the CFBC would cause saltwater intrusion in the Lower Withlacoochee River. There is no connection between the CFBC and the Lower Withlacoochee River. While the LNP's withdrawals from the CFBC will increase salinity in the CFBC somewhat, it will not cause increased salinity in the Lower Withlacoochee River. See Findings of Fact 66-67.

248. A member of the public expressed concern that PEF's proposed location for the CWIS would prevent future reconnection of the Withlacoochee River in an effort to provide more freshwater to the Lower Withlacoochee River.³ As detailed in Finding of Fact 68, options for reconnection of the Withlacoochee River have been evaluated by SWFWMD, but would not provide adequate increased freshwater flow to the Lower Withlacoochee River.

249. Another issue raised during the public testimony sessions was the impact of cooling tower drift on vegetation surrounding the LNP. As indicated in Findings of Fact 103-104 and 110-111, PEF presented uncontroverted expert testimony that cooling tower drift will not adversely impact natural resources, including wetlands and surface waters.

250. Several residents of Hernando County expressed concern that a portion of the BBW transmission line as proposed along Sunshine Grove Road is incompatible from a public safety standpoint with existing and proposed natural gas pipelines in this same area. PEF presented evidence, however, that this type of collocation of transmission lines and gas pipelines is commonplace throughout Florida. Further, it was not demonstrated that such collocation is prohibited under or contrary to applicable law or agency regulation.

251. Some of these residents focused their concern on whether locating the BBW transmission line in proximity to a natural gas pipeline would be inconsistent with PEF's internal collocation guidelines, which these residents believe prohibit such collocation because an unsafe operating condition will result. As noted by Hernando County's attorney and DEP's Siting Administrator, there is no basis in statute, ordinance, or rule to require PEF to comply with its internal guidelines. In any event, PEF presented evidence that the purpose of its internal

collocation guidelines is to ensure the safety of persons involved in the construction and installation of a pipeline in proximity to an existing transmission line. Further, PEF is bound by the conditions of certification to comply with requirements of the National Electric Safety Code as they relate to induced currents that might affect a gas pipeline. See DEP Ex. 1, p. 76, Condition XLII(H).

252. Other residents were concerned that construction of the BBW transmission line would be unsafe due to the presence of an existing natural gas pipeline. The conditions of certification require, however, that PEF comply with applicable federal Occupational Safety and Health Standards during construction of each of the transmission lines. The conditions of certification also require PEF to contact the Sunshine State One Call service to locate underground utilities prior to construction activities. Finally, after PEF selects its ultimate location for the BBW transmission line, Hernando County and other agencies will have the opportunity to review the proposed location and notify the DEP Siting Coordination Office if it believes that the construction of the transmission line within the selected right-of-way cannot be accomplished in accordance with the conditions of certification. See DEP Ex. 1, p. 65-66, Condition XXXV(A).

CONCLUSIONS OF LAW

253. Jurisdiction. The Division of Administrative Hearings has jurisdiction over the parties to, and the subject matter of, this proceeding. § 403.508(2), Florida Statutes.

254. Parties and Standing. The parties to this proceeding are: (1) PEF; (2) DEP; (3) the Hillsborough EPC; (4) Hernando County; (5) Sumter County; (6) SWFWMD; (7) Polk County; (8) DCA; (9) Lake County; (10) City of Oldsmar; (11) Hillsborough County; (12) Levy County; (13) SJRWMD; (14) Citrus County; (15) the City of Dunnellon; (16) the City of Tampa; (17) Marion County; (18) FWC; (19) Pinellas County; (20) DOT; (21) the City of Wildwood; and (22) SACE. PEF did not object to the standing of these parties to participate in the certification proceeding. The Partin Family; the RRRC; the Rainbow Springs Property Owners Association; the Cool Springs Farm, LLC; the Rainbow IV Partners, RLLP; Rainbow IV Investments, RLLP; WAR; and the Sierra Club all voluntarily withdrew from this proceeding. Other agencies failed to file a notice of intent to be a party and have therefore failed to become parties to this proceeding. See § 403.508(3)(b), Fla. Stat.

255. Intent. This certification proceeding was held pursuant to the Florida Electrical Power Plant Siting Act, Chapter 403, Part II, Florida Statutes, and Rule Chapter 62-17,

Part I, which sets out the procedures for power plant siting review. The intent of this licensing process is:

to seek courses of action that will fully balance the increasing demands for electrical power plant location and operation with the broad interests of the public.

§ 403.502, Fla. Stat.

256. Notice. In accordance with Chapters 120 and 403, Part II, Florida Statutes, and Rule Chapter 62-17, proper notice was accorded to all persons, entities, and parties entitled to such notice, and appropriate notice was provided to the general public by both DEP and PEF.

257. Procedural Requirements. The evidence in the record of this proceeding demonstrates compliance with the procedural requirements of the PPSA, including the notice requirements for the certification and public hearings. Reports and studies were issued by DEP and other agencies in satisfaction of their various statutory duties under the PPSA.

258. Need. The PSC has issued an affirmative determination that a need exists for the Levy Nuclear Plant and associated facilities in accord with Section 403.519, Florida Statutes. The PSC is the sole forum for the determination of need for the Project, pursuant to Section 403.519(4), Florida Statutes. Reconsideration of the PSC need determination in this PPSA proceeding is improper. See, e.g., Florida Chapter of the

Sierra Club v. Orlando Utils Comm'n, 436 So. 2d 383, 388 (Fla.

5th DCA 1983) ("The determination of need is solely within the jurisdiction of the PSC, and any reevaluation of need at the certification hearing would be wasteful and improper.").

259. Burden of Proof. As the applicant for certification, PEF "carries the 'ultimate burden of persuasion' of entitlement through all proceedings, of whatever nature, until such time as final action has been taken by the agency." Fla. Dep't of Transp. v. J.W.C. Co., 396 So. 2d 778, 787 (Fla. 1st DCA 1981). The standard for PEF's burden of proof is one of reasonable assurances, not absolute guarantees, that the applicable criteria for the issuance of the certification have been satisfied. See Manasota-88, Inc. v. Agrico Chem. Co., DOAH Case 87-2433, 1990 Fla. ENV LEXIS 38 (DER Feb. 1990). "Reasonable assurance" contemplates a "substantial likelihood that the project will be successfully implemented." Metro. Dade County v. Coscan Fla., Inc., 609 So. 2d 644, 648 (Fla. 3d DCA 1992); Hamilton County Bd. of County Comm'rs v. Fla. Dep't of Envtl. Reg., 587 So. 2d 1378, 1387 (Fla. 1st DCA 1991). PEF is "not required to disprove all the 'worst case scenarios' or 'theoretical impacts' raised" by parties or members of the public in the proceeding. Ginnie Springs Inc. v. Watson et al., DEP DOAH Case Nos. 98-0945, 98-1070, and 98-1071, 1999 Fla. Div. Adm. Hear. LEXIS 5830 (DOAH Feb. 23, 1999; DEP Apr. 8, 1999).

260. In this proceeding, PEF has met its burden of showing by a preponderance of the evidence its entitlement to site certification for the Levy Nuclear Project under the PPSA. The data and information submitted by PEF to the agencies and at the hearing has not been rejected or contested by any of the agency parties, including DEP, which have expertise in the matters involved in this Project and which have reviewed the information submitted by PEF on the Project. The evidence offered by PEF is therefore entitled to acceptance as meeting PEF's burden of proof in support of issuance of a site certification for the Project. See J.W.C., 396 So. 2d at 787.

261. In addition to PEF's evidence, the other evidence in support of issuance of certification includes the DEP's SAR and testimony of DEP staff. The DEP's SAR reflects agencies' review of the Project and demonstrates the Project's compliance with applicable regulatory requirements, including the criteria for certification under Section 403.509(3), Florida Statutes. These include, but are not limited to air quality standards, water use standards, environmental resource permitting standards, noise-related standards, traffic standards and local land development regulations. Cumulatively, this evidence from PEF, DEP, and other agencies comprises the competent, substantial evidence in support of certification of the Project.

262. Once an applicant makes a preliminary showing of its entitlement to certification, the burden shifts to those opposing the Project to offer "contrary evidence of equivalent quality" to show why the certification should be denied.

J.W.C., 396 So. 2d at 789. In this case, no agency or party offered evidence in opposition to that presented by PEF. As discussed in the Findings of Fact above, SACE and several members of the public raised generalized concerns and statements in opposition to the Project, but their statements do not constitute "contrary evidence of equivalent quality" to the evidence provided by PEF in support of certification. Id. Accordingly, PEF has met its burden of proof in this case.

263. Criteria for Final Disposition of PEF's Application. In deciding whether PEF's SCA should be approved, approved with conditions, or denied, the Siting Board must determine whether, and the extent to which, the location, construction, and operation of the Project will:

- (a) Provide reasonable assurance that operational safeguards are technically sufficient for the public welfare and protection.
- (b) Comply with applicable nonprocedural requirements of agencies.
- (c) Be consistent with applicable local government comprehensive plans and land development regulations.

(d) Meet the electrical energy needs of the state in an orderly, reliable, and timely fashion.

(e) Effect a reasonable balance between the need for the facility as established pursuant to s. 403.519 and the impacts upon air and water quality, fish and wildlife, water resources, and other natural resources of the state resulting from the construction and operation of the facility.

(f) Minimize, through the use of reasonable and available methods, the adverse effects on human health, the environment, and the ecology of the land and its wildlife and the ecology of state waters and their aquatic life.

(g) Serve and protect the broad interests of the public.

§ 403.509(3), Fla. Stat. Issues related to radiological safety are not considered under the statute because they have been preempted by federal regulation under the Supremacy Clause of the United States Constitution.

I. Plant and Associated Facilities

264. § 403.509(3)(a) – Operational Safeguards. In accordance with Section 403.509(3)(a), Florida Statutes, PEF has provided reasonable assurance that the operational safeguards for the construction, operation, and maintenance of the LNP are technically sufficient for the public welfare and protection.

265. § 403.509(3)(b) – Nonprocedural Requirements.

Pursuant to Section 403.509(3)(b), Florida Statutes, the location, construction, and operation of the LNP will comply

with applicable nonprocedural requirements of agencies, provided that PEF complies with the proposed conditions of certification. In addition, PEF has provided reasonable assurance that its proposed use of groundwater from the Floridan aquifer satisfies the substantive criteria of the SWFWMD set forth in Chapter 373, Florida Statutes, Rule Chapter 40D-2, and the SWFWMD's Basis of Review for water permit applications.

266. § 403.509(3)(c) – Consistency with Comprehensive Plans and LDRs. Pursuant to Section 403.509(3)(c), Florida Statutes, the location, construction, and operation of the LNP will be consistent with applicable provisions of the Levy County Comprehensive Plan and comply with the Levy County Land Development Code, if constructed and operated in accordance with the proposed conditions of certification. The LNP is also consistent with the State Comprehensive Plan and the Withlacoochee Regional Planning Council's Strategic Regional Policy Plan.

267. § 403.509(3)(d) – Meet the electrical energy needs of the state in an orderly, reliable, and timely fashion. The PSC found in its order determining need for the LNP that PEF has demonstrated a need for both Units 1 and 2 to reasonably meet customer reliability needs in the time period from 2016 to 2019, and beyond. The plant design and construction schedule demonstrate that, in accord with Section 403.509(3)(d), Florida

Statutes, the LNP will meet the electrical energy needs of the state in an orderly, reliable, and timely fashion.

268. § 403.509(3)(e) – Effect a reasonable balance between the need for the facility and environmental impacts. Pursuant to Section 403.509(3)(e), Florida Statutes, the LNP, if constructed and operated in compliance with the conditions of certification, will effect a reasonable balance between the need for the facility and the impacts resulting from construction and operation of the facility, including air and water quality, fish and wildlife, water resources, and other natural resources of the state (but not including radiological safety issues, which are preempted by federal regulation under the Supremacy Clause). The LNP and associated facilities are expected to produce minimal adverse environmental impacts, and will provide extensive benefits, including substantial economic benefits.

269. § 403.509(3)(f) – Minimize adverse effects on human health, the environment, and the ecology of the land and its wildlife and the ecology of state waters and their aquatic life. Pursuant to Section 403.509(3)(f), Florida Statutes, if constructed and operated in compliance with the conditions of certification, the LNP will minimize, through the use of reasonable and available methods, the adverse effects on human health, the environment, and the ecology of the land and its wildlife and the ecology of state waters and their aquatic life

(not including radiological issues, which are preempted by federal regulation under the Supremacy Clause.)

270. § 403.509(3)(g) – Serve and protect the broad interests of the public. Pursuant to Section 403.509(3)(g), Florida Statutes, if constructed and operated in compliance with the conditions of certification, the certification of the LNP will serve and protect the broad interests of the public.

271. Competent substantial evidence, based on the entirety of the record and the foregoing conclusions of law, demonstrates that the LNP (including the heavy haul road, access roads, and blowdown and intake pipelines) fully satisfies all of the criteria for certification under the PPSA (which does not include radiological safety issues, which are preempted by federal regulation under the Supremacy Clause).

II. Transmission Lines

272. § 403.509(3)(a) – Operational Safeguards. In accordance with Section 403.509(3)(a), Florida Statutes, PEF has provided reasonable assurances that the operational safeguards for the construction, operation, and maintenance of the transmission lines in the proposed corridors, in compliance with the conditions of certification, are technically sufficient for the public welfare and protection.

273. § 403.509(3)(b) - Nonprocedural Requirements. The parties stipulated that "the Conditions of Certification attached hereto are the applicable non-procedural requirements of the state, regional and local agencies and governments with regulatory jurisdiction over the transmission lines in the Proposed Corridors." PEF also presented competent substantial evidence at the certification hearing that the construction, operation, and maintenance of each of the proposed transmission lines in the proposed corridors will comply with the applicable non-procedural requirements of agencies in accord with Section 403.509(3)(b), Florida Statutes.

274. § 403.509(3)(c) - Consistency with Comprehensive Plans and LDRs. The parties stipulated that construction of transmission lines on established rights-of-way is excepted from the definition of "development" in Section 163.3164(6), Florida Statutes. To the extent that comprehensive plans or land development regulations of the local governments crossed by the transmission lines include provisions that are applicable to non-development activities, PEF's construction, operation, and maintenance of the transmission lines in the nine proposed corridors in accord with the conditions of certification will be consistent with applicable local government comprehensive plans and land development regulations.

275. § 403.509(3)(d) - Meet the electrical energy needs of the state in an orderly, reliable, and timely fashion. The construction, operation, and maintenance of the transmission lines in the nine proposed corridors, in compliance with conditions of certification, will help meet the electrical energy needs of the state in an orderly, reliable, and timely fashion, in accordance with Section 403.509(3)(d), Florida Statutes.

276. § 403.509(3)(e) - Effect a reasonable balance between the need and environmental impacts. Construction, operation, and maintenance of the transmission lines in the nine proposed corridors, in compliance with the conditions of certification, will effect a reasonable balance between the need for the facilities and the impacts upon air and water quality, fish and wildlife, water resources, and other natural resources of the state resulting from the construction and operation of the facilities, in accordance with Section 403.509(3)(e), Florida Statutes.

277. § 403.509(3)(f) - Minimize adverse effects on human health, the environment, and the ecology of the land and its wildlife and the ecology of state waters and their aquatic life. Construction, operation, and maintenance of the transmission lines in the nine proposed corridors, in compliance with the conditions of certification, will minimize, through the use of

reasonable and available methods, the adverse effects on human health, the environment, and the ecology of the land and its wildlife and the ecology of state waters and their aquatic life, in accordance with Section 403.509(3)(f), Florida Statutes.

278. § 403.509(3)(g)- Serve and protect the broad interests of the public. Construction, operation, and maintenance of the transmission lines in the nine proposed corridors, in compliance with the conditions of certification, will serve and protect the broad interest of the public, in accordance with Section 403.509(3)(g), Florida Statutes. Having met the criteria in subsections (3)(a) through (3)(f) of Section 403.509, Florida Statutes, PEF has demonstrated that the construction, operation, and maintenance of each of the transmission lines in the proposed corridors will serve and protect the broad interests of the public.

279. Competent substantial evidence, based on the entirety of the record and the foregoing conclusions of law, demonstrates that the transmission lines in the nine proposed corridors fully satisfy all of the criteria for certification under the PPSA.

RECOMMENDATION

Based upon the foregoing Findings of Fact and Conclusions of Law, it is

RECOMMENDED that the Siting Board enter a Final Order:

a. Approving PEF's Application for Certification to build, operate, and maintain a two-unit nuclear powered electrical generating facility in Levy County, Florida, including a heavy haul road, site access roads, and cooling water intake and discharge pipelines, subject to the conditions of certification set forth in DEP Exhibit 1, as amended; and

b. Approving PEF's Application for Certification to build, operate, and maintain each of the following electrical transmission line corridors as associated facilities, as described above and subject to the conditions of certification set forth in DEP Exhibit 1, as amended:

1. Citrus 1 and 2 Transmission Lines,
2. Crystal River Transmission Line,
3. Sumter Transmission Line,
4. Levy North Transmission Line,
5. Levy South Transmission Line,
6. Brookridge Transmission Line,
7. Brooksville West Transmission Line,
8. Crystal River East 1 and 2 Transmission Lines, and
9. Polk-Hillsborough-Pinellas Transmission Line.

DONE AND ENTERED this 15th day of May, 2009, in
Tallahassee, Leon County, Florida.



J. LAWRENCE JOHNSTON
Administrative Law Judge
Division of Administrative Hearings
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Filed with the Clerk of the
Division of Administrative Hearings
this 15th day of May, 2009.

ENDNOTES

1/ Unless otherwise noted, all statutes refer to the 2008 Florida Statutes and all rules refer to the version of the Florida Administrative Code Rule in effect at the time of the final hearing.

2/ Part III contains Findings of Fact related to public comment and public testimony related to the entire Project.

3/ WAR raised the location of the CWIS and alleged saltwater intrusion in the Lower Withlacoochee in this proceeding. Following WAR's voluntary withdrawal of its motion to intervene, these issues became moot for purposes of WAR's motion to intervene. Mr. Hilliard, the representative for WAR, nonetheless gave a sworn public statement and also submitted a written statement in his individual capacity. With his written statement, Mr. Hilliard submitted many of the documents WAR listed as possible hearing exhibits on the prehearing stipulation of the parties. These documents, as well as many other documents submitted by members of the public, constitute hearsay and cannot form the sole basis for a Finding of Fact. See § 120.57(1)(c), Fla. Stat.

COPIES FURNISHED:

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NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit written exceptions within 15 days from the date of this Recommended Order. Any exceptions to this Recommended Order should be filed with the agency that will issue the final order in this case.

STATE OF FLORIDA
DEPARTMENT OF
ENVIRONMENTAL PROTECTION



Levy Nuclear Power Plant
Units 1 & 2
Progress Energy Florida

CONDITIONS OF CERTIFICATION

Plant and Associated Facilities
And
Transmission Lines

Certified 08/26/09

EXHIBIT B

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List of Attachments

Attachment 1 Standard Manatee Conditions for In-Water Work (revision 2005)

Attachment 2 Map of Certified Corridors

List of Appendices

- Appendix A NPDES permit No. FL0633275-001-IW1S/NP
- Appendix B Title V Air Operation Permit xxxxxxxx-xxx-AV
- Appendix C Air Construction Permit PSD-FL-403
- Appendix D ERP Permit 38-272432-002-ES
- Appendix E Levy County SE Approval
- Appendix F Board of Trustees Easement No. 31959

SECTION A. PLANT AND ASSOCIATED TRANSMISSION LINES GENERAL and COMMON CONDITIONS

I. CERTIFICATION CONTROL

A. Pursuant to s. 403.501-518, F.S., the Florida Electrical Power Plant Siting Act, this certification is issued to Progress Energy Florida (PEF) as owner/operator of the Levy Nuclear Plant and associated facilities. PEF shall be responsible for the compliance with the conditions herein. Under the control of these Conditions of Certification PEF may construct, operate, and maintain two 1,150 MW (nominal) Westinghouse AP1000 nuclear reactors, makeup and blowdown pipelines and intake structures, a heavy haul road, two mechanical draft cooling towers, four 4,000 kilowatt (kW) emergency standby generators, four 35 kW ancillary emergency generators and two fire pumps, and other miscellaneous ancillary equipment. The plant is located on approximately 300 acres of the 3,105 acre site in Levy County, Florida.

B. Also under the control of these Conditions of Certification, Progress Energy Florida (PEF) will construct, operate and maintain the following transmission lines as part of the Levy Nuclear Power Plant;

- Two 500-kilovolt (kV) transmission lines, approximately 9 miles (including approximately 2 miles on the plant site and 7 miles on the certified corridor), each connecting the proposed Levy Nuclear Plant Units 1 and 2 switchyard (LNP) in Levy County to the proposed Citrus Substation near US19 and CR488 in Citrus County, also known as the Citrus 1 and 2 transmission lines (or LPC Lines);
- One 500-kV transmission line, approximately 59 miles, connecting the proposed Levy Nuclear Plant Units 1 and 2 switchyard in Levy County to the proposed Central Florida South Substation near the boundary between Sumter County and the City of Leesburg in Lake County, also known as the Sumter transmission line (or LCFS Line);
- One 500-kV transmission line, approximately 14 miles, connecting the proposed Levy Nuclear Plant Units 1 and 2 switchyard in Levy County to the Crystal River Energy Complex (CREC) Switchyard in Citrus County, also known as the Crystal River transmission line (or LCR Line);
- Two 230-kV transmission lines, approximately 0.75 miles each, connecting the proposed Citrus Substation near US19 and CR488 in Citrus County to the Crystal River East Substation in Citrus County, also known as the Crystal River East 1 and 2 transmission lines (or CCRE Lines);
- One 230-kV transmission line, approximately 38 miles, connecting the Crystal River Energy Complex (CREC) Switchyard in Citrus County to the Brookridge Substation in Hernando County, also known as the Brookridge transmission line (or CB Line);
- One 230-kV transmission line, approximately 3 miles, connecting the Brookridge Substation in Hernando County to the Brooksville West Substation in Hernando County, also known as the Brooksville West transmission line (or BBW Line);
- One 230-kV transmission line, approximately 50 miles passing through Polk, Hillsborough and Pinellas Counties, connecting the Kathleen Substation to the Lake Tarpon Substation, also known as the Kathleen transmission line (or PHP Line) (from existing Griffin substation to existing Lake Tarpon substation, existing 115kV line will be replaced with new 230kV line); and

SECTION A. PLANT AND ASSOCIATED TRANSMISSION LINES GENERAL and COMMON CONDITIONS

- Two 69-kV construction/administration radial transmission lines, the North line of 375 ft in length and the South line of 4.5 miles in length, providing site and administration power for the proposed Levy Nuclear Plant Units 1 and 2, also known as the Levy North and Levy South transmission lines (or IO/IS Lines).

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

[Section 403.531, and 403.511F.S.]

II. APPLICABLE RULES

The construction and operation of the Certified Project shall be in accordance with all applicable non-procedural provisions of Florida Statutes and Florida Administrative Code, including, but not limited to, the non-procedural portions of the following regulations, except to the extent a variance, exception, exemption or other relief is granted in the final order of certification: Chapter 403 (Environmental Control), Florida Statutes (F.S.), and Chapters 40D-2 through 4 (Consumptive Use of Water, Regulation of Wells, Individual Environmental Resource Permits), 40D-8 (Water Levels and Rates of Flow), 40D-9 (District Land Use Rules), 40-D21 (Water Shortage Plan), 40-D40 (General Environmental Resource Permits), 62-4 (Permits), 62-17 Part I (Electrical Power Plant Siting), 62-256 (Open Burning), 62-296 (Stationary Sources-Emission Standards), 62-297 (Stationary Sources-Emission Monitoring), 62-301 (Surface Waters of the State), 62-302 (Surface Water Quality Standards), 62-330 (Environmental Resource Permitting), 62-340 (Delineation of the Landward Extent of Wetlands and Surface Waters), 62-345 (Uniform Mitigation Assessment Method), 62-531 (Water Well Contractor Licensing Requirements), 62-532 (Water Well Permitting and Construction Requirements), 62-550 (Drinking Water Standards, Monitoring and Reporting), 62-555 (Permitting, Construction, Operation, and Maintenance of Public Water Systems), 62-560 (Requirements for Public Water Systems That Are Out of Compliance), 62-600 (Domestic Wastewater Facilities), 62-601 (Domestic Wastewater Treatment Plant Monitoring), 62-604 (Collection Systems and Transmission Facilities), 62-610 (Reuse of Reclaimed Water and Land Application), 62-621 (Generic Permits), 62-650 (Water Quality Based Effluent Limitations), 62-660 (Industrial Wastewater Facilities), 62-699 (Treatment Plant Classification and Staffing), 62-701 (Solid Waste Management Facilities), 62-762 (Aboveground Storage Tank Systems), 62-769 (Florida Petroleum Liability and Restoration Insurance Program), 62-770 (Petroleum Contamination Site Clean-Up Criteria), 62-780 (Contaminated Site Clean-Up Criteria), and 62-814 (Electric and Magnetic Fields), Florida Administrative Code (F.A.C.).

[Section 403.511. F.S.]

III. DEFINITIONS

Unless otherwise indicated herein, the meaning of terms used herein shall be governed by the definitions contained in Chapters 373 and 403, Florida Statutes, and any regulation adopted pursuant thereto. In the event of any dispute over the meaning of a term used in these conditions which is not defined in such statutes or regulations, such dispute shall be resolved by reference to the most relevant definitions contained in any other state or federal statute or

SECTION A. PLANT AND ASSOCIATED TRANSMISSION LINES GENERAL and COMMON CONDITIONS

regulation or, in the alternative by the use of the commonly accepted meaning as determined by the Department. As used herein, the following shall apply:

- A. "Application" shall mean the Site Certification Application (SCA) filed by PEF for the Certified Facilities, as supplemented.
- B. "ARPC" shall mean the Apalachee Regional Planning Council.
- C. "Certified Facility" or "Certified Facilities" shall mean the certified electrical power generation facilities and all associated structures, including but not limited to: nuclear steam generating units, transformers, substations, fuel and water storage tanks, air and water pollution control equipment, storm water control ponds and facilities, cooling towers, and related structures, but not including the certified transmission lines.
- D. "Certified Project" shall mean the Certified Facilities and the Certified Transmission Lines.
- E. "Certified Transmission Line" or "Certified Transmission Lines" shall mean one or more of the transmission lines, as defined in Section 403.522(22), F.S., included in the Application.
- F. "CFRPC" shall mean the Central Florida Regional Planning Council.
- G. "Complete" shall mean the post-certification filing provides the data required by the relevant Condition of Certification.
- H. "DCA" shall mean the Florida Department of Community Affairs.
- I. "DEM" shall mean the Division of Emergency Management.
- J. "DEP" or "Department" shall mean the Florida Department of Environmental Protection.
- K. "DHR" shall mean the Florida Department of State, Division of Historical Resources.
- L. "District-owned lands" shall mean lands owned by the Water Management District at the time of certification.
- M. "DOH" shall mean the Department of Health.
- N. "DOT" shall mean the Florida Department of Transportation.
- O. "ECFRPC" shall mean the East Central Florida Regional Planning Council.
- P. "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 facility or access components or facilities.
- Q. "Feasible" or "practicable" shall mean reasonably achievable considering a balance of land use impacts, environmental impacts, engineering constraints, and costs.
- R. "FWC" shall mean the Florida Fish and Wildlife Conservation Commission.
- S. "Licensee" shall mean Florida Power Corporation dba Progress Energy Florida, Inc., which has obtained a certification order for the Certified Project.

SECTION A. PLANT AND ASSOCIATED TRANSMISSION LINES GENERAL and COMMON CONDITIONS

- T. "Listed species" shall mean the species listed in the Application as endangered, threatened or species of special concern by FWC, the Florida Department of Agriculture and Consumer Services, or the U.S. Fish and Wildlife Service.
- U. "NCFRPC" shall mean the North Central Florida Regional Planning Council.
- V. "NED" shall mean the DEP Northeast District Office.
- W. "NEFRPC" shall mean the Northeast Florida Regional Planning Council.
- X. "NRC" shall mean the United States Nuclear Regulatory Commission.
- Y. "NFWFMD" shall mean the Northwest Florida Water Management District.
- Z. "PEF" shall mean Florida Power Corporation, d/b/a Progress Energy Florida, Inc., the Applicant/Licensee.
- AA. "Post-certification submittal" shall mean a submittal made by the Licensee pursuant to a Condition of Certification.
- BB. "ROW" shall mean the transmission or pipeline right-of-way to be selected by the Licensee within the certified corridor in accordance with the Conditions of Certification.
- CC. "SFRPC" shall mean the South Florida Regional Planning Council.
- DD. "SFWMD" shall mean the South Florida Water Management District.
- EE. "SJRWMD" shall mean the St. Johns River Water Management District.
- FF. "SRWMD" shall mean the Suwanee River Water Management District.
- GG. "SWD" shall mean the DEP Southwest District Office.
- HH. "SWFRPC" shall mean the Southwest Florida Regional Planning Council.
- II. "SWFWMD" shall mean the Southwest Florida Water Management District.
- JJ. "State water quality standards" shall mean the numerical and narrative criteria applied to specific water uses or classifications set forth in Chapter 62-302, F.A.C., as revised through December 7, 2006.
- KK. "TBRPC" shall mean the Tampa Bay Regional Planning Council.
- LL. "TCRPC" shall mean the Treasure Coast Regional Planning Council.
- MM. "Wetlands" shall mean those areas meeting the definition set forth in Section 373.019(25), F.S., as delineated pursuant to Chapter 62-340, F.A.C., and ratified by Section 373.4211, F.S.
- NN. "WFRPC" shall mean the West Florida Regional Planning Council.
- OO. "WRPC" shall mean the Withlacoochee Regional Planning Council.

[Section 403.511, F.S.]

IV. DESIGN AND PERFORMANCE CRITERIA

Certification, including these Conditions of Certification, is predicated upon preliminary design ranges and performance criteria. Final engineering design will be within the ranges described in the Application and explained at the certification hearing. Conformance to

SECTION A. PLANT AND ASSOCIATED TRANSMISSION LINES GENERAL and COMMON CONDITIONS

those criteria, unless specifically modified in accordance with Section 403.516, F.S., and Rule 62-17.211, F.A.C., is binding upon the licensee in the design, construction, operation and maintenance of the Certified Project. In any instance where a conflict occurs between the Application's design criteria and the Conditions of Certification, the Conditions shall prevail.

[Section 403.531, F.S.]

V. FACILITIES OPERATION

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

[Rule 62-4.160, F.A.C.]

VI. 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 or other location approved by the department.

2. The Licensee shall hold at the facility, or other location designated by this approval or otherwise approved by the department, 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 or federally required permit issued by the Department. 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.

[Rule 62-4.160, F.A.C.]

VII. CHANGE IN DISCHARGE OR EMISSIONS

All discharges or emissions authorized herein shall be consistent with the terms and conditions of this certification. The discharge or emission of any pollutant not identified in the Application, or more frequently than, or at a level in excess of that authorized herein, shall constitute a violation of the certification. Any anticipated facility expansions, production increases, or process modifications which may result in new, different or increased discharge or emission of pollutants, change in fuel, or expansion in generating capacity must be reported by submission of an appropriate application for amendment, certification or modification pursuant to Chapter 403.516, F.S.

[Section 403.516, F.S.]

SECTION A. PLANT AND ASSOCIATED TRANSMISSION LINES GENERAL and COMMON CONDITIONS

VIII. RIGHT OF ENTRY/MONITORING

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

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

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

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

[Section 403.531, F.S.; Rule 62-4.160, F.A.C.]

IX. SUBMITTALS AND NOTICES REQUIRED BY CONDITIONS

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

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

Florida Department of Environmental Protection
Southwest District Office
13051 N Telecom Parkway
Temple Terrace, FL 33637-0926

Florida Department of Environmental Protection
Northeast District Office
7825 Baymeadows Way, Suite B200
Jacksonville, Florida 32256-7577

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

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

SECTION A. PLANT AND ASSOCIATED TRANSMISSION LINES GENERAL and COMMON CONDITIONS

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

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

East Central Florida Regional Planning Council
Office of the Executive Director
631 North Wymore Rd., Ste 100
Maitland, FL 32751

Withlacoochee Regional Planning Council
Office of the Executive Director
1241 S.W. 10th Street
Ocala, FL 34471-0323

Tampa Bay Regional Planning Council
Office of the Executive Director
4000 Gateway Centre Blvd., Ste. 100
Pinellas Park, FL 33782

St. Johns River Water Management District
Office of General Counsel
4049 Reid Street
Palatka, FL 32178-1429

Southwest Florida Water Management District
Office of General Counsel
2379 Broad Street
Brooksville, FL 34604-6899

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

Levy County
Planning Department
P.O. Box 1373
Bronson, FL 32621

Citrus County
Planning Department
Citrus County Courthouse
110 N. Apopka Ave.
Inverness, Florida 34450

SECTION A. PLANT AND ASSOCIATED TRANSMISSION LINES GENERAL and COMMON CONDITIONS

Sumter County
Planning Department
910 North Main Street, Suite 301
Bushnell, FL 33513

Hernando County
Planning Department
20 North Main Street, Room 363
Brooksville, FL 34601-2849

Hillsborough County
Planning Department
County Center, 26th Floor
601 E. Kennedy Blvd.,
Tampa, FL 33602

Hillsborough County Environmental Protection Commission
Director Office
Roger P. Stewart Center
3629 Queen Palm Dr
Tampa, FL 33619-1309

Polk County
Planning Department
330 W. Church Street
Bartow, FL 33830

Pinellas County
Planning Department
600 Cleveland Street, Suite 750
Clearwater, FL 33755

Marion County
Planning Department
601 SE 25th Avenue
Ocala, FL 34471-9109

[Section 403.511, F.S.]

X. PROCEDURES FOR POST-CERTIFICATION SUBMITTALS

A. Purpose of Submittals

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

SECTION A. PLANT AND ASSOCIATED TRANSMISSION LINES GENERAL and COMMON CONDITIONS

B. Filings

All post-certification submittals of information by PEF are to be filed with the DEP Siting Coordination Office, the DEP Southwest and Northeast District Offices, and any other agency that is required to receive a submittal by any Condition of Certification. As required by Section 403.5113(2), F.S., each post-certification submittal will be reviewed by each agency with regulatory authority over the matters addressed in the submittal on an expedited and priority basis.

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

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

C. Completeness

DEP shall promptly review each post-certification submittal for completeness. This review may include consultation with the other agency (ies) receiving the post-certification submittal with regulatory jurisdiction over the matter addressed in the submittal. DEP's finding of completeness shall specify the area of the Certified Project affected, and shall not delay further processing of the post-certification submittal for non-affected areas. PEF may request that DEP Siting Coordination Office hold a meeting within 15 days after submittal to discuss any completeness issues. PEF may continue to supplement the submittal with additional information through the 25th day.

If any portion of a post-certification submittal is found to be incomplete, PEF shall be so notified. Failure to issue such a notice within 30 days after filing of the submittal shall constitute a finding of completeness. Subsequent findings of incompleteness, if any, shall address only the newly filed information.

SECTION A. PLANT AND ASSOCIATED TRANSMISSION LINES GENERAL and COMMON CONDITIONS

D. Interagency Meetings

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

E. Determination of Compliance

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

F. Commencement of Construction

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

G. Water Quality Certification

For each post-certification submittal which addresses matters within DEP's environmental resource permitting jurisdiction, DEP shall provide to the U.S. Army Corps of Engineers (USCOE) a letter stating that the Licensee has met the requirements for 33 United States Code (U.S.C.) 1341. This letter shall be sent concurrently with a determination of compliance pursuant to paragraph E above, or as soon as practicable upon request by PEF more than 90 days after the filing of a complete post-certification submittal addressing matters with DEP's environmental resource permitting jurisdiction.

H. Coastal Zone Consistency

Pursuant to Section 380.23, F.S., DEP's letter to the USCOE under paragraph G above constitutes the state's concurrence that the licensed activity or use is consistent with the federally approved program under the Florida Coastal Management Act.

I. Revisions to Design Previously Reviewed for Compliance

The Licensee shall submit to DEP, for its review, any proposed revisions to the project's site specific design that were previously reviewed for compliance with these Conditions during the post-certification review process. Such submittals shall include the same type of information required for the original submittal and shall be submitted prior to construction/implementation.

SECTION A. PLANT AND ASSOCIATED TRANSMISSION LINES GENERAL and COMMON CONDITIONS

J. Variation to Submittal Requirements

DEP, in consultation with the appropriate agencies that have regulatory authority over a matter to be addressed in a post-certification submittal, and PEF may jointly agree to vary any of the post-certification submittal requirements, provided the information submitted is sufficient to provide reasonable assurances of compliance with these Conditions of Certification.

K. Disputes

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

[Sections 403.511, 373.413, 373.416, 120.569, and 380.23, F.S.; 62-17.191, 62-17.201, and 62-17.205, F.A.C.]

XI. DISPUTE RESOLUTION

If a situation arises in which mutual agreement cannot be reached between DEP and another agency receiving a post-certification submittal or between DEP and PEF regarding compliance with the Conditions of Certification, 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. PEF or DEP may request DOAH to establish an expedited schedule for the processing of such a dispute.

[Sections 403.511, and 120.57, F.S.]

XII. SEVERABILITY

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

[Section 403.511, F.S.]

XIII. ENFORCEMENT

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

B. All records, notes, monitoring data and other information relating to the construction or operation of the Certified Project which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the Certified Project arising under the Florida Statutes or Department rules, except that such evidence shall only be

SECTION A. PLANT AND ASSOCIATED TRANSMISSION LINES GENERAL and COMMON CONDITIONS

used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

[Sections 403.141, 403.161 and 403.514, F.S.]

XIV. REVOCATION OR SUSPENSION

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

[Section 403.512, F.S.]

XV. SAFETY

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

XVI. CIVIL AND CRIMINAL LIABILITY

This certification does not relieve the Licensee from civil or criminal penalties for noncompliance with any conditions of this certification, applicable rules or regulations of the Department, or any other state statutes or regulations which may apply. As provided in Section 403.511, F.S., the issuance of this certification conveys neither any vested rights nor any exclusive privileges. Neither does it authorize any injury to human health or welfare, animal or plant life, public or private property or any invasion of personal rights.

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

[Rule 62-4.160, F.A.C.]

XVII. PROPERTY RIGHTS

A. The issuance of this certification does not convey any property rights in either real or personal property, or any exclusive privileges thereto. The Licensee shall obtain title, lease, easement, or right of use from the State of Florida to any sovereign submerged or other state-owned uplands occupied or utilized by the Certified Project.

B. If any portion of the project is located on sovereign submerged lands, state-owned uplands, or within an aquatic preserve, then the project must comply with the applicable portions of Chapters 18-2, 18-20 and 18-21, F.A.C., and Chapters 253 and 258, F.S. If any portion of the

SECTION A. PLANT AND ASSOCIATED TRANSMISSION LINES GENERAL and COMMON CONDITIONS

Certified Project is located on sovereign submerged lands, the Licensee must submit section G of the Joint Application for Environmental Resource Permits to the Department prior to construction. If any portion of the Certified Project is located on state-owned uplands, the Licensee must submit an Upland Easement Application to the Department prior to construction.

C. If a portion of the Certified Project is located on sovereign submerged lands or state-owned uplands owned by the Board of Trustees of the Internal Improvement Trust Fund, pursuant to Article X, Section 11 of the Florida Constitution, then the activity requires a proprietary authorization. The activity is not exempt from the need to obtain a proprietary authorization. The Department has the responsibility to review and take action on requests for proprietary authorization in accordance with Section 18-2.018 or 18-21.0051, F.A.C.

D. The Licensee is hereby advised that Florida law states: "No person shall commence any excavation, construction, or other activity involving the use of sovereign or other state lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund or the Department of Environmental Protection under Chapter 253, until such person has received from the Board of Trustees of the Internal Improvement Trust Fund the required lease, license, easement, or other form of consent authorizing the proposed use." Pursuant to Chapter 18-14, F.A.C., if such work is done without consent, or if a person otherwise damages state land or products of state land, the Board of Trustees may levy administrative fines of up to \$10,000 per offense.

E. The terms, conditions, and provisions of the required lease or easement shall be met. Construction of this activity shall not commence on sovereign submerged lands or state owned uplands, title to which is held by the Board of Trustees of the Internal Improvement Trust Fund, until all required lease or easement documents have been executed to the satisfaction of the Department.

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

XVIII. PROCEDURAL RIGHTS

Except as specified in Chapter 403, F.S., or Chapter 62-17, F.A.C., no term or Condition of Certification shall be interpreted to preclude the post-certification exercise by the Licensee of whatever procedural rights it may have under Chapter 120, F.S., including those related to rule-making proceedings.

[Chapter 120, F.S.]

XIX. MODIFICATION OF CERTIFICATION

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

SECTION A. PLANT AND ASSOCIATED TRANSMISSION LINES GENERAL and COMMON CONDITIONS

1. The Department may modify any condition of this certification after notice and opportunity for hearing except those pertaining to fuel change.

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

3. The Department may grant modifications necessary to meet licensing conditions or requirements imposed on PEF by any federal regulatory agency. The Licensee shall notify DEP at least 30 days prior to the issuance of the federal license that would require such a modification, if known, or in any event, as soon as the federal agency notifies the Licensee.

4. The Department may authorize the reconstruction of a ROW or component of the Certified Project necessary to avoid or mitigate an emergency condition. Such a modification shall be obtained only when an emergency replacement must be further modified after the emergency conditions requiring the original reconstruction are no longer present.

B. DEP shall make a good faith effort to give written notice to the parties to the original certification, at their last address of record, of any proposed modification of certification.

C. Any modification to these conditions shall affect only the components of the Certified Project that are the subject of the modification request or the Department's proposed order of modification.

D. An electrical power plant certified pursuant to this act shall comply with rules adopted by the department subsequent to the issuance of the certification which prescribe new or stricter criteria, to the extent that the rules are applicable to electrical power plants. Except when express variances, exceptions, exemptions, or other relief have been granted, subsequently adopted rules which prescribe new or stricter criteria shall operate as automatic modifications to certifications.

E. Upon written notification to the department, any holder of a certification issued pursuant to this act may choose to operate the certified electrical power plant 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.

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

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

XX. TRANSFER OF CERTIFICATION

This certification is transferable in whole or in part, upon Department approval, to an entity determined to be competent to construct, operate and maintain the Certified Project in accordance with these Conditions of Certification. A transfer of certification of all or part of the Certified Project shall be initiated by the Licensee's filing with the Department and the parties a

SECTION A. PLANT AND ASSOCIATED TRANSMISSION LINES GENERAL and COMMON CONDITIONS

notice of intent to transfer certification to a new licensee. The notice of intent shall identify the intended new certification holder or licensee and the identity of the entity responsible for compliance with the certification. The provisions of Chapter 120, F.S., will apply to the Department's approval or denial of the transfer.

[Chapter 120, and Section 403.511, F.S.; Rules 62-17.211 and 40D-4.351, F.A.C.]

XXI. EROSION/RUNOFF CONTROL

1. PEF shall compact or otherwise stabilize any fill material placed around newly installed structures, to reduce erosion, turbidity, nutrient loading and sedimentation in the receiving waters.

2. Grass seed and mulch or sod must be installed and maintained on exposed slopes prior to finalization of construction, and at all times measures must be taken to prevent erosion, sedimentation or turbid discharges into wetlands or waters of the state, where the soils have been disturbed during construction.

3. 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. Control measures may consist of sediment traps, barriers, berms, and vegetation plantings, and must be maintained in effective condition at all locations where sediment has the potential to reach nearby wetlands until construction in the area is completed and disturbed soil areas are stabilized. 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 the applicable nonprocedural requirements in Rule 40D-4, F.A.C.

4. PEF shall ensure that adjacent properties are not impacted by wind erosion, or emissions of unconfined particulate matter in accordance with Rule 62-296.320(4)(c)1., F.A.C., by taking appropriate measures to stabilize affected areas. (For the portions of the Certified Transmission Lines within Hillsborough County, the Hillsborough County Environmental Protection Commission will be the entity responsible for enforcement of this condition.)

[Section 403.511, F.S.; Rules 40D-4.381, and 62-296.320, F.A.C.; Rule 1-3.26 of the Hillsborough County Environmental Protection Commission]

XXII. CONSTRUCTION PRACTICES

A. Open Burning

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

SECTION A. PLANT AND ASSOCIATED TRANSMISSION LINES GENERAL and COMMON CONDITIONS

to Levy County and/or Hillsborough County Environmental Protection Commission, for any open burning that will take place in Levy or Hillsborough County, respectively, for informational purposes. A copy of any submittal by PEF relating to open burning within Pinellas County or within 5 miles of Pinellas County shall be submitted to Pinellas County for informational purposes.

[Section 403.511, F. S.; Chapters 51-2 and 62-256, F.A.C.]

B. Solid Wastes

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

[Section 403.511, F.S.; Chapter 62-701, F.A.C.]

C. Hazardous Substances and Spills

1. If hazardous substances are used in the construction or maintenance of the Certified Project, PEF shall provide the DEP with reasonable assurances that such hazardous substances will not enter stormwater drains or waterbodies.

2. Fuel and other petroleum product spills that enter stormwater drains or waterbodies, or fuel and other petroleum product spills that are in excess of 25 gallons shall be contained, cleaned up, and immediately reported to the appropriate DEP District Water Resources Office (NED - ph: 904-807-3302; SWD - ph: (813) 632-7600). A copy of any submittal by PEF pursuant to this paragraph, for any spills located in Pinellas County, shall be provided to Pinellas County for informational purposes. Smaller ground surface spills shall be cleaned up as soon as practical.

[Sections 403.511 and 403.414, F.S.; Chapter 40D-4, F.A.C.]

XXIII. HERBICIDES

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

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

XXIV. WETLANDS MITIGATION

A. Wetlands Mitigation Plan

Within 180 days following certification, the Licensee shall provide to the Department for review and approval, refinements to the updated Wetland Mitigation Plan submitted on January 13, 2009, that fully offset the functional loss, as required by 62-345, F.A.C., all impacts to jurisdictional wetlands remaining after minimization and avoidance to those jurisdictional wetlands has been demonstrated. Mitigation will be in accordance with applicable rules and any "Comprehensive Mitigation Plan" approved by the Department.

[62-345, F.A.C.]

SECTION A. PLANT AND ASSOCIATED TRANSMISSION LINES GENERAL and COMMON CONDITIONS

B Certified Transmission Lines

1. For each Certified Transmission Line, mitigation may not be required by DEP if the project is not located within wetlands, is not expected to adversely impact wetlands or complies with the following conditions:

a. All permanent fill shall be at grade. Fill shall be limited to that necessary for the electrical support structures, towers, poles, guy wires, stabilizing backfill, and at-grade access roads limited to 20-foot widths; and

b. The Licensee may utilize access and work areas limited to the following: a linear access area of up to 25 feet wide between electrical support structures, an access area of up to 25 feet wide to electrical support structures from the edge of the right-of-way, and a work area around the electrical support structures, towers, poles, and guy wires. These areas may be cleared to ground, including removal of stumps as necessary; and

c. Vegetation within wetlands may be cut or removed no lower than the soil surface under the conductor, and 20 feet to either side of the outermost conductor, while maintaining the remainder of the project right-of-way within the wetland by selectively clearing vegetation which has an expected mature height above 14 feet. Brazilian pepper, Australian pine, and melaleuca shall be eradicated throughout the wetland portions of the right-of-way; and

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

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

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

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

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

2. If a Certified Transmission Line does not comply with the requirements of paragraph A above, mitigation can be required. For construction in wetlands that does not comply with those requirements, PEF shall propose a mitigation plan as a post-certification submittal under Condition IX. The following information shall be provided to the DEP Southwest and Northeast Districts' Environmental Resource Permitting Sections for review:

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

SECTION A. PLANT AND ASSOCIATED TRANSMISSION LINES GENERAL and COMMON CONDITIONS

- b. acreage of the type and quality of wetland being impacted at each such site;
- c. narrative, drawings, location map, and aerial photographs showing and explaining the proposed mitigation, or in the case of a mitigation bank, the name and location of the bank;
- d. detailed description of the existing conditions at the impact site and, unless a mitigation bank is proposed, at the mitigation area;
- e. acreage and wetland type of the proposed mitigation, or for a mitigation bank, the type and number of credits;
- f. if not a mitigation bank, documentation providing reasonable assurance that the proposed mitigation will be successful; and
- g. an analysis pursuant to Chapter 62-345, F.A.C., to the extent applicable.
- h. To the extent mitigation will be provided from a mitigation bank, a credit reservation letter will be provided from the selected bank demonstrating the necessary credits are being set aside to offset project impacts.

3. Mitigation plans must be found to fully offset the functions and values provided by wetlands that will be degraded or eliminated to the abundance and diversity of fish, wildlife and listed species, and the habitat of fish, wildlife and listed species. DEP will work with PEF in the development of acceptable mitigation plans for the impact areas using UMAM. The mitigation plans proposed by PEF shall be submitted for review and compliance monitoring to DEP under Condition VIII. Provide the supporting UMAM information required in Chapter 62-345, F.A.C. A restoration plan will be provided for the impact areas by PEF.

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

5. If the proposed mitigation plan is deemed acceptable by DEP and does not involve the use of a mitigation bank, the construction conditions, success criteria and a monitoring plan will be incorporated into the construction conditions as an Attachment.

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

7. PEF shall be deemed to have met the requirements of this condition if PEF satisfies the criteria of either Section 3.3 or Appendix 4(3) of the SWFWMD's Basis of Review for Environmental Resource Permit Applications (February 2007) or SJRWMD's ERP Basis of Review as appropriate, and Chapter 62-345, F.A.C., if applicable.

[Section 373.414, 403.511, and 403.814(6), F.S.; 40D-4.091, 40D-4.301, 40D-4.302, 62-341.620, F.A.C., and 62-345, F.A.C.]

SECTION A. PLANT AND ASSOCIATED TRANSMISSION LINES GENERAL and COMMON CONDITIONS

XXV. DEPARTMENT OF TRANSPORTATION

A. Post-Certification Reviews of FDOT Matters

1. Access Management to the State Highway System:

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

2. Overweight or Overdimensional Loads:

Operation of overweight or overdimensional loads by the Licensee on State transportation facilities during construction and operation of the Certified facilities, including the Certified Transmission Lines, will be subject to safety and permitting requirements of Chapter 316, F.S., and Rule Chapter 14-26, Safety Regulations and Permit Fees for Overweight and Overdimensional Vehicles, F.A.C.

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

All usage and crossing of State of Florida right-of-way or transportation facilities will be subject to Rule Chapter 14-46, Utilities Installation or Adjustment, F.A.C.; Florida Department of Transportation's Utility Accommodation Manual (Document 710-020-001); Design Standards for Design, Construction, Maintenance and Utility Operation on the State Highway System; Standard Specifications for Road and Bridge Construction; and pertinent sections of the Florida Department of Transportation's Project Development and Environmental Manual.

U.S. 19/SR 55 and U.S. 41 have been identified as Florida Intrastate Highway System (FIHS) and Strategic Intermodal System's (SIS) facilities. The placement of transmission lines and pipelines should take into consideration the planned widening of these facilities to the extent that DOT already owns the property rights planned for future widening. If future widening is required, the cost of relocating or reconstructing the certified transmission lines and pipelines within those roads ROWs will be borne by the Licensee to the extent required by Section 337.403, F.S., and Rule Chapter 14-46, F.A.C.

4. Standards:

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

5. Drainage:

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

SECTION A. PLANT AND ASSOCIATED TRANSMISSION LINES GENERAL and COMMON CONDITIONS

6. Use of Air Space:

Any newly proposed structure or alteration of an existing structure will be subject to the requirements of Chapter 333, F.S., and Rule 14-60.009, Airspace Protection, F.A.C. Additionally, notification to the Federal Aviation Administration (FAA) is required prior to beginning construction, if the structure exceeds notification requirements of 14 CFR Part 77, Objects Affecting Navigable Airspace, Subpart B, Notice of Construction or Alteration. Notification will be provided to FAA Southern Region Headquarters using FAA Form 7460-1, Notice of Proposed Construction or Alteration in accordance with instructions therein. A subsequent Determination by the FAA stating that the structure exceeds any federal obstruction standard of 14 CFR Part 77, Subpart C for any structure that is located within a 10-nautical-mile radius of the geographic center of a public-use airport or military airfield in Florida will be required to submit information for an Airspace Obstruction Permit from the Florida Department of Transportation or variance from local government depending on the entity with jurisdictional authority over the site of the proposed structure. The FAA Determination regarding the structure serves only as a review of its impact on federal airspace and is not an authorization to proceed with any construction. However, FAA recommendations for marking and/or lighting of the proposed structure are made mandatory by Florida law. For a site under Florida Department of Transportation jurisdiction, application will be made by submitting Florida Department of Transportation Form 725-040-11, Airspace Obstruction Permit Application, in accordance with the instructions therein.

7. Level of Service on State Roadway Facilities

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

8. Railroad Grade Crossings

Any newly proposed railroad crossing must comply with the criteria established in Rule Chapter 14-57, Florida Administrative Code (FAC).

B. Best Management Practices

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

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

a. Placing a bulletin board on site at staging and show-up areas for car pooling advertisements.

SECTION A. PLANT AND ASSOCIATED TRANSMISSION LINES GENERAL and COMMON CONDITIONS

b. Requiring that heavy construction vehicles remain onsite or at staging areas for the duration of construction to the extent practicable.

3. If the licensee uses contractors for the delivery of any overweight or overdimensional loads to the site during construction, PEF should ensure that its contractors adhere to the necessary standards and receive the necessary permits required under Chapter 316, F.S., and Rule Chapter 14-26, Safety Regulations and Permit Fees for Overweight and Overdimensional Vehicles, F.A.C.

[Chapters 14-26, 14-46, 14-57, 14-86, 14-94, 14-96, and 14-97, F.A.C.; Chapters 316 and 333, F.S.; Sections 337.401-404, F.S.; 14 C.F.R. Part 77]

XXVI. DEPARTMENT OF STATE - DIVISION OF HISTORICAL RESOURCES

A. With respect to the Certified Project, if historical or archaeological artifacts are discovered at any time within the Certified Project site, the Licensee shall notify the DEP Siting Office, the applicable DEP District office and the Bureau of Historic Preservation, Division of Historical Resources, R.A. Gray Building, Tallahassee, Florida 32399-0250, telephone number (850) 487-2073.

B. With respect to the Certified Transmission Lines, after the ROW has been selected, PEF shall conduct a survey of sensitive cultural resource areas, as determined in consultation with the Department of State, Division of Historical Resources (DHR). A qualified cultural resources consultant will identify an appropriate work plan for this project based on a thorough review of the certified corridor. Prior to beginning any field work, the work plan will be reviewed in consultation with DHR. Upon completion of the survey, the results will be compiled into a report which shall be submitted to DHR. If practicable, sites considered to be eligible for the National Register shall be avoided during construction of the transmission line and access roads, and subsequently during maintenance of the ROWs. If avoidance by the proposed ROW of any discovered sites is not practicable, impact shall be mitigated through archaeological salvage operations or other methods acceptable to DHR, as appropriate. If historical or archaeological artifacts are discovered at any time within the project site, PEF shall stop work immediately and shall notify the DEP Southwest District office and the Bureau of Historic Preservation, Division of Historical Resources, R.A. Gray Building, Tallahassee, Florida 32399-0250, telephone number (850) 487-2073, and PEF shall consult with DHR to determine appropriate action. For informational purposes, PEF shall provide a copy of the cultural resources surveys to Hillsborough County for the portions of the certified transmission lines within Hillsborough County.

[Sections 267.061 and 403.531, F.S.]

SECTION B. PLANT SPECIFIC CONDITIONS

The conditions in Section B relate to the Certified Facilities. The conditions relating to the Certified Transmission Lines can be found in Section C.

XXVII. DEPARTMENT OF ENVIRONMENTAL PROTECTION

A. Flood Control Protection

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

B. 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 or are acutely toxic to indigenous species of significance to the aquatic community within surface waters affected by the ground water at the point of contact with surface waters. Specific criteria are established for such components in Section 62-520.420, F.A.C.

2. 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 Northeast District Office Industrial Wastewater Compliance/Enforcement Section. After normal business hours, the Licensee shall contact the State Warning Point by calling (850) 413-9911 or (850) 413-9912. The written report shall include, but not be limited to, a detailed description of how the spill occurred, the name and chemical make-up (include any Material Safety Data Sheets) of the substance, the amount spilled, the time and date of the spill, the name and title of the person who first reported the spill, the size and extent of the spill and surface types (impervious, ground, water bodies, etc.) it impacted, the cleanup procedures used and status of completion, and include a map or aerial photograph showing the extent and paths of the material flow.

[62-520.420, F.A.C.]

C. Federal Permits

1. Industrial Wastewater Discharge Permits

Any discharges during construction and operation shall be in accordance with all applicable provisions of NPDES permit No. FL0633275-001-IW1S/NP (attached as Appendix A) as well as any subsequent modifications, amendments and/or renewals.

SECTION B. PLANT SPECIFIC CONDITIONS

2. Air Permits

The operation of the Levy Nuclear Plant shall be in accordance with all applicable provisions of Title V Air Operation Permit xxxxxxxx-xxx-AV, and air construction permit PSD-FL-403. Title V Air Operation Permit xxxxxxxx-xxx-AV, and air construction permit PSD-FL-403 are incorporated by reference herein as part of this Certification and attached as Appendix B and Appendix C.

The provisions of the above shall be conditions of this certification. The licensee shall comply with the substantive provisions and limitations set forth in Title V Air Operation Permit Number xxxxxxxx-xxx-AV as part of these Conditions of Certification, and as those provisions may be modified, amended, or renewed in the future by the Department. Such provisions shall be fully enforceable as conditions of this certification. Any violation of such provisions shall be a violation of these Conditions of Certification.

Note: This condition will be modified upon Title V issuance to reflect the Title V permit number.

In accordance with air construction permit0170004-017-AC which includes a determination of Best Available Retrofit Technology (BART), Crystal River Unit 1 and Unit 2 will cease to be operated as coal-fired units by December 31, 2020. This date assumes timely licensing, construction and commencement of commercial operation of the Licensee's proposed new nuclear units (Levy County Units 1 and 2). The shutdown (or repowering) of Units 1 and 2 coal-fired units is contingent upon completion of the first fuel cycle for Levy County Unit 2. The Licensee shall timely advise the Department of any developments that would delay the shutdown (or repowering) of Units 1 and 2 beyond the completion of the first fuel cycle for Levy County Unit 2.

[Rule 62-296.340 (BART), F.A.C]

D. Radiological

1. Decommissioning

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

2. Emergency Plan

The applicant shall work with the State Division of Emergency Management and the State Department of Health, Bureau of Radiation Control, and Levy, Citrus and Marion Counties in biennial updating of the emergency procedures and evacuation planning as necessary, including but not limited to: hurricane evacuations; improvements in communication and warning systems; and in updating predicted plume overlays in accordance with NRC-required emergency plans .

SECTION B. PLANT SPECIFIC CONDITIONS

3. Radiological Release Limitations

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

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

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

The Department has the statutory duty to insure that the location and operation of Levy Nuclear Plant Unit 1 and Unit 2 will produce minimal adverse effects on human health, the environment, the ecology and the land and its wildlife, and the ecology of State waters and their aquatic life. (Fla. Stat. Section 403.502.) The Department has determined that the construction and operation of the Levy Nuclear Plant must comply with the above radiological release limitations in order to minimize adverse effects on human health and the environment. This certification is conditioned upon compliance by the applicant with the applicable above regulations, requirements and standards.

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

However, should the Department determine that the NRC has failed to discharge its duty and responsibility, it may bring any such deficiencies to the attention of the Licensee and the NRC, and maintains the right to initiate a request, consistent with NRC procedural requirements, that appropriate enforcement action be taken to correct the deficiencies.

Should such appropriate enforcement action not be forthcoming, and the Department determines that such enforcement action is necessary to insure that adverse effects on human health and the environment by continued operation of the Levy Nuclear Plant are minimized, the Department reserves the right to take appropriate State enforcement action pursuant to Chapter 403, Florida Statutes, against the applicant for violation of any of the above radiological release limitations on the grounds that the violation of such limitations constitutes a violation of this express condition of certification.

4. Monitoring

The Licensee shall comply with the most recent State Department of Health Environmental Surveillance Agreement or its equivalent or future replacement. Should the State Department of Health determine that additional monitoring is required, it may take

SECTION B. PLANT SPECIFIC CONDITIONS

appropriate action to require such monitoring pursuant to NRC authority by modification of this condition of certification.

5. Interagency Agreement

Pursuant to NRC regulations, the licensee shall implement an Emergency Response Capability Agreement with the Florida Department of Health, a copy of which shall be submitted to the Siting Office.

6. Reservation of Legal Rights

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

7. Annual Radiological Environmental Operating Report

Upon submittal to the NRC, a copy of the Annual Radiological Environmental Operating Report for the Levy Nuclear Plant shall be provided to the Department's Siting Coordination Office.

8. Notification of NRC License

The licensee shall notify the Department's Siting Coordination Office of any amendments, modification, or renewals of NRC-issued Operating Licenses for the certified facility.

E. Potable Water Supply System

1. The potable water supply system shall be designed and operated in conformance with Chapters 62-550, Lead & Copper Rule 40 CFR 141, Subpart I, 62-555, 62-560, and 62-699 F.A.C. (<http://www.dep.state.fl.us/water/rulesprog.htm#dw>). Information as required in Chapters 62-550, Lead & Copper Rule 40 CFR 141, Subpart I, 62-555, 62-560, and 62-699, F.A.C., shall be submitted to the Department prior to construction and operation of any potable water system. The operation of the potable water supply system shall be certified in accordance with Chapters 62-602 and 62-699, F.A.C. All monitoring reports shall be submitted to the Department's Northeast District Office, Potable Water Section and the Siting Office.

2. All the potable well(s) shall be constructed according to public well standards found in 62-532, F.A.C.

3. All potable well(s) shall meet the required setbacks as found in 62-555.312, F.A.C.

4. The list of requirements for a Preliminary Design Report (PDR) can be found in 62-555.520(4), F.A.C. A preliminary design report or specifications, details, and design drawings are required for approval of a potable water system and shall be submitted to the Department's Northeast District Office, Potable Water Section and the Siting Office prior to construction and use.

SECTION B. PLANT SPECIFIC CONDITIONS

5. This system will be a non-transient non-community public water system. A demonstration of financial, managerial, and technical capacity (capacity development) form must be completed and submitted to the Department's Northeast District Office, Potable Water Section and the Siting Office. Rule 62-555.525, F.A.C.

[62-550, Lead & Copper Rule 40 CFR 141, Subpart I, 62-555, 62-560, and 62-699, F.A.C.]

F. Domestic Wastewater

The domestic wastewater treatment and disposal facilities shall be designed and operated in accordance with any applicable provisions of Chapters 62-4, 62-600, 62-601, 62-604, 62-610, 62-611, 62-620 and 62-640 F.A. C . At least 180 days prior to commencing construction of the domestic wastewater treatment and disposal facilities, the licensee shall submit final plans for the domestic wastewater facilities to the Siting and DEP Northeast District Offices for review and approval. The submittal shall include calculations, drawings, reports, completed permit application forms and a preliminary engineering report with information for the domestic wastewater treatment and disposal facilities. All documents must be signed and sealed by a professional engineer and professional geologist registered in the State of Florida. The Licensee shall give the Department written notice at least 60 days before inactivation or abandonment of a wastewater facility and shall specify what steps will be taken to safeguard public health and safety during and following inactivation or abandonment.

[Rules 62-4, 62-600, 62-601, 62-604, and 62-610, 62-611, 62-620, and 62-640, F.A.C.]

G. Solid Waste

1. The licensee is not authorized to process or dispose solid waste on-site. Except for temporary, short-term storage in designated containers, storage of solid waste on-site shall not be allowed unless specifically authorized through a modification to this certification.

2. The applicant shall collect and store solid waste from routine operations and/or construction and demolition activities in vendor provided or other suitable containers, and shall dispose the waste at authorized off-site facilities in accordance with the Site Certification Application and Chapter 62-701, F.A.C.

[62-701, F.A.C.]

H. Stormwater/Wastewater Discharges

1. At least 90 days prior to construction of the facility or a portion of the project that may affect stormwater, the licensee shall submit final plans for the surface water management system for that portion of the facility to the Siting and DEP Northeast District Offices for review and approval. The submittal shall include calculations, drawings, reports and permit applications with information for the site, associated access roads and structure pads, drainage analysis, stormwater management system, wastewater treatment and disposal, etc. Floodplain analysis shall address flow rates on the site using a minimum of three cross-sections and provide a tabular summary. The data summary should include stage or water elevation, basin areas and volumes of cut and fill and calculations of the compensating storage for pre and post conditions. Site plans shall show the stage as the difference between the 100 year storm event and the elevation of the seasonal high water level in NGVD 29 basis.

SECTION B. PLANT SPECIFIC CONDITIONS

[Rules 40E-4, 40E-40, and SWFWMD Basis of Review]

2. At least 48 hours prior to commencement of any construction at the site, the licensee shall submit to the Department an "Environmental Resource Permit Construction Commencement" notice (Form No. 62-343.900(3), F.A.C.) indicating the actual start date and the expected completion date. When the duration of construction will exceed one year, the licensee shall submit construction status reports to the Department on an annual basis utilizing an "Annual Status Report Form" (Form No. 62-343.900(4), F.A.C.). Status Report Forms shall be submitted the following June of each year.

[Rules 40E-4.381, and 62-343.900, F.A.C.]

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

[Rules 40E-4.381; and 62-343.900, F.A.C.]

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

[Rule 40E-4.381, F.A.C.]

5. Prior to start of construction, the licensee shall prepare a Storm Water Pollution Prevention Plan and submit a copy of the National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) to use a Multi-Sector Generic Permit (MSGP) for stormwater discharges (as applicable) to the DEP NPDES Stormwater Notices Center. Prior to the commencement of construction, the licensee shall provide to the Department the appropriate wastewater, dewatering, construction and stormwater permit application(s) to detail and identify treatment and discharges to ground and/or surface waters.

6. All information submitted must be signed and sealed in accordance with Chapter 62-4.050, F.A.C., and Chapter 471, Florida Statutes.

I. Water Facilities Groundwater Monitoring Requirements

Although there are no proposed direct discharges of contaminants to ground water, there are specific industrial processes and operations at power plants that may have a potential for ground water contamination. Therefore, the following are requirements pursuant to

SECTION B. PLANT SPECIFIC CONDITIONS

Chapter 62-520, F.A.C. The DEP Northeast District Office has monitoring and compliance jurisdiction over any on-site discharges that may occur. The DEP Southwest District Office has monitoring and compliance jurisdiction over discharges associated with any Industrial Waste permit with outfalls to the Crystal River Energy Complex.

1. A minimum of 18 months prior to initial operation of the facility, the Licensee shall submit two copies each of a final Ground Water Monitoring Plan to the Ground Water Sections of the Department's Northeast District Office as a post-certification submittal, in accordance with Rule 62-520.600, F.A.C. No fees will be required. Pursuant to Chapters 492 and 471, F.S., the ground water monitoring plan shall be signed and sealed by the professional geologist or professional engineer who prepared or approved it. The Department has 30 days to review the submittal, and send out a request for additional information, if necessary. Approval will be determined within 90 days of submittal, once the plan is considered complete.

2. Excluding solid waste sites and stormwater ponds, the final Ground Water Monitoring Plan shall address pre-operational (i.e.: prior to initial startup of facility operations) and post-operational (i.e.: during facility operations) monitoring of all lined systems (i.e.: wastewater discharge basins, cooling water conveyance systems, runoff sites, and raw and spent fuel storage sites, and all basins, sumps, or tanks that contain waste disposal liquids). There shall be no unlined storage or disposal sites without prior approval. Solid waste requirements shall be in accordance with the specific section(s) of the conditions of certification.

3. The final Ground Water Monitoring plan must be a comprehensive submittal tailored to water facilities operations including pertinent information from previous proposals in the original Site Certification Application, the locations of proposed background monitor wells (i.e.: wells labeled MWB-1, MWB-2, etc.) and down gradient monitor wells (i.e.: wells labeled MWD-3, MWD-4, etc.) in relation to property lines, basins, buildings, ponds, etc. on an aerial photo. The following information shall also be included: well construction details and well depths; ground water flow direction(s); frequency of monitoring, parameters and determinations for parameters, water sampling and chemical analysis protocol; pre- and post-operational monitoring requirements; potential offsite & onsite influences of contamination sources; soil types and lithology above and below water level; ½ mile survey of potable wells around the facility; cones of depression of water supply wells or wellfields within the facility that may affect the monitor well locations; and any other information that is significant to this project.

4. Once the Ground Water Monitoring Plan is approved, it will become part of the Site Certification by reference. Requests for modifications to the plan must be submitted to the Department's Northeast District, and the Siting Offices. The Department may make modifications to the plan after periodic reviews of the facility's files.

5. The Licensee shall give at least 72-hours notice to the Department's Northeast Office, prior to the installation of any monitoring wells detailed in the approved Groundwater Monitoring Plan.

6. Any new monitor well(s) identified in the approved Ground Water Monitoring Plan shall be installed, a minimum of 12 months prior to initial operation of the facility.

SECTION B. PLANT SPECIFIC CONDITIONS

7. Prior to construction of new ground water monitoring wells, a soil boring shall be made at each new monitoring well location in order to establish the well depth and screen interval.

8. Within 30 days after installation of a new monitoring well, the Licensee shall submit to the Department's Northeast District Offices detailed information on the well's location and construction on DEP Form(s) 62-522.900(3), Monitor Well Completion Report.

9. All ground water monitoring wells shall be constructed and developed in accordance with Department guidelines and installed by a licensed water well contractor.

10. Due to the facility having lined systems with no direct discharges to ground water, excluding stormwater, a zone of discharge is not allowed.

11. The ground water minimum criteria specified in Rule 62-520.400 F.A.C., and all primary and secondary standards in Rule 62-550, F.A.C. shall be met at the down gradient wells, with the exception of condition 14. below.

12. Twelve months prior to facility operation, the Licensee shall begin sampling the pre-operational monitoring wells in accordance with the conditions of certification and the approved ground water monitoring plan prepared in accordance with Rule 62-520.600, F.A.C.

13. Upon placing facility in operation, the Licensee shall begin sampling the post-operational monitoring wells in accordance with the conditions of certification and the approved ground water monitoring plan prepared in accordance with Rule 62-520.600, F.A.C.

14. If the concentration for any monitoring parameter in the natural background quality of the ground water is greater than the state standard, or in the case of pH is also less than the minimum, the representative natural background quality shall be the prevailing standard.

15. Water levels shall be recorded before evacuating monitor wells for sample collection. Elevation references shall include the top of the well casing and land surface at each well site (NGVD allowable) at a precision of plus or minus 0.01 foot.

16. Ground water monitoring wells shall be purged prior to sampling to obtain representative samples.

17. Analyses shall be conducted on unfiltered samples, unless filtered samples have been approved by the Department's Northeast District Office as being more representative of ground water conditions.

18. The Licensee shall ensure that all laboratory analytical data are from a certified laboratory that meets the requirements of Chapter 62-160, F.A.C. Minimum detection limits shall be at or below the ground water standards and/or criteria.

19. The Licensee shall ensure that all samples are taken by appropriately trained personnel following the Department approved Standard Operating Procedures Manual for Field Sampling, in accordance with Rule 62-160, F.A.C.

20. Ground water monitoring results shall be submitted on Form 62-620.910(10), or such other format as approved by the department, in accordance with the following schedule deadlines, where applicable. A customized Ground Water Monitoring Well

SECTION B. PLANT SPECIFIC CONDITIONS

Report with specific parameters will be generated and provided to the Licensee for use, after approval of the Ground Water Monitoring Plan. If the Licensee elects to enter the monitoring results into the Department's electronic system, the hard copy of the report is not required to be submitted for that monitoring period.

Sample Period	Monthly	Quarterly	Semi Annual	Annual	Report Deadline
(January-March)	Monthly sampling results are due 30 days after last day of the monitoring month.	X			April 28 th
(April-June)		X			July 28 th
(July-September)		X			October 28 th
(October-December)		X			January 28 th
(January-June)			X		July 28 th
(July-December)			X		January 28 th
(January-December)				X	January 8th

21. If any monitoring well becomes damaged or cannot be sampled for some reason, the Licensee shall notify the Department's Northeast District Office immediately and a written report shall follow within seven days detailing the circumstances and remedial measures taken or proposed. Repair or replacement of monitoring wells shall be approved in advance by the Department's Northeast District Office.

22. All piezometers and wells not part of the approved ground water monitoring plan are to be plugged and abandoned in accordance with Rule 62-532.500(4), F.A.C., unless there is intent for their future use.

23. All correspondence, reports, plans and summaries pertaining to ground water monitoring shall be directed to the Ground Water Section of the Department's Northeast District Office with copies to the Siting Office.

J. Withlacoochee River

In the event that any state or federally funded projects required for the maintenance, preservation or enhancement of surface waters of the State require modifications to the Cross Florida Barge Canal, the Department may choose to seek to modify this certification after notice and opportunity for hearing.

K. Coastal and Aquatic Managed Areas

Within 180 days following certification, licensee shall submit a Crystal Bay Surface Water Monitoring Plan for review and approval pursuant to Chapter 62-302, F.A.C to the DEP Office of Coastal and Aquatic Managed Areas and the DEP Siting Office. At a minimum, the plan shall include the following components unless otherwise approved by CAMA:

1. Equally spaced monitoring points from the point of discharge into the Bay to the edge of the St. Martins Marsh and Big Bend Seagrasses Aquatic Preserves. Each monitoring point shall include salinity and temperature. The Licensee should determine from

SECTION B. PLANT SPECIFIC CONDITIONS

discharge modeling data the appropriate number of water quality sites and locations (This could range from 8-40 monitoring points along transects).

2. Discharge, nutrient sampling for Total Phosphorus (TP), and Nitrogen (TN), Total Suspended Solids (TSS) and Dissolved Oxygen (DO) shall be included at each monitoring point.

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

4. Duplication of monitoring frequency or sample points with those of other monitoring plans (such as that required by FFWCC under COC XXVII.B.) is not a requirement of the CAMA plan. As such, it is acceptable to incorporate the above requirements within a larger monitoring plan, provided that the above elements of the CAMA monitoring plan are maintained and the related monitoring data is clearly singled out. If the Department determines that the pre- and post operation monitoring indicate potential adverse changes in the surface waters in close proximity to either of the Aquatic Preserves due to the LNP discharges, then the Department may propose additional measures to evaluate or to abate such impacts. Water quality monitoring reports should be made readily available to St. Martins Marsh and Big Bend Seagrasses Aquatic Preserves.

[62-302.700(9)(f)4, F.A.C. and 62-302.700(9)(f)38, F.A.C.]

L. Incorporation of Separate ERP Licenses Obtained Prior to Certification

The operation of the Levy Nuclear Plant shall be in accordance with all applicable provisions of ERP Permit 38-272432-002-ES. ERP Permit 38-272432-002-ES is incorporated by reference herein as part of this Certification and attached as Appendix D.

Upon certification by the Siting Board, the licensee shall comply with the substantive provisions and limitations set forth in ERP Permit 38-272432-002-ES as part of these Conditions of Certification. Such provisions shall be fully enforceable as conditions of this certification and may only be amended in accordance with the provisions herein. Any violation of such provisions shall be a violation of these Conditions of Certification.

XXVIII. SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

GROUNDWATER WITHDRAWAL QUANTITIES AND FACILITIES

District ID/ Owner ID	Water Allocation Average Gallons per Day	Well Casing/Depth Feet	STATUS
1/PW-1	395,000	100/300	PROPOSED
2/PW-2	395,000	100/300	PROPOSED
3/PW-3	395,000	100/300	PROPOSED
4/PW-4	395,000	100/300	PROPOSED

SECTION B. PLANT SPECIFIC CONDITIONS

TOTAL ALL WELLS	1,580,000		
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[Sections 373.016, 373.219, 373.223(1), F.S.; Rule 40D-2.301, F.A.C., District Basis of Review (BOR) Sections 3.2, 3.4, 4.1, 4.4, 4.8, 4.10]

A. Special Conditions

All conditions referring to the District shall mean the

Southwest Florida Water Management District
2379 Broad Street
Brooksville, Florida 34604-6899

1. Submit Reports/Data

a. All reports and data required by these conditions of certification shall be submitted to the District (and copied to the DEP Siting Office) according to the due dates contained in the specific condition. If the report or data is received on or before the tenth day of the month following data collection, it shall be deemed as a timely submittal. The Licensee may use the District's website to submit data, plans or reports online. To set up an account, the Licensee can address the request to permitdata@watermatters.org. All mailed reports and data are to be sent to:

Permit Data Section, Regulation Performance Management Department
Southwest Florida Water Management District
2379 Broad Street
Brooksville, Florida 34604-6899

Submission of plans and reports: Unless submitted online or otherwise indicated in the special condition, the original and two copies of each plan and report required herein.

Submission of data: Unless submitted online or otherwise indicated in the special condition, an original (no copies) is required for data submittals such as meter readings and/or pumpage, rainfall, water level, evapotranspiration, or water quality data

b. Within sixty (60) days, the Licensee shall designate one individual responsible for receiving and responding to District notices and correspondence related to these conditions of certification. Notification to the District of the designee, including address and telephone number shall be in written form.

[Sections 373.016, 373.219, 373.236, F.S.; Rules 40D-2.301(1) and 40D-2.381(1), (2) and (4), F.A.C.; BOR Section 6.2]

2. Environmental Impacts, Monitoring and Mitigation

- a. Environmental Assessment
 - i. Environmental Monitoring Plan

Licensee shall submit an Environmental Monitoring Plan for District review and approval within 90 days of conditions of certification issuance. The monitoring plan, at a minimum shall utilize the District's Wetland Assessment Procedure to

SECTION B. PLANT SPECIFIC CONDITIONS

evaluate the relative condition of surface waters and wetlands in areas potentially affected by water withdrawals of Licensee. Upon District approval, the plan shall be implemented and monitoring reports shall be provided in the annual monitoring report required by Condition No. A.2.a.v. After five years of monitoring following groundwater use rising to more than 1.25 million gallons per day (average annual daily withdrawal quantity) from all the wells included in this site certification, the Licensee may request the District release the Licensee from monitoring. If the District concurs with the request, the District will request DEP modify the conditions of certification to remove the monitoring condition.

ii. Data Collection

Licensee shall maintain and monitor the environmental monitoring sites included in the approved monitoring plan. Water levels for monitor wells staff gauges, and piezometers for the sites included in the monitoring plan shall be referenced to National Geodetic Vertical Datum (NGVD) and reported in a form acceptable to the District by the 10th day of each month for the preceding month. The time and date that the elevation is taken shall be included. Any changes to the methods or frequency of monitoring for any of these data collection programs must be approved by the District.

iii. Staff Gauges

Licensee shall install and thereafter maintain District-approved staff gauges and shall report measurements of water levels, as indicated in the monitoring plan. Water levels shall be recorded and reported to the District on or before the tenth day of the following month. To the maximum extent possible, water levels shall be recorded as indicated in the monitoring plan. The frequency of recording may be modified by the District as necessary to ensure protection of the resource.

iv. Monitoring Wells and Piezometers

Licensee shall monitor water levels in the monitor wells and piezometers as specified in the monitoring plan. Reports of the data shall be submitted to the District in a form acceptable to the District. All data shall be referenced to NGVD. The frequency of water-level recording may be modified by the District as necessary to ensure the protection of the resource.

v. Annual Environmental Monitoring Reports

Licensee shall submit an annual environmental monitoring data summary by January 1st of each year for the preceding water year (October 1 - September 30). The Annual Monitoring Report shall include all raw data, essential graphs, tables, and text. Monitoring progress at each site shall be summarized in the Annual Monitoring Report, as specified below. Licensee shall submit three copies of the Annual Monitoring Report each year. Interpretive reports of environmental conditions shall incorporate all environmental monitoring sites used. The Annual Monitoring Report shall assess relationships between water level fluctuations, well pumpage, atmospheric conditions, and drainage factors related to the environmental condition of the wetlands and surface waters in the vicinity of the Levy Nuclear Plant. Pumpage data, wetland, water level data collected from the aquifer and for the region, and environmental parameters collected at the monitoring sites and in the region (SWFWMD data shall be used for information of the region) shall be used for the report results. Statistical trend analysis, such as double-mass curve analysis, multiple linear regression, time series analysis

SECTION B. PLANT SPECIFIC CONDITIONS

and/or factor analysis shall be performed to analyze the interactions of rainfall and pumpage on surficial water levels, potentiometric levels in the semi-confined aquifers, surface waters, and wetland water levels, rate of soil subsidence, and evidence of vegetational succession. Data shall be obtained through field measurements and aerial photo interpretation. A brief summary of any recommended changes to the monitoring requirements shall be provided. Upon review of those recommended changes, SWFWMD may approve changes to the monitoring requirements under the approved Environmental Monitoring Plan.

[Sections 373.016, 373.219, 373.223(1), F.S.; Rules 40D-2.301(1), 2.381(1), 2.381(4), F.A.C.; BOR Sections 1.5, 4.2, 5.8]

3. Alternative Water Supply Implementation

The Licensee shall investigate the development of one or more alternative water supply projects to supply the water supply demands to offset all or a portion of the groundwater allocated by these conditions of certification. Alternative water supplies include seawater desalination, brackish surface or ground water, water that has been reclaimed after one or more uses, stormwater, and any other water supply source designated as non-traditional. If adverse impacts are detected or predicted through the Environmental Monitoring as specified in Condition A.2. or through aquifer performance testing or groundwater modeling as specified in Conditions A.4.a. and A.4.b. below, Licensee shall either mitigate such adverse impacts in accordance with a plan submitted by the Licensee and approved by the District or, by selecting and implementing an Alternate Water Supply project in accordance with the following schedule:

a. Within 3 years of completion of site aquifer testing specified in condition, A.4.a. the Licensee shall submit for District approval, an Alternative Water Supply Plan. The Alternative Water Supply Plan shall evaluate, identify, and propose alternative water supply development of one million five hundred eighty thousand (1,580,000) gallons per day (gpd).

b. Within 4 years of completion of site aquifer testing and modeling specified in condition A.4.a., Licensee shall submit to the District, a preliminary design of the approved alternative water supply project that the Licensee will implement.

c. Within 3 years of groundwater use rising to more than 1.25 million gallons per day (average annual daily withdrawal quantity) from all the wells included in this site certification, the Licensee shall provide an analysis of environmental conditions as specified in Condition A.4.a. above. The Licensee may ask for a time extension or waiver for implementing the Alternate Water Supply project if the District confirms that adverse environmental impacts have not been detected or are not predicted to occur. The Alternate Water Supply project schedule shall be maintained unless the District confirms that adverse environmental impacts have not been detected or are not predicted to occur. If adverse environmental impacts are occurring or are predicted to occur, the Alternative Water Supply quantity required to be developed will be determined based upon a revised hydrogeologic evaluation performed by the Licensee and accepted by the District.

d. With 4 years of completion of site aquifer testing specified in condition A.4.a., submit to the Florida Department of Environmental Protection and the District, applications for authorization to develop and use 1,580,000 gpd of alternative water sources for the project as appropriate, unless an extension of time or waiver has been granted by the District.

SECTION B. PLANT SPECIFIC CONDITIONS

e. Within 4 years of completion of site aquifer testing specified in condition A.4.a., submit to the District an alternative water supply implementation schedule detailing the dates when construction will begin and end, and the date when water will be delivered from the project for use by the Licensee.

f. Compliance with the Alternative Water Supply Implementation Schedule is required by the Licensee, unless extended or otherwise modified in writing by the District. Each year, by March 1, after the triggers described above, the Licensee shall submit to the District a status report describing the progress made on the Alternative Water Supply Implementation Schedule, including the specific actions taken to meet the requirements set forth above. If the project has fallen behind schedule, Licensee shall provide just cause for the delay and/or explain how the Licensee will comply with the schedule described herein.

[Sections 373.016, 373.219, 373.223(1), F.S.; Rule 40D-2.301(1); BOR Section 3.1(pending amendment)]

4. Aquifer Testing and Groundwater Impact Analysis

a. For the purpose of confirming Upper Floridan transmissivity and leakance values used in Licensee's groundwater flow model, a step -drawdown test shall be performed on the production wells. A multi-well constant-rate test shall be performed on two of the following production wells: District ID Nos. 1, 2, 3, 4, Licensee ID Nos. PW-1, PW-2, PW-3, PW-4, after the wells have been fully developed. Constant-rate multi-well test locations will be based on step-drawdown tests, water quality, and other data submitted to the District prior to the multi-well constant-rate site selections. The constant-rate tests shall be performed in accordance with the specifications in an Aquifer Performance Testing (APT) Plan submitted to and approved by the District. The APT Plan shall be submitted to the District within 90 days of the approval of the conditions of certification. The step-drawdown and constant-rate tests shall be conducted by the Licensee within 6 months of construction of the wells included in the APT Plan and prior to the use of any of the wells for production purposes. All recorded raw data and a full report analyzing the data shall be submitted to the District within ninety (90) days of completion of all the tests.

[Sections 373.016, 373.219, 373.223(1), F.S.; Rule 40D-2.301(1); BOR Sections 1.5, 4.2, 4.5, 4.6, 4.8, 4.13]

b. If any of the transmissivity or leakance values derived from either the step-drawdown or the multi-well constant-rate tests referenced in condition A.4.a. above, differ significantly from the values used in the groundwater flow model submitted as part of Licensee's application, the Licensee will revise its submitted Focused Telescoping Mesh Refinement groundwater model of the wellfield area based on the results of the aquifer tests described in Condition No. A.4.a. above. Significantly different transmissivity or leakance values shall mean any well having either a leakance or transmissivity value twenty (20) percent higher or lower than those included in the Licensee's submitted groundwater flow model. The revised model will include wellfield-specific Upper Floridan aquifer transmissivity or leakance values and properties derived from well drilling and the aquifer tests described in Condition no. A.4.a.. The modeling parameters, including but not limited to the following: surficial aquifer transmissivity/hydraulic conductivity and thickness, Upper Floridan aquifer thickness and transmissivity/hydraulic conductivity, measured groundwater levels (NGVD) and gradients, aquifer leakage, and aquifer boundary conditions, may require revision to reasonably represent

SECTION B. PLANT SPECIFIC CONDITIONS

aquifer conditions. The revised model must also reflect a groundwater impact analysis including cumulative and incremental analysis to evaluate the pumping effects on other water users, and other analysis to confirm that the withdrawal meets the District's conditions of issuance for water-use permits. If required, all groundwater modeling and a full report, meeting District modeling guidelines, shall be submitted to the District within one-hundred eighty (180) days of completion of the aquifer tests described in Condition No. A.4.a. above. Upon acceptance of the report by the District, the Licensee will complete any required Alternative Water Supply Implementation Plans as specified above.

[Sections 373.016, 373.219, 373.223(1), F.S.; Rules 40D-2.301(1), 2.381(1), (4); BOR sections 4.2, 5.4, 5.5, 5.6, 5.7]

5. Compliance Reporting

The Licensee shall submit a compliance report beginning the fifth year after groundwater use rising to at least 1.25 million gallons per day (average annual daily withdrawal quantity) and at 5 year intervals thereafter. The report must contain sufficient information to demonstrate reasonable assurance that the withdrawals and use of water authorized by these conditions of certification continue to meet the substantive requirements set forth in Chapter 40D-2, F.A.C., and the District's Water Use Permit Information Manual Part B, Basis of Review. The compliance report shall include:

- a. Information documenting water demands and updated demand projections demonstrating that allocations from all sources in the conditions of certification will continue to be needed for the remainder of the conditions of certification duration;
- b. Documentation verifying that the sources are capable of supplying the needs authorized by these conditions of certification without causing harm to water and water-related resources;
- c. Documentation verifying that the use of water is efficient and that the Licensee is implementing all feasible water conservation measures;
- d. An updated ground water modeling analysis and data analysis demonstrating that the use of groundwater does not interfere with legal uses existing at the time of issuance of the conditions of certification;
- e. An updated ground water modeling analysis, along with statistical analyses of water-level and wetland monitoring data, demonstrating that the use does not cause adverse impacts to wetlands, and surface waters, or violations of MFLs;
- f. Documentation that ground water withdrawals by the Licensee are not causing or contributing to significant water quality deterioration, including but not limited to review and statistical analyses of groundwater level and water quality data collected by the Licensee under these conditions of certification;
- g. Information demonstrating that the lowest quality source of water is being used to meet the water demands.

Following review of this report and as requested by the District, DEP may modify the conditions of certification to ensure that the use continues to meet the substantive

SECTION B. PLANT SPECIFIC CONDITIONS

conditions for the consumptive use of water as set forth in Section 373.223, F.S., and Chapter 40D-2, F.A.C.

[Sections 373.016, 373.219, 373.223(1), 373.236, F.S.; Rules 40D-2.301(1), 40D-2.381(1), (4), F.A.C.]

6. Pumpage Reporting

Licensee shall meter withdrawals and record meter readings from each withdrawal point and water supply line on a monthly basis within the last week of the month. The meter readings shall be reported to the District on or before the tenth day of the following month. If a metered withdrawal is not utilized during a given month, the meter report shall be submitted to the District indicating the same meter reading as was submitted the previous month.

Licensee shall install meters on District ID Nos. 1, 2, 3, 4, Licensee ID Nos. PW-1, PW-2, PW-3, PW-4, within 90 days of completion of construction of the withdrawal facilities.

All meters shall adhere to the following descriptions and shall be installed and maintained as follows:

a. All meters shall be non-resettable, totalizing flow meters that have a totalizer of sufficient magnitude to retain total gallon data for a minimum of the three highest consecutive months permitted quantities. If other measuring devices or alternative accounting or reporting methods are proposed, prior to installation, the Licensee shall submit documentation that the other measuring devices or accounting methods meet the accuracy requirement provided below. If the alternative accounting method involves a meter belonging to another entity or to an alternative water supply provider, the Licensee shall submit documentation from the owner/supplier that the meter readings conform to these meter requirements. Such documentation is subject to approval by the District. Approval for other measuring devices, accounting methods, or reporting methods must be obtained in writing from the Brooksville Regulation Department Director.

i. The flow meter(s) or other approved flow-measuring device(s) shall have and maintain an accuracy within five percent of the actual flow as installed.

ii. Accuracy testing requirements:

a) For newly metered withdrawal points, the flow meter installation shall be designed for inline field access for meter accuracy testing.

b) The meter shall be tested for accuracy on-site, as installed, every five years beginning from the date of its installation for new meters or from the date of initial issuance of the permit.

c) The testing frequency will be decreased if the Licensee demonstrates to the satisfaction of the District that a longer period of time for testing is warranted.

d) The test will be accepted by the District only if performed by a person certified on the test equipment used as described in the section entitled Flow Meter Verification, below.

SECTION B. PLANT SPECIFIC CONDITIONS

e) If the actual flow is found to be greater than 5% different from the measured flow, within 30 days the Licensee shall have the meter re-calibrated, repaired, or replaced, whichever is necessary. Documentation of the test and a certificate of re-calibration, if applicable, shall be submitted within 30 days of each test or re-calibration.

b. The meter shall be installed according to the manufacturer's instructions for achieving accurate flow to the specifications above, or it shall be installed in a straight length of pipe where there is at least an upstream length equal to ten (10) times the outside pipe diameter and a downstream length equal to two (2) times the outside pipe diameter. Where there is not at least a length of ten diameters upstream available, flow straightening vanes shall be used in the upstream line. Existing systems that would require retrofitting to achieve the above standards will not be required to retrofit provided it is documented on the Flow Meter Accuracy Verification Form, Form No. LEG-R. 021.000 (07/08) that the flow meter is accurately and reliably measuring flow over different flow ranges or for the permanent operating flow.

c. If a metered withdrawal point, AWS inflow line or re-pump withdrawal point is not utilized during a given month, the meter report shall be submitted to the District showing the same meter reading that was submitted the previous month.

d. Broken or malfunctioning meter:

If the meter or other flow-measuring device malfunctions or breaks, the Licensee shall:

- i. Notify the District within 15 days of discovering the malfunction or breakage;
- ii. Replace the broken or malfunctioning meter with a repaired or new meter, subject to the specifications given above, within 30 days of the discovery; and
- iii. Submit estimates of their pumpage as described below.

If the meter is removed from the withdrawal point for any other reason, it shall be replaced with another meter having the same specifications given above, or the meter shall be reinstalled within 30 days of its removal from the withdrawal. In either event, the withdrawal point shall not lack a fully functioning meter for more than 60 consecutive days.

e. While the meter is not functioning correctly, the Licensee shall document the total amount of time in minutes that the withdrawal point was used for each month and multiply those minutes times the pump capacity (in gallons per minute) for total gallons. The estimate of the number of gallons used each month during that period shall be submitted on District scanning forms and noted as estimated per instructions on the form. If the data are submitted by another approved method, the fact that it is estimated must be indicated. The reason for the necessity to estimate pumpage shall be reported with the estimate.

f. In the event a new meter is installed to replace a broken meter, the meter and its installation shall meet the specifications of the District. The Licensee shall notify the District of the replacement with the first submittal of meter readings from the new meter.

[Sections 373.016, 373.219, 373.223(1), 373.236, F.S.; Rules 40D-2.301(1),(3), 40D-2.381(1), (4); F.A.C.; BOR 5.1, 6.2]

SECTION B. PLANT SPECIFIC CONDITIONS

7. Distribution Flexibility

The average day, peak monthly, and maximum daily, if applicable, quantities for District ID No(s) 1, 2, 3, 4, Licensee ID No(s) PW-1, PW-2, PW-3, PW-4 shown above in the production withdrawal table are estimates based on projected distribution of pumpage, and are for water use inventory and impact analysis purposes. The quantities listed in the table for these individual sources are not intended to dictate the distribution of pumpage from the withdrawal sources. The Licensee may make adjustments in pumpage distribution as necessary up to 125 percent on an average basis, up to 125 percent on a peak monthly basis, so long as adverse environmental impacts do not result and other conditions of this certification are complied with. In all cases, the total average annual daily withdrawal and the total peak monthly daily withdrawal are limited to the quantities set forth above.

[Sections 373.016, 373.219, 373.223(1), F.S.; Rule 40D-2.301, F.A.C., BOR sections 3.2, 3.4, 4.1]

8. Water Quality Sampling

a. Water quality samples shall be collected and analyzed for parameters and at the frequencies specified below. Water quality samples from production wells shall be collected from all wells, unless infeasible. If sampling is infeasible, Licensee shall indicate the reason for not sampling on the water quality data form. Water quality samples shall be analyzed by a laboratory certified by the Florida Department of Health utilizing the standards and methods applicable to the parameters analyzed and to the water use pursuant to Chapter 64E-1, Florida Administrative Code, "Certification of Environmental Testing Laboratories". At a minimum, water quality samples shall be collected after pumping the well at its normal rate for a pumping time specified in the table below, or to a constant temperature, pH, and conductivity. In addition, Licensee's sampling procedure shall follow the handling and chain of custody procedures designated by the certified laboratory which will undertake the analysis. Any variance in sampling and/or analytical methods shall have prior approval of the Brooksville Regulation Department Director. Reports of the analyses shall be submitted to the Permit Data Section, Regulation Performance Management Department, (using District forms) on or before the tenth day of the following month, and shall include the signature of an authorized representative and certification number of the certified laboratory which undertook the analysis. The parameters and frequencies of sampling and analyses may be modified by the Brooksville Regulation Department Director, as necessary to ensure the protection of the resource.

District <u>ID No.</u>	Licensee <u>ID No.</u>	Minimum Pumping <u>Time (minutes)</u>	Parameter	Sampling Frequency
1	PW-1	20 minutes	Chlorides,	February, May,
2	PW-2	20 minutes	Sulfates, and	August and November
3	PW-3	20 minutes	T.D.S.	
4	PW-4	20 minutes		

SECTION B. PLANT SPECIFIC CONDITIONS

Water quality samples shall be collected quarterly and on the same week of the months specified.

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

[Sections 373.016, 373.219, 373.223(1), 373.236, F.S.; Rules 40D-2.301(1), 40D-2.381(1), (4); F.A.C.; BOR 6.2]

b. Water quality samples from monitor wells shall be collected and analyzed for the District ID No., parameter(s), and frequency (ies) specified in the table below. Water quality samples shall be collected after pumping the monitor well(s) to a constant temperature, pH, and conductivity. Sampling method(s) shall be designed to collect water quality samples that are chemically representative of the zone to be sampled. Water quality samples shall be analyzed by a laboratory certified by the Florida Department of Health utilizing the standards and methods applicable to the parameters analyzed and to the water use pursuant to Chapter 64E-1, Florida Administrative Code, "Certification of Environmental Testing Laboratories". The Licensee's sampling procedure(s) shall follow the handling and chain of custody procedures designated by the certified laboratory which will undertake the analysis. A report describing the sampling and chain of custody procedures shall be included with the first data submitted after the date this permit is granted, and upon any change in sampling and/or analytical method(s). Any variance in sampling and/or analytical methods shall have prior approval of the District. Reports of the analyses shall be submitted to the District on District forms on or before the tenth day of the following month, and shall include the signature of an authorized representative and certification number of the certified laboratory that undertook the analysis. The parameters and frequency of sampling and analysis may be modified by the District as necessary to ensure the protection of the resource.

District <u>ID No.</u>	Licensee <u>ID No.</u>	Parameter	<u>Sample Frequency</u>
5	TBD	Chlorides,	May, September
6	TBD	Sulfates, and TDS	
7	TBD		
8	TBD		
9	TBD		
10	TBD		

Water quality samples shall be collected based on the following timetable:

Semi-annually Same week of months specified

SECTION B. PLANT SPECIFIC CONDITIONS

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

[Sections 373.016, 373.219, 373.223(1), 373.236, F.S.; Rules 40D-2.301(1), 40D-2.381(1), (4); F.A.C.; BOR 6.2]

c. The District with DEP's concurrence, reserves the right to set chloride, sulfate or TDS concentration limits on any production well in the future to prevent long-term upward trends or other significant water quality changes from occurring, based on data collected and after a sufficient data base has been established to determine limits. These limits shall be required after discussions with the Licensee. At such time as the concentration in any water sample reaches or exceeds the designated concentration limits, the Licensee shall take appropriate action to reduce concentrations to below those set for the particular well. If the District determines that long-term upward trends or other significant water quality changes are occurring, the District may consult with FDEP to reconsider the quantities included in these conditions of certification.

[Sections 373.016, 373.219, 373.223(1), 373.236, F.S.; Rules 40D-2.301(1), 40D-2.381(1), (4); F.A.C.; BOR 6.2]

d. During drilling of District ID Nos. 1, 2, 3, 4, Licensee ID Nos. PW-1, PW-2, PW-3, PW-4, water quality samples shall be collected at intervals of the change of drill rod or 30 feet, whichever is less, from 150 feet to a maximum depth of five feet above the bottom of the well when drilling on reverse air. Regardless of the specified sample collection interval, a sample shall be collected from the depth which corresponds to five feet above the bottom of the well. Samples shall be collected during reverse air drilling, or other appropriate method with prior approval by the District.

Samples shall be analyzed by a certified laboratory for Chloride, Sulfate, and Specific Conductivity. Licensee's sampling procedure shall follow the handling and chain of custody procedures designated by the certified laboratory which will undertake the analysis. Reports of the analyses shall be submitted to the Permit Data Section, Regulation Performance Management Department (using District forms) within thirty days of sampling, and shall include the signature of an authorized representative and the certification number of the Florida Department of Health certified laboratory utilizing the standards and methods applicable to the parameters analyzed and to the water use pursuant to Chapter 64E-1, Florida Administrative Code, "Certification of Environmental Testing Laboratories".

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

[Sections 373.016, 373.219, 373.223(1), 373.236, F.S.; Rules 40D-2.301(1), 40D-2.381(1), (4); F.A.C.; BOR 6.2]

SECTION B. PLANT SPECIFIC CONDITIONS

e. Monthly water levels for monitor wells for the sites included in the table below shall be referenced to NGVD, and reported in a form acceptable to the District by the tenth day of each month for the preceding month. The time and date that the elevation is taken shall be included. Changes to the methodology, extent, or frequency of monitoring at any of these sites may be modified by the District, as necessary to ensure the protection of the resources.

District	Licensee
<u>ID No.</u>	<u>Site No.</u>
5	TBD
6	TBD
7	TBD
8	TBD
9	TBD
10	TBD

[Sections 373.016, 373.219, 373.223(1), 373.236, F.S.; Rules 40D-2.301(1), 40D-2.381(1), (4); F.A.C.; BOR 6.2]

9. Wells

a. Well construction permits shall be obtained from the District by the Licensee for all wells to be constructed for this project. Well construction shall conform to requirements set forth in District and DEP rules for well construction.

[Sections 373.016, 373.219, 373.223(1), 373.308, 373.313, F.S.; Rules 40D-2.301(1), 40D-2.381(1), 40D-3.041, F.A.C.; WUP BOR 6.2]

b. Wells not in use with no installed pumping equipment shall be capped or valved in a water tight manner in accordance with Rule 62-532.500(3)(a)(4), F.A.C.

[Sections 373.016, 373.219, 373.223(1), 373.308, 373.313, F.S.; Rules 40D-2.301(1), 40D-2.381(1), 40D-3.037, 40D-3.041, 40D-3.521, 62-532.500, F.A.C.]

c. Within 90 days of the completion of each proposed well, Licensee shall submit to the District specific capacity (well testing) information from any test performed by the Water Well Contractor or pump installer on the well. This information shall include:

- i. Static water level before pumping
- ii. Duration of test pumping
- iii. Gallons per minute pumped
- iv. Final water level measured during pumping

If step-drawdown tests were performed, the information listed above shall be submitted for each step. A report analyzing the results shall be presented.

SECTION B. PLANT SPECIFIC CONDITIONS

[Sections 373.016, 373.219, 373.223(1), F.S.; Rules 40D-2.301(1), 40D-2.381(1), 40D-3.301(2), F.A.C.]

d. Within 90 days of construction, Licensee shall submit to the Permit Data Section, Regulation Performance Management Department, the specific locations of District ID Nos. 1, 2, 3, 4, Licensee ID Nos. PW-1, PW-2, PW-3, PW-4, on an original blue line aerial with a minimum scale of one inch equals 800 feet, or by latitude/longitude. Intake and mainline diameters for each of the above pumps shall be reported at the time of location reporting.

[Sections 373.016, 373.219, 373.223(1), F.S.; Rules 40D-2.301(1), 40D-2.381(1), 40D-3.301(2), F.A.C.]

e. Within one year of conditions of certification issuance, Licensee shall develop and implement a Water Conservation Plan (Plan) that includes practices currently employed or planned. For planned components, include an estimated time-frame for implementation for each. The Plan must indicate that technically and economically feasible water conservation opportunities have been or will be employed.

[Sections 373.016, 373.219, 373.223(1), F.S.; Rules 40D-2.301(1), 40D-2.381(1), F.A.C.; BOR 3.4 (pending amendment)]

f. The lowest quality water source, including reclaimed water, surface water and stormwater, must be used for each consumptive use authorized by these conditions of certification when available, except when Licensee demonstrates that the use of the lower quality water source is determined to be not economically, environmentally, or technologically feasible, in accordance with the District's Water Use Permit Information Manual Part B, Basis of Review, Sections 4.4 and 4.11.

[Sections 373.016, 373.219, 373.223(1), F.S.; Rules 40D-2.301(1), 40D-2.381(1), F.A.C.; BOR 4.4, 4.11]

g. Wetlands and other surface waters may not be adversely impacted as a result of the water use authorized by these conditions of certification. If unacceptable adverse impacts occur, the District will request that DEP modify the conditions of certification to curtail or abate the unacceptable adverse impacts, unless the impacts can be mitigated by Licensee.

[Sections 373.016, 373.219, 373.223(1), F.S.; Rules 40D-2.301(1), 40D-2.381(1), F.A.C.; BOR 2.8, 4.2, 4.13, 6.2]

h. A construction dewatering plan shall be provided to the District, for approval 6 months prior to the conduct of the dewatering. This plan shall include the details of the dewatering system, discharge quantities and location, a monitoring plan, and other details as appropriate to demonstrate that the dewatering plans meet the District's Conditions of Issuance as included in 40D-2.301 and comply with all applicable Environmental Resource Permit construction dewatering requirements.

[Sections 373.016, 373.219, 373.223(1), F.S.; Rules 40D-2.301(1), 40D-2.381(1), F.A.C.; BOR Sections 3.5, 5.4, 5.5]

SECTION B. PLANT SPECIFIC CONDITIONS

B. STANDARD CONDITIONS:

Licensee shall comply with the following Standard Conditions:

1. If any of the statements in the application and in the supporting data are found to be untrue and inaccurate, or if Licensee fails to comply with all of the provisions of Chapter 373, F.S., Chapter 40D, or the conditions set forth herein, the District shall seek revocation of any conditions of certification.

2. These conditions of certification are imposed based on information provided by Licensee demonstrating that the use of water is reasonable and beneficial, consistent with the public interest, and will not interfere with any existing legal use of water. If, during the term of this certification, it is determined by the District that the use is not reasonable and beneficial, in the public interest, or does impact an existing legal use of water, the District shall seek modification these conditions of certification or revocation of the certification authorized by DEP.

3. Licensee shall not deviate from any of the District- imposed conditions of this certification without written approval by the District.

4. In the event the District declares that a Water Shortage exists pursuant to Chapter 40D-21, Licensee agrees that portions of these conditions of certification shall be modified, or declared inactive as necessary to address the water shortage.

5. The District shall collect water samples from any withdrawal point listed in these conditions of certification or shall require Licensee to submit water samples when the District determines there is a potential for adverse impacts to water quality.

6. Licensee shall provide access to an authorized District representative to enter the property at any reasonable time to inspect the facility and make environmental or hydrologic assessments. Licensee shall either accompany District staff onto the property or make provision for access onto the property.

7. Licensee shall cease or reduce any surface water withdrawals as directed by the District if water levels in surface water fall below applicable minimum water level established in Chapter 40D-8 or rates of flow in streams fall below the minimum levels established in Chapter 40D-8.

8. Licensee shall cease or reduce withdrawals if water levels in aquifers fall below the minimum levels established by the District.

9. Licensee shall practice water conservation to increase the efficiency of transport, application, and use, as well as to decrease waste and to minimize runoff from the property. At such time as the District adopts specific conservation requirements for Licensee's water use classification, these conditions of certification shall be modified accordingly.

10. The District may establish special regulations for Water Use Caution Areas. At such time as the Governing Board adopts such provisions, these conditions of certification shall be subject to them upon notice and after a reasonable period for compliance.

11. Licensee shall mitigate any adverse impact to existing legal uses caused by withdrawals. When adverse impacts occur or are imminent, Licensee shall be required to mitigate the impacts. Adverse impacts include:

SECTION B. PLANT SPECIFIC CONDITIONS

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

12. Licensee shall mitigate any adverse impact to environmental features or offsite land uses as a result of withdrawals. When adverse impacts occur or are imminent, the Licensee shall be required to mitigate the impacts. Adverse impacts include:

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

13. When necessary to analyze impacts to the water resource or existing users, Licensee shall be required to install flow metering or other measuring devices to record withdrawal quantities and submit the data to the District.

14. A District identification tag shall be prominently displayed at each withdrawal point by permanently affixing the tag to the withdrawal facility.

15. Licensee shall notify the District within 30 days of the sale or conveyance of permitted water withdrawal facilities or the land on which the facilities are located.

16. The annual average daily withdrawal quantity is determined by calculating the total quantity of water to be withdrawn over a one year period, divided by 365 days, which results in a gallons per day (gpd) quantity pursuant to Basis of Review, Section 3.2, Permitted Withdrawal Quantities. This is a running 12-month average, whereby each month the annual average daily quantity is recalculated based on the previous 12-month pumpage.

[Sections 373.016, 373.219, 373.223(1), F.S.; Rules 40D-2.301(1), 40D-2.381(1), F.A.C.; BOR Section 6.1]

XXIX. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

A. Listed-Species Conditions

Listed Species Occurring or Potentially Occurring in the Project Area

Common Name	Scientific Name	FL Status	Federal Status
Gopher frog	<i>Rana capito</i>	SSC	
Eastern indigo snake	<i>Drymarchon couperi</i>	T	T
Florida pine snake	<i>Pituophis melanoleucus mugitus</i>	SSC	

SECTION B. PLANT SPECIFIC CONDITIONS

Short-tailed snake	<i>Stilosoma extenuatum</i>	T	
Gopher tortoise	<i>Gopherus polyphemus</i>	T	
Florida scrub jay	<i>Aphelocoma coerulescens</i>	T	T
Little blue heron	<i>Egretta caerulea</i>	SSC	
White ibis	<i>Eudocimus albus</i>	SSC	
Southeastern American kestrel	<i>Falco sparverius paulus</i>	T	
Florida sandhill crane	<i>Grus canadensis pratensis</i>	T	
Bald Eagle	<i>Haliaeetus leucocephalus</i>	**	**
Red-cockaded woodpecker	<i>Picoides borealis</i>	SSC	E
Florida mouse	<i>Podomys floridanus</i>	SSC	
Sherman's fox squirrel	<i>Sciurus niger shermani</i>	SSC	
Florida black bear	<i>Ursus americanus floridanus</i>	T	
Florida manatee	<i>Trichechus manatus latirostris</i>	E	E

*SSC = Species of Special Concern; T= Threatened; E= Endangered;

**While the bald eagle has been both state and federally delisted, it is still governed by the state bald eagle management plan and federal Bald and Golden Eagle Protection Act.

1. General Listed-Species Surveys

a. The Licensee will coordinate with the FWC to obtain and follow the current survey protocols for all listed species that may occur within the Certified Facilities, with appropriate buffers as defined by the survey protocols, prior to conducting detailed surveys.

b. Surveys will be conducted prior to clearing and construction in accordance with the survey protocols. The results of those detailed surveys will be provided to the FWC and coordination will occur with the FWC on appropriate impact mitigation methodologies.

[Article IV, Sec. 9, Fla. Constitution; Section 379.2291, Florida Statutes (F.S.), Sections 403.507 and 403.5113(2), F.S., and Rule 68A-27, Florida Administrative Code (F.A.C.).]

2. Gopher Tortoise

Information on the gopher tortoise and permitting can be found on FWC's website.

a. The Licensee will conduct surveys for gopher tortoises (*Gopherus polyphemus*), in accordance with the FWC-approved Gopher Tortoise Management Plan (adopted in 2007) and current FWC-approved Gopher Tortoise Permitting Guidelines or FWC-approved subsequent versions of the Plan or Guidelines. A burrow survey covering a minimum of 15% of the potential gopher tortoise habitat to be impacted by development is required in

SECTION B. PLANT SPECIFIC CONDITIONS

order to apply for a relocation permit. Immediately prior to capturing tortoises for relocation, a 100% survey is required to effectively locate and mark all potentially occupied tortoise burrows and to subsequently remove the tortoises. Burrow survey methods are outlined in Appendix 4, Methods for Burrow Surveys on Development (Donor) and Recipient Sites. Surveys must be conducted within 90 days of when an application is submitted to the FWC; however, surveys shall not be conducted within 30 days of any ground disturbance or clearing activities on the donor site. All surveys completed by authorized agents or other permittees are subject to field verification by the FWC. The gopher tortoise surveys should be conducted during the months of April through October.

b. A permit is not required for activities that occur more than 25 feet from a gopher tortoise burrow entrance, provided that such activities do not harm gopher tortoises or violate rules protecting gopher tortoises. Examples of such violations noted in the past by the FWC include, but are not limited to, killing or injuring a tortoise more than 25 feet away from its burrow; harassing a tortoise by blocking access to its burrow, and altering gopher tortoise habitat to such an extent that resident tortoises are taken.

c. The Licensee will coordinate with and provide the FWC a completed gopher tortoise relocation permit(s) application in accordance with the FWC-approved Gopher Tortoise Management Plan and Gopher Tortoise Permitting Guidelines as a post-certification submittal. This permit application will provide information on the location for on-site recipient areas and any off-site FWC approved recipient site, as well as, appropriate mitigation contributions.

d. Any commensal species observed during the burrow excavations that are listed by the U.S. Fish and Wildlife Service (USFWS) or FWC will be relocated in accordance with the applicable guidelines for that species.

e. To the maximum extent practicable or feasible, all staging and storage areas should be sited to avoid impacts to gopher tortoise burrows and habitat.

[Article IV, Sec. 9, Fla. Const.; Sections 403.507 and 403.5113(2), F.S., Section 379.2291, F.S.; and Rule 68A-27.004, F.A.C.]

3. Bald Eagle

a. The Licensee will avoid impacts to bald eagle (*Haliaeetus leucocephalus*) nests where possible. If impacts cannot be avoided within the 660-foot nest buffer zone, construction activities will be conducted consistent with the FWC Eagle Management Guidelines, outlined in the FWC Bald Eagle Management Plan, dated April 9, 2008, or any subsequent FWC-approved versions. In areas where bald eagle nests are present, efforts will be made to avoid construction activities during the nesting season (October 1 – May 15) or when eagles are present before October 1 or after May 15.

b. In accordance with the FWC Eagle Management Guidelines, for construction areas that fall within 330 feet of an active or alternate bald eagle nest, construction activities will be conducted only during the non-nesting season (May 16 – September 30). Any construction activities that fall within 660 feet of the nest during the nesting season will be conducted following USFWS-approved Bald Eagle Monitoring Guidelines, dated 2007, or USFWS-approved subsequent versions.

SECTION B. PLANT SPECIFIC CONDITIONS

c. In areas where adverse impacts to nests cannot be avoided, resulting in nest disturbance, the information required for an FWC Eagle Permit will be obtained from the FWC, as authorized by Section 379.2291 F.S., and Rule 68A-16.002, F.A.C., and minimization and conservation measures outlined in the FWC Bald Eagle Management Plan will be followed, as applicable.

[Article IV, Sec. 9, Fla. Const., Section 403.507, F.S., Section 403.5113(2), F.S., Rule 62-1 7.191, F.A.C., Section 379.2291, F.S., 68A-27 F.A.C. and Rule 68A-16.002, F.A.C.]

4. Florida Scrub-Jay

a. The Licensee will coordinate with the FWC prior to clearing and construction of the Certified Facilities to insure that surveys for Florida scrub-jays (*Aphelocoma coerulescens*) are in accordance with FWC- and USFWS-approved protocols (Fitzpatrick et al. 1991)*.

b. The Licensee will conduct the surveys and provide the FWC with the Florida scrub-jay survey results and identify where impacts to Florida scrub-jays cannot be avoided.

c. The Licensee will coordinate with the FWC to determine mitigative measures for areas where impacts to Florida scrub-jays cannot be avoided.

[Article IV, Sec. 9, Fla. Const., Section 403.507, F.S., Section 403.5113(2), F.S., Rule 62-1 7.191, F.A.C., Section 379.2291, F.S., 68A-27 F.A.C. and Rule 68A-16.001 F.A.C.]

*Fitzpatrick, J. W., G.E. Woolfenden, M.T. Kopeny. 1991. Ecology and development-related requirements of the Florida scrub-jay (*Aphelocoma coerulescens*). Nongame Wildl. Prog. Tech. Rep. No. 8, Fla. Game Fresh Water Fish Comm., Tallahassee.

5. Red-Cockaded Woodpeckers

a. The Licensee will coordinate with the FWC prior to conducting surveys for red-cockaded woodpeckers (*Picoides borealis*) to insure that surveys are in accordance with the FWC-approved Red-Cockaded Woodpecker Management Plan, adopted in 2003, and the USFWS Red-Cockaded Woodpecker Recovery Plan, or subsequent FWC-approved or USFWS-approved versions of either plan.

b. The Licensee will conduct the surveys and provide the FWC with the red-cockaded woodpecker survey results and identify where impacts to red-cockaded woodpeckers cannot be avoided.

c. The Licensee will coordinate with the FWC to determine mitigative measures for areas where impacts to red-cockaded woodpeckers cannot be avoided.

[Article IV, Sec. 9, Fla. Const., Section 403.507, F.S., Section 403.5113(2), F.S., Rule 62-17.191, F.A.C., Section 379.2291, F.S., 68A-27 F.A.C. and Rule 68A-16.001 F.A.C.]

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6. Avian Protection Plan

The Licensee will coordinate with the FWC in the development of an Avian Protection Plan that delineates a program designed to reduce the operational and avian risks that result from avian interactions with the Certified Facilities with the goal of reducing avian mortality. Guidelines for the Avian Protection Plan can be found on the USFWS website at:

<http://www.fws.gov/migratorybirds/issues/APP/AVIAN%20PROTECTI%20PLAN%20FINAL%204%2019%2005.pdf>

[Article IV, Sec. 9, Fla. Const., Section 403.507, F.S., Rule 62-17.191, F.A.C., Section 379.2291, F.S., 68A-27 F.A.C. and Rule 68A-16.001 F.A.C.]

7. Florida Manatee

a. The Standard Manatee Conditions for In-Water Work (revision 2005) shall be followed for all in-water activity located where waters are accessible to manatees. These are enclosed as Attachment 1. Blasting or pile hammering activities to break rock shall be prohibited in or adjacent to waters accessible to manatees. If no other alternative exists, a modification of these conservation measures can be requested. An adequate Blast and Protected Species Watch Plan must be submitted to and approved by the Imperiled Species Management Section of the FWC prior to these methodologies being used.

b. At least 60 days prior to the beginning of in-water construction or demolition activities located where waters are accessible to manatees, the Licensee shall contact the FWC to determine whether observers will be required, how many observers will be needed and who those observers will be. The Licensee may provide the FWC with a list of prospective observers or the FWC will provide a list. Observers must be approved by the FWC prior to construction and be equipped with polarized sunglasses to aid in observation. The manatee observer must be on site during all in-water construction activities and will advise personnel to cease operation upon sighting a manatee within 50 feet of any in-water construction activity. Movement of a work barge, other associated vessels, or any in-water work associated with construction or demolition activities shall not be performed after sunset, when the possibility of spotting manatees is negligible. Observers shall maintain a log detailing manatee sightings, work stoppages, and other protected species-related incidents. A report, summarizing all activities noted in the observer logs, the location and name of project, and the dates and times of work shall be submitted within 30 days following project completion to the FWC's Imperiled Species Management Section at: 620 South Meridian Street, 6A, Tallahassee, Florida 32399-1600, or e-mailed at fcmpmail@myfwc.com.

c. If a cofferdam is used during in-water construction to minimize release of sediment to the Cross Florida Barge Canal, the area inside (behind) the cofferdam must be checked for the presence of manatees during and after installation of the barrier before further work occurs to determine that manatees have not been entrapped.

d. At the earliest point in the final design phase of the project and prior to construction in waters accessible to manatees, the Licensee must submit a complete final description and final design of the Cooling Water Intake Structure (CWIS) plan to be approved by the FWC with regard to manatee safety issues. The description should include the width of proposed vertical bar screens and the means by which they will be secured to the structure, the location and type of material proposed for screens and the method of securing the screens, the

SECTION B. PLANT SPECIFIC CONDITIONS

location of the pump and pump house, and a complete explanation of how access by manatees to the pump mechanism will be prevented. A final CWIS plan approved by the FWC must be implemented prior to the facility operation and maintained for the life of the facility.

e. At the earliest point in the final design phase of the project and prior to construction in waters accessible to manatees, the Licensee must submit a complete description and final design of the trash rack/rake plan, which must be approved by the FWC. The description must include the type (brand) of trash rack proposed, the proposed rack installation angle, and if a rake/rake gripper (or other moving element for cleaning or straining) is proposed as part of the mechanism, a description of the rake gripper, the size (in inches) of the rake gripper opening, the proposed descent velocity of the rake or other straining mechanism, the proposed type of operation of the rake (automated or manual), and the proposed location of the trash rack relative to the CWIS forebay. A final trash rack/rake plan must minimize risks to manatees, must be approved by the FWC, implemented prior to the facility operation and maintained for the life of the facility.

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

[Article IV, Sec. 9, Fla. Const., Section 403.507, F.S., Section 403.5113(2), F.S., Rule 62-17.191, F.A.C., Section 379.2291, F.S. and 68A-27 F.A.C.]

B. Biological Survey and Monitoring Conditions

The Licensee may request modification of the following applicable FWC conditions upon issuance by the Department of Environmental Protection, in consultation with the FWC, of Final NPDES permit FL0633275-001-IWISINP

1. Cross Florida Barge Canal and Withlacoochee River Survey and Monitoring

Field data are needed in order to determine if there are any impacts of the proposed withdrawals in the Cross Florida Barge Canal and the Withlacoochee River below the Lake Rousseau Dam.

a. Within 180 days following certification of the Levy County Nuclear Facility, the Licensee shall submit to the DEP Siting Office and FWC a Cross Florida Barge Canal and Withlacoochee River Baseline Survey and Monitoring Plan (CRSMP). Unless otherwise agreed to by the Licensee and FWC, in consultation with DEP, the CRSMP shall include, at a minimum, the following components and may include additional components as proposed by either the FWC or Licensee:

i. Nekton pre-operational survey and post-operational monitoring should be based on a stratified-random sampling design, with a minimum of 12 samples per month in the Cross Florida Barge Canal, a minimum of 6 samples per month in the Withlacoochee River downstream of Lake Rousseau, and a minimum of 6 samples per month in the area just off the entrance to the Cross Florida Barge Canal. Ideally the sampling effort would be divided between bag seines and otter trawls, with a ratio of two seine hauls to one trawl haul.

SECTION B. PLANT SPECIFIC CONDITIONS

This study design will allow comparison between monitoring results of nekton communities, and possible changes in these communities, in the CFBC and Withlacoochee River with systems north and south of the CFBC. Ideally the number of samples necessary per month would be based on preliminary sampling and subsequent power analysis (to determine power to detect change). If additional gear is deemed more appropriate, these should be provided in the nekton monitoring study design.

ii. Plankton (ichthyoplankton and meroplankton) preoperational survey and post-operational monitoring should be based on a stratified random sampling design, with a minimum of 12 samples per month in the Cross Florida Barge Canal, a minimum of 6 samples per month in the area just off the entrance to the Cross Florida Barge Canal, and in the Withlacoochee River. The surveys should employ standard plankton sampling gear. Ideally the number of samples necessary per month would be based on preliminary sampling and subsequent power analysis (to determine power to detect change). The plankton monitoring should, at a minimum, include sampling at night.

iii. Additional hydrographic survey sites may be needed, depending on the data available from previous studies, to characterize circulation and flow from the Withlacoochee River south to the Barge Canal, across and into the Barge Canal, and south towards the Crystal River Energy Complex. Specific survey and monitoring locations, sampling frequencies and methods, and specific parameters to be surveyed and monitored shall be approved by the FWC, in consultation with DEP and SWFWMD.

iv. Pre-operational surveys and monitoring shall be conducted for a period of time to be determined by statistical analysis in coordination between the FWC and the Licensee in order to establish seasonal/climatological baseline, biological and water quality conditions. This timeframe will not exceed the period of time that is available prior to operation of the facility.

v. Pre-operational survey and post-operational monitoring shall be conducted for a period of time to be determined by statistical analysis in coordination between the FWC, in consultation with DEP, and the Licensee, utilizing the same pre-operational survey methodologies in order to identify and characterize biological and water quality impacts associated with the project for any needed mitigation purposes.

vi. In accordance with federal regulations related to the project's intake structure, an impingement and entrainment study shall be developed and implemented for use during operations to validate the assumptions of limited or no impingement and entrainment of organisms.

vii. An adaptive management approach shall be applied during pre-operational surveying and post-operational monitoring plan development in order to accommodate for less expensive data collection methodologies that may become available.

viii. This CRSMP, including survey and monitoring locations, shall be approved prior to implementation. The FWC, in consultation with DEP and SWFWMD, shall indicate approval or disapproval of the submitted plan within 90 days of the originally submitted information. The FWC will transmit its findings to the DEP-Siting Office for coordination and transmittal to the licensee. In the event that additional information is needed from the licensee to complete and approve the Plan, the FWC, in consultation with DEP and

SECTION B. PLANT SPECIFIC CONDITIONS

SWFWMD, shall make a written request to the DEP Siting Office and the Licensee for additional information no later than 30 days after receipt of the submitted information.

ix. Upon approval, the Licensee will start implementation of the CRSMP.

b. The Licensee will prepare yearly progress reports, including all data and statistical analyses resulting from the survey and monitoring requirements, hydrographic analysis documenting the flow and circulation patterns in the nearshore areas, and a summary report at the end of the baseline period. These reports shall be submitted to the FWC, and DEP Siting Office for review. If the FWC, in consultation with DEP and SWFWMD, in their review of the yearly progress reports, determines inadequacies or the need to modify the CRSMP, FWC will notify DEP and the Licensee and a joint meeting will be held to discuss the findings. At the end of the baseline monitoring period, the Licensee will hold a joint meeting with the DEP and EWC to discuss the results. At that time, the FWC, in consultation with DEP and SWFWMD, and the Licensee will determine what, if any, modifications need to be made to the CRSMP for monitoring once the Plant begins operations. The FWC will transmit its findings to the DEP-Siting Office for coordination and transmittal to the licensee.

c. If the CRSMP is determined to need modifications for monitoring during the operation of the Plant, the Licensee will submit, within 180 days after notification of needed modifications, a revised CRSMP to the FWC and the DEP Siting Office for review. The FWC, in consultation with DEP and SWFWMD, shall indicate its approval or disapproval of the submitted plan within 90 days of the submitted information. The FWC will transmit its findings to the DEP-Siting Office for coordination and transmittal to the licensee. In the event that additional information from the licensee is necessary to complete and approve the CRSMP, the FWC, in consultation with DEP and SWFWMD, shall make a written request to the DEP-Siting Office and the Licensee for additional information no later than 30 days after receipt of the submitted information.

d. The Licensee will submit, after initiation of operations at the Levy Plant, an annual report, including all data and statistical analyses resulting from the monitoring requirements and an analysis comparing the current data to the preoperational survey (baseline) data to the FWC and the Siting Office. If the FWC, in consultation with DEP and SWFWMD, determines that the pre-operational survey and post-operational monitoring data indicate harm or potential harm to the ecological resources of the waters of the State and/or indicate exceedance of State water quality standards, or if these data are insufficient to evaluate changes, then additional measures shall be required to evaluate or to abate such impacts. Additional measures include but are not limited to:

- i. Enhanced monitoring and/or modeling, and mitigative measures;
- ii. Operational changes in the cooling water intake system to reduce any such impacts;
- iii. Other measures to abate impacts as may be described in the Canal and River Monitoring Plan.

e. The Licensee will submit a summary report, including all data and statistical analyses from the baseline monitoring and an analysis comparing the current data to

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the baseline data, to the FWC and the DEP Siting Office. The summary report should be submitted a minimum of 6 months before renewal of the NPDES permit.

[Article N, Sec. 9, Flu. Const., Section 403.507 and 403.509, F.S.; Section 379.1025 F.S., Section 379.2291 F.S., Section 379.2401 F.S., Rules 68A-1.002 Florida Administrative Code (F.A.C), 68A-4.001, F.A. C and Chapter 68A-27, F.A.C.]

2. Levy Nuclear and Crystal River Energy Complex Combined Discharge Survey and Monitoring

a. Within 180 days following certification of the Levy County Nuclear Facility, the Licensee will submit to the FWC and the DEP Siting Office a LNP Combined Discharge Survey and Monitoring Plan (Discharge Monitoring Plan). Unless otherwise agreed to by the Licensee and FWC, in consultation with DEP, the Discharge Monitoring Plan shall include, at a minimum, the following components:

i. A broad-based, pre-operational survey and a postoperational monitoring plan, for a period of time to be determined by statistical analysis in coordination between the DEP, FWC and the Licensee, that is available prior to operation of the facility, that includes sites outside of the existing or predicted plume areas to allow for a comparison of the plume area sites to a "control site." This time frame will not exceed the period of time that is available prior to operation of the facility.

ii. Specific survey and monitoring locations, sampling frequencies and methods, and specific parameters to be surveyed and monitored.

iii. The survey and monitoring will include, at minimum, protocols to monitor seagrass, oyster and hardbottom resources. Monitoring of physical and chemical parameters shall include, at minimum, surface and bottom temperature, salinity, dissolved oxygen (DO), total nitrogen, total phosphate, and water column transparency data collection.

iv. Intensive survey and monitoring of the central areas of the existing and future predicted plume areas during the first and second summers of the combined discharge. This should include measurements of DO at the surface and at the bottom measured on a regular schedule (quarterly at minimum, monthly if possible), and, within the zone of plume impact, DO at the bottom measured overnight 3 to 4 times during each summer.

v. The Discharge Monitoring Plan, including survey and monitoring locations, shall be approved prior to implementation. The FWC, in consultation with DEP and SWFWMD, shall indicate its approval or disapproval of the submitted plan within 90 days of the originally submitted information. The FWC will transmit its findings to the DEP-Siting Office for coordination and transmittal to the licensee. In the event that additional information from the licensee is necessary to complete and approve the Plan, the FWC, in consultation with DEP and SWFWMD, shall make a written request to the licensee for additional information no later than 30 days after receipt of the submitted information.

vi. The Discharge Monitoring Plan shall be implemented upon approval. As noted above, upon issuance of Final NPDES permit FL0633275-001-IWIS/NP, the Licensee may request to DEP, in consultation with FWC, modification of the FWC conditions of certification.

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b. The Discharge Monitoring Plan and results of monitoring data collected over the course of the previous and current CREC operating period and NPDES permits will be submitted to the DEP and FWC so as to provide a basis for developing the LNP Discharge Mitigation Plan, if needed.

c. The Licensee will prepare yearly progress reports, including all data and statistical analyses resulting from the survey and monitoring requirements, and a summary report at the end of 5 years after approval of the Discharge Monitoring Plan of the Levy County Nuclear facility and submit the report to the FWC and DEP Siting Office for review. If in the review of the yearly progress reports, the FWC, in consultation with DEP and SWFWMD, determines inadequacies or the need to modify the Discharge Monitoring Plan, FWC will notify the DEP-Siting Office and the Licensee to discuss the findings. At the end of the baseline monitoring period, the Licensee will contact DEP and FWC to discuss the results. At that time, the FWC, in consultation with DEP and SWFWMD, and the Licensee will determine what if any modifications need to be made to the Discharge Monitoring Plan for monitoring once the Plant begins operations.

d. If the Discharge Monitoring Plan is determined to need modifications for monitoring during the operation of the Plant, the Licensee will submit, within 180 days, a revised Discharge Monitoring Plan to the Agencies for review. The FWC, in consultation with DEP and SWFWMD, shall indicate its approval or disapproval of the submitted plan within 90 days of the submitted information. The FWC will transmit its findings to the DEP-Siting Office for coordination and transmittal to the licensee. In the event that additional information from the licensee is necessary to complete and approve the Discharge Monitoring Plan, the FWC, in consultation with DEP and SWFWMD, shall make a written request to the DEP-Siting Office and the licensee for additional information no later than 30 days after receipt of the submitted information.

e. The Licensee will submit, after initiation of operations at the Levy Plant, a yearly progress report, including all data and statistical analyses from the baseline surveys and monitoring and an analysis comparing the current data to the baseline data, to the Agencies. If the FWC, in consultation with DEP and SWFWMD, determines that the pre-operational survey and post-operational discharge monitoring data are insufficient to evaluate changes, indicate harm or potential harm to the ecological resources of the waters of the State and/or exceed State water quality standards, then additional measures shall be required to evaluate or to abate such impacts. Additional measures include but are not limited to:

- i. Enhanced monitoring and/or modeling, and mitigative measures;
- ii. Operational changes in the discharge or water cooling system to reduce any such impacts;
- iii. Other measures to abate impacts as may be described in the Plan.

f. The Licensee will submit a summary report, including all data and statistical analyses from the baseline survey and an analysis comparing the current data to the baseline data to FWC and the DEP Siting Office. The summary report should be submitted a minimum of 6 months before renewal of the NPDES permit.

SECTION B. PLANT SPECIFIC CONDITIONS

g. If FWC, in consultation with DEP and the Licensee find that the monitoring demonstrates no impact from Levy, then licensee may request that FWC, in consultation with DEP amend the monitoring plan or terminate it.

[Article N, Sec. 9, Flu. Const., Section 403.507 and 403.509, F.S.; Section 379.1025 F.S., Section 379.2291 F.S., Section 379.2401 F.S., Rules 68A-1.002 Florida Administrative Code (F.A.C.), and Chapter 68A-2 7, F.A.C.]

C. Mitigation

1. Cross Florida Barge Canal and Withlacoochee River

a. FWC, in consultation with DEP and SWEWMD, will review the CRMP Annual Reports. If after the review and analysis of the data and reports there is an indication of adverse impacts, FWC, in consultation with DEP and SWFWMD, will notify the DEP-Siting Office and the Licensee of the need for mitigation. Within 180 days following notification from DEP-Siting Office of the need for mitigation, the Licensee will submit to the DEP and FWC a Withlacoochee River and/or the Cross Florida Barge Canal Mitigation Plan (CFJ3CWR Mitigation Plan). The CFBCWR Mitigation Plan may include the following components:

i. Plans to alleviate changes in flow, water quality, or biology, as determined from the survey and monitoring, in the Withlacoochee River between Lake Rousseau and the CFBC

ii. Possible operational changes in the cooling water intake system to reduce any such impacts.

iii. The CFBCWR Mitigation Plan shall be approved by FWC, in consultation with DEP and SWFWMD, prior to implementation. FWC, in consultation with DEP and SWFWMD, shall indicate its approval or disapproval of the submitted plan within 90 days of the submitted information. The FWC will transmit its findings to the DEP-Siting Office for coordination and transmittal to the licensee. In the event that FWC, in consultation with DEP and SWFWMD, requires additional information for the licensee to complete and approve the CFBCWR Mitigation Plan, the FWC, in consultation with DEP and SWFWMD, shall make a written request to the DEP Siting Office and the Licensee for additional information no later than 30 days after receipt of the submitted information.

iv. Upon approval by FWC, in consultation with DEP and SWFWMD, the Licensee will start implementation of the CFBCWR Mitigation Plan.

v. The Licensee will prepare yearly progress reports, including all data and statistical analyses resulting from the implementation of the CFBCWR Mitigation Plan, and a summary report at the end of 5 years or a minimum of 6 months before renewal of the NPDES permit, and submit the report to FWC and DEP for review. If the FWC, in consultation with DEP and SWFWMD in their review of the yearly progress reports determine inadequacies or the need to modify the CFBCWR Mitigation Plan, they will notify the DEP-Siting Office and the Licensee to discuss the findings. If the hydrographic monitoring from the Canal and River Monitoring Plan indicates changes to the circulation and flow due to the LNP a proposal will be developed to restore circulation patterns.

SECTION B. PLANT SPECIFIC CONDITIONS

[Article IV, Sec. 9, Flu. Const., Section 403.507 and 403.509, F.S. Section 379.1025 F.S., Section 379.2291 F.S.; Section 379.2401 F.S., Rules 68A-1.002 F.A. C., 68A-4.001, F.A. C and Chapter 68A-27, F.A.C.]

2. Crystal River Combined Discharge

a. FWC, in consultation with DEP and SWFWMD, will review the Discharge Monitoring Plan Annual Reports. If after the review and analysis of the data and reports there is an indication of adverse impacts, EWC, in consultation with DEP and SWFWMD, will notify the Licensee of the need for mitigation for impacts caused by the LNP discharge. Within 180 days following notification through the DEP Siting Office of the need for mitigation, the Licensee will submit to FWC and the DEP Siting Office a Levy Nuclear Discharge Mitigation Plan (LNP Mitigation Plan). The Plan may include the following components:

i. Remedial action options if the Levy Nuclear discharge has adverse impacts on water quality and physical parameters, seagrasses, oysters, or other marine organisms.

ii. Development of a hydrologic model for restoring flows and circulation if deemed necessary from the Canal and River Monitoring Plan.

iii. If the hydrologic modeling, from item 2 above, indicates positive changes, then consideration should be given to re-establishing the "flow-through cuts" along the Crystal River Intake Canal spoil piles.

iv. Operational changes in the discharge or water cooling system to reduce any such impacts.

v. The LNP Mitigation Plan shall be approved prior to implementation. FWC, in consultation with DEP and SWFWMD, shall indicate its approval or disapproval of the submitted plan within 90 days of the originally submitted information. The FWC will transmit its findings to the DEP-Siting Office for coordination and transmittal to the licensee. In the event that FWC, in consultation with DEP and SWFWMD, require additional information for the licensee to complete and approve the LNCREC Mitigation Plan, the FWC, in consultation with DEP and SWFWMD, shall make a written request to the DEP-Siting Office and the Licensee for additional information no later than 30 days after receipt of the submitted information.

vi. Upon approval by FWC, in consultation with DEP and SWFWMD, the Licensee will start implementation of the LNP Mitigation Plan.

b. The Licensee will prepare yearly progress reports, including all data and statistical analyses resulting from the implementation of the LNCREC Mitigation Plan, and a summary report submitted 6 months before the application for renewal of the NPDES permit, and submit the report to FWC and the DEP Siting Office for review. If the FWC, in consultation with DEP and SWFWMD, in their review of the yearly progress reports determine inadequacies or the need to modify the LNCREC Mitigation Plan, FWC will notify the DEP-Siting Office and the Licensee to discuss the findings.

SECTION B. PLANT SPECIFIC CONDITIONS

[Article IV, Sec. 9, Fla. Const., Section 403.507 and 403.509, F.S.; Section 379.1025 F.S., Section 379.2291 F.S., Section 379.2401 F.S., Rules 68A-1.002 F.A. C, Chapter 68A-27, F.A. C.]

XXX. LEVY COUNTY – PLANT REQUIREMENTS

NOTE: References to Exhibits A, B, and C to SE 2-08, are references to those documents which constitute exhibits to a Special Exception submitted by the Licensee for the use of the site for an electrical power generating facility, which Special Exception was approved by the Board of County Commissioners of Levy County, on September 2, 2008 (attached as Appendix E). The Special Exception will be referred to herein as SE 2-08. Exhibits A, B, and C to SE 2-08 are attached to this Final Report in PDF format and are included herein by this reference. The term Special Exception area as used in this Final Report means the area described and depicted on Exhibit A of SE 2-08 as the property that is the subject of SE 2-08.

A. Documentation/Submittals Requirements

1. At least sixty (60) days prior to any vertical construction activities on the site or any associated facilities, the Licensee shall provide all of the following to the County for its review and approval:

a. A detailed site plan depicting that all development within the 3 105-acre site is contained within the designated Development Areas as shown on Exhibits A and B to SE 2-08 (herein the Development Areas), with the exception of fencing, temporary uses incidental to the construction of the facility, transmission lines and pipelines, berms, guard houses, water wells, monitoring wells, and internal roads necessary to provide internal access to these listed structures, and is setback a minimum of 1,000 feet from any property boundary where abutting properties are not under the same ownership as the subject property.

b. A detailed site plan depicting development within the proposed Development Areas, which reflects the areas, locations, sizes, and heights shown on Exhibit B to SE 2-08 and the tables on Exhibit C to SE 2-08, and which reflects any changes to those items shown on such Exhibits B and C to SE 2-08 in building, pavement, and/or structure size or height, relocation of buildings, pavement, and/or structures within the 954 acres of Development Area. Any such changes to Exhibit B and Exhibit C to SE 2-08 depicted on the site plan shall conform to the special exception requirements for electric generating facilities and the notes listed on Exhibit B to SE 2-08, which all shall allow for construction and operation of nuclear electric generating facilities subject to the Florida Electrical Power Plant Siting Act, Section 403.501 through 403.518, Fla. Stat., consisting of two reactor units generating a total electrical load of 3,000 megawatts and the necessary support services and structures required for the construction and operation of such facility including offices, training facilities, storage areas, warehousing, first aid facilities, staging areas, parking lots, electrical transmission facilities, cooling towers, retention basins, shooting range, emergency notification equipment, fencing and security facilities, and temporary uses necessary for the construction of such facility including but not limited to concrete and/or asphalt batch plants.

c. A detailed site plan that depicts that all outdoor lighting will be directional and shall not radiate directly onto adjacent properties not under the same ownership as the subject property. There shall not be any off-site glare to adjacent properties not under the same ownership as the subject property. Licensee shall also include a photometric lighting plan.

SECTION B. PLANT SPECIFIC CONDITIONS

d. detailed site plan depicting that the maximum structure height does not exceed 250 feet.

e. A detailed site plan that depicts that all outdoor lighting will be directional and shall not radiate directly onto adjacent properties not under the same ownership as the subject property. There shall not be any off-site glare to adjacent properties not under the same ownership as the subject property. Applicant shall also include a photometric lighting plan.

f. A detailed site plan depicting paved pervious parking areas and service areas. Additional pervious parking areas and service drives necessary for internal circulation shall be permitted throughout the special exception area.

g. A detailed site plan of the special exception area depicting that the maximum impervious surface does not exceed 20 percent of the total special exception area.

h. An updated traffic study for the site and associated facilities, reflecting projected traffic during construction and operational phases for the site and associated facilities. Such traffic study may also be used to calculate the appropriate Levy County road impact fees for the site and associated facilities.

2. All documentation and other information submitted in response to Condition A.1. above shall meet all requirements and conditions of SE 2-08, and all applicable provisions of the Levy County Land Development Code and the Florida Building Code, and in accordance with established and generally applicable standards, the requirements of the County Development Department, County Road Department, and County Engineer.

3. Any development of the site and associated facilities that is contained in and approved as part of the detailed site plan submitted to Levy County and any building permit shall be subject to inspection and approval by Levy County through its Road Department, Development Department, and/or County Engineer, as appropriate.

4. At least 30 days prior to commencement of construction of the particular building, a completed County building permit forms shall be submitted to the Levy County Building Department for any structures on the site or for associated facilities that do not consist of facilities of electric utilities as defined in Section 366.02, Fla. Stat., which are directly involved in the generation, transmission, or distribution of electricity, or that are not otherwise exempt from the requirements of the Florida Building Code. For every structure Licensee intends to construct on the site or for associated facilities that Licensee contends is exempt from the Florida Building Code, Licensee shall provide a list of the exempt structures or facilities.

5. Final development approval shall be contingent upon the Licensee obtaining all development/approval and permits from all applicable state and federal agencies that are necessary for the particular development activity to be approved by the County, with the exception of the Federal Combined Construction Operating License.

6. The schedule for and the content and detail of any of the above informational submittals to Levy County may be altered upon agreement between Levy County and the Licensee. Further, any amendments by Levy County to SE 2-08 may be approved by Levy County without further modification to this certification or to these conditions. Any future amendment to SE 2-08 shall be submitted to the Department's Siting Office by Licensee. If an amendment to SE 2-08 also requires modification or amendment of this certification, then such modification or amendment shall also be obtained by Licensee.

SECTION B. PLANT SPECIFIC CONDITIONS

[Section 125.01 (l)(h) and (cc), F.S. ; Chapter 553, Part IV, F.S. ; Florida Building Code; Section 102.2, Florida Building Code; Chapter 50, Levy County Code; Chapter 50, Article PTIJ Levy County Code; Sections 50-131, 50-132, 50-715, and 50-796 through 50-823, Levy County Code; Conditions of SE 2-08, approved by the Board of County Commissioners September 2, 2008]

B. Building/Construction Fees

Concurrent with the submittal of the documentation required in Condition A, or concurrent with the requests for inspections or for other services to which fees apply under the County's adopted codes ordinances and resolutions, the Licensee, shall pay all of the County's fees for building permits, inspections, and any other fees related to the building permits for structures that are not exempt from the provisions of the Florida Building Code, as provided in Levy County Resolution 2007-24.

[Sections 1 and 10, Art. VII, Florida Constitution; Sections 125.01(1)(h) and (cc), F.S.; Section 403.511(4), F.S.; Chapter 553, Part IV, F.S.; Florida Building Code; Section 102.2, Florida Building Code; Chapter 50, Levy County Code; Section 50-131, Levy County Code; Levy County Resolution 2007-24]

C. Impact Fees

Prior to the County's approval of the development of the site and associated facilities authorized under SE 2-08 and Condition A, and prior to construction of any development of the site and associated facilities Licensee shall pay all of the County's emergency medical system impact fees and road impact fees for the site and associated facilities in accordance with Chapter 47, Articles III and IV, Levy County Code.

[Sections 1 and 10, Art. VII, Florida Constitution; Section 403.511(4), F.S. Chapter 47, Article III, Levy County Code; Chapter 47, Article IV, Levy County Code]

D. Construction and Operation

Throughout the construction and operation of the site and associated facilities, the following conditions shall be maintained or met:

1. The use of the site is limited to the construction and operation of not more than two (2) nuclear reactor powered electrical generating plants and associated support structures, accessory structures and uses identified and shown on Exhibit B to SE 2-08. 2. No permanent entrance to the site shall be constructed from CR 40 for the purpose of operational phase work force access. This is not to preclude a roadway to provide access for the construction and maintenance of the site and associated facilities, and of electricity transmission lines and water lines used to convey cooling water pumped from the Cross Florida Barge Canal or return lines pumping water to the Crystal River Discharge Canal, emergency access or similar incidental access uses. This condition does not preclude the temporary use of the heavy haul road for the delivery of heavy equipment or materials for construction and maintenance of the power plant(s), transmission lines that parallel that road, substation or water supply and return lines.

2. Construction and operation activities within the Special Exception area, including transmission and pipeline construction, shall not adversely impact adjacent properties

SECTION B. PLANT SPECIFIC CONDITIONS

not owned by the Licensee. Storm water run-off, and excessive dust, smoke, noise, glare and vibrations shall be considered adverse impacts.

3. Operational characteristics, such as noise, dust, vibrations and traffic shall at all times comply with all local, state and federal ordinances, laws and regulations. With regard to sound levels, maximum sound levels produced will not exceed 65 (dba) as measured from the property line of any adjacent property not under the same ownership as the subject property, sound levels will not exceed 55 (dba) between 10 p.m. and 7 a.m. as measured at the property line. With regard to vibrations, no vibration shall be transmitted which is discernable without instruments beyond the property line of the Special Exception area. The Licensee, or property owner or their assigns, shall promptly provide proof of compliance with any of the levels contained in this condition or with any other applicable ordinances, laws, or regulations relating to any operational characteristics in the event the County receives a complaint.

4. Permanent roadway access to the site shall only be from U.S. Hwy. 19.

5. Areas depicted as ponds are for stormwater detention only and will not be used for cooling or waste disposal purposes.

6. The Special Exception area will not be used as a base for off-site utility line maintenance.

7. Landscaping requirements of Levy County shall be met by the maintenance of the natural vegetation on the portions of the properties outside the designated development areas under SE 2-08.

8. A 100-foot natural vegetated buffer shall be maintained along the site property's perimeter where abutting properties are not under the same ownership as the site property. An access road for agricultural or other low impact uses may be integrated into the buffer.

[Section 125.01(1)(h), F.S.; Section 50-715, Levy County Code; Sections 50-796 through 50-823, Levy County Code; Conditions of SE 2-08, approved by the Board of County Commissioners September 2, 2008]

E. Driveway Access for and Heavy Haul Road Crossing of County Road 40

1. In the event the Licensee proposes any access to CR 40 for access to the transmission line corridor or the site through Licensee's property adjacent to CR 40 for any purpose, including transmission lines, and such access will not concurrently or later act as the heavy haul road (herein "driveway access") and for the heavy haul road's crossing of CR40¹ (herein "heavy haul road crossing"), at least sixty (60) days prior to any construction activities related to such driveway access or heavy haul road crossing, the Licensee shall provide the following items to the County:

- a) the information necessary for a completed County driveway permit form;
- b) a detailed description of the proposed uses for such driveway access or heavy haul road crossing, including but not limited to estimated traffic volume, traffic composition, and proposed weights of loads that will use the driveway access or heavy haul road crossing;

SECTION B. PLANT SPECIFIC CONDITIONS

- c) engineering and construction plans for such driveway access or heavy haul road crossing, including for the heavy haul road crossing:
 - i) engineering and construction plans depicting any structural improvements that may be required to prevent and prohibit degradation of the structural integrity of CR 40 and the adjacent right-of-way as a result of the Licensee's proposed use of the heavy haul road; and
 - ii) engineering and construction plans depicting the proposed location, design, and construction of the temporary connection to CR 40 that Licensee proposes to use for the heavy haul road;
- d) maintenance of traffic plans for maintenance of traffic during construction of such driveway access or heavy haul road crossing, including maintenance of traffic plans during construction of any improvements to CR 40 and adjacent right-of-way required to maintain structural integrity of CR 40 and for use during the Licensee's proposed use of the heavy haul road crossing for construction or maintenance of the transmission lines and the power plant site;
- e) and any other documentation or information, in accordance with established and generally applicable industry standards, required by the County Road Department, Development Department, or County Engineer for the County's review of the use and construction of the driveway access or heavy haul road crossing and any related improvements to CR 40.

¹ This includes the heavy haul road's crossing of the entire right-of-way for CR 40, from right-of-way line to right-of-way line.

2. Such engineering and construction plans, and other information and documentation, shall meet requirements of the then-current Florida Department of Transportation manual, *Standard Specifications for Road and Bridge Construction* any Special Provisions adopted by the County Engineer in accordance with the provisions thereof, and the then-current Florida Department of Transportation manual, *Design Standards for the Design, Construction, Maintenance, and Utility Operations on the State Highway System*, and the requirements of the County Road Department, Development Department, and County Engineer, in accordance with established and generally applicable industry standards.

3. After review and approval of such engineering and construction and maintenance of traffic plans by the County Road Department, Development Department, County Engineer, and the Levy County Sheriff (only maintenance of traffic plans need to be reviewed by Sheriff), the Licensee may construct the driveway access and heavy haul road crossing, any structural improvements required to maintain the integrity of CR 40 and the associated right-of-way, and improvements constituting the connection of the heavy haul road to CR 40, each to be in accordance with such approved plans. If the County does not respond within thirty days following the Licensee's submittal of engineering, construction, and maintenance of traffic plans (described in paragraph 1 above), the Licensee can proceed with construction in accordance with the submitted plans.

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4. Such construction shall be subject to inspection and approval by Levy County through its Road Department, Development Department, and/or County Engineer.

5. Prior to final approval by the County, the Licensee shall be required to pay the County all of the County's fees for driveway connection permits, inspections, and any other fees related to the driveway access and heavy haul road crossing, as provided in Levy County Resolution 2007-24. In addition, the Licensee shall pay all of the County's costs for staff time and other costs incurred in connection with any inspections related to the construction, use or maintenance of the driveway access or heavy haul road crossing upon request for payment by the County and the County's submittal to the Licensee of itemized documentation of its expenses.

6. No use of the driveway access and heavy haul road crossing for any purpose shall be allowed prior to the final inspection approval by the County and payment by the Licensee of the County's fees as provided herein. If the County does not respond within thirty days following the Licensee's submittal of engineering, construction, and maintenance of traffic plans (described in paragraph 1 above), the Licensee can proceed with construction in accordance with the submitted plans.

7. After final inspection approval, the use of the driveway access and the heavy haul road crossing shall be limited to the uses contemplated and addressed in the description of the proposed use of the driveway access and heavy haul road crossing previously submitted for review, and the driveway access shall not be used to transport any equipment or other items that exceed the weight capacity of CR40 as posted or that were not contemplated in the description of the proposed uses of the driveway access previously submitted for review. If further uses are required for the project, the Licensee can submit revised plans (listed in paragraph 1 above) for review by the County; no further uses will be allowed until reviewed and approved by the County. If the County does not respond within thirty days following the Licensee's submittal of revised plans (described in paragraph 1 above), the Licensee can proceed with construction in accordance with the submitted revised plans.

8. Unless otherwise previously approved by the County, the Licensee shall also comply with all aspects of the approved maintenance of traffic plans.

9. The Licensee shall maintain the driveway access and heavy haul road crossing of CR 40 in good condition and shall make any repairs to CR 40 caused by construction, maintenance, use or existence of the driveway access or heavy haul road crossing within 200 feet of either side of the driveway access and heavy haul road crossing. In the event the County determines any such repairs to CR 40 are required the County shall notify Licensee. In the event Licensee fails to make such repairs to CR 40 after notification of the need for such repairs by County, then the County may make such repairs and charge the costs thereof to Licensee, who shall pay such costs promptly. Throughout the Licensee's use of the heavy haul road, the Licensee shall continuously maintain that portion of CR 40 traversed by the heavy haul road to meet rolling straight edge requirements contained in the most current edition of Florida Department of Transportation manual, Standard Specifications for Road and Bridge Construction, where damage or repairs are needed due to the Licensee's use of CR 40. The County shall have the ability to inspect CR 40 at any time for compliance with this maintenance provision. In the event that the rolling straight edge requirements are not being met on the heavy haul road's crossing of CR 40 at any time, the County shall have the ability to suspend the Licensee's use of

SECTION B. PLANT SPECIFIC CONDITIONS

the heavy haul road's crossing of CR 40 until sufficient improvements are made to maintain the rolling straight edge requirements described herein.

10. Prior to Licensee's use of the heavy haul roads crossing, the Licensee shall provide one week's advance notice for each load that Licensee proposes to transport across CR 40 using the heavy haul road. The Licensee may amend such schedule upon 48 hours notice to the County of any such amendment.

[Sections 1 and 10, Art. VII, Florida Constitution; Section 125.01(1)(m), F.S.; Section 336.02, F.S.; Section 336.045, F.S.; Section 403.511(4), F.S.; Section 62-17.133, F.A.C.; Sections 50-381, and 50-715, Levy County Code; Objective 1 and Policy 4.2, Transportation Element of Levy County Comprehensive Plan;; Levy County Resolution 2007-24]

XXXI. WITHLACOOCHEE REGIONAL PLANNING COUNCIL

A. Emergency Preparedness

1. To maintain consistency with the SRPP's emergency preparedness content, the licensee is encouraged to work with affected local governments and other stakeholders to fully integrate the plant into all emergency management planning processes.

2. The licensee is encouraged to integrate each of the main plant's associated facilities into overall emergency management and response planning for the proposed nuclear power generation complex, so that the same standard of preparedness applies to all facilities covered by the site certification application process.

3. Due to the flood-prone nature of the site and vicinity, the licensee is encouraged to organize and implement hazard mitigation efforts of the type employed at more vulnerable coastal power stations. Adverse and unintended consequences could result when essential infrastructure serving a region fails to operate because of area specific hazards.

[Policies 3.1.2, 3.6.1, 3.8.6, and Goals 3.1, 3.7, 5.8, Strategic Regional Policy Plan (SRPP)]

B. Transportation

1. The Licensee is encouraged to ensure that development of the main plant and associated facilities does not constrain, impede or otherwise limit future development of the region's transportation system.

2. In conjunction with all interested parties, the licensee is encouraged to examine how plant construction and operation could impact the use of the Cross Florida Barge Canal; a necessary preliminary task would be for all interested parties to initiate a capacity analysis to help inform the decision-making process.

3. The licensee is encouraged to be an active stakeholder in the transportation planning process, working within local and state processes alike, to forward best case outcomes for regionally significant transportation facilities.

[Policies 5.2.1, 5.5.7, 5.7.2, and Goals 5.2, 5.4, 5.5, 5.9, SRPP]

SECTION B. PLANT SPECIFIC CONDITIONS

C. Economic Development

1. The licensee is encouraged to cooperate broadly with workforce development agencies, community colleges and universities, as well as economic development organizations to maximize local employment during plant construction and operations.

2. To protect the region's viability as an eco-tourism destination, the licensee is encouraged to ensure that associated facilities make the least visible impact to viewsheds.

3. Co-location with other uses to the greatest extent possible may represent a best case economic outcome. Staff urges investigation of the methods that would make such activity feasible.

4. The licensee is encouraged to design and place associated facilities so that future expansion will be located in proximity to existing improvements or in common facility corridors as a practical approach to safeguard the region's character as an eco-tourism destination.

[Policies 2.3.7, 2.3.10, 2.7.2, 4.15.1, and Goals 2.3, 2.9, 2.11, 2.12, SRPP]

D. Natural Resources

1. The licensee is encouraged to engage the site design process to still further reduce the amount of impervious surface area created by the main plant and associated facilities. Action beyond minimum standards necessary for approval is meaningful.

2. Where feasible, the licensee is encouraged to make all impact monitoring data publicly accessible when available.

[Policies 4.3.3, 4.3.4, 4.4.9, 4.8.5, 4.8.6, 4.8.11, 4.9.4, 4.11.5, 4.12.5, 4.12.8, 4.12.9, 4.12.10, 4.13.2, and Goals 4.3, 4.4, 4.8, 4.9, 4.10, 4.11, SRPP]

SECTION C. TRANSMISSION LINE SPECIFIC CONDITIONS

The conditions in Section C relate to the Certified Transmission Lines.

XXXII. EMERGENCY REPORTING

Replacement of Certified Transmission Lines including ROW access roads constructed under this certification necessitated by emergency conditions shall not be considered a modification pursuant to Section 403.516, F.S. (2008). An oral report of the emergency shall be made to DEP as soon as possible. Within 14 calendar days after correction of an emergency or such longer time as authorized by Executive Order, which would require PEF to perform an activity not in accordance with the Conditions of Certification, a report to 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.

[Section 403.511, F.S.]

XXXIII. CERTIFIED CORRIDORS

A map of the corridors for the Certified Transmission Lines is attached hereto in Attachment 2.

[Section 403.511, F.S.]

XXXIV. ROW LOCATION

A. PEF shall co-locate the Certified Transmission Lines' ROW to the extent feasible within or adjacent to existing public rights-of-way for those portions of the corridor which include such existing public rights-of-way. To the extent a widened road right-of-way has been acquired by the appropriate governmental agency at the time of final transmission line design, PEF's design shall reflect that new widened right-of-way.

B. To the extent feasible PEF shall locate the Certified Transmission Lines' ROW so as to avoid the taking of homes.

C. PEF will locate the Certified Transmission Lines' ROW so as to avoid Outstanding Florida Waterbodies (OFW) to the extent feasible and practicable, and locate the ROW within an OFW only upon a showing that the ROW alignment is clearly in the public interest.

D. Unless the underground facility owner is responsible for resolving the conflict, to the extent practicable and utilizing the typical structures shown in the Application, after finalization of the ROW and prior to construction, access roads, culverts and structures shall be located to avoid conflict with existing underground water and sewer facilities properly documented in county records.

[Sections 403.526(2)(b)3, 403.522(18), 403.526(2)(a)5, and 258.007(4), F.S.]

XXXV. PROCESS FOR REVIEW OF ROW LOCATION

A. Prior to the finalization of the ROW location, three copies of the most recent available aerial photographs at a scale of 1" = 400' with wetland locations generally identified shall be submitted to DEP Siting Coordination Office, and one copy each to DEP Southwest and

SECTION C. TRANSMISSION LINE SPECIFIC CONDITIONS

Northeast District Offices, State Forest, Office of Greenways & Trails (OGT), DOT, DCA, SWFWMD, Withlacoochee Regional Planning Council, East Central Florida Regional Planning Council, Tampa Bay Regional Planning Council, and Levy, Citrus, Sumter, Hernando, Pinellas and Hillsborough Counties, and the Hillsborough County EPC, delineating the corridors of the Certified Transmission Lines and the transmission lines' ROW for the areas within each agency's jurisdiction. In addition, PEF shall note on the aerial photographs new construction within the corridors that has occurred since the photograph was taken. PEF shall notify all parties of such filing and, if needed, shall meet with DEP to discuss the ROW location. This information may be submitted in segments and on a line-by-line basis. The agencies receiving the aerial photographs from PEF shall have an opportunity to review the photographs and to notify DEP, within 12 days of PEF's submittal of the aerial photographs to the agencies, of any apparent conflicts with applicable regulations and/or requirements of the Conditions of Certification. However, this paragraph shall not operate to avoid the need for post-certification submittals and compliance reviews otherwise required by the Conditions of Certification.

B. After review of the aerial photographs and comments from the other reviewing agencies, if DEP Siting Coordination Office has reason to believe that the construction of the transmission lines, access roads or pads within PEF's designated ROW cannot be accomplished in compliance with the Conditions of Certification, PEF shall be so notified in writing, with copies to other parties to the certification proceeding of the particular basis for DEP's conclusion, and possible corrective measures which would bring the Project into compliance. If such notice is not received within 15 days of PEF's submittal of the aerial photographs to the agencies, PEF may proceed with design of the transmission lines on the noticed ROW.

C. The acquisition of a particular ROW or the expenditure of funds toward acquisition of a particular ROW prior to the agencies' review pursuant to this condition will be at PEF's risk, and no party will be stopped by such acquisition to seek disapproval of the construction of the transmission lines or access road within the ROW in accordance with these Conditions of Certification.

D. After PEF has acquired interest in the entire length of the transmission lines' ROW, PEF shall:

1. File a statement with the clerk of the circuit court for each county through which the corridors pass certifying that all lands required for the transmission lines' ROW within the corridors have been acquired. PEF shall also file with the appropriate county Planning Department a map at the scale of 1" = 400' showing the boundaries of the acquired ROW.

2. File with DEP Siting Coordination Office a map at a scale of 1" = 400' showing the boundaries of the acquired ROW, if such boundaries are different from those shown in the filing required by paragraph A above. Such maps shall comply with the requirements of paragraph A. If the boundaries have not changed, PEF shall file a statement with DEP Siting Coordination Office accordingly.

E. Once the ROW has been determined, PEF will submit information to each county, as appropriate, that is consistent with information typically submitted for appropriate County ROW permits.

[Sections 403.511, F.S.; 62-17.191, F.A.C.]

SECTION C. TRANSMISSION LINE SPECIFIC CONDITIONS

XXXVI. DRAINAGE AND EROSION CONTROL

A. Maintenance of Drainage/Hydroperiod

1. PEF shall employ best management practices, construction techniques, and adequate culverting in order to maintain existing drainage patterns along the Certified Transmission Lines' ROW. Within all wetland areas affected, wetland control elevations shall be established and maintained. This condition shall not preclude PEF from improving preconstruction hydroperiods provided such improvement can be achieved in compliance with the other Conditions of Certification. PEF shall be deemed to have satisfied this condition if the access and finger roads satisfy the criteria of Rules 40D-4.301 and 40D-4.302, F.A.C.

2. Access roads and other nonexempt surface water management system facilities constructed in upland areas shall meet the conditions set forth in Rules 40D-4.301 and 40D-4.302, F.A.C., and applicable provisions of Part B, Basis of Review of SWFWMD's Environmental Resource Permitting Information Manual, including but not limited to Section 4.4, or if appropriate, the SJRWMD's Environmental Resource Permitting Information Manual.

[Sections 373.416 and 403.511, F.S.; Rules 40D-4.091, 40D-4.301, and 40D-4.302, F.A.C.]

XXXVII. ELECTRIC AND MAGNETIC FIELD EFFECTS

A. Bee Hives

PEF shall advise beekeepers, known at the time the ROW is established or acquired, having bee hives within or near the ROW of the potential effect of the Certified Transmission Lines on bee hives.

[Section 403.511, F.S.]

B. Radio and Television Interference

PEF shall investigate all complaints and take appropriate corrective action for impacts to radio or television reception caused by the Certified Transmission Lines.

[Section 403.511, F.S.]

C. Electric and Magnetic Fields

The Certified Transmission Lines shall comply with the applicable electric and magnetic field standards set forth in Chapter 62-814, F.A.C. The electric and magnetic fields associated with any configuration developed during the final design of this project that is not shown in the Application shall be provided to DEP on DEP Form 62-814.900 at least 90 days prior to the start of construction, or such shorter time period to which the DEP Siting Coordination Office agrees, as required by Rule 62-814.520(3), F.A.C.

[Section 403.523(10), F.S.; Chapter 62-814, F.A.C.]

XXXVIII. DEPARTMENT OF ENVIRONMENTAL PROTECTION

A. Submittals for Activities Within Wetlands or Other Surface Waters

1. Prior to the projected commencement of construction of any portion of the Certified Transmission Lines in wetlands or other surface waters, PEF shall provide to DEP's Southwest and Northeast Districts' Environmental Resource Permitting Sections all information

SECTION C. TRANSMISSION LINE SPECIFIC CONDITIONS

necessary for a complete *Joint Environmental Resource Permit application*, DEP Form No. 62-343.900(1), with copies to SWFWMD, Withlacoochee Regional Planning Council, East Central Florida Regional Planning Council, Tampa Bay Regional Planning Council, and Levy, Citrus, Sumter, Hernando, Pinellas and Hillsborough Counties, and the Hillsborough County EPC for informational purposes for the portions of the Certified Transmission Lines in each agency's or district office's jurisdiction. Information may be submitted by discrete sections of the ROW and/or on a line-by-line basis; PEF shall consult with the DEP to identify mutually agreeable sections for purposes of wetlands submittals. The completed form for each section shall be reviewed pursuant to Condition X. "Construction" in this context shall include land clearing, excavation, and the placement of structure pads, access roads, culverts, fill materials, and related activities. Construction activities shall not include the stringing of conductors.

2. PEF shall provide reasonable assurance that the construction, operation and maintenance of the Certified Transmission Lines, including any access roads and structures constructed within wetlands and other surface waters, satisfy the criteria set forth in Rules 40D-4.301 and 40D-4.302, F.A.C., and the applicable portions of Part B, Basis of Review of SWFWMD's Environmental Resource Permitting Information Manual. Pursuant to Rule 62-17.665(7)(d), F.A.C., the Licensee shall provide sufficient information on a post-certification basis to demonstrate that there is reasonable assurance of compliance with SWFWMD nonprocedural requirements.

3. The post-certification submittal shall include a signed and sealed Professional Land Surveyors' survey of wetland and surface water areas as defined pursuant to Chapter 62-340, F.A.C., and verified by appropriate agency staff. Available SWFWMD-approved wetland and surface water verifications within the boundaries of the PEF ROW may be used and reproduced for this delineation consideration.

4. The Licensee shall provide to the Department's District Office and Water Management District, as appropriate, information necessary to demonstrate that compensation will be provided for all proposed fill impacts to the regulated floodplain in accordance with Rules 40D-4.381(1)(h), and 62-343.900, F.A.C. The Licensee shall also demonstrate that the project, as proposed, will not cause a reduction in flood conveyance.

[Sections 373.414, 373.416, 403.526(2)(b)3., 403.522(18), 403.526(2)(a)5., F.S.; 40D-4.091, 40D-4.101, 40D-4.301, 40D-4.302, 40D-4.381, 62-17.665(7)(d), 62-340, and 62-343.900(1)(Section E and C), F.A.C.]

B. Consultation with Wetland Agencies

At the request of PEF, DEP Siting Coordination Office may conduct an interagency meeting for PEF to consult with the wetlands resource permitting staffs of DEP, SWFWMD or SJRWMD as appropriate, prior to the finalization of possible access road locations, transmission line structure locations, and the establishment of water control structure types and general locations in wetlands which are to be reflected in any post-certification submittals. At DEP's request, PEF shall conduct a field inspection with the agencies' staff representatives in conjunction with the interagency meeting.

[Section 403.523, F.S.]

SECTION C. TRANSMISSION LINE SPECIFIC CONDITIONS

C. Reduction and Elimination of Impacts

1. Access Roads, Culverts, and Structures

a. Where the ROW crosses wetlands or other surface waters, PEF shall utilize adjacent existing PEF access roads and public roads for access to the Certified Transmission Lines' ROW for construction, operation and maintenance purposes to the extent practicable.

b. All access roads and structure pads which must be constructed in areas where an existing PEF access road or public road is not available shall be constructed in a manner which reduces or eliminates adverse impacts to on-site and adjacent wetlands to the extent practicable. PEF shall be deemed to have satisfied this condition if the access and finger roads satisfy the criteria of Rules 40D-4.301 and 40D-4.302, F.A.C.

c. Where practicable, PEF shall make an effort to reduce or eliminate impacts to wetlands and other surface waters within the corridors for the Certified Transmission Lines except as otherwise provided in section 3.2.1.2 of Part B, Basis of Review of SWFWMD's Environmental Resource Permitting Information Manual. For example, where practicable, the length of the span between transmission line structures shall be varied and other design changes made, which shall include but not be limited to a reduction in pad size, elimination of access roads, use of finger fill from existing ROWs and/or modification of construction techniques shall be considered to eliminate or reduce wetland impacts, except where otherwise provided by section 3.2.1.2.

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

2. Wetland Clearing

a. PEF shall use only restrictive clearing practices during construction and maintenance of the transmission line where it crosses forested wetlands. Restrictive clearing, as used in this condition, is the removal of vegetation by hand, usually with chain saws, or with low-ground-pressure shear or rotary machines to reduce soil compaction and damage to ground cover. These methods may be used alone or in combination, as may be appropriate for specific sites. All cut vegetation must be removed from wetlands unless other techniques, such as mulching or burning in place, are agreed to by DEP Siting Coordination Office and Levy County (for portions of the transmission lines located in Levy County) in the post-certification review process. To ensure no more than necessary vegetation is removed, best management practices will be applied to any clearing on each side of the outer conductors, along new access roads, and in the structure pad areas. Removable construction matting in conjunction with best management practices may be used in wetlands to support equipment. The remainder of the ROW in wetland areas shall not be cleared; however, vegetation that has an expected mature height greater than 14 feet may be removed. In addition, danger timber (trees or limbs likely to contact a conductor if felled) within or outside the right-of-way may be removed.

b. Tree stumps under the conductors, within access roads and in the structure pads may be removed, sheared, or ground to 6 inches below the ground line to allow for travel and construction activities. Tree stumps in the areas outside the conductors, access roads, and structure pads shall be left in place to preserve the root mat to the extent practicable and in

SECTION C. TRANSMISSION LINE SPECIFIC CONDITIONS

compliance with Section 163.3209, F.S., the American National Standards Institute (ANSI), National Electrical Safety Code (NESC), and North American Electrical Reliability Corporation (NERC) standards.

[Sections 373.414 and 373.416, F.S.; Rules 40D-4.091, 40D-4.101, 40D-4.301, 40D-4.302, and 40D-4.381, F.A.C.]

D. Greenways and Trails

The Licensee shall abide by the terms of the terms and conditions set forth in the Board of Trustees (BOT) of the Internal Improvement Trust Fund of the State of Florida Easement No. 31959. Easement No. 31959 is incorporated by reference herein as part of this Certification and attached as Appendix F. The provisions of Easement No. 31959 shall be conditions of this certification. The licensee shall comply with the substantive provisions and limitations set forth in Easement No. 31959 as part of these Conditions of Certification, and as those provisions may be modified, amended, or renewed in the future by the BOT or Department. Such provisions shall be fully enforceable as conditions of this certification. Any violation of such provisions shall be a violation of these Conditions of Certification.

XXXIX. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

A. Listed Species Occurring or Potentially Occurring in the Corridors

Common Name	Scientific Name	FL Status	Federal Status
Gopher frog	Rana capito	SSC	
Eastern indigo snake	Drymarchon couperi	T	T
Florida pine snake	Pituophis melanoleucus mugitus	SSC	
Short-tailed snake	Stilosoma extenuatum	T	
Gopher tortoise	Gopherus polyphemus	T	
Florida scrub jay	Aphelocoma coerulescens	T	T
Little blue heron	Eareta caerulea	SSC	
White ibis	Euudocimus ibus	SSC	
Southeastern American kestrel	Falco sparverius paulus	T	
Florida sandhill crane	Grus canadensis vratensis	T	
Whooping crane	Grus americana	SSC	E*(federal lands)
Bald Eagle	Haliaeetus leucocephalus	**	**
Red-cockaded woodpecker	Picoides borealis	SSC	E
Snail kite	Rostrhamus sociabilis plumbeus	E	E

SECTION C. TRANSMISSION LINE SPECIFIC CONDITIONS

Florida mouse	<i>Podomys. floridanus</i>	SSC	
Sherman's fox squirrel	<i>Sciurus niger shermani</i>	SSC	
Florida black bear	<i>Ursus americanus floridanus</i>	T*	

SSC = Species of Special Concern; E= Endangered; T= Threatened

*except in Baker and Columbia Counties or in Apalachicola National Forest

**While the bald eagle has been both state and federally delisted, it is still governed by the state bald eagle management plan and the federal Bald and Golden Eagle Protection Act.

B. General Listed Species Survey

1. The Licensee will coordinate with the FWC to obtain and follow the current survey protocols for all listed species that may occur within the transmission line corridors prior to conducting detailed surveys for the selected transmission line ROW, with appropriate buffers as defined by the survey protocols, once access has been obtained.

2. Surveys will be conducted prior to clearing and construction in accordance with the survey protocols. The results of those detailed surveys will be provided to FWC, as well as Levy and Pinellas Counties (for portions of the certified transmission lines within each county's jurisdiction) for informational purposes, and coordination will occur with the FWC on appropriate impact mitigation methodologies.

3. This information may be submitted in segments and on a line-byline basis for the certified transmission lines.

C. Gopher Tortoise

1. The Licensee will conduct surveys for gopher tortoises (*Gopherus polyphemus*), in accordance with the FWC-approved Gopher Tortoise Management Plan (adopted in 2007) and FWC-approved Gopher Tortoise Permitting Guidelines, or subsequent FWC-approved versions of the Plan or Guidelines. A burrow survey covering a minimum of 15% of the potential gopher tortoise habitat to be impacted by development is required in order to apply for a relocation permit. Immediately prior to capturing tortoises for relocation, a 100% survey is required to effectively locate and mark all potentially occupied tortoise burrows and to subsequently remove the tortoises. Burrow survey methods are outlined in Appendix 4, Methods for Burrow Surveys on Development (Donor) and Recipient Sites. Surveys must be conducted within 90 days of when an application is submitted to the FWC; however, surveys shall not be conducted within 30 days of any ground disturbance or clearing activities on the donor site. All surveys completed by authorized agents or other licensees are subject to field verification by the FWC. The gopher tortoise surveys should be conducted during the months of April through October. The results of the gopher tortoise surveys will be provided to the SWFWMD for portions of the transmission lines that cross District-owned lands for informational purposes.

2. A permit is not required for activities that occur more than 25 feet from a gopher tortoise burrow entrance, provided that such activities do not harm gopher tortoises or violate rules protecting gopher tortoises. Examples of such violations noted in the past by the FWC include, but are not limited to, killing or injuring a tortoise more than 25 feet away from its burrow; harassing a tortoise by blocking access to its burrow, and altering gopher tortoise habitat to such an extent that resident tortoises are taken.

SECTION C. TRANSMISSION LINE SPECIFIC CONDITIONS

3. The Licensee will coordinate with and provide the FWC a detailed gopher tortoise relocation permit application in accordance with the FWC-approved Gopher Tortoise Management Plan and Gopher Tortoise Permitting Guidelines as a postcertification submittal. This permit application will provide information on the location for on-site recipient areas and any off-site FWC-approved recipient site, as well as appropriate mitigation contributions.

4. Any commensal species observed during the burrow excavations that are listed by the U.S. Fish and Wildlife Service (USFWS) or FWC will be relocated in accordance with the applicable guidelines for that species.

5. To the maximum extent practicable or feasible, all staging and storage areas should be sited to avoid impacts to gopher tortoise burrows and habitat.

D. Bald Eagle

1. The Licensee will avoid impacts to bald eagle (*Haliaeetus leucocephalus*) nests where possible. If impacts cannot be avoided within the 660-foot nest buffer zone, construction activities will be conducted consistent with the FWC-approved Bald Eagle Management Guidelines, outlined in the FWC-approved Bald Eagle Management Plan, dated April 9, 2008, or any subsequent FWC-approved versions. In areas where bald eagle nests are present, efforts will be made to avoid construction activities during the nesting season (October 1 - May 15, or when eagles are present before October 1 or after May 15).

2. In accordance with the FWC Eagle Management Guidelines, for construction areas that fall within 330 feet of an active or alternate bald eagle nest, construction activities will be conducted only during the non-nesting season

(May 16 - September 30). Any construction activities that fall within 660 feet of the nest during the nesting season will be conducted following USFWS-approved Bald Eagle Monitoring Guidelines, dated 2007, or USFWS-approved subsequent versions.

3. In areas where adverse impacts to nests cannot be avoided, resulting in nest disturbance, the information required for an FWC Eagle Permit will be obtained from the FWC, as authorized by Section 372.072, F.S., and Rule 68A-16.002, F.A.C, and minimization, and conservation measures outlined in the FWC Bald Eagle Management Plan will be followed, as applicable.

E. Red-Cockaded Woodpecker

1. The Licensee will coordinate with the FWC prior to conducting surveys for red-cockaded woodpeckers (*Picoides borealis*) to ensure that surveys are in accordance with the FWC-approved Red-Cockaded Woodpecker Management Plan, adopted in 2003 and the USFWS-approved Red-Cockaded Woodpecker Recovery Plan, or any subsequent FWC-approved or USFWS-approved versions of either plan.

2. The Licensee will provide the FWC with the red-cockaded woodpecker survey results and identify where impacts to red-cockaded woodpeckers cannot be avoided.

3. The Licensee will coordinate with the FWC to determine mitigative measures for areas where impacts to red-cockaded woodpeckers cannot be avoided.

SECTION C. TRANSMISSION LINE SPECIFIC CONDITIONS

F. Avian Protection Plan

The Licensee will coordinate with the FWC in the development of an Avian Protection Plan for the Certified Transmission Lines that delineates a program designed to reduce the operational and avian risks that result from avian interactions with electric utility facilities with the goal of reducing avian mortality. Guidelines for the Avian Protection Plan can be found on the USFWS website at:

<http://www.fws.gov/migratorybirds/issues/APP/AVIAN%20PROTECTION%20PLAN%20FINAL%204%2019%2005.pdf>. A copy of the Avian Protection Plan for transmission lines in Levy County will be submitted to Levy County for informational purposes.

[Article IV, Sec. 9, Fla. Constitution; 403.5113(2), F.S.; Rule 62- 17.191, F.A.C.; 379.2291, F.S.; Rule 68A-27, and 68A-16.001 F.A.C.]

G. Florida Scrub-Jay

1. The Licensee will coordinate with the FWC prior to clearing and construction of the certified transmission lines to ensure that surveys for Florida scrub-jays (*Aphelocoma coerulescens*) are in accordance with FWC- and USFWS-approved protocols (Fitzpatrick et al. 1991)*.

2. The Licensee will conduct the surveys, in areas of likely scrub jay occurrence, and provide the FWC with the Florida scrub-jay survey results and identify where impacts to Florida scrub-jays cannot be avoided.

3. The Licensee will coordinate with the FWC to determine mitigative measures for areas where impacts to Florida scrub-jays cannot be avoided.

[Article N, Sec. 9, Flu. Const., Section 403.507, F.S., Section 403.5113(2), F.S., Rule 62-17.191, F.A.C., Section 379.2291, F.S., Chapter 68A-27, F.A.C., and Rule 68A-16.001, F.A.C.]

* Fitzpatrick, J.W., G.E. Woolfenden, M.T. Kopeny. 1991. Ecology and development-related requirements of the Florida scrub-jay (*Aphelocoma coerulescens coerulescens*). Nongame Wildl. Prog. Tech. Rep. No. 8, Fla. Game Fresh Water Fish Comm., Tallahassee.

XL. SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

A. PEF shall provide reasonable assurance that the construction, operation and maintenance of non-exempt surface water management system structures and access roads in support of the proposed transmission line facilities will satisfy the criteria set forth in Rules 40D-4.301 and 40D-4.302, F.A.C., and applicable provisions of Part B, Basis of Review of SWFWMD's Environmental Resource Permitting Information Manual. PEF shall provide sufficient information on a post-certification basis to demonstrate that there is reasonable assurance of compliance with SWFWMD substantive permitting requirements, including avoidance of secondary wetland dredging and/or filling impacts and avoidance of floodplain impacts. Where necessary, equivalent floodplain compensation to achieve no net loss in floodplain storage will be provided.

B. To the extent practicable and utilizing the typical structures shown in the Application, access roads, culverts and structures shall be located to avoid conflict with existing

SECTION C. TRANSMISSION LINE SPECIFIC CONDITIONS

or permitted surface water management systems, permitted water withdrawal facilities or agricultural ground and surface water management projects as documented in SWFWMD records.

C. During location of the ROW and design of the transmission line in areas where the transmission line will cross over, on, under, or otherwise use SWFWMD-owned lands, PEF will consult with the SWFWMD with respect to the location of the ROW and the design of the transmission line in such areas with a view to maximizing the compatibility of the transmission line with the purposes for which the land was acquired by SWFWMD to the extent practicable and in compliance with the National Electrical Safety Code and good engineering practices.

D. For transmission line easements that will cross over, on, under, or otherwise use SWFWMD lands, PEF will provide independent appraisals of the land to be included in the transmission line ROW and will provide compensation to SWFWMD in an amount agreed upon by SWFWMD and PEF. For lands acquired for conservation purposes, such amount shall be sufficient to compensate SWFWMD for the fair-market value of the land in addition to the loss of intended use of the land within the transmission line ROW. For lands acquired for other purposes, compensation shall be based upon the highest and best use of the property.

E. Prior to the commencement of any activities associated with the construction of any portion of the transmission line corridor or substation that will cross over, on, under, or otherwise affect SWFWMD lands, PEF shall provide a survey of the transmission line ROW and footprint of the substation. The survey shall be prepared using procedures acceptable to the SWFWMD and signed and sealed by a registered surveyor pursuant to Chapter 472, F.S.

F. In the event PEF seeks to use SWFWMD lands outside of the transmission line ROW for access during construction of the transmission line and/or for inspection and maintenance after construction, PEF shall submit to the SWFWMD a detailed plan identifying the proposed route, type and number of vehicles to be used and the frequency of such use. All use of SWFWMD lands outside the transmission line ROW shall be in accordance with Chapter 40D-9, F.A.C., or with Progress Energy's existing easement rights.

[Sections 373.085, 373.089, 373.093, 373.099, 373.414 and 373.416, F.S.; Rules 40D-4.301 and 40D-4.302, F.A.C., District Environmental Resource Permit Manual Part B, Basis of Review Chapter 4; Chapter 40D-9, F.A.C.]

XLI. WITHLACOOCHEE REGIONAL PLANNING COUNCIL

A. Emergency Preparedness

1. PEF will work with affected local governments and other stakeholders to fully integrate new electrical transmission facilities into all emergency management planning processes to maintain consistency with the SRPP's emergency preparedness content.

2. Electrical transmission line facilities will be integrated into overall emergency management and response planning for the proposed nuclear power generation complex, so that the same standard of preparedness applies to all facilities covered by the certification.

[Section 186.505-507, F.S.]

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XLII. HERNANDO COUNTY

For the portions of the certified transmission lines to be constructed, operated, and maintained within Hernando County:

A. Final Design Submittal

1. Prior to construction, a post-certification submittal of PEF's final design plan including pole locations throughout the entire transmission line ROW within Hernando County shall be provided to Hernando County for informational purposes showing:

a. A tree survey showing trees over 4" dbh within PEF easements or rights-of-way (ROW) in the area paralleling Hexam Road from the existing PEF 115 kV Crystal River-Brookridge transmission line ROW eastward to the existing Brookridge substation (approximately 1.7 miles in length).

b. Contact information, including a twenty-four hour, seven-day contact and phone numbers, for the person(s) responsible for PEF construction within Hernando County.

c. Proposed locations and dimensions of all access roads.

2. Prior to construction, PEF shall contact Sunshine One Call and obtain a listing of known existing utilities within the transmission line ROW and shall provide Hernando County, for informational purposes, a post-certification submittal showing as existing site conditions within the PEF transmission line ROW on the final design plan the following facilities (to the extent known to PEF):

a. The name, location and width of existing or platted street public right-of-way within or crossing the transmission line rights-of-way or easements.

b. Approximate location, size and depth of sewers, water mains and storm drains, and approximate location of power and phone lines within the right-of-way.

c. Location and size of any known above ground utilities, such as electric power lines, within PEF's transmission line ROW or easements.

B. Existing Infrastructure

PEF, where feasible and practicable, will use existing infrastructure rights of way within Hernando County which maximizes compatibility with adjacent land uses.

C. Consultation with the U.S. Army Corp of Engineers (ACOE)

PEF shall confer with ACOE, for portions of the transmission line that are within the Brooksville Turret Gunnery Range prior to construction.

D. Noise

PEF shall comply with Hernando County's noise ordinance.

E. Vegetation Management

PEF, where feasible and practicable, will retain existing vegetation in the transmission line ROW and practice "best management practices" with respect to vegetation management in the transmission line ROW to the extent feasible and in compliance with Section 163.3209, Fla. Stat., which incorporates by reference North American Electrical Reliability

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Corporation (NERC) standard FAC-003-1, American National Standards Institute (ANSI) standards A300 (Part I)-2001 and Z133.1-2000, and National Electrical Safety Code (NESC) standards adopted by the Florida Public Service Commission. PEF will not remove trees outside the transmission line ROW, other than danger trees as required by the standards referenced above.

F. Crossing of Hernando County ROW or Other County Property

For all portions of the PEF transmission line ROW crossing Hernando County ROW or other county property, the transmission lines will be designed for compliance with applicable county standards, found in the Hernando County Facilities Design Guidelines. Although a ROW permit will not be required, PEF shall comply with Maintenance of Traffic requirements in Hernando County's Facilities Design Guidelines and shall be subject to the indemnification requirements of the standard county permit with respect to any claim for loss or damage against the county arising directly from PEF negligent construction or maintenance activity that occurs on county ROW or other county property, to the extent of PEF's proportionate responsibility for any such claim.

G. Natural Gas Pipelines

PEF will design and construct all transmission lines in a manner that prevents damage to known existing utilities within PEF's transmission line ROW, including natural gas pipelines, to the extent feasible and in compliance with applicable safety requirements.

H. Compliance with Safety Standards

PEF will construct, operate and maintain the proposed transmission lines in compliance with the DEP Electric and Magnetic Field Rules set forth in Chapter 62-814, F.A.C., and in compliance with the National Electrical Safety Code Rule 232 C1c relating to induced currents.

I. Joint Use of Rights of Way and Easements

PEF shall confer with Hernando County, upon the County's request, to address the co-location of pedestrian facilities or other public uses within the PEF transmission line ROW, to the extent compatible and feasible under present or future engineering and design constraints.

[Hernando County Code, Ch. 21, Art. VIII, and Ch. 24, Art. I; and Hernando County Facilities Design Guidelines promulgated thereunder.]

XLIII. LEVY COUNTY – TRANSMISSION LINES

For the portions of the certified transmission lines to be constructed, operated, and maintained within Levy County:

A. Noise

Noise levels from operation of the transmission lines shall not exceed the requirements of the provisions of Division 2, Article VIII, Chapter 50, Levy County Code, in effect at the time of certification. Upon request of the County, PEF shall make best efforts to minimize the noise levels associated with construction of the transmission lines to the extent practicable.

SECTION C. TRANSMISSION LINE SPECIFIC CONDITIONS

[Article VIII, Chapter 50, Levy County Code]

XLIV. HILLSBOROUGH COUNTY

For the portions of the certified transmission lines to be constructed, operated, and maintained within Hillsborough County:

A. Final Design Submittal

Prior to construction, a post-certification submittal of PEF's final design plan including pole locations throughout the entire transmission line ROW within Hillsborough County shall be provided to Hillsborough County for informational purposes showing:

1. PEF-owned right-of-way, existing PEF transmission and distribution easements and road rights-of-way and the location of any known facilities as recorded on Sunshine State One Call of Florida on these existing rights-of-way, whether transmission structures, above-ground facilities, underground utilities, sewers, water mains, storm drains, or telephone lines.
2. Construction time-tables, phasing, and construction traffic to be generated by the transmission line construction, to the extent practicable, including providing periodic updates as to the construction progress as appropriate.
3. Location, size, and type of all proposed stormwater management facilities, if applicable.

B. Planning and Growth Management

1. PEF, to the extent feasible and practicable, will retain existing vegetation in the transmission line ROW and practice "best management practices" with respect to vegetation management in the transmission line ROW to the extent feasible and in compliance with Section 163.3209, Fla. Stat., which incorporates by reference North American Electrical Reliability Corporation (NERC) standard FAC-003-1, American National Standards Institute (ANSI) standards A300 (Part I)-2001 and Z133.1-2000, and National Electrical Safety Code (NESC) standards adopted by the Florida Public Service Commission.

2. During the construction of the proposed transmission line, PEF will convey to the person(s) responsible for PEF construction within Hillsborough County that all construction truck traffic going to the construction site shall follow the County's Truck Route Plan to the greatest extent practicable. A truck may leave a designated truck route and drive on a County road that is restricted to truck traffic, only if the truck can reach its destination without crossing another truck route. Truck routes can be found on the Truck Route Plan Map and in County Resolution R05-022. Copies of both are available on the 20th floor of the County Center at 601 East Kennedy Blvd., Tampa, FL 33601.

3. Where the transmission line ROW is located within Hillsborough County rights-of-way, PEF will provide all information necessary to comply with all applicable non-procedural conditions of the County's Utility Accommodation Guide and Rights-of-Way Use Procedures Manual related to maintenance of traffic during construction.

4. PEF shall comply with the County's noise restrictions in County Code of Ordinances, Section 26-4.1, in its daytime use of construction equipment. If PEF is required to conduct nighttime construction and upon the County's request PEF shall confer with the county regarding construction techniques to minimize noise levels during nighttime construction.

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5. PEF shall confer with the County, upon the County's request, to discuss the ability to co-locate public recreational trails or other compatible uses within the transmission line ROW.

6. Upon the request of the County, where the transmission line ROW crosses county rights-of-way, PEF, during the design of the transmission line, will consult with the County and will make best efforts to minimize conflicts with the County's existing infrastructure and utilities and proposed and future utilities and infrastructure work and capital improvement projects, to the extent those proposed and future projects are reflected in County-approved planning documents, to the extent practicable and in compliance with National Electric Safety Code and other regulatory requirements.

7. With respect to the areas of the transmission line ROW within Hillsborough County rights-of-way, PEF shall contact the Greater Tampa Utilities Group (GTUG) as well as individual private and public utilities located within the County's right-of-way and coordinate the design and construction of the proposed transmission line with such entities. Prior to construction, PEF shall provide the County's Right-of-Way Management office with dates of PEF attendance of the GTUG meetings and coordination efforts with GTUG.

8. During design and prior to construction of the transmission line, PEF shall contact Sunshine One Call and obtain a listing (design and construction tickets) of all of the known existing underground utilities within the transmission line ROW. PEF shall provide the County with a copy of the utility companies with facilities located within the County's right-of-way along the transmission line ROW. PEF must also follow safe digging practices and the Underground Facility Damage Prevention and Safety Act, Chapter 556, Florida Statutes.

9. After certification of the corridor and prior to the commencement of construction, if any construction will be within fifteen (15) feet of the edge of pavement or if other construction activities require temporary lane closures, PEF shall contact the County's Right-of-Way Management office to coordinate the work, and, if applicable, PEF shall provide as a post-certification submittal the information necessary for a Temporary Traffic Control Permit (TTC) or a signed, sealed, site specific Maintenance of Traffic (MOT) plan. Additionally, PEF shall provide the County with a MOT plan for the construction of entrances and exits that involve the County's rights-of-way. Notwithstanding the foregoing, to the extent practicable and in compliance with National Electrical Safety Code (NESC) and North American Electrical Reliability Corporation (NERC) standards, PEF shall refrain from closing any lanes or roads in the traffic patterns of schools (while in session), hospitals, emergency facilities, and fire stations without prior notice to the County.

10. Where the transmission line right of way parallels a county right of way, during the design of the transmission line, Progress Energy will attempt to locate the transmission line poles longitudinally within the transmission line right of way along the county right-of-way outside of the ultimate configuration for all future traffic infrastructure projects that are reflected in County-approved planning documents at the time of certification. However, in locating the transmission poles, Progress Energy shall not be required or expected to acquire or to sever the property of a third party in order to accommodate the County's future traffic infrastructure projects for which property rights have not been acquired at the time of certification.

[Hillsborough County Code of Ordinances, Section 26-4.1; Chapter 29; Chapter 34, Article XII.]

SECTION C. TRANSMISSION LINE SPECIFIC CONDITIONS

XLV. SUMTER COUNTY

For the portions of the transmission lines to be constructed, operated, and maintained within Sumter County:

- A. PEF shall retain existing vegetation within the transmission line ROW to the extent feasible and in compliance with the vegetation removal requirements of the National Electrical Safety Code (NESC) and North American Reliability Corporation (NERC) for safety and reliability.
- B. PEF shall comply with Sumter County's noise ordinance.
- C. PEF shall provide the information necessary to complete the appropriate Sumter County permits for all applicable County right-of-way crossings.
- D. PEF shall coordinate construction traffic with Sumter County Public Works Division to minimize traffic disruption and to implement appropriate maintenance of traffic procedures.
- E. PEF shall consult with Sumter County, upon Sumter County's request, to discuss the ability to co-locate public utilities, pedestrian/trail facilities, or other public uses within the transmission line ROW, so long as proposed uses are compatible with safe and reliable line operation and maintenance and consistent with PEF's ROW utilization program.
- F. PEF shall consult with the County and Lake-Sumter Metropolitan Planning Organization to minimize to the extent practicable conflicts between the new transmission line and planned transportation projects in Sumter County for which property rights have been acquired.
- G. PEF shall coordinate with Sumter County Emergency Management for the management of these major transmission lines during times of emergency declaration.

[Sumter County Land Development Code, Sections 13-12, 13-524, 13-527, 13-612, 13-647; Sumter County Code of Ordinances, Chapter 16, Article VI, and Sections 8-1 and 20-87; Sumter County Comprehensive Plan Objectives 3.1.13 and 7.1.6.]

XLVI. CITRUS COUNTY

For the portions of the transmission lines to be constructed, operated and maintained in Citrus County:

PEF shall comply with Citrus County's noise ordinance, if applicable.

XLVII. HILLSBOROUGH COUNTY ENVIRONMENTAL PROTECTION COMMISSION

For the portions of the certified transmission lines to be constructed, operated, and maintained within Hillsborough County:

A. Noise

Pursuant to Chapter 1-10, Rules of the EPC, Noise Rule "Exceptions" exempts construction activities occurring between the hours of 7 a.m. and 6 p.m. Monday through Friday, 8 a.m. and 6 p.m. Saturday, and 10 a.m. and 6 p.m. Sunday if reasonable precautions are taken to abate the noise from those activities. Reasonable precautions shall include but not be limited to noise abatement measures such as enclosure of the noise source, use of acoustical blankets, and

SECTION C. TRANSMISSION LINE SPECIFIC CONDITIONS

change in work practices. Construction activities occurring at all other times shall be subject to the standards in the EPC noise Rule.

B. Open Burning

Pursuant to Chapter 1-4, Rules of the Hillsborough County Environmental Protection Commission (EPC), all open burning within Hillsborough County is prohibited unless PEF provides information to the EPC Director necessary to demonstrate compliance with EPC Rules 1-4.08 and 1-4.09 through submission of an Application for Open Burning for Land Clearing and the applicable fee. This information shall be provided with five days' advance notice of the burning.

C. Asbestos

The National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Asbestos 40 CFR, Part 61, Subpart M promulgated by the U.S. EPA - Enforced by the State of Florida Department of Environmental Protection and administered in Hillsborough County by the Environmental Protection Commission (EPC) within Hillsborough County applies to regulated asbestos renovation and demolition projects.

1. Where demolition activities occur, asbestos demolition notification is required for all commercial facilities and for demolition projects involving residential structures with more than four dwelling units, residences that have been used as a business in the past, or if the demolition of more than one residential structure is planned.

2. Any regulated removal of asbestos containing materials from structures to be renovated or demolished requires notification. Notification and the appropriate fee must be submitted to the EPC at least ten working days prior to the regulated renovation or demolition activity.

3. Prior to the start of any demolition or renovation activities, a thorough asbestos inspection must be performed. According to Section 469.003 Florida Statute, asbestos survey inspections must be performed by a licensed asbestos consultant. Phase I Environmental Assessment reports may not be used in lieu of a thorough asbestos survey inspection conducted by a trained and licensed asbestos consultant. A copy of the asbestos survey report should be maintained on site at all times. For demolition activities, include a copy of the asbestos survey report with the notification and fee.

4. Asbestos containing waste materials must be disposed of per local, state and federal regulation.

D. Waste Management

Pursuant to Chapter 1-7, Part II, Rules of the Hillsborough County Environmental Protection Commission (EPC), for the portions of the transmission line ROW within Hillsborough County, PEF shall address solid waste disposal in Hillsborough County and demonstrate compliance with EPC Rule 1-7.2.02 through submission of the information necessary, for a complete Application for Director's Authorization and the applicable fee, prior to construction.

[Rules of the Hillsborough County Environmental Protection Commission (EPC), Chapters 1-4, 1-6, 1-7 (Part II), 1-10; Air Pollution Control Specific Operating Agreement between the State of Florida DEP and Hillsborough County, Section 1.3.]

SECTION C. TRANSMISSION LINE SPECIFIC CONDITIONS

VLVIII. PINELLAS COUNTY

For the portions of the certified transmission lines to be constructed, operated and maintained in Pinellas County:

A. Vegetation Management

PEF, where feasible and practicable, will retain existing vegetation in the transmission line ROW and practice "best management practices" with respect to vegetation management in the transmission line ROW to the extent feasible and in compliance with Section 163.3209, Fla. Stat., which incorporates by reference North American Electrical Reliability Corporation (NERC) standard FAC-003-1, American National Standards Institute (ANSI) standards A300 (Part I)-2001 and Z133.1-2000, and National Electrical Safety Code (NESC) standards adopted by the Florida Public Service Commission.

[Pinellas County Code, Sections 166-3 7, 166-49.1]

XLIX. CITY OF TAMPA

For the portions of the certified transmission lines to be constructed, operated, and maintained within the City of Tampa:

A. Final Design Submittal

Prior to construction, a post-certification submittal of PEF's final design plan including pole locations throughout the entire transmission line right-of-way (ROW) within the City of Tampa shall be provided to the City of Tampa for informational purposes showing:

1. PEF-owned right-of-way, existing PEF transmission and distribution easements and road rights-of-way and the location of any known facilities on these existing rights-of-way, whether transmission structures, above-ground facilities, underground utilities, sewers, water mains, storm drains, or telephone lines.

2. Construction time-tables, phasing, and construction traffic to be generated by the transmission line construction, to the extent practicable, including providing periodic updates as to the construction progress as appropriate.

3. Location, size, and type of all proposed stormwater management facilities, if applicable.

B. Land Development

1. PEF will not remove trees or conduct site clearing outside the transmission line ROW, other than clearing or pruning of danger trees as required by the standards referenced below. In the event that such should occur, this condition can be enforced pursuant to Condition No. XIII(A) above.

2. During construction, operation and maintenance, PEF, will retain existing vegetation in the transmission line ROW and will practice "best management practices" with respect to vegetation management in the transmission line ROW in compliance with Section 163.3209, Fla. Stat., which incorporates by reference North American Electrical Reliability Corporation (NERC) standard FAC-003-1, American National Standards Institute (ANSI) standards A300 (Part I)-2001 and Z133.1-2000, and National Electrical Safety Code (NESC) standards adopted by the Florida Public Service Commission. Prior to the commencement of

SECTION C. TRANSMISSION LINE SPECIFIC CONDITIONS

construction, PEF will submit to the City its vegetation maintenance plan, including PEF's trimming specifications and maintenance practices in compliance with Section 163.3209, F.S.

3. During the construction of the proposed transmission line, PEF will direct its contractors responsible for PEF construction within the City of Tampa that all construction truck traffic going to the construction site shall follow the City's Truck Routes as established in City of Tampa Code Section 25-182 as amended at the time of certification. A truck may leave a designated truck route and drive on a City road that is restricted to truck traffic, only if the truck can reach its destination without crossing another truck route. Truck traffic shall comply with all requirements contained within the City of Tampa Code sections 25-182 and 25-183.

4. As a post-certification submittal and at least forty-five days prior to the initiation of construction, where the transmission line ROW is located within City rights-of-way, or for any activities in City rights-of-way including street closures and traffic detours into City streets, PEF will provide the information to the City of Tampa Public Works Department, Transportation Division necessary to complete an Application and Permit for Construction and Maintenance Operations within Public Rights-of-Way and to comply with the applicable non-procedural requirements in the Department of Public Works' Transportation Technical Manual related to maintenance of traffic during construction.

5. PEF shall comply with the City of Tampa noise restrictions in City Code Sections 5-301.2 and 14-151-during construction, to the extent applicable.

6. PEF shall confer with the City, upon the City's request, to discuss the ability to co-locate public recreational trails or other compatible uses within the transmission line ROW.

7. Where the transmission line ROW crosses City rights-of-way, PEF, during the design of the transmission line, will consult with the City and will make best efforts to minimize conflicts with the City's existing infrastructure and utilities and proposed and future utilities and infrastructure work and capital improvement projects, to the extent those proposed and future projects are reflected in City-approved planning documents at the time of certification and to the extent practicable and in compliance with National Electric Safety Code and other regulatory requirements.

8. With respect to the areas of the transmission line ROW within City rights-of-way, PEF shall contact the Greater Tampa Utilities Group (GTUG) as well as individual private and public utilities located within the City's right-of-way and coordinate the design and construction of the proposed transmission line with such entities. Prior to construction, PEF shall provide the City of Tampa's Public Works Department, Transportation Division's Right-of-Way Management Section with dates of PEF attendance of the GTUG meetings and coordination efforts with GTUG.

9. During design and prior to construction of the transmission line, PEF shall contact Sunshine One Call and obtain a listing (design and construction tickets) of all of the known existing underground utilities within the transmission line ROW. PEF shall provide the City with a copy of the utility companies with facilities located within the City's right-of-way along the transmission line ROW. PEF must also follow safe digging practices and the Underground Facility Damage Prevention and Safety Act, Chapter 556, Florida Statutes.

SECTION C. TRANSMISSION LINE SPECIFIC CONDITIONS

10. After certification of the corridor and prior to the commencement of construction, if any construction will be within fifteen (15) feet of the edge of pavement or if other construction activities require temporary lane closures, PEF shall contact the City's Department of Public Works Transportation Division to coordinate the work, and, if applicable, PEF shall provide as a post-certification submittal the information necessary for ROW use authorizations from the City. To the extent practicable and in compliance with National Electrical Safety Code (NESC) and North American Electrical Reliability Corporation (NERC) standards, PEF shall refrain from closing any lanes or roads in the traffic patterns of schools (while in session), hospitals, emergency facilities, and fire stations without prior notice to and in coordination with the City.

11. PEF will construct, operate and maintain the proposed transmission lines in compliance with the National Electrical Safety Code Rule 232 C1c relating to induced currents. In the event that existing City of Tampa water lines or mains in the area of the proposed PHP corridor in the City of Tampa (as shown on the attached maps) are adversely impacted from the increased current provided by the proposed PHP transmission line, PEF will remediate the impacts by replacement or reimbursement for the replacement or repair of the damaged facilities, at the City's option.

C. Hillsborough River

1. All access roads and structure pads which must be constructed in areas where an existing PEF access road or public road is not available shall be constructed in a manner which reduces or eliminates adverse impacts to on-site and adjacent wetlands and other surface waters, including the Hillsborough River, to the extent practicable. PEF shall be deemed to have satisfied this condition if the access and finger roads satisfy the criteria of Rules 40D-4.301 and 40D-4.302, F.A.C.

2. Where practicable, PEF shall make an effort to reduce or eliminate impacts to wetlands and other surface waters, including the Hillsborough River, within the corridors for the Certified Transmission Lines except as otherwise provided in section 3.2.1.2 of Part B, Basis of Review of SWFWMD's Environmental Resource Permitting Information Manual.

[City of Tampa Code of Ordinances, Sections 5-301.2, 14-151, 25-182, 25-183; Chapter 22, Article IV.]

Attachment 1

Standard Manatee Conditions for In-Water Work (revision 2005)

Attachment 1

STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

2005

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for north Florida or Vero Beach (1-561-562-3909) for south Florida.
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Awareness signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used. One sign measuring at least 3 ft. by 4 ft. which reads *Caution: Manatee Area* must be posted. A second sign measuring at least 81/2" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities.

FWC Approved Manatee Educational Sign Suppliers

ASAP Signs & Designs
624-B Pinellas Street
Clearwater, FL 33756
Phone: (727) 443-4878
Fax: (727) 442-7573

Wilderness Graphics, Inc.
P. O. Box 1635
Tallahassee, FL 32302
Phone: (850) 224-6414
Fax: (850) 561-3943
www.wildernessgraphics.com

Cape Coral Signs & Designs
1311 Del Prado Boulevard
Cape Coral, FL 33990
Phone: (239) 772-9992
Fax: (239) 772-3848

Municipal Supply & Sign Co.
1095 Fifth Avenue, North
P. O. Box 1765
Naples, FL 33939-1765
Phone: (800) 329-5366 or
(239) 262-4639
Fax: (239) 262-4645
www.municipalsigns.com

Vital Signs
104615 Overseas Highway
Key Largo, FL 33037
Phone: (305) 451-5133
Fax: (305) 451-5163

Universal Signs & Accessories
2912 Orange Avenue
Ft. Pierce, FL 34947
Phone: (800) 432-0331 or
(772) 461-0665
Fax: (772) 461-0669

New City Signs
1739 28th Street N.
St. Petersburg, FL 33713
Phone: (727) 323-7897
Fax: (727) 323-1897
www.NewCitySigns.com

**United Rentals Highway
Technologies**
309 Angle Road
Ft. Pierce, FL 34947
Phone: (772) 489-8772
or (800) 489-8758 (FL only)
Fax: (772) 489-8757

CAUTION: MANATEE HABITAT

All project vessels
IDLE SPEED / NO WAKE

**When a manatee is within 50 feet of work
all in-water activities must**

SHUT DOWN

Report any collision or injury to:

1-888-404-FWCC (1-888-404-3922)

Florida Fish and Wildlife Conservation Commission

Attachment 2
Map of Certified Corridors
(To be attached upon Certification)

Appendix A
NPDES permit No. FL0633275-001-IW1S/NP
(To be attached upon Final Issuance)

Appendix B

Title V Air Operation Permit xxxxxxxx-xxx-AV

(To be attached upon Final Issuance)

Appendix C
Air Construction Permit PSD-FL-403



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

NOTICE OF FINAL AIR PERMIT

Sent by Electronic Mail - Received Receipt Requested

Progress Energy Florida
P.O. Box 14042, SA2C
St. Petersburg, Florida 33733

Authorized Representative:
Daniel Roderick, Vice President, Nuclear Project Construction

Air Permit No. PSD-FL-403
Project No. 0750088-001-AC
Levy Nuclear Plant
Unit 1 and 2 Cooling Towers
Levy County, Florida

Dear Mr. Roderick:

Enclosed is the final air construction permit, which authorizes construction of two mechanical draft cooling towers, diesel-powered emergency generators and fire pumps and miscellaneous support equipment. The work will be conducted at the proposed Levy Nuclear Plant, which will be a new nuclear power plant (SIC No. 4911). The facility is proposed to be located approximately 4 miles northeast of the town of Ingilis and east of State Highway 19 in Levy County, Florida. As noted in the attached Final Determination, only minor changes and clarifications were made to the draft permit. This final permit is issued pursuant to Chapter 403, Florida Statutes.

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

Executed in Tallahassee, Florida.

Trina Vielhauer, Chief
Bureau of Air Regulation

TLV/jfk

NOTICE OF FINAL AIR PERMIT

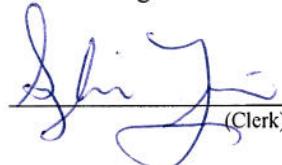
CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Notice of Final Air Permit package (including the Final Determination and Final Permit) was sent by electronic mail (or a link to these documents made available electronically on a publicly accessible server) with received receipt requested before the close of business on 2/20/09 to the persons listed below.

Mr. Daniel Roderick, Progress Energy Florida, Inc. (daniel.roderick@pgnmail.com)
Mr. Jamie Hunter, Progress Energy Florida, Inc. (john.hunter@pgnmail.com)
Mr. Albert Ugelow, CH2M Hill (albert.ugelow@ch2m.com)
Mr. Chris Kirts, Northeast District Office (chris.kirts@dep.state.fl.us)
Mr. Mike Halpin, Siting Office (mike.halpin@dep.state.fl.us)
Ms. Cindy Mulkey, Siting Office (cindy.mulkey@dep.state.fl.us)
Ms. Ann Seiler, Siting Office (ann.seiler@dep.state.fl.us)
Ms. Kathleen Forney, EPA Region 4 (forney.kathleen@epa.gov)
Ms. Heather Abrams, EPA Region 4 (abrams.heather@epamail.epa.gov)
Ms. Victoria Gibson, BAR Reading File (victoria.gibson@dep.state.fl.us)

Clerk Stamp

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



(Clerk)

2/20/09
(Date)



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kotkamp
Lt. Governor

Michael W. Sole
Secretary

PERMITTEE

Progress Energy Florida
P.O. Box 14042, SA2C
St. Petersburg, Florida 33733

Authorized Representative:
Daniel Roderick, Vice President, Nuclear Projects, Construction

Air Permit No. PSD-FL-403
Project No. 0750088-001-AC
ARMS ID No. 0750088
Levy Nuclear Plant
Unit 1 and 2 Cooling Towers
Permit Expires: 1/1/2018

PROJECT AND LOCATION

This permit authorizes construction of two mechanical draft cooling towers and diesel-powered emergency generators and fire pumps. The work will be conducted at the proposed Levy Nuclear Plant, which will be a new nuclear power plant (SIC No. 4911). The facility is proposed to be located approximately 4 miles northeast of the town of Ingilis and east of State Highway 19 in Levy County, Florida. The UTM coordinates are Zone 17, 342.2 km East, and 3217.2 km North.

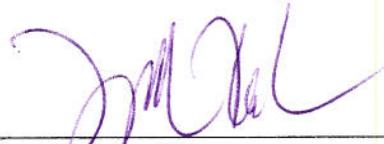
STATEMENT OF BASIS

This air pollution construction permit is issued under the provisions of Chapter 403 of the Florida Statutes (F.S.), and Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297 of the Florida Administrative Code (F.A.C.). The permittee is authorized to conduct the proposed work in accordance with the conditions of this permit and as described in the application, approved drawings, plans, and other documents on file with the Department. This project is subject to the general preconstruction review requirements in Rule 62-212.300, F.A.C. as well as the preconstruction review requirements for major stationary sources in Rule 62-212.400, F.A.C. for the Prevention of Significant Deterioration (PSD) of Air Quality.

CONTENTS

- Section 1. General Information
- Section 2. Administrative Requirements
- Section 3. Emissions Unit Specific Conditions
- Section 4. Appendices

Executed in Tallahassee, Florida



Joseph Kahn, Director
Division of Air Resource Management

2/18/09
(Date)

SECTION 1. GENERAL INFORMATION

FACILITY AND PROJECT DESCRIPTION

Progress Energy Florida, Inc. has submitted a site certification package to the Department's Power Plant Siting Office for a proposed 2000 megawatt (MW) nuclear power plant. A part of this package includes an application for an air permit to construct two 44-cell mechanical draft cooling towers, arranged in an array of 2 x 22 cells that will operate continuously. The towers will obtain make-up water from the nearby Cross Florida Barge Canal to cool the Unit 1 and 2 condensers. The cooling water flow rate for all 44 cells is estimated at 531,100 gallons per minute (gpm) and the design air flow rate per cell is estimated at 1,662,887 actual cubic feet per minute (acf m). The cooling towers provide direct contact between the cooling water and air passing through the tower. Drift is created when small amounts of cooling water become entrained in the air stream and are carried out of the tower. Particulate matter (PM) is emitted as salt and solids in the water droplets escape as drift from the tower. Drift eliminators will be used to minimize PM emissions caused by the cooling tower drift.

The project also includes four 4000 kilowatt (kW) emergency standby generators, four 35 kW ancillary emergency generators and two fire pumps. During normal operation, the facility will generate all of its own power needs or obtain power from the local grid. In the event the facility is not operational and power is not available from the local power grid, the emergency generators will be used to keep the control room and certain essential plant equipment and utilities energized and the emergency fire pumps will be available to maintain water pressure to the fire suppression systems. The facility will also operate other miscellaneous unregulated and insignificant emissions units and activities.

This project adds the following new emissions units.

ID No.	Emission Unit Description
001	Unit 1 Cooling Tower
002	Unit 2 Cooling Tower
003	Four 4000 kW emergency generators, four 35 kW ancillary emergency generators and two 650 hp fire pumps
004	Miscellaneous unregulated support equipment including freshwater cooling towers (less than 500 gpm)

FACILITY REGULATORY CLASSIFICATION

- The facility will not be a major source of hazardous air pollutants (HAP).
- The facility will have no units subject to the acid rain provisions of the Clean Air Act.
- The facility will be a Title V major source of air pollution in accordance with Chapter 213, F.A.C.
- The facility will be a major stationary source in accordance with Rule 62-212.400(PSD), F.A.C. The project is subject to PSD preconstruction review for PM emissions only.
- The facility will have units subject to the New Source Performance Standards (NSPS) in Part 60, Title 40 of the Code of Federal Regulations (CFR).

SECTION 2. ADMINISTRATIVE REQUIREMENTS

1. **Permitting Authority:** The permitting authority for this project is the Bureau of Air Regulation, Division of Air Resource Management, Florida Department of Environmental Protection (Department). The Bureau of Air Regulation's mailing address is 2600 Blair Stone Road (MS #5505), Tallahassee, Florida 32399-2400. All documents related to applications for permits to operate an emissions unit shall be submitted to the Northeast District Office.
2. **Compliance Authority:** All documents related to compliance activities such as reports, tests, and notifications shall be submitted to the Northeast District Office. The mailing address and phone number of the Northeast District Office is: 7825 Baymeadows Way, Suite B200, Jacksonville, Florida 32256, 904/807-3300.
3. **Appendices:** The following Appendices are attached as part of this permit:
 - a. Appendix A. Citation Formats;
 - b. Appendix B. General Conditions;
 - c. Appendix C. Common Conditions;
 - d. Appendix D. Summary of Best Available Control Technology Determinations;
 - e. Appendix E. NSPS Subpart A, General Provisions; and
 - f. Appendix F. NSPS Subpart III, Stationary Compression Ignition Internal Combustion Engines.
4. **Applicable Regulations, Forms and Application Procedures:** Unless otherwise specified in this permit, the construction and operation of the subject emissions units shall be in accordance with the capacities and specifications stated in the application. The facility is subject to all applicable provisions of: Chapter 403, F.S.; and Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-296 and 62-297, F.A.C. Issuance of this permit does not relieve the permittee from compliance with any applicable federal, state, or local permitting or regulations.
5. **New or Additional Conditions:** For good cause shown and after notice and an administrative hearing, if requested, the Department may require the permittee to conform to new or additional conditions. The Department shall allow the permittee a reasonable time to conform to the new or additional conditions, and on application of the permittee, the Department may grant additional time. [Rule 62-4.080, F.A.C.]
6. **Modifications:** The permittee shall notify the Compliance Authority upon commencement of construction. No new emissions unit shall be constructed and no existing emissions unit shall be modified without obtaining an air construction permit from the Department. Such permit shall be obtained prior to beginning construction or modification. [Rules 62-210.300(1) and 62-212.300(1)(a), F.A.C.]
7. **BACT Determination Subject to Revision:** The applicant must submit a new BACT analysis within two years prior to beginning construction of the cooling towers due to the extended construction schedule of the nuclear units. If the Department's reassessment of BACT is substantially different from the initial determination, the applicant shall submit an air construction permit revision application. [Rule 62-212.400(BACT), F.A.C.]
8. **Application for Title V Permit:** This permit authorizes construction of the permitted emissions units and initial operation to determine compliance with Department rules. A Title V air operation permit is required for regular operation of the permitted emissions unit. The permittee shall apply for a Title V air operation permit at least 90 days prior to expiration of this permit, but no later than 180 days after commencing operation. To apply for a Title V operation permit, the applicant shall submit the appropriate application form, compliance test results, and such additional information as the Department may by law require. The application shall be submitted to the appropriate Permitting Authority with copies to the Compliance Authority. [Rules 62-4.030, 62-4.050, 62-4.220 and Chapter 62-213, F.A.C.]

SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

A. UNIT 1 AND 2 COOLING TOWERS (EU-001 and EU-002)

This section of the permit addresses the following emissions units.

ID No.	Emission Unit Description
001	Unit 1 Mechanical Draft Cooling Tower
002	Unit 2 Mechanical Draft Cooling Tower

{Permitting Note: In accordance with Rule 62-212.400(PSD), F.A.C., the above emission units are subject to Best Available Control Technology (BACT) determinations for total particulate matter (PM).

EQUIPMENT

1. **Cooling Towers:** The permittee is authorized to construct and operate two new mechanical draft cooling towers with the following nominal design characteristics: 44 cells; a circulating water flow rate of 531,100 gpm; a design air flow of 1,662,887 acfm; and drift eliminators designed for a drift rate of no more than 0.0005% of the circulating water flow for each tower. [Application No. 0750088-001-AC and Design]
2. **Hours of Operation:** The new cooling towers may operate continuously (8760 hours per calendar year). [Application No. 0750088-001-AC]
3. **Cooling Tower Design Drift Rate:** The cooling towers shall be designed and maintained to achieve a drift rate of no more than 0.0005% of the circulating water flow. Within 60 days of commencing operation, the permittee shall notify the compliance authority that the cooling towers were constructed to achieve the specific drift rate of no more than 0.0005% of the circulating flow rate. [Application No. 0750088-001-AC; Rule 62-212.400(BACT); and Design]
4. **Circulating Water Flow Rate:** Upon request, the applicant shall provide a means for determining the circulating water flow rate through the new cooling tower. [Rule 62-4.070, F.A.C.]
5. **Emissions Report:** PM and PM₁₀ emissions from the cooling towers shall be reported as part of the annual operating report. [Rule 62-210.370(3), F.A.C.]

SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

B. EMERGENCY GENERATORS AND FIRE PUMPS (EU-003 and EU-004)

This section of the permit addresses the following emissions units.

ID No.	Emission Unit Description
003	Four 4000 kW emergency generators, four 35 kW ancillary emergency generators and two 650 hp fire pumps
004	Miscellaneous unregulated support equipment including freshwater cooling towers (less than 500 gpm)

EQUIPMENT

1. New Equipment: The permittee is authorized to construct and operate four 4000 kW emergency standby generators, four 35 kW ancillary emergency generators and two 650 hp fire pumps. [Application No. 0750088-001-AC]
2. Hours of Operation: Each unit may operate as necessary to support emergency operations including a loss of power at the facility. Each emergency generator and fire pump may operate for up to 48 hours per year of non-emergency operation to ensure that the units remain in working order. [Application No. 0750088-001-AC]
3. Authorized Fuel: Each emergency generator and fire pump shall fire only ultra low sulfur diesel with a maximum sulfur content of 0.0015% by weight. [Application No. 0750088-001-AC]
4. Applicable NSPS Provisions: The engines for the emergency generators and fire pumps are subject to the applicable provisions in the following New Source Performance Standards (NSPS) of 40 CFR 60: Subpart A (General Provisions) and Subpart IIII (Standards of Performance for Stationary Compression Ignition Internal Combustion Engines), which consist of record keeping and reporting requirements. The NSPS provisions are attached as Appendix E and Appendix F of this permit. [Subparts A and IIII in 40 CFR 60 and Rule 62-204.800, F.A.C.]

SECTION 4. APPENDICES
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Appendix A. Citation Formats

Appendix B. General Conditions

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Appendix D. BACT Determination

Appendix E. NSPS Subpart A, General Provisions

Appendix F. NSPS Subpart IIII, Stationary Compression Ignition Internal Combustion Engines

SECTION 4. APPENDIX A

CITATION FORMATS

CITATION FORMATS

The following illustrate the formats used in the permit to identify applicable requirements from permits and regulations.

Old Permit Numbers

Example: Permit No. AC50-123456 or Permit No. AO50-123456

Where: “AC” identifies the permit as an Air Construction Permit
“AO” identifies the permit as an Air Operation Permit
“123456” identifies the specific permit project number

New Permit Numbers

Example: Permit Nos. 099-2222-001-AC, 099-2222-001-AF, 099-2222-001-AO, or 099-2222-001-AV

Where: “099” represents the specific county ID number in which the project is located
“2222” represents the specific facility ID number for that county
“001” identifies the specific permit project number
“AC” identifies the permit as an air construction permit
“AF” identifies the permit as a minor source federally enforceable state operation permit
“AO” identifies the permit as a minor source air operation permit
“AV” identifies the permit as a major Title V air operation permit

PSD Permit Numbers

Example: Permit No. PSD-FL-317

Where: “PSD” means issued pursuant to the preconstruction review requirements of the Prevention of Significant Deterioration of Air Quality
“FL” means that the permit was issued by the State of Florida
“317” identifies the specific permit project number

Florida Administrative Code (F.A.C.)

Example: [Rule 62-213.205, F.A.C.]

Means: Title 62, Chapter 213, Rule 205 of the Florida Administrative Code

Code of Federal Regulations (CFR)

Example: [40 CFR 60.7]

Means: Title 40, Part 60, Section 7

SECTION 4. APPENDIX B

GENERAL CONDITIONS

The permittee shall comply with the following general conditions from Rule 62-4.160, F.A.C.

1. The terms, conditions, requirements, limitations, and restrictions set forth in this permit are "Permit Conditions" and are binding and enforceable pursuant to Sections 403.161, 403.727, or 403.859 through 403.861, F.S. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in Subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey and vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. This permit is not a waiver or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of F.S. and Department rules, unless specifically authorized by an order from the Department.
6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at a reasonable time, access to the premises, where the permitted activity is located or conducted to:
 - a. Have access to and copy and records that must be kept under the conditions of the permit;
 - b. Inspect the facility, equipment, practices, or operations regulated or required under this permit, and,
 - c. Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:
 - a. A description of and cause of non-compliance; and
 - b. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the F.S. or Department rules, except where such use is prescribed by Sections 403.73 and 403.111, F.S.. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

SECTION 4. APPENDIX B
GENERAL CONDITIONS

10. The permittee agrees to comply with changes in Department rules and F.S. after a reasonable time for compliance, provided, however, the permittee does not waive any other rights granted by F.S. or Department rules.
11. This permit is transferable only upon Department approval in accordance with Rules 62-4.120 and 62-730.300, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
12. This permit or a copy thereof shall be kept at the work site of the permitted activity.
13. This permit also constitutes:
 - a. Determination of Best Available Control Technology (applicable);
 - b. Determination of Prevention of Significant Deterioration (applicable); and
 - c. Compliance with New Source Performance Standards (applicable).
14. The permittee shall comply with the following:
 - a. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
 - b. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application or this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
 - c. Records of monitoring information shall include:
 - 1) The date, exact place, and time of sampling or measurements;
 - 2) The person responsible for performing the sampling or measurements;
 - 3) The dates analyses were performed;
 - 4) The person responsible for performing the analyses;
 - 5) The analytical techniques or methods used; and
 - 6) The results of such analyses.
15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

SECTION 4. APPENDIX C

COMMON CONDITIONS

Unless otherwise specified in the permit, the following conditions apply to all emissions units and activities at the facility.

EMISSIONS AND CONTROLS

1. **Plant Operation - Problems:** If temporarily unable to comply with any of the conditions of the permit due to breakdown of equipment or destruction by fire, wind or other cause, the permittee shall notify each Compliance Authority as soon as possible, but at least within one working day, excluding weekends and holidays. The notification shall include: pertinent information as to the cause of the problem; steps being taken to correct the problem and prevent future recurrence; and, where applicable, the owner's intent toward reconstruction of destroyed facilities. Such notification does not release the permittee from any liability for failure to comply with the conditions of this permit or the regulations. [Rule 62-4.130, F.A.C.]
2. **Circumvention:** The permittee shall not circumvent the air pollution control equipment or allow the emission of air pollutants without this equipment operating properly. [Rule 62-210.650, F.A.C.]
3. **Excess Emissions Allowed:** Excess emissions resulting from startup, shutdown or malfunction of any emissions unit shall be permitted providing (1) best operational practices to minimize emissions are adhered to and (2) the duration of excess emissions shall be minimized but in no case exceed two hours in any 24 hour period unless specifically authorized by the Department for longer duration. [Rule 62-210.700(1), F.A.C.]
4. **Excess Emissions Prohibited:** Excess emissions caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure that may reasonably be prevented during startup, shutdown or malfunction shall be prohibited. [Rule 62-210.700(4), F.A.C.]
5. **Excess Emissions - Notification:** In case of excess emissions resulting from malfunctions, the permittee shall notify the Department or the appropriate Local Program in accordance with Rule 62-4.130, F.A.C. A full written report on the malfunctions shall be submitted in a quarterly report, if requested by the Department. [Rule 62-210.700(6), F.A.C.]
6. **VOC or OS Emissions:** No person shall store, pump, handle, process, load, unload or use in any process or installation, volatile organic compounds (VOC) or organic solvents (OS) without applying known and existing vapor emission control devices or systems deemed necessary and ordered by the Department. [Rule 62-296.320(1), F.A.C.]
7. **Objectionable Odor Prohibited:** No person shall cause, suffer, allow or permit the discharge of air pollutants, which cause or contribute to an objectionable odor. An "objectionable odor" means any odor present in the outdoor atmosphere which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance. [Rules 62-296.320(2) and 62-210.200(Definitions), F.A.C.]
8. **General Visible Emissions:** No person shall cause, let, permit, suffer or allow to be discharged into the atmosphere the emissions of air pollutants from any activity equal to or greater than 20% opacity. This regulation does not impose a specific testing requirement. [Rule 62-296.320(4)(b)1, F.A.C.]
9. **Unconfined Particulate Emissions:** During the construction period, unconfined particulate matter emissions shall be minimized by dust suppressing techniques such as covering and/or application of water or chemicals to the affected areas, as necessary. [Rule 62-296.320(4)(c), F.A.C.]

{Permitting Note: Rule 62-210.700 (Excess Emissions), F.A.C., cannot vary any NSPS or NESHAP provision.}

RECORDS AND REPORTS

10. **Records Retention:** All measurements, records, and other data required by this permit shall be documented in a permanent, legible format and retained for at least 5 years following the date on which such measurements, records, or data are recorded. Records shall be made available to the Department upon request. [Rule 62-213.440(1)(b)2, F.A.C.]
11. **Annual Operating Report:** The permittee shall submit an annual report that summarizes the actual operating rates and emissions from this facility. Annual operating reports shall be submitted to the Compliance Authority by March 1st of each year. [Rule 62-210.370(3), F.A.C.]

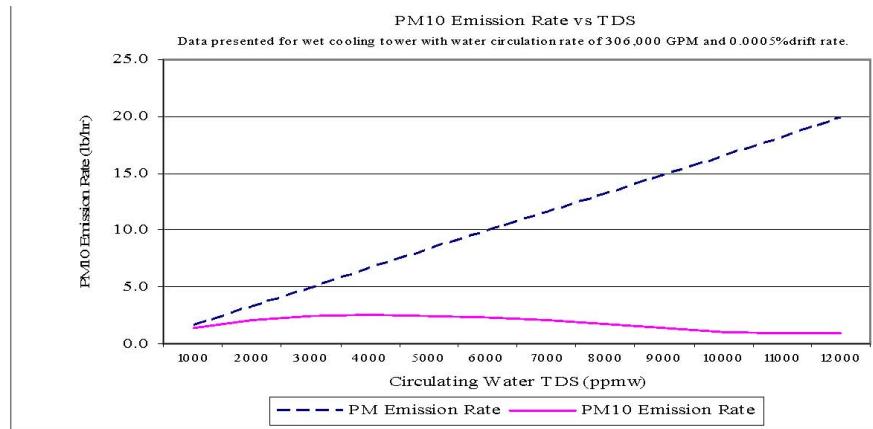
SECTION 4. APPENDIX D

BACT DETERMINATIONS

PSD Applicability for the Project

The Levy Nuclear Plant is a proposed PSD major stationary source located in Levy County, which is in an area that is currently in attainment with the state and federal AAQS or otherwise designated as unclassifiable. The applicant proposes to construct and operate two mechanical draft cooling towers to support nuclear Units 1 and 2. The cooling towers will emit particulate matter (PM) as a result of the carry over of solids (primarily salt) in the water droplet drift. The PM emissions include particles with a mean diameter of 10 microns or less (PM_{10}). Particulate matter will be controlled by the drift rate design specifications, which serve as a surrogate to control PM/ PM_{10} .

Based on the application, future PM emissions are estimated to be 514 tons/year based on 8760 hours per year of operation, which makes the project new major stationary source subject to the preconstruction review requirements of Rule 62-212.400, F.A.C. for the Prevention of Significant Deterioration (PSD) of Air Quality. PM emissions will exceed the significant emission rate of 25 tons per year, but PM_{10} emissions are estimated at 5.6 tons/year, which is less than the significant emissions rate of 15 tons/year. The PM/ PM_{10} estimates are based upon the study, "[Calculating Realistic PM10 Emissions from Cooling Towers](#)" by Joel Reisman and Gordon Frisbie. According to the study, PM₁₀ emissions increase with PM as the concentration of total dissolved solids (TDS) increases to about 4000 ppm. At TDS levels greater than 4000 ppm, the amount of PM₁₀ sized particles will decrease while PM continues to increase. The paper states that at higher TDS, the drift droplets contain more solids and therefore, upon evaporation, result in larger particles for any given initial droplet size. Table 1 provides a graph of the correlation of PM and PM₁₀ as a function of TDS in the circulating water.



With the estimated TDS of 25,000 ppm for the new cooling towers and a circulating flow rate of 531,100 gallons per minute, the report suggests large PM emissions with minimal PM₁₀ emissions as indicated in the application. Since PM₁₀ emissions will not exceed the significant emissions rate, a BACT determination is required for PM, but not PM₁₀. In addition, no air quality analysis is required because the modeled pollutant is PM₁₀, which is not subject to PSD preconstruction review for this project.

of diesel-powered emergency generators, ancillary emergency generators and fire pumps. The emergency generators and fire pumps will operate for no more than 48 hours/year of non-emergency operation to ensure that each unit is functioning properly and available for emergency operation. Based on the applicant's original estimates, annual emissions from all of these units combined will be: of 16.4 tons/year of NO_X, 0.07 tons/year of SO₂, 3.5 tons/year of CO, 1.4 tons/year of VOC and 1.2 tons/year of PM/PM₁₀.

BACT Determination

The Department conducted a review of EPA's RACT/BACT/LAER Clearinghouse for mechanical draft cooling towers between 2003 and 2008. Based upon the review, the Department concludes that BACT for mechanical draft cooling towers is based upon drift eliminators. BACT has been established as low as 0.0005% drift rate. The Department agrees and BACT is determined to be a design drift rate of 0.0005% for the new cooling towers. For the diesel-powered emergency generators, ancillary emergency generators and fire pumps, the applicant proposes the use of ultra low sulfur diesel to minimize PM emissions. The Department agrees and BACT for these units is determined to be the firing of diesel with a maximum sulfur content of 0.00015% by weight.

Due to the extended construction schedule of the nuclear units, the applicant is required to submit a new BACT analysis and determination within two years prior to beginning construction of the cooling towers. If the Department's reassessment of BACT is substantially different from the initial determination, the applicant shall submit an application for a revised air construction permit, which will require a new Public Notice.

SECTION 4. APPENDIX E
NSPS SUBPART A, GENERAL PROVISIONS

Emissions units subject to a New Source Performance Standard of 40 CFR 60 are also subject to the applicable requirements of Subpart A, the General Provisions, including:

- § 60.1 Applicability.
- § 60.2 Definitions.
- § 60.3 Units and abbreviations.
- § 60.4 Address.
- § 60.5 Determination of construction or modification.
- § 60.6 Review of plans.
- § 60.7 Notification and Record Keeping.
- § 60.8 Performance Tests.
- § 60.9 Availability of information.
- § 60.10 State Authority.
- § 60.11 Compliance with Standards and Maintenance Requirements.
- § 60.12 Circumvention.
- § 60.13 Monitoring Requirements.
- § 60.14 Modification.
- § 60.15 Reconstruction.
- § 60.16 Priority List.
- § 60.17 Incorporations by Reference.
- § 60.18 General Control Device Requirements.
- § 60.19 General Notification and Reporting Requirements.

Individual subparts may exempt specific equipment or processes from some or all of these requirements. The general provisions may be provided in full upon request.

SECTION 4. APPENDIX F

NSPS SUBPART IIII, STATIONARY COMPRESSION IGNITION INTERNAL COMBUSTION ENGINES

Updated 7/19/06- EFFECTIVE 9/11/06

Source Federal Register Dated 7/11/06

Subpart IIII--Standards of Performance for Stationary Compression Ignition Internal Combustion Engines

What This Subpart Covers

60.4200 Am I subject to this subpart?

Emission Standards for Manufacturers

60.4201 What emission standards must I meet for non-emergency engines if I am a stationary CI internal combustion engine manufacturer?

60.4202 What emission standards must I meet for emergency engines if I am a stationary CI internal combustion engine manufacturer?

60.4203 How long must my engines meet the emission standards if I am a stationary CI internal combustion engine manufacturer?

Emission Standards for Owners and Operators

60.4204 What emission standards must I meet for non-emergency engines if I am an owner or operator of a stationary CI internal combustion engine?

60.4205 What emission standards must I meet for emergency engines if I am an owner or operator of a stationary CI internal combustion engine?

60.4206 How long must I meet the emission standards if I am an owner or operator of a stationary CI internal combustion engine?

Fuel Requirements for Owners and Operators

60.4207 What fuel requirements must I meet if I am an owner or operator of a stationary CI internal combustion engine subject to this subpart?

Other Requirements for Owners and Operators

60.4208 What is the deadline for importing and installing stationary CI ICE produced in the previous model year?

60.4209 What are the monitoring requirements if I am an owner or operator of a stationary CI internal combustion engine?

Compliance Requirements

60.4210 What are my compliance requirements if I am a stationary CI internal combustion engine manufacturer?

60.4211 What are my compliance requirements if I am an owner or operator of a stationary CI internal combustion engine?

Testing Requirements for Owners and Operators

60.4212 What test methods and other procedures must I use if I am an owner or operator of a stationary CI internal combustion engine with a displacement of less than 30 liters per cylinder?

60.4213 What test methods and other procedures must I use if I am an owner or operator of a stationary CI internal combustion engine with a displacement of greater than or equal to 30 liters per cylinder?

Notification, Reports, and Records for Owners and Operators

60.4214 What are my notification, reporting, and recordkeeping requirements if I am an owner or operator of a stationary CI internal combustion engine?

Special Requirements

60.4215 What requirements must I meet for engines used in Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands?

60.4216 What requirements must I meet for engines used in Alaska?

60.4217 What emission standards must I meet if I am an owner or operator of a stationary internal combustion engine using special fuels?

SECTION 4. APPENDIX F

NSPS SUBPART IIII, STATIONARY COMPRESSION IGNITION INTERNAL COMBUSTION ENGINES

General Provisions

60.4218 What parts of the General Provisions apply to me?

Definitions

60.4219 What definitions apply to this subpart?

Tables to Subpart IIII of Part 60

Table 1 to Subpart IIII of Part 60--Emission Standards for Stationary Pre-2007 Model Year Engines with a displacement of < 10 liters per cylinder and 2007-2010 Model Year Engines >2,237 KW (3,000 HP) and with a displacement of < 10 liters per cylinder

Table 2 to Subpart IIII of Part 60--Emission Standards for 2008 Model Year and Later Emergency Stationary CI ICE < 37 KW (50 HP) and with a Displacement of < 10 liters per cylinder

Table 3 to Subpart IIII of Part 60--Certification Requirements for Stationary Fire Pump Engines

Table 4 to Subpart IIII of Part 60--Emission Standards for Stationary Fire Pump Engines

Table 5 to Subpart IIII of Part 60--Labeling and Recordkeeping Requirements for New Stationary Emergency Engines

Table 6 to Subpart IIII of Part 60--Optional 3-Mode Test Cycle for Stationary Fire Pump Engines

Table 7 to Subpart IIII of Part 60--Requirements for Performance Tests for Stationary CI ICE with a displacement of >=30 liters per cylinder

Table 8 to Subpart IIII of Part 60--Applicability of General Provisions to Subpart IIII

Sec. 60.4200 Am I subject to this subpart?

(a) The provisions of this subpart are applicable to manufacturers, owners, and operators of stationary compression ignition (CI) internal combustion engines (ICE) as specified in paragraphs (a)(1) through (3) of this section. For the purposes of this subpart, the date that construction commences is the date the engine is ordered by the owner or operator.

(1) Manufacturers of stationary CI ICE with a displacement of less than 30 liters per cylinder where the model year is:

- (i) 2007 or later, for engines that are not fire pump engines,
- (ii) The model year listed in table 3 to this subpart or later model year, for fire pump engines.

(2) Owners and operators of stationary CI ICE that commence construction after July 11, 2005 where the stationary CI ICE are:

- (i) Manufactured after April 1, 2006 and are not fire pump engines, or
- (ii) Manufactured as a certified National Fire Protection Association (NFPA) fire pump engine after July 1, 2006.

(3) Owners and operators of stationary CI ICE that modify or reconstruct their stationary CI ICE after July 11, 2005.

(b) The provisions of this subpart are not applicable to stationary CI ICE being tested at a stationary CI ICE test cell/stand.

(c) If you are an owner or operator of an area source subject to this subpart, you are exempt from the obligation to obtain a permit under 40 CFR part 70 or 40 CFR part 71, provided you are not required to obtain a permit under 40 CFR 70.3(a) or 40 CFR 71.3(a) for a reason other than your status as an area source under this subpart. Notwithstanding the previous sentence, you must continue to comply with the provisions of this subpart applicable to area sources.

(d) Stationary CI ICE may be eligible for exemption from the requirements of this subpart as described in 40 CFR part 1068, subpart C (or the exemptions described in 40 CFR part 89, subpart J and 40 CFR part 94, subpart J, for engines that would need to be certified to standards in those parts), except that owners and operators, as well as manufacturers, may be eligible to request an exemption for national security.

Sec. 60.4201 What emission standards must I meet for non-emergency engines if I am a stationary CI internal combustion engine manufacturer?

SECTION 4. APPENDIX F

NSPS SUBPART IIII, STATIONARY COMPRESSION IGNITION INTERNAL COMBUSTION ENGINES

- (a) Stationary CI internal combustion engine manufacturers must certify their 2007 model year and later non-emergency stationary CI ICE with a maximum engine power less than or equal to 2,237 kilowatt (KW) (3,000 horsepower (HP)) and a displacement of less than 10 liters per cylinder to the certification emission standards for new nonroad CI engines in 40 CFR 89.112, 40 CFR 89.113, 40 CFR 1039.101, 40 CFR 1039.102, 40 CFR 1039.104, 40 CFR 1039.105, 40 CFR 1039.107, and 40 CFR 1039.115, as applicable, for all pollutants, for the same model year and maximum engine power.
- (b) Stationary CI internal combustion engine manufacturers must certify their 2007 through 2010 model year non-emergency stationary CI ICE with a maximum engine power greater than 2,237 KW (3,000 HP) and a displacement of less than 10 liters per cylinder to the emission standards in table 1 to this subpart, for all pollutants, for the same maximum engine power.
- (c) Stationary CI internal combustion engine manufacturers must certify their 2011 model year and later non-emergency stationary CI ICE with a maximum engine power greater than 2,237 KW (3,000 HP) and a displacement of less than 10 liters per cylinder to the certification emission standards for new nonroad CI engines in 40 CFR 1039.101, 40 CFR 1039.102, 40 CFR 1039.104, 40 CFR 1039.105, 40 CFR 1039.107, and 40 CFR 1039.115, as applicable, for all pollutants, for the same maximum engine power.
- (d) Stationary CI internal combustion engine manufacturers must certify their 2007 model year and later non-emergency stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder to the certification emission standards for new marine CI engines in 40 CFR 94.8, as applicable, for all pollutants, for the same displacement and maximum engine power.

Sec. 60.4202 What emission standards must I meet for emergency engines if I am a stationary CI internal combustion engine manufacturer?

- (a) Stationary CI internal combustion engine manufacturers must certify their 2007 model year and later emergency stationary CI ICE with a maximum engine power less than or equal to 2,237 KW (3,000 HP) and a displacement of less than 10 liters per cylinder that are not fire pump engines to the emission standards specified in paragraphs (a)(1) through (2) of this section.
- (1) For engines with a maximum engine power less than 37 KW (50 HP):
- (i) The certification emission standards for new nonroad CI engines for the same model year and maximum engine power in 40 CFR 89.112 and 40 CFR 89.113 for all pollutants for model year 2007 engines, and
- (ii) The certification emission standards for new nonroad CI engines in 40 CFR 1039.104, 40 CFR 1039.105, 40 CFR 1039.107, 40 CFR 1039.115, and table 2 to this subpart, for 2008 model year and later engines.
- (2) For engines with a maximum engine power greater than or equal to 37 KW (50 HP), the certification emission standards for new nonroad CI engines for the same model year and maximum engine power in 40 CFR 89.112 and 40 CFR 89.113 for all pollutants beginning in model year 2007.
- (b) Stationary CI internal combustion engine manufacturers must certify their 2007 model year and later emergency stationary CI ICE with a maximum engine power greater than 2,237 KW (3,000 HP) and a displacement of less than 10 liters per cylinder that are not fire pump engines to the emission standards specified in paragraphs (b)(1) through (2) of this section.
- (1) For 2007 through 2010 model years, the emission standards in table 1 to this subpart, for all pollutants, for the same maximum engine power.
- (2) For 2011 model year and later, the certification emission standards for new nonroad CI engines for engines of the same model year and maximum engine power in 40 CFR 89.112 and 40 CFR 89.113 for all pollutants.
- (c) Stationary CI internal combustion engine manufacturers must certify their 2007 model year and later emergency stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder that are not fire pump engines to the certification emission standards for new marine CI engines in 40 CFR 94.8, as applicable, for all pollutants, for the same displacement and maximum engine power.
- (d) Beginning with the model years in table 3 to this subpart, stationary CI internal combustion engine manufacturers must certify their fire pump stationary CI ICE to the emission standards in table 4 to this subpart, for all pollutants, for the same model year and NFPA nameplate power.

SECTION 4. APPENDIX F

NSPS SUBPART IIII, STATIONARY COMPRESSION IGNITION INTERNAL COMBUSTION ENGINES

Sec. 60.4203 How long must my engines meet the emission standards if I am a stationary CI internal combustion engine manufacturer?

Engines manufactured by stationary CI internal combustion engine manufacturers must meet the emission standards as required in Sec. Sec. 60.4201 and 60.4202 during the useful life of the engines.

Sec. 60.4204 What emission standards must I meet for non-emergency engines if I am an owner or operator of a stationary CI internal combustion engine?

(a) Owners and operators of pre-2007 model year non-emergency stationary CI ICE with a displacement of less than 10 liters per cylinder must comply with the emission standards in table 1 to this subpart. Owners and operators of pre-2007 model year non-emergency stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder must comply with the emission standards in 40 CFR 94.8(a)(1).

(b) Owners and operators of 2007 model year and later non-emergency stationary CI ICE with a displacement of less than 30 liters per cylinder must comply with the emission standards for new CI engines in Sec. 60.4201 for their 2007 model year and later stationary CI ICE, as applicable.

(c) Owners and operators of non-emergency stationary CI ICE with a displacement of greater than or equal to 30 liters per cylinder must meet the requirements in paragraphs (c)(1) and (2) of this section.

(1) Reduce nitrogen oxides (NOX) emissions by 90 percent or more, or limit the emissions of NOX in the stationary CI internal combustion engine exhaust to 1.6 grams per KW-hour (g/KW-hr) (1.2 grams per HP-hour (g/HP-hr)).

(2) Reduce particulate matter (PM) emissions by 60 percent or more, or limit the emissions of PM in the stationary CI internal combustion engine exhaust to 0.15 g/KW-hr (0.11 g/HP-hr).

Sec. 60.4205 What emission standards must I meet for emergency engines if I am an owner or operator of a stationary CI internal combustion engine?

(a) Owners and operators of pre-2007 model year emergency stationary CI ICE with a displacement of less than 10 liters per cylinder that are not fire pump engines must comply with the emission standards in table 1 to this subpart. Owners and operators of pre-2007 model year non-emergency stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder that are not fire pump engines must comply with the emission standards in 40 CFR 94.8(a)(1).

(b) Owners and operators of 2007 model year and later emergency stationary CI ICE with a displacement of less than 30 liters per cylinder that are not fire pump engines must comply with the emission standards for new nonroad CI engines in Sec. 60.4202, for all pollutants, for the same model year and maximum engine power for their 2007 model year and later emergency stationary CI ICE.

(c) Owners and operators of fire pump engines with a displacement of less than 30 liters per cylinder must comply with the emission standards in table 4 to this subpart, for all pollutants.

(d) Owners and operators of emergency stationary CI ICE with a displacement of greater than or equal to 30 liters per cylinder must meet the requirements in paragraphs (d)(1) and (2) of this section.

(1) Reduce NOX emissions by 90 percent or more, or limit the emissions of NOX in the stationary CI internal combustion engine exhaust to 1.6 grams per KW-hour (1.2 grams per HP-hour).

(2) Reduce PM emissions by 60 percent or more, or limit the emissions of PM in the stationary CI internal combustion engine exhaust to 0.15 g/KW-hr (0.11 g/HP-hr).

Sec. 60.4206 How long must I meet the emission standards if I am an owner or operator of a stationary CI internal combustion engine?

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Owners and operators of stationary CI ICE must operate and maintain stationary CI ICE that achieve the emission standards as required in Sec. Sec. 60.4204 and 60.4205 according to the manufacturer's written instructions or procedures developed by the owner or operator that are approved by the engine manufacturer, over the entire life of the engine.

Sec. 60.4207 What fuel requirements must I meet if I am an owner or operator of a stationary CI internal combustion engine subject to this subpart?

- (a) Beginning October 1, 2007, owners and operators of stationary CI ICE subject to this subpart that use diesel fuel must use diesel fuel that meets the requirements of 40 CFR 80.510(a).
- (b) Beginning October 1, 2010, owners and operators of stationary CI ICE subject to this subpart with a displacement of less than 30 liters per cylinder that use diesel fuel must use diesel fuel that meets the requirements of 40 CFR 80.510(b) for nonroad diesel fuel.
- (c) Owners and operators of pre-2011 model year stationary CI ICE subject to this subpart may petition the Administrator for approval to use remaining non-compliant fuel that does not meet the fuel requirements of paragraphs (a) and (b) of this section beyond the dates required for the purpose of using up existing fuel inventories. If approved, the petition will be valid for a period of up to 6 months. If additional time is needed, the owner or operator is required to submit a new petition to the Administrator.
- (d) Owners and operators of pre-2011 model year stationary CI ICE subject to this subpart that are located in areas of Alaska not accessible by the Federal Aid Highway System may petition the Administrator for approval to use any fuels mixed with used lubricating oil that do not meet the fuel requirements of paragraphs (a) and (b) of this section. Owners and operators must demonstrate in their petition to the Administrator that there is no other place to use the lubricating oil. If approved, the petition will be valid for a period of up to 6 months. If additional time is needed, the owner or operator is required to submit a new petition to the Administrator.
- (e) Stationary CI ICE that have a national security exemption under Sec. 60.4200(d) are also exempt from the fuel requirements in this section.

Sec. 60.4208 What is the deadline for importing or installing stationary CI ICE produced in the previous model year?

- (a) After December 31, 2008, owners and operators may not install stationary CI ICE (excluding fire pump engines) that do not meet the applicable requirements for 2007 model year engines.
- (b) After December 31, 2009, owners and operators may not install stationary CI ICE with a maximum engine power of less than 19 KW (25 HP) (excluding fire pump engines) that do not meet the applicable requirements for 2008 model year engines.
- (c) After December 31, 2014, owners and operators may not install non-emergency stationary CI ICE with a maximum engine power of greater than or equal to 19 KW (25 HP) and less than 56 KW (75 HP) that do not meet the applicable requirements for 2013 model year non-emergency engines.
- (d) After December 31, 2013, owners and operators may not install non-emergency stationary CI ICE with a maximum engine power of greater than or equal to 56 KW (75 HP) and less than 130 KW (175 HP) that do not meet the applicable requirements for 2012 model year non-emergency engines.
- (e) After December 31, 2012, owners and operators may not install non-emergency stationary CI ICE with a maximum engine power of greater than or equal to 130 KW (175 HP), including those above 560 KW (750 HP), that do not meet the applicable requirements for 2011 model year non-emergency engines.

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(f) After December 31, 2016, owners and operators may not install non-emergency stationary CI ICE with a maximum engine power of greater than or equal to 560 KW (750 HP) that do not meet the applicable requirements for 2015 model year non-emergency engines.

(g) In addition to the requirements specified in Sec. Sec. 60.4201, 60.4202, 60.4204, and 60.4205, it is prohibited to import stationary CI ICE with a displacement of less than 30 liters per cylinder that do not meet the applicable requirements specified in paragraphs (a) through (f) of this section after the dates specified in paragraphs (a) through (f) of this section.

(h) The requirements of this section do not apply to owners or operators of stationary CI ICE that have been modified, reconstructed, and do not apply to engines that were removed from one existing location and reinstalled at a new location.

Sec. 60.4209 What are the monitoring requirements if I am an owner or operator of a stationary CI internal combustion engine?

If you are an owner or operator, you must meet the monitoring requirements of this section. In addition, you must also meet the monitoring requirements specified in Sec. 60.4211.

(a) If you are an owner or operator of an emergency stationary CI internal combustion engine, you must install a non-resettable hour meter prior to startup of the engine.

(b) If you are an owner or operator of a stationary CI internal combustion engine equipped with a diesel particulate filter to comply with the emission standards in Sec. 60.4204, the diesel particulate filter must be installed with a backpressure monitor that notifies the owner or operator when the high backpressure limit of the engine is approached.

Sec. 60.4210 What are my compliance requirements if I am a stationary CI internal combustion engine manufacturer?

(a) Stationary CI internal combustion engine manufacturers must certify their stationary CI ICE with a displacement of less than 10 liters per cylinder to the emission standards specified in Sec. 60.4201(a) through (c) and Sec. 60.4202(a), (b) and (d) using the certification procedures required in 40 CFR part 89, subpart B, or 40 CFR part 1039, subpart C, as applicable, and must test their engines as specified in those parts. For the purposes of this subpart, engines certified to the standards in table 1 to this subpart shall be subject to the same requirements as engines certified to the standards in 40 CFR part 89. For the purposes of this subpart, engines certified to the standards in table 4 to this subpart shall be subject to the same requirements as engines certified to the standards in 40 CFR part 89, except that engines with NFPA nameplate power of less than 37 KW (50 HP) certified to model year 2011 or later standards shall be subject to the same requirements as engines certified to the standards in 40 CFR part 1039.

(b) Stationary CI internal combustion engine manufacturers must certify their stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder to the emission standards specified in Sec. 60.4201(d) and Sec. 60.4202(c) using the certification procedures required in 40 CFR part 94 subpart C, and must test their engines as specified in 40 CFR part 94.

(c) Stationary CI internal combustion engine manufacturers must meet the requirements of 40 CFR 1039.120, 40 CFR 1039.125, 40 CFR 1039.130, 40 CFR 1039.135, and 40 CFR part 1068 for engines that are certified to the emission standards in 40 CFR part 1039. Stationary CI internal combustion engine manufacturers must meet the corresponding provisions of 40 CFR part 89 or 40 CFR part 94 for engines that would be covered by that part if they were nonroad (including marine) engines. Labels on such engines must refer to stationary engines, rather than or in addition to nonroad or marine engines, as appropriate. Stationary CI internal combustion engine manufacturers must label their engines according to paragraphs (c)(1) through (3) of this section.

(1) Stationary CI internal combustion engines manufactured from January 1, 2006 to March 31, 2006 (January 1, 2006 to June 30, 2006 for fire pump engines), other than those that are part of certified engine families under the nonroad CI engine regulations, must be labeled according to 40 CFR 1039.20.

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(2) Stationary CI internal combustion engines manufactured from April 1, 2006 to December 31, 2006 (or, for fire pump engines, July 1, 2006 to December 31 of the year preceding the year listed in table 3 to this subpart) must be labeled according to paragraphs (c)(2)(i) through (iii) of this section:

(i) Stationary CI internal combustion engines that are part of certified engine families under the nonroad regulations must meet the labeling requirements for nonroad CI engines, but do not have to meet the labeling requirements in 40 CFR 1039.20.

(ii) Stationary CI internal combustion engines that meet Tier 1 requirements (or requirements for fire pumps) under this subpart, but do not meet the requirements applicable to nonroad CI engines must be labeled according to 40 CFR 1039.20. The engine manufacturer may add language to the label clarifying that the engine meets Tier 1 requirements (or requirements for fire pumps) of this subpart.

(iii) Stationary CI internal combustion engines manufactured after April 1, 2006 that do not meet Tier 1 requirements of this subpart, or fire pumps engines manufactured after July 1, 2006 that do not meet the requirements for fire pumps under this subpart, may not be used in the U.S. If any such engines are manufactured in the U.S. after April 1, 2006 (July 1, 2006 for fire pump engines), they must be exported or must be brought into compliance with the appropriate standards prior to initial operation. The export provisions of 40 CFR 1068.230 would apply to engines for export and the manufacturers must label such engines according to 40 CFR 1068.230.

(3) Stationary CI internal combustion engines manufactured after January 1, 2007 (for fire pump engines, after January 1 of the year listed in table 3 to this subpart, as applicable) must be labeled according to paragraphs (c)(3)(i) through (iii) of this section.

(i) Stationary CI internal combustion engines that meet the requirements of this subpart and the corresponding requirements for nonroad (including marine) engines of the same model year and HP must be labeled according to the provisions in part 89, 94 or 1039, as appropriate.

(ii) Stationary CI internal combustion engines that meet the requirements of this subpart, but are not certified to the standards applicable to nonroad (including marine) engines of the same model year and HP must be labeled according to the provisions in part 89, 94 or 1039, as appropriate, but the words "stationary" must be included instead of "nonroad" or "marine" on the label. In addition, such engines must be labeled according to 40 CFR 1039.20.

(iii) Stationary CI internal combustion engines that do not meet the requirements of this subpart must be labeled according to 40 CFR 1068.230 and must be exported under the provisions of 40 CFR 1068.230.

(d) An engine manufacturer certifying an engine family or families to standards under this subpart that are identical to standards applicable under parts 89, 94, or 1039 for that model year may certify any such family that contains both nonroad (including marine) and stationary engines as a single engine family and/or may include any such family containing stationary engines in the averaging, banking and trading provisions applicable for such engines under those parts.

(e) Manufacturers of engine families discussed in paragraph (d) of this section may meet the labeling requirements referred to in paragraph (c) of this section for stationary CI ICE by either adding a separate label containing the information required in paragraph (c) of this section or by adding the words "and stationary" after the word "nonroad" or "marine," as appropriate, to the label.

(f) Starting with the model years shown in table 5 to this subpart, stationary CI internal combustion engine manufacturers must add a permanent label stating that the engine is for stationary emergency use only to each new emergency stationary CI internal combustion engine greater than or equal to 19 KW (25 HP) that meets all the emission standards for emergency engines in Sec. 60.4202 but does not meet all the emission standards for non-emergency engines in Sec. 60.4201. The label must be added according to the labeling requirements specified in 40 CFR 1039.135(b). Engine manufacturers must specify in the owner's manual that operation of emergency engines is limited to emergency operations and required maintenance and testing.

(g) Manufacturers of fire pump engines may use the test cycle in table 6 to this subpart for testing fire pump engines and may test at the NFPA certified nameplate HP, provided that the engine is labeled as "Fire Pump Applications Only".

(h) Engine manufacturers, including importers, may introduce into commerce uncertified engines or engines certified to earlier standards that were manufactured before the new or changed standards took effect until inventories are depleted, as long as such engines are part of normal inventory. For example, if the engine manufacturers' normal industry practice is to

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keep on hand a one-month supply of engines based on its projected sales, and a new tier of standards starts to apply for the 2009 model year, the engine manufacturer may manufacture engines based on the normal inventory requirements late in the 2008 model year, and sell those engines for installation. The engine manufacturer may not circumvent the provisions of Sec. Sec. 60.4201 or 60.4202 by stockpiling engines that are built before new or changed standards take effect. Stockpiling of such engines beyond normal industry practice is a violation of this subpart.

- (i) The replacement engine provisions of 40 CFR 89.1003(b)(7), 40 CFR 94.1103(b)(3), 40 CFR 94.1103(b)(4) and 40 CFR 1068.240 are applicable to stationary CI engines replacing existing equipment that is less than 15 years old.

Sec. 60.4211 What are my compliance requirements if I am an owner or operator of a stationary CI internal combustion engine?

(a) If you are an owner or operator and must comply with the emission standards specified in this subpart, you must operate and maintain the stationary CI internal combustion engine and control device according to the manufacturer's written instructions or procedures developed by the owner or operator that are approved by the engine manufacturer. In addition, owners and operators may only change those settings that are permitted by the manufacturer. You must also meet the requirements of 40 CFR parts 89, 94 and/or 1068, as they apply to you.

(b) If you are an owner or operator of a pre-2007 model year stationary CI internal combustion engine and must comply with the emission standards specified in Sec. Sec. 60.4204(a) or 60.4205(a), or if you are an owner or operator of a CI fire pump engine that is manufactured prior to the model years in table 3 to this subpart and must comply with the emission standards specified in Sec. 60.4205(c), you must demonstrate compliance according to one of the methods specified in paragraphs (b)(1) through (5) of this section.

(1) Purchasing an engine certified according to 40 CFR part 89 or 40 CFR part 94, as applicable, for the same model year and maximum engine power. The engine must be installed and configured according to the manufacturer's specifications.

(2) Keeping records of performance test results for each pollutant for a test conducted on a similar engine. The test must have been conducted using the same methods specified in this subpart and these methods must have been followed correctly.

(3) Keeping records of engine manufacturer data indicating compliance with the standards.

(4) Keeping records of control device vendor data indicating compliance with the standards.

(5) Conducting an initial performance test to demonstrate compliance with the emission standards according to the requirements specified in Sec. 60.4212, as applicable.

(c) If you are an owner or operator of a 2007 model year and later stationary CI internal combustion engine and must comply with the emission standards specified in Sec. 60.4204(b) or Sec. 60.4205(b), or if you are an owner or operator of a CI fire pump engine that is manufactured during or after the model year that applies to your fire pump engine power rating in table 3 to this subpart and must comply with the emission standards specified in Sec. 60.4205(c), you must comply by purchasing an engine certified to the emission standards in Sec. 60.4204(b), or Sec. 60.4205(b) or (c), as applicable, for the same model year and maximum (or in the case of fire pumps, NFPA nameplate) engine power. The engine must be installed and configured according to the manufacturer's specifications.

(d) If you are an owner or operator and must comply with the emission standards specified in Sec. 60.4204(c) or Sec. 60.4205(d), you must demonstrate compliance according to the requirements specified in paragraphs (d)(1) through (3) of this section.

(1) Conducting an initial performance test to demonstrate initial compliance with the emission standards as specified in Sec. 60.4213.

(2) Establishing operating parameters to be monitored continuously to ensure the stationary internal combustion engine continues to meet the emission standards. The owner or operator must petition the Administrator for approval of operating parameters to be monitored continuously. The petition must include the information described in paragraphs (d)(2)(i) through (v) of this section.

(i) Identification of the specific parameters you propose to monitor continuously;

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(ii) A discussion of the relationship between these parameters and NOX and PM emissions, identifying how the emissions of these pollutants change with changes in these parameters, and how limitations on these parameters will serve to limit NOX and PM emissions;

(iii) A discussion of how you will establish the upper and/or lower values for these parameters which will establish the limits on these parameters in the operating limitations;

(iv) A discussion identifying the methods and the instruments you will use to monitor these parameters, as well as the relative accuracy and precision of these methods and instruments; and

(v) A discussion identifying the frequency and methods for recalibrating the instruments you will use for monitoring these parameters.

(3) For non-emergency engines with a displacement of greater than or equal to 30 liters per cylinder, conducting annual performance tests to demonstrate continuous compliance with the emission standards as specified in Sec. 60.4213.

(e) Emergency stationary ICE may be operated for the purpose of maintenance checks and readiness testing, provided that the tests are recommended by Federal, State, or local government, the manufacturer, the vendor, or the insurance company associated with the engine. Maintenance checks and readiness testing of such units is limited to 100 hours per year. There is no time limit on the use of emergency stationary ICE in emergency situations. Anyone may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that Federal, State, or local standards require maintenance and testing of emergency ICE beyond 100 hours per year. For owners and operators of emergency engines meeting standards under Sec. 60.4205 but not Sec. 60.4204, any operation other than emergency operation, and maintenance and testing as permitted in this section, is prohibited.

Sec. 60.4212 What test methods and other procedures must I use if I am an owner or operator of a stationary CI internal combustion engine with a displacement of less than 30 liters per cylinder?

Owners and operators of stationary CI ICE with a displacement of less than 30 liters per cylinder who conduct performance tests pursuant to this subpart must do so according to paragraphs (a) through (d) of this section.

(a) The performance test must be conducted according to the in-use testing procedures in 40 CFR part 1039, subpart F.

(b) Exhaust emissions from stationary CI ICE that are complying with the emission standards for new CI engines in 40 CFR part 1039 must not exceed the not-to-exceed (NTE) standards for the same model year and maximum engine power as required in 40 CFR 1039.101(e) and 40 CFR 1039.102(g)(1), except as specified in 40 CFR 1039.104(d). This requirement starts when NTE requirements take effect for nonroad diesel engines under 40 CFR part 1039.

(c) Exhaust emissions from stationary CI ICE that are complying with the emission standards for new CI engines in 40 CFR 89.112 or 40 CFR 94.8, as applicable, must not exceed the NTE numerical requirements, rounded to the same number of decimal places as the applicable standard in 40 CFR 89.112 or 40 CFR 94.8, as applicable, determined from the following equation:

$$\text{NTE requirement for each pollutant} = (1.25) \times (\text{STD}) \quad (\text{Eq. 1})$$

Where:

STD = The standard specified for that pollutant in 40 CFR 89.112 or 40 CFR 94.8, as applicable.

Alternatively, stationary CI ICE that are complying with the emission standards for new CI engines in 40 CFR 89.112 or 40 CFR 94.8 may follow the testing procedures specified in Sec. 60.4213 of this subpart, as appropriate.

(d) Exhaust emissions from stationary CI ICE that are complying with the emission standards for pre-2007 model year engines in Sec. 60.4204(a), Sec. 60.4205(a), or Sec. 60.4205(c) must not exceed the NTE numerical requirements, rounded to the same number of decimal places as the applicable standard in Sec. 60.4204(a), Sec. 60.4205(a), or Sec. 60.4205(c), determined from the equation in paragraph (c) of this section.

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Where:

STD = The standard specified for that pollutant in Sec. 60.4204(a), Sec. 60.4205(a), or Sec. 60.4205(c).

Alternatively, stationary CI ICE that are complying with the emission standards for pre-2007 model year engines in Sec. 60.4204(a), Sec. 60.4205(a), or Sec. 60.4205(c) may follow the testing procedures specified in Sec. 60.4213, as appropriate.

Sec. 60.4213 What test methods and other procedures must I use if I am an owner or operator of a stationary CI internal combustion engine with a displacement of greater than or equal to 30 liters per cylinder?

Owners and operators of stationary CI ICE with a displacement of greater than or equal to 30 liters per cylinder must conduct performance tests according to paragraphs (a) through (d) of this section.

(a) Each performance test must be conducted according to the requirements in Sec. 60.8 and under the specific conditions that this subpart specifies in table 7. The test must be conducted within 10 percent of 100 percent peak (or the highest achievable) load.

(b) You may not conduct performance tests during periods of startup, shutdown, or malfunction, as specified in Sec. 60.8(c).

(c) You must conduct three separate test runs for each performance test required in this section, as specified in Sec. 60.8(f). Each test run must last at least 1 hour.

(d) To determine compliance with the percent reduction requirement, you must follow the requirements as specified in paragraphs (d)(1) through (3) of this section.

(1) You must use Equation 2 of this section to determine compliance with the percent reduction requirement:

$$\frac{C_i - C_o}{C_i} \times 100 = R \quad (\text{Eq. 2})$$

Where:

C_i = concentration of NOX or PM at the control device inlet,

C_o = concentration of NOX or PM at the control device outlet, and

R = percent reduction of NOX or PM emissions.

(2) You must normalize the NOX or PM concentrations at the inlet and outlet of the control device to a dry basis and to 15 percent oxygen (O₂) using Equation 3 of this section, or an equivalent percent carbon dioxide (CO₂) using the procedures described in paragraph (d)(3) of this section.

$$C_{adj} = C_d \frac{5.9}{20.9 - \% O_2} \quad (\text{Eq. 3})$$

Where:

C_{adj} = Calculated NOX or PM concentration adjusted to 15 percent O₂.

C_d = Measured concentration of NOX or PM, uncorrected.

5.9 = 20.9 percent O₂-15 percent O₂, the defined O₂ correction value, percent.

%O₂ = Measured O₂ concentration, dry basis, percent.

(3) If pollutant concentrations are to be corrected to 15 percent O₂ and CO₂ concentration is measured in lieu of O₂ concentration measurement, a CO₂ correction factor is needed. Calculate the CO₂ correction factor as described in paragraphs (d)(3)(i) through (iii) of this section.

(i) Calculate the fuel-specific F_o value for the fuel burned during the test using values obtained from Method 19, Section 5.2, and the following equation:

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$$F_o = \frac{0.209 F_d}{F_c} \quad (\text{Eq. 4})$$

Where:

F_o = Fuel factor based on the ratio of O₂ volume to the ultimate CO₂ volume produced by the fuel at zero percent excess air.
0.209 = Fraction of air that is O₂, percent/100.

F_d = Ratio of the volume of dry effluent gas to the gross calorific value of the fuel from Method 19, dsm³/J (dscf/10⁶ Btu).

F_c = Ratio of the volume of CO₂ produced to the gross calorific value of the fuel from Method 19, dsm³/J (dscf/10⁶ Btu).

(ii) Calculate the CO₂ correction factor for correcting measurement data to 15 percent O₂, as follows:

$$X_{CO_2} = \frac{5.9}{F_o} \quad (\text{Eq. 5})$$

Where:

X_{CO₂} = CO₂ correction factor, percent.

5.9 = 20.9 percent O₂-15 percent O₂, the defined O₂ correction value, percent.

(iii) Calculate the NOX and PM gas concentrations adjusted to 15 percent O₂ using CO₂ as follows:

$$C_{adj} = C_d \frac{X_{CO_2}}{\%CO_2} \quad (\text{Eq. 6})$$

Where:

C_{adj} = Calculated NOX or PM concentration adjusted to 15 percent O₂.

C_d = Measured concentration of NOX or PM, uncorrected.

%CO₂ = Measured CO₂ concentration, dry basis, percent.

(e) To determine compliance with the NOX mass per unit output emission limitation, convert the concentration of NOX in the engine exhaust using Equation 7 of this section:

$$ER = \frac{C_d \times 1.912 \times 10^{-3} \times Q \times T}{\text{KW-hour}} \quad (\text{Eq. 7})$$

Where:

ER = Emission rate in grams per KW-hour.

C_d = Measured NOX concentration in ppm.

1.912x10⁻³ = Conversion constant for ppm NOX to grams per standard cubic meter at 25 degrees Celsius.

Q = Stack gas volumetric flow rate, in standard cubic meter per hour.

T = Time of test run, in hours.

KW-hour = Brake work of the engine, in KW-hour.

(f) To determine compliance with the PM mass per unit output emission limitation, convert the concentration of PM in the engine exhaust using Equation 8 of this section:

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$$ER = \frac{C_{adj} \times Q \times T}{\text{KW-hour}} \quad (\text{Eq. 8})$$

Where:

ER = Emission rate in grams per KW-hour.

C_{adj} = Calculated PM concentration in grams per standard cubic meter.

Q = Stack gas volumetric flow rate, in standard cubic meter per hour.

T = Time of test run, in hours.

KW-hour = Energy output of the engine, in KW.

Sec. 60.4214 What are my notification, reporting, and recordkeeping requirements if I am an owner or operator of a stationary CI internal combustion engine?

(a) Owners and operators of non-emergency stationary CI ICE that are greater than 2,237 KW (3,000 HP), or have a displacement of greater than or equal to 10 liters per cylinder, or are pre-2007 model year engines that are greater than 130 KW (175 HP) and not certified, must meet the requirements of paragraphs (a)(1) and (2) of this section.

(1) Submit an initial notification as required in Sec. 60.7(a)(1). The notification must include the information in paragraphs (a)(1)(i) through (v) of this section.

(i) Name and address of the owner or operator;

(ii) The address of the affected source;

(iii) Engine information including make, model, engine family, serial number, model year, maximum engine power, and engine displacement;

(iv) Emission control equipment; and

(v) Fuel used.

(2) Keep records of the information in paragraphs (a)(2)(i) through (iv) of this section.

(i) All notifications submitted to comply with this subpart and all documentation supporting any notification.

(ii) Maintenance conducted on the engine.

(iii) If the stationary CI internal combustion is a certified engine, documentation from the manufacturer that the engine is certified to meet the emission standards.

(iv) If the stationary CI internal combustion is not a certified engine, documentation that the engine meets the emission standards.

(b) If the stationary CI internal combustion engine is an emergency stationary internal combustion engine, the owner or operator is not required to submit an initial notification. Starting with the model years in table 5 to this subpart, if the emergency engine does not meet the standards applicable to non-emergency engines in the applicable model year, the owner or operator must keep records of the operation of the engine in emergency and non-emergency service that are recorded through the non-resettable hour meter. The owner must record the time of operation of the engine and the reason the engine was in operation during that time.

(c) If the stationary CI internal combustion engine is equipped with a diesel particulate filter, the owner or operator must keep records of any corrective action taken after the backpressure monitor has notified the owner or operator that the high backpressure limit of the engine is approached.

Sec. 60.4215 What requirements must I meet for engines used in Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands?

(a) Stationary CI ICE that are used in Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands are required to meet the applicable emission standards in Sec. 60.4205. Non-emergency stationary CI ICE with a displacement of greater than or equal to 30 liters per cylinder, must meet the applicable emission standards in Sec. 60.4204(c).

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(b) Stationary CI ICE that are used in Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands are not required to meet the fuel requirements in Sec. 60.4207.

Sec. 60.4216 What requirements must I meet for engines used in Alaska?

(a) Prior to December 1, 2010, owners and operators of stationary CI engines located in areas of Alaska not accessible by the Federal Aid Highway System should refer to 40 CFR part 69 to determine the diesel fuel requirements applicable to such engines.

(b) The Governor of Alaska may submit for EPA approval, by no later than January 11, 2008, an alternative plan for implementing the requirements of 40 CFR part 60, subpart IIII, for public-sector electrical utilities located in rural areas of Alaska not accessible by the Federal Aid Highway System. This alternative plan must be based on the requirements of section 111 of the Clean Air Act including any increased risks to human health and the environment and must also be based on the unique circumstances related to remote power generation, climatic conditions, and serious economic impacts resulting from implementation of 40 CFR part 60, subpart IIII. If EPA approves by rulemaking process an alternative plan, the provisions as approved by EPA under that plan shall apply to the diesel engines used in new stationary internal combustion engines subject to this paragraph.

Sec. 60.4217 What emission standards must I meet if I am an owner or operator of a stationary internal combustion engine using special fuels?

(a) Owners and operators of stationary CI ICE that do not use diesel fuel, or who have been given authority by the Administrator under Sec. 60.4207(d) of this subpart to use fuels that do not meet the fuel requirements of paragraphs (a) and (b) of Sec. 60.4207, may petition the Administrator for approval of alternative emission standards, if they can demonstrate that they use a fuel that is not the fuel on which the manufacturer of the engine certified the engine and that the engine cannot meet the applicable standards required in Sec. 60.4202 or Sec. 60.4203 using such fuels.

(b) [Reserved]

Sec. 60.4218 What parts of the General Provisions apply to me?

Table 8 to this subpart shows which parts of the General Provisions in Sec. Sec. 60.1 through 60.19 apply to you.

Sec. 60.4219 What definitions apply to this subpart?

As used in this subpart, all terms not defined herein shall have the meaning given them in the CAA and in subpart A of this part.

Combustion turbine means all equipment, including but not limited to the turbine, the fuel, air, lubrication and exhaust gas systems, control systems (except emissions control equipment), and any ancillary components and sub-components comprising any simple cycle combustion turbine, any regenerative/recuperative cycle combustion turbine, the combustion turbine portion of any cogeneration cycle combustion system, or the combustion turbine portion of any combined cycle steam/electric generating system.

Compression ignition means relating to a type of stationary internal combustion engine that is not a spark ignition engine.

Diesel fuel means any liquid obtained from the distillation of petroleum with a boiling point of approximately 150 to 360 degrees Celsius. One commonly used form is number 2 distillate oil.

Diesel particulate filter means an emission control technology that reduces PM emissions by trapping the particles in a flow filter substrate and periodically removes the collected particles by either physical action or by oxidizing (burning off) the particles in a process called regeneration.

Emergency stationary internal combustion engine means any stationary internal combustion engine whose operation is limited to emergency situations and required testing and maintenance. Examples include stationary ICE used to produce power for critical networks or equipment (including power supplied to portions of a facility) when electric power from the local utility (or the normal power source, if the facility runs on its own power production) is interrupted, or stationary

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ICE used to pump water in the case of fire or flood, etc. Stationary CI ICE used to supply power to an electric grid or that supply power as part of a financial arrangement with another entity are not considered to be emergency engines.

Engine manufacturer means the manufacturer of the engine. See the definition of ``manufacturer'' in this section.

Fire pump engine means an emergency stationary internal combustion engine certified to NFPA requirements that is used to provide power to pump water for fire suppression or protection.

Manufacturer has the meaning given in section 216(1) of the Act. In general, this term includes any person who manufactures a stationary engine for sale in the United States or otherwise introduces a new stationary engine into commerce in the United States. This includes importers who import stationary engines for sale or resale.

Maximum engine power means maximum engine power as defined in 40 CFR 1039.801.

Model year means either:

(1) The calendar year in which the engine was originally produced, or

(2) The annual new model production period of the engine manufacturer if it is different than the calendar year. This must include January 1 of the calendar year for which the model year is named. It may not begin before January 2 of the previous calendar year and it must end by December 31 of the named calendar year. For an engine that is converted to a stationary engine after being placed into service as a nonroad or other non-stationary engine, model year means the calendar year or new model production period in which the engine was originally produced.

Other internal combustion engine means any internal combustion engine, except combustion turbines, which is not a reciprocating internal combustion engine or rotary internal combustion engine.

Reciprocating internal combustion engine means any internal combustion engine which uses reciprocating motion to convert heat energy into mechanical work.

Rotary internal combustion engine means any internal combustion engine which uses rotary motion to convert heat energy into mechanical work.

Spark ignition means relating to a gasoline, natural gas, or liquefied petroleum gas fueled engine or any other type of engine with a spark plug (or other sparking device) and with operating characteristics significantly similar to the theoretical Otto combustion cycle. Spark ignition engines usually use a throttle to regulate intake air flow to control power during normal operation. Dual-fuel engines in which a liquid fuel (typically diesel fuel) is used for CI and gaseous fuel (typically natural gas) is used as the primary fuel at an annual average ratio of less than 2 parts diesel fuel to 100 parts total fuel on an energy equivalent basis are spark ignition engines.

Stationary internal combustion engine means any internal combustion engine, except combustion turbines, that converts heat energy into mechanical work and is not mobile. Stationary ICE differ from mobile ICE in that a stationary internal combustion engine is not a nonroad engine as defined at 40 CFR 1068.30 (excluding paragraph (2)(ii) of that definition), and is not used to propel a motor vehicle or a vehicle used solely for competition. Stationary ICE include reciprocating ICE, rotary ICE, and other ICE, except combustion turbines.

Subpart means 40 CFR part 60, subpart III.

Useful life means the period during which the engine is designed to properly function in terms of reliability and fuel consumption, without being remanufactured, specified as a number of hours of operation or calendar years, whichever comes first. The values for useful life for stationary CI ICE with a displacement of less than 10 liters per cylinder are given in 40 CFR 1039.101(g). The values for useful life for stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder are given in 40 CFR 94.9(a).

Tables to Subpart III of Part 60

TABLE 1 TO SUBPART IIII OF PART 60.—EMISSION STANDARDS FOR STATIONARY PRE-2007 MODEL YEAR ENGINES WITHA DISPLACEMENT OF <10 LITERS PER CYLINDER AND 2007–2010 MODEL YEAR ENGINES >2,237 KW (3,000 HP)AND WITH A DISPLACEMENT OF <10 LITERS PER CYLINDER

[As stated in §§ 60.4201(b), 60.4202(b), 60.4204(a), and 60.4205(a), you must comply with the following emission standards]

Maximum engine power	Emission standards for stationary pre-2007 model year engines with a displacement of <10 liters per cylinder and 2007–2010 model year engines >2,237 KW (3,000 HP) and with a displacement of <10 liters per cylinder in g/KW-hr (g/HP-hr)				
	NMHC + NOX	HC	NOX	CO	PM
KW<8	10.5 (7.8)	N/A	N/A	8.0 (6.0)	1.0 (0.75)

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(HP<11)					
8≤KW<19 (11≤HP<25)	9.5 (7.1)	N/A	N/A	6.6 (4.9)	0.80(.060)
19≤KW<37 (25≤HP<50)	9.5 (7.1)	N/A	N/A	5.5 (4.1)	0.80(.060)
37≤KW<56 (50≤HP<75)	N/A	N/A	9.2 (6.9)	N/A	N/A
56≤KW<75 (75≤HP<100)	N/A	N/A	9.2 (6.9)	N/A	N/A
75≤KW<130 (100≤HP<175)	N/A	N/A	9.2 (6.9)	N/A	N/A
130≤KW<225 (175≤HP<300)	N/A	1.3 (1.0)	9.2 (6.9)	11.4 (8.5)	0.54 (0.40)
225≤KW<450 (300≤HP<600)	N/A	1.3 (1.0)	9.2 (6.9)	11.4 (8.5)	0.54 (0.40)
450≤KW≤560 (600≤HP≤750)	N/A	1.3 (1.0)	9.2 (6.9)	11.4 (8.5)	0.54 (0.40)
KW>560 (HP>750)	N/A	1.3 (1.0)	9.2 (6.9)	11.4 (8.5)	0.54 (0.40)

TABLE 2 TO SUBPART III OF PART 60.—EMISSION STANDARDS FOR 2008 MODEL YEAR AND LATER EMERGENCY STATIONARY CI ICE <37 KW (50 HP) WITH A DISPLACEMENT OF <10 LITERS PER CYLINDER [As stated in § 60.4202(a)(1), you must comply with the following emission standards]

Engine power	Emission standards for 2008 model year and later emergency stationary CI ICE <37 KW (50 HP) with a displacement of <10 liters per cylinder in g/KW-hr (g/HP-hr)			
	Model year(s)	NOX + NMHC	CO	PM
KW<8 (HP<11)	2008+	7.5 (5.6)	8.0 (6.0)	0.40 (0.30)
8≤KW<19 (11≤HP<25)	2008+	7.5 (5.6)	6.6 (4.9)	0.40 (0.30)
19≤KW<37 (25≤HP<50)	2008+	7.5 (5.6)	5.5 (4.1)	0.30 (0.22)

TABLE 3 TO SUBPART III OF PART 60.—CERTIFICATION REQUIREMENTS FOR STATIONARY FIRE PUMP ENGINES

[As stated in § 60.4202(d), you must certify new stationary fire pump engines beginning with the following model years:]

Engine power	Starting model year engine manufacturers must certify new stationary fire pump engines according to § 60.4202(d)
KW<75 (HP<100)	2011
75≤KW<130 (100≤HP<175)	2010
130≤KW≤560 (175≤HP≤750)	2009
KW>560 (HP>750)	2008

TABLE 4 TO SUBPART III OF PART 60.—EMISSION STANDARDS FOR STATIONARY FIRE PUMP ENGINES [As stated in §§ 60.4202(d) and 60.4205(c), you must comply with the following emission standards for stationary fire pump engines]

Maximum Engine Power	Model Years	NMHC + NOx	CO	PM

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KW<8 (HP<11)	2010 and earlier	10.5 (7.8)	8.0 (6.0)	1.0 (.75)
	2011+	7.5 (5.6)	n/a	0.40 (0.30)
8≤KW<19 (11≤HP<25)	2010 and earlier	9.5 (7.1)	6.6 (4.9)	0.80 (0.60)
	2011+	7.5 (5.6)	n/a	0.40 (0.30)
19≤KW<37 (25≤HP<50)	2010 and earlier	9.5 (7.1)	5.5 (4.1)	0.80 (0.60)
	2011+	7.5 (5.6)	n/a	0.30 (0.22)
37≤KW<56 (50≤HP<75)	2010 and earlier	10.5 (7.8)	5.0 (3.7)	0.80 (0.60)
	2011+1	4.7 (3.5)	n/a	0.40 (0.30)
56≤KW<75 (75≤HP<100)	2010 and earlier	10.5 (7.8)	5.0 (3.7)	0.80 (0.60)
	2011+1	4.7 (3.5)	n/a	0.40 (0.30)
75≤KW<130 (100≤HP<175)	2009 and earlier	10.5 (7.8)	5.0 (3.7)	0.80 (0.60)
	2010+2	6.4 (4.8)	n/a	0.30 (0.22)
130≤KW<225 (175≤HP<300)	2008 and earlier	10.5 (7.8)	3.5 (2.6)	0.54 (0.40)
	2009+3	6.4 (4.8)	n/a	0.20 (0.15)
225≤KW<450 (300≤HP<600)	2008 and earlier	10.5 (7.8)	3.5 (2.6)	0.54 (0.40)
	2009+3	6.4 (4.8)	n/a	0.20 (0.15)
450≤KW≤560 (600≤HP≤750)	2008 and earlier	10.5 (7.8)	3.5 (2.6)	0.54 (0.40)
	2009+	6.4 (4.8)	n/a	0.20 (0.15)
KW>560 (HP>750)	2007 and earlier	10.5 (7.8)	3.5 (2.6)	0.54 (0.40)
	2008+	6.4 (4.8)	n/a	0.20 (0.15)

1 For model years 2011–2013, manufacturers, owners and operators of fire pump stationary CI ICE in this engine power category with a rated speed of greater than 2,650 revolutions per minute (rpm) may comply with the emission limitations for 2010 model year engines.

2 For model years 2010–2012, manufacturers, owners and operators of fire pump stationary CI ICE in this engine power category with a rated speed of greater than 2,650 rpm may comply with the emission limitations for 2009 model year engines.

3 In model years 2009–2011, manufacturers of fire pump stationary CI ICE in this engine power category with a rated speed of greater than 2,650 rpm may comply with the emission limitations for 2008 model year engines.

TABLE 5 TO SUBPART IIII OF PART 60.—LABELING AND RECORDKEEPING REQUIREMENTS FOR NEW STATIONARY EMERGENCY ENGINES

[You must comply with the labeling requirements in § 60.4210(f) and the recordkeeping requirements in § 60.4214(b) for new emergency stationary CI ICE beginning in the following model years:]

Engine Power	Starting Model Year
19≤KW<56 (25≤HP<75)	2013
56≤KW<130 (75≤HP<175)	2012
KW≥130 (HP≥175)	2011

TABLE 6 TO SUBPART IIII OF PART 60.—OPTIONAL 3-MODE TEST CYCLE FOR STATIONARY FIRE PUMP ENGINES

[As stated in § 60.4210(g), manufacturers of fire pump engines may use the following test cycle for testing fire pump engines:]

Mode No.	Engine Speed1	Torque (percent)2	Weighting Factors
1	Rated	100	.030
2	Rated	75	0.50
3	Rated	50	0.20

1 Engine speed: ±2 percent of point.

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2 Torque: NFPA certified nameplate HP for 100 percent point. All points should be ± 2 percent of engine percent load value.

TABLE 7 TO SUBPART IIII OF PART 60.—REQUIREMENTS FOR PERFORMANCE TESTS FOR STATIONARY CI ICE WITH ADISPLACEMENT OF ≥ 30 LITERS PER CYLINDER

[As stated in § 60.4213, you must comply with the following requirements for performance tests for stationary CI ICE with a displacement of ≥ 30 liters per cylinder:]

For Each	Complying with the requirement to	You must	Using	According to the following requirements
1. Stationary CI internal combustion engine with a displacement of ≥ 30 liters per cylinder.	a. Reduce NOX emissions by 90 percent or more.	i. Select the sampling port location and the number of traverse points;	(1) Method 1 or 1A of 40 CFR part 60, appendix A.	(a) Sampling sites must be located at the inlet and outlet of the control device.
		ii. Measure O ₂ at the inlet and outlet of the control device;	(2) Method 3, 3A, or 3B of 40 CFR part 60, appendix A.	(b) Measurements to determine O ₂ concentration must be made at the same time as the measurements for NOX concentration.
		iii. If necessary, measure moisture content at the inlet and outlet of the control device; and,	(3) Method 4 of 40 CFR part 60, appendix A, Method 320 of 40 CFR part 63, appendix A, or ASTM D 6348–03 (incorporated by reference, see § 60.17).	(c) Measurements to determine moisture content must be made at the same time as the measurements for NOX concentration.
		iv. Measure NOX at the inlet and outlet of the control device.	(4) Method 7E of 40 CFR part 60, appendix A, Method 320 of 40 CFR part 63, appendix A, or ASTM D 6348–03 (incorporated by reference, see § 60.17).	(d) NOX concentration must be at 15 percent O ₂ , dry basis. Results of this test consist of the average of the three 1- hour or longer runs.
	b. Limit the concentration of NOX in the stationary CI internal combustion engine exhaust.	i. Select the sampling port location and the number of traverse points;	(1) Method 1 or 1A of 40 CFR part 60, Appendix A.	(a) If using a control device, the sampling site must be located at the outlet of the control device.
		ii. Determine the	(2) Method 3, 3A,	(b) Measurements

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		O2 concentration of the stationary internal combustion engine exhaust at the sampling port location; and,	or 3B of 40 CFR part 60, appendix A.	to determine O2 concentration must be made at the same time as the measurement for NOX concentration.
		iii. If necessary, measure moisture content of the stationary internal combustion engine exhaust at the sampling port location; and,	(3) Method 4 of 40 CFR part 60, appendix A, Method 320 of 40 CFR part 63, appendix A, or ASTM D 6348–03 (incorporated by reference, see § 60.17).	(c) Measurements to determine moisture content must be made at the same time as the measurement for NOX concentration.
		iv. Measure NOX at the exhaust of the stationary internal combustion engine.	(4) Method 7E of 40 CFR part 60, appendix A, Method 320 of 40 CFR part 63, appendix A, or ASTM D 6348–03 (incorporated by reference, see § 60.17).	(d) NOX concentration must be at 15 percent O2, dry basis. Results of this test consist of the average of the three 1-hour or longer runs.
	c. Reduce PM emissions by 60 percent or more.	i. Select the sampling port location and the number of traverse points;	(1) Method 1 or 1A of 40 CFR part 60, appendix A.	(a) Sampling sites must be located at the inlet and outlet of the control device.
		ii. Measure O2 at the inlet and outlet of the control device;	(2) Method 3, 3A, or 3B of 40 CFR part 60, appendix A.	(b) Measurements to determine O2 concentration must be made at the same time as the measurements for PM concentration.
		iii. If necessary, measure moisture content at the inlet and outlet of the control device; and	(3) Method 4 of 40 CFR part 60, appendix A.	(c) Measurements to determine and moisture content must be made at the same time as the measurements for PM concentration.
		iv. Measure PM at the inlet and outlet	(4) Method 5 of 40 CFR part 60,	(d) PM concentration must

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		of the control device.	appendix A.	be at 15 percent O ₂ , dry basis. Results of this test consist of the average of the three 1-hour or longer runs.
	d. Limit the concentration of PM in the stationary CI internal combustion engine exhaust.	i. Select the sampling port location and the number of traverse points;	(1) Method 1 or 1A of 40 CFR part 60, Appendix A.	(a) If using a control device, the sampling site must be located at the outlet of the control device.
		ii. Determine the O ₂ concentration of the stationary internal combustion engine exhaust at the sampling port location; and	(2) Method 3, 3A, or 3B of 40 CFR part 60, appendix A.	(b) Measurements to determine O ₂ concentration must be made at the same time as the measurements for PM concentration.
		iii. If necessary, measure moisture content of the stationary internal combustion engine exhaust at the sampling port location; and	(3) Method 4 of 40 CFR part 60, appendix A.	(c) Measurements to determine moisture content must be made at the same time as the measurements for PM concentration.
		iv. Measure PM at the exhaust of the stationary internal combustion engine.	(4) Method 5 of 40 CFR part 60, appendix A.	(d) PM concentration must be at 15 percent O ₂ , dry basis. Results of this test consist of the average of the three 1-hour or longer runs.

TABLE 8 TO SUBPART IIII OF PART 60.—APPLICABILITY OF GENERAL PROVISIONS TO SUBPART III
[As stated in § 60.4218, you must comply with the following applicable General Provisions:]

General Provisions citation	Subject of citation	Applies to subpart	Explanation
§ 60.1	General applicability of the General Provisions	yes	
§ 60.2	Definitions	yes	Additional terms defined in § 60.4219.
§ 60.3	Units and abbreviations	yes	
§ 60.4	Address	yes	

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§ 60.5	Determination of construction or modification	yes	
§ 60.6	Review of plans	yes	
§ 60.7	Notification and Recordkeeping	yes	Except that § 60.7 only applies as specified in § 60.4214(a).
§ 60.8	Performance tests	yes	Except that § 60.8 only applies to stationary CI ICE with a displacement of (\geq 30 liters per cylinder and engines that are not certified.
§ 60.9	Availability of information	yes	
§ 60.10	State Authority	yes	
§ 60.11	Compliance with standards and maintenance requirements.	no	Requirements are specified in subpart IIII.
§ 60.12	Circumvention	yes	
§ 60.13	Monitoring requirements	yes	Except that § 60.13 only applies to stationary CI ICE with a displacement of (\geq 30 liters per cylinder.
§ 60.14	Modification	yes	
§ 60.15	Reconstruction	yes	
§ 60.16	Priority list	yes	
§ 60.17	Incorporations by reference	yes	
§ 60.18	General control device requirements	no	
§ 60.19	General notification and reporting requirements	yes	

Appendix D
ERP Permit 38-272432-002-ES



Florida Department of Environmental Protection

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

Voice 904-807-3300 FAX 904-448-4366

SUBMERGED LANDS AND ENVIRONMENTAL RESOURCES PROGRAM

March 11, 2009

In the Matter of an Application
for Permit By:

Progress Energy Florida, Inc.
John J. Hunter
Post Office Box 14042, PEF-903
St. Petersburg, Florida 32733

DEP File No. 38-272432-002-ES
County: Levy

NOTICE OF PERMIT ISSUANCE

Enclosed is Permit Number 16-123456-001-ES for the upland excavation of a barge-slip, an access road and a stormwater management system issued under Part IV, Chapter 373, Florida Statutes, and Title 62, Florida Administrative Code.

The Department's proposed agency action shall become final unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57 of the Florida Statutes before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Petitions must be filed within 14-days of publication or receipt of this written notice. A petition by any person entitled to written notice under Section 120.60(3) of the Florida Statutes must be filed within 14 days of receipt of the written notice. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57 of the Florida Statutes. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition or request for mediation within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57 of the Florida Statutes. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name, address, and telephone number of each petitioner; the Department permit identification number and the county in which the subject matter or activity is located;
- (b) A statement of how and when each petitioner received notice of the Department action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department action;
- (d) A statement of the material facts disputed by the petitioner, if any;
- (e) A statement of facts that the petitioner contends warrant reversal or modification of the Department action;
- (f) A statement of which Rules or statutes the petitioner contends require reversal or modification of the Department action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

In addition to requesting an administrative hearing, any petitioner may elect to pursue mediation. The election may be accomplished by filing with the Department a mediation agreement with all parties to the proceeding (i.e., the applicant, the Department, and any person who has filed a timely and sufficient petition for a hearing). The agreement must contain all the information required by Rule 28-106.404. The agreement must be received by the clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within ten days after the deadline for filing a petition, as set forth above. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement.

As provided in Section 120.573 of the Florida Statutes, the timely agreement of all parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57 for holding an administrative hearing and issuing a final order. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons seeking to protect their substantial interests that would be affected by such a modified final decision must file their petitions within fourteen days of receipt of this notice, or they shall be deemed to have waived their right to a proceeding under Sections 120.569 and 120.57. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under Sections 120.569 and 120.57 remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

This action is final and effective on the date filed with the Clerk of the Department unless a petition (or request for mediation) is filed in accordance with the above. Upon the timely filing of a petition (or request for mediation) this order will not be effective until further order of the Department.

Progress Energy Florida, Inc.
38-272432-002-ES

Any party to the order has the right to seek judicial review of the order under Section 120.68 of the Florida Statutes, by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date when the Final Order is filed with the Clerk of the Department.

Executed in Jacksonville, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

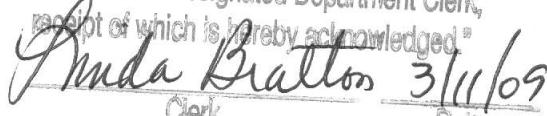


Gregory J. Strong
District Director

AMS/lb

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF PERMIT ISSUANCE and all copies were mailed by certified mail before the close of business on 3/11/09 to the listed persons.

"FILED, on this date, pursuant to Section 120.52,
F.S., with the designated Department Clerk,
receipt of which is hereby acknowledged."


Linda Bratton 3/11/09
Clerk Date



Florida Department of Environmental Protection

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

Voice 904-807-3300 FAX 904-488-4366

ENVIRONMENTAL RESOURCE PERMIT AND SOVEREIGN SUBMERGED LANDS AUTHORIZATION

PERMITTEE/AUTHORIZED ENTITY:

Progress Energy Florida, Inc.

John J. Hunter

Post Office Box 14042, PEF-903

St. Petersburg, Florida 32733

AGENT:

Amy L. Windom, P.E.

CH2M Hill

225 East Robinson Street, Suite 505

Orlando, Florida 32801-4321

PERMIT INFORMATION:

Permit Number: 38-272432-002-ES

Date of Issue: March 11, 2009

Expiration Date of Construction Phase:

March 11, 2014

County: Levy

Project: For the upland excavation of a barge-slip, an access road and a stormwater management system

This environmental resource permit is issued under the authority of Part IV of Chapter 373, F.S., and Title 62, Florida Administrative Code (F.A.C.) for the regulatory authority to construct, alter, abandon, remove, maintain, and operate the system [project activity and/or structure(s)] as described in the below Description of Project Activity and/or Structure(s). The appropriate proprietary authorization for the use of state-owned submerged lands is granted in accordance with Chapter 253 and Chapter 258, F.S., and Chapter 18-21, F.A.C., and Chapter 18-20, F.A.C., if located in an aquatic preserve. The activity is not exempt from the requirement to obtain an environmental resource permit nor is the activity exempt from the requirement to obtain proprietary authorization. Pursuant to Operating Agreements executed between the Department and the Water Management Districts, as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing and taking final agency action on this activity. In addition, the project has been reviewed under a Coordination Agreement Between the U.S. Army Corps of Engineers, Jacksonville District, and the Department for a State Programmatic General Permit in accordance with Section 10 of the Rivers and Harbors Act of 1899 and Section 401 of the Clean Water Act and may contain Federal authorization to construct and operate the facility as described.

DESCRIPTION OF PROJECT ACTIVITY AND/OR STRUCTURE(S) -

This project is to conduct the upland excavation along the north bank of the Cross Florida Barge Canal for the construction of a barge slip and concrete parking area, construct a 50-foot wide heavy haul road from CR 40 to the upland excavation area with a bridge over the Inglis Lock Bypass Channel, and construct and operate a stormwater management system for runoff collected from the barge slip and parking area, heavy haul road, and bridge over the Bypass Barge Canal. The heavy haul road will include public entry access points on both the north bank of the bypass canal and west along the north bank of the barge canal. Existing Office of Greenways and Trails access roads will be intercepted and rerouted in accordance with attached plans. The total drainage area is 13.6 acres with 4.74 acres of impervious surface. The stormwater management system consists of seven dry swales and associated overflow structures. The swales will average 2 feet in depth. All stormwater in excess of the required treatment volume will discharge into the Cross Florida Barge Canal. The system provides adequate treatment storage and will recover the design storm event in less than 36 hours.

This project is located on Inglis Lock Bypass Channel, a class III waterbody in Section 06, Township 17-South, Range 17 East at Latitude 29°01'34.57", Longitude 82°37'08.57".



REGULATORY AUTHORIZATION -

This permit constitutes the authority sought under the provisions of Part IV of Chapter 373, F.S., and Title 62, Florida Administrative Code (F.A.C.) to construct and operate the system described above and show on the attached drawing(s), survey, and/or documents.

This activity requires regulatory authorization under the provisions of Part IV, Chapter 373, Florida Statutes (FS). The above named permittee has affirmatively demonstrated that the project as described above is in compliance with the criteria set forth in Section 373.414, FS.

This activity requires regulatory authorization under the provisions of Part II, Chapter 403.506(3), F.S. The above permittee has filed with the Department a statement declaring that the construction of such facilities is necessary for the timely construction of the proposed Levy Nuclear Power Plant (LNP).

Pursuant to Part II, Chapter 403.506(3), F.S. this permit shall be superseded upon incorporation by the department into a final certification upon completion of construction of the system described above. The described system shall become part of the certified electrical power plant upon completion of construction.

The duration of the construction phase shall be for a period of five (5) years from the date of issuance of this permit, in accordance with Section 62-343.110, subsection (1), paragraph (c), F.A.C. The operation and maintenance phase shall be perpetual in accordance with Section 62-343.110, subsection (1), paragraph (d), F.A.C.

WATER QUALITY CERTIFICATION

This permit constitutes certification of compliance with water quality standards under Section 401 of the Clean Water Act, 33 U.S.C. 1344.

PROPRIETARY AUTHORIZATION - LEASE OR EASEMENT REQUIRED

This activity also requires a proprietary authorization, as the activity is located on sovereign submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund, pursuant to Article X, Section 11 of the Florida Constitution, and Sections 253.002 and 253.77, F.S. The activity is not exempt from the need to obtain a proprietary authorization. The Department has the responsibility to review and take final action on this request for proprietary authorization in accordance with Section 18-21.0051, and the Operating Agreements executed between the Department and the Water Management Districts, as referenced in Chapter 62-113, F.A.C. In addition to the above, this proprietary authorization has been reviewed in accordance with Chapter 253 and Chapter 258, if located within an Aquatic Preserve, and Chapters 18-20 and 18-21, F.A.C., and Rule 62-343.075, F.A.C., and the policies of the Board of Trustees.

As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that the activity requires a public easement for the use of those lands, pursuant to Chapter 253.77, Florida Statutes. The final documents required to execute the public easement have been sent to the Division of State Lands. The Department intends to issue the public easement, upon satisfactory execution of those documents. **You may not begin construction of this activity on state-owned, sovereign submerged lands until the public easement has been executed to the satisfaction of the Department.**



SPGP - REVIEW - AUTHORIZATION NOT GRANTED

Your project has been reviewed for compliance with a State Programmatic General Permit (SPGP). Your proposed activity as outlined on the attached drawings does **NOT meet the criteria for compliance with the U.S. Army Corps of Engineers (Corps) State Programmatic General Permit (SPGP)**. A copy of your notice has been sent to the U. S. Army Corps of Engineers (USACOE) for review. The USACOE may require a separate permit **Failure to obtain this authorization prior to construction could subject you to enforcement action by that agency**. For further information, you should contact the USACOE at 904-232-1661.

Authority for review - an agreement with the U.S. Army Corps of Engineers entitled "Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection State Programmatic General Permit, Section 10 of the Rivers and Harbor Act of 1899 and Section 404 of the Clean Water Act".

PERMIT CONDITIONS -

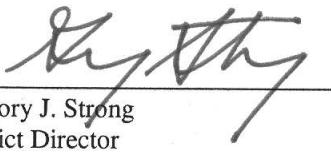
The above named permittee, Progress Energy Florida, Inc., is hereby authorized to construct the work shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof, pending satisfactory execution of the sovereign submerged lands authorization documents. **This permit is subject to the limits, conditions, and locations of work shown in the attached drawings, and is also subject to the attached General Conditions and Specific Conditions which are a binding part of this permit and authorization.** You are advised to read and understand these drawings and conditions prior to commencing the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings. If you are utilizing a contractor, the contractor also should read and understand these drawings and conditions prior to commencing the authorized activities. Failure to comply with all drawings and conditions shall constitute grounds for revocation of the permit and appropriate enforcement action.

Operation of the facility is not authorized except when determined to be in conformance with all applicable Rules and with the General and Specific conditions of this permit/certification/authorization, as specifically described below and attached hereto.

Executed in Jacksonville, Florida.

Issued this 11th day of March, 2009.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


Gregory J. Strong
District Director

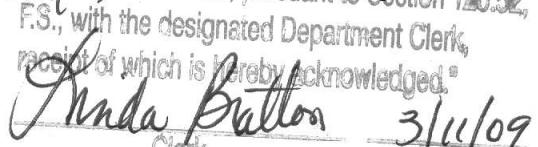
Enclosed Regulatory General Conditions
 Regulatory Specific Conditions
 Proprietary General Consent Conditions
 Proprietary Specific Conditions as applicable
 SPGP General Conditions
 SPGP Specific Conditions as applicable

Copy to USACOE, Regulatory Section, Jacksonville



CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this NOTICE OF PERMIT, Department File Number 38-272432-002-ES and all copies were mailed before the close of business on 3/11/09 on the date, pursuant to Section 120.52, F.S., with the designated Department Clerk, receipt of which is hereby acknowledged.


Linda Bratton
Clerk
3/11/09

REGULATORY GENERAL CONDITIONS

DEP File No.: 38-272432-002-ES

Progress Energy Florida, Inc.

1. All activities shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit.
2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications, shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by Department staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
3. Activities approved by this permit shall be conducted in a manner which does not cause violations of state water quality standards. The permittee shall implement best management practices for erosion and a pollution control to prevent violation of state water quality standards. Temporary erosion control shall be implemented prior to and during construction and permanent control measures shall be completed within 7 days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
4. Water quality data for the water discharged from the permittee's property or into the surface waters of the state shall be submitted to the Department as required by the permit. Analyses shall be performed according to procedures outlined in the current edition of Standard Methods for the Examination of Water and Wastewater by the American Public Health Association or Methods for Chemical Analyses of Water and Wastes by the U.S. Environmental Protection Agency. If water quality data are required, the permittee shall provide data as required on volumes of water discharged, including total volume discharged during the days of sampling and total monthly volume discharged from the property or into surface waters of the state.
5. Department staff must be notified in advance of any proposed construction dewatering. If the dewatering activity is likely to result in offsite discharge or sediment transport into wetlands or surface waters, a written dewatering plan must either have been submitted and approved with the permit application or submitted to the Department as a permit prior to the dewatering event as a permit modification. The permittee is advised that the rules of the Southwest Florida Water Management District state that a water use permit may be required prior to any use exceeding the thresholds in Chapter 40D-2, F.A.C.
6. Stabilization measures shall be initiated for erosion and sediment control on disturbed areas as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 7 days after the construction activity in that portion of the site has temporarily or permanently ceased.
7. Off site discharges during construction and development shall be made only through the facilities authorized by this permit. Water discharged from the project shall be through structures having a mechanism suitable for regulating upstream stages. Stages may be subject to operation schedules satisfactory to the Department.
8. The permittee shall complete construction of all aspects of the surface water management system, including wetland compensation (grading mulching, planting), water quality treatment features, and discharge control facilities prior to beneficial occupancy or use of the development being served by this system.



REGULATORY GENERAL CONDITIONS

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Progress Energy Florida, Inc.

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

- a. Any existing wells in the path of construction shall be properly plugged and abandoned by a licensed well contractor.
- b. Any existing septic tanks on site shall be abandoned at the beginning of construction.
- c. Any existing fuel storage tanks and fuel pumps shall be removed at the beginning of construction.

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

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

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

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

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

15. The operation phase of this permit shall not become effective until the permittee has complied with the requirements of the conditions herein, the Department determines the system to be in compliance with the permitted plans, and the entity approved by the Department accepts responsibility for operation and maintenance of the system. The permit may not be transferred to the operation and maintenance entity approved by the Department until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the Department, the permittee shall request transfer of the permit to the responsible operation and maintenance entity approved by the Department, if different from the permittee. Until a transfer is approved by the Department pursuant to Section 62-343.110(1)(d), F.A.C., the permittee shall be liable for compliance with the terms of the permit.

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



REGULATORY GENERAL CONDITIONS

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Progress Energy Florida, Inc.

17. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations including a determination of the proposed activities' compliance with the applicable comprehensive plan prior to the start of any activity approved by this permit.

18. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 40D-4 or Chapter 40D-40, F.A.C.

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

20. The permittee shall hold and save the Department harmless from any and all damages, claims, or liabilities which may arise by reason of the activities authorized by the permit or any use of the permitted system.

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

22. The permittee shall notify the Department in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of section 62-343.130, F.A.C. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale, conveyance or other transfer.

23. Upon reasonable notice to the permittee, Department authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with Department rules, regulations and conditions of the permits.

24. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the Department and the Florida Department of State, Division of Historical Resources.

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



REGULATORY SPECIFIC CONDITIONS

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Progress Energy Florida, Inc.

1. If prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, the permittee shall cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The permittee shall contact the Florida Department of State, Division of Historical Resources, Review and Compliance Section at (850) 245-6333 or (800) 847-7278, as well as the Department of Environmental Protection at 904-807-3300. Project activities should not resume without verbal and/or written authorization from the Division of Historical Resources. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, Florida Statutes. The following excerpt from **872.05 Unmarked Human Burials is provided for informational purposes:**

872.05(4) DISCOVERY OF AN UNMARKED HUMAN BURIAL OTHER THAN DURING AN ARCHAEOLOGICAL EXCAVATION.--When an unmarked human burial is discovered other than during an archaeological excavation authorized by the state or an educational institution, **all activity that may disturb the unmarked human burial shall cease immediately, and the district medical examiner shall be notified. Such activity shall not resume unless specifically authorized by the district medical examiner or the State Archaeologist.**

2. Prior to commencement of work authorized by this permit, the permittee shall provide written notification of the date of the commencement and proposed schedule of construction to the Department of Environmental Protection, Northeast District, Submerged Lands/Environmental Resources Program, 7825 Baymeadows Way, Suite B-200, Jacksonville, Florida 32256-7590.

3. All wetland areas or water bodies, which are outside the specific limits of construction authorized by this permit shall be protected from erosion, siltation, scouring, excess turbidity, or dewatering. Turbidity curtains, hay bales, and other such erosion/turbidity control devices shall be installed pursuant to Chapter 6 of The Florida Land Development Manual, A Guide to Sound Land and Water Management, prior to the commencement of dredging, filling, or construction activity. The devices shall remain functional at all times and shall be maintained on a regular basis. Turbidity and/or sedimentation resulting from any activities associated with the project shall not be allowed to enter waters of the State.

4. Floating turbidity curtains (FDOT Type II or equivalent) shall be used to surround all open water work areas and shall remain in place until such time as turbidity levels within these work areas have reduced sufficiently so as not to exceed the State water quality standards.

5. The work shall be done during periods of average or low water.

6. The project shall comply with applicable State Water Quality Standards, namely:
Surface Waters, Minimum Criteria, General Criteria - **62-302.500**,

Class III Waters - Recreation, Propagation and Maintenance of a Healthy, Well-Balanced Population of Fish and Wildlife. - **62-302.400**.

7. There shall be no stockpiling of tools, materials (i.e., lumber, pilings, riprap, sheet piles) within wetlands, along the shoreline within the littoral zone, or elsewhere within waters of the state unless specifically approved in this permit.

8. All cleared vegetation (including logging slash), scrap wood, trash, garbage, construction debris and other foreign debris or material shall be removed from the wetlands and placed in approved landfill or other authorized upland location within 14 days of completion of the work authorized in this permit.



REGULATORY SPECIFIC CONDITIONS

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9. The structure authorized by this permit shall not be placed on any property, other than that owned by the permittee, without the prior written approval of that property owner.

10. Outside the specific limits of construction authorized by this permit, any damage to the wetlands/shoreline/littoral zone as a result of the boardwalk/dock/pier/bulkhead construction shall be repaired by reestablishing the pre-construction elevations and replanting vegetation of the same species, size and density as that in the adjacent undisturbed wetland or littoral areas.

11. The permittee shall comply with the attached General Conditions For Authorizations To Use Sovereignty Submerged Lands for all activities on sovereign submerged lands

12. General Listed-Species Surveys

- a. The applicant will coordinate with the FWC to obtain and follow the current survey protocols for all listed species that may occur within the proposed construction area, with appropriate buffers as defined by the survey protocols, prior to conducting detailed surveys.
- b. Surveys will be conducted prior to clearing and construction in accordance with the survey protocols. The results of those detailed surveys will be provided to the FWC and coordination will occur with the FWC on appropriate impact mitigation methodologies.

Article IV, Sec. 9, Fla. Constitution; Section 379.2291, Florida Statutes (F.S.); and Chapter 68A-27, Florida Administrative Code (F.A.C.).

Gopher Tortoise

Information on the gopher tortoise and permitting can be found on the FWC's website.

- c. The Applicant will conduct surveys for gopher tortoises (*Gopherus polyphemus*), in accordance with the FWC-approved Gopher Tortoise Management Plan (adopted in 2007) and current FWC-approved Gopher Tortoise Permitting Guidelines or subsequent versions of the Plan or Guidelines. A burrow survey covering a minimum of 15% of the potential gopher tortoise habitat to be impacted by development is required in order to apply for a relocation permit. Immediately prior to capturing tortoises for relocation, a 100% survey is required to effectively locate and mark all potentially occupied tortoise burrows and to subsequently remove the tortoises. Burrow survey methods are outlined in Appendix 4, Methods for Burrow Surveys on Development (Donor) and Recipient Sites. Surveys must be conducted within 90 days of when an application is submitted to the FWC; however, surveys shall not be conducted within 30 days of any ground disturbance or clearing activities on the donor site. All surveys completed by authorized agents or other permittees are subject to field verification by the FWC. The gopher tortoise surveys should be conducted during the months of April through October.
- d. A permit is not required for activities that occur more than 25 feet from a gopher tortoise burrow entrance, provided that such activities do not harm gopher tortoises or violate rules protecting gopher tortoises. Examples of such violations noted in the past by the FWC include, but are not limited to, killing or injuring a tortoise more than 25 feet away from its burrow; harassing a tortoise by blocking access to its burrow, and altering gopher tortoise habitat to such an extent that resident tortoises are taken.
- e. The Applicant will coordinate with and provide to the FWC a completed gopher tortoise relocation permit(s) application in accordance with the FWC-approved Gopher Tortoise Management Plan and Gopher Tortoise Permitting Guidelines as a post-certification submittal. This permit application will provide information on the location for on-site recipient areas and any off-site FWC approved recipient site, as well as, appropriate mitigation contributions.



REGULATORY SPECIFIC CONDITIONS
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- f. Any commensal species observed during the burrow excavations that are listed by the U.S. Fish and Wildlife Service (USFWS) or FWC will be relocated in accordance with the applicable guidelines for that species.
- g. To the maximum extent possible, all staging and storage areas should be sited to avoid impacts to gopher tortoise burrows and habitat.

Article IV, Sec. 9, Fla. Const.; Section 379.2291, F.S.; and Rule 68A-27.004, F.A.C.

Florida Manatee

- h. The Standard Manatee Conditions for In-Water Work (revision 2005) shall be followed for all in-water activity located where waters are accessible to manatees. These conditions are enclosed as Attachment 1. Blasting or pile hammering activities to break rock shall be prohibited in or adjacent to waters accessible to manatees. If no other alternative exists, a modification of these conservation measures can be requested. An adequate Blast and Protected Species Watch Plan must be submitted to and approved by the Imperiled Species Management Section of the FWC prior to these methodologies being used.
- i. At least 60 days prior to the beginning of in-water construction or demolition activities located where waters are accessible to manatees, the permittee shall contact the FWC to determine whether observers will be required, how many observers will be needed and who those observers will be. The permittee may provide the FWC with a list of prospective observers or the FWC will provide a list. Observers must be approved by the FWC prior to construction and be equipped with polarized sunglasses to aid in observation. The manatee observer must be on site during all in-water construction activities and will advise personnel to cease operation upon sighting a manatee within 50 feet of any in-water construction activity. Movement of a work barge, other associated vessels, or any in-water work associated with construction or demolition activities shall not be performed after sunset, when the possibility of spotting manatees is negligible. Observers shall maintain a log detailing manatee sightings, work stoppages, and other protected species-related incidents. A report, summarizing all activities noted in the observer logs, the location and name of project, and the dates and times of work shall be submitted within 30 days following project completion to the FWC's Imperiled Species Management Section at: 620 South Meridian Street, 6A, Tallahassee, Florida 32399-1600, or e-mailed at fcmpmail@myfwc.com.
- j. If a cofferdam is used during in-water construction to minimize release of sediment to the Cross Florida Barge Canal, the area inside (behind) the cofferdam must be checked for the presence of manatees during and after installation of the barrier before further work occurs to determine that manatees have not been entrapped.

STORMWATER SPECIFIC CONDITIONS:

NOTICE: If any of the specific conditions listed below are in conflict with any of the general conditions listed in this permit, the specific conditions shall take precedence over the general condition(s).

I. Construction Phase

1. All construction, operation, and maintenance of the stormwater system shall be as set forth in the plans, specifications, and performance criteria contained in the Department file and approved by this permit. Any deviations from the permitted plans are to be addressed by the department prior to their implementation to determine if a modification to the permit is required.



REGULATORY SPECIFIC CONDITIONS

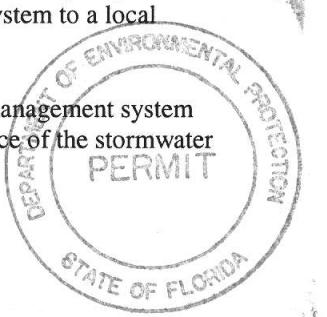
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2. The Permittee is responsible for the selection, implementation, and operation of all erosion and sediment controls on-site and to prevent violations of water quality standards in Chapters 62-302 and 62-4, 40D-4 F.A.C., and Chapters 373 and 403, F.S. The Permittee is encouraged to use the appropriate Best Management Practices described in the Florida Land Development Manual: A guide to Sound Land and Water Management (DER, 1988). All wetland areas or water bodies which are outside of the specific limits of construction authorized by this permit must be protected from erosion, siltation, scouring, or excess turbidity and dewatering. Turbidity barriers shall be installed at all locations where the possibility of transferring suspended solids into the receiving water body exists due to the proposed work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. The Permittee shall be responsible for the removal of the barriers.
3. The Permittee must obtain a standard general or an individual permit pursuant to 40D-4 and 40D-40, F.A.C. prior to beginning construction of any work that requires a permit under Part IV of Chapter 373, Florida Statutes, that is not authorized by this permit.
4. The Permittee shall provide the Northeast District Office of DEP with prior written notice within 30 days of the date the work authorized by this permit is to commence.
5. If any other regulatory agency should require revisions or modification to the permitted project, the Department is to be notified of the revisions prior to any implementation of such revisions so that a determination can be made whether a permit modification is required.
6. At a minimum, all retention and detention storage areas must be excavated to rough grade prior to or concurrent with building construction or placement of impervious surface within the area served by those facilities. To prevent reduction in storage volume and percolation rates, all accumulated sediment must be removed from the storage area prior to final grading and stabilization. All disturbed areas, swales, retention/detention basin side slopes, and roadside slopes must be sodded or seeded and mulched within 30 days following their completion and a substantial vegetation cover must be established within 60 days of seeding. Erosion preventive measures must be taken to ensure establishment of vegetative cover. All critical slopes immediately above the detention/retention basin must be seeded, mulched, or sodded as required for preventing sedimentation or clogging of the detention/retention basin. If littoral zone is used, eighty percent coverage of the littoral zone by suitable aquatic plants is required within the first twenty-four (24) months of completion of the system. Annual replanting shall be required for littoral areas where aquatic vegetation has not become established or if vegetative cover falls below 80% coverage.
7. Department of Environmental Protection staff, upon proper identification, shall have permission to enter, inspect, and observe the system to insure conformity with the plans and specifications approved by this permit.
8. This permit for construction will expire five (5) years from the date of issuance. If construction is not completed within the specified time period, and the Permittee wishes to complete construction, then pursuant to F.A.C. Rule 62-343.120, the Permittee shall apply for an extension of the permit on forms and in a manner prescribed by the Department sixty (60) days prior to the expiration date of this permit.

II. Certification of Stormwater System Construction Phase Certification & Maintenance Entity Responsibility

9. Construction of the stormwater management system must be complete and all disturbed areas stabilized in accordance with permitted plans and conditions prior to any of the following: issuance of the first certificate of occupancy; initiation of intended use of the infrastructure; or transfer of responsibility of maintenance of the system to a local government or other responsible entity.
10. If this project is to be constructed in phases and subsequent phases will use the same stormwater management system as the initial phase(s), the Permittee shall accept the responsibility for the operation and maintenance of the stormwater management system for future phases.



REGULATORY SPECIFIC CONDITIONS
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11. The operation phase of the stormwater management system shall not become effective until the following criteria have been met:
 - (a) Within thirty (30) days after completion of construction, permittee shall submit a signed and sealed certification by an appropriate registered Florida professional engineer that the system has been constructed and is ready for inspection.
 - (b) The registered professional engineer shall certify that the system has been constructed substantially in accordance with approved plans and specifications; or any deviations from the plans will not prevent system from functioning in compliance with appropriate regulation.
 - (c) As-built drawings are to be furnished and revised accordingly to reflect any changes made during construction. The following information, at a minimum, shall be verified on the as-built drawings:
 1. Dimensions and elevations of all discharge structures.
 2. Locations, dimensions, and elevation of all underdrain systems including cleanouts, connections to control structures, and points of discharge to receiving waters.
 3. Dimensions, elevations, contours or cross sections of all treatment storage areas.
 4. Dimensions, elevations, contours, final grades to determine flow direction and runoff.
 5. Establishment of erosion control vegetative cover in critical slopes above the detention/retention ponds.
- (d) The permit will be converted from a construction permit to an operation permit once the project is determined to be in compliance with the permitted plans and appropriate maintenance entity has accepted responsibility for maintenance of the stormwater system. If responsible maintenance entity is different from the Permittee, Form No. 62-343.900(7), F.A.C., "Request for Transfer of Environmental Resource Permit Construction Phase to Operation Phase" shall be submitted.

12. The Department must be notified, in writing, within 30 days of any sale, conveyance, or other transfer of a permitted system or facility or within 30 days of any transfer of ownership or control of the real property at which the permitted system or facility is located. Transfer of this permit shall be in accordance with the provisions of Chapter 373 F.S. and Chapter 40D-4 and 40D-40, F.A.C. All terms and conditions of this permit shall be binding upon the transferee.

III. Maintenance Phase – Maintenance Requirements

13. The following operational maintenance activities shall be performed on all permitted retention systems on a regular basis or as needed:
 - (a) Removal of trash and debris on at least a bi-monthly basis.
 - (b) Inspection of inlets and outlets.
 - (c) Removal of sediments when the storage volume or conveyance capacity of the system is below design level or when the system is rendered ineffective on account of clogging/sedimentation of the pond bottoms.
 - (d) Stabilization and restoration of eroded areas with permanent vegetative cover.
 - (e) Mowing and removal of grass clippings on at least a bi-monthly basis.
 - (f) Aeration, tilling or replacement of topsoil as needed to restore percolation capability of the system.
 - (g) Replanting if vegetative cover in littoral zones falls below 80% coverage.

The stormwater management system shall be inspected after each heavy rain, but at a minimum once per quarter.



REGULATORY SPECIFIC CONDITIONS

DEP File No.: 38-272432-002-ES

Progress Energy Florida, Inc.

14. Outfall Structures and Ditches

Outfall structures and ditches must be inspected monthly, with the removal of trash, debris, silt and vegetation when necessary to insure proper drainage of stormwater ponds.

15. The Permittee is required to provide for periodic inspections of the stormwater management system. The permittee shall submit reports to the Department certifying that the stormwater management system is operating as designed. The reports shall be submitted to the Department as follows:

- (a) Each inspection shall be documented and kept on file at the facility office. Each inspection report shall contain, as a minimum; date, name of inspector, as found condition of major system features, and nature and extent of maintenance/repair performed.
- (b) Inspection reports for retention, underdrain, wet detention (with/without littoral shelf), and swales shall be submitted one year after completion of construction and every year thereafter. A registered Florida Professional Engineer must sign and seal the report certifying the system is functioning as designed.
- (c) Inspection reports for filtration treatment systems and pumped systems shall be submitted one year after completion of construction and every year thereafter. A registered Florida Professional Engineer must sign and seal the report certifying the filtration treatment system and/or pumped system is operating as designed.

The Reports shall be submitted to the Department's Stormwater Engineer at 7825 Baymeadows Way, Suite B-200, Jacksonville, FL 32256-7590.

16. If stormwater management system is not functioning as designed and permitted, operational maintenance must be performed immediately to restore the system. If operational maintenance measures are insufficient to enable the system to meet the design standards, the Permittee must either replace the system or construct an alternative design. In this condition, the permittee must submit a permit modification application within sixty (60) days of the date the system was determined to be design deficient.

17. The Permittee shall immediately notify the Department by telephone whenever a serious problem occurs at this facility. Notification shall be made to the Northeast District Office at (904) 807-3300. Within 7 days of telephone notification, the Permittee shall submit to the Department a written report explaining the extent of the problem, its cause, and what actions have been or will be taken to correct the problem.



REGULATORY SPECIFIC CONDITIONS

DEP File No.: 38-272432-002-ES

Progress Energy Florida, Inc.

PUBLIC INTEREST

18. Upon receipt of the federal authorization for the Levy Nuclear Facility, the Permittee shall grant to the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida ("Board of Trustees") a perpetual non-exclusive 18-foot-wide easement for a public recreational trail over, across and upon an approximately 40-mile-long corridor owned by the Permittee over the raised rail bed from Dunnellon, north to Chiefland, within the existing undeveloped utility corridor ("Board of Trustees' Easement"), contingent upon State of Florida Department of Environmental Protection, Division of State Lands' ("DSL") approval of (1) the form and content of the final title insurance commitment, survey, environmental site assessment ("Due Diligence Products"), (2) the terms and conditions of the Board of Trustees' Easement, and (3) the Title, Possession and Lien Affidavit and Environmental Affidavit to be executed by the Permittee. The Permittee's utility or other facilities may also be located on the raised rail bed. State of Florida Department of Environmental Protection, Office of Greenways and Trails ("OGT") and the Permittee will work together in designing and constructing their respective facilities to assure that the facilities can be co-located on the raised rail bed in a compatible manner. The Permittee's right to use the corridor in the future for the construction, operation and maintenance of electric transmission and distribution lines and other associated utility facilities (including access roads or other linear facilities) or for other uses shall not unreasonably interfere with OGT's design of the trail or its ability to effectively and efficiently manage the Board of Trustees' Easement as a public recreational trail, or the Permittee will relocate such trail facilities at the Permittee's expense and in a manner acceptable to the Board of Trustees and OGT that will retain its intended public function design of the trail or its ability to effectively and efficiently manage the Board of Trustees' Easement as a public recreational trail. In addition to the Permittee's grant of the Board of Trustees' Easement to the Board of Trustees, the Permittee shall also be required to pay compensation to the Board of Trustees in accordance with the terms and conditions of the PEF Easement (hereinafter defined).

Notwithstanding the foregoing, if the Permittee fails to provide the Board of Trustees with one or more of the Due Diligence Products or is unable or unwilling to provide marketable title to the Board of Trustees' Easement and the Board of Trustees does not accept the Board of Trustees' Easement, the Permittee shall instead be required to pay compensation in accordance with terms and conditions of Easement No. 31959 from the Board of Trustees to Permittee over approximately 27.017 acres of the Marjorie Harris Carr Cross Florida Greenway for activities related to Permittee's construction and operation of the Levy Nuclear Power Plant ("PEF Easement"). Furthermore, if the final DSL-approved appraised value of the Board of Trustees' Easement is reduced by 20% or more, as a result of defects disclosed in the Due Diligence Products that are identified by DSL which cannot be cured by the Permittee without engaging in litigation or precursors to litigation or paying more than fair market value to cure such defects, the Permittee has the right to pay compensation in accordance with the terms and conditions of the PEF Easement instead of granting the Board of Trustees' Easement.

The PEF Easement shall automatically and immediately terminate upon the Permittee's withdrawal of its federal permit application for the Levy Nuclear Power Plant or the federal government's denial of the permit. Upon termination or expiration of the PEF Easement PEF shall restore the lands over which the PEF Easement is granted to substantially the same condition it was upon Commencement Date of the PEF Easement, unless the Board of Trustees elects not to require PEF to remove certain improvements and/or facilities and restore all or a portion of the easement area. PEF agrees that upon termination of the PEF Easement all authorization granted thereunder shall cease and terminate.



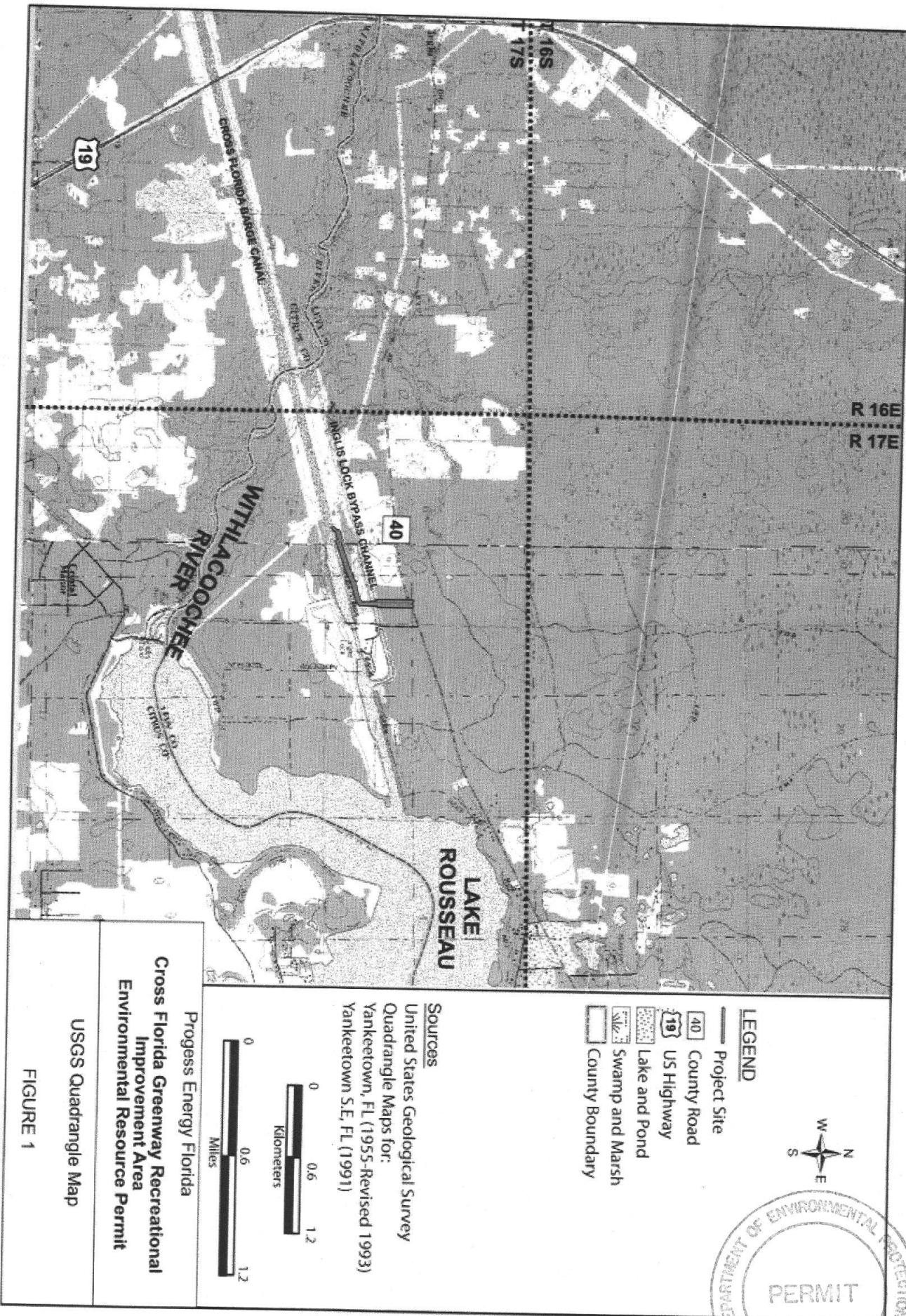
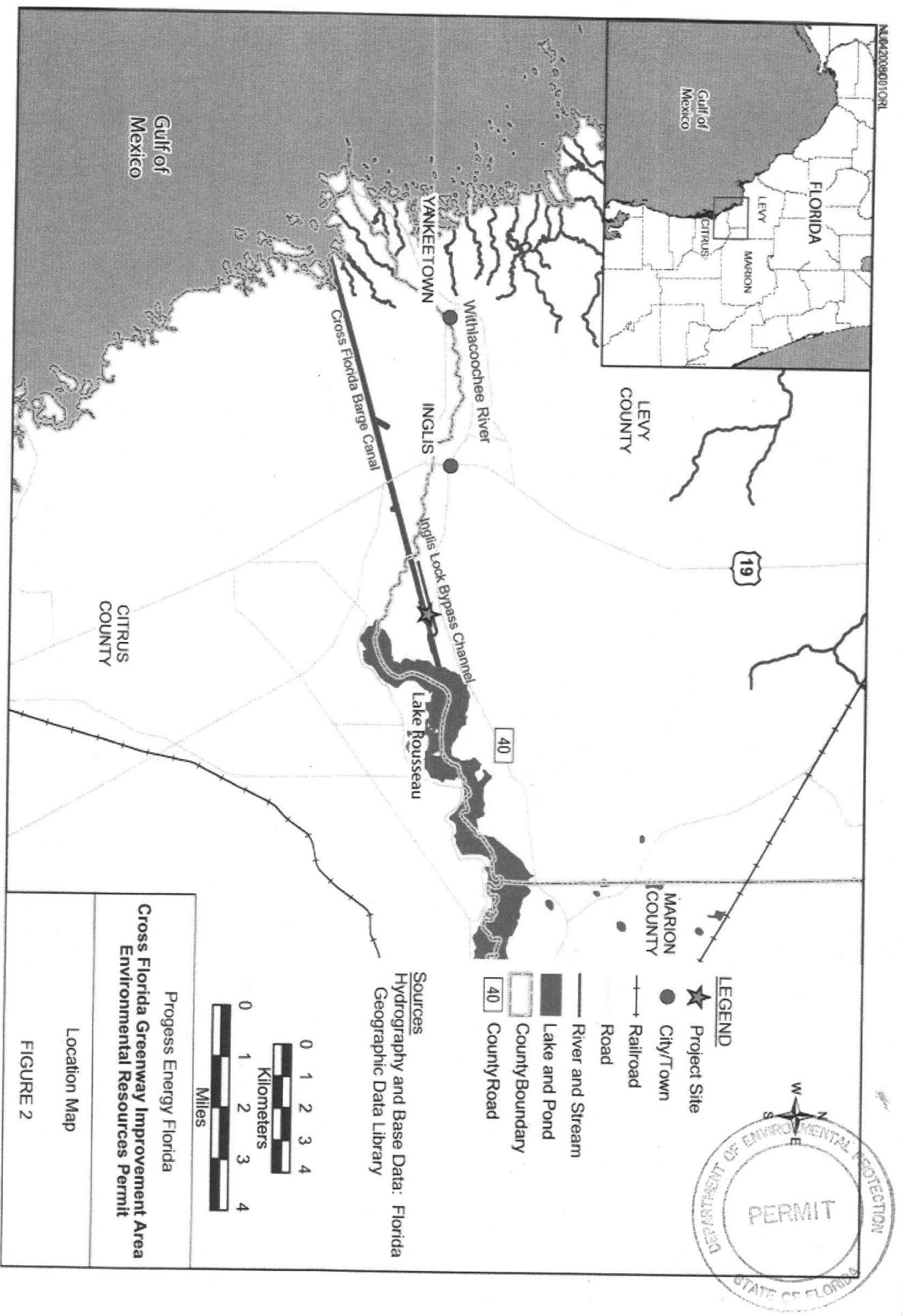
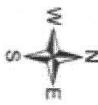
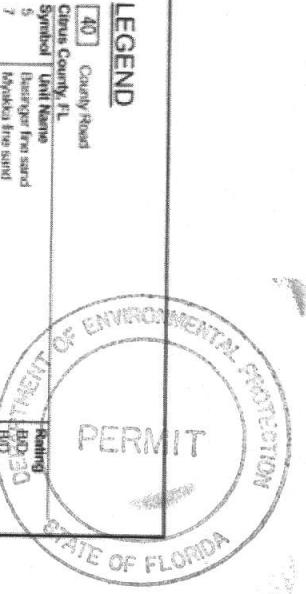


FIGURE 1

Progress Energy Florida
Cross Florida Greenway Recreational
Improvement Area
Environmental Resource Permit

USGS Quadrangle Map



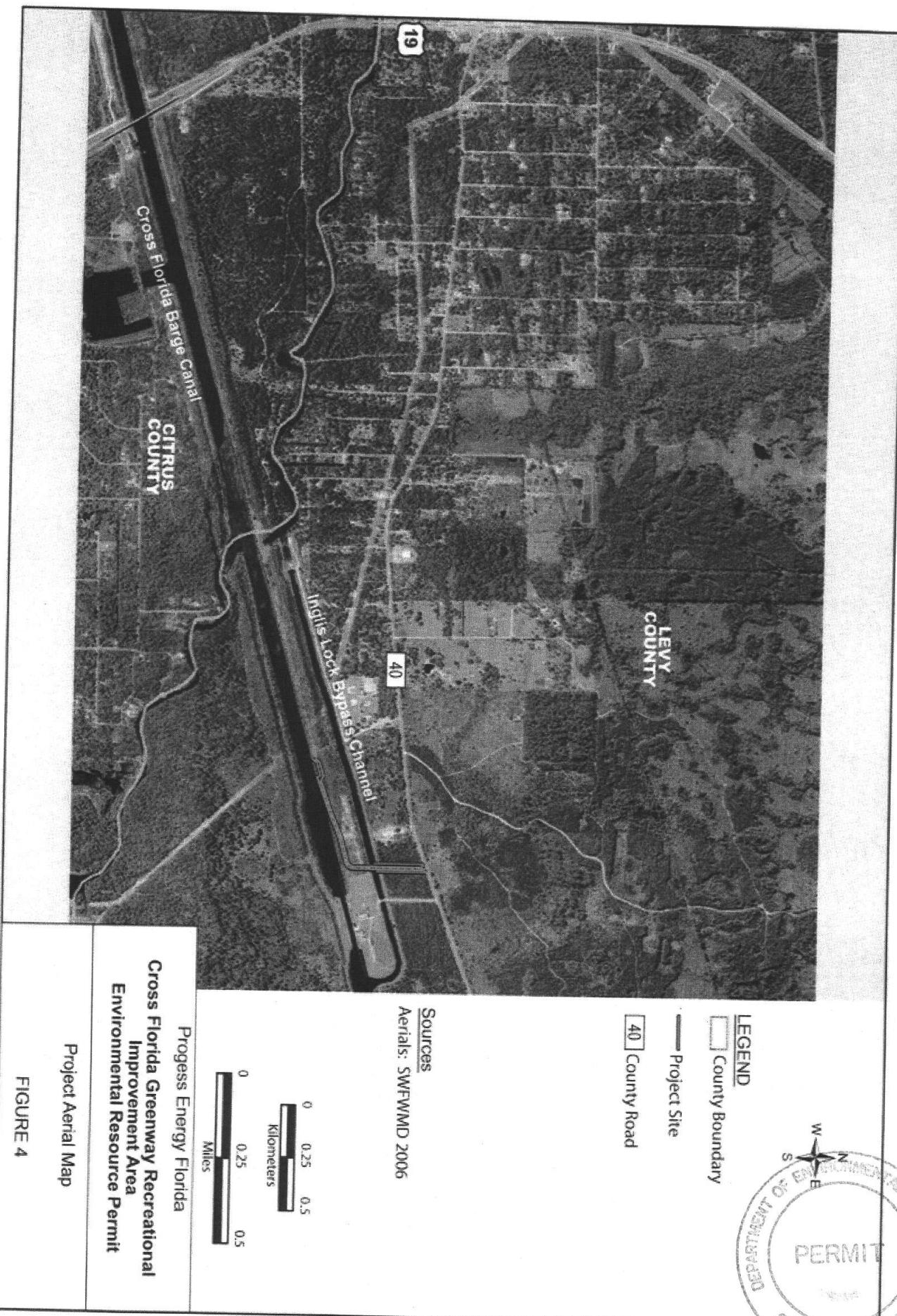


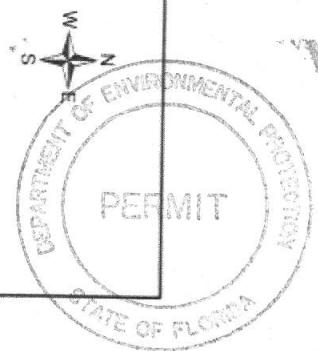
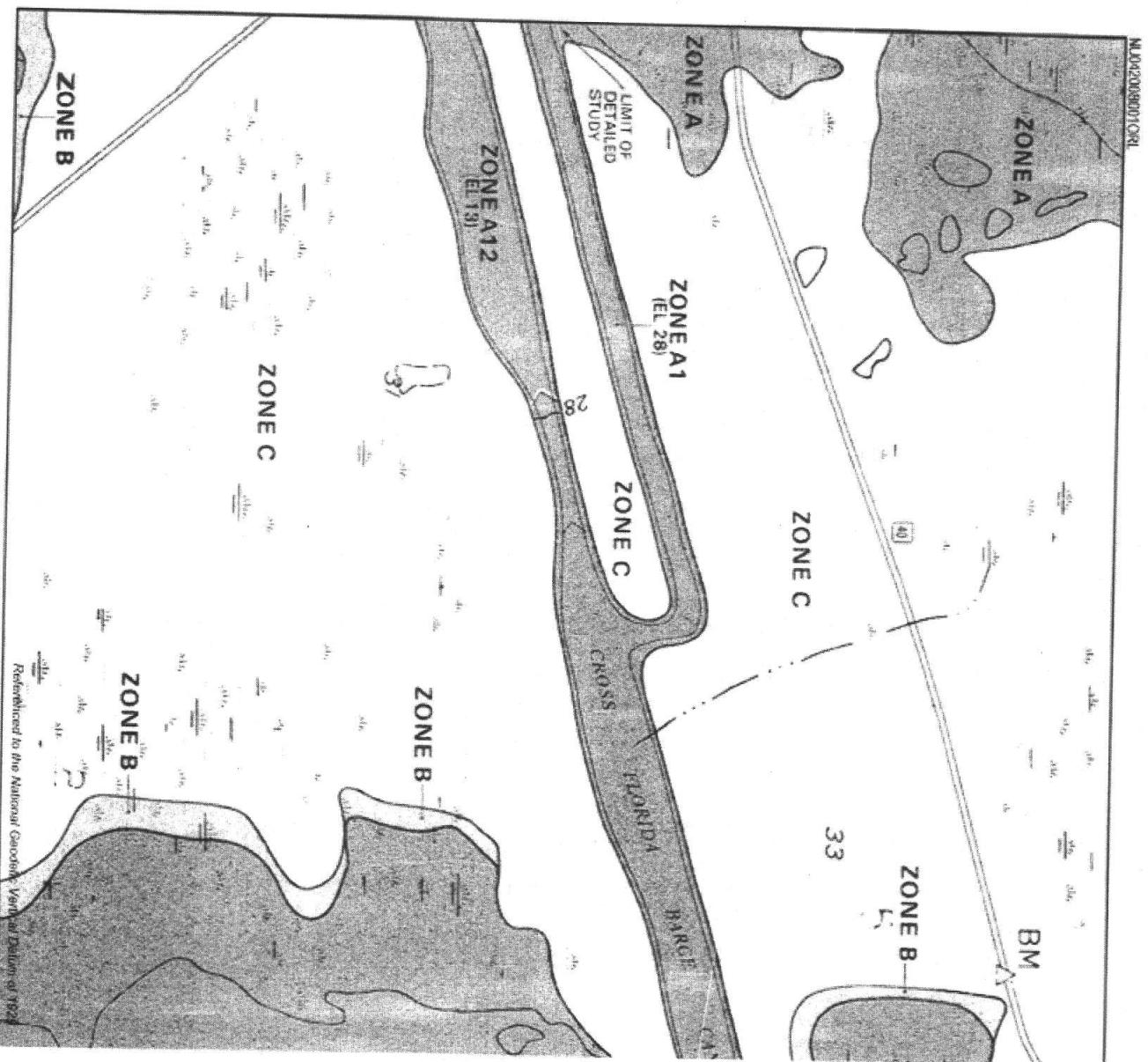
APPROXIMATE SCALE
0 2,500 5,000 FEET

Cross Florida Greenway Recreational Environmental Resource Permit

Sources
NRCS Web Soil Survey:
Citrus County, FL
Levy County, FL

FIGURE 3
Soils Map



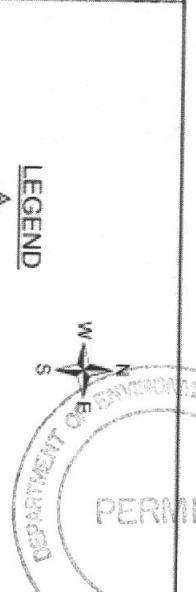
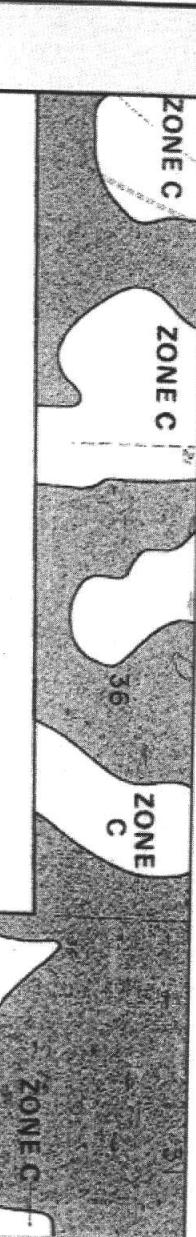


1000
0 500 1000 FEET

Progress Energy Florida
Cross Florida Greenway Improvement Area Environmental Resources Permit

FEMA Floodplain Map

Referenced to the National Geodetic Vertical Datum of 1988



LEGEND

Project Location

County Road

Elevation Reference Mark

Zone

Explanation

A1 - A30 Areas of 100-year flood; base flood elevations and flood hazard factors determined.

B Areas between limits of the 100-year flood and 500-year flood; or certain areas subject to the 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood.

C Areas of minimum flooding.

Sources

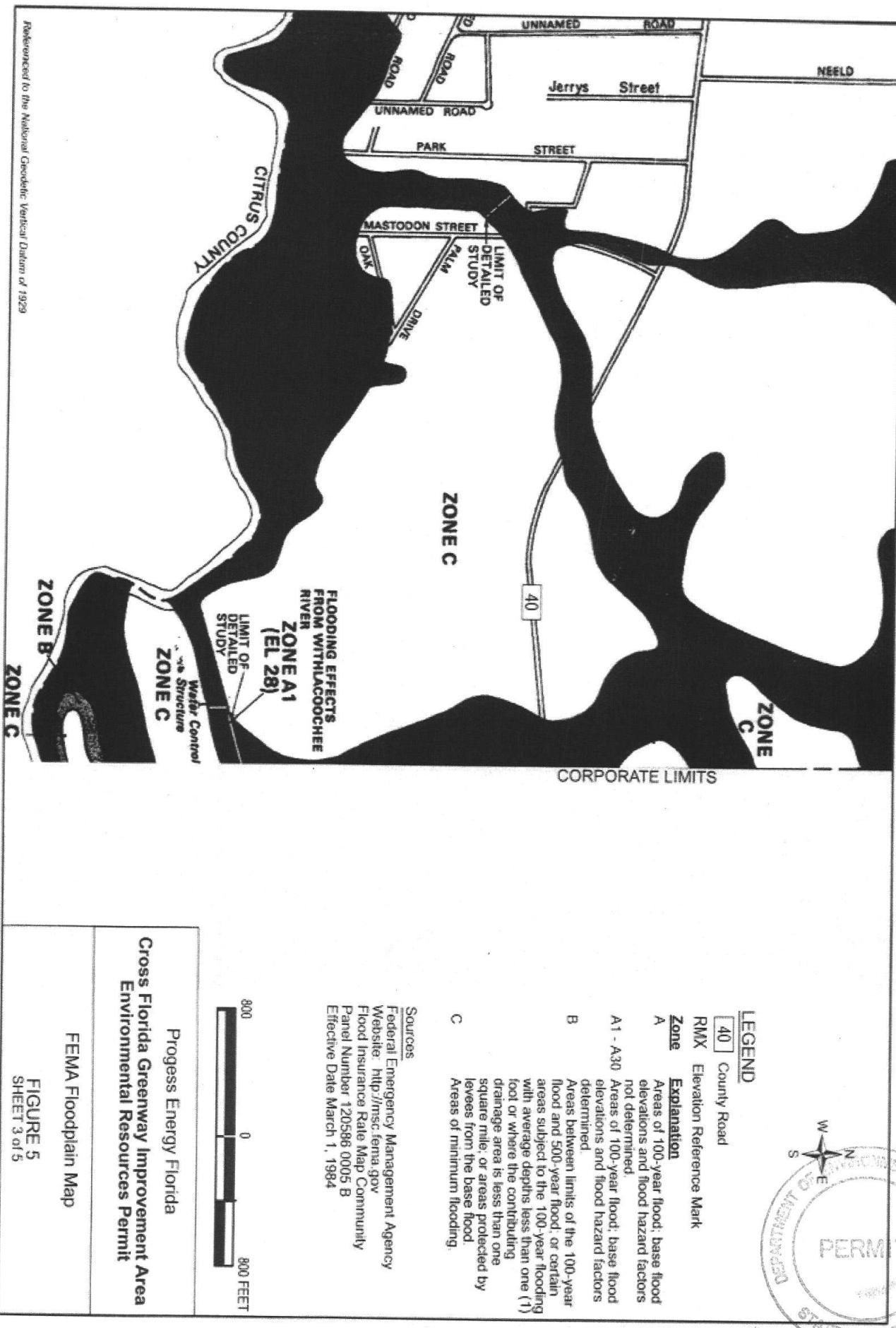
Federal Emergency Management Agency
Website: <http://msc.fema.gov>
Flood Insurance Rate Map Community Panel Number 120145 0625D
Effective Date March 1, 1984



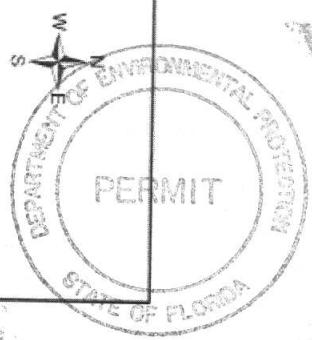
Progress Energy Florida
Cross Florida Greenway Improvement Area
Environmental Resources Permit

FEMA Floodplain Map

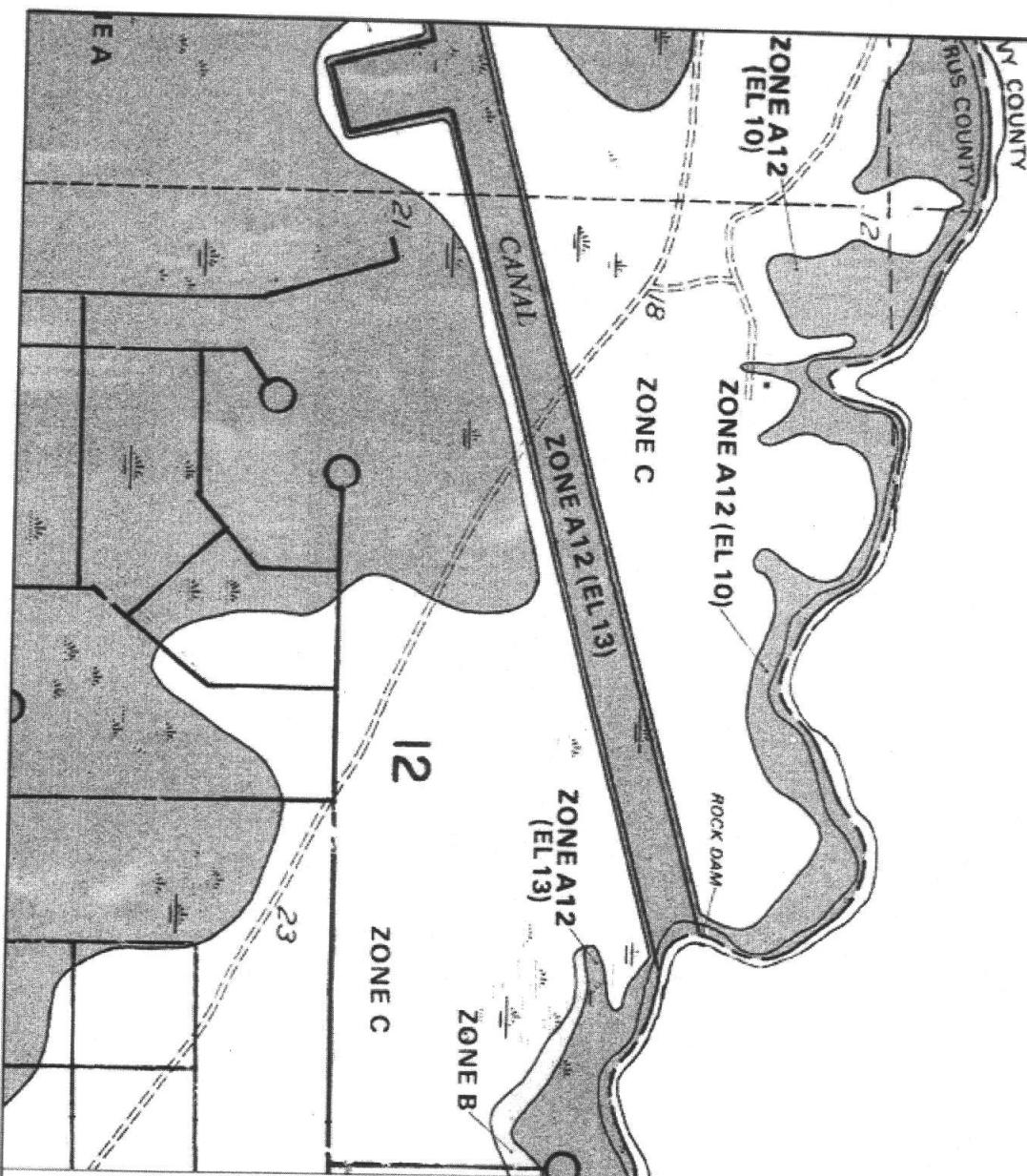
NUD4200000101



Referenced to the National Geodetic Vertical Datum of 1929



CORPORATE LIMITS



LEGEND

- 40** County Road
RMX Elevation Reference Mark

Zone
A

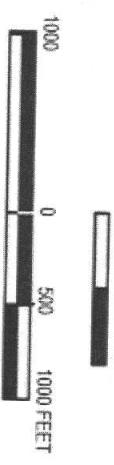
Explanation
Areas of 100-year flood; base flood elevations and flood hazard factors not determined.

B
Areas between limits of the 100-year flood and 500-year flood; or certain areas subject to the 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood.

C
Areas of minimum flooding.

Sources

Federal Emergency Management Agency
Website: <http://msc.fema.gov>
Flood Insurance Rate Map Community
Panel Number 120063 0020 B
Effective Date August 15, 1984



Progress Energy Florida
Cross Florida Greenway Improvement Area
Environmental Resources Permit

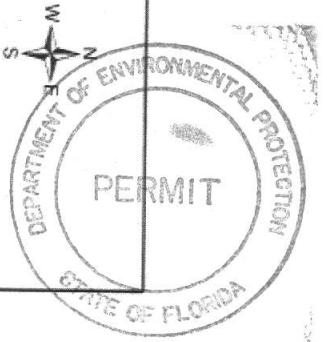
FEMA Floodplain Map

FIGURE 5
SHEET 4 of 5

NAD20078001041

RIVER

Referenced to the National Geodetic Vertical Datum of 1929



LIMIT OF
DETAILED
STUDY

LEV
CITY

CORPORATE LIMITS

Z

ZONE A

ZONE C

1000
0 500 1000 FEET

LEGEND

40 County Road

RMX Elevation Reference Mark

Zone Explanation

A Areas of 100-year flood; base flood elevations and flood hazard factors not determined.

B Areas between limits of the 100-year flood and 500-year flood; or certain areas subject to the 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood.

C Areas of minimum flooding.

Sources

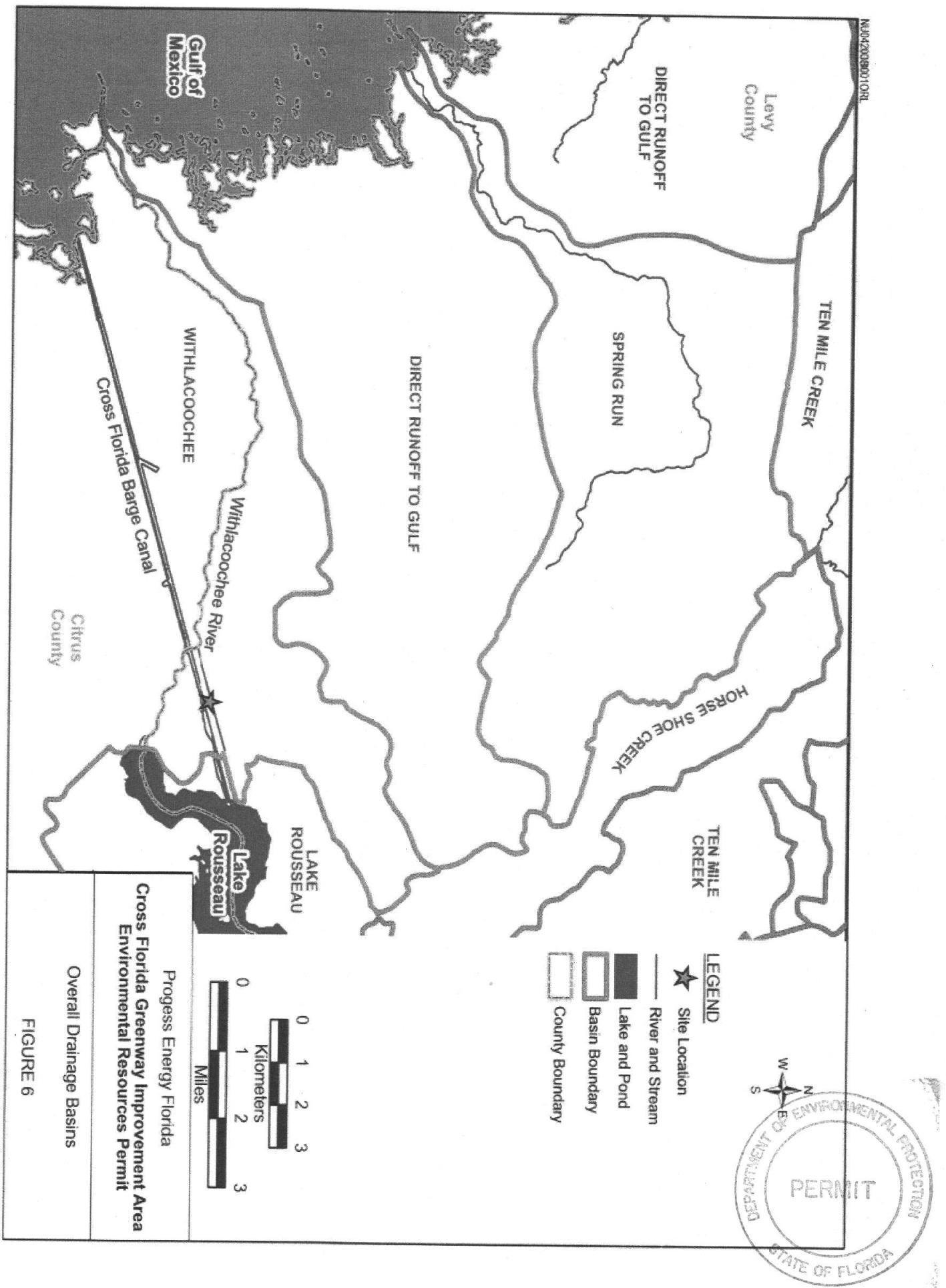
Federal Emergency Management Agency
Website: <http://msc.fema.gov>
Flood Insurance Rate Map Community Panel Number 120653 0020 B
Effective Date August 15, 1984

Progress Energy Florida
Cross Florida Greenway Improvement Area Environmental Resources Permit

FEMA Floodplain Map

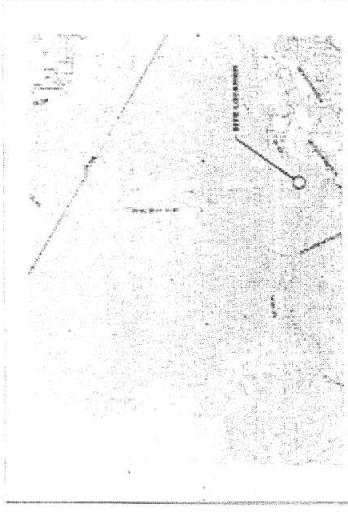
FIGURE 5
SHEET 5 of 5

NJ0420090010RL



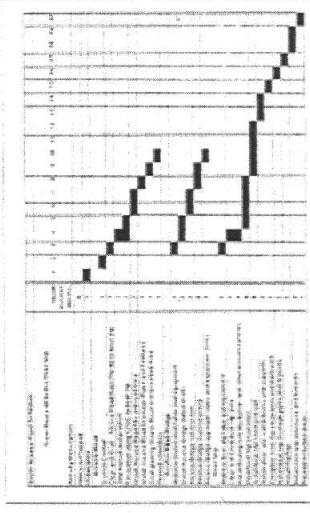
SITE AND STRUCTURE PLANS CROSS FLORIDA GREENWAY RECREATIONAL IMPROVEMENT AREA

Florida Power Corporation, d/b/a Progress Energy Florida, Inc., (FLP)
299 First Avenue North, P.O. Box 903, St. Petersburg, FL 33701



SITE LOCATION MAP

TYPE 50 12M



ACCESS ROAD SCHEDULE

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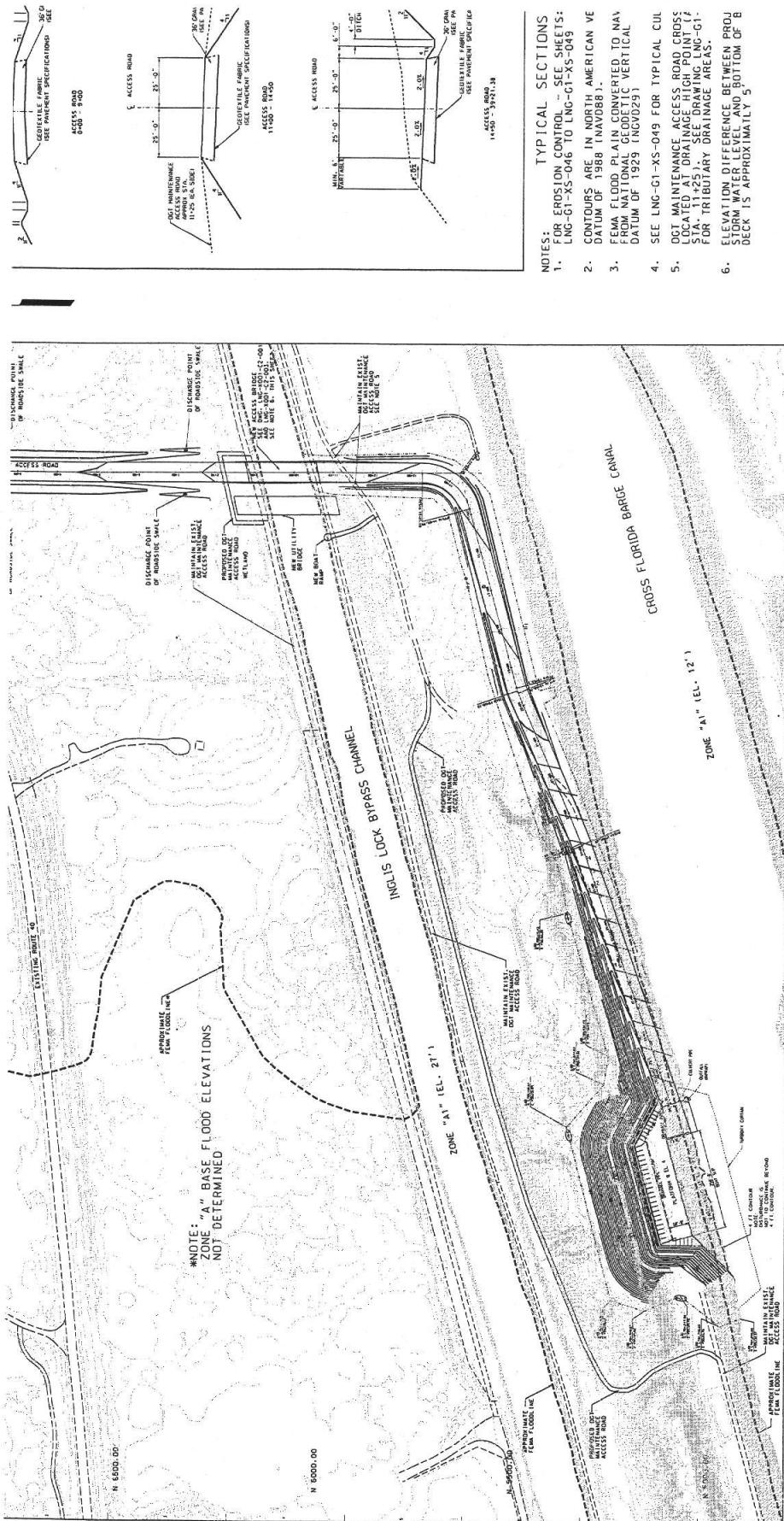
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**NORTHEAST DISTRICT
DEP-JACKSONVILLE**

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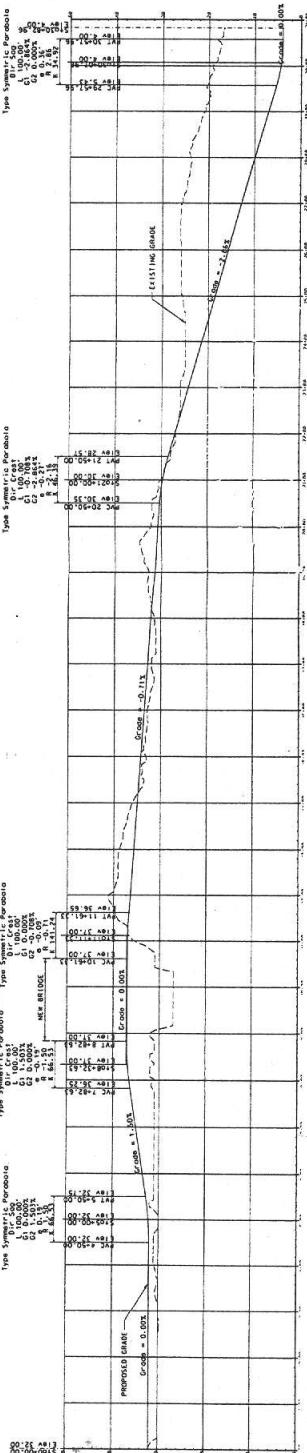


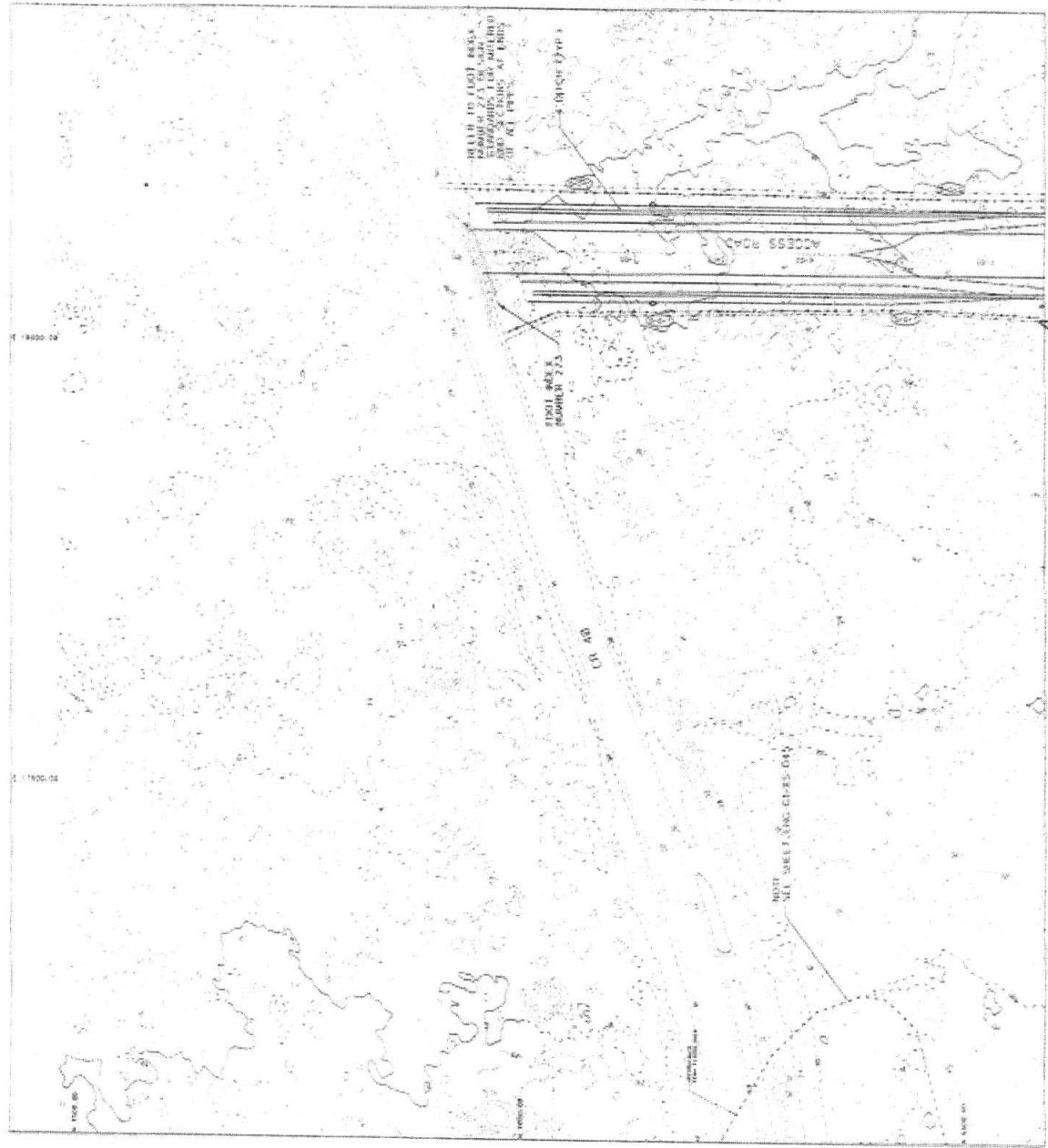
NOTES:

- 1. FOR EROSION CONTROL - SEE SHEET 1: LNG-G1-XS-046 TO LNG-G1-XS-049
- 2. CONTOURS ARE IN NORTH AMERICAN VE-DATUM OF 1988 (NAVD88).
- 3. FEMA FLOOD PLAIN CONVENTED TO NAV-FOR NATIONAL GEODYNAMIC VERTICAL DATUM OF 1922 (NGVD28).
- 4. SEE LNG-G1-XS-049 FOR TYPICAL CUL-OCT DESIGN.
- 5. OCT LOCATED AT DRAINAGE HIGH POINT (SDA-1125) SEE DRAWING LNG-G1-DECK 15 FOR TRIBUTARY DRAINAGE AREAS.
- 6. ELEVATION DIFFERENCE BETWEEN DECK SURFACE, WATER LEVEL AND BOTTOM OF DECK IS APPROXIMATELY 5 FEET.

FOR PER

<p>SHAW NUCLEAR STONE & WEBSTER IN 100 TECHNOLOGY CENTER STERLINGTON, MA 02172 CDL-A#94-5</p>	<p>WEBC SAFETY CLASSIF</p>	<p>PRODUCES ENERGY</p>
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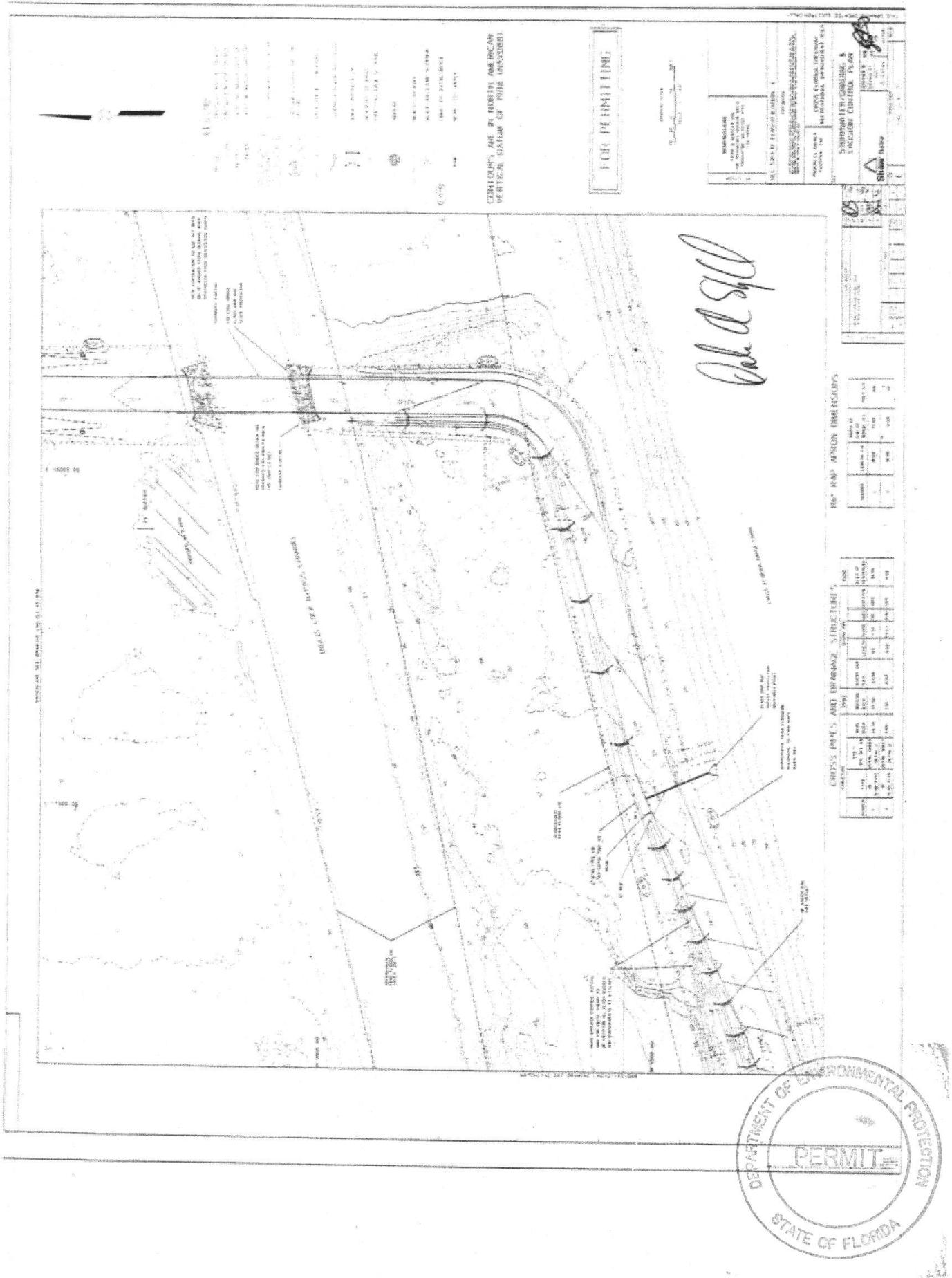


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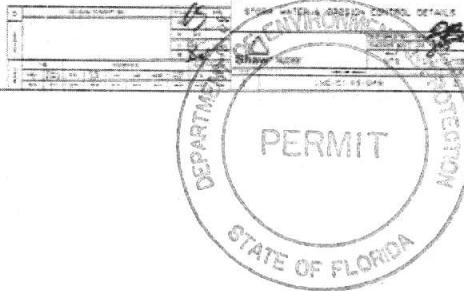
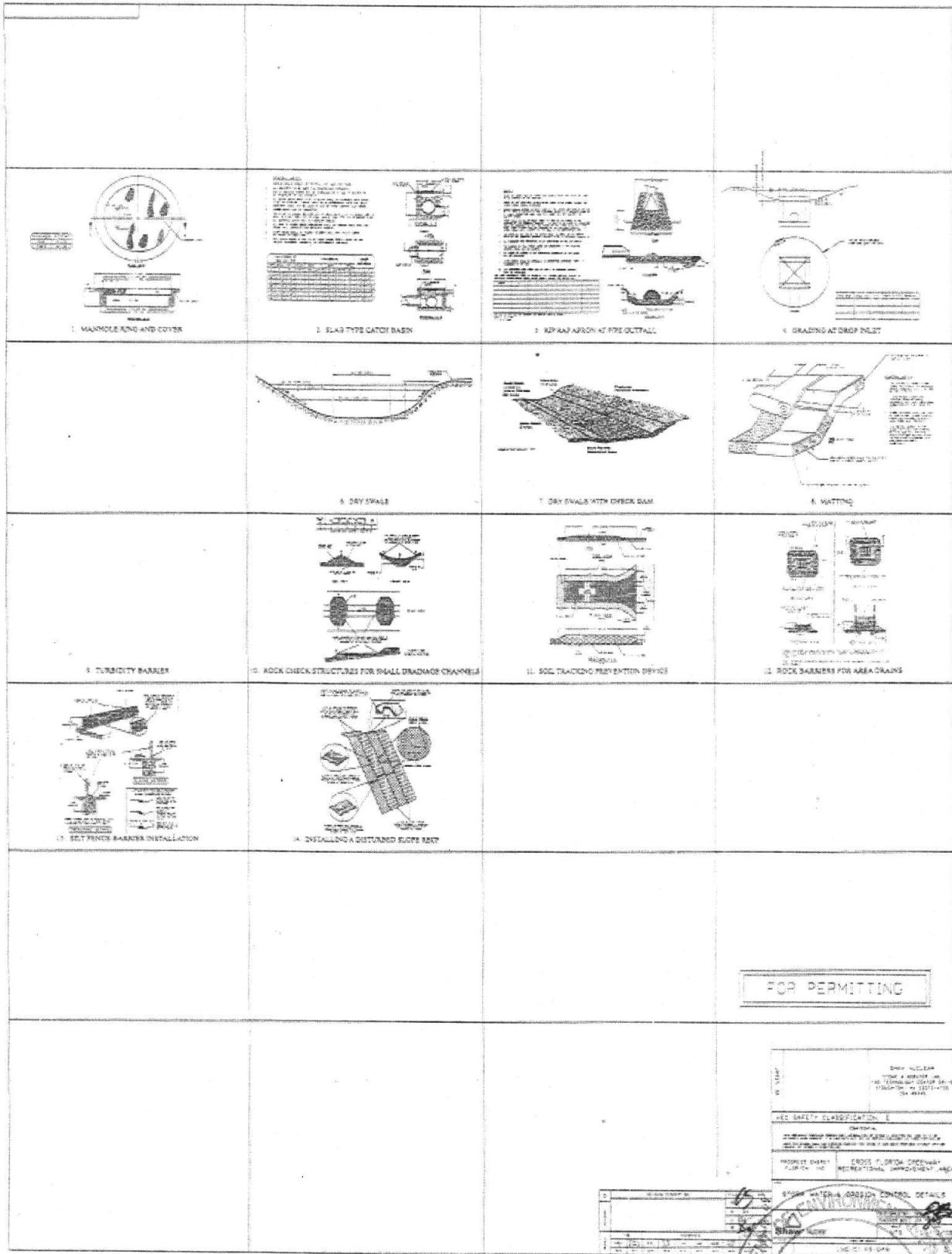
400 BENTON

Oliver

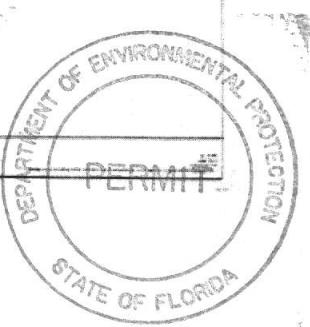








Oakwood



Line	Order	Part No.	Description	QTY	Unit	UoM	Unit Price	Ext. Price	Category
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2	2	100-00000001	100-00000001	1	EA	EA	100.00	100.00	100-00000001
3	3	100-00000002	100-00000002	1	EA	EA	100.00	100.00	100-00000002
4	4	100-00000003	100-00000003	1	EA	EA	100.00	100.00	100-00000003
5	5	100-00000004	100-00000004	1	EA	EA	100.00	100.00	100-00000004
6	6	100-00000005	100-00000005	1	EA	EA	100.00	100.00	100-00000005
7	7	100-00000006	100-00000006	1	EA	EA	100.00	100.00	100-00000006
8	8	100-00000007	100-00000007	1	EA	EA	100.00	100.00	100-00000007
9	9	100-00000008	100-00000008	1	EA	EA	100.00	100.00	100-00000008
10	10	100-00000009	100-00000009	1	EA	EA	100.00	100.00	100-00000009
11	11	100-00000010	100-00000010	1	EA	EA	100.00	100.00	100-00000010
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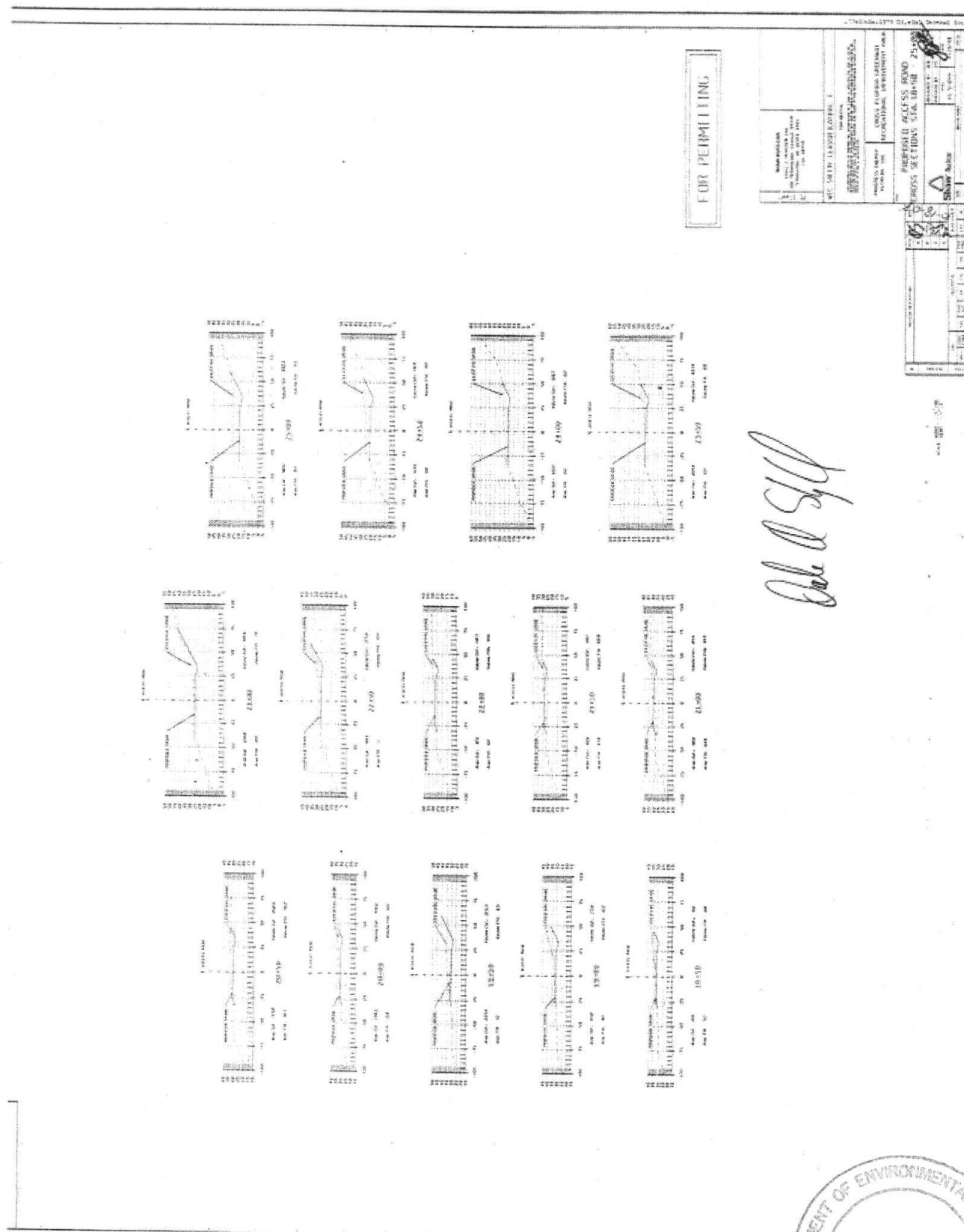
JOURNAL OF



THE PREMIER

W. A. G.





FOR PERMITTING



PERMIT NUMBER		ISSUED TO		EXPIRATION DATE	
1	2	3	4	5	6
7	8	9	10	11	12
13	14	15	16	17	18

WATER QUALITY REPORTS
REPORTS OF SURVEYS AND INVESTIGATIONS

UNIFORM PERMIT REQUIREMENTS FOR CONSTRUCTION ACTIVITIES

PERMIT ISSUANCE AND PERIODIC REVIEW

PERMIT EXPIRATION AND REISSUANCE

PERMIT CANCELLATION

PERMIT TRANSFER

PERMIT AMENDMENT

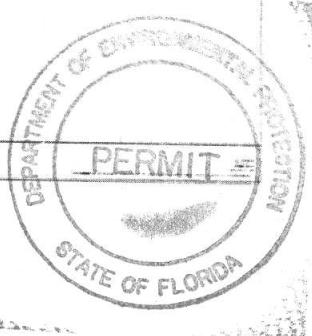
PERMIT SUSPENSION

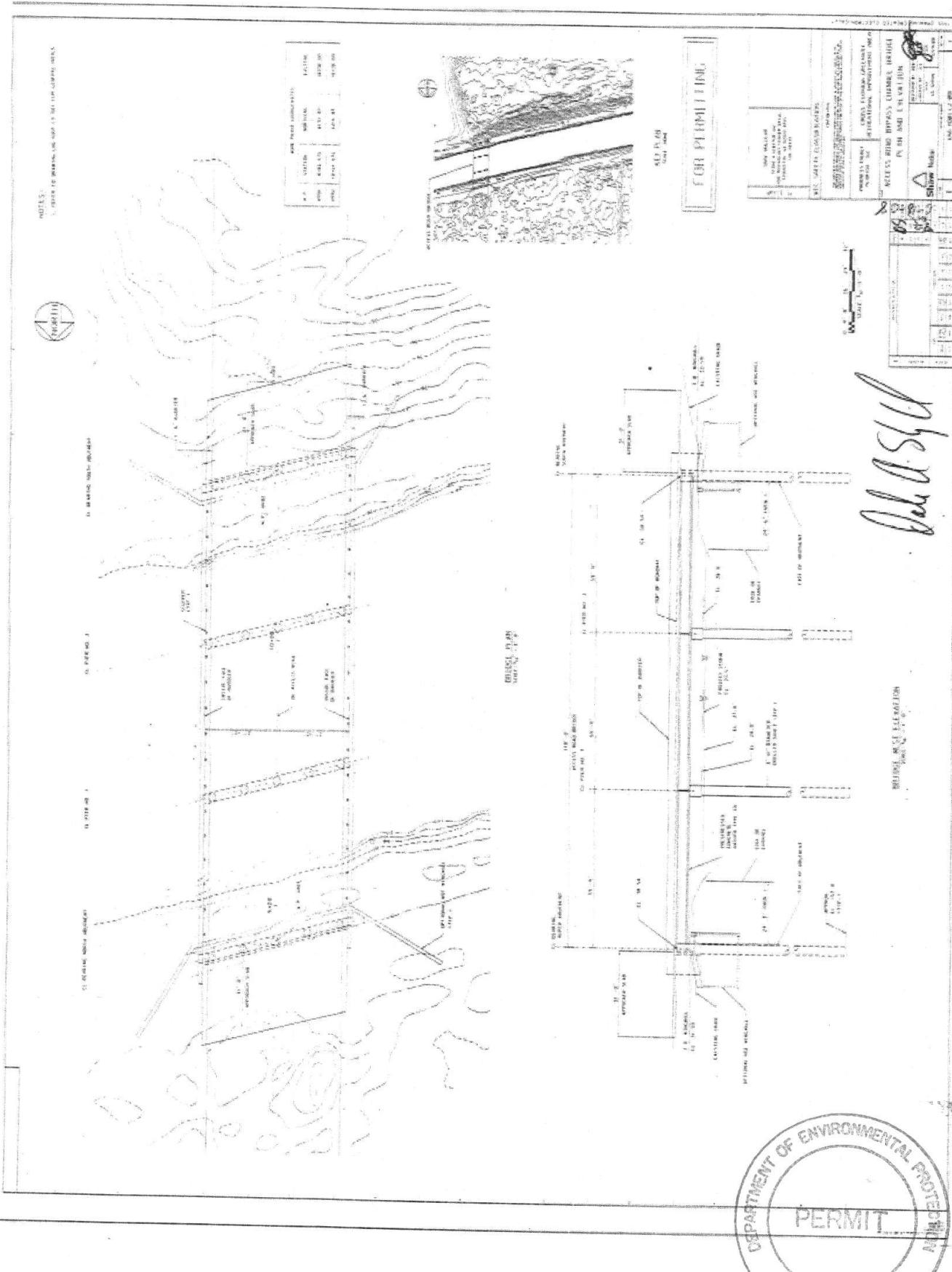
PERMIT REVOCATION

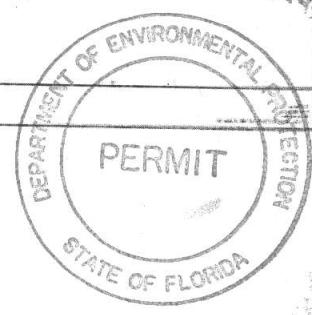
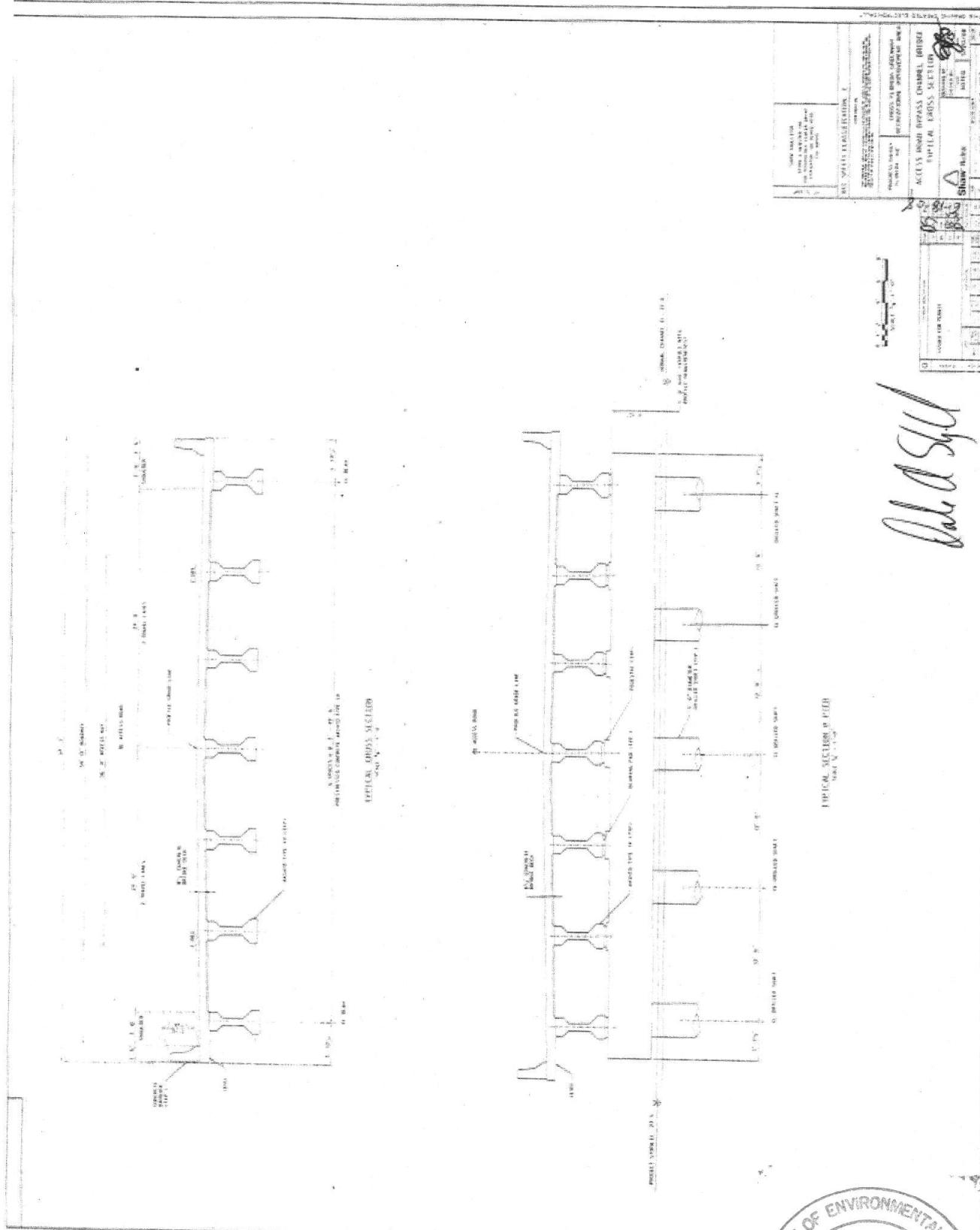
PERMIT CLOSURE

PERMIT TERMINATION

Oct 08/04







NOTICE

YOUR PROJECT DID NOT QUALIFY FOR THE STATE AND FEDERAL COMBINED STATE PROGRAMMATIC GENERAL PERMIT (SPGP) PROGRAM. THE ATTACHED AUTHORIZATION(S) DOES NOT INCLUDE THE REQUIRED FEDERAL AUTHORIZATION FOR YOU TO CONSTRUCT YOUR PROJECT. A COPY OF YOUR APPLICATION HAS BEEN SENT TO THE US ARMY CORPS OF ENGINEERS (USACOE) FOR PROCESSING. THE FEDERAL AUTHORIZATION FOR YOUR PROJECT WILL BE SENT TO YOU SEPARATELY BY THE USACOE. YOU CANNOT CONSTRUCT YOUR PROJECT WITHOUT THE APPROPRIATE FEDERAL AUTHORIZATION. THE USACOE CAN BE CONTACTED IN JACKSONVILLE AT 904-232-1679.



NOTICES SUBMITTED TO THE DEPARTMENT

Your permit DEP File No.: 38-272432-002-ES requires you to submit the attached Notices to the Department at the times indicated. Failure to submit these notices will constitute noncompliance with the conditions of your permit and an enforcement action may be brought against you. If you are using a contractor you are responsible for insuring these notices are submitted to the Department.

PLEASE NOTE - References to stormwater management systems in the attached forms refers to the activity or activities authorized in your permit.

CONSTRUCTION COMMENCEMENT NOTICE -- FORM 62-343.900(3)

To be submitted 48 hours PRIOR to the commencement of the activity

ANNUAL STATUS REPORT - Form 62-343.900(4)

To be submitted annually each JUNE whenever the construction period exceeds one year after the construction commencement date.

AS BUILT CERTIFICATION PRIVATE RESIDENT -- FORM NED/AS-BUILT

In some cases, such as a single family resident constructing a structure on their own property for their own use, certification by a registered professional is not required. However, written notice to the Department within 30 days of completion of construction of the date the structure was completed is required. If you are a private single family resident property owner please use the As Built Certification - Private Resident form .

APPLICATION FOR TRANSFER OF PERMIT -- Form 62-343.900(8)

To be submitted within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or real property at which the system is located.

SUBMIT ALL NOTICES TO: **Department of Environmental Protection**

Environmental Resources Program
7825 Baymeadows Way, Suite B-200
Jacksonville, Florida 32256-7590



**ENVIRONMENTAL RESOURCE PERMIT
CONSTRUCTION COMMENCEMENT NOTICE**

PROJECT: _____ PHASE: one (1)

I hereby notify the Department of Environmental Protection that the construction of the surface water management system authorized by Environmental Resource Permit No.: 38-272432-002-ES has / is expected to commence on _____
_____, 200_____, and will require a duration of approximately _____ months _____ weeks _____ days to complete.
It is understood that should the construction term extend beyond one year, I am obligated to submit the Annual Status Report for Surface Water Management System Construction.

PLEASE NOTE: If the actual commencement date is not known, Department staff should be notified in writing in order to satisfy permit conditions.

Permittee or
Authorized Agent

Title and Company

Date

Phone

Address

Form #62-343.900(3), F.A.C.
Form Title: Construction
Commencement Notice
Date: October 3, 1995



**ENVIRONMENTAL RESOURCE PERMIT
AS-BUILT CERTIFICATION BY A REGISTERED PROFESSIONAL**

PERMIT NUMBER: 38-272432-002-ES

NAME: Progress Energy Florida, Inc.

I hereby certify that all components of this surface water management system have been built substantially in accordance with the approved plans and specifications and are ready for inspection. Any substantial deviations (noted below) from the approved plans and specifications will not prevent the system from functioning as designed when properly maintained and operated. These determinations are based upon on-site observation of the system conducted by me or by my designee under my direct supervision and/or my review of as-built plans certified by a registered professional or other appropriate individual as authorized by law.

Name (Please print)

Signature of Professional

Company Name

Florida Registration Number

Company Address

Date

City, State, Zip Code

Telephone Number

(Affix Seal)

Substantial deviations from the approved plans and specifications:

(Note: attach two copies of as-built plans when there are substantial deviations)

Within 30 days of completion of the system, submit two copies of the form to:

Department of Environmental Protection
Environmental Resources Program
7825 Baymeadows Way, Suite B-200
Jacksonville, Florida 32256-7590



**APPLICATION FOR TRANSFER OF ENVIRONMENTAL RESOURCE PERMIT AND NOTIFICATION
OF SALE OF A FACILITY OR SURFACE WATER MANAGEMENT SYSTEM**

Permit No. _____ Date Issued _____ Date Expires _____

FROM (Name of Current Permit Holder): _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: (____) _____

Identification or Name of Facility/Surface Water Management System: _____

Phase of Facility/Surface Water Management System (if applicable): _____

The undersigned hereby notifies the Department of the sale or legal transfer of this facility, or surface-water management system, and further agrees to assign all rights and obligations as permittee to the applicant in the event the Department agrees to the transfer of permit.

Signature of the current permittee: _____

Title (if any): _____ Date: _____

TO (Name of Proposed Permit Transferee): _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: (____) _____

The undersigned hereby notifies the Department of having acquired the title to this facility, or surface-water management system. The undersigned also states he or she has examined the application and documents submitted by the current permittee, the basis of which the permit was issued by the Department, and states they accurately and completely describe the permitted activity or project. The undersigned further attests to being familiar with the permit, agrees to comply with its terms and with its conditions, and agrees to assume the rights and liabilities contained in the permit. The undersigned also agrees to promptly notify the Department of any future changes in ownership of, or responsibility for, the permitted activity or project.

Signature of the applicant (Transferee): _____

Title (if any): _____ Date: _____

Project Engineer Name (if applicable) _____

Mailing Address: _____

Telephone: (____) _____



ENVIRONMENTAL RESOURCE PERMIT
ANNUAL STATUS REPORT FORM

Permit No.:38-272432-002-ES

County: _____

Project Name: Progress Energy Florida, Inc.

Phase: ONE (1) _____

the following activity has occurred at the above referenced project during the past year, between
June 1, 20_____ and May 30, 20_____.

Permit Condition Activity	% of Completion	Date of anticipated Completion	Date of Completion
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(Use additional Sheets As Necessary)

Benchmark Description (one per major control structure:)

Not Applicable

Print Name _____

Phone _____

Permittee's or Authorized Agent's Signature

Title and Company _____

Date _____

This form shall be submitted to the above referenced Department Office During June of each year for activities whose duration of construction exceeds one year.

Form: #62-343.900(4), F.A.C.
Form Title: Annual Status Report
Date: October 3, 1995



Appendix E
Levy County SE Approval

September 3, 2008

Progress Energy Service Company, LLC
Attn: R. Alexander Glenn and Suzanne Ennis
299 First Avenue North
Suite PEF - 151
St. Petersburg, Florida 33701

RE: Special Exception No. 2-08

To Whom It May Concern,

The Levy County Board of County Commissioners met in regular session on Tuesday, September 2, 2008 and reviewed your application for local approval of a "Special Exception Use Permit" that would allow the construction and operation of two nuclear reactor powered electrical generating plants that would generate a total of 3,000 megawatts of electricity (i.e. 3 billion watts). The application and site plan includes all the necessary support services and structures required for the construction and operation of such facility including, but not limited to: offices, training facilities; rail lines; storage areas; warehouses; first aid facilities; staging areas; parking lots; helipad; electrical transmission facilities, including switch yard; cooling towers; pumping stations; waste water treatment plant; ground water well fields; potable water treatment plant; retention basins; shooting range; emergency notification equipment; fencing and security facilities; and temporary uses necessary for the construction of such power plants, including but not limited to: concrete and/or asphalt batch plants. Said parcel is approximately 2 miles North of the Town of Inglis, $\frac{1}{2}$ mile East of 19/98 and located in all or portions of, Sections 7, 17, 18, 19, 20, 29 and 30, all lying in Township 16 South, Range 17 East, Levy County, Florida. Total Project Area: 3,105 acres more or less (based on survey). Current Land Use Designation: Public Use. Current Zoning District: F/RR.

It was the decision of the board to approve the special exception as requested with conditions.

If I can be of any further assistance, please feel free to contact me.

Sincerely,

Grace Benton
Zoning Codes Specialist

Board of County Commissioners Conditions for SE 2-08

1. The Special Exception Use Permit is for the construction and operation of not more than two (2) nuclear reactor powered electrical generating plants and associated support structures, accessory structures and uses identified and shown on the Site Plan Exhibit B.
2. No permanent entrance to the project site shall be constructed from Highway 40 for the purpose of operational phase work force access. This is not to preclude a roadway to provide access for the construction and maintenance of the transmission lines and the water supply lines used to convey cooling water pumped from the Cross Florida Barge Canal or return lines pumping water to the Crystal River Discharge Canal, emergency access or similar incidental access uses. This condition does not preclude the temporary use of the heavy haul road for the delivery of heavy equipment or materials for construction of the power plant (s), transmission lines, substation or water supply and return lines.
3. Construction activities within the Special Exception area, including transmission and pipeline construction, shall not adversely impact adjacent properties not owned by the applicant. Storm water run-off, and excessive dust, smoke, noise, glare and vibrations shall be considered adverse impacts.
4. Operational characteristics, such as noise, dust, vibrations and traffic shall at all times comply with all local, state and federal ordinances, laws and regulations. The applicant, owner or their assigns, shall promptly provide proof of compliance with any applicable ordinances, laws, or regulations relating to these operational characteristics in the event the County receives a complaint.
5. All wetland mitigation resulting from wetland impacts to properties in Levy County shall be made to property located in Levy County. The applicant, shall, whenever possible, conduct all wetland mitigation within the boundary of the site (3,105 acres).
6. Final development approval by the County shall be contingent upon the applicant obtaining all development approvals and permits from all applicable state and federal agencies that are necessary for the particular development activity to be approved by the County, with the exception of the Federal Combined Construction Operating License.
7. All development shall be contained within the designated development areas as shown on Exhibit A, with the exception of fencing, industrial rail spur, temporary uses incidental to the construction of the facility, transmission lines and pipelines, berms, guard houses,

water wells, monitoring wells, and internal roads necessary to provide internal access to these listed structures shall be contained within the designated development areas as shown on Exhibit A and shall be setback a minimum of 1,000 feet from any property boundary where abutting properties are not under the same ownership as the subject property.

8. Note 1 written thereon Map Exhibit A, and Notes 1 through 16 written thereon Map Exhibit B of the supporting documents submitted with the application shall be considered conditions of the approval of SE 2-08.
9. All conditions set forth by the Board of County Commissioners shall be binding on the applicant, owner, or their assigns.

Appendix F
Board of Trustees Easement No. 31959
(To be attached upon Final Execution)