



Crystal River Nuclear Plant  
Docket No. 50-302  
Operating License No. DPR-72

Ref: 10 CFR 54

March 24, 2011  
3F0311-09

U.S. Nuclear Regulatory Commission  
Attn: Document Control Desk  
Washington, DC 20555-0001

Subject: Crystal River Unit 3 – Review of the Crystal River Unit 3 Nuclear Generating Plant, License Renewal Application (TAC NO. ME0278) – Request for Florida Department of Environmental Protection Document

- Reference: (1) CR-3 to NRC letter, dated December 16, 2008, “Crystal River Unit 3 – Application for Renewal of Operating License”
- (2) Florida Department of Environmental Protection Document, PA 77-090, dated May 14, 2010, “Conditions of Certification, Progress Energy Florida, Crystal River Energy Complex, Unit 3 Nuclear Power Plant, Unit 4 and Unit 5 Fossil Plant”

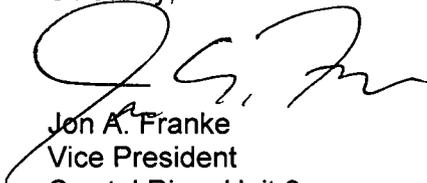
Dear Sir:

On December 16, 2008, Florida Power Corporation (FPC), doing business as Progress Energy Florida, Inc. (PEF), requested renewal of the operating license for Crystal River Unit 3 (CR-3) to extend the term of its operating license an additional 20 years beyond the current expiration date (Reference 1). Subsequently, the Nuclear Regulatory Commission staff, by e-mail dated March 16, 2011, requested a copy of Florida Department of Environmental Protection document PA 77-090 (Reference 2). The requested document is enclosed.

No new regulatory commitments are contained in this submittal.

If you have any questions regarding this submittal, please contact Mr. Mike Heath, Supervisor, License Renewal, at (910) 457-3487, e-mail at [mike.heath@pgnmail.com](mailto:mike.heath@pgnmail.com).

Sincerely,



Jon A. Franke  
Vice President  
Crystal River Unit 3

JAF/dwh

Enclosure: Florida Department of Environmental Protection Document PA 77-090

xc: NRC CR-3 Project Manager  
NRC License Renewal Project Manager  
NRC Regional Administrator, Region II  
Senior Resident Inspector

Progress Energy Florida, Inc.  
Crystal River Nuclear Plant  
15760 W. Power Line Street  
Crystal River, FL 34428

A140  
NRK

**PROGRESS ENERGY FLORIDA, INC.**

**CRYSTAL RIVER UNIT 3**

**DOCKET NUMBER 50 - 302 / LICENSE NUMBER DPR - 72**

**ENCLOSURE**

**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION DOCUMENT PA 77-090  
"CONDITIONS OF CERTIFICATION, PROGRESS ENERGY FLORIDA,  
CRYSTAL RIVER ENERGY COMPLEX,  
UNIT 3 NUCLEAR POWER PLANT,  
UNIT 4 AND UNIT 5 FOSSIL PLANT"  
MAY 14, 2010**

**STATE OF FLORIDA  
DEPARTMENT  
OF  
ENVIRONMENTAL PROTECTION**



**Conditions of Certification**

**Progress Energy Florida  
Crystal River Energy Complex  
Unit 3 Nuclear Power Plant  
Unit 4 and Unit 5 Fossil Plant**

**PA 77-090**

May 14, 2010

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**List of Attachments**

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**List of Appendices**

- Appendix I:**
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  - b. Air Construction Permit 0170004-013-AC
  - c. Air Construction Permit 0170004-014-AC
  - d. Air PSD Permit PSD-FL-383 (0170004-016-AC)
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- Appendix II: Current Title V Air Operation Permit**
- Appendix III: a. NPDES Permit FL0036366**

**b. NPDES Permit FL0000159**

**Appendix IV: IWW Permit FLA016960**

**Appendix V: IWW Permit FLA118753**

**Appendix VI: WUP 20004695.004**

## SECTION A: GENERAL CONDITIONS

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### SECTION A: GENERAL CONDITIONS

#### I. SCOPE

A. Pursuant to sections 403.501-518, Florida Statutes (F.S.), the Florida Electrical Power Plant Siting Act (PPSA), this certification is issued to Progress Energy Florida, Inc. (PEF) as owner/operator of the Crystal River Energy Complex. Subject to the requirements contained in these Conditions of Certification (Conditions) PEF will operate one 1,080 MW (nominal) nuclear plant (Unit 3), and a 1,437 MW (nominal) facility consisting of two coal-fired units (Units 4 & 5) and ancillary equipment. These units are located on a 4,738-acre site which is located in Citrus County, Florida. UTM coordinates are: Zone 17; 334.3 km East; 3,204.5 km North. The Department recognizes that Nuclear Unit 3 and Fossil Units 4 and 5 are under the control of different divisions of PEF. Unless otherwise specified, PEF shall be responsible for the compliance with the conditions herein. The Department does not intend, solely by the March 2010 incorporation of these General Conditions, to require the retrofitting of existing certified facilities. Violation of any conditions specific to Units 3, 4, or 5 shall solely affect the license of the responsible generating units. These General Conditions shall be applicable to all areas of the certified site. Compliance with the General Conditions shall be the joint responsibility of Progress Energy Nuclear Plant (Unit 3) and Progress Energy Fossil Fuel Plant (Units 4 and 5). Any violation of a General Condition shall be a violation by Progress Energy Florida. Existing Units 1 and 2 are not subject to this certification or these conditions

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

C. No later than March 1, 2011, the Licensee shall provide to the Department: a survey map signed by a professional land surveyor, or acceptable equivalent documentation such as an official legal description, delineating the boundaries of the site, and an aerial photograph delineating the boundaries of the site. The survey and aerial photograph shall be attached hereto as Attachment A. The Licensee shall notify the Department of any change to the site boundary. The notification shall be accompanied by an updated land survey (or legal description) and aerial photograph delineating the new boundaries of the site. Absent the above description/delineation of the site, the Department will consider the perimeter fence line of the property on which the plant is located to be the boundaries of the site.

D. If the boundaries of the Certified Area are different than the boundaries of the Site, the Licensee shall comply with the requirements of this paragraph. By March 1, 2011 the Licensee shall provide to the Department: a survey map signed by a professional land surveyor, or acceptable equivalent documentation such as an official legal description, delineating the boundaries of the certified area; and an aerial photograph delineating the boundaries of the certified area. The survey and the aerial photograph shall be attached hereto as Attachment B. Any proposed project requiring a change to the boundaries of the certified area shall be accompanied by an updated survey map or legal description and aerial photograph.

## SECTION A: GENERAL CONDITIONS

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- E. The certified facility includes the following major associated facilities;  
Unit 4 & 5 coal storage area and coal conveyer system;  
Unit 4 & 5 Ash Storage Area; and  
Unit 4 & 5 Percolation Pond

*[Section 403.511, 403.531, 403.9416, F.S.; 62-4.160(8), and 62-17.205(2), F.A.C.]*

### II. APPLICABLE RULES

The construction and operation of the certified facility shall be in accordance with all applicable non-procedural provisions of Florida Statutes (F.S.) and Florida Administrative Code (F.A.C.), 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 or in a subsequent modification to the Conditions or as otherwise provided under the Act:

**Florida Statutes:**

Chapter 403 (Environmental Control)  
Chapters 18-20 (Aquatic Preserves)

**Florida Administrative Codes:**

62-4, F.A.C. (Permits),  
62-17 (Electrical Power Plant Siting),  
62-25 (Regulation of Stormwater Discharge),  
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),  
62-303 (Identification of Impaired Surface Waters),  
62-304 (Total Maximum Daily Loads)  
62-312 (Dredge and Fill Activities)  
62-330 (Environmental Resource Permitting),  
62-340 (Delineation of the Landward Extent of Wetlands and Surface Waters),  
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62-346 (Environmental Resource Permitting in Northwest Florida – Revised April 21, 2009)  
62-520 (Groundwater Classes and Standards),  
62-522 (Groundwater Permitting and Monitoring),  
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),

## SECTION A: GENERAL CONDITIONS

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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),  
62-730 (Hazardous Waste),  
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),  
62-807 (Natural Gas Transmission Pipeline),  
62-814 (Electric and Magnetic Fields),

### **For Facilities in the Southwest Florida Water Management District:**

40D- 4 (Individual Environmental Resource Permits)  
40D-8 (Water Levels and Rates of Flow)  
40D-40 (Standard General Environmental Resource Permits)  
Basis of Review for ERP Applications

### **III. REVISIONS TO DEPARTMENT STATUTES AND RULES**

A. The Licensee shall comply with rules adopted by the Department subsequent to the issuance of the certification under the PPSA 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 Department rules which prescribe new or stricter criteria shall operate as automatic modifications to certifications.

B. Upon written notification to the Department, any holder of a certification issued pursuant to the PPSA 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.

*[Sections 403.511(5)(a), F.S; Rule 62-4.160(10), F.A.C.]*

### **IV. DEFINITIONS**

Unless otherwise indicated herein, the meaning of terms used herein shall be governed by the applicable definitions contained in Chapters 373 and 403, F.S., and any regulation adopted pursuant thereto. In the event of any dispute over the meaning of a term used in these conditions which is not defined in such statutes or regulations, such dispute shall be resolved by reference to the most relevant definitions contained in any other state or federal statute or regulation or, in the alternative by the use of the commonly accepted meaning as determined by the Department. As used herein, the following shall apply:

## SECTION A: GENERAL CONDITIONS

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A. “Application” means the documents required by the Department to be filed to initiate a certification review and evaluation, including the initial document filing, amendments, and responses to requests from the Department for additional data and information. For purposes of this license application shall also include materials submitted for petitions for modification to the Conditions of Certification, as well as supplemental applications.

B. “Associated Facilities” is defined by Section 403.503(7), F.S.

C. “Certified Area” means the area within the site in which the certified facilities are located. For linear facilities this term shall mean the area encompassed by the boundaries of the certified corridors, until such time as final rights-of-way are established. When final rights-of-way are established, the term “certified area” will include only the area within final rights-of-way.

D. “Certified Facility” or “Certified Facilities” means the certified electrical power generation facility and all associated structures, including but not limited to: nuclear steam generating unit, fossil steam boilers, steam turbine generators, transformers, associated transmission lines, substations, fuel and water storage tanks, air and water pollution control equipment, storm water control ponds and facilities, cooling towers, ash landfill, coal pile and related structures.

E. “DCA” means the Florida Department of Community Affairs.

F. “DEP” or “Department” means the Florida Department of Environmental Protection.

G. “DHR” means the Florida Department of State, Division of Historical Resources.

H. “DOT” means the Florida Department of Transportation.

I. “Emergency conditions” or “Emergency reporting” means urgent circumstances involving potential adverse consequences to human life or property as a result of weather conditions or other calamity.

J. “Feasible” means reasonably achievable considering a balance of land use impacts, environmental impacts, engineering constraints, and costs.

K. “FWC” means the Florida Fish and Wildlife Conservation Commission.

L. “Licensee” means an applicant that has obtained a certification order for the subject project.

M. “NPDES permit” means a federal National Pollutant Discharge Permit System permit issued in accordance with the federal Clean Water Act.

N. “PSD permit” means a federal Prevention of Significant Deterioration air emissions permit issued by DEP in accordance with the federal Clean Air Act.

O. “ARPC”, “CFRPC”, “ECFRPC”, “NCFRPC”, “NEFRPC”, “SFRPC”, “SWFRPC”, “TBRPC”, “TCRPC”, “WFRPC”, or “WRPC” means the Apalachee, Central Florida, East Central Florida, North Central Florida, Northeast Florida, South Florida, Southwest Florida, Tampa Bay, Treasure Coast, West Florida or Withlacoochee Regional Planning Council, respectively.

## SECTION A: GENERAL CONDITIONS

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P. "ROW" means right-of-way.

Q. "Site" means any proposed location within which will be located an electrical power plant's generating facility and onsite support facilities, or an alteration or addition of electrical generating facilities and onsite support facilities resulting in an increase in generating capacity, including offshore sites within state jurisdiction.

R. "NWF, SR, SJR, SWF, or SF WMD" means the Northwest Florida, Suwannee River, St. Johns River, Southwest Florida, or South Florida Water Management District, respectively/

S. "Title V permit" means a federal permit issued by DEP in accordance with Title V provisions of the federal Clean Air Act.

### V. TRANSFERABILITY OF DEFINITIONS

Definitions in other Chapters of the Department's rules may be used to clarify the meaning of terms used in these Conditions unless the terms are defined in Section 62-4.020, F.A.C., or unless transfer of such definition would defeat the purpose or alter the intended effect of the provisions of these Conditions.

*[Rule 62-4.021, F.A.C.]*

### VI. FEDERAL PERMITS

The following permits have been issued pursuant to federal programs and they are applicable to the certified facility. The Department may consider a violation of any of these federal permits as a violation of this license.

#### A. Air

The provisions of the following paragraphs shall be conditions of this certification. The Licensee shall comply with the substantive provisions and limitations set forth in both Air Construction Permits PSD-FL-392 (0170004-018-AC), 0170004-013-AC, 0170004-014-AC, PSD-FL-383 (0170004-016-AC), and PSD-FL-383A (0170004-019), and Title V Air Operation Permit Number 0170004-024-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.

1. Air Construction Permit(s)

a. Unit 3

Air Construction permit PSD-FL-392 (017004-018-AC) is incorporated by reference herein as part of this Certification and attached as part of Appendix I.

b. Unit 4 and Unit 5

Air Construction permits 0170004-013-AC, 0170004-014-AC, PSD-FL-383 (0170004-016-AC), and PSD-FL-383A (0170004-019-AC) are incorporated by reference herein as part of this Certification and attached as part of Appendix I.

*[Rule 62-212, F.A.C.]*

2. Title V Permit

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Title V Air Operation Permit 0170004-024-AV is incorporated by reference herein as part of this Certification and attached as Appendix II.

*[Rules 62-204, 62-210, 62-213, 62-214, 62-296, and 62-297, F.A.C.]*

### **B. Water**

#### **1. Industrial Wastewater Discharge**

Any discharges during operation shall be in accordance with all applicable provisions of NPDES permit FL0036366-006-IW1s/NR and NPDES permit FL0000159-009-IW1S/NR (attached as Appendix III) as well as any subsequent modifications, amendments and/or renewals.

*[Rule 62-621, F.A.C.]*

#### **2. Generic Permit for Stormwater Discharge from Large and Small Construction Activities (CGP)**

Any storm water discharges associated with construction activities on the site shall be in accordance with all applicable provisions of Rule 62-621, F.A.C. Prior to commencing construction activities on the site that:

- contribute to stormwater discharges to surface waters of the State or into a municipal separate storm sewer system (MS4); and
- disturb one or more acres of land (less than one acre if the activity is part of a larger common plan of development);

a Generic Permit for Stormwater Discharge from Large and Small Construction Activities (CGP) must be obtained as applicable.

*[Section 403.0885, F.S.; Rule 62-621.300(4)(a), F.A.C.]*

#### **3. Multi-Sector Generic Permits**

Any storm water discharges associated with industrial activity shall be in accordance with all applicable provisions of Rule 62-621, F.A.C. For industrial activities at the site that result in a discharge of stormwater to surface waters of the State or into a municipal separate storm sewer system (MS4), and fall under any one of the 11 categories of industrial activities identified in 40 CFR 122.26(b)(14), a Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity (MSGP) shall be obtained as applicable.

*[Section 403.0885, F.S.; Rule-62-621.300(5), F.A.C.]*

#### **4. Discharge of Produced Ground Water**

Prior to discharge of produced ground water from any non-contaminated site activity which discharges by a point source to surface waters of the State, as defined in Chapter 62-620, F.A.C., the licensee must first obtain coverage under the Generic Permit for Discharge of Produced Ground Water From any Non-Contaminated Site Activity. Similarly, if the activity involves a point source discharge of ground water from a petroleum contaminated site, the Licensee must obtain coverage under the Generic Permit for discharge from petroleum contaminated sites. Before discharge of ground water can occur from such sites, analytical tests

## SECTION A: GENERAL CONDITIONS

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on samples of the proposed untreated discharge water shall be performed as required by Rule 62-621.300, F.A.C to determine if contamination exists.

If the activity cannot be covered by either generic permit, the Licensee shall apply for an individual wastewater permit at least ninety (90) days prior to the date discharge to surface waters of the State is expected. No discharge to surface water is permissible without an effective permit.

*[Section 403.0885, F.S.; Rule-62-621.300(2), F.A.C.]*

### VII. DESIGN AND PERFORMANCE CRITERIA

Certification, including these Conditions of Certification, is predicated upon preliminary designs, concepts, and performance criteria described in the Application or in support of certification. Final engineering design will be consistent and in substantial compliance with the preliminary information described in the Application and explained at the certification hearing (if any). Conformance to those criteria, unless specifically modified in accordance with Section 403.516 and Rule 62-17.211, F.A.C., is binding upon the Licensee in the design, construction, operation and maintenance of the certified facility. In any instance where a conflict occurs between the Application's design criteria and the Conditions of Certification, the Conditions shall prevail.

*[Sections 403.516, 403.5315 and 403.9418, F.S.; 62-17.211, 62-17.680 and 62-807.610 F.A.C.]*

### VIII. NOTIFICATION

A. If, for any reason, the Licensee does not comply with or will be unable to comply with any condition or limitation specified in this license, the Licensee shall immediately provide the Department with the following information:

1. A description of and cause of noncompliance; and
2. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The Licensee 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 certification.

*[Rule 62-4.160(8), F.A.C.]*

B. The Licensee shall immediately notify the Department in writing of any previously submitted information concerning the Certified Facility that is later discovered to be inaccurate.

*[Rule 62-4.160(15), F.A.C.]*

### IX. REPLACEMENT FOR RESTORATION DURING EMERGENCIES

A. Replacement of all or a portion of the certified facility that is necessary to restore system integrity following an emergency as defined by section 252.34(6), (7) or (9), F.S. and requiring deviation from any condition of certification shall not be considered a modification pursuant to section 403.5315 F.S. A verbal report of the emergency replacement for restoration of system integrity shall be made to the Department as soon as possible. Within 30 days after correction of the emergency condition requiring an emergency replacement for system integrity a

## SECTION A: GENERAL CONDITIONS

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report to the Department shall be made outlining the details of the emergency condition requiring the replacement and the steps taken for its 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.

B. The Department will use its enforcement discretion when evaluating violations that result from operating the Certified Facility under emergency conditions. During and after the emergency conditions, the Licensee must use due diligence to bring the facility back into compliance as soon as possible. In addition, the Licensee must use its best efforts and best management practices to minimize adverse environmental impacts. The Licensee shall notify the Siting Office and the appropriate DEP district office when the emergency condition has ended. Furthermore, the Licensee must include all monitoring data, which would otherwise be required under normal operating circumstances, recorded during emergency conditions when submitting reports as required by these conditions. Any exceedances and/or violations recorded during emergency conditions shall be reported as such, but the Department acknowledges that it intends to use its enforcement discretion during this timeframe. This acknowledgement by the Department does not constitute a waiver or variance from any requirements of any federal permit. Relief from any federal agency must be separately sought.

*[Sections 403.511, 403.531 and 403.9416, F.S.]*

### **X. CONSTRUCTION PRACTICES**

#### **A. Local Building Codes**

For licenses issued under the PPSA any local government has the right to charge appropriate fees or require that construction be in compliance with applicable building construction codes.

*[Section 403.531(4), F.S.]*

#### **B. Particulate Matter**

The Licensee shall take reasonable precautions to control emissions of unconfined particulate matter in accordance with Rule 62-296.320(4)(c)1., F.A.C. The Licensee shall take appropriate measures to stabilize those portions of the certified area that are disturbed by construction or operation of the certified facility that may cause release of particulate matter.

*[Rule 62-296.320, F.A.C.]*

#### **C. 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., and Chapter 5I-2, F.A.C. 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., Licensee shall seek approval from the applicable DEP District Office, whose approval may be granted in conjunction with the approval of the Division of Forestry. Burning shall not occur if not approved by the Department or if the Division of Forestry has issued a ban on burning due to fire safety conditions or due to air

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pollution conditions. A copy of any submittal by Licensee relating to open burning shall be submitted to the affected county, as requested or required by that county.

*[Rules 51-2 and 62-256, F.A.C.]*

### **D. Solid Wastes**

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

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

### **E. Flood Control Protection**

The certified facilities shall be constructed in a manner that complies with any applicable non-procedural County flood protection requirements which may include flood proofing or raising the elevation of the new or expanded facilities above the 100-year flood level. However, existing facilities are not required to be modified to comply with such flood control protection standards.

### **F. Underground Utilities**

During design and prior to construction of any linear facility, Licensee shall contact Sunshine One Call and obtain a listing (design and construction tickets) of all of the known existing underground utilities within the ROW. Licensee shall provide the affected county and the Siting Office with a copy of the information received from Sunshine One Call. Licensee must follow all applicable portions of the Underground Facility Damage Prevention and Safety Act, Chapter 556, Florida Statutes.

*[Chapter 556, F.S.]*

### **G. Electric and Magnetic Fields**

Any transmission lines that are associated facilities shall comply with the applicable requirements of Chapter 62-814, F.A.C.

*[Rule 62-814, F.A.C.]*

## **XI. RIGHT OF ENTRY**

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 facility:

1. At reasonable times, to enter upon the certified facility 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

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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 promptly corrected and submitted.

*[Rule 62-4.160(7)(a), 62-4.160(15), F.A.C.]*

### **XII. DISPUTE RESOLUTION**

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

*[Sections 403.527, 403.531 and 120.57, F.S.]*

### **XIII. SEVERABILITY**

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

### **XIV. 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, 403.514, 403.727, and 403.859 through 403.861, F.S.as applicable. 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 may review this certification periodically and may initiate enforcement action for any violation of these Conditions.

B. Consistent with the Florida Rules of Evidence and of Civil Procedure, all records, notes, monitoring data and other information relating to the construction or operation of the certified facility which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the certified facility and arising under the Florida Statutes or Department rules.

*[Sections 403.121, 403.131, 403.141, 403.151, 403.161 and 403.514, 403.533, 403.9419 F.S.; Rules 62-4.160(1) and 62-4.160(9)]*

### **XV. 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, 403.532 and 403.9425 F.S., or for violations of any of these Conditions of Certification. This License is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this approval may constitute grounds for revocation and enforcement action by the Department. Any enforcement action, including suspension and revocation, shall only affect the

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portion(s) of the Certified facility that are the cause of such action, and other portions of the Certified facility shall remain unaffected by such action.

*[Sections 403.512, 403.532 and 403.9425, F.S. and Rule 62-4.160(2), F.A.C.]*

### **XVI. SAFETY**

As provided in subsections 403.087(7) and 403.722(5), F.S., the issuance of this license does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This License is not a waiver of or approval of any other Department License that may be required for other aspects of the certified facility which are not addressed in this License. This license does not relieve the Licensee from liability for harm or injury to human health or welfare, animal, or plant life, or public or private property caused by the construction or operation of this certified facility, or from penalties therefore.

*[Rules 62-4.160(3); 62-4.160(5), F.A.C.]*

### **XVII. CIVIL AND CRIMINAL LIABILITY**

A. 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.

B. This license is not a waiver of any other Department approval that may be required for other aspects of the certified facility under federally delegated or approved programs.

*[Sections 403.141, 403.161, 403.511, 403.531, 403.9416, F.S.]*

### **XVIII. PROPERTY RIGHTS**

A. The issuance of this certification 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.

B. If any portion of the certified facility is located on sovereign submerged lands, state-owned uplands, or within an aquatic preserve, then the certified facility 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 certified facility 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 facility 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 facility 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 proposed activity on such lands requires a proprietary authorization. Under such circumstances, the proposed activity is not exempt from the need to obtain a proprietary authorization. The Department has the

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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 any required lease or easement issued by the State shall be met. Any construction activity associated with the certified facility 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.

*[Sections 403.511, 403.531, 403.9416, 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(4) and 62-340, F.A.C.; Upland Easement Application and Section G of the Environmental Resource Permit Application Form.]*

### **XIX. PROCEDURAL RIGHTS**

No term or Condition of Certification shall be interpreted to preclude the post-certification exercise by any party of whatever procedural rights it may have under Chapter 120, F.S., including those related to rule-making proceedings.

*[Chapter 120 and 403.511(5)(c), 403.531(5), 403.9416(4) F.S.]*

### **XX. POST-CERTIFICATION SUBMITTALS AND NOTICES REQUIRED BY CONDITIONS**

Where a Condition requires Post-certification submittals and/or notices to be sent to a specific agency, the following agency addresses shall be used unless the conditions of certification specify otherwise or unless the Licensee and DEP are notified in writing of an agency’s change in address for such submittals and notices:

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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

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

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

Withlacoochee Regional Planning Council  
Office of the Executive Director  
1241 S.W. 10<sup>th</sup> Street  
Ocala, FL 34474-2798

Southwest Florida Water Management District  
Office of General Counsel  
2379 Broad Street  
Brooksville, FL 34064-6899

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

Citrus County

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3600 W. Sovereign Path, Suite 140  
Lecanto, Florida 34461

*[Section 403.511, 403.531 and 403.9416, F.S.]*

**XXI. 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 facility and the construction and maintenance of the certified facility. This monitoring is for DEP to assure, in consultation with other agencies with applicable regulatory jurisdiction, continued compliance with the Conditions of Certification, without further agency action.

**B. Filings**

All post-certification submittals of information by Licensee are to be filed with the DEP Siting Coordination Office, the DEP District Office(s), and any other agency that is entitled to receive a submittal pursuant to 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.

Within 90 days after certification, and within 90 days after any subsequent modification or certification, the Licensee shall provide the Department a complete summary of those post-certification submittals that are identified in the Conditions of Certification where due-dates for the information required of the Licensee are identified. A summary shall be provided as a separate document for each transmission line, if any. 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

*[62-17.191(3), F.A.C.]*

**C. Completeness**

DEP shall review each post-certification submittal for completeness. This review may include consultation with the other agency (ies) receiving the post-certification

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submittal with regulatory jurisdiction over the matter addressed in the submittal. DEP's finding of completeness shall specify the area of the certified facility affected, and shall not delay further processing of the post-certification submittal for non-affected areas. If any portion of a post-certification submittal is found to be incomplete, Licensee shall be so notified. Failure to issue such a notice within 30 days after filing of the submittal shall constitute a finding of incompleteness. Subsequent findings of incompleteness, if any, shall address only the newly filed information.

*[62-17.191(1)(c) 2, F.A.C.]*

### **D. Interagency Meetings**

DEP may conduct an interagency meeting with other agencies that 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 failure of any agency to attend an interagency meeting shall not be grounds for DEP to withhold a determination of compliance with these Conditions nor to delay the timeframes for review established by these Conditions. At DEP's request, Licensee 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 DEP's 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, Licensee shall be notified with particularity of the deficiencies and possible corrective measures suggested. Failure to notify Licensee 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, Licensee may begin construction pursuant to the terms of the Conditions of Certification and the subsequently submitted construction details.

### **G. Revisions to Design Previously Reviewed for Compliance**

The Licensee shall submit to DEP, and/or applicable agencies, proposed revisions to post-certification submittals for review. Such submittals shall include the same type of information required for the original submittal and shall be submitted prior to construction/implementation.

### **H. 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 Licensee 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.

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### I. 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 120.569, 373.413, 373.416, 403.511, 403.531 and 403.9416, F.S.; 62-17.191 and 62-17.205, F.A.C.]*

### XXII. POST CERTIFICATION AMENDMENTS

If, subsequent to certification, a Licensee proposes any material change to the application and revisions or amendments thereto, as certified, the Licensee shall submit a written request for amendment and a description of the proposed change to the application to the Department. Within 30 days after the receipt of a complete request for an amendment, the Department shall determine whether the proposed change to the application requires a modification to the Conditions of Certification.

A. If the Department concludes that the change would not require a modification to the Conditions of Certification, the Department shall provide written notification of the approval of the proposed amendment to the Licensee, all agencies, and all other parties.

B. If the Department concludes that the change would require a modification to the Conditions of Certification, the Department shall provide written notification to the Licensee that the proposed change to the application requires a request for modification pursuant to 403.516, and 403.5317, F.S.

*[Section 403.5113, F.S.]*

### XXIII. 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:

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

B. Any anticipated facility expansions, production increases, or process modifications which may result in new, different or increased discharge or emission of

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pollutants, change in fuel, or expansion in generating capacity must be reported by submission of an appropriate request for an amendment, modification, or certification

C. Any anticipated facility change which results in a change to the boundaries of the certified area must be accompanied by a map or aerial photo showing the proposed new boundaries of the certified area. The Department may consider any such change to be a modification of the Conditions of Certification. Within 60 days after completion of construction of the facilities approved under any modification order or other approval under this Act, the Licensee shall provide: a survey map signed by a professional land surveyor, or acceptable equivalent documentation such as a legal description, delineating the boundaries of the certified area; and an aerial photograph delineating the new boundaries of the certified area. The survey and aerial photograph shall be attached hereto as Attachment B.

D. The Licensee may file a petition for modification with the Department, or the Department may initiate the modification upon its own initiative.

*[Sections 120.569(2)(n), 403.511(5)(a) and 403.516, F.S.; Rules 62-17.211, 62-343, F.A.C.]*

### **XXIV. INCORPORATION OF EXISTING STATE AND LOCAL PERMITS/LICENSES**

The operation of the certified facility shall be in accordance with all applicable provisions of any state or local government permit issued prior to certification. All such state and locally issued permits are intended to be incorporated herein, such that the Licensee shall comply with the substantive provisions and limitations set forth in these permits. The inadvertent omission of any state or locally issued permit from these Conditions of Certification does not relieve the Licensee from compliance with the substantive provisions and limitations set forth in those permits.

At any time following certification, should the Licensee become aware of any state or locally issued permit not included herein, the Licensee shall promptly notify the Siting Office for incorporation into these Conditions of Certification. Likewise, when the Department is made aware of any separately issued permits, the Conditions of Certification will be modified accordingly to incorporate the substantive provisions and limitations of any such permit.

Such provisions shall be fully enforceable as conditions of this certification and may only be amended or modified in accordance with the provisions herein. Any violation of such provisions shall be a violation of these Conditions of Certification.

### **XXV. COASTAL ZONE CONSISTENCY**

Pursuant to Section 403.511, F.S., certification of the facility constitutes the state's concurrence that the licensed activity or use is consistent with the federally approved program under the Florida Coastal Management Act.

*[Sections 380.23 and 403.511(7), F.S.]*

### **XXVI. STATE WATER QUALITY STANDARDS COMPLIANCE**

For each post-certification submittal and modification 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.

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*[Section 403.067, F.S.]*

### **XXVII. FINANCIAL RESPONSIBILITY**

The Department may require the Licensee to submit proof of financial responsibility and may require the Licensee to post an appropriate bond only in those instances where the Department is authorized to require proof of financial responsibility or a bond pursuant to a law or Department rule that is applicable to the Certified Facility.

*[Rule 62-4.110, F.A.C.]*

### **XXVIII. 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 facility in accordance with Rule 62-17.211(3), F.A.C. . The Department will consider whether the entity is a proper applicant as defined by the PPSA in making its approval. A transfer of certification of all or part of the certified facility may be initiated by the Licensee's filing of a Notice of Intent to Transfer Certification with the Department. Upon approval the Department will initiate a modification to the Conditions of Certification to reflect the change in ownership in accordance with Rule 62-17.211, F.A.C. In the event of the dissolution of a certified Licensee, the Department may transfer certification to successor entities which are determined to be competent to construct, operate and maintain the certified facility in accordance with the conditions of certification and which are proper applicants as defined by the PPSA. Upon determination that such a successor entity complies with the requirements for a transfer of certification, the Department will initiate a modification to the Conditions of Certification to reflect the change in ownership in accordance with Rule 62-17.211, F.A.C.

*[62-17.211, and Chapter 120, F.A.C]*

### **XXIX. LABORATORIES AND QUALITY ASSURANCE**

Chemical, physical, biological, microbiological and toxicological data used by the Department must be reliable, and collected and analyzed by scientifically sound procedures. Unless otherwise specified in these Conditions, the Licensee shall adhere to the minimum field and laboratory quality assurance, methodological and reporting requirements of the Department as set forth in 62-160, F.A.C.

*[Rules 62-160, F.A.C.]*

### **XXX. ENVIRONMENTAL RESOURCES**

#### **A. Stormwater**

1. Activities approved by these conditions shall be conducted in a manner which does not cause violations of state water quality standards. The Licensee shall implement best management practices for erosion and a pollution control plan to prevent violations of state water quality standards as a result of construction on the Certified Area. Temporary erosion control shall be implemented prior to and during construction and permanent control measures shall be completed within seven 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 licensed work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has

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been established. Thereafter the Licensee shall be responsible for the removal of the barriers. The Licensee shall correct any erosion or shoaling that causes adverse impacts to the water resources.

2. Water quality data for stormwater discharged from the Licensee's property or into the surface waters of the state shall be submitted to the Department as required by these 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 or Methods for Chemical Analyses of Water and Wastes by the U.S. Environmental Protection Agency.

3. The Department must be notified in advance of any proposed construction dewatering, unless otherwise approved as part of the application review and certification. 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 application or submitted to the Department as a post-certification submittal prior to the dewatering event.

4. Stabilization measures shall be initiated for erosion and sediment control on disturbed areas as soon as feasible in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than seven days after the construction activity in that portion of the site has temporarily or permanently ceased.

5. Off site discharges during construction and operation of the certified facilities shall be made only through the facilities authorized by this license. Stormwater discharged from the certified facility shall be through structures having a mechanism suitable for regulating upstream stages. Stages may be subject to operation schedules satisfactory to the Department.

6. The Licensee shall complete construction of all aspects of the stormwater management system described in the Application, including water quality treatment features, and discharge control facilities prior to use of the portion of the certified facility being served by the stormwater system.

7. The following shall be properly abandoned and/or removed in accordance with the applicable regulations:

a. Any existing wells that will no longer be used in the path of construction shall be properly plugged and abandoned by a licensed well contractor.

b. Any existing septic tanks that will no longer be used on site shall be abandoned at the beginning of construction, unless these Conditions provide otherwise.

c. Any existing fuel storage tanks and fuel pumps that will no longer be used shall be removed at the beginning of construction of the portion of the certified facility that will occupy the area of such tanks, unless these Conditions provide otherwise.

8. At least 48 hours prior to the commencement of construction of any new stormwater management system authorized by this license, the Licensee shall submit to the Department a written notification of commencement using an "Environmental Resource Permit Construction Commencement" notice (Form 62-343.900(3)) indicating the actual start date and the expected completion date.

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9. Each phase or independent portion of the licensed system must be completed in accordance with the Application and Conditions prior to the 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 Application and 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.

10. Within 30 days after completion of construction of the licensed activity, the Licensee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate registered professional as authorized by law, utilizing the required "Environmental Resource Permit As-Built Certification by a Registered Professional" (Form 62-343.900(5)), and "Request for Transfer of Environmental Resource Permit Construction Phase to Operation Phase" (Form 62-343-900(7)). Additionally, the Forms shall be accompanied by a copy of the As-Built or Record Drawings. Any and all deviations discovered during the certification process from the approved drawings shall be noted on such drawings.

11. This license is valid only for the specific processes, operations and designs indicated on the approved drawings or exhibits submitted in support of the Application or as part of any post-certification amendment or modification. Any substantial deviation from the approved drawings, exhibits, specifications or Conditions, may constitute grounds for revocation or enforcement action by the Department, unless a modification has been applied for and approved. Examples of substantial deviations may include excavation of ponds, ditches or sump areas deeper than shown on the approved plans.

12. The operation phase of any stormwater management system approved by the Department shall not become effective until the Licensee has complied with the requirements of the conditions herein, the Department determines the system to be in compliance with the licensed plans, and the entity approved by the Department accepts responsibility for operation and maintenance of the system. This license may not be transferred to the operation and maintenance entity approved by the Department until the operation phase of the license becomes effective. Following inspection of any system approved by the Department, the Licensee shall request transfer of the license to the responsible operation and maintenance entity approved by the Department, if different from the Licensee. Until a transfer is approved by the Department pursuant to Section 62-343.110(1)(d), F.A.C., the Licensee shall be liable for compliance with the terms of the license.

13. Should any regulatory agency other than the Department require changes to the licensed system, the Department shall be notified of the changes prior to implementation so that a determination can be made whether a modification is required.

14. 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 wetlands jurisdictional determination under section 373.421(2), F.S., provides otherwise.

*[Chapters 62-302, 62-330, 62-343, F.A.C. and Rule 62-4.242, F.A.C.]*

## SECTION A: GENERAL CONDITIONS

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### B. Wetland and Other Surface Water Impacts

#### 1. Submittals for Activities not Previously Approved within Wetlands or Other Surface Waters

a. Prior to the projected commencement of new construction on the portion of the certified facility to be located in wetlands or other surface waters of the state, the Licensee shall provide to the appropriate DEP District's Environmental Resource Permitting Section(s) all information necessary for a complete *Joint Environmental Resource Permit application*, DEP Form No. 62-343.900(1), unless such information was previously submitted during the certification proceeding.

*[Section 373.416, F.S.; Rule 62-343.900(1), F.A.C.]*

b. The construction, operation and maintenance of the proposed project, including any access roads and structures constructed within wetlands and other surface waters, and/or associated facilities, shall satisfy any applicable non-procedural requirements in the Department rules.

*[Section 373.414, F.S.]*

c. The Licensee shall provide a survey of wetland and surface water areas as delineated in accordance with Chapter 62-340, F.A.C., and verified by appropriate agency staff.

*[Chapter 62-340, F.A.C.]*

#### 2. Consultation with Wetland Agencies

At the request of the Licensee, the DEP Siting Coordination Office may conduct an interagency meeting for the Licensee to consult with the permitting staff of the DEP, and the WMD, and the FWC, prior to the finalization of any construction activities proposed in wetlands which will be approved under post-certification submittals. At DEP's request, the Licensee shall conduct a field inspection with the agencies' staff representatives in conjunction with the interagency meeting.

*[Sections 403.504, F.S.]*

#### 3. Reduction and Elimination of Impacts

##### a. Avoidance

(1) Where components of the certified facility cross wetlands or other surface waters, the Licensee shall utilize adjacent existing access roads and public roads for access to associated facilities for construction, operation and maintenance purposes to the extent feasible, unless previously approved as part of the certification or as part of a post-certification amendment or modification.

(2) All Certified Facilities shall be constructed in a manner which reduces or eliminates adverse impacts to on-site and adjacent wetlands or other surface watersto the extent feasible, unless previously approved as part of the certification or as part of a post-certification amendment or modification.

## SECTION A: GENERAL CONDITIONS

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(3) To the extent feasible and utilizing the typical structures shown in the Application, access roads, culverts and structures shall be located to avoid conflict with existing underground utilities, unless previously approved as part of the certification or as part of a post-certification amendment or modification.

(4) In the event temporary fill is used to facilitate construction, the temporary fill shall be removed where necessary to minimize impacts to wetlands or habitats of listed species.

### b. Right-of-Way Clearing

(1) Except as previously approved as part of the certification or as part of a post-certification amendment or modification, the Licensee shall use only restrictive clearing practices during construction and maintenance of the certified facility 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 the applicable local government in the post-certification review process. Removable construction matting in conjunction with best management practices may be used in wetlands to support equipment.

(2) Tree stumps within access roads and in the construction area may be removed, sheared, or ground to 6 inches below the ground line to allow for travel and construction activities.

(3) Unless otherwise previously approved as part of the certification or as part of a post-certification amendment or modification, clearing or fill must not occur within 550 feet from the shoreline of a named waterbody designated as an Outstanding Florida Waterbody (OFW).

*[Sections 373.414 and 373.416, F.S.; Subsection 62-330.200(4)(b), F.A.C.]*

### 4. Mitigation

a. Mitigation for wetland and other surface water impacts pursuant to Section 373.414, F.S. shall not be required by DEP if the proposed certified facility;

(1) is not located within wetlands  
(2) will not adversely affect wetlands or other surface waters, as determined by the Department, or

(3) for transmission lines, complies with the following conditions:

i. All permanent fill shall be at grade; and  
ii. Vegetation within wetlands may be cut or removed no lower than the soil surface 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

## SECTION A: GENERAL CONDITIONS

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feet. Brazilian pepper, Australian pine, and melaleuca shall be eradicated throughout the wetland portions of the right-of-way; and

iii. 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

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

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

vi. For associated linear facilities, 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.

b. For construction in wetlands that does not comply with the requirements in paragraph a., and if no wetlands mitigation plan has been previously approved under this Certification for the new activity, the Licensee shall propose a mitigation plan as a post-certification submittal under Condition XXI. Once the plan is approved by DEP, the plan shall become part of the Conditions as Attachment C. In such cases, the following information shall be provided to the Southwest District Environmental Resource Permitting Section for review:

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

(2) acreage of the type and quality of wetland being impacted at each such site;

(3) 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;

(4) detailed description of the existing conditions at the impact site and, unless a mitigation bank is proposed, at the mitigation area;

(5) acreage and wetland type of the proposed mitigation, or for a Department-approved mitigation bank, the type and number of credits;

(6) if not a mitigation bank, documentation providing reasonable assurance that the proposed mitigation will be successful; and

(7) an analysis pursuant to Chapter 62-345, F.A.C.;

(8) 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.

## SECTION A: GENERAL CONDITIONS

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c. 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, in accordance with the Department's approved uniform mitigation assessment methodology. DEP will work with the Licensee in the development of acceptable mitigation plans. The mitigation plans proposed by the Licensee shall be submitted for review and compliance monitoring to DEP under Condition XXI, above.

d. If DEP, upon review of any proposed mitigation plan, determines that the proposed mitigation is inadequate to offset the loss of wetland values described above from a proposed project, the Licensee may propose additional or alternative mitigation or dispute the determination pursuant to Section A, Condition XII.

e. If the proposed mitigation plan is deemed acceptable by DEP; and,  
(1) 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.

(2) Does involve the use of a mitigation bank, within 90 days after issuance of the site certification or 30 days prior to commencement of construction of the portions of a new project that affect wetlands, the Licensee shall provide the Siting Coordination Office and the DEP SW district office with documentation of the final purchase of the required mitigation credits and deduction of those credits from the wetlands mitigation bank's ledger. Upon receiving complete information, the Department will assess the revised mitigation plan within 90 days. If the Department, upon review of the proposed mitigation, determines that the proposed mitigation is inadequate to offset the additional wetland loss and habitat degradation from this project, the Licensee shall propose additional mitigation or dispute that determination pursuant to Section A, Condition XII.

f. Construction within wetlands or other surface waters that does not comply with the non-procedural limitations of paragraphs 62-341.620(2)(b)-(i), F.A.C., or paragraph 4.a. above, shall not 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.

g. The Licensee shall be deemed to have met the requirements of this condition relative to mitigation if the Licensee satisfies the criteria of the Southwest Florida Water Management District Basis of Review for Environmental Resource Permit Applications and Chapter 62-345, F.A.C.

*[Sections 373.413, 373.414, 403.511, 403, F.S.; paragraph 62-330.200(4)(b), F.A.C.; Chapters 62-343, and 62-345, F.A.C.; and Rule 62-341.620, F.A.C.]*

### **XXXI. THIRD PARTY IMPACTS**

The Licensee is responsible for maintaining compliance with these conditions of certification even when third party activities authorized by the Licensee occur in or on the certified area. Such third party activities authorized by the Licensee may include but are not limited to mining, hunting, and timbering.

*[Section 403.506(1), F.S.]*

## SECTION A: GENERAL CONDITIONS

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### XXXII. FACILITY OPERATION

The Licensee shall properly operate and maintain the certified facility and systems of treatment and control (and related appurtenances) that are installed and used by the Licensee to achieve compliance with these Conditions of Certification, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with these Conditions and when required by Department rules.

*[Rule 62-4.160(6), F.A.C.]*

### XXXIII. RECORDS MAINTAINED AT THE FACILITY

A. These Conditions of Certification or a copy thereof shall be kept at the work site of the Certified Facility.

B. Upon request, the Licensee 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.

C. The Licensee shall hold at the certified facility, or other location designated by these Conditions, records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation required by this certification, copies of all reports required by these Conditions, 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.

D. 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.

*[Rules 62-4.160(12) and 62-4.160(14)(b), F.A.C.]*

### XXXIV. WATER DISCHARGES

#### A. Discharges

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

## SECTION A: GENERAL CONDITIONS

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*[Rules 62-302.500 and 62-520.400, F.A.C.]*

### **B. Wastewater Incident Reporting**

1. The Licensee shall report to the Department any unauthorized discharge to surface or ground waters. Any information shall be provided orally within 24 hours from the time the Licensee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Licensee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance including exact dates and time, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

2. For unauthorized releases or spills of treated or untreated wastewater reported that are in excess of 1,000 gallons per incident, or where information indicates that public health or the environment will be endangered, oral reports shall be provided to the Department by calling the STATE WARNING POINT TOLL FREE NUMBER (800) 320-0519, as soon as practical, but no later than 24 hours from the time the licensee becomes aware of the discharge. The licensee, to the extent known, shall provide the following information to the State Warning Point:

- a. Name, address, and telephone number of person reporting;
- b. Name, address, and telephone number of permittee or responsible person for the discharge;
- c. Date and time of the discharge and status of discharge (ongoing or ceased);
- d. Characteristics of the wastewater spilled or released (untreated or treated, industrial or domestic wastewater);
- e. Estimated amount of the discharge;
- f. Location or address of the discharge;
- g. Source and cause of the discharge;
- h. Whether the discharge was contained on-site, and cleanup actions taken to date;
- i. Description of area affected by the discharge, including name of water body affected, if any; and
- j. Other persons or agencies contacted.

3. If the oral report has been received within 24 hours, the noncompliance has been corrected, and the noncompliance did not endanger health or the environment, the Department shall waive the written report.

*[Chapter 376, F.S.; Rule 62-620.610(20), F.A.C.]*

## SECTION A: GENERAL CONDITIONS

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### XXXV. SOLID AND HAZARDOUS WASTE

#### A. Solid Waste

The Licensee shall comply with all applicable non-procedural provisions of Chapter 62-701 and 62-702, F.A.C. for any solid waste generated within the certified facility during construction and/or operation except as may otherwise be provided by a Specific Condition herein.

*[Rules 62-701 and 62-702, F.A.C.]*

#### B. Hazardous Waste

The Licensee shall comply with all applicable non-procedural provisions of DEP Chapter 62-730, F.A.C., for any hazardous waste generated within the certified facility. An EPA identification number must be obtained before beginning hazardous waste activities, except for Conditionally Exempt Small Quantity Generators (CESQGs) who are exempt from this regulation under Title 40 Code of Federal Regulations (CFR), §261.5. CESQGs generate no more than 100 kg (220 lbs) of hazardous waste in any month.

*[Rule 62-730, F.A.C.]*

#### C. Hazardous Substance Release Notification

1. Any owner or operator of a facility who has knowledge of any release of a hazardous substance from a facility in a quantity equal to or exceeding the reportable quantity in any 24-hour period shall notify the Department by calling the State Warning Point Number, (850) 488-1320, within one working day of discovery of the release.

2. Releases of mixtures and solutions are subject to these notification requirements only where a component hazardous substance of the mixture or solution is released in a quantity equal to or greater than its reportable quantity.

3. Notification of the release of a reportable quantity of solid particles of antimony, arsenic, beryllium, cadmium, chromium, copper, lead, nickel, selenium, silver, thallium, or zinc is not required if the mean diameter of the particles released is larger than 100 micrometers (0.004 inches).

*[Rule 62-150, F.A.C..]*

#### D. Water Quality Reporting Requirements

All solid and/or hazardous waste water quality monitoring reports and all solid and/or hazardous waste ground water, surface water and leachate analytical results shall be submitted electronically. Water quality monitoring reports shall be submitted in a pdf format. The water quality data Electronic Data Deliverable (EDD) shall be provided to the Department in an electronic format consistent with requirements for importing the data into the Department's databases. Water quality monitoring reports shall be signed and sealed by a Florida registered professional geologist or professional engineer with experience in hydrogeological investigations and shall include the following:

1. Cover letter;
2. Summary of exceedances and recommendations;

## SECTION A: GENERAL CONDITIONS

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3. Ground water contour maps;
4. Chain of custody forms;
5. Water levels, water elevation table;
6. Ground Water Monitoring Report Certification, using the appropriate Department form;
7. Appropriate sampling information on Form FD 9000-24 (DEP-SOP-001/01); and,
8. Laboratory and Field EDDs and error logs, as applicable.

All submittals in response to this specific condition shall be sent both to:

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

And to:

Florida Department of Environmental Protection  
Solid Waste Section  
2600 Blair Stone Road, MS 4565  
Tallahassee, Florida, 32399-2400

And to:

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

*[Rules 62-160.110, 62-160.240, 62-160.340, and 62-730.225, F.A.C.]*

### **XXXVI. STORAGE TANK SYSTEMS**

Registration, construction, installation, operation, maintenance, repair, closure, and disposal of storage tank systems that store regulated substances shall be in accordance with 62-761, and 62-762, F.A.C. in order to minimize the occurrence and environmental risks of releases and discharges. Mineral acid storage tank systems are subject only to Rule 62-762.891, F.A.C.

#### **A. Incident Notification Requirements.**

Notification of the discovery of the loss of a regulated substance from a storage tank system exceeding 100 gallons on impervious surfaces, other than secondary containment, such as driveways, airport runways, or other similar asphalt or concrete surfaces, provided that the loss does not come in contact with pervious surfaces; or of the discovery of any other incident listed in 62-761.450(2) or 62-762.451(2), shall be made to Citrus County on Incident Notification Form 62-761.900(6) within 24 hours or before the close of Citrus County's next business day.

## SECTION A: GENERAL CONDITIONS

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### **B. Discharge Reporting Requirements**

Upon discovery of an unreported discharge, the owner or operator shall report to the County on Discharge Report Form 62-761.900(1) within 24 hours or before the close of the County's next business day those items listed in 62-761.450(3)(a), F.A.C. including a spill or overflow event of a regulated substance to soil or another pervious surface, equal to or exceeding 25 gallons, unless the regulated substance has a more stringent reporting requirement specified in C.F.R. Title 40, Part 302.

### **C. Discharge Cleanup**

If a discharge of a regulated substance occurs at a facility, actions shall be taken immediately to contain, remove, and abate the discharge under all applicable Department rules (for example, Chapter 62-770, F.A.C., Petroleum Contamination Site Cleanup Criteria). Owners and operators are advised that other federal, state, or local requirements may apply to these activities. If the contamination present is subject to the provisions of Chapter 62-770, F.A.C., corrective action, including free product recovery, shall be performed in accordance with that Chapter.

[62-761 and 62-762, F.A.C.]

### **XXXVII. NOISE**

Construction noise shall not exceed noise criteria or any applicable requirements of Citrus County.

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## SECTION B: COMMON CONDITIONS

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### SECTION B: COMMON CONDITIONS

#### I. SCREENING

The Licensee shall provide screening of the site to the extent feasible through the use of aesthetically acceptable structures, vegetated earthen walls and/or existing or planted vegetation. The Licensee shall develop the site so as to retain the buffer of natural vegetation as described in the Units 4 and 5 application.

#### II. PUBLIC WATER SYSTEM

Any new or modified component of the potable water supply system shall be designed and operated in conformance with applicable Chapters of 62-550, 62-555, and 62-560, F.A.C. Information as required in 62-555, F.A.C, shall be submitted to the Department prior to construction and operation of any new or modified components of the system. The operator of the potable water supply system shall be certified in accordance with Chapter 62-699, F.A.C. Potable water for Unit 3 shall continue to be provided by the separate potable water treatment system operated by Units 1 and 2.

*[Chapters 62-550, 555, 560, and 699, F.A.C.]*

#### III. SANITARY WASTES

Disposal of sanitary wastes from construction toilet facilities shall be in accordance with applicable regulations of the appropriate local health agency. The sewage treatment plant shall be operated in accordance with Chapters 17-3, 17-16, and 17-19, F.A.C.

#### IV. CONSTRUCTION AND BLOWDOWN NOISE

Construction noise shall not exceed noise criteria or any applicable requirements of Citrus County. To mitigate the effects of noise produced by any steam blowout of steam boiler tubes, the Licensee shall conduct reasonable public awareness campaigns prior to such activities to forewarn the public that may be affected by the noise of the estimated time and duration of the noise.

#### V. ODOR CONTROL

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

#### VI. HERBICIDES IN RIGHT-OF-WAYS

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

#### VII. DEWATERING

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

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## SECTION B: COMMON CONDITIONS

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### VIII. ENVIRONMENTAL CONTROL PROGRAM

An environmental control program shall be established under the supervision of a Florida registered professional engineer or other qualified person to assure that all construction activities conform to applicable environmental regulations and the applicable conditions of certification. If a violation of standards, harmful effects or irreversible environmental damage, not anticipated by the application or the evidence presented at the certification hearing, are detected during construction the Licensee shall notify the DEP Siting Office and Southwest District Office as required by Section A, Condition VIII.A., Notification.

### IX. TRANSFORMER AND ELECTRIC SWITCHING GEAR

The foundations for any new or modified transformers, capacitors, and switching gear necessary for Crystal River Units 3, 4 and 5 to connect to the existing transmission system shall be constructed of an impervious material and shall be constructed in such a manner to allow complete collection and recovery of any spills or leakage of oily, toxic, or hazardous substances.

### X. FLORIDA DEPARTMENT OF TRANSPORTATION

#### A. Access Management to the State Highway System

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

#### B. Overweight or Overdimensional Loads

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

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

All usage and crossing of State of Florida right of way or transportation facilities will be subject to Chapter 14-46, Utilities Installation or Adjustment, F.A.C.; Florida Department of Transportation's (FDOT) 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 FDOT's Project Development and Environmental Manual. US 19 has been identified as a Florida Intrastate Highway System (FIHS) and Strategic Intermodal System's (SIS) facilities. The placement of any transmission line or pipeline should take into consideration the planned widening of these facilities. The cost of relocating or reconstructing a transmission line or pipeline will be borne by the applicant to the extent required by Section 337.403, F.S., and Chapter 14-46, F.A.C.

#### D. Standards

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

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## SECTION B: COMMON CONDITIONS

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transportation facilities.

### **E. Drainage**

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

### **F. Use of Air Space**

Any newly proposed structure or alteration of an existing structure will be subject to the requirements of Chapter 333, F.S., and Rule 14-60.009, Airspace Protection, F.A.C. Additionally, notification to the Federal Aviation Administration (FAA) is required prior to beginning construction, if the structure exceeds notification requirements of 14 CFR Part 77, Objects Affecting Navigable Airspace, Subpart B, Notice of Construction or Alteration. Notification will be provided to FAA Southern Region Headquarters using FAA Form 7460-1, Notice of Proposed Construction or Alteration in accordance with instructions therein. A subsequent Determination by the FAA stating that the structure exceeds any federal obstruction standard of 14 CFR Part 77, Subpart C for any structure that is located within a 10-nautical-mile radius of the geographical center of a public-use airport or military airfield in Florida will be required to submit information for an Airspace Obstruction Permit from the FDOT 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 FDOT jurisdiction, application will be made by submitting FDOT Form 725-040-11, Airspace Obstruction Permit Application, in accordance with the instructions therein.

### **G. Best Management Practices**

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

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

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

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

## SECTION B: COMMON CONDITIONS

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### **XI. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION**

#### **Endangered and Threatened Species**

Prior to start of construction, the Licensee shall survey the portion of the certified site which may be affected by construction for endangered and threatened species of animal and plant life. Plant species listed as endangered or threatened by the federal government and plant species listed as endangered by the state shall be transplanted to an appropriate area if practicable. Gopher tortoises and any commensals on the rare or endangered species list shall be relocated after consultation with the FFWCC. A relocation program, as approved by the FFWCC, shall be followed. Entombment of gopher tortoises shall not be allowed.

### **XII. DEPARTMENT OF STATE – DIVISION OF HISTORICAL RESOURCES**

#### **Historical or Archaeological Finds**

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

## SECTION C: SPECIFIC CONDITIONS

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### SECTION C. SPECIFIC CONDITIONS

#### I. UNIT 4 & UNIT 5 SPECIFIC CONDITIONS

The following Specific Conditions shall apply only to Unit 4 and Unit 5. Compliance with these Specific Conditions shall be the responsibility of Progress Energy (Fossil).

##### A. Air

In addition to the federal requirements listed in Section A, Condition VI.A., the Licensee shall comply with the following specific Conditions of Certification: Note that Sections 2 and 3 below (in italics) will be automatically deleted once a Title V permit is issued signifying the successful start-up and operation of the flue gas desulfurization system:

##### 1. *Reporting*

a) For each unit, stack monitoring, fuel usage and fuel analysis data shall be reported to the Department on a quarterly basis commencing with the start of commercial operation in accordance with 40 CFR, Part 60, Section 60.7, and in accordance with Rule17-2.08, F.A.C.

b) Ambient air monitoring data shall be reported to the Department quarterly commencing on the date of certification by the last day of the month following the quarterly reporting period utilizing the SAROAD or other format approved by the Department in writing. Ambient air monitoring locations are can be found in Attachment D.

c) Beginning one month after certification the Licensee shall submit to the Department a quarterly status report briefly outlining progress made on engineering design and purchase of major pieces of equipment (including control equipment). All reports and information required to be submitted under this condition shall be submitted to the Administrator of Power Plant Siting, Department of Environmental Regulation, 2600 Blair Stone Road, Tallahassee, Florida 32301.

##### 2. *Coal Characteristics and Contracts*

*Before approval can be granted by the Department for use of control devices, characteristics of the coal to be fired must be known. Therefore, before these approvals are granted, the Licensee must submit to the Department copies of coal contracts which should include the expected sulfur content, ash content, and heat content of the coal to be fired. These data will be used by the Department in its evaluation of the adequacy of the control devices. Also, the Licensee must demonstrate the ability to acquire a low sulfur coal supply of sufficient length to enable the installation of sulfur removal equipment if the supplies of low sulfur coal should not become available or be discontinued. Therefore, the coal contracts must be for a period of at least five (5) years from the date of start-up of the boiler.*

##### 3. *Coal Information*

*As an alternative to the submittal of contracts for purchase of coal under condition 2 above, the Licensee may submit the following information:*

- a) *The name of the coal supplier;*
- b) *The sulfur content, ash content, and heat content of the coal as specified in the purchase contracts;*
- c) *The location of the coal deposits covered by the contract*

## SECTION C: SPECIFIC CONDITIONS

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(including mine name and seam);

- d) The date by which the first delivery of coal will be made;
- e) The duration of the contract; and
- f) An opinion of counsel for the Licensee that the contracts are

legally binding.

### 4. Natural Gas

Natural Gas may be used as a startup and low-load flame stabilization fuel in Unit 4 and Unit 5.

### B. Water Discharges

Any discharges into any waters of the State during construction and operation of the Units 4 & 5 shall be in accordance with all applicable provisions of Chapter 17-3, F.A.C., and 40 CFR 423, *Effluent Guidelines and Standards for Steam Electric Power Generating Point Source Category*. Also, the Licensee shall comply with the following conditions of certification:

#### 1. Plant Effluents and Receiving Body of Water

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

- a) Receiving Body of Water (RBW)

The receiving body of water will be determined by the Department to be those waters affected which are considered to be waters of the State within the definition of Chapter 403, F. S.

- b) Point of Discharge (POD)

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

- c) Thermal Mixing Zone

The zone of thermal mixing for cooling tower blowdown shall not extend beyond the western end of the north bank of the existing discharge canal. During discharge, the blowdown from the cooling tower for Units No. 4 & 5 shall be withdrawn at the point of lowest temperature of the recirculating cooling water prior to the addition of makeup water.

- d) Chemical Wastes and Boiler Blowdown

All discharges of low volume wastes (demineralizer regeneration, cooling tower basin cleaning wastes, floor drainage, sample drains and similar wastes), metal cleaning wastes (including preheater and fireside wash) and boiler blowdown shall comply with Chapter 17-3, F.A.C. If violations of Chapter 17-3, F.A.C., occur, corrective action shall be taken. These wastewaters shall be discharged to an adequately sized and constructed percolation pond.

- e) Coal Pile and Ash Landfill Runoff

## SECTION C: SPECIFIC CONDITIONS

Coal pile runoff and ash landfill runoff from less than 10-year 24-hour rainfall shall be treated if required by Special Condition IV.F.8. and discharged to an adequately sized and constructed percolation ditch system.

f) Cooling Tower Blowdown

The cooling tower blowdown shall contain no detectable amounts of materials added for corrosion inhibition, unless prior approval for use of such material has been granted by the Department upon demonstration that the discharge is not toxic to aquatic life, does not contain priority pollutants and will not result in pollutant concentrations in excess of water quality standards.

g) Chlorine

The quantity of free available chlorine discharged in the blowdown from the cooling tower shall not exceed 0.5 mg/l at any one time and shall not exceed 0.2 mg/l as an average. Neither free available chlorine nor total residual chlorine may be discharged from either unit for more than two hours in any one day and Units 4 or 5 may not discharge chlorine while any other unit is discharging chlorine.

h) pH

The pH of all discharges shall be such that the pH of water in the discharge canal shall be within the range of 6.0 to 8.5, at a distance of 150 meters from the POD into the canal.

i) Polychlorinated Biphenyl Compounds

There shall be no discharge of polychlorinated biphenyl compounds.

### C. Water Monitoring Programs

The Licensee shall monitor and report to the Department the listed parameters on the basis specified herein. The methods and procedures utilized shall receive written approval by the Department. The monitoring program may be reviewed annually by the Department, and a determination may be made as to the necessity and extent of continuation, and may be modified in accordance with Section A, Condition XXII.

#### 1. Chemical Monitoring

The following parameters shall be monitored as shown during discharge commencing with the start of commercial operation of the first unit and reported quarterly to the Department:

Parameter	Location	Sample Type	Frequency
Flow, Groundwater	Well field Pipeline	Recorder	Totalizer
Flow, Discharge	C.T. Outfall*	Recorder	Totalizer
Conductivity	C.T. Outfall	Recorder	Continuous
pH	C.T. Outfall	Grab**	Daily
Temperature	C.T. Outfall	Recorder	Continuous

**SECTION C: SPECIFIC CONDITIONS**

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TDS	C.T. Outfall	Grab	Weekly
Total Residual Oxidants	C.T. Outfall	Recorder	Continuous

\* Cooling Tower Outfall Pipe  
 \*\* Representative Sample

**2. Groundwater Monitoring**

a) The groundwater levels shall be monitored continuously at wells as approved by Southwest Florida Water Management District. Chemical analyses shall be made on samples from all monitored wells identified in Section C, Condition II.F. below. The location, frequency and selected chemical analyses shall be as given in Section C, Condition II.F.

b) The groundwater monitoring program shall be implemented at least one year prior to operation of Crystal River No. 4. The chemical analyses shall be in accord with the latest edition of *Standard Methods for the Analysis of Water and Wastewater*. The data shall be submitted within 30 days of collection/analysis to the Southwest Florida Water Management District (SWFWMD) and to the DEP Southwest District Office.

c) Conductivity and heavy metals shall be monitored in wells around all ash disposal sites and coal piles.

**D. Percolation Pond Monitoring Requirements**

1. Upon beginning operation of the coal pile runoff and leachate treatment system, the Licensee shall sample and analyze the wastewater in the percolation pond for the following parameters on a quarterly basis: pH, specific conductance, total recoverable arsenic, total recoverable barium, total chlorides, total recoverable iron, total recoverable magnesium, total recoverable sodium, total dissolved solids, total recoverable vanadium, and total recoverable zinc. Results shall be submitted in accordance with Condition D.3 below.

2. If the appropriate primary ground water quality criteria specified in Chapter 62-520, F.A.C., is not met in the percolation pond for the parameters listed in Section C, Condition I.D.1., the Department shall re-evaluate the Licensee's current monitoring requirements and may require the Licensee to submit a proposed ground water monitoring plan in accordance with Rule 62-522.600, F.A.C., for this percolation pond system.

3. Effluent monitoring test results shall be submitted on Part A of DEP Form 62-620.910(10) (Attachment E). Results shall be submitted with the DMR for each month listed in the following schedule.

<b>Sample Period</b>	<b>Report Due Date</b>
January – March	April 28
April – June	July 28
July – September	October 28
October – December	January 28

## SECTION C: SPECIFIC CONDITIONS

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4. The permittee shall make copies of the attached DMR form(s) and shall submit the original completed DMR form(s) to the Siting Office and a copy to the Department's SWD, Industrial Wastewater Program.

### **E. FGD Scrubber Blowdown and By-Products Handling**

1. FGD scrubber blowdown wastewater shall be discharged to approved treatment systems. Any such receiving treatment system shall be permitted/licensed in accordance with all applicable requirements.

a. The Licensee may, on a temporary basis, employ the use of a filter press to treat FGD blowdown wastewater from Units 4 & 5 prior to completion of the FGD ponds. The Industrial Wastewater (IWW) Permit FLA016960, which is incorporated by reference herein as part of this Certification and attached as Appendix IV, authorizes the use of the temporary filter press as an alternative clarification of the FGD blowdown.

b. Construction and monitoring of the proposed monitoring well MWC-31 to be located in the vicinity of the proposed FGD blowdown ponds is authorized under the IWW Permit FLA016960. Construction and Operational requirements are specified under Section III. of the IWW Permit FLA016960.

c. Certification of Construction Completion. All information required by this Specific Condition shall be signed and sealed by a registered professional engineer or land surveyor as appropriate. After construction has been completed and prior to the operation of the FGD ponds, the following activities shall be completed and submitted by the Licensee, and shall be approved by the Department in accordance with Section A, Condition XXI Procedures for Post-Certification Submittals:

i. The owner or operator shall submit a Certification of Construction Completion, Form 62-701.900(2), signed and sealed by the professional engineer in charge of construction and quality assurance to the Department for approval, and shall arrange for Department representatives to inspect the construction in the company of the Licensee, the engineer, and the facility operator.

ii. The owner or operator shall submit Record Drawings/Documents showing all changes (i.e. all additions, deletions, or revisions to the plans previously approved by the Department including site grades and elevations). The Record Documents shall include as-built plans details and elevations (survey) as appropriate.

iii. The owner operator shall submit a narrative indicating all changes in plans, the cause of the deviations, and certification of the Record Drawings/Documents by the professional engineer to the Department.

iv. The professional engineer of record shall submit to the Department a final report to verify conformance with the plans and specifications in accordance with Rules 62-701.400(7) and (8), F.A.C.

d. The Licensee is required to measure flow from the FGD blowdown to the IWW Percolation Pond System at the locations indentified as FLW-1, FLW-2, and FLW-3 in the DMRs attached to IWW Permit FLA016960. The Licensee shall record and submit flow on the DMRs quarterly to the Industrial Wastewater Section, Florida Department of Environmental Protection, Southeast District Office, 13051 North Telecom Parkway, Temple Terrace, FL 33637-0926.

## SECTION C: SPECIFIC CONDITIONS

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- e. Sludge/Solids Management Requirements:
- i. Management of sludge/solids generated by the filter press at this facility shall be transported by truck to an off-site waste management facility that is authorized by the Department.
  - ii. The Licensee shall be responsible for proper treatment, management, use, or land application of its sludge/solids. [62-620.320(6), F.A.C.]
  - iii. Disposal of sludge/solids in a solid waste management facility permitted by the Department shall be in accordance with the requirements of Chapter 62-701, F.A.C.
  - iv. Storage, transportation, and disposal of sludge/solids characterized as hazardous waste shall be in accordance with requirements of Chapter 62-730, F.A.C.
  - v. Sludge/solids shall not be applied during rains that cause runoff from the site or when surface soils are saturated. [62-620.320(6), F.A.C.]
  - vi. The Licensee shall maintain records available for inspection by the Department at the facility, as follows:
    - 1) Quantity of sludge/solids generated;
    - 2) Quantity of sludge/solids transported for treatment and/or disposal;
    - 3) Name and location of the site(s) to which sludge/solids is transported; and
    - 4) If a person other than the Licensee is responsible for sludge/solids transportation, treatment, and/or disposal, the Licensee shall also keep records of the name and address of each transporter, and copies of all shipping manifests. [62-620.320(6)]
- f. Record Drawings/Documents. The Record Drawings/Documents shall include, but not be limited to, the following information:
- i. Location of all anchor trenches and limits of liner;
  - ii. Daily construction reports;
  - iii. As-built drawings showing the geotextile and geomembrane panel installation layout, locations of fabricated and field seams, type of seams, destructive sampling locations, locations of all repairs, panel designations, geomembrance booting and connection details;
  - iv. As-built elevations for the FGD blowdown inlet, outlet and overflow piping leachate collection pipes (including elevations at the valve control point and inverts at the outlet manhole);
  - v. All geomembrane destructive test results;
  - vi. A compact disc or other electronic media that includes all available photographs (with camera date stamps) documenting all stages of the construction project;

## SECTION C: SPECIFIC CONDITIONS

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- vii. The information listed in Section 6.6 of the CQA Plan;
- viii. Documentation of any geotechnical improvements to the subgrade during cell preparation;
- ix. Records of flow data, including reports and documents used to complete DMRs for the IWW Permit FLA016960.
- g. The description of the operation and maintenance procedures for the FGD blowdown ponds provided with the certification modification application received on June 24, 2009, including all subsequently related documents submitted, shall be incorporated into the PEF CCP Solid Waste Management Plan.

2. No gypsum shall be stored or handled on the gypsum handling and temporary storage pad prior to final Departmental approval of the lined Flue Gas Desulfurization (FGD) blowdown settling pond treatment system including contact stormwater from the gypsum handling and temporary storage pad.

3. No contact stormwater from the gypsum handling and temporary storage pad shall be generated prior to appropriate Department approvals.

4. All gypsum or other industrial by-products generated from the FGD process shall be removed from the site for appropriate reuse or disposal. Gypsum or other industrial by-products resulting from the FGD process shall be stored and managed such that runoff from the materials does not adversely affect ground or surface waters.

5. Within 60 days following commencement of operation of the FGD process, including the lined pond system, the Site Coal Combustion Products and Solid Waste Management Plan shall be revised to include the characterization, and management of FGD settling pond solids, gypsum, and other industrial by-products and solid wastes generated by the FGD process. The plan shall be processed in accordance with the Procedures for Post-Certification Submittals included in these Conditions of Certification.

6. Within 90 days of commencement of construction of the gypsum handling and temporary storage pad or any future changes or additions thereto, the Licensee shall develop and submit to the DEP Southwest District Office and the Siting Office for review and approval, a comprehensive non-contact Surface Water Management System Operation & Maintenance Plan (Plan) for all stormwater system components associated with the gypsum handling pad and associated truck turnaround loop. The plan must be suitably consistent with the SWFWMD *How To Operate & Maintain Your Stormwater Management System*.

7. The Licensee shall submit inspection reports for the stormwater system associated with the gypsum handling and temporary storage pad in the form required by the Department, FDEP Form # 62-343.900(6), *Inspection Certification*, in accordance with the following schedule:

(X) For systems utilizing retention and wet detention, the inspections shall be performed 24 months after operation is authorized and every 24 months thereafter.

(X) For systems utilizing effluent filtration or exfiltration the inspections shall be performed 18 months after operation is authorized and every 18 months thereafter.

(X) For systems utilizing swales or retention-and-percolation, the inspections shall be performed 24 months after operation is authorized and every 18 months thereafter.

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### *[Chapter 2.6.3 SWFWMD BOR]*

#### **F. Solid Wastes**

No later than December 31, 2008 or 180 days prior to the initial operation of Unit 4 and 5 FGD scrubbers (whichever occurs first), the Licensee shall submit a site-wide Coal Combustion By-Product (CCP)/Solid Waste Materials Management Plan that addresses operations of the fossil generating units to the Department's SWD Office and Siting Office for review and approval. The plan shall, at a minimum, include the following information:

1. descriptions and procedures for all applicable processes for on-site storage practices and management of CCPs, solid wastes and industrial by-products at the site.
2. plans or methods to minimize waste streams, and maximize beneficial use opportunities of CCPs;
3. methods for preventing or minimizing the release of contaminants to the environment, including (as applicable) leachate collection and control methods that meet the requirements of Chapter 62-701, F.A.C.;
4. certification for the above information, as appropriate, by a Professional Engineer registered in the state of Florida.

The Department shall indicate its approval or disapproval of the submitted plans, drawings, maps, analyses and contingency plans within 90 days of the originally submitted information. In the event that the Department requires additional information for the Licensee to complete, and the Department to approve the CCP/Solid Waste Materials Management Plan, the Department shall make a written request to the Licensee for additional information no later than 30 days after receipt of the originally submitted information.

#### **G. Ash Landfill and Coal Piles**

##### **1. Ash Landfill**

a. PEF shall designate a portion of the site as a temporary ash landfill. Associated with the temporary landfill shall be certain sites for the testing and monitoring of leachates and ash pile liners.

b. Adequate geophysical testing shall be conducted to determine if solution cavities are present under the landfill area. If such cavities are located, such cavities shall be sealed off and stabilized.

c. The proposed ash landfill area shall be monitored and studied pursuant to a detailed leachate testing and monitoring program to be submitted by PEF to the Department within 30 days of certification for review and approval, rejection, or modification within 60 days thereafter. The detailed leachate testing and monitoring program shall be consistent with the conceptual leachate monitoring program attached and incorporated herein as Attachment F.

d. After approval of the program by the Department, PEF shall conduct the approved testing and monitoring program under the supervision of the Department. Results of the program shall be submitted to the Department for its review and consideration on a monthly basis.

## SECTION C: SPECIFIC CONDITIONS

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e. The results of the program will be used by the Department in determining whether PEF has affirmatively demonstrated that Florida Water Quality Standards (62-520 and 62-550, F.A.C.) will not be violated in determining the zone of discharge and in determining the need for a liner.

f. If the Department determines that PEF has failed to affirmatively demonstrate that Florida Water Quality Standards (62-520 and 62-550, F.A.C.) will not be violated, PEF shall present to the Department, within 90 days of such determination, a plan of correction (which may include, if appropriate, a semi-permeable liner) for review and approval by the Department and for timely implementation by PEF, or PEF shall place an impermeable liner under the final ash landfill site and shall remove all ash from the temporary landfill site and place it on the lined landfill location.

g. The final cover shall be in compliance with Chapter 62-701, F.A.C., and at least 12" of clay or sufficient suitable liner material shall be placed on the top and exposed sides of each finished landfill cell. Sufficient topsoil to support vegetation shall be placed over the top and side clay liner. The top and exposed sides of the ash landfill shall be vegetated to control erosion.

### ***2. Ash Relocation Due to Installation of New Access Road to Support the Units 4 & 5 Clean Air Project***

a. Prior to commencement of modifications/additions to the existing access road located along the south and west perimeters of the ash storage area the Licensee shall submit the following items to the DEP SWD Office and Siting Office :

i. a figure, aerial photograph or plan sheet identifying the area where the ash to be removed will be re-located;

ii. plan sheets of existing (pre-construction) conditions and final contours of the ash landfill affected by the access road installation; and

iii. a figure, aerial photograph or plan sheet showing the location and details of any collapsed surface cavities/sinkholes found on the site relative to the ash landfill and proposed access road project.

b. The working face slopes of the relocated ash shall be no steeper than 4H:1V, unless prior approval from the Department's SWD Solid Waste Section and the Siting Office for an alternative slope is obtained.

c. The filtered stormwater drainage downslope of the working face shall not discharge outside the contact stormwater or Industrial Wastewater system.

d. Within 90 days following completion of the access road and restoration of the final cover on the ash landfill in the affected portions, the Licensee shall submit to the Department's SWD Office and Siting Office the following information:

i. a final survey of the affected portions of the closed ash landfill that demonstrates that the slopes are no steeper than 4H:1V;

ii. documentation that the clay cover, if used, is no less than 12 inches thick;

## SECTION C: SPECIFIC CONDITIONS

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iii. hydraulic conductivity testing results on the constructed clay layer, if used, (5 tests for the first acre, then 1 test/acre/lift for every other acre). Testing should be carried out in accordance with ASTM Method D5084 or equivalent; and

iv. certification for the above information by a Professional Engineer registered in the state of Florida.

v. A geosynthetic clay liner (GCL) or other alternative liner system may be used; however, prior to the installation of any alternative liner system, the Licensee shall submit a complete proposed plan to the Department's SWD Solid Waste Section and Siting Office for review and approval.

The plan shall, at a minimum, include specifications for the Construction Quality Assurance Plan and drawings showing the location of the liner cover, soil cover for the liner, and any other relevant information that may be applicable for the type of alternative liner system being proposed.

The Department shall indicate its approval or disapproval of the submitted plan within 90 days of the originally submitted information. In the event that the Department requires additional information for the Licensee to complete, and the Department to approve the GCL or alternative liner system, the Department shall make a written request to the Licensee for additional information no later than 30 days after receipt of the originally submitted information.

### 3. *Coal Pile*

a. Prior to initial operation of the Unit 4 and 5 FGD scrubber systems, the Licensee shall install an impervious liner system beneath the Unit 4 and 5 coal pile storage area and associated stormwater runoff/leachate collection, storage, and treatment ponds.

b. The liner system shall be designed and of sufficient impervious material to provide for a hydraulic conductivity equal to, or less than  $10^{-7}$  cm/sec.

c. Prior to initial construction of each liner installation, the Licensee shall submit a complete proposed plan of the liner system to the Department's SWD Solid Waste Section and the Siting Office for review and approval. Each liner installation plan shall, at a minimum, include the following information:

i. design drawings, calculations, and specifications of the proposed liner system;

ii. The Construction Quality Assurance Plan (CQA);

iii. slope stability calculations that demonstrate that the proposed slope will be stable with a 1.5 factor of safety;

iv. anchoring details for the liner systems;

v. permeability (hydraulic conductivity) and specifications for the "crusher run" material (or for alternate material if used);

vi. procedures for ensuring that the clay liners will not be damaged from future coal removal operations;

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- vii. the thickness (and unit weight) of material that will be placed above the GCL on the slopes and specification of the slope of the GCL sub-grade;
- viii. piping details that show how the coal pile runoff water will be discharged from the coal pile runoff ponds to the coal pile runoff settling ponds;
- ix. any other relevant information that may be applicable for the type of alternative liner system being proposed; and
- x. certification for the above information by a Professional Engineer registered in the state of Florida.

The Department shall indicate its approval or disapproval of a submitted liner system plan within 90 days of the originally submitted information. In the event that the Department requires additional information for the Licensee to complete, and the Department to approve the liner system, the Department shall make a written request to the Licensee for additional information no later than 30 days after receipt of the originally submitted information.

d. Handling and monitoring of the coal pile and associated wastes shall be in accordance with the site-wide Coal Combustion By-Product (CCP)/Solid Waste Materials Management Plan for the fossil units required by Section C, Condition I.F. Solid Wastes.

### II. SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT (SWFWMD) – UNITS 4 & 5

The following Specific Conditions shall apply only to Unit 4 and Unit 5. Compliance with these Specific Conditions shall be the responsibility of Progress Energy (Fossil).

#### A. Withdrawal Quantities and Facilities

District ID/Owner ID	Water Allocation Average Gallons per Day	Well Casing/Depth Feet	STATUS
1/PW-1	250,000	35/200	EXISTING
2/PW-2	250,000	47/200	EXISTING
3/PW-3	250,000	60/200	EXISTING
4/PW-4	250,000	41/200	EXISTING
5/PW-5	521,520	35/200	EXISTING
6/PW-6	521,520	50/200	EXISTING
7/PW-7	521,520	50/200	EXISTING
14/PW-8	521,520	50/200	PROPOSED
15/PW-9a	521,520	50/200	PROPOSED
16/PW-10a	521,520	50/200	PROPOSED
<b>Total All Wells</b>	<b>4,309,000</b>		

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### **B. Submit Reports/Data**

All reports and data required by these conditions of certification shall be submitted to the SWFWMD 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 SWFWMD's website to submit data, plans or reports online. To set up an account, the Licensee can address the request to [permitdata@watermatters.org](mailto:permitdata@watermatters.org). All mailed reports and data are to be sent to:

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

Submission on 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.

### **C. Environmental Impacts, Monitoring, and Mitigation: Environmental Assessment**

#### **1. Environmental Monitoring Plan**

Licensee shall submit an Environmental Monitoring Plan for SWFWMD review and approval within 90 days of conditions of certification issuance. The monitoring plan, at a minimum shall utilize the SWFWMD's Wetland Assessment Procedure to evaluate the relative condition of surface waters and wetlands in areas affected by water withdrawals of Licensee. Upon SWFWMD approval, the plan shall be implemented and monitoring reports shall be provided in the annual monitoring report required by Condition No. C.6. After two years of monitoring following groundwater use rising to more than 3 million gallons per day (average annual daily withdrawal quantity) from all the wells included in this site certification, the Licensee may request the SWFWMD release the Licensee from monitoring. If the SWFWMD concurs with the request, the SWFWMD will request DEP modify the conditions of certification to remove the monitoring condition.

#### **2. Data Collection:**

Licensee shall maintain and monitor the environmental monitoring sites included in the approved monitoring plan. Water levels for monitor wells and staff gauges 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 SWFWMD 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 SWFWMD.

#### **3. Staff Gauges:**

Licensee shall install and thereafter maintain SWFWMD-approved staff gauges and shall report measurements of water levels, as indicated in the monitoring plan. Water

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levels shall be recorded and reported to the SWFWMD 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 SWFWMD as necessary to ensure protection of the resource.

### 4. Rain Gauges:

Licensee shall maintain a continuous recording rain gauge within the area. Total daily rainfall shall be recorded at this station and submitted to the SWFWMD (on SWFWMD forms or on line) on or before the tenth day of the following month. The reporting period for these data shall begin on the first day of each month and end on the last day of each month.

### 5. Data Handling:

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 SWFWMD in a form acceptable to the SWFWMD. All data shall be referenced to NGVD. The frequency of water-level recording may be modified by the SWFWMD as necessary to ensure the protection of the resource.

### 6. 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 wellfield 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 conditions of certification area. Pumpage data, wetland, water level data collected from the aquifer and for the region, and environmental parameters collected at the wellfield and in the region shall be used for the report results. Statistical trend analysis, such as double-mass curve analysis, multiple linear regression, time series analysis 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.

### **D. 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 for a water supply planning region in the applicable regional water supply plan. Unless the Environmental Monitoring, specified in Condition C.2. above, and the aquifer performance testing indicate that

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adverse environmental impacts are not occurring and are not predicted to occur, the Licensee shall either mitigate impacts in accordance with a plan accepted by the SWFWMD, or, select and implement an alternative water supply project, in accordance with the following schedule:

a. Within 6 months of groundwater use rising to more than 3 million gallons per day (average annual daily withdrawal quantity) from all the wells included in this site certification, the Licensee shall submit for SWFWMD approval, an Alternative Water Supply Plan. The Alternative Water Supply Plan shall evaluate, identify, and propose alternative water supply development of at least three million two hundred thousand (3,200,000) gallons per day (gpd).

b. Within 2 years of groundwater use rising to more than 3 million gallons per day (average annual daily withdrawal quantity) from all the wells included in this site certification, Licensee shall submit to SWFWMD, a preliminary design of the approved alternative water supply project that the Licensee will implement.

c. Within 2 years of groundwater use rising to more than 3 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 C. above. If SWFWMD determines that adverse environmental impacts are not occurring and not predicted to occur, the Licensee may seek an extension of time or waiver for implementing the alternative water supply project. If SWFWMD determines that adverse environmental impacts are occurring or are predicted to occur, the alternative water supply project schedule must be maintained. If adverse environmental impacts are occurring or 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 SWFWMD.

d. Within 2 years of groundwater use rising to more than 3 million gallons per day (average annual daily withdrawal quantity) from all the wells included in this site certification, submit to the Florida Department of Environmental Protection and SWFWMD, applications for authorization to develop and use at least 3,200,000 gpd of water from the project as appropriate, unless an extension of time or waiver has been granted by SWFWMD.

e. Within 2 years of groundwater use rising to more than 3 million gallons per day (average annual daily withdrawal quantity) from all the wells included in this site certification, submit to SWFWMD 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. In no event shall the time when water is supplied by the project be more than more than 4 years after groundwater use has risen to more than 3 million gallons per day (average annual daily withdrawal quantity) from all the wells included in this site certification, unless an extension of time for just cause or otherwise modified in writing by SWFWMD has been granted by SWFWMD.

f. Compliance with the Alternative Water Supply Implementation Schedule is required by the Licensee, unless extended or otherwise modified in writing by SWFWMD. Each year, by March 1, after the water use triggers described above, the Licensee shall submit to SWFWMD 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

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## SECTION C: SPECIFIC CONDITIONS

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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.

### **E. Compliance Reporting**

The Licensee shall submit a compliance report beginning January 28, 2013 and at 5 year intervals after the issuance date of these conditions of certification. 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 SWFWMD's Water Use Permit Information Manual Part B, Basis of Review. The compliance report must include:

1. 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;
2. 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;
3. Documentation verifying that the use of water is efficient and that the Licensee is implementing all feasible water conservation measures;
4. 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 this modification of the conditions of certification;
5. 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;
6. Documentation that ground water withdrawals by the Licensee are not causing or contributing to significant saltwater intrusion, 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;
7. Information demonstrating that the lowest quality source of water is being used to meet the water demands.

Following review of this report, SWFWMD may seek modification of the conditions of certification to ensure that the use continues to meet the substantive conditions for the consumptive use of water as set forth in Section 373.223, F.S., and Chapter 40D-2, F.A.C.

### **F. 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 SWFWMD 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 SWFWMD indicating the same meter reading as was submitted the previous month. The following withdrawals shall be metered:

## SECTION C: SPECIFIC CONDITIONS

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Withdrawal facilities that are not yet constructed shall install meters on SWFWMD ID Nos. **5, 6, 7, 14, 15, 16**, Licensee ID Nos. **PW-5, PW-6, PW-7, PW-8, PW-9a, PW-10a**, within 90 days of completion of construction of the withdrawal facilities.

Licensee shall continue to maintain and operate existing, non-resettable, totalizing flow meters or other flow measuring devices as approved by the Brooksville Regulation Department Director on SWFWMD ID Nos. **1, 2, 3, 4**, Licensee ID Nos. **PW-1, PW-2, PW-3, PW-4**.

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

1. The meters shall be non-resettable, totalizing flow meters with totalizers of sufficient capacity to retain total gallon data for a minimum of the three highest consecutive months. If other measuring devices or other accounting methods are proposed, Licensee shall submit documentation that the other measuring devices or accounting method meet the stipulations listed in this condition, prior to installation. Approval for other measuring devices or accounting methods shall be obtained in writing from the Brooksville Regulation Department Director.

2. Flow meters or other approved devices shall have and maintain accuracy within five percent of the actual flow as installed.

3. The flow meter-water piping system shall be designed for inline field access for meter accuracy testing. 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 these conditions of certification containing the metering condition with an accuracy-test requirement for existing meters, unless Licensee submits documentation to the satisfaction of the SWFWMD that a longer period of time for testing is warranted. The test shall be performed by a person certified to use the test equipment. If the actual flow is found to be greater than five percent different from the measured flow, within 30 days, Licensee shall have the meter re-calibrated, repaired, or replaced. Documentation of the test and a certificate of recalibration, if applicable, shall be submitted within 30 days of each test or recalibration. If the accounting method involves a meter belonging to another entity or to the water supplier, Licensee shall submit documentation from the owner/ supplier that the meter readings continue to be accurate to five percent of the actual flow as installed. Such documentation is subject to approval by the SFWMD.

4. 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 with at least an upstream length equal to ten times the outside pipe diameter and a downstream length equal to two times the outside pipe diameter. If sufficient pipe length is not available, flow straightening vanes shall be used in the upstream line.

5. If the meter or other flow measuring device malfunctions or has to be removed from the water supply line for maintenance or repair, Licensee shall notify the SWFWMD within 30 days of discovery and replace it with a repaired or new meter, subject to the same specifications given above. The repaired or replacement meter shall be installed within 30 days of discovery. If the meter is removed for any other reason, it shall be replaced with another meter having the same specifications given above, or the meter shall be reinstalled

## SECTION C: SPECIFIC CONDITIONS

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within 30 days of its removal. In either event, a fully functioning meter shall not be off the water supplies line for more than 60 consecutive days.

6. While the meter is being repaired or replaced, Licensee shall provide an estimate of the water supply quantities used by multiplying the number of hours the water supply was used by the capacity of the pump or mainline diameter. The estimate of the number of gallons used each month during that period shall be noted as an estimate when it is submitted to the SWFWMD.

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

### G. Distribution Flexibility

The average day, peak monthly, and maximum daily, if applicable, quantities for District ID No(s) **1, 2, 3, 4, 5, 6,7, 14, 15, 16** Licensee ID No(s). **PW-1, PW-2, PW-3, PW-4, PW-5, PW-6, PW-7, PW-8, PW-9a, PW-10a** shown above in the production withdrawal table are estimates based on historic and 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.

### H. Water quality sampling

1. 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, F.A.C., "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 SWFWMD 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.

<b>District ID</b>	<b>Licensee ID</b>	<b>Minimum Pumping Time</b>	<b>Parameter</b>	<b>Sampling</b>
Florida Department of Environmental Protection Conditions of Certification			PEF CREC Units 3, 4, and 5 PA77-090	

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<b>No.</b>	<b>No.</b>	<b>(minutes)</b>		<b>Frequency</b>
1	PW-1	20 minutes	Chlorides, Sulfates, and T.D.S.	February, May, August, and November
2	PW-2	20 minutes		
3	PW-3	20 minutes		
4	PW-4	20 minutes		
5	PW-5	20 minutes		
6	PW-6	20 minutes		
7	PW-7	20 minutes		
14	PW-8	20 minutes		
15	PW-9a	20 minutes		
16	PW-10a	20 minutes		

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).

2. 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 wells(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, F. A. C., "Certification of Environmental Testing Laboratories". The Permittee'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 SWFWMD. Reports of the analyses shall be submitted on SWFWMD 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 SWFWMD as necessary to ensure the protection of the resource.

<b>District I District ID No.</b>	<b>Licensee ID No.</b>	<b>Parameter</b>	<b>Sample Frequency</b>
8	MZ-2I	Chlorides,	May, September

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9	MZ-2D	Sulfates, and TDS
10	MZ-2S	
11	MZ-1S	
12	MZ-1I	
13	MZ-1D	

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

Semi-annually                      Same week of 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).

3. The SWFWMD reserves the right to set chloride, sulfate or TDS concentration limits on any production well in the future, 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 SWFWMD determines that long-term upward trends or other significant water quality changes are occurring, the SWFWMD may reconsider the quantities included in these conditions of certification.

4. During drilling of District ID Nos. **14, 15, 16**, Licensee ID Nos. **PW-8, PW-9a, PW-10a**, 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. 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 SWFWMD.

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 SWFWMD 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, F.A.C., "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).

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5. 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 SWFWMD 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 SWFWMD, as necessary to ensure the protection of the resources.

District ID. No	Licensee Site No.
8	MZ-2I
9	MZ-2D
10	MZ-2S
11	MZ-1S
12	MZ-1I
13	MZ-1D

### I. Wells

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

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

- a. Static water level before pumping
- b. Duration of test pumping
- c. Gallons per minute pumped
- d. Final water level measured during pumping

If step-drawdown tests were performed, the information listed above shall be submitted for each step.

3. Within 90 days of construction, Licensee shall submit to the Permit Data Section, Regulation Performance Management Department, the specific locations of District ID Nos. 14, 15, 16 Licensee ID Nos. PW-8, PW-9a, PW-10a, 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.

4. For the purpose of determining site-specific transmissivity, a step drawdown and a multi well constant rate test shall be performed on one or more of the following: District ID Nos. 14, 15, 16 Licensee ID Nos. PW-8, PW-9a, PW-10a, after the wells have been fully developed. The test shall be performed in accordance with the specifications set forth in Design Aid 3, Water Use Permit Information Manual and an Aquifer Performance Testing (APT) Plan submitted to and approved by the SWFWMD. The APT Plan shall be submitted to the SWFWMD, within 90 days of the approval of the modification of the conditions of certification. The APT 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 constructed for the APT'S. All

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recorded raw data shall be submitted to the SWFWMD within thirty (30) days of completion of the APT.

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

6. Within 90 days 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.

7. 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 SWFWMD's Water Use Permit Information Manual Part B, Basis of Review, Sections 4.4 and 4.1 1.

8. 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 SWFWMD will request that DEP revoke these conditions of certification in whole or in part to curtail or abate the unacceptable adverse impacts, unless the impacts can be mitigated by Licensee.

### **J. 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., and Title 40D, F.A.C., or the conditions set forth herein, the SWFWMD 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 SWFWMD that the use is not reasonable and beneficial, in the public interest, or does impact an existing legal use of water, the SWFWMD shall seek modification these conditions of certification or revocation of the certification authorized by DEP.

3. Licensee shall not deviate from any of the SWFWMD- imposed conditions of this certification without written approval by the Department and the SWFWMD.

4. In the event the SWFWMD declares that a Water Shortage exists pursuant to Chapter 40D-21, F.A.C., Licensee agrees that portions of these conditions of certification shall be modified, or declared inactive as necessary to address the water shortage.

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5. The SWFWMD shall collect water samples from any withdrawal point listed in these conditions of certification or shall require Licensee to submit water samples when the SWFWMD determines there is a potential for adverse impacts to water quality.

6. Licensee shall provide access to an authorized SWFWMD representative to enter the property at any reasonable time to inspect the facility and make environmental or hydrologic assessments. Licensee shall either accompany the SWFWMD 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 SWFWMD if water levels in surface water fall below applicable minimum water level established in Chapter 40D-8, F.A.C., or rates of flow in streams fall below the minimum levels established in Chapter 40D-8, F.A.C.

8. Licensee shall cease or reduce withdrawals if water levels in aquifers fall below the minimum levels established by the SWFWMD.

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 SWFWMD adopts specific conservation requirements for Licensee's water use classification, these conditions of certification shall be modified accordingly.

10. The SWFWMD 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:

- 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.

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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 SWFWMD.

14. A SWFWMD identification tag shall be prominently displayed at each withdrawal point by permanently affixing the tag to the withdrawal facility.

15. Licensee shall notify the SWFWMD 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.

### III. UNIT 3 SPECIFIC CONDITIONS

The following Specific Conditions shall apply only to Unit 3. Compliance with these Specific Conditions shall be the responsibility of the Progress Energy (Nuclear).

#### A. Water Discharges

Any discharges into any waters of the State during construction and operation of Unit 3 shall be in accordance with all applicable provisions of Chapter 17-3, F. A. C., and 40 CFR 423, *Effluent Guidelines and Standards for Steam Electric Power Generating Point Source Category* and with NPDES permit no FL0000159 (attached as Appendix III), as well as any subsequent modifications, amendments and/or renewals. A copy of all subsequent renewal and modification applications shall also be sent to the St. Martins Marsh & Big Bend Seagrass Aquatic Preserve of the Office of Coastal and Aquatic Managed Areas, and to the Florida Fish and Wildlife Conservation Commission, Office of Policy and Stakeholder Coordination.

#### B. Groundwater

No groundwater discharge by Unit 3 is authorized by these Conditions of Certification. IWW Permit FLA016960 (attached as Appendix IV) issued by the FDEP authorizes the discharge of industrial waste water from Unit 3 to a common percolation pond system. PEF shall abide by the conditions of IWW FLA 016960 and any modification or renewal thereof for the continued authorized discharge of industrial waste water to ground water by the operation of Unit 3. Such provisions shall be fully enforceable as conditions of this certification. Any violation of such provisions, where it is determined that Unit 3 is the cause, shall be a violation of these Conditions of Certification.

#### C. Environmental Resource Review

1. At least 90 days prior to construction of the South Cooling Tower, the Licensee shall provide to the DEP SWD office all information necessary for a complete Environmental Resource Permit application including the engineering drawings and supporting documentation necessary to demonstrate that the stormwater runoff from the proposed project will be treated and attenuated in accordance with Chapters 40D-4, 40D-40 and 40D-400, F.A.C., and a Wetland Mitigation Plan if applicable. The drawings and documentation shall be signed, sealed and dated by a professional engineer registered in the State of Florida.

## SECTION C: SPECIFIC CONDITIONS

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2. Within 60 days following certification, and prior to construction of any construction laydown and parking areas associated with Unit 3, the Licensee shall provide to the DEP SWD office all information necessary for a complete Environmental Resource Permit application including the engineering drawings and supporting documentation necessary to demonstrate that the stormwater runoff from the proposed project will be treated and attenuated in accordance with Chapters 40D-4, 40D-41 and 40D-42, F.A.C, and a Wetland Mitigation Plan if applicable. The drawings and documentation shall be signed, sealed and dated by a professional engineer registered in the State of Florida.

3. Prior to the commencement of construction, the Department shall conduct a timely review of the submitted information and request the correction of any errors and omissions to complete the application information. This shall be done in accordance with timeframes established in Section 120.60, F.S., and Rule 62-4.055, F.A.C.

4. The Department shall notify the Licensee in writing that the information is complete upon review of all requested information and the correction of any errors or omissions. Construction shall not begin until the Department has provided written notification of approval of the project including the Wetland Mitigation Plan as applicable. Such approval or denial shall be provided within 30 days following completeness of the application information.

5. Turbidity and sediments must be controlled to prevent violations of water quality pursuant to Rules 62-302.500, 62-302.530(70) and 62-4.242, F.A.C. Best Management Practices, as specified in the Florida Stormwater, Erosion and Sedimentation Control Inspectors Manual, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the applicant shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.

6. The existing ambient water quality within Outstanding Florida Waters shall not be lowered as a result of the proposed activity, except as authorized by the FDEP under subsection 62-4.242(2), F.A.C.

### **D. Domestic Wastewater Treatment**

Domestic wastewater from Unit 3 shall be treated by the Crystal River Units 1, 2, and 3 Sewage Treatment Plant as authorized by Domestic Wastewater Facility Permit FLA118753 issued by the DEP SW District (attached as V). PEF shall abide by the conditions of permit No FLA118753 and any modification or renewal thereof for the continued authorized treatment of domestic wastewater from Unit 3. Such provisions shall be fully enforceable as conditions of this certification. Any violation of such provisions, where it is determined that Unit 3 is the cause, shall be a violation of these Conditions of Certification.

### **E. Radiological**

#### **1. Decommissioning**

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

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### 2. *Emergency Plan*

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

### 3. *Radiological Release Limitations*

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

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

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

The Department has the statutory duty to insure that the location and operation of Crystal River Unit 3 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. (Section 403.502, F.S.) The Department has determined that the construction and operation of Crystal River Unit 3 must comply with the above radiological release limitations in order to minimize adverse effects on human health and the environment. This certification is conditioned upon full compliance by the applicant with the applicable above regulations, requirements and standards.

The NRC has the duty and responsibility imposed by statute, to enforce compliance by the applicant with NRC standards and technical specifications, to assure that the construction and operation of Crystal River Unit 3 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 subsequent revisions.

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

### 4. *Monitoring*

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

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### 5. *Reservation of Legal Rights*

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

### F. **Independent Spent Fuel Storage Installation Surface Water Management System**

1. The "As Built" forms required by Section A, Condition XXX.A.10 shall be accompanied by a copy of the As-Built or Record Drawings (Drawing Numbers C-1009 through C-1019) with any deviations noted on the drawings.

2. Prior to the transfer of the spill retention pond (SRP) into operation, the licensee shall install erosion control at the point where the SRP discharge enters Stormwater Pond B. The As Built or Record Drawing No. C-1010 shall reference its installation and include a standard detail.

3. The Operation and Maintenance Entity shall perform inspections of the PEF CREC Independent Spent Fuel Storage Installation surface water management system beginning 18 months after operation is authorized and every 18 months thereafter. Every 18 months the Operation and Maintenance Entity shall submit a report of the inspection results to the DEP SWD ERP section, with an electronic copy to the Siting Office, using FDEP Form # 62-343.900(6), *Inspection Certification*.

4. The maintenance of the PEF CREC Independent Spent Fuel Storage Installation surface water management system shall be in accordance with the Stormwater System Operation and Maintenance Plan (Attachment G). It is the responsibility of the Licensee to ensure that the surface water management system is functioning as designed.

5. The SRP valve shall be operated in accordance with CR3 procedure WP-106. Only SRP discharge water that is oil and contact water free, is a source of water for the wetland.

6. Prior to the transfer of the SRP into operation, the Licensee shall install a staff gauge in Stormwater Pond B. The As-Built or Record Drawing No. C-1009 shall reference its location and provide specifications.

7. Prior to operation of the SRP, the Licensee shall submit a revised CR3 procedure WP-106 to the DEP SWD Industrial Waste Water Program (with an electronic copy to the Siting Office) for review and approval. The CR3 procedure WP-106 shall be revised to include:

- a. a description of how the integrity of the liner of the SRP will remain intact during the removal of oil spill wastewater;
- b. a protocol for training personnel; and

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## SECTION C: SPECIFIC CONDITIONS

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c a protocol for determining circumstances in which water should be released from the SRP to Pond B.

### IV. SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT UNIT 3

The following Specific Conditions shall apply only to Unit 3. Compliance with these Specific Conditions shall be the responsibility of the Progress Energy (Nuclear).

#### Groundwater

No groundwater use by Unit 3 is authorized by these Conditions of Certification. Potable water demand for Unit 3 shall continue to be met by water use authorized under Water Use Permit (WUP) No. 2004695.004 issued by the Southwest Florida Water Management District. (Attached as Appendix VI) WUP No. 2004695.004 authorizes 1,000,000 gallons per day (annual average) and 1,500,000 gpd (peak month) for boiler makeup, pollution control, and potable water needs at Units 1, 2 and 3. PEF shall abide by the conditions of WUP No. 2004695.004 and any modification or renewal thereof for the continued authorized use of groundwater in the operation of Unit 3. Such provisions shall be fully enforceable as conditions of this certification. Any violation of such provisions, where it is determined that Unit 3 is the cause, shall be a violation of these Conditions of Certification.

### V. HISTORY

Certification Issued 11/21/78; signed by Governor Askew  
Modified 02/22/80; signed by Governor Graham  
Modified 05/22/80; signed by Secretary Varn  
Modified 05/04/82; signed by Secretary Tschinkel  
Modified 06/29/82; signed by Governor Graham  
Modified 02/02/84; signed by Secretary Tschinkel  
Modified 07/03/84; signed by Governor Graham  
Letter Modification 03/28/88; signed by Hamilton Oven Jr.  
Modified 06/10/96; signed by Secretary Wetherell  
Modification Denial 03/02/98; signed by Secretary Wetherell  
Modification 02/01/05; signed by Program Administrator Oven  
Modified 06/22/06; signed by Program Administrator Oven  
Modified 11/29/07; signed by Program Administrator Halpin  
Modified 08/07/08; signed by Program Administrator Halpin  
Modified 08/28/08; signed by Governor Crist  
Modified 07/09/09 signed by Program Administrator Halpin  
Modified 11/30/09 signed by Program Administrator Halpin  
Modified 1/15/10; signed by Program Administrator Halpin  
Modified 5/14/10; signed by Program Administrator Halpin