

**BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In Re: Indiantown Cogeneration, L.P. )  
Indiantown Cogeneration Facility) )  
Modification of Conditions )  
of Certification )  
Martin County, Florida )

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DEP File No. PA90-31C  
OGC Case No. 00-0048

**RECEIVED**

JUL 29 2000

BUREAU OF AIR REGULATION

**FINAL ORDER MODIFYING  
CONDITIONS OF CERTIFICATION**

On February 7, 1992, the Governor and Cabinet, sitting as the Siting Board, issued a final order approving certification for the Indiantown Cogeneration Project. The site certification order approved the construction and operation of a 330 megawatt (MW) (net) coal fired electrical power plant and associated linear facilities to be located in Martin and Okeechobee Counties, Florida. The conditions of certification were subsequently modified on July 21, 1992, and April 3, 1995.

Pursuant to section 403.516, Florida Statutes, and rule section 62-17.211(4), Florida Administrative Code, the Department proposes to modify the conditions to conform to the revised Industrial Wastewater Facility Permit, permit number FL0183750, issued January 19, 2000, and to conform to a modification of the Prevention of Significant Deterioration (PSD) Permit, permit number PSD-FL-168, issued April 20, 2000. The proposed modifications allow emergency discharge of cooling water and process water, clarify allowable operation rates of auxiliary boilers, allow the addition of a carbon dioxide recovery facility and a chilled water plant, allow an increase in the cooling water storage pond elevation, and allow automatic modifications for conforming conditions of certification to subsequently issued or modified federally delegated or approved permits. Additionally, the Department proposes to update the conditions to reflect the Department's current name and rule citations. Copies of the Department's proposed modifications, Industrial Wastewater Facility Permit, and Prevention of Significant Deterioration permit modification are available for public review.

On January 25, 2000, all parties to the original proceeding were sent a Notice of Receipt of Proposed Modification of Power Plant Certification. On May 10, 2000, all parties to the

original proceeding were furnished copies of the Notice of Intent to Issue Proposed Modification of Power Plant Certification and a copy of the proposed final order. On May 12, 2000, a Notice of Intent to Issue Proposed Modification of Power Plant Certification was published in the *Florida Administrative Weekly*. The notices specified that all parties to the original certification proceeding have 45 days from the issuance of the notice by mail to such party's last address of record in which to object to the requested modification. Failure of any of the parties to file a response constitutes a waiver of objection to the requested modification. The notices further specified that any person who is not already a party to the certification proceeding and whose substantial interest is affected by the requested modification has 30 days from the date of publication of the public notice to object in writing. If no objections are received, then a Final Order approving the modification shall be issued by the Department. If objections are raised and agreement cannot be subsequently reached, then pursuant to § 403.516(1)(c), F.S., the applicant may file a petition for modification seeking approval for those portions of the request for modification to which written objections were timely filed. No written objections to the proposed modifications have been received by the Department. Accordingly, in the absence of any timely objection,

**IT IS ORDERED:**

The proposed changes to the Indiantown Cogeneration Facility Conditions of Certification as described in the request for modification dated December 30, 1999; to conform to the modification of Industrial Wastewater Facility Permit No. FL0183750, issued January 19, 2000; and to conform to the modification of Permit No. PSD-FL-168, issued April 20, 2000, are **APPROVED**. Pursuant to Section 403.516(1)(b), F.S., the conditions of certification for the Indiantown Cogeneration Facility are **MODIFIED** as follows:

**PART I**

**ADMINISTRATIVE CONDITIONS**

- (1) ENTITLEMENT
- (1)-(2) NO CHANGE.
- (3) JURISDICTIONAL AGENCIES

The following agencies are deemed to have jurisdictional interest in the certification, and thus regulatory authority over the development, construction, operation, and maintenance of the facility:

- Department of Environmental Protection Regulation [DEP] ~~[DER]~~
- ~~Game & Fresh Water~~ Fish and Wildlife Conservation Commission [FWCC] ~~[GFWFC]~~
- ~~Department of Natural Resources~~ [DNR]
- Department of Community Affairs [DCA]
- Department of Transportation [DOT]
- South Florida Water ~~Eater~~-Management District [SFWMD]
- Treasure Coast Regional Planning Council [TCRPC]
- Martin County [MC]
- Central Florida Regional Planning Council [CFRPC]
- Okeechobee County [OC]

(4) NO CHANGE.

(5) TRANSFER OF CERTIFICATION

If contractual rights, duties, or obligations are transferred under this Certification, notice of such transfer or assignment shall immediately be submitted to the Florida Department of Environmental Protection Regulation and the Affected Agencies by the previous certification holder (Licensee) and the Assignee. Included in the notice shall be the identification of the entity responsible for compliance with the Certification. Any assignment or transfer shall carry with it the full responsibility for the limitations and conditions of this Certification.

(6) – (7) NO CHANGE.

(8) RIGHT OF ENTRY

The Licensee shall allow during operational or business hours the Secretary of the Florida Department of Environmental Protection Regulation and/or authorized representatives, including personnel of the Affected Agencies, upon the presentation of credentials:

A. – D. No change.

(9) – (11) NO CHANGE.

(12) COMPLIANCE

A. Compliance with Conditions

1. No change.

2. An environmental control program shall be established under the supervision of a qualified Environmental Engineer/Specialist to assure that all construction activities conform to applicable environmental regulations and the applicable Conditions of Certification. If during construction there is detected a violation of standards, harmful effect or irreversible environmental damage not anticipated by the application, the evidence presented at the certification hearing, or a post-certification submittal, the Licensee shall notify the DEP ~~DER~~ Southeast District Office and Siting Coordination Office, as required in B.

3. No change.

4. In the event of a malfunction of the Cogeneration facility boiler's pollution control system resulting in a violation of this certification or DEP ~~DER~~ regulations, that unit shall be promptly shut down.

B. Non-compliance Notification

If, for any reason, the Licensee does not comply with or will be unable to comply with any limitation specified in this certification, the Licensee shall notify the Southeast District Office of the Department of Environmental Protection ~~Regulation~~ by telephone within one working day after said noncompliance occurs and shall confirm this in writing within seventy-two (72) hours of becoming aware of such conditions, and shall supply the following information:

1. and 2. No change.

C. No change.

(13) POST CERTIFICATION REVIEW

Further information may be required by these conditions for site-specific or more detailed review and approval to determine compliance with the conditions of certification. Compliance determinations of the Department and other reviewing agencies are subject to review pursuant to Chapters 120, and 403, Florida Statutes.

A. In order to provide adequate lead time for review, such information, as developed, must be submitted for post-certification review at least 180 days prior to the intended commencement date of construction or operation of the feature undergoing review unless otherwise provided

herein. Notification of the submittal of the information, and any determinations made pursuant to these COC, shall be provided to the ~~DEP~~ ~~DER~~ Siting Coordination Office for record-keeping purposes.

B. and C. No change.

(14) NO CHANGE.

(15) COMMENCEMENT OF CONSTRUCTION

At least 30 days prior to the commencement of construction, the Licensee or Project Engineer shall notify the ~~DEP~~ ~~DER~~ Siting Coordination Office, the ~~DEP~~ ~~DER~~ Southeast District Office, and Affected Agencies of the construction start date. Quarterly construction status reports shall similarly be submitted by the Licensee beginning with the initial construction start date. The report shall be a short narrative describing the progress of construction.

(16) COMMENCEMENT OF OPERATION

At least 30 days prior to the commencement of operation, the Licensee or Project Engineer shall notify the ~~DEP~~ ~~DER~~ Siting Coordination Office and Affected Agencies of the operation start date.

(17) OPERATIONAL CONTINGENCY PLANS

A. Operating Procedures

The Licensee shall develop and furnish the ~~DEP~~ ~~DER~~ Southeast District Office a copy of written operating instructions for all aspects of the operations which are critical to keeping the facility working properly. The instructions shall also include procedures for the handling of suspected hazardous or toxic wastes.

B. Contingency Plans

The Licensee shall develop and furnish the ~~DEP~~ ~~DER~~ Southeast District Office written contingency plans for the continued operation of the system in event of breakdown. Stoppages which compromise the integrity of the operations must have appropriate contingency plans. Such contingency plans shall identify critical spare parts to be readily available.

C. and D. No change.

(18) and (19) NO CHANGE.

(20) ENFORCEMENT

The Department of Environmental Protection Regulation, as supported by the applicable Affected Agency, may take any and all lawful actions to enforce any conditions of this Certification. Any agency which deems enforcement to be necessary shall notify the Secretary of DEP DER of the proposed actions. The affected agency may request the Department to initiate modification of this Certification for any change in any activity resulting from enforcement of this Certification which change will have a duration longer than 60 days.

(21) NO CHANGE.

(22) MODIFICATION OF CONDITIONS

A. Pursuant to Subsection 403.516 (1), F.S., the Board hereby delegates the authority to the Secretary to modify any condition of this certification dealing with sampling, monitoring, reporting, specification of control equipment, related time schedules, emission limitations, conservation easements, transfer or assignment of the Certification or related federally delegated permits, or any special studies conducted, as necessary to attain the objectives of Chapter 403, Florida Statutes.

B. Subject to the notice requirements of 403.516(1), F.S., the certification shall be automatically 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, or National Pollutant Discharge Elimination System (NPDES) permit for the Indiantown Cogeneration Project and the conditions of such permits shall be controlling over these Conditions of Certification.

C. All other modifications to these conditions shall be made in accordance with Section 403.516, Florida Statutes.

(23) FEDERAL ANNUAL OPERATING FEES AND PERMITS

A. DEP DER Responsibilities

The Department of Environmental Protection Regulation shall implement the provisions of Title V of the 1990 Clean Air Act for the Indiantown Cogeneration Project by developing Conditions of Certification requiring submission of annual operating permit information and annual pollutant emission fees in accordance with Federal Law and Federal Regulations. The

terms of such conditions shall be imposed under the modification provisions of Section 403.516(1), F.S., for which the Board specifically delegates the authority to prescribe said terms.

B. and C. No change.

## PART II

### DEPARTMENT OF ENVIRONMENTAL PROTECTION REGULATION

#### (1) AIR

The construction and operation of the Indiantown Cogeneration Project (ICP) shall be in accordance with all applicable provisions of Chapter 62-204, 62-210, 62-212, 62-296, 62-297, 17-2, 62-256, 17-256, and 62-702, 17-702, Florida Administrative Code, except for SO<sub>2</sub> and NO<sub>x</sub> during startup, shutdown, and malfunction, then 40CFR60 shall apply.

##### A. Construction

##### 1. General

- a. No change.
- b. The permittee shall report any delays in construction and completion of the project which would delay commercial operation by more than 90 days to the DEP DER Southeast District office in West Palm Beach.

##### 2. Equipment Identification

The Licensee shall submit at least four copies of complete information as to the make and model numbers of the selected pulverized coal and auxiliary boilers, all pollution control and continuous emissions monitoring devices, operation and maintenance manuals and calibration procedures, updated process flow diagrams showing mass/energy/heat balances and ammonia injector locations and rates, and related equipment, to the DEP DER Bureau of Air Regulation at least 90 days prior to commencing on-site construction of that particular item.

##### 3. Stack Height and Design

The height of the boiler exhaust stack for ICL shall not be less than 495 ft. above grade. Detailed stack drawings showing sampling locations shall be submitted to the DEP DER Bureau

of Air Regulation at least 90 days prior to commencing on-site construction of the affected equipment or feature.

4. No change.

5. Open Burning

Open burning in connection with initial land clearing shall be in accordance with Chapter ~~62-256~~ ~~17-256~~, F.A.C., Chapter 51-2, F.A.C., Uniform Fire Code Section 33.101 Addendum, and any other applicable regulations of Martin or Okeechobee Counties, as applicable.

No open burning of construction generated material, after initial land clearing, shall be allowed.

B. Operation

1. Boilers

The Pulverized Coal (PC) boiler is permitted to operate at a maximum of 3422 MMBtu/hr heat input (nominal 330 MW). This facility shall be allowed to operate continuously (8,760 hrs/yr). In addition to the PC boiler, the facility will have one or two auxiliary boilers rated at up to a combined total of 342 MMBtu/hr (#2 Fuel Oil) and a combined total of 358 MMBtu/hr (Natural Gas or propane) which operate ~~at the combined total heat input rate a maximum of 5,000 hours with up to 1,000 hrs/yr on #2 Fuel Oil and the balance on natural gas or propane at a combined total of less than  $1.79 \times 10^{12}$  British Thermal Units per year. The auxiliary boilers are each permitted to operate 5,000 full load equivalent hours per calendar year, with no more than 1,000 hours of that period using fuel oil with 0.05% sulfur, by weight, as the primary fuel.~~

2. CO<sub>2</sub> Recovery Plant

A CO<sub>2</sub> recovery plant is permitted to operate continuously for 8,760 hours per year. A slipstream, consisting of between 5% to 10% of the main boiler (stack) flue gas shall be routed to the CO<sub>2</sub> recovery plant. The flue gas will be cooled and scrubbed with a monoethanolamine (MEA) solution, which captures CO<sub>2</sub>. The CO<sub>2</sub> will then be stripped out of the MEA solution, cleaned, compressed and shipped in liquid form. The CO<sub>2</sub> plant will be designed to produce 400 tons per day (TPD) of liquid CO<sub>2</sub>. Note: The production is limited in order to ensure that



secondary pollutants are within the ranges provided in the application. Any increase in capacity shall be accompanied by an appropriate review for PSD or MACT applicability.

2. 3. Emissions Limitations

a. i. and ii. No change.

iii. VE (Visible Emissions)

VE from the pulverized coal boiler each baghouse exhaust shall not exceed 10 percent opacity (6 minute average), except for one 6-minute period per hour of not more than 27 percent opacity.

VE from each other baghouse exhausts shall not exceed 10% opacity (six minute average).

No VE during lime silo loading operations (i.e., less than 5% opacity).

VE from the ash handling baghouse shall not exceed a particulate limit of 0.010 grains/acf and VE of 5% opacity.

b. The auxiliary boiler or boilers, rated at up to a combined total of 358 MMBtu/hr (Natural Gas and propane) and a combined total of 342 MMBtu/hr (#2 fuel oil), shall be limited to a ~~maximum of 5,000 hours/year at the combined total heat input rates with up to 1,000 hrs/yr firing #2 Fuel Oil with 0.05% sulfur, by weight, and the balance firing natural gas or propane.~~ combined total of less than  $1.79 \times 10^{12}$  British Thermal Units per year. The auxiliary boilers are each permitted to operate 5,000 full load equivalent hours per calendar year, with no more than 1,000 hours of that period using fuel oil with 0.05% sulfur, by weight, as the primary fuel. The maximum total annual emissions from the auxiliary boiler or boilers will be as follows when firing #2 Fuel Oil:

c. through g. No change.

h. No fraction of flue gas shall be allowed to bypass the air pollution control devices (PCD) system to reheat the gases exiting from the PCD system, if the bypass will cause emissions above the limits specified in COC-(1)B.2. The percentage and amount of flue gas bypassing the PCD system shall be documented and records kept for a minimum of two years available for DEP's FDER's inspection.

i. and j. No change.

k. As a requirement of this specific condition, the applicant shall comply with all emissions limits and enforceable restrictions required by the State of Florida Department of Environmental Protection Regulation pursuant to Section 403.511(5), F.S., which may be adopted by regulation and which are more restrictive, that is lower emissions limits or more strict operating requirements and equipment specifications, than the requirements of COC-II (1)B.2. of these conditions.

1. CO<sub>2</sub> Recovery Plant

The CO<sub>2</sub> absorber column shall emit no more than 5 lb./hr VOC in addition to the products of combustion from the PC boiler. (Emissions from the PC boiler are regulated by Condition II.1.C.2.a.) If any batches of CO<sub>2</sub> do not meet product specifications, the off-spec product may also be vented to atmosphere.

~~3.~~ 4. Stack Testing

a. No change.

b. Compliance with emission limitation standards mentioned in Specific Condition No. ~~1~~ (1)B.2. above shall be demonstrated using EPA Methods, as contained in 40 CFR Part 60 (Standards for Performance for New Stationary Sources), or 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants), or any other method as approved by the Department, in accordance with F.A.C. Rule ~~62-297.620~~ 17-2.700. ~~A test protocol shall be submitted for approval to the Bureau of Air Regulation at least 90 days prior to testing.~~

EPA Method

For Determination of

1	Selection of sample site and velocity traverses.
2	Stack gas flow rate when converting concentrations to or from mass emissions limits.
<del>3,</del> <u>3A &amp; 3B</u>	Gas analysis when needed for calculation of molecular weight of or percent O <sub>2</sub> .
4	Moisture content when converting stack velocity to dry volumetric flow rate for use in converting concentrations in

	dry gases to or from mass emission limits.
5	Particulate matter concentration and mass emissions.
<del>201 or 201A</del>	<del>PM<sub>10</sub> emissions</del>
6, 6C, or 19	Sulfur dioxide
<del>7, 7C, or 19</del> <u>7E</u>	Nitrogen oxide emissions from stationary sources.
8	<del>Sulfuric acid mist from stationary source.</del>
9	Visible emissions determination for opacity.  (201)-At least three one hour runs to be conducted simultaneously with particulate testing for the emissions from dry scrubber/baghouse, and ash handling building baghouse.  (202)-At least one lime vehicle unloading into the lime silo (from start to finish).
22	Fugitive emissions from transfer points.
10	Carbon monoxide emissions from stationary sources.
12 or 101A	Lead concentration from stationary sources.
13A or 13B	Fluoride emissions from stationary sources.
18 or 25	Volatile organic compounds concentration.
101A or 108	Mercury emissions.
104	Beryllium emission rate and associated moisture content.

Note: Use EPA draft method or other methods approved by the Department to test for ammonia.

### C. Monitoring and Reporting

#### 1. Air Monitoring Program

a. A flue gas oxygen meter shall be installed for each unit to continuously monitor a representative sample of the flue gas. The oxygen monitor shall be used with automatic feedback or manual controls to continuously maintain air/fuel ratio parameters at an optimum. Performance tests shall be conducted and operating procedures established. The document "Use of Flue Gas Oxygen Meter as BACT for Combustion Controls" may be used as a guide. The

permittee shall install and operate continuously monitoring devices for each main boiler exhaust for sulfur dioxide, nitrogen dioxide and opacity, including flue gas O<sub>2</sub> and/or CO<sub>2</sub> content. The monitoring devices shall meet the applicable requirements of Section 62-297, 17-2, F.A.C., and 40 CFR 60 a minimum of 95% of the time the source is operating.

b. The permittee shall operate two continuous ambient monitoring devices for sulfur dioxide in accordance with DEP DER quality control procedures and EPA reference methods in 40 CFR, Part 53, and two ambient monitoring devices for suspended particulates, and one continuous NO<sub>x</sub> monitor. The monitoring devices shall be specifically located at a location approved by the Department's Bureau of Air Regulation. The frequency of operation of the particulate monitors shall be every six days commencing as specified by the Department's Bureau of Air Regulation. During construction and operation, a meteorological station will be operated and data reported with the ambient data.

c. No change.

d. The permittee shall provide stack sampling facilities as required by Rule 62-297.310(6), 17-2-700(4) F.A.C.

e. and f. No change.

g. Prior to the operation of the CO<sub>2</sub> Recovery Plant, the permittee shall submit to the Department's Bureau of Air Regulation a plan or procedure demonstrating that the system used to measure the PC boiler emissions accurately accounts for the exhaust gasses ducted to the CO<sub>2</sub> plant.

h. Within 90 days of initial operation of the CO<sub>2</sub> Recovery Plant, the permittee shall submit to the Department's Bureau of Air Regulation a summary of the actual emissions of the Recovery Plant. This shall include (at a minimum) emissions of all regulated pollutants, MEA, ammonia and methanol based upon a net CO<sub>2</sub> recovery level of 400 TPD of liquid CO<sub>2</sub> as well as the estimated maximum daily throughput of the Recovery Plant (if greater than 400 TPD). An O&M plan shall be submitted to the Department's Southeast District Office, detailing best practices for the minimization of secondary pollutant emissions.

## 2. Reporting

a. For the ICL, stack monitoring, fuel usage and fuel analysis data shall be reported to the Department's Southeast District Office on a quarterly basis commencing with the start of

commercial operation in accordance with 40 CFR, Part 60, Section 60.7, and 60.49a and in accordance with Sections 62-210.370 and 62-210.700, ~~17-2.08~~, F.A.C.

b. and c. No change.

D. Malfunction or Shutdown

In the event of a prolonged (thirty days or more) equipment malfunction or shutdown of air pollution control equipment, operation shall be allowed to resume and continue to take place under appropriate Department order, provided that the Licensee demonstrates such operation will be in compliance with all applicable ambient air quality standards and PSD increments and industrial waste rules. During such malfunction or shutdown, the operation of the ICL shall comply with all other requirements of this certification and all applicable state and federal emission standards not affected by the malfunction or shutdown which is the subject of the Order. Operational stoppages exceeding two hours for air pollution control systems or four hours for other systems or operational malfunctions as defined in the operational contingency plans as specified in COC/I-(17) are to be reported as specified in COC/I-(12). Identified operational malfunctions which do not stop operation but may prevent compliance with emission limitations shall be reported to ~~DEP DER~~ as specified in COC/I-(12).

(2) WETLANDS

A. No change.

B. Prior to the submission of any post-certification information to the Department, ICL shall arrange for a site inspection by ~~DEP DER~~ District personnel from the Southeast District office in West Palm Beach or from the Bureau of Submerged Lands and Environmental Resources ~~Wetland Resource Management~~, Jurisdictional Evaluation Section, in Tallahassee to determine the extent of jurisdiction on the site and along the proposed pipeline route. At the time of the request, the Department will determine whether jurisdiction can be determined informally by the District office, or whether a binding jurisdictional declaratory statement, pursuant to Rule 62-340 ~~17-312.040~~, F.A.C., is required. The permittee shall flag the outermost limits of construction for the entire pipeline route and shall provide aerial photographs at a scale determined to be appropriate by the Department prior to the site inspection to enable the District personnel to determine if the proposed pipeline will affect jurisdictional wetland areas.

C. At least 90 days prior to the anticipated start of construction, the permittee shall submit fully dimensioned or scaled drawings on 8.5" by 11" paper, signed and sealed by an engineer registered in the state of Florida, that show limits of jurisdictional wetlands that will be affected by the project. The submittal shall also include calculations showing the acreage of affected wetlands by wetland type, a narrative describing construction techniques to be used for the project at both the power plant site and along the alignment of the pipeline, measures proposed to control erosion and turbidity, and a narrative that provides:

1. a detailed description of each wetland impact area;
2. the acreage, type, and quality of all the jurisdictional wetlands that will be affected.

The drawings shall include plan view and cross-section views for each area of jurisdictional wetlands that will be affected by the project, as identified pursuant to Condition No. (2) B. above. In addition to showing the existing and proposed ~~DEP~~ ~~DER~~ jurisdictional limits, the drawing shall depict existing and proposed ground elevations, the limits of construction for the pipeline, and all existing and proposed locations, sizes and invert elevations of structures that may be located in the jurisdictional wetlands.

D. No change.

E. All clearing and construction activities shall be confined to the limits of construction as shown on the drawings that are accepted by the Department pursuant to Condition No. (2) C. above. Within 30 days of the completion of construction, ICL shall arrange a site visit by ~~DEP~~ ~~DER~~ District personnel from the Southeast Florida District office in West Palm Beach to verify that no wetland damage has occurred outside the construction limits. If wetland damage occurs outside the construction limits during construction, ICL shall submit to the Bureau of Wetland Resource Management for review a plan to restore the wetland area which was damaged and to provide mitigation for the damage. The plan shall be implemented within 30 days of the Department approval of the restoration and mitigation plan. This condition does not preclude the Department from taking enforcement action if unauthorized activities occur.

F. Prior to initiating construction, ICL shall submit a map and aerial photographs showing the location of all staging areas for the project construction to the Bureau of Wetland Resource Management for review and written approval. These areas shall be upland areas which are not

currently providing endangered or threatened species habitat. The staging areas shall not be used prior to receiving DEP DER approval.

G. and H. No change.

I. If determined to be appropriate by the Department, ICL shall provide mitigation to offset the loss and habitat degradation resulting from the construction of this project in jurisdictional wetlands.

The plan for performing the mitigation shall be submitted and approved by the Department prior to construction. The plan shall include the following information, which is to be submitted to the Bureau of Submerged Lands and Environmental Resources ~~Wetland Resource~~ Management:

1. through 6. No change.

If the mitigation submittal is deemed by the Department to provide insufficient information for review, additional information requested by the Department shall be submitted.

If the Department, upon review of the proposed mitigation, determines that the proposed mitigation is inadequate to offset water quality degradation, wetland loss, and habitat degradation from this project, the permittee shall propose additional mitigation.

If the proposed mitigation plan is deemed acceptable by the Department, the Department shall establish construction conditions, success criteria and monitoring plans to be carried out for the approved mitigation. These conditions, criteria and monitoring plans shall be incorporated into the certification conditions as a minor modification.

No construction within wetland areas shall commence until the Department approves the mitigation plan, and the mitigation construction conditions, success criteria and monitoring plans are incorporated into the certification conditions.

J. and K. No change.

### (3) DISCHARGES TO SURFACE WATERS

#### A. Stormwater

##### 1. Construction

To control run-off during construction which may reach and thereby pollute Waters of the State, necessary measures shall be utilized to settle, filter, treat or absorb silt-containing or

pollutant-laden stormwater to ensure against spillage or discharge of excavated material that may cause turbidity in excess of 29 Nephelometric Turbidity Units above background in Waters of the State. Control measures may consist of sediment traps, barriers, beams, and vegetation plantings. Exposed or disturbed soil shall be protected and stabilized as soon as possible to minimize silt and sediment laden run-off. The pH of the run-off shall be kept within the range of 6.0 to 8.5. The Permittee shall comply with Florida Administrative Code Chapters ~~17-25~~, 40E-2, and 40E-4. The Permittee shall complete the forms required by ~~17-25.09 (1)~~ and 40D-4 and submit those forms and the required information to the SFWMD for any modifications that might occur.

## 2. Operation

Any discharges from the site stormwater system via the emergency overflow structure which result from an event LESS than a ten-year, 24-hour storm (as defined by the U.S. Weather Bureau Technical Paper No. 40, or the DOT drainage manual, or similar documents) shall meet applicable State Water Quality Standards, Chapter ~~62-302~~ ~~17-302~~, F.A.C., and the Standards of Chapter ~~17-25~~, F.A.C., and Chapter 40-E, F.A.C.

### B. No change

### C. Wastewater

There shall be no discharge of industrial or domestic wastewaters from the site to the waters of the state, except emergency storm water-related discharges from the cooling water pond and the wastewater storage pond, as a result of extreme rainfall events and as specifically authorized by DEP Industrial Wastewater Permit No. FL0183750, issued on January 19, 2000, or as subsequently amended, and subject to all the terms and conditions provided therein. An extreme rainfall event is defined as a rainfall event exceeding a 100 year/72 hour storm for the wastewater storage pond, but the extreme rainfall event for the cooling water pond is defined as an event exceeding the 25 year/72 hour storm.

### D. Tanks

Diesel fuel also will be used to fuel on-site locomotives which move rail cars around the site. Diesel fuel will be delivered by truck and stored in above-ground storage tanks designed, constructed and maintained in accordance with Chapter ~~62-761~~ ~~17-792~~, F.A.C., including secondary containment. Stormwater will be collected from the bermed area around the tanks and pumped back to the plant for treatment and use. Any pollutant storage tanks on-site for facility



construction activities must also be above-ground and designed, constructed and maintained in accordance with Chapter ~~62-761~~ ~~17-762~~, F.A.C., including secondary containment.

(4) GROUNDWATER

1. Discharges to Groundwaters

Any accidental discharges to groundwater shall be collected and treated as necessary, or otherwise be of high enough quality, to be able to meet the applicable Water Quality Standards of Sections ~~62-520.400~~ ~~17-301.402~~ and ~~62-520.404~~ ~~17-301.404~~, F.A.C. If monitoring should indicate a violation of the standards, the licensee shall immediately notify the Southeast District office and SFWMD and institute remedial action.

2. Groundwater Monitoring Program

a. A groundwater monitoring plan shall be submitted within 180 days of certification in accordance with Rule ~~62-522~~ ~~17-28.700~~ F.A.C., for approval by the Southeast District Office. The groundwater monitoring program shall be reviewed and approved in accordance with COC I.13. The complete groundwater monitoring plan shall be signed, sealed, and dated by a professional engineer or professional geologist demonstrating competency in the field of groundwater monitoring, testing, and analysis. The monitoring plan shall contain the following information:

1. and 2. No change.

3. Monitoring wells shall be constructed in accordance with Rule ~~62-532~~ ~~17-532~~, F.A.C., except as follows: The minimum inside diameter shall be two inches. Flush threaded couplings shall be used to join polyvinyl chloride (PVC) pipe.

b. and c. No change.

d. Upon completion of construction of the groundwater monitoring system, but no less than 12 months before the commencement of operation, the Permittee shall sample all groundwater monitoring wells for the Primary and Secondary Drinking Water parameters included in Chapter ~~62-550~~ ~~17-550~~, F.A.C., Public Drinking Water Systems. The specific parameters to be sampled are listed in Part II, Quality Standards, Analytical Methods, Sampling, Sections ~~62-550.310~~ ~~17-550.310~~ and ~~62-550.320~~ ~~17-550.320~~, F.A.C.

e. The field testing, sample collection and preservation and laboratory testing, including quality control procedures, shall be in accordance with Chapters ~~62-4.246~~ ~~17-4.246~~, ~~62-~~

~~160 17-160~~, and ~~62-550, Part V 17-301.401~~, F.A.C. Approved methods as published by the Department or as published in Standard Methods, A.S.T.M. or EPA methods shall be used. Approved methods for chemical analyses are summarized in the Federal Register, December 1, 1976 (41FR52780) except that turbidity shall be measured by the Nephelometric Method.

f. and g. No change.

h. For four quarters commencing at least 12 months before the start of commercial operation all groundwater monitoring wells shall be sampled and the samples analyzed for the parameters on the following list. Thereafter, one down gradient well, as selected by the Department, shall be sampled and analyzed annually for parameters on the following list. Upon demonstration that key indicators such as sulfate, iron, pH or chloride show a significant increase over background levels, all affected wells shall be sampled and analyzed for the following parameters:

(No change to chart.)

Water elevations for all wells shall be measured on a quarterly schedule, and submitted to the Department along with quarterly data and shall be measured in reference to 1929 NGVD for all monitoring wells (1/100 of a foot) and surface waters (1/10 of a foot).

i. No change.

j. All groundwater analysis shall be submitted within 60 days of sampling on ~~DEP DER~~ form ~~62-522.900(2) 17-1.216(2)~~ with a summary of all exceedances of the MCL's per Rule 62-550, F.A.C., 17-550 to: Florida Department of Environmental Protection Regulation, Southeast Florida District Office, ~~400 North 1900 South~~ Congress Avenue, West Palm Beach, Florida ~~33401 32399-2400~~.

k. No change.

(5) SANITARY WASTES

A. No change.

B. A complete submittal of plans, drawings and specifications for waste pumps, lift stations, sewage collection systems, and wastewater collection systems in accordance with appropriate ~~DEP DER~~ rules shall be furnished to the Southeast District Office for approval at least 180 days prior to start of construction for the particular of such component. In order to obtain approval, the receiving sewage treatment plant shall indicate it has available capacity and

its acceptance of the proposed connection of the wastewater collection system. Also plans and specifications for connections to off-site sewage and wastewater transmission systems shall be furnished to the Southeast District Office for review in accordance with Condition I (13).

Department approval shall be obtained prior to the start of construction.

(6) SOLID/HAZARDOUS WASTES

A. Construction

Solid wastes resulting from construction shall be disposed of in accordance with the applicable regulations of Chapter 62-701 ~~47-701~~, F.A.C. Hazardous waste/materials handling contingency plans shall be submitted to the Southeast District Office for review and approval at least 90 days prior to start of construction.

B. Operation

1. No bottom ash, fly ash, spent acid gas control media, wastewater treatment sludges, or other forms of solid waste shall be disposed of in Florida, except in a licensed off-site landfill in accordance with all applicable portions of Chapters 62-701 ~~47-701~~ and 62-702 ~~47-702~~, F.A.C. Plans of solid waste disposal contingency plans for handling hazardous waste/materials, shall be provided to the Southeast District Office and the Division of Waste Management for review and approval at least 90 days prior to start of operation of the ICL Unit. Review shall be performed in accordance with Condition I(13). The final plans for this facility shall include provisions for the isolated temporary handling of suspected hazardous, or toxic wastes. The ICL shall not be operated until an out of state disposal area or a Florida landfill capable of disposing of plant wastes provides a letter or contract indicating acceptance of such wastes.

2. through 5. No change.

(7) OPERATIONAL SAFEGUARDS

The overall design and layout of the facilities shall be such as to mitigate potential adverse effects to humans and the environment. Security control measures shall be utilized to prevent exposure of the public to hazardous conditions. The Federal Occupational Safety and Health Standards will be complied with during construction and operation. The safety standards specified under Section 440.56, Florida Statutes, by the ~~Industrial Safety Section of the Florida Department of Labor and Employment Security, Division of Safety~~ Commerce will be complied with during operation.

(8) and (9) NO CHANGE.

PART III

GAME AND FRESH WATER FISH AND WILDLIFE CONSERVATION COMMISSION

(1) No more than 60 days prior to commencement of any clearing activities on the Project Site or in the pipeline right-of-way, respectively, a wildlife survey shall be conducted of the site or the pipeline right-of-way, whichever is applicable, the purpose of which is to update and supplement the survey results presented in the Site Certification Application concerning the presence of listed species (endangered or threatened species, or species of special concern) likely to occur on the site or in the right-of-way based on range and habitat. This survey shall be consistent with methodologies established or accepted by the Florida ~~Game and Fresh Water Fish and Wildlife Conservation~~ Commission (FFWCC) (~~FGFWFC~~). Results of said survey(s) shall be submitted to the FFWCC ~~FGFWFC~~ and the United States Fish and Wildlife Service within seven days of completion thereof. If the survey indicates that any listed species will be affected by construction of the Project or pipeline, the Permittee and the FFWCC ~~FGFWFC~~, shall, within 15 days of receipt of the survey by the FFWCC ~~FGFWFC~~, consult and determine the appropriate measures necessary to avoid, minimize, mitigate, or otherwise appropriately address such impacts.

(2) ICL shall place or construct culverts or similar structures to facilitate movement of wildlife across or beneath the perimeter access road to and from upland preserve areas of the Project site. The structures shall be located in reference to the Project's Site layout, as follows:

(a) through (c) No change.

These structures shall be designed to remain dry during a two year storm event and shall be approximately 3 feet high and 5 feet wide.

ICL shall submit detailed designs of the structures and their location to the FFWCC ~~FGFWFC~~ for review and approval 60 days prior to construction of the portions of the access road being culverted.

(3) No change.

(4) At least 60 days before commencement of onsite construction, ICP shall submit an upland preserve and wetland management plan to the Florida ~~Game and Fresh Water Fish and Wildlife~~

Conservation Commission and to Martin County for review and approval. This plan shall present management practices for the seven wetlands and the PUD planned unit development (industrial) zoning agreement of Martin County, and illustrated on figure 1. At a minimum, this plan shall include a statement of preserve management objectives; a statement of what habitat functions the preserves are expected to provide; a description of how habitat values will be maintained, including measures such as perimeter staking, and vegetation control; if controlled burning is proposed to control vegetation, a schedule of fire management through an certified burn specialist and including, but not limited to burn conditions, burn frequency, and measures taken to avoid spread of wildfire; measures to be taken to remove exotic vegetation from both uplands and wetlands; legal instrument(s) by which preserve areas and wetlands have been reserved from future developmental uses; and the entity responsible for management.

## PART ~~Part~~ IV

### SOUTH FLORIDA WATER MANAGEMENT DISTRICT

#### A. LEGAL / ADMINISTRATIVE CONDITIONS

##### 1. GENERAL

##### a. Responsible Entity

The Permittee shall be responsible for compliance with the Certification Conditions. If contractual rights, duties, or obligations are transferred under this Certification, notice of such transfer or assignment, including the identification of the entity responsible for compliance with the Certification, shall immediately be submitted to the Florida Department of Environmental Protection Regulation and the SFWMD by the previous certification holder (Permittee) and the Assignee. Any assignment or transfer shall carry with it the full responsibility for the limitations and conditions of this Certification. The previous Permittee shall be responsible for informing the Assignee of all authorized facilities and uses and the conditions under which they were authorized.

##### b. - i. No change.

##### j. Post Certification Construction Notifications

At least 30 days prior to the commencement of construction, the Permittee or Project Engineer shall notify the SFWMD ~~Field Engineering~~ Environmental Resource Compliance Division (using the appropriate SFWMD Form) of the actual or anticipated construction start date and the expected completion date/duration of construction. Annual construction status reports shall be submitted by the Permittee to the SFWMD ~~Field Engineering~~ Environmental Resource Compliance Division (using the appropriate SFWMD Form) beginning one year after the initial construction start date.

k. Operation Authorization

Operation of the cogeneration facility shall not begin until the Florida Department of Environmental Protection ~~Regulation~~ has received an executed agreement between the Permittee and an entity capable of receiving and disposing of the combustion waste products generated by the proposed facility.

l. No change

2. PROCESSING OF INFORMATIONAL REQUESTS

a. - d. No change

e. Subsequent modifications to the drawings and supporting calculations submitted to the SFWMD which may alter the quantity and/or quality of waters discharges off-site shall be made pursuant to Section 403.516, F.S., and Rule ~~62-17.211~~ 17-17.211, F.A.C. As part of this process, these modifications shall be reviewed by the SFWMD for a determination that the modifications are in compliance with the non-procedural requirements of Chapter 40E-2, 40E-4, and 40E-6, F.A.C., prior to the commencement of construction.

f. No change

B. WATER USE CONDITIONS

1. GENERAL

a. No change

b. Impacts on Existing Legal Uses

~~The Permittee shall be responsible for mitigating to the satisfaction of the SFWMD, any adverse impacts on existing legal uses caused by the surface ground water withdrawals authorized by this Certification. If adverse impacts occur, or are imminent, SFWMD reserves the right to~~

~~curtail withdrawal rates pursuant to the enforcement provisions of Condition IV.A.1.1 of these conditions. The adverse impacts can include:~~

~~\_\_\_\_\_ (1) A reduction in well water levels that impairs the ability of an adjacent well to produce water (an adjacent well may be a domestic well, lawn irrigation well, public water supply well etc.);~~

~~\_\_\_\_\_ (2) A significant reduction in water levels in an adjacent water body such as a lake, pond, wetland, or canal system;~~

~~\_\_\_\_\_ (3) Saline water intrusion or induction of pollutants into the water supply of adjacent water user, resulting in a significant reduction in water quality; and/ or~~

~~\_\_\_\_\_ (4) A change in water quality that causes impairment or loss of use of a well or water body.~~

The Permittee shall mitigate any adverse impact on existing legal uses caused by the ground water withdrawals authorized by this Certification. When adverse impacts occur or are imminent, the SFWMD reserves the right to curtail future withdrawal rates pursuant to the enforcement provisions of Condition A.1.1 of these conditions. The adverse impacts can include:

\_\_\_\_\_ (1) A reduction in well water levels that impairs the ability of an adjacent well, including a domestic well, lawn irrigation well, or public water supply well, to produce by 10% or greater;

\_\_\_\_\_ (2) A significant reduction in water levels in an adjacent water body such as a lake, pond, wetland, or canal system that impairs the ability to produce water by 10% or greater;

\_\_\_\_\_ (3) Saline water intrusion or induced movement of pollutants into the water supply of an adjacent water user, resulting in a significant reduction in water quality; and/or

\_\_\_\_\_ (4) A change in water quality caused by the Permittee that results in significant impairment or loss of use of a well or water body.

c. Impact on Existing Off-Site Land Uses

~~The Permittee shall be responsible for mitigating, to the satisfaction of the SFWMD, any adverse impacts on existing off-site land uses as a consequence of the surface or ground water withdrawals authorized by this Certification. If the withdrawals cause an adverse impact on existing land uses, the SFWMD reserves the right to curtail future withdrawals rates pursuant to~~

~~the enforcement provisions of Conditions IV.a.1.1 of these conditions. The adverse impacts can include:~~

~~(1) A significant reduction in water levels in an adjacent water body such as a lake, pond, wetland, or canal system;~~

~~(2) Land collapse or subsidence caused by a reduction in water levels;~~

~~(3) Damage to crops and other vegetation, causing financial harm to the landowner;~~

~~and/or~~

~~(4) Damage to the habitat of rare, endangered or threatened species.~~

The Permittee shall mitigate any adverse impacts on existing off-site land uses that are a consequence of the groundwater withdrawals authorized by this Certification. If increased withdrawals cause an adverse impact on existing land uses, the SFWMD reserves the right to curtail future withdrawal rates pursuant to the enforcement provisions of Condition A.1.1 of these conditions. Adverse impacts can include:

(1) A significant reduction in water levels in an adjacent water body, including impoundments, to the extent that the designed function of the water body is impaired;

(2) Land collapse or subsidence caused by a reduction in water levels; and/or

(3) Damage to crops and other types of vegetation.

d. Impacts to Natural Resources

The Permittee shall mitigate any adverse impacts to natural resources as a consequence of the groundwater withdrawals authorized by this Certification. When adverse impacts occur, or are imminent, the SFWMD reserves the right to curtail future withdrawal rates pursuant to the enforcement provisions of Condition A.1.1 of these conditions. Adverse impacts can include:

(1) A reduction in ground water levels that results in significant lateral movement of the fresh water/salt water interface;

(2) A reduction in water levels that adversely impacts the hydroperiod of protected wetland environments;

(3) A significant reduction in water levels or hydroperiod in a naturally occurring water body such as a lake or pond;

(4) Induced movement or induction of pollutants into the water supply resulting in a significant reduction in water quality; and/or



5) Harm to the natural system including damage to habitat for rare or endangered species.

d e. Well System Operations

At any time, if there is an indication that the well casing, valves, or controls associated with the on-site backup well system leak or have become inoperative, the Permittee shall be responsible for making the necessary repairs or replacement to restore the well system to an operating condition acceptable to the SFWMD. Failure to make such repairs shall be cause for requiring that the well(s) be filled and abandoned in accordance with the procedures outlined in Chapter 40-E 40E-3 (Water Wells), F.A.C.

2. SITE SPECIFIC DESIGN AUTHORIZATIONS

a. Authorized Withdrawals

Source	Maximum Annual Allocation (MGY)	Maximum Daily Source Allocation (MGD)
L-63N Canal	<del>1484.00</del> <u>1942.00</u>	<del>4.69</del> <u>5.32</u>
Upper Floridan Aquifer	195.00	2.60
Upper Permeable Zone-Lower Floridan Aquifer	174.0	2.32
<u>Surficial Aquifer</u>	<u>3.0</u>	<u>0.04</u>

b. Limitations on Authorized Withdrawals

(1) Withdrawals from the L-63N Canal shall only occur when the water level in the L-63N Canal is at or above 17.50 feet NGVD; except as provided for in subsection (7) below.

(2) Withdrawals from the Upper and Lower Production Zones of the Upper Floridan aquifer and the Surficial aquifer shall only occur when the water level in the L-63N Canal is below 17.50 feet NVGD; or during tests and maintenance on the wells. Maintenance is defined as one hour of operation per week for each well or the minimum operation of the pump necessary to maintain mechanical integrity as specified by the pump manufacturer.

(3) No change

(4) Any withdrawals from the L-63N Canal, or the Upper or Lower Production Zone of the Upper Floridan aquifer or the Surficial aquifer in excess of the amounts specified herein shall require prior SFWMD approval.

(5) No change

(6) The withdrawals from the Upper and Lower Production Zones of the Upper Floridan aquifer and the Surficial Aquifer are authorized for a period not to exceed 75 days at the specified maximum daily allocation or 90 days at an allocation not to exceed the maximum annual allocation. The permittee shall not exceed a total of 90 withdrawal days from the Floridan aquifer during any consecutive 365 day period without prior approval from the SFWMD.

(7) When operation of the SFWMD's S-191 control structure during flood events results in a water elevation of less than 17.50' NGVD in the L-63N Canal, withdrawals from the L-63N Canal may continue subject to the permittee obtaining prior confirmation from the SFWMD's Okeechobee Field Station (7:00 a.m. to 4:00 p.m., Monday through Friday) or the SFWMD's West Palm Beach Operations Control Center that the SFWMD is in a flood control operations mode.

(8) The permittee shall provide documentation of SFWMD approval of withdrawals from the L-63N Canal below 17.50' when the SFWMD is in a flood control operations mode. The documentation shall be in the form of a letter faxed to the SFWMD's West Palm Beach Operations Control Center within 24 hours of the verbal request to continue withdrawals and shall indicate the date and approximate time of approval and the name of the SFWMD employee granting the approval.

c. Authorized Withdrawal Facilities

2 - ~~2,550~~ 3,700 GPM Surface Water Pumps in L 63N

1 - 10" x 1340' ~~Flowing~~ Floridan Aquifer Well cased to 500'  
(existing well)

1 - 10" x 1265' ~~Flowing~~ Floridan Aquifer Well cased to 750'

2 - 15" x 1350' Flowing Floridan Aquifer Wells cased to 750'

2 - 15" x 1650' Flowing Floridan Aquifer Wells cased to 1487'

1 - 8" x 118' Surficial Aquifer Well cased to 78'

d. Authorized Surface Water Withdrawal Elevation

The intake for the surface water withdrawal facilities in L-63N shall be designed such that surface water withdrawals shall cease when water levels in the canal fall below 17.50' NVGD (~~See also Condition E.3.a(5)~~), except as provided for in Conditions B.2.b(1), (2), and (7).

e. No change.

f. Modification of Authorized Withdrawals

By January 1, 2005, and every ten years thereafter, unless extended by mutual agreement between the Permittee and SFWMD, the Permittee shall submit to the SFWMD a report on the project's consumptive water use which contains the information required by Chapter 40E-2, F.A.C., as in effect at that time. Within 90 days after receipt of the report, SFWMD shall evaluate the information and issue a written notification to DEP DER and the Permittee as to whether the maximum annual withdrawals of water for consumptive use authorized by this certification remain in compliance with the provisions of Chapter 373, F.S., and Chapter 40E-2, F.A.C., as in effect at that time. If the notification indicates that the withdrawals are not in compliance with those provisions, SFWMD shall recommend possible alternatives for bringing the withdrawals into compliance or otherwise meeting the minimum consumptive water use needs of the certified project. If mutual agreement cannot be reached within 180 days after issuance of the written notification on whether the maximum annual withdrawals of water for consumptive use remains in compliance, then the written notification shall be immediately referred to the Division of Administrative Hearings (DOAH) for resolution in accordance with the procedural provisions of Section 403.516(1)(c) and 120.57, F.S. In any proceeding conducted pursuant to this Condition of Certification, SFWMD shall demonstrate that the authorized water uses are no longer consistent with SFWMD's non-procedural criteria. The Permittee shall then demonstrate its entitlement to maintaining the authorized water uses by showing that the authorized water use

is consistent with the non-procedural criteria of SFWMD for such water uses or that a variance or other relief is warranted. The hearing officer shall submit a recommended order to the Siting Board whether the authorized water uses should be modified. The Siting Board shall then enter a final order on the matter, which order will constitute final agency action.

### 3. ADDITIONAL INFORMATION REQUIREMENTS

#### a. Floridan Aquifer Withdrawals

The authorized withdrawals from the Floridan aquifer are subject to the submittal of the following tests and analyses, a SFWMD evaluation of the results for a determination of compliance with the non-procedural requirements of Chapter 40E-2, F.A.C., and SFWMD's written approval to initiate withdrawals. The following information shall be submitted:

(1) The results of the Aquifer Performance Test (APT) to be conducted at the project site once the on-site water storage pond has been constructed or an alternate disposal method is approved by ~~DER~~ FDEP and SFWMD. The test shall be designed to determine the transmissivity and storage of the Upper and Lower production zones of the Upper Floridan aquifer and the leakance between the zones. A plan which details the APT shall be submitted to the SFWMD for approval at least 30 days prior to the commencement of the test.

(2) and (3) No change

b. - e. No change.

#### f. Water Conservation Plan

Within two (2) years of issuance of the modified Certification Order, the Permittee shall submit a Water Conservation Plan required by Chapter 40E-2, F.A.C., in effect at that time for review and approval by SFWMD staff. The plan shall, at a minimum, incorporate the following components:

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

(a) Implementation of a leak detection and repair program;

(b) Implementation of a recovery/recycling or other program providing for technological, procedural or programmatic improvements to the Permittee's facilities; and

(c) Use of processes to decrease water consumption.

(2) Development and implementation of an employee awareness program concerning water conservation.

C. SURFACE WATER MANAGEMENT CONDITIONS

1. GENERAL CONDITIONS

a. Professional Engineer Certificate

The operation of the surface water management system authorized under this Certification shall not become effective until a Florida Registered Professional engineer certifies, upon completion of each phase, that these facilities have been constructed in accordance with the design approved by the SFWMD. Within 30 days after completion of construction of the surface water management system, the Permittee or authorized agent shall submit the engineer's certification and notify the SFWMD ~~Field Engineer~~ Environmental Resource Compliance Division that the facilities are ready for inspection and approval. Such notification shall include as-built drawings of the site which shall include elevations, locations, and dimensions of components of the surface water management system.

b. - k. No change.

2. SITE SPECIFIC DESIGN AUTHORIZATIONS

a. No change.

b. Authorized Discharge Facilities

BASIN 2:	1-0.25' diameter circular orifice with the invert at elevation 33.5' NGVD 1-2" V-notch with the invert at elevation 35.5' NGVD. 1-4.0' wide weir with the crest at elevation 36.5' NGVD and a length of 18" diameter culvert discharging into 20' of rip-rapped spreader swale.
BASIN 3:	1-0.25' diameter circular orifice with the invert at elevation 32.7' NGVD 1-2" V-notch with the invert at elevation 34.6' NGVD 1-4.0' wide weir with the crest at elevation 36.0' NGVD and a length of 18" diameter culvert discharging into a 20' of rip-rapped spreader

	swale.
BASIN 6:	1-12' wide weir consisting of a 3 sided drop inlet with the crest at 37.5' <u>38.5'</u> NGVD.

c. - e. No change.

### 3. ADDITIONAL INFORMATION REQUIREMENTS

a. - d. No change.

e. Surface Water Quality Sampling and Monitoring Program for Surface Water

#### Discharges

~~Within six months of issuance of this certification, the Permittee shall develop and implement a monitoring program for surface water discharges. Within three months of issuance of this Certification, the Permittee shall submit a preliminary surface water quality monitoring program to the District for a determination of compliance with the non-procedural requirements of Chapter 40E-4, F.A.C. At a minimum, the program shall monitor all off-site discharges from the surface water management system and all surface water management system discharges into the on-site wetlands, specifically where Basin No. 2 discharges into Wetland No. 6 and Basin No. 3 discharges into Wetland No. 4.~~

~~(1) While the program may incorporate additional monitoring requirements and parameters required by the other agencies, at a minimum, it shall include the following parameters and time frames:~~

<del>MONITOR TYPE AND SCHEDULE</del>	<del>PARAMETERS</del>
<del>A. GENERAL (EVERY OTHER MONTH)</del>	<del>TOTAL ORGANIC CARBON, DISSOLVED OXYGEN, pH, TURBIDITY, SPECIFIC CONDUCTANCE, CHEMICAL OXYGEN DEMAND, TOTAL SUSPENDED SOLIDS, ALKALINITY.</del>
<del>B. ORGANIC (SEMI-ANNUAL)</del>	<del>OIL AND GREASE, DETERGENTS, EPA METHODS 601 AND 602.</del>
<del>C. METALS (SEMI-ANNUAL)</del>	<del>ALUMINUM, ANTIMONY, ARSENIC,</del>

	<del>BERYLLIUM, CADMIUM, COPPER,          CYANIDE, IRON, LEAD, MERCURY, NICKEL,          SELENIUM, SILVER, ZINC.</del>
--	--

~~(2) Water quality samples shall be taken at the above noted locations in accordance with the above schedule during periods of discharge. A laboratory certified by the State of Florida shall be responsible for all water quality analyses under (1)B and (1)C above. Reports shall be submitted to the SFWMD on a semi-annual basis. Initial sampling results shall be reported to the SFWMD no later than six months following the issuance of this Certification.~~

Surface water quality sampling and monitoring data shall be collected and analyzed in accordance with applicable FDEP and EPA criteria. The monitoring results shall be reported to the SFWMD at the intervals specified in the applicable FDEP Conditions of Certification.

~~(3) The SFWMD will evaluate the monitoring results to determine whether the discharge degrades receiving waters and conforms to State water quality standards as defined in Chapter 17-302, F.A.C. If water quality problems develop, the SFWMD reserves the right to require more frequent sampling and more thorough analyses in order to provide assurances that the discharges will not cause additional off-site water quality impacts.~~

f. No change.

D. NO CHANGE.

E. LAND MANAGEMENT CONDITIONS

1. NO CHANGE.

2. GENERAL DESIGN CONDITIONS

a. through d. No change.

e. All excavations shall be in accordance with FDEP ~~DER~~ requirements and silt booms shall be employed where necessary.

f. – n. No change.

3. ADDITIONAL INFORMATION SUBMITTALS

a. Construction Plans for Authorized Uses in SFWMD Right of Way

Prior to the commencement of construction of any portion of the withdrawal facilities and associated piping to be located within the SFWMD ROW, the Permittee shall submit

complete detailed construction drawings showing the proposed facilities to the SFWMD for a determination of compliance with the non-procedural requirements of Chapter 40E-6, F.A.C. The drawings shall be identical to the plans to be provided to the Permittee's contractor, shall depict the proposed facilities in both plan and profile views and shall show at a minimum:

(1) - (4) No change.

(5) Design details which demonstrate that withdrawals from the canal cannot occur below elevation 17.50 NGVD (see also Conditions IV.B.2.b.(1) and 7 and IV.B.2.d.);

(6) - (9) No change.

b. No change.

## PART V

### TREASURE COAST REGIONAL PLANNING COUNCIL

1. - 4. No change.

5. At least 60 days prior to construction, ICP shall submit and upland preserve and wetland management plan to the Florida ~~Game and Fresh Water~~ Fish and Wildlife Conservation Commission and to Martin County for review and approval. This plan shall present management practices for the seven wetlands and the upland preserve areas, as designated in the Application and the PUD planned unit development (industrial) zoning agreement of Martin County, and illustrated on Figure 1. At a minimum, this plan shall include a statement of preserve management objectives; a statement of what habitat functions the preserves are expected to provide; a description of how habitat values will be maintained, including measures such as perimeter staking, and vegetation control if controlled burning is proposed to control vegetation, a schedule of fire management through a certified burn specialist and including, but not limited to, burn conditions, burn frequency, and measures taken to avoid spread of wildfire; measures taken to remove exotic vegetation from both uplands and wetlands; legal instrument by which preserve areas and wetlands have been reserved from future developmental uses; and the entity responsible for management.

6. No change.



PART VI

DEPARTMENT OF TRANSPORTATION

1.-8. No change.

9. No new access to the State Highway System is proposed in the site certification modification proposed for calendar year 2000. If new access or modification of current access to the State Highway System is proposed at a later date, such as related to the borrow pit sites when they are identified, access will be subject to the requirements of Rule Chapters 14-96, State Highway System Connection Permits, Administrative Process, and 14-97, State Highway System Access Management Classification System and Standards, Florida Administrative Code, will be required.

10. If any overweight or overdimensional vehicles are operated by the applicant, permitting requirements of Chapter 316, Florida Statutes, and Rule Chapter 14-26, Safety Regulations and Permit Fees for Overweight and Overdimensional Vehicles, Florida Administrative Code, must be adhered to.

11. No new use of State of Florida right of way or transportation facilities, including any new or relocated transmission lines, is proposed via the calendar year 2000 modification. If any use of State of Florida right of way or transportation facilities is later proposed, such usage will be subject to the requirements of the Department of Transportation's Utility Accommodation Manual and Rule Chapter 14-46.001, Utilities Installation or Adjustment, Florida Administrative Code.

PART VII

NO CHANGE.

PART VIII

DEPARTMENT OF COMMUNITY AFFAIRS

1. – 5. No change.

6. At least 60 days prior to construction, ICP shall submit an upland preserve and wetland management plan to the Florida ~~Game and Fresh Water~~ Fish and Wildlife Conservation Commission and to Martin County for review and approval. This plan shall present management practices for the seven wetlands and the upland preserve areas, as designated in the Application and the PUD planned unit development (industrial) zoning agreement of Martin County, and illustrated on Figure 1. At a minimum, this plan shall include a statement of preserve management objectives; a statement of what habitat functions the preserves are expected to provide; a description of how habitat values will be maintained, including measures such as perimeter staking and vegetation control; if controlled burning is proposed to control vegetation; a schedule of fire management through a certified burn specialist and including, but not limited to, burn conditions, burn frequency, and measures taken to avoid spread of wildfire; measures taken to remove exotic vegetation from both uplands and wetlands; legal instrument by which preserve areas and wetlands have been reserved from future development uses; and the entity responsible for management.

#### PART IX

NO CHANGE.

#### PART X

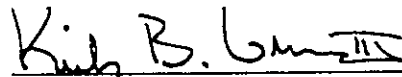
#### TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

1. In the event that the facilities, pipeline or improvements constructed or maintained by ICL under this certification are placed on, under, over, or across lands owned by the Board of Trustees of the Internal Improvement Trust Fund, ICL shall first obtain the consent of the Trustees for the use of such lands prior to the construction of those facilities. Such requests for consent shall be made and granted pursuant to Chapter 253, F.S., and Chapter 18-21, F.A.C. The issuance of such consent shall be based upon the information provided during the certification proceeding and such other information necessary to demonstrate compliance with Chapter 253, F.S., and Chapter 18-21, F.A.C.

Any party to this Notice has the right to seek judicial review of the Order pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department of Environmental Protection, M.S.35, Office of General Counsel, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, and by filing a copy of the Notice of Appeal accompanied by the applicable filing fee with the appropriate district court of appeal. The Notice of Appeal must be filed within 30 days from the date that this Final Order is filed with the Department of Environmental Protection.


**DONE AND ENTERED** this 26<sup>th</sup> day of July 2000, in Tallahassee, Florida.

**STATE OF FLORIDA, DEPARTMENT  
OF ENVIRONMENTAL PROTECTION**




KIRBY B. GREEN, III  
DEPUTY SECRETARY  
3900 Commonwealth Boulevard  
Tallahassee, FL 32399-3000  
Telephone: (850) 488-7131

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

  
Deputy CLERK  
7/26/00  
DATE

**CERTIFICATE OF SERVICE**

I CERTIFY that a true and correct copy of the foregoing Final Order Modifying Conditions of Certification was mailed to the following on this 26 day of July 2000.

  
\_\_\_\_\_  
SCOTT A. GOORLAND  
Senior Assistant General Counsel  
Florida Bar No. 0066834

John Fumero  
General Counsel  
South Florida Water Management District  
Post Office Box 24680  
West Palm Beach, Florida 33416-4680

Roger G. Saberson, Esquire  
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