Appendix H-1, Permit History/ID Number Changes

Orlando Utilities Commission
Stanton Energy

Facility ID No.: 0950137-001-AV

Permit History (for tracking purposes):

E.U. ID No	Description	Permit No.	Issue Date	Expiration Date	Extended Date[1,2]	Revised Date(s)
-001	Fossil Fuel Steam Generation Unit #1	PPS PA 81-14 PSD-FL-084	~~07/02/84~~ → 5/18/81	12/15/82		
-002	Pulverized Coal Fired Unit No. 2	PPS PA 81-14 PSD-FL-084	~~07/02/84~~ → 12/17/91			

(if applicable) ID Number Changes (for tracking purposes):

From: **Facility ID No.**: 30ORL480137

To: **Facility ID No.**: 0950137

Notes:
1 - AO permit(s) automatic extension(s) in Rule 62-210.300(2)(a)3.a., F.A.C., effective 03/21/96.
2 - AC permit(s) automatic extension(s) in Rule 62-213.420(1)(a)4., F.A.C., effective 03/20/96.
{Rule 62-213.420(1)(b)2., F.A.C., effective 03/20/96, allows Title V Sources to operate under existing valid permits}

ORLANDO UTILITIES COMMISSION

Certified Mail No. P-147-432-384
Return Receipt Requested

RECEIVED
MAY 08 1997
BUREAU OF
AIR REGULATION

April 30, 1997

Mr. Scott Sheplak, P. E.
Florida Department of Environmental Protection
2600 Blair Stone Road MS-5500
Tallahassee, FL 32399-2400

Re: Revised Title V Application - Curtis H. Stanton Energy Center

Dear Mr. Sheplak:

A few weeks ago we forwarded you our revised application for a Title V Operating Permit for the Stanton facility. This letter is a follow up to explain the reason for this revision.

The revision was necessary to include Boiler Unit No.2 which was under construction when the initial Stanton Plant Title V application was submitted on June 15, 1996.

Section 1 provided the ELSA signature pages.

Section 2 provided the figures, supplements and attachments.

In the revision we included all supplemental information, previously submitted, along with the ELSA disk. Therefore, you can either destroy or return the old 6/15/96 Stanton Title V application. We believe that FDEP will issue a single Title V Operating Permit for the Stanton facility.

Should you have any questions, please call 407/423-9141.

Sincerely,

Gregory A. DeMuth, Director
Environmental Division

GAD:rc
Enclosures

xc: R. F. Hicks
P. Lewis - ENSR

I:\wpfiles\depcorr\TitlVrev.sec

500 South Orange Avenue • P.O. Box 3193 • Orlando, Florida 32802 • Telephone (407) 423-9100
Administration Fax (407) 236-9616 • Purchasing Fax (407) 423-9199

Patty file

ORLANDO UTILITIES COMMISSION
500 SOUTH ORANGE AVENUE • P. O. BOX 3193 • ORLANDO, FLORIDA 32802 • 407/423-9100

Certified Mail No. P-838-072-735
Return Receipt Requested

January 21, 1994

Mr. H. S. Oven, Administrator
Siting Coordination Office
Florida Department of
Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Re: Stanton Energy Center - Unit 2
AQC Equipment Status Report

Dear Mr. Oven:

The enclosure to this letter provides an update to the status report outlining progress to date on engineering design and purchase of major air pollution control equipment for Stanton Energy Center, Unit 2. This report covers progress through December 31, 1993. The submittal of this status report is required by the Supplemental Conditions of Certification, Part II, Item II/I.D.3.

The following equipment are considered as major pieces of air pollution control equipment:

- Steam Generator
- Post Combustion NO_x Reduction System (SCR)
- Flue Gas Particulate Removal Equipment
- Flue Gas Scrubber
- Chimney
- Fly Ash Handling System
- Dust Collection Equipment

Orlando Utilities Commission
Stanton Energy Center, Unit 2

January 3, 1994

Air Pollution Control Equipment
Status Report

This status report indicates the progress to date on engineering design and purchase of major air pollution control equipment for Stanton Energy Center, Unit 2. This report covers the period through December 1993. Data regarding engineering status and fabrication status is based on information supplied and drawings submitted by the equipment suppliers. The delivery status is based on contract requirements.

EQUIPMENT: Steam Generator

CONTRACTOR: Babcock & Wilcox

BID ISSUE: Completed July 5, 1990

CONTRACT AWARD: Completed February 19, 1990

CONTRACT CHANGES: Change Order 1 completed February 25, 1993
Change Order 2 completed November 19, 1993

ENGINEERING STATUS: Completed

FABRICATION STATUS: Started in December 1992, continuing through December 1994

DELIVERY STATUS: Due June 1994 through December 1994. Early delivery of the secondary air duct was completed in October 1993.

SIGNIFICANT COMMENTS: The equipment replicates the SEC-1 equipment, except for specific changes made for SEC-2 including low - NO_x burners and over-fire air ducts. These and other miscellaneous changes account for the engineering work currently being conducted.

The contract changes do not affect air pollution control aspects of the project.

EQUIPMENT: Post Combustion NO_x Reduction System (SCR)

CONTRACTOR: Noell, Inc.

BID ISSUE: Completed May 20, 1992

CONTRACT AWARD: Completed August 11, 1992

CONTRACT CHANGES: None

ENGINEERING STATUS: 95 percent complete and on schedule.

FABRICATION STATUS: Started in October 1993, continuing through November 1994

DELIVERY STATUS: Due April 1994 through June 1995

SIGNIFICANT COMMENTS: Technical sections of the contract documents were issued for agency information on March 8, 1993 in compliance with Condition of Certification II/I.A.16.

EQUIPMENT: Flue Gas Particulate Removal Equipment (Electrostatic Precipitator)

CONTRACTOR: Wheelabrator-Frye, Air Pollution Control Division

BID ISSUE: Completed August 24, 1990

CONTRACT AWARD: Completed April 16, 1991

CONTRACT CHANGES: None

ENGINEERING STATUS: 98 Percent Complete and On Schedule

FABRICATION STATUS: Due January 1994 through January 1995

DELIVERY STATUS: Due April 1994 through June 1995

SIGNIFICANT COMMENTS: The equipment replicates the SEC-1 equipment with insignificant change in design.

EQUIPMENT: Flue Gas Scrubber

CONTRACTOR: ABB Environmental Systems

BID ISSUE: Completed October 8, 1990

CONTRACT AWARD: Completed April 16, 1991

CONTRACT CHANGES: Change Order 1 completed January 28, 1993
Change Order 2 completed October 8, 1993

ENGINEERING STATUS: 99 Percent Complete and On Schedule

FABRICATION STATUS: Started in November 1993, continuing through December 1994

DELIVERY STATUS: Due March 1994 through June 1995

SIGNIFICANT COMMENTS: The equipment replicates the SEC-1 equipment except for modifications to achieve higher removal efficiency.

The contract changes do not affect air pollution control aspects of the project.

EQUIPMENT: Chimney

CONTRACTOR: Pullman Power Products

BID ISSUE: Completed August 10, 1990

CONTRACT AWARD: Completed March 12, 1991

CONTRACT CHANGES: Change Order 1 completed October 8, 1993
Change Order 2 completed March 17, 1993
Change Order 3 completed October 28, 1993

ENGINEERING STATUS: Completed

ERECTION STATUS: Due April 1994 through December 1995, with early mobilization expected.

SIGNIFICANT COMMENTS: The equipment replicates the SEC-1 design. The contract changes do not affect air pollution control aspects of the project.

EQUIPMENT: Fly Ash Handling System

CONTRACTOR: United Conveyor Corporation

BID ISSUE: Completed September 28, 1990

CONTRACT AWARD: Completed March 12, 1991

CONTRACT CHANGES: Change Order 1 completed February 26, 1993
Change Order 2 to Owner December 1, 1993

ENGINEERING STATUS: 100 Percent Complete and On Schedule

FABRICATION STATUS: Started in June 1993, continuing through May 1994

DELIVERY STATUS: Due June 1994 through August 1994

SIGNIFICANT COMMENTS: None

The contract changes do not affect the air pollution control aspects of the project.

EQUIPMENT: Dust Collectors (Bulk Materials Handling)

CONTRACTOR: Roberts & Schaefer Company

BID ISSUE: Completed December 10, 1991

CONTRACT AWARD: Completed April 8, 1992

CONTRACT CHANGES: Change Order 1 completed May 25, 1993
Change Order 2 completed June 24, 1993

ENGINEERING STATUS: Completed

FABRICATION STATUS: Started in November 1993, continuing through August 1994

DELIVERY STATUS: Due September 1994

SIGNIFICANT COMMENTS: Contract change is not related to the dust collector scope of supply.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

ORLANDO UTILITIES COMMISSION
CURTIS H. STANTON ENERGY CENTER UNIT 2
PA 81-14/SA1

SUPPLEMENTAL CONDITIONS OF CERTIFICATION

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PART VI

PART VII

Curtis H. Stanton Unit 2
DER Case No. PA 81-14/SA1
DOAH Case No. 91-1813EPP

SUPPLEMENTAL CONDITIONS OF CERTIFICATION (COCs)

PART I

Administrative Conditions

I/I. ENTITLEMENT

Pursuant to s. 403.501-519, F.S., the Florida Electrical Power Plant Siting Act, this certification is issued to Orlando Utilities Commission, Florida Municipal Power Agency, and Kissimmee Utility Authority as joint owner/operators of Curtis H. Stanton Unit 2.

I/II. SCOPE OF LICENSE

A. Certification has previously been issued by the Governor & Cabinet on 12/14/82 for the Stanton site, including associated transmission and rail spur lines, with subsequent modifications thereto. These Conditions of Certification address the supplementary changes related to the construction and operation of Unit 2 and associated transmission line and alternate access road (shown on Attachment I). Where these conditions supersede the original COC and modifications thereto, such COC are rendered void; otherwise, the original COC and modifications thereto remain in effect.

B. Unit 2 certification is limited to 516,200 KVA (465 MW at a 0.9 power factor) nameplate capacity.

I/III. 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 Regulation (& Central District Office) [DER or DER/CDO]
South Florida Water Management District [SFWMD]
St. Johns River Water Management District [SJRWMD]
Game & Fresh Water Fish Commission [GFWFC]
Department of Natural Resources [DNR]
Department of Community Affairs [DCA]
Department of Transportation [DOT]
Orange County [OC]

I/IV. DEFINITIONS

A. Licensee: References herein to the "Licensee" apply to Orlando Utilities Commission, Florida Municipal Power Agency, and Kissimmee Utility Authority as joint owners of Stanton Unit 2, or to their successors or assigns. (See COC-I/V regarding transfer of certification).

B. Completeness/sufficiency: The term "complete" as used herein shall have the same meaning as contained in Chapter 120, F.S., not Chapter 403, F.S., i.e., a complete application shall also provide sufficient information for an agency to perform an analysis of compliance with the conditions of certification and applicable regulations. Where agency-recommended COCs have used the Ch. 403 FS term of "sufficient", that shall have the same meaning as the term "complete" as used herein.

C. Affected agencies: References to the "affected agencies" apply to the jurisdictional agencies listed in COC-I/III.

D. Other terms: The meaning of terms not otherwise specified in A-C, as used herein, shall be governed by the definitions contained in Chapter 403, Florida Statutes, and any regulations adopted pursuant thereto. In the event of any dispute over the meaning of a term 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.

I/V. 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 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.

I/VI. 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 circumstances, is held invalid, the application of such provisions to other circumstances and the remainder of the certification shall not be affected thereby.

I/VII. PROFESSIONAL CERTIFICATION

Where post-certification submittals are required by these conditions, drawings shall be signed and sealed by a Professional Engineer, or Professional Geologist, as applicable, registered in the State of Florida.

I/VIII. RIGHT OF ENTRY

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

A. To have access during normal business hours (Mon.-Fri., 9:00 a.m. to 5:00 pm.) to any records required to be kept under the conditions of this certification for examination and copying; and

B. To inspect and test any monitoring equipment or monitoring method required in this certification and to sample any discharge or pollutants; and

C. To assess any damage to the environment or violation of ambient standards; and

D. To have reasonable escorted access to the power plant site and any associated linear facilities to inspect and observe any activities associated with the construction, operation, maintenance, or monitoring of the proposed project in order to determine compliance with the conditions of this Certification. The Licensee shall not refuse immediate entry or access upon reasonable notice to any Affected Agency representative who requests entry for the purpose of the above noted inspections and presents appropriate credentials.

I/IX. DESIGN STANDARDS

The facility shall be constructed pursuant to the design standards presented in the application and any approved post-certification submittals, and shall be considered the minimum design standards for compliance.

I/X. LIABILITY

The Licensee shall hold and save the Affected Agencies harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, operation, maintenance and/or use of any facility authorized by this Certification, to the extent allowed under Florida law.

I/XI. PROPERTY RIGHTS

The issuance of this certification does not convey any property rights in either real or personal property, nor any exclusive privileges, nor does it authorize any injury to public or private property or any invasion of personal rights nor any infringement of Federal, State or local laws or regulations.

I/XII. COMPLIANCE

A. Compliance with Conditions

1. The Licensee shall at all times maintain in good working order and operate all treatment or control facilities or systems installed or used by the Licensee so as to achieve compliance with the terms and conditions of this certification. All discharges or emissions authorized herein shall be consistent with the terms and conditions of this certification. The discharge of any regulated pollutant not identified in the application, or more frequent than, or at a level in excess of that authorized herein, shall constitute a violation of the certification.

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 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 DER Central District Office and Siting Coordination office, as required in I/XII.B.

3. Any anticipated facility expansions beyond the certified initial nameplate capacity, production increases, or process modifications which may result in new, different, or increased discharges of pollutants, change in type of fuel, or expansion in steam generation capacity shall be reported by submission of a modification petition pursuant to Chapter 403, Florida Statutes.

4. In the event of a malfunction of Unit 2's pollution control system, that the Licensee shall comply with 40 CFR 60.46a.

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 Central District office of the Department of Environmental Regulation by telephone within a working day that 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. A description of the discharge and cause of noncompliance; and

2. The period of noncompliance, including exact dates and times; or if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the noncomplying event.

C. Adverse Impact

The Licensee shall take all reasonable steps to minimize any adverse impact resulting from noncompliance with any limitation specified in this certification, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

I/XIII. 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 chapter 120, 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 120 days prior to the intended commencement date of construction or operation of the feature undergoing review. Notification of the submittal of the information, and any determinations made pursuant to these COC, shall be provided to the DER Siting Coordination Office for record-keeping purposes.

B. Where such information is required, it shall be submitted to the agency(ies) named in the condition, which shall then have 30 days in which to determine the completeness (sufficiency) of the information. If a written request for additional information is not issued within the 30 day time period, the information will be presumed to be complete (sufficient).

C. Once the information has been determined complete (sufficient), the agency(ies) shall have 90 days, unless another time period has been specified herein, in which to make the determination regarding compliance.

I/XIV. COMMENCEMENT OF CONSTRUCTION

At least 30 days prior to the commencement of construction, the Licensee or Project Engineer shall notify the DER Siting Coordination Office, the DER Central District Office, and Affected Agencies of theconstruction 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.

I/XV. COMMENCEMENT OF OPERATION

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

I/XVI. OPERATIONAL CONTINGENCY PLANS

A. Operating Procedures

The Licensee shall develop and make available for viewing at the Stanton site by the DER operating instructions for all aspects of the operations which are critical to keeping the facility's pollution control equipment working properly and to keep the facility in compliance with air and water quality criteria.

B. Contingency Plans

The Licensee shall develop and make available for viewing at the Stanton site by the DER written contingency plans or procedures for the continued operation of the unit in event of pollution control equipment 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. Current Engineering Plans

For all pollution control and monitoring systems, the Licensee shall maintain a complete current set of as installed engineering plans, equipment data books, catalogs and documents in order to facilitate the smooth acquisition or fabrication of spare parts or mechanical modifications.

D. Application Modifications

The Licensee shall furnish appropriate modifications to drawings and plot plans submitted as part of the application.

I/XVII. REVOCATION OR SUSPENSION

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

I/XVIII. CIVIL AND CRIMINAL LIABILITY

This certification does not relieve the Licensee from civil or criminal penalties for noncompliance with any conditions of this certification, applicable rules or regulations of the Department or Chapter 403, Florida Statutes, or regulations thereunder.

Subject to Section 403.511, Florida Statutes, this certification shall not preclude the institution of any legal action or relieve the Licensee from any responsibilities or penalties established pursuant to any other applicable state statutes, or regulations.

I/XIX. ENFORCEMENT

The Department of Environmental Regulation, as supported by the applicable Affected Agency, may take any and all lawful actions to enforce any condition of this Certification. Any agency which deems enforcement to be necessary shall notify the Secretary of DER of the proposed actions. The agency may seek 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.

I/XX. FIVE YEAR REVIEW

The certification shall be final unless revised, revoked, or suspended pursuant to law. At least every five years from the date of issuance of certification the Department shall review the project and these conditions of certification and propose any needed modifications.

I/XXI. MODIFICATION OF CONDITIONS

Pursuant to Subsection 403.516(1), F.S., the Board hereby delegates the authority to the Secretary to modify any condition of this certification not in conflict with Condition of Certification Part VII dealing with sampling, monitoring, reporting, specification of control equipment, related time schedules, emission limitations, variances or exceptions to water quality standards, transmission line, access road or pipeline construction, source of treated effluent cooling water, mitigation, transfer or assignment of the Certification

or related federally delegated permits, or any special studies conducted, as necessary to attain the objectives of Chapter 403, Florida Statutes.

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

Part II

Conditions Recommended by
the
Department of Environmental Regulation

II/I. AIR

The construction and operation of Unit 2 at Orlando Utilities Commission, Curtis H. Stanton Energy Center (CHSEC) steam electric power plant site shall be in accordance with all applicable provisions of Chapters 17-2, 17-4, and 17-5, Florida Administrative Code except for NO_x, and SO_2 which shall be governed by 40 CFR Part 60 regarding startup, shutdown, and malfunction. In addition to the foregoing, the permittee shall comply with the following conditions of certification:

A. Emissions Limitations

1. The proposed steam generating station shall be constructed and operated in accordance with the capabilities and specifications of the application including the proposed 465 (gross) megawatt generating capacity and the 4286 MMBtu/hr heat input rate for ~~each~~ the steam generator. Based on a maximum heat input of 4286 million Btu per hour, stack emissions from CHSEC Unit 2 shall not exceed the following when burning coal:

a. SO_2 - lb/million Btu heat input

30 - day rolling average	0.25
24 - hour emission rate	0.67
3 - hour emission rate	0.85

b. NO_x - lb/million Btu heat input

30-day rolling average	0.17

c. PM/PM_{10} - lb/million Btu heat input

	lb/MBtu	lb/hr
PM	0.02	85.7
PM_{10}	0.02	85.7

d. CO - 0.15 lb/million Btu heat input, 643 lb/hour.

e. VOC - 0.015 lb/million Btu heat input, 64 lb/hour.

f. H_2SO_4 - 0.033 lb/million Btu heat input 140 lb/hour.

Screen 38

g. Be - 5.2×10^{-6} lb/million Btu heat input, 0.022 lb/hour.

h. Hg - 1.1×10^{-5} lb/million Btu heat input, 0.046 lb/hour.

i. Pb - 1.5×10^{-4} lbs/million Btu heat input, 0.64 lb/hour.

j. Fluorides - 4.2×10^{-4} lb/million Btu heat input, 1.8 lb/hour.

2. The height of the boiler exhaust stack for CHSEC Unit 2 shall not be less than 550 ft. above grade.

3. Particulate emissions from the coal, lime and limestone handling facilities:

a. All conveyors and conveyor transfer points will be enclosed to preclude PM emissions (except those directly associated with the coal stacker/reclaimer or emergency stockout, and the limestone stockout for which enclosure is operationally infeasible).

b. Inactive coal storage piles will be shaped, compacted and oriented to minimize wind erosion.

c. Water sprays or chemical wetting agents and stabilizers will be applied to storage piles, handling equipment, etc. during dry periods and as necessary to all facilities to maintain an opacity of less than or equal to 5 percent, except when adding, moving or removing coal from the coal pile, which would be allowed no more than 20%.

d. Limestone day silos and associated transfer points will be maintained at negative pressures during filling operations with the exhaust vented to a control system. Lime will be handled with a totally enclosed pneumatic system. Exhaust from the lime silos during filling will be vented to a collector system.

e. The fly ash handling system (including transfer and silo storage) will be totally enclosed and vented (including pneumatic system exhaust) through fabric filters; and

f. Any additional coal, lime, and limestone handling facilities for Stanton Unit 2 will be equipped with particulate control systems equivalent to those for Stanton Unit 1

4. Particulate emissions from bag filter exhausts from the following facilities shall be limited to 0.02 gr/acf: coal, lime, limestone and flyash handling systems excluding those facilities covered by II/I.A.3.c above. A visible emission reading of 5% opacity or less may be used to establish compliance with this emission limit. A visible emission reading greater than 5% opacity will not create a presumption that the 0.02 gr/acf emission limit is being violated. However, a visible emission reading greater than 5% opacity will require the permittee to perform a stack test for particulate emissions, as set forth in Condition II/I.C.

5. Compliance with opacity limits of the facilities listed in Condition II/I.A. will be determined by EPA referenced method 9 (Appendix A, 40 CFR 60).

6. Construction shall reasonably conform to the plans and schedule given in the supplemental application.

7. 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 DER Central District office in Orlando.

8. Reasonable precautions to prevent fugitive particulate emissions during construction shall be to coat the roads and construction sites used by contractors, regrass or water areas of disturbed soils.

9. Coal shall not be burned in the unit unless the electrostatic precipitator and limestone scrubber and other air pollution control devices are operating as designed except as provided under 40 CFR Part 60, Subpart Da.

10. The fuel oil to be fired in Stanton Unit 2 and the auxiliary boiler shall be "new oil" which means an oil which has been refined from crude oil and has not been used. On-site generated lubricating oil and used fuel oil which meets the requirements of 40 CFR 266.40 may also be burned. The quality of the No. 2 fuel oil used by the auxiliary boiler shall not contain more than 0.5% sulfur by weight and cause the allowable emission limits listed in the following table to be exceeded. Such emissions may be calculated in accordance with AP-42.

Allowable Emission Limits

Pollutant	lb/MMBtu
PM	0.015
SO_2	0.51
NO_x	0.16
Visible emissions	Maximum 20% Opacity

11. The flue gas scrubber shall be put into service during normal operational startup, and shut down when No. 6 fuel oil is being burned. The No. 6 fuel oil shall not contain more than 1.5% sulfur by weight.

12. No fraction of flue gas shall be allowed to bypass the FGD system to reheat the gases exiting from the FGD system, except that bypass shall be allowed during startup and shutdown.

13. All fuel oil and coal shipments received shall have an analysis for sulfur content, ash content, and heating value either documented by the supplier or determined by analysis. Coal sulfur content shall be determined and recorded on a daily basis. Records of all the analysis shall be kept for public inspection for a minimum of two years after the data is recorded.

14. Within 90 days of commencement of operations, the applicant will determine and submit to FDER the pH level range in the scrubber reaction tank that correlates with the specified limits for SO_2 in the flue gas. Moreover, the applicant is required to operate a continuous pH meter equipped with an upset alarm to ensure that the operator becomes aware when the pH level of the scrubber reaction tank falls out of this range. The pH monitor can also act as a backup in the event of malfunction of the continuous SO_2 monitor. The value of the scrubber pH may be revised at a later date provided notification to FDER is made demonstrating the emission limit is met. Further, if compliance data show that higher FGD performance is necessary to maintain the emission limit, a different pH value will be determined and maintained.

15. The applicant will comply with all requirements andprovisions of the New Source Performance standard for electric utility steam generating units (40 CFR 60 Part Da).

16. The Licensee shall submit to the Department at least 120 days prior to start of construction of the NO_x control system, copies of technical data pertaining to the selected No_x control system. These data, if applicable to the technology chosen by the Licensee, should include but not be limited to design efficiency, guaranteed efficiency, emission rates, flow rates, reagent injection rates, or types of catalysts. The Department may, upon review of these data, disapprove the use of any such device or system if the Department determines the selected control device or system to be inadequate to meet the emission limits specified in 1.b. above. Such disapproval shall be issued within 90 days of receipt of the technical data.

B. Air Monitoring Program

1. A flue gas oxygen meter shall be installed for Stanton Unit 2 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. The flue gas manufacturing oxygen monitor shall be calibrated and operated according to established procedures as approved by DER. The document "Use of Flue Gas Oxygen Meter as BACT for Combustion Controls" may be used as a guide.

2. The permittee shall install and operate continuous monitoring devices for Stanton Unit 2 main boiler exhaust for sulfur dioxide, nitrogen oxides, oxygen, and opacity. The monitoring devices shall meet the applicable requirements of Section 17-2.710, FAC., and 40 CFR 60.47a. The opacity monitor may be placed in the duct work between the electrostatic precipitator and the FGD scrubber.

3. The permittee shall operate one continuous ambient monitoring device for sulfur dioxide in accordance with DER quality control procedures and EPA reference methods in 40 CFR, Part 53, and one ambient monitoring device for PM_{10}, and one continuous NO_x monitor. The monitoring devices shall be specifically located at a location approved by the Department. The frequency of operation of the particulate monitor shall be every six days commencing as specified by the Department. During construction and operation the existing meteorological station will be operated and data reported with the ambient data.

4. The permittee shall maintain a daily log of the amounts and types of fuel used. The log shall be kept for inspection for at least two years after the data is recorded. Fuel analysis data including sulfur content, ash content, and heating values shall be determined on an as received basis and kept for two years.

5. The permittee shall provide stack sampling facilities as required by Rule 17-2.700(4) F.A.C.

6. The ambient monitoring program shall begin at least one year prior to initial start up of Unit 2 and shall continue for at least one year of commercial operation. The Department and the permittee shall review the results of the monitoring program annually and determine the necessity for the continuation of or modifications to the monitoring program.

C Stack Testing

1. Within 60 calendar days after achieving the maximum capacity at which Unit 2 will be operated, but no later than 180 operating days after initial startup, the permittee shall conduct performance tests for particulates, SO_2, NO_x, and visible emissions during normal operations near (± 10%) 4286 MMBtu/hr heat input and furnish the Department a written report of the results of such performance tests within 45 days of completion of the tests. The performance tests will be conducted in accordance with the provisions of 40 CFR 60.46a and 48a.

2. Compliance with emission limitation standards mentioned in specific Condition No. II/I.A. shall be demonstrated during the initial performance test using appropriate EPA Methods, as contained in 40 CFR Part 60 (Standards of Performance for New Stationary Sources), or 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants), or any method as proposed by the Applicant and approved by the Department, in accordance with F.A.C. Rule 17-2.700.

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 emission limits.

3	Gas analysis when needed for calculation of molecular weight or percent O_2.
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.
201 or 201A	PM_{10} emissions.
6, 6C, or 19	Sulfur dioxide emissions from stationary sources.
7, 7C, or 19	Nitrogen oxide emissions from stationary sources.
9	Visible emission determination of opacity.
	- 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.
	- At least one lime truck unloading into the lime silo (from start to finish).
10	Carbon monoxide emissions from stationary sources.
12 or 101A	Lead concentration from stationary sources.
13A or 13B	Fluoride emissions from stationary sources.
18, 25, 25A or 25B	Volatile organic compounds concentration.
101A or 108	Mercury emissions.
104	Beryllium emission rate and associated moisture content:

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3. The permittee shall provide 30 days written notice of the performance tests for continuous emission monitors or 10 working days written notice for stack tests in order to afford the Department the opportunity to have an observer present.

4. Stack tests for particulates, NO_x and SO_2 and visible emissions shall be performed annually in accordance with Conditions C.2 and .3 above.

D. Reporting

1. For Stanton Unit 2, a summary in the EPA format of stack continuous monitoring data, fuel usage and fuel analysis data shall be reported to the Department's Central District Office and to the Orange County Environmental Protection Department 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 Section 17-2.710(2), F.A.C.

2. Utilizing the SAROAD or other format approved in writing by the Department, ambient air monitoring data shall be reported to the Bureau of Air Quality Management of the Department quarterly. Such reports shall be due within 45 days following the quarterly reporting period. Reporting and monitoring shall be in conformance with 40 CFR Parts 53 and 58.

3. Beginning one month after certification, the permittee shall submit to the Department a quarterly status report briefly outlining progress made on engineering design and purchase of major pieces of air pollution control equipment. All reports and information required to be submitted under this condition shall be submitted to the Siting Coordination Office, Department of Environmental Regulation, 2600 Blair Stone Road, Tallahassee Florida, 32301.

E. Malfunction or Shutdown

In the event of a prolonged (thirty days or more) equipment malfunction or shutdown of air pollution control equipment, operation may be allowed to resume or 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. During such malfunction or shutdown, the operation of Stanton Unit 2 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 Department's order. Exceedances produced by operational conditions for more than two hours due to upsets in air pollution control systems as a result of start-up, shutdown, or malfunctions as defined by 40 CFR 60 need not be reported as specified in Condition I/XII. Identified operational malfunctions which do not stop operation but prevent compliance with emission limitations shall be reported to DER as specified in Condition I/XII.

F. Open Burning

Open burning in connection with initial land clearing shall be in accordance with Chapter 17-256, F.A.C., Chapter 5I-2, F.A.C., Uniform Fire Code Section 33.101 Addendum, and any other applicable County regulation.

Any burning of construction generated material, after initial land clearing that is allowed to be burned in accordance with Chapter 17-256, F.A.C., shall be approved by the DER Central District Office in conjunction with the Division of Forestry and any other County regulations that may apply. Burning shall not occur unless approved by the jurisdictional agency or if the Department or the Division of Forestry has issued a ban on burning due to fire safety conditions or due to air pollution conditions.

G. Federal Annual Operating Permits and Fees

1. DER Responsibilities

The Department of Environmental Regulation shall implement the provisions of Title V of the 1990 Clean Air Act for Stanton 2 developing Conditions of Certification requiring submission of annual operating permit information and annual pollutant emission fees in accordance with Federal Law and Federal regulations.

2. OUC Responsibilities

OUC shall submit the appropriate annual operating permit application information as well as the appropriate annual pollutant emission fees as required by Federal Law to the Department as specified in Condition 3. below.

3. Annual Operating "Permit" Application and Fee (Reserved)

II/II. WETLANDS RESOURCE MANAGEMENT

1. The proposed transmission line from the Stanton Energy Center to the Mud Lake transmission line and the proposed alternate access road to the Stanton Energy Center from the south shall be routed as shown in the supplemental application. Prior to construction, the permittee shall submit drawings on 8.5" by 11" paper, showing the final design, including plan views and cross-sections for each area of filling or clearing in wetlands. The drawings shall show the existing and proposed ground elevations and all existing and proposed structure locations, sizes and invert elevations.

2. All clearing and construction activities shall be confined to the limits of the clear zone necessary for the transmission line as shown on Figures 6.1-5 and 6.1-6 of the application drawings. Within 30 days of the completion of construction, the permittee shall arrange a site visit by DER District personnel from the Central District office in Orlando to verify that no wetland damage has occurred outside the transmission line clear zone. If wetland damage occurs outside the transmission line clear zone during construction, the permittee 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 with 30 days of the Department approving the restoration and mitigation plan. This condition does not preclude the Department from taking enforcement action if unauthorized activities occur.

3. Prior to initiating construction, the permittee shall submit a map and aerial photographs showing the location of all staging areas for the transmission line and alternate access road construction to the Bureau of Wetland Resource Management for review and written approval. These areas shall be upland areas which are not currently providing red-cockaded woodpecker nesting or foraging habitat. The staging areas shall not be used prior to receiving DER approval.

4. Drainage structures shall be placed in the transmission line ROW and under the alternate access road at the same locations where drainage structures currently exist under the CSX Railroad berm. The drainage structures shall provide at least the same efficiency as the corresponding drainage structure currently existing in the CSX Railroad berm.

5. The forested areas to be cleared shall be cleared using low-impact equipment so as to minimize soil disturbance. The rootmats and tree stumps shall be left in place to provide soil stabilization.

6. During construction, best management practices, including but not limited to staked hay bales and filter cloth, shall be utilized to control erosion and turbidity. All side slopes shall be seeded and mulched within 72 hours of the final grading.

7. Construction of the transmission line and alternate access road will result in the filling of 4.12 ac.

of herbaceous wetlands the permanent clearing of 13.19 ac. of forested wetlands. The permittee shall provide mitigation to offset the wetland loss and habitat degradation resulting from the construction of this project.

Prior to construction, the permittee shall propose a mitigation plan and shall provide the following information to the Bureau of Wetland Resource Management to allow the Department to review the proposed mitigation plan:

a. detailed description of each wetland impact area;

b. acreage of the type and quality of wetland being impacted at each site;

c. narrative, drawings and aerial photographs showing and explaining the proposed mitigation;

d. detailed description of the existing conditions at the mitigation area;

e. acreage of the proposed mitigation by mitigation and wetland type;

f. documentation providing reasonable assurance that the proposed mitigation will be successful.

If the mitigation submittal is deemed by the Department to provide insufficient information for review, additional information requested by the Department shall be submitted. Upon receiving complete information, the Department will assess the mitigation plan within 90 days.

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

II/III. ELECTRIC AND MAGNETIC FIELDS

The associated transmission line shall comply with the requirements of Ch. 17-274, F.A.C.

II/IV. OTHER

For wastewater treatment, sanitary waste treatment, public water supply, surface water monitoring, and ground water monitoring see Unit 1's Conditions of Certification. For air and water monitoring programs, quality assurance plans shall be submitted by OUC within 90 days of certification. Such QA plans shall be submitted in conformance with Chapter 17-160, F.A.C.

Part III

Conditions Recommended by the Game and Fresh Water Fish Commission

III/I. WILDLIFE SURVEY

A. Prior to the construction of the proposed facility, a wildlife survey, consistent with methodology prescribed by the FGFWFC, shall be conducted for the presence of listed species (endangered, threatened, or species of special concern) and suitable habitat for same within the site. The results of said survey shall be submitted to the DER, the FGFWFC, and the United States Fish and Wildlife Service. If construction of the proposed facility will impact any listed species, other than the previously identified impact on the foraging habitat of the red-cockaded woodpecker resulting from the clearing of the transmission line right-of-way, the Permittee shall consult with the DER and the FGFWFC to determine the appropriate steps to avoid, minimize, mitigate, or otherwise appropriately address any adverse impacts within each agency's respective jurisdiction.

III/II. NESTING SANDHILL CRANES

B. Nesting sandhill cranes shall be avoided by limiting installation of transmission lines over wetlands utilized by nesting cranes to periods outside of the nesting season, which runs from January through June.

III/III. MANAGEMENT PLAN

C. Before construction, a management plan for the preserved areas shall be presented to the FGFWFC for review and approval. At a minimum, this plan shall include a statement of what habitat function the preserve is expected to provide; 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 wetlands and uplands; and the responsible entity.

Part IV

Conditions Recommended by
the
South Florida Water Management District

IV/I. LEGAL/ADMINISTRATIVE CONDITIONS

These conditions also incorporate by reference the conditions contained in Part I, Administrative Conditions, of the Recommended Supplemental Conditions of Certification.

A. GENERAL

1. Compliance Requirements

This project must be constructed, operated and maintained in compliance with and meet all non-procedural requirements set forth in Chapter 373, F.S., and Chapter 40E-4 (Surface Water Management), F.A.C.

2. Off-Site Impacts

It is the responsibility of the Permittee to ensure based on information provided that adverse off-site water resource related impacts do not occur during the construction, operation, and maintenance of the transmission line and associated transmission line access roads within SFWMD.

3. Post Certification Information Submittals

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

B. PROCESSING OF INFORMATIONAL REQUESTS

1. Right-of-way Modifications

At least ninety (90) days prior to the commencement of construction of any portion of the transmission line, the Permittee shall submit any proposed modifications to the transmission line right-of-way, identified on Exhibits 2, 3 and 4 (Figures 6.1-2, 6.1-3, and 6.1-4), to the SFWMD staff for review and

approval. If the SFWMD staff does not issue a written request for additional information and/or an objection to the proposed right-of-waymodification within thirty (30) days, the modification shall be presumed to be complete and acceptable.

2. Completeness and Review

At least ninety (90) days prior to the commencement of construction of any portion of the linear facilities located in the SFWMD, the Permittee shall submit to SFWMD staff, for a completeness and sufficiency review, any pertinent additional information required under the SFWMD's Conditions of Certification for that portion proposed for construction. If SFWMD staff does not issue a written request for additional information within thirty (30) days, the information shall be presumed to be complete and sufficient.

3. Compliance Review and Confirmation

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

4. Revisions to Site Specific Design Authorizations

The Permittee shall submit, consistent with the provisions of Condition IV/I.B, any proposed revisions to the site specific design authorizations specified in this Certification to the SFWMD for review and approval prior to implementation. The submittal shall include all the information necessary to support the proposed request, including detailed drawings, topographic maps, average wet season water table elevations, calculations and/or any other applicable data. Such requests may be included as part of the appropriate additional information submittals required by this Certification provided they are clearly identified as a requested modification to the previously authorized design.

5. Dispute Resolution

Since this Certification is the only form of permit required from any agency, it is understood that the

Permittee and the SFWMD shall strive to resolve disputes by mutual agreement.

6. Objections

Objections to modifications of the terms and conditions of this Certification shall be resolved through the process established in Section 403.516, F.S.

7. Changes to Information Requirements

The SFWMD and the Permittee may jointly agree to vary the informational requirements.

IV/II. SURFACE WATER MANAGEMENT CONDITIONS

A. GENERAL CONDITIONS

1. 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 Engineering 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.

2. Impacts on Fish, Wildlife, Natural Environment Values and Water Quality

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

3. Correction of Water Quality Problems

The Permittee shall be responsible for the correction of any sedimentation, turbidity, erosion, shoaling and/or maintenance of the works authorized under this Certification.

4. Off-site Conveyances

All off-site conveyances during construction and development of the transmission line and associated access roads shall be made only through the conveyance facilities authorized by this Certification. No roadway or structure pad construction shall commence on-site unless in conjunction with the construction of the permitted conveyance facilities and any associated detention areas. Water conveyed from the project shall be through facilities having a mechanism suitable for regulating upstream water stages. Stages may be subject to operating schedules satisfactory to the SFWMD.

5. Additional Water Quality Requirements

The Permittee may be required to incorporate additional water quality treatment methods into the surface water management system if such measures are shown to be necessary.

6. Access Roads

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

7. Correction of Drainage Problems

The Permittee shall be responsible for the correction of any adverse on-site, upstream, and/or downstream drainage and/or wetland impacts which may occur as a result of the construction of the proposed access road and/or structure pads. These may include the placement and/or removal of culverts and/or other structures to remedy the impact.

8. Modifications

Subsequent modifications to the drawings and supporting calculation submitted to the SFWMD which may alter the quantity and/or quality of waters discharged off-site shall be made pursuant to Section 403.516, F.S., and Rule 17-17.211, F.A.C. They shall also be submitted to the SFWMD for a determination that the modifications are In compliance with the non-procedural requirements of Chapters 40E-2 and 40E-4, F.A.C., prior to the commencement of construction.

B. SITE SPECIFIC DESIGN AUTHORIZATIONS

1. Access/Maintenance Road and Structure Pads

The Permittee is authorized to construct an access/maintenance road and associated conveyance facilities for the transmission line in the areas specifically identified on Exhibits 2, 3, and 4 (Figures 6.1-2, 6.1-3, and 6.1-4). Areas where an access/maintenance road is not proposed will be accessed from existing roads.

2. Authorized Receiving Water (Transmission Line Access Maintenance Roads only)

3. Adjacent Wetlands

C. ADDITIONAL INFORMATION REQUIREMENTS

1. Access/Maintenance Road and Structure Pad Construction Plans

Prior to the commencement of construction of any portion of the transmission line which affects the movement of waters, the Permittee shall submit plans for any construction activities for that portion of the transmission line which may obstruct, divert, control, impound or cross waters of the state, either temporarily or permanently, to the SFWMD, consistent with the provisions of Condition IV/I.B, for a determination of compliance with the non-procedural requirements of Chapter 40E-4, F.A.C., in effect at the time of submittal. "Construction activities" in this situation shall include the placement of access/ maintenance roads, culverts, and/or fill materials, excavation activities, and any related activities. All plans, detail sheets and calculations shall be signed and sealed by a Florida Registered Professional Engineer. For all construction activities, the following information, referenced to NGVD, shall be submitted:

(1) A centerline profile of existing topographic features along the proposed access/maintenance road(s);

(2) A design of the proposed access/maintenance and finger road(s) with finished elevations marked;

(3) A typical cross-section of the proposed access/maintenance and finger road(s), including relative dimensions and elevations;

(4) A cross-section of each stream or creek at the point(s) to be crossed by the proposed access/maintenance and finger road, and/or other facility;

(5) Identification of wet season water table elevations for each basin in which facilities will be located;

(6) Specifications, including supporting assumptions and calculations, showing the type and size of water control structures (pipe, culvert, equalizer, etc.) to be used, with proposed flowline elevations marked, drainage areas identified, and design capacity verified;

(7) A cross-section of any proposed excavation areas showing the proposed depth of excavation;

(8) Calculations and supporting documentation which demonstrate that the proposed construction and/or excavation activities associated with the transmission line will not have an adverse water quantity and/or water quality impact on adjacent wetlands and/or permitted surface water management systems;

(9) If construction of the transmission line contributes to the necessity for future modifications to adjacent/existing roads, water quality treatment requirements of the requested road modifications must be addressed in the surface water management system design for the transmission line.

IV/III. ENVIRONMENTAL CONDITIONS

A. GENERAL

1. Wetland Avoidance

The Permittee shall avoid impacting wetlands within the transmission line corridor wherever practicable. Where necessary and feasible, the location of the

structure pads, other related facilities and/or the transmission line alignment shall be varied to eliminate or reduce wetland impacts. The Permittee shall work in accordance with the submitted plans in the supplemental site certification application as supplemented by final approved construction plans. Clearing and construction activities shall be confined to the limits of the clearing zone.

2. Fill Materials

No fill materials shall be obtained from excavated wetlands or within 200 feet of functional wetlands, unless in accordance with a mitigation plan submitted in compliance with the conditions of this Certification.

3. Additional Wetlands Mitigation

The Permittee may be required to provide additional mitigation and/or other measures if wetland monitoring and/or other information demonstrates that adverse impacts to protected, restored, incorporated, and/or mitigated wetlands have occurred as a result of project-related activities.

4. Additional Environmental Review

The Permittee shall submit any proposed changes in land use, project design, and/or the treatment of on-site wetlands to the SFWMD for additional environmental review in order to determine whether any additional mitigation activities will be required.

5. Mitigation Areas

Mitigation credits shall be given for mitigation areas within both the SFWMD and the SJRWMD.

Mitigation credits shall be given for acreages and activities which have also been accepted by the DER as mitigation for impacts in areas of joint jurisdiction.

Any acreages or activities proposed by the mitigation plan and its addendum which exceed the mitigation requirements of the SJRWMD, and meet the non-procedural requirements for wetland mitigation of the SFWMD, shall be credited as mitigation for impacts within the SFWMD.

If required by SFWMD, OUC agrees to provide additional acreages and activities to offset impacts within SFWMD not credited by the Mitigation Plan (June 1991) and its addendum (Sept 1991).

B. SITE SPECIFIC DESIGN AUTHORIZATIONS

1. Authorized Wetland Impacts

The Permittee is authorized to construct an access/maintenance road and associated conveyance facilities for the transmission line and structure pads in the wetland areas specifically identified on Exhibits 2, 3, and 4 (Figures 6.1-2, 6.1-3, and 6.1-4).

2. Sandhill Crane Nest Protection

The Permittee shall protect the active sandhill crane nest located in the 0.58 acre marsh situated between stations 125 and 126 in accordance with the following requirements:

(1) The transmission line poles and structure pads shall be positioned so that the transmission line spans the marsh;

(2) Construction shall be scheduled to avoid the nesting season for sandhill cranes;

(3) The marsh shall not be disturbed in any way;

(4) The access road shall be located in the swale adjacent to the railroad rather than in the marsh.

C. ADDITIONAL INFORMATION REQUIREMENTS

1. Wetlands Protection

Prior to the commencement of construction of any portion of the transmission line which will be located adjacent to the wetlands identified for preservation, the Permittee shall:

(1) Stake and rope off the protected wetlands and buffer zones to prevent encroachment during construction. The stakes and ropes shall remain in place until all adjacent construction activities have been completed. Verification of staked areas by SFWMD staff shall be required prior to the commencement of and upon completion of any construction activities.

(2) Install silt screens, turbidity barriers and/or hay bales prior to any construction in or alteration of any wetlands within the project site in order to prevent adverse water quality impacts to wetlands. These barriers shall remain in place until fill material is stabilized and turbidity has returned to background levels.

2. Mitigation Plan

Prior to the commencement of construction of any portion of the transmission line which may affect wetlands, the Permittee shall submit a mitigation and monitoring plan to the SFWMD for a determination of compliance with the non-procedural requirements of Chapter 40E-4, F.A.C., including Appendix 7 (Isolated Wetlands Rule) of the Basis of Review for Surface Water Management Permit Applications in the SFWMD, in effect at the time of submittal. At a minimum, the plan shall include the following information:

(1) Locations and sizes of all proposed mitigation areas, species to be planted, planting densities, details of the proposed hydrologic regime, cross-sections showing the proposed elevations and water depths, and an estimated time schedule for completion of the construction of the mitigation areas.

(2) A wetland mitigation and/or restoration work schedule which details each specific mitigation task (e.g. grading to proper elevation, mulching, planting, regularly scheduled maintenance and monitoring, etc.) and the calendar dates for the start and completion of each task.

(3) Provisions for both quantitative and qualitative observations of wildlife utilization and the vegetative community, monthly water level readings, panoramic photographs documenting the condition of the mitigation areas, and evaluation of the success of the mitigation effort, and an annual report incorporating this information and any other relevant information. The water level readings will be taken weekly for sampling points that are accessable until demonstrated to the appropriate agency that less frequent water level readings are sufficient to demonstrate compliance.

(4) Documentation that sufficient areas have appropriately worded conditions of certification within the SFWMD and/or the SJRWMD to compensate for the proposed wetland impacts with both the water management districts.

Part V

Conditions Recommended by
the
St. Johns River Water Management District

V/I. WATER SHORTAGES

Nothing in this certification shall be construed to limit the authority of the SJRWMD to declare a water shortage and issue orders pursuant to Section 373.175, Florida Statues or to formulate a plan for implementation during periods of water shortage, pursuant to Section 373.246, Florida Statutes. Pursuant to Section 403.516, Florida Statutes, in the event of a water shortage as declared by the SJRWMD, DER may seek a modification of the terms and conditions of this certification to implement the water shortage declaration.

V/II. WELL CONSTRUCTION, MODIFICATION, OR ABANDONMENT

Prior to the construction, modification, or abandonment of a well, OUC, et al., must obtain approval from the SJRWMD and meet the requirements of Chapter 40C-3, Florida Administrative Code.

V/III. WELL MAINTENANCE

Leaking or inoperative well casings, valves, or controls must be repaired or replaced as required to put the system back in an operative condition acceptable to the SJRWMD. Failure to make such repairs will be cause for deeming the well abandoned in accordance with Subsection 17-532.200(1), Florida Administrative Code and Section 373.309, Florida Statutes.

V/IV. MITIGATION OF WITHDRAWAL IMPACTS ON EXISTING LEGAL USERS

OUC, et al., must mitigate any adverse impact caused by withdrawals permitted herein on legal uses of water existing at the time of the Supplemental Site Certification Application for Stanton 2. If unanticipated significant adverse impacts occur, the DER has the right to curtail permitted withdrawal rates or water allocations unless the impacts can be mitigated by OUC, et al. Adverse impacts are exemplified by, but not limited to:

A. Reduction of well water levels resulting in a reduction of 10% in the ability of an adjacent well (other than one owned by OUC) to produce water;

B. Reduction of water levels in an adjacent surface water body resulting in a significant impairment of the use of water (other than a use by OUC) in that water body;

C. Saline water intrusion or introduction of pollutants into the water supply of an adjacent water use (other than a use by OUC) resulting in a significant reduction of water quality; or

D. Change in water quality resulting in either impairment or loss of use of a well or water body (other than a use by OUC).

V/V. MITIGATION OF IMPACTS ON ADJACENT LAND USES

OUC, et al., must mitigate any adverse impact caused by withdrawals permitted herein on an adjacent land use which existed at the time of Supplemental Site Certification Application for Stanton 2. If unanticipated significant adverse impacts occur, the DER has the right to curtail permitted withdrawal rates or water allocations unless the impacts can be mitigated by OUC, et al. Adverse impacts are exemplified by, but not limited to:

A. Significant reduction in water levels in an adjacent surface water body;

B. Land collapse or subsidence off-site caused by a reduction in water levels; or

C. Damage to crops and other types of off-site vegetation.

V/VI. IDENTIFICATION TAGS

A SJRWMD-issued identification tag must be prominently displayed at each withdrawal site by permanently affixing such tag to the pump, headgate, valve or other withdrawal facility as provided by Section 40C-2.401, Florida Administrative Code. OUC, et al., must notify the SJRWMD in the event that a replacement tag is needed.

V/VII. MAXIMUM ANNUAL WITHDRAWALS

Maximum annual withdrawals from the Floridan aquifer must not exceed 321.20 million gallons.

V/VIII. MAXIMUM DAILY WITHDRAWALS

Maximum daily withdrawals from the Floridan aquifer must not exceed 2.00 million gallons.

V/IX. LIMITATION ON USE OF WATER

Withdrawals from the Floridan aquifer wells must not be used directly for cooling tower make-up water. Reclaimed wastewater in an allocated amount of 10.19 million gallons/day

on an annual average basis from the Orange County Easterly Wastewater Treatment Facility, stormwater runoff, on-site reuse water and direct precipitation shall be the source of cooling tower make-up water.

V/X. DEWATERING

All withdrawals from the surficial aquifer for dewatering to facilitate construction must be retained on-site within the recycle basin or the make-up water supply pond (#20 and #22, respectively, OUC, et al.'s Figure 3.2-1).

V/XI. OFF-SITE DISCHARGES

No off-site discharges are approved from this facility, except as provided for by the overflow structure in the make-up water supply pond (#20, OUC, et al.'s Figure 3.2-1), and the natural drainage patterns indicated on SCA Figure 3.10-1 for the duration of this certification.

V/XII. DISCHARGES FROM MAKE-UP WATER SUPPLY POND

All off-site discharges, as provided for by the overflow structure in the make-up water supply pond (#20, OUC, et al.'s Figure 3.2-1), must be in compliance with water quality standards as set forth in Chapters 17-4, and 17-302, F.A.C., or such standards as issued through a variance by DER.

V/XIII. WELL WATER QUALITY SAMPLING

Water quality samples must be taken in April and October of each year from each production well. The samples must be analyzed for the following parameters:

Calcium	Chloride
Magnesium	Sulfate
Sodium	Carbonate
Potassium	Bi-Carbonate (or alkalinity if pH is 6.9 or lower)

All major ion analyses must be checked for anion-cation balance and must balance within 5% prior to submission. It is recommended that duplicates be taken to allow for laboratory problems or loss. The sample analyses must be submitted to the SJRWMD by May 15 and November 15 of each year. Prior to sample collection, a minimum of 3-5 casing volumes must be removed from each well. All sampling and water quality analyses shall be performed by organizations with approved comprehensive or generic quality assurance plans on file with the DER or a laboratory having HRS certification.

V/XIV. WATER TREATMENT PLANT REPORTS

By January 31 of each year, OUC, et al., must submit to the SJRWMD copies of the previous year (12 months) DER monthly water treatment plant operating report data showing total flow from the 2 Floridan wells going to the potable water treatment plant on-site. The project name and certification number must be attached to all reports.

V/XV. WELL WATER FLOW MONITORING

OUC, et al., must maintain the continuous recorder on the Floridan aquifer monitor well. Copies of the previous year (12 months) recorder charts must be forwarded to the SJRWMD on a yearly basis. The charts must be submitted by January 31 of each year.

V/XVI. CONSERVATION PLAN

OUC, et al., must implement the conservation plan submitted to the SJRWMD in accordance with the schedule contained therein.

V/XVII. WELL WATER FLOW METERS

All Floridan aquifer production wells must be equipped with totalizing flow meters throughout the duration of this certification. Such meters must maintain a 95% accuracy, be verifiable and be installed according to the manufacturer's specifications.

V/XVIII. CALIBRATION OF FLOW METERS

OUC, et al., must have all flow meter(s) calibrated once every 3 years within 30 days of the anniversary date of certification issuance, and recalibrated if the difference between the actual flow and the meter reading is greater than 5%. SJRWMD form EN-51 must be submitted to the SJRWMD within 10 days of the inspection/calibration.

V/XIX. MAINTENANCE OF FLOW METERS

OUC, et al., must maintain the required flow meter(s). In case of failure or breakdown of any meter, the SJRWMD must be notified in writing within 5 days of its discovery. A defective meter must be repaired or replaced within 30 days of its discovery.

V/XX. DELINEATION OF LIMITS OF CONSTRUCTION

Prior to construction, OUC, et al., must clearly delineate the limits of construction on-site. OUC, et al., must advise the contractor that any work within the Riparian Habitat Regulation Zone outside the limits of construction,

including clearing, is a violation of this certification order.

V/XXI. BACKGROUND ASSESSMENT PLAN

Prior to commencement of construction, a Background Assessment Plan of the areas to be enhanced or mitigated must be submitted to the SJRWMD, DER, and SFWMD for review and joint approval. Data obtained through the Background Assessment Plan must include the following: (a) site specific topographic survey information referenced to NGVD; (b) survey of historic and existing ordinary high, normal or chronic pool water elevations referenced to NGVD based upon biological/physical wetland indicators; (c) a narrative describing the species composition, health and extent of pre-enhanced areas; and (d) quantitative information regarding the species composition including coverage and composition of understory, midcanopy and canopy species.

V/XXII. COMPLETION OF BACKGROUND ASSESSMENT

The background assessment must be completed pursuant to the approved Background Assessment plan prior to construction.

V/XXIII. INITIATION AND COMPLETION OF ENHANCEMENT MITIGATION PLAN

Following completion of the background assessment, and prior to the commencement of construction associated with the transmission line or the access roads, planting and construction associated with the approved Enhancement Mitigation Plan must be initiated, and then must be completed within 12 months after initiation.

V/XXIV. CRITERIA FOR SUCCESS OF ENHANCEMENT AND MITIGATION

Following completion of the background assessment, before any planting in the mitigation and enhancement areas, OUC, et al., must submit for the joint approval of SJRWMD, DER, and SFWMD a plan setting forth appropriate criteria for determining success of all wetland and upland enhancement and mitigation areas. OUC, et al., shall implement and maintain the mitigation and enhancement areas to ensure that the success criteria are achieved.

V/XXV. MONITORING PLAN FOR ENHANCEMENT AND MITIGATION

Within 30 days of completion of the initial planting, OUC, et al., must submit to the SJRWMD, DER, and SFWMD for review and joint approval, two copies of a monitoring plan detailing the site specific methods to be used for monitoring the enhancement and mitigation areas, so that the achievement of the success criteria can be quantitatively and qualitatively demonstrated. The monitoring plan must include

the location, size and number of monitoring quadrants or transect lines, the location and number of photographic stations, the location of the wetland(s) to be enhanced and mitigated, the location of staff gauges and/or piezometers, and other pertinent factors. OUC, et al., shall monitor the enhancement and mitigation areas until the approved success criteria has been achieved.

V/XXVI. SURVEY OF ENHANCEMENT AREAS

OUC, et al., must submit to the SJRWMD, DER, and SFWMD two (2) copies of an as-built survey of the enhancement areas certified by a registered surveyor or professional engineer showing dimensions of all planted areas, invert(s) elevation of the proposed culvert in enhancement area 3.6(A), and the final grade of all plugged ditches. An inventory of the planted species within the wetland enhancement areas will be shown on the survey. In areas where planting occurs, the inventory must include the type, number, distribution, and size of the planted vegetation, and must be referenced to the as-built survey. The as-built survey must be submitted to the referenced agency parties within thirty (30) days of completion of the initial planting.

V/XXVII. MONITORING REPORTS FOR THE ENHANCEMENT AND MITIGATION AREAS

Following joint approval of the plan referenced in Condition No. 26, OUC, et al., must furnish the SJRWMD, DER, and SFWMD with two copies of all Monitoring Reports for the enhancement and mitigation areas describing the status of the mitigation and enhancement areas until the enhancement and mitigation areas achieve the success criteria.

V/XXVIII. REVISIONS TO ENHANCEMENT AND MITIGATION

If it is determined that successful enhancement is not occurring based on the monitoring reports or trends, OUC, et al., must, within 30 days, provide the SJRWMD, DER and SFWMD with a narrative describing the type and causes of failure with a complete set of plans for the redesign and/or replacement planting of the mitigation and enhancement areas demonstrating that the success criteria can be achieved. Within 30 days of joint agency approval of the amended plans, OUC, et al., must implement the redesign and/or replacement planting. Following completion of such work, the success criteria as stated above or as modified by subsequent approval of the plan must again be achieved. In addition, the monitoring required by the conditions of this permit must be conducted.

V/XXIX. EROSION AND SEDIMENT CONTROL DURING CONSTRUTION

OUC, et al., must select, implement, and operate all erosion and sediment control measures required to retain sediment on-site and to prevent violations of water quality standards as specified in Chapters 17-302 and 17-4, F.A.C. OUC, et al., is encouraged to use appropriate Best Management Practices for erosion and sediment control as described in the "Florida Land Development Manual: A Guide to Sound Land and Water Management" (DER, 1988). All erosion and sediment control measures must remain in place at all locations until construction is completed and the soils are stabilized. Thereafter, OUC, et al., will be responsible for the removal of the control measures (except for the control measures in the areas of fill for the unpaved access road which shall be permanent).

V/XXX. EROSION AND SEDIMENT CONTROL DURING OPERATION

Following the completion of construction, OUC, et al., must construct and maintain a permanent protective vegetative and/or artificial cover for erosion and sediment control on all land surfaces exposed or disturbed by construction or alteration of the certified project. A permanent vegetative cover must be established within 60 days after planting or installation.

V/XXXI. INCORPORATION OF MITIGATION PLAN

The proposed mitigation plan submitted to SJRWMD by OUC for the Curtis H. Stanton Energy Center, Unit 2, dated June 21, 1991, July 20, 1991, September 11, 1991, September 18, 1991, and September 19, 1991 is incorporated as a condition of this certification except where specifically superseded by certification conditions.

V/XXXII. COMPLETION OF SURFACE WATER MANAGEMENT SYSTEM

Construction or alteration of the surface water management system must be completed and all disturbed areas must be stabilized in accordance with the submitted plans and certification conditions prior to use of the infrastructure for its intended purpose.

V/XXXIII. RETENTION/DETENTION STORAGE AREAS

At a minimum, all retention/detention storage areas must be constructed to rough grade prior to the placement of impervious surface within the area to be served by those facilities. To prevent reduction in storage volume and percolation rates, all accumulated sediment must be removed from the storage areas prior to final grading and stabilization.

V/XXXIV. ACCESS ROAD AND TRANSMISSION LINE CONSTRUCTION PLANS

Final Access Road and Transmission Line construction plans must be submitted to the SJRWMD at least 30 days prior to commencement of construction. The final plans must be consistent with the plans and calculations received by the SJRWMD on July 22, 1991, such that the requirements of Chapters 40C-4, 40C-41 and 40C-42, F.A.C. continue to be met.

V/XXXV. ACCESS ROAD FILL

The fill material for the access roads must satisfy the soil properties assumed in the calculations received by the SJRWMD on July 22, 1991. If fill is to be acquired on site, a plan depicting the location of the area to be used for fill for the Access Roads must be submitted to the SJRWMD at least 30 days prior to commencement of construction. Access to the on-site fill material must be shown on the plan.

V/XXXVI. CONTRACTOR REVIEW AND POSTING OF CONDITIONS OF CERTIFICATION

OUC, et al., must require the contractor to review and maintain a copy of this document, complete with all conditions, attachments, and exhibits, in good condition and posted on the construction site.

Part VI

Conditions Recommended by the Florida Department of Transportation

VI/I. CONSTRUCTION IMPACT MITIGATION PROGRAM

OUC shall develop and implement at its own expense a construction traffic impact mitigation program after consultation with DOT, and report that will be submitted to DOT prior to commencement of construction of Stanton Unit 2. The program will detail the actions that OUC will take to reduce the impacts of construction traffic, which report shall address the following actions:

A. OUC shall actively promote and encourage car-pooling by construction companies and workers, including contractors and subcontractors, from whom it obtains construction services, and OUC shall further explore with appropriate public mass-transportation providers in the area the possibility of park-and-ride service to the site.

B. OUC shall utilize to the extent practicable the existing railway access to the Stanton site for the delivery of equipment and materials needed for the project construction.

C. OUC will explore with its contractors and subcontractors the practicability of staggering construction employee work schedules, and encourage the staggering of shifts to the extent feasible to mitigate peak hour traffic congestion problems.

D. OUC will consult with the appropriate Winter Park DOT personnel regarding the practicality of providing temporary traffic control devices and alteration of signal times to assist in maintaining proper traffic flow at the most affected intersections which are the intersections of Alafaya Trail with both the East-West Expressway and State Road 50.

E. OUC shall suggest and encourage the use by construction personnel of alternate public road access to the Stanton site as appropriate to alleviate traffic congestion.

Part VII

Conditions Stipulated for
the
Red-Cockaded Woodpecker Management Area

VII/I. RED-COCKADED WOODPECKER MANAGEMENT AREA IDENTIFICATION

All lands depicted on Figure 4.2 (attached hereto) of the August 1981 red-cockaded woodpecker (RCW) Management Plan, except for the area specifically identified as "construction impact of proposed generating Units 1, 2, 3, and 4" constitute the red-cockaded woodpecker management area subject to the Management Plan specified in Condition XXXI of the Site Certification granted OUC by the Siting Board on December 14, 1982. (DOAH Case No. 81-1431)

VII/II. USE AND LIMITATIONS OF THE RCW AREA

With regard to the RCW management area, in addition to Condition XXXI of the December 14, 1982 Order of the Florida Siting Board:

A. OUC may conduct activities within the RCW management area described in Condition XXXI which are provided for in the Siting Board's certification orders for Units 1 and 2, including without limitation the execution of habitat restoration, enhancement, and creation required as mitigation.

B. OUC may conduct management, including maintenance in their existing configuration and condition, of existing unpaved private roads utilized by OUC, maintenance of existing water and sewer lines, of existing transmission lines and substation, and other maintenance and management activities within the area of Condition XXXI which are consistent with its purposes.

C. OUC shall take appropriate action to manage the RCW management area to achieve the purposes required by Condition No. XXXI with regard to the red-cockaded woodpecker, and in general to preserve the natural conditions of the area, including other protected species of native wildlife, vegetation, wetlands, and particularly the tributaries and headwaters of the Econlockhatchee River. OUC may act to implement the red-cockaded woodpecker management plan, to monitor its effectiveness, and to react to fire, flood, or other unforeseeable natural or manmade disturbances. Any reports generated by OUC concerning activities within or management of the RCW management area shall be provided to the Florida Game and Fresh Water Fish Commission.

D. OUC shall allow only those activities of others within the RCW Management Area which are consistent with its

management in a natural state. Such activities shall be limited to environmentalrestoration, scientific research, habitat management (such as controlled burning) and nature study.

E. Unless specifically authorized by an order of the Siting Board, dredging, filling, construction of buildings, road-ways, dumping of debris, excavation, and clearing of native vegetation shall be prohibited in the area defined by Condition XXXI. The provisions of Sections 403.516(1) (a) and (b) notwithstanding, OUC agrees that any activity prohibited in this paragraph within the area described in the RCW management area shall be authorized only by affirmative vote of the Siting Board.

F. OUC hereby stipulates as a factual matter, which shall be binding on it, and all of its officers, agents, attorneys, and employees, that the "alternate access road" authorized by this supplemental certification completes the necessary roadway access for Units 1 and 2, to allow the full development thereof. Any additional access for electric power generation, and any additional facilities necessary for the construction of Units 3 and 4 will be the subject of a comprehensive Supplemental Certification application or applications for Units 3 and 4.

G. If OUC determines to pursue a modification of its certification with regard to the easement recorded December 30, 1987, at ORB 3946, Page 3187, Orange County, Florida, it shall do so as a ministerial act only and shall not actively utilize its resources, funds or personnel to support such an application.

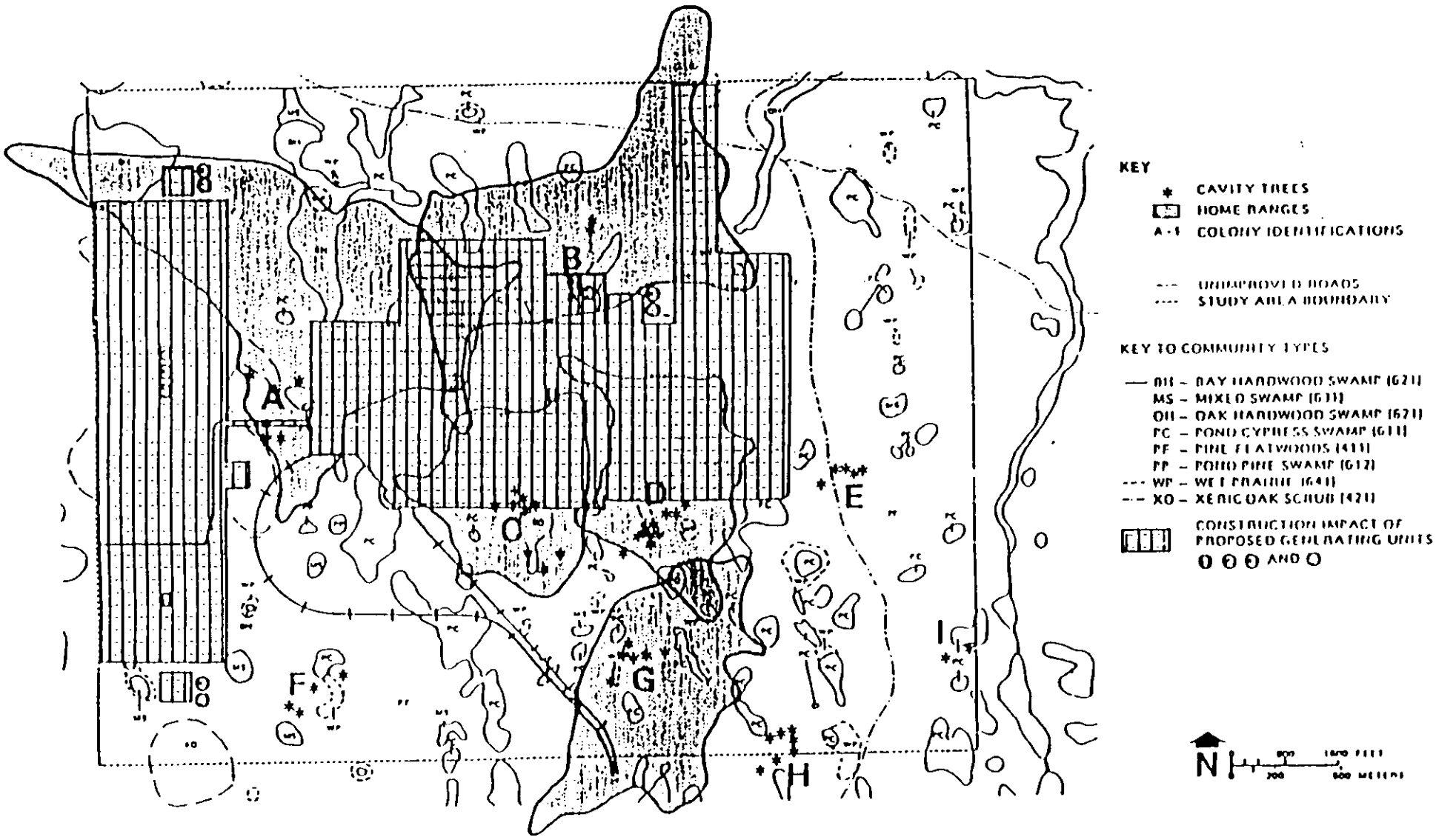

Figure 4-2

AREAS OF CONSTRUCTION IMPACTS ON RED-COCKADED WOODPECKERS

SOURCE: ESE, 1981.

CURTIS H. STANTON ENERGY CENTER

Management Plan for Red-Cockaded Woodpeckers

APPENDIX B TO RECOMMENDED ORDER
IN CASE NO. 91-1813EPP

APPENDIX B TO RECOMMENDED ORDER
IN CASE NO. 91-1813EPP

The following constitutes my specific rulings pursuant to Section 120.59(2), Florida Statutes, on the proposed findings of fact submitted by the parties in this case.

Specific Rulings on Proposed Findings of Fact Submitted by the Applicants, OUC, et al.

1. Each of the following proposed findings of fact is adopted in substance as modified in the Recommended Order. The number in parentheses is the Finding of Fact which so adopts the proposed finding of fact: 4(4); 6(1); 8(2); 9(3); 10(7); 14(8); 15(9); 20-22(10-12); 24-28(13-17); 40-61(18-40); 70-82(41-53); 84-86(54-56); 89(57); 90(58); 97-100(60-63); 109(59); 110(64); 112(70); 115-117(71-73); 120(83&84); 121 & 122(85); 123(86); 124(87-91); 125(92);136-148(93-105); 149(108); 151(111); 191-201(114-124); 203 & 204(125 & 126); 206-209(127-130); 212(131); and 215-223(132-140).

2. Proposed findings of fact 1-3, 5, 11, 12, 16-19, 23, 29-33, 38, 39, 62-69, 83, 101-108, 111, 113, 114, 118, 119, 127, 128, 150, 152, 202, 205, 210, and 211 are subordinate to the facts actually found in this Recommended Order.

3. Proposed findings of fact 7, 13, 87, 88, 91-96, 126, 129-135, 153-190, 213, and 214 are unnecessary.

4. Proposed findings of fact 34-37 are irrelevant.

Specific Rulings on Proposed Findings of Fact Submitted by Department of Environmental Regulation

1. Each of the following proposed findings of fact is adopted in substance as modified in the Recommended Order. The number in parentheses is the Finding of Fact which so adopts the proposed finding of fact: 1-104(1-104) and 105-127(114-136).

Specific Rulings on Proposed Findings of Fact Submitted by St. Johns River Water Management District

1. Each of the following proposed findings of fact is adopted in substance as modified in the Recommended Order. The number in parentheses is the Finding of Fact which so adopts the proposed finding of fact: 1(4); 4-6(1-3); 9(8); 10-13(10-13); 23(93); 34-36(93-95); 39(98); 41-44(99); 47(100); 49(102); 52(104); 53-55(105-107); 56(109); 58(109); 67-72(41-46); 73-84(46-52); 86(55); 87(39 & 40); 88(125); 90(128); and 91(40).

2. Proposed findings of fact 2, 3, 7, 8, 14-22, 24-33, 37, 38, 40, 46, 48, 50, 51, 62, 63, 85, and 92 are subordinate to the facts actually found in this Recommended Order.

3. Proposed finding of fact 57 is unnecessary.

4. Proposed findings of fact 45, 59-61, 64, 65, and 93 are irrelevant.

5. Proposed finding of fact 66 is unsupported by the credible, competent and substantial evidence.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IV
345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

MAR 0 2 1993

RECEIVED
MAR 0 3 1993
Division of Air
Resources Management

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. G.A. DeMuth, Director
Environmental Division
Orlando Utilities Commission
500 South Orange Avenue
P.O. Box 3193
Orlando, Florida 32803

RE: Orlando Utilities Commission, Stanton Energy Center Unit 2
PSD-FL-084

Dear Mr. DeMuth:

The review of your December 4, 1992, request for an administrative change to the conditions of the Prevention of Significant Deterioration permit (PSD-FL-084) issued to Orlando Utilities Commission (OUC) on December 23, 1991, for the Stanton Energy Center has been completed. You requested that Specific Condition 16 of the permit be revised to allow an ammonia slip of 30 ppmvw (uncorrected) rather than the current allowed ammonia slip of 5 ppmvw (uncorrected). The basis for your request is a concern that the 5 ppmvw ammonia slip would limit OUC's flexibility in choosing a control device to meet the NO_x emissions limit required in the permit.

It should be noted that ammonia is not a pollutant regulated under the federal Prevention of Significant Deterioration (PSD) regulations found at 40 CFR §52.21. Further, ammonia is not currently a pollutant regulated as a "hazardous air pollutant" under §112(b) of the Clean Air Act Amendments of 1990; however, pursuant to §112(r) of the CAAA, the storage of ammonia will be subject to the "accidental release" provisions of Title III. The applicability of §112(r) is not affected by the degree of ammonia slip from the NO_x control device. The increase of ammonia slip from the control device will not result in any increase in the permitted emission rates of NO_x or particulate emissions.

Based on the foregoing, it is determined that the proposed revision to Specific Condition 16 of PSD-FL-084 is acceptable and will not result in the increase of any emissions subject to PSD regulations. As an administrative change, this revision will not require additional public participation procedures.

Authority to construct a stationary source was granted for the Orlando Utilities Commission, Stanton Energy Center Unit 2, subject to the conditions contained in the permit to construct on December 23, 1991. This administrative change to PSD-FL-084 does not alter the commence construction deadline for Stanton Unit #2. This authority to construct is based solely on the requirements of 40 CFR §52.21, the federal regulations governing significant deterioration of air quality and in no way affects approvals under other Federal or State regulatory authorities. Please be advised that a violation of any condition issued as part of this approval, as well as any construction which proceeds in material variance with information submitted in your application, may subject Orlando Utilities Commission to enforcement action.

Any questions concerning this administrative permit revision may be directed to Winston A. Smith, Director, Air, Pesticides, and Toxics Management Division at (404) 347-3043.

Sincerely yours,

Patrick M. Tobin
Acting Regional Administrator

Enclosures

cc: Mr. C.H. Fancy
Florida Department of Environmental Regulation
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

PSD-FL-084

PERMIT TO CONSTRUCT UNDER THE RULES FOR THE PREVENTION OF SIGNIFICANT DETERIORATION OF AIR QUALITY

Pursuant to and in accordance with the provisions of Part C, Subpart 1 of the Clean Air Act, as amended, 42 U.S.C. §7470 et seq., and the regulations promulgated thereunder at 40 C.F.R. §52.21, as amended at 45 Fed. Reg. 52676, 52735-41 (August 7, 1980),

Orlando Utilities Commission
500 South Orange Avenue
P.O. Box 3193
Orlando, Florida 32802

is hereby authorized to construct/modify a stationary source, specifically Unit 2, at the following location:

Curtis E. Stanton Energy Center
Orlando, Florida

UTM Coordinates: 484.0 km East, 3150.5 km North

Upon completion of this authorized construction and commencement of operation/production, this stationary source shall be operated in accordance with the emission limitations, sampling requirements, monitoring requirements and other conditions set forth in the attached Specific Conditions (Part I) and General Conditions (Part II).

The revisions to this permit shall become effective on the date signed below.

If construction does not commence within 18 months after December 23, 1991, or if construction is discontinued for a period of 18 months or more, or if construction is not completed within a reasonable time this permit shall expire and authorization to construct shall become invalid.

This authorization to construct/modify shall not relieve the owner or operator of the responsibility to comply fully with all applicable provisions of Federal, State, and Local law.

Date Signed

Patrick M. Tobin
Acting Regional Administrator

The Specific Conditions of federal permit PSD–FL–084 shall be modified as follows:

16. Ammonia slip from the NO_x control device shall be limited to less than 30 ppmvw, uncorrected. An ammonia monitoring protocol shall be submitted to EPA for review and approval prior to the operation of Unit 2.

Florida Department of Environmental Regulation

Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400

Lawton Chiles, Governor

Carol M. Browner, Secretary

June 30, 1992

Ms. Jewell Harper, Chief
Air Enforcement Branch
U.S. Environmental Protection Agency
Region IV
345 Courtland Street, N.E.
Atlanta, Georgia 30365

Dear Ms. Harper:

Re: Orlando Utilities Commission Center, PSD-FL-084

The Department has received a request from Orlando Utilities Commission to allow Conversion System, Inc. to install a stabilized FGD sludge material handling system at the referenced plant. A copy of the file for this request is attached. The Department plans to process this request as an amendment to the Power Plant Certification PA 81-14 for this plant.

Your agency issued federal construction permit PSD-FL-084 for this plant. This permit may also need to be amended to authorize the operation of the proposed material handling facility. Please coordinate any amendments to this permit with Willard Hanks, the review engineer assigned this project. He can be reached at (904) 488-1344.

Sincerely,

C. H. Fancy, P.E.
Chief
Bureau of Air Regulation

CHF/wh

Enclosure: File

cc: Greg DeMuth, OUC
Howard Wasserman, Conversion Systems, Inc.
Chuck Collins, CFD
Buck Oven, PPC

State of Florida
DEPARTMENT OF ENVIRONMENTAL REGULATION

For Routing To Other Than The Addressee
To _____ Location _____
To _____ Location _____
To _____ Location _____
From _____ Date _____

Interoffice Memorandum

DRAFT

To: Buck Oven

Thru: Preston Lewis

From: Willard Hanks

Date: June 29, 1992

Subject: OUC Stanton Energy Center PA 81-14
Module 8024

The Bureau of Air Regulation has determined that the proposed stabilized FGD sludge handling System is a potential source of unconfined particulate matter emissions. The F.A.C. Rule 17-2, Air Pollution, requires reasonable precautions be used to minimize unconfined emissions. The applicant has agreed to meet the visible emission limits in the new source performance standards for nonmetallic mineral processing plants by the use of water sprays, enclosed chutes, and equipment covers. The Bureau finds these limits acceptable and recommends that the following conditions be incorporated in the amendment to the Power Plant Certification for this facility.

1. The plant shall not process more than 100 TPH stabilized FGD (flue gas desulfurization) sludge.

2. The plant may operate 12 hours per day for 7 days per week and 52 weeks per year.

3. The plant shall be equipped with the air pollution control equipment listed in the following table. Visible emissions, 6 minute average percent opacity as determined by EPA Reference Method 9 described in 40 CFR 60, Appendix A (July 1, 1992), for each operation shall not exceed the limits listed.

OPERATION	AIR POLLUTION CONTROL	% OPACITY
Evacuation and transporting to trucks or feed bin	Water spray as necessary	10
Crusher	Cover and water sprays	15

DRAFT

OPERATION	AIR POLLUTION CONTROL	% OPACITY
Crusher to screen conveyer transfer points	Water sprays and enclosed chutes.	10
Shaker screen	Cover	15
Radial Stacker-fines	Water sprays, enclosed chutes, and adjustable drop chute	15
Radial stackers-products	Water Sprays	15
Storage piles	Water spray system	5
Loading/shipping product	Water sprays and covered trucks leaving plant	15

4. If the plant is unable to comply with the visible emission standard for any operation listed in the above table, the permittee shall install additional air pollution control equipment needed to meet the standard.

5. The visible emissions tests shall be conducted within 30 days of commercial operation of the facility and the results submitted to the Department's Central Florida District office.

6. The electrical power generator shall not use more than 7 GPH diesel fuel. The power motor for the crusher shall not use more than 6 GPH diesel fuel. The diesel fuel used by these units shall not contain more than 0.3% sulfur.

WH/kt

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET
ATLANTA, GEORGIA 30365

JUN 10 1982

REF: 4AW-AM

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

1 1982

Mr. B. E. Shoup, Director
Environmental Division
Orlando Utilities Commission
P. O. Box 3193
Orlando, Florida 32802

Re: PSD-FL-084

Dear Mr. Shoup:

Review of your May 18, 1981, application to construct a new power generating facility in Orlando, Florida, has been completed. The construction is subject to rules for the Prevention of Significant Air Quality Deterioration (PSD) contained in 40 CFR §52.21. The Florida Bureau of Air Quality Management performed the preliminary determination concerning the proposed construction and published a request for public comment on April 15, 1982. The only comments received were submitted by the St. Johns River District Office, DER and the U. S. EPA.

Authority to construct a stationary source is hereby granted for the facility described above, subject to the conditions in the permit to construct (enclosed). This authority to construct is based solely on the requirements of 40 CFR §52.21, the federal regulations governing significant deterioration of air quality. It does not apply to NPDES or other permits issued by this agency or by other agencies. The complete analysis which justifies this approval has been fully documented for future reference, if necessary. Please be advised that a violation of any condition issued as part of this approval, as well as any construction which proceeds in material variance with information submitted in your application, will be subject to enforcement action.

This final permitting decision is subject to appeal under 40 CFR §124.19 by petitioning the Administrator of the U. S. EPA within 30 days after receipt of this letter of approval to construct. The petitioner must submit a statement of reasons for the appeal and the Administrator must decide on the petition within a reasonable time period. If the petition is denied, the permit becomes immediately effective. The petitioner may then seek judical review.

Any questions concerning this approval may be directed to Richard S. DuBose, Chief, Air Engineering Section, Air and Waste Management Division at (404) 881-4901.

Sincerely yours,

Charles R. Jeter
Regional Administrator

Enclosures

PSD-FL-084

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET
ATLANTA, GEORGIA 30365

PERMIT TO CONSTRUCT UNDER THE RULES FOR THE
PREVENTION OF SIGNIFICANT DETERIORATION OF AIR QUALITY

Pursuant to and in accordance with the provisions of Part C, Subpart 1 of the Clean Air Act, as amended, 42 U.S.C. §7470 et seq., and the regulations promulgated thereunder at 40 C.F.R. §52.21, as amended at 45 Fed. Reg. 52676, 52735-41 (August 7, 1980),

Orlando Utilities Commission
P.O. Box 3193
Orlando, Florida 32802

is hereby authorized to construct/modify a stationary source at the following location:

Curtis H. Stanton Energy Center
Orlando, Florida

UTM Coordinates: 484.0 km East, 3150.5 km North

Upon completion of this authorized construction and commencement of operation/production, this stationary source shall be operated in accordance with the emission limitations, sampling requirements, monitoring requirements and other conditions set forth in the attached Specific Conditions (Part I) and General Conditions (Part II).

This permit shall become effective on JUN 10 1982

If construction does not commence within 18 months after the effective date of this permit, or if construction is discontinued for a period of 18 months or more, or if construction is not completed within a reasonable time this permit shall expire and authorization to construct shall become invalid.

This authorization to construct/modify shall not relieve the owner or operator of the responsibility to comply fully with all applicable provisions of Federal, State, and Local law.

JUN 10 1982
Date Signed

Charles R. Jeter
Regional Administrator

Specific Conditions

1. The proposed steam generating station shall be constructed and operated in accordance with the capabilities and specifications of the application including the 4136 MMBtu/hr. heat input rate for each steam generator.

2. Emissions for each unit shall not exceed the allowable emission limits listed in the following Table for SO_2, PM, NO_x and visible emissions. The control technology and allowable emission limits for Unit 2 shall be reviewed and modified as appropriate at the latest reasonable time which occurs no later than 18 months prior to commencement of construction of the unit. At such time, the applicant shall demonstrate the adequacy of this BACT determination or propose a modification to it, taking into account energy, environmental and economic impacts.

Allowable Emission Limits

Pollutant	lb/MMBtu
PM	0.03
SO_2	1.14 (3 hr. average) and 90 percent reduction (30 day rolling average)
NO_x	0.60 (30-day rolling average)
Visible Emissions	20% (6-minute average), except for one 6-minute period per hour of not more than 27% opacity.

3. The fuel oil to be fired in each unit and the auxiliary boiler shall be "new oil", which means an oil which has been refined from crude oil and has not been used. Emissions from the auxiliary boiler for burning No. 2 fuel oil shall not exceed the allowable emission limits listed in the following table.

Allowable Emission Limits

Pollutant	lb/MMBtu
PM	0.015
SO_2	0.51
NO_x	0.16
Visible Emissions	20% Opacity

4. The flue gas scrubber shall be put into service during normal operational startup, and shutdown, when No. 6 fuel oil is being burned. The emission limits when burning No. 6 fuel oil shall be 0.80 lb/MMBtu for SO_2 and 0.03 lb/MMBtu for particulate matter, except during normal startup and shutdown and malfunctions as provided in 40 CFR 60.46a.

5. Samples of all fuel oil and coal fired in the boilers shall be taken and analyzed for sulfur content, ash content, and heating value. Accordingly, samples shall be taken of each fuel oil shipment received. Coal sulfur content shall be determined and recorded on a daily basis

in accordance with EPA Reference Method 19. Records of all the analyses shall be kept for public inspection for a minimum of two years.

6. No fraction of the flue gas shall be allowed to bypass the FGD system to reheat the gases exiting from the FGD system, if the bypass will cause overall SO_2 removal efficiency less than 90 percent (or 70% for mass SO_2 emission rates less than or equal to 0.6 lb/MMBtu). The percentage and amount of flue gas bypassing the FGD system shall be documented and records kept for a minimum of two years available for public inspection.

7. 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 optimum air/fuel ratio parameters.

The applicant shall install and operate continuously monitoring devices for each main unit exhaust for sulfur dioxide, nitrogen oxide and opacity. The monitoring devices shall meet the applicable requirements of 40 CFR 60.47a.

8. Visible emissions from the following facilities with air pollution control equipment shall be limited to 5%

opacity or 0.02 gr/acf: coal, lime, limestone and flyash handling systems.

9. Coal shall not be burned in the unit unless both the electrostatic precipitator and limestone scrubber are operating properly except as provided under 40 CFR 60.46a.

10. The following requirements shall be met to minimize fugitive dust emissions from the coal storage and handling facilities, the limestone storage and handling facilities, haul roads and general plant operations:

a. All conveyors and conveyor transfer points will be enclosed to preclude PM emissions (except those directly associated with the coal stacker/reclaimer and the emergency stockout facilities for which enclosure is operationally infeasible).

b. Inactive coal storage piles will be shaped, compacted and oriented to minimize wind erosion.

c. Water sprays or chemical wetting agents and stabilizers will be applied to storage piles, handling equipment, etc., during dry periods and as necessary to all facilities to maintain an opacity of less than or equal to 5 percent except when adding,

transferring and/or removing coal from the coal pile during which the opacity allowed shall be 20%. During adding, transferring or removing coal activity, the coal stacking spray should be operating at all times.

d. The limestone transfer conveyors and day silos will be maintained at negative pressures while operating with the exhaust vented to a control system. Water sprays shall be used to control particulate matter emissions from coal and limestone receiving hoppers.

e. The fly ash handling system (including transfer and silo storage) will be totally enclosed and vented (including pneumatic system exhaust) through fabric filters.

11. Within 90 days of commencement of operations, the applicant will determine and submit to EPA and FDER the pH level in the scrubber effluent that correlates with 90% removal of the SO_2 in the flue gas (or 70% for mass SO_2 emission rates less than or equal to 0.6 lb/MMBtu). Moreover, the applicant is required to operate a continuous pH meter equipped with an upset alarm to ensure that the operator becomes aware when pH value of the scrubber effluent rises above certain limited value. The value of the scrubber pH may be revised at a later

date provided notification to EPA and FDER is made demonstrating that the minimum percent removal will be achieved on a continuous basis. Further, if compliance data show that higher FGD performance is necessary to maintain the minimum removal efficiency limit, a different pH value will be determined and maintained.

12. The applicant will comply with all requirements and provisions of the New Source Performance Standard for electric utility steam generating units (40 CFR 60 Part Da). In addition, the applicant must comply with the provisions and the requirements of the attached General Conditions.

13. As a requirement of this specific condition, the applicant will comply with all emissions limits and enforceable restrictions required by the State of Florida Department of Environmental Regulation which are more restrictive, that is lower emissions limits or stricter operating requirements and equipment specifications, than the requirements of specific conditions 1-12 of this permit.

GENERAL CONDITIONS

1. The permittee shall notify the permitting authority in writing of the beginning of construction of the permitted source within 30 days of such action and the estimated date of start-up of operation.

2. The permittee shall notify the permitting authority in writing of the actual start-up of the permitted source within 30 days of such action and the estimated date of demonstration of compliance as required in the specific conditions.

3. Each emission point for which an emission test method is established in this permit shall be tested in order to determine compliance with the emission limitations contained herein within sixty (60) days of achieving the maximum production rate, but in no event later than 180 days after initial start-up of the permitted source. The permittee shall notify the permitting authority of the scheduled date of compliance testing at least thirty (30) days in advance of such test. Compliance test results shall be submitted to the permitting authority within forty-five (45) days after the complete testing. The permittee shall provide (1) sampling ports adequate for test methods applicable to such facility, (2) safe sampling platforms, (3) safe access to sampling platforms, and (4) utilities for sampling and testing equipment.

4. The permittee shall retain records of all information resulting from monitoring activities and information indicating operating parameters as specified in the specific conditions of this permit for a minimum of two (2) years from the date of recording.

5. If, for any reason, the permittee does not comply with or will not be able to comply with the emission limitations specified in this permit, the permittee shall immediately notify the State District Manager by telephone and provide the District Office and the permitting authority with the following information in writing within four (4) days of such conditions:

   (a) description for noncomplying emission(s),

   (b) cause of noncompliance,

   (c) anticipated time the noncompliance is expected to continue or, if corrected, the duration of the period of noncompliance,

(d) steps taken by the permittee to reduce and eliminate the noncomplying emission,

and

(e) steps taken by the permittee to prevent recurrence of the noncomplying emission.

Failure to provide the above information when appropriate shall constitute a violation of the terms and conditions of this permit. Submittal of this report does not constitute a waiver of the emission limitations contained within this permit.

6. Any change in the information submitted in the application regarding facility emissions or changes in the quantity or quality of materials processed that will result in new or increased emissions must be reported to the permitting authority. If appropriate, modifications to the permit may then be made by the permitting authority to reflect any necessary changes in the permit conditions. In no case are any new or increased emissions allowed that will cause violation of the emission limitations specified herein.

7. In the event of any change in control or ownership of the source described in the permit, the permittee shall notify the succeeding owner of the existence of this permit by letter and forward a copy of such letter to the permitting authority.

8. The permittee shall allow representatives of the State environmental control agency or representatives of the Environmental Protection Agency, upon the presentation of credentials:

(a) to enter upon the permittee's premises, or other premises under the control of the permittee, where an air pollutant source is located or in which any records are required to be kept under the terms and conditions of the permit;

(b) to have access to any copy at reasonable times any records required to be kept under the terms and conditions of this permit, or the Act;

(c) to inspect at reasonable times any monitoring equipment or monitoring method required in this permit;

(d) to sample at reasonable times any emission of pollutants;

and

(e) to perform at reasonable times an operation and maintenance inspection of the permitted source.

9. All correspondence required to be submitted to this permit to the permitting agency shall be mailed to:

Mr. James T. Wilburn
Chief, Air Management Branch
Air & Waste Management Division
U.S. EPA, Region IV
345 Courtland Street, NE
Atlanta, GA 30365

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

The emission of any pollutant more frequently or at a level in excess of that authorized by this permit shall constitute a violation of the terms and conditions of this permit.

Final Determination

Orlando Utilities Commission
Stanton Energy Center Units 1 & 2
Orange County, Florida

Permit Number
Federal - PSD-FL-084

Florida Department of Environmental Regulation
Bureau of Air Quality Management
Central Air Permitting
May 14, 1982

RESPONSE TO PUBLIC COMMENT

ORLANDO UTILITIES COMMISSION

(PSD-FL-084)

Comments on the Preliminary Determination were received from Mr. Tommie A. Gibbs, Chief of Air Facilities Branch, EPA, Mr. Charles Collins, St. Johns River District Office, DER, and Mr. B. E. Shoup, Director of Environmental Division, Orlando Utilities Commission. The significant portion of their comments and DER's response are as follows:

Comment 1

Mr. Gibbs requested that General Condition #9 be modified to designate Mr. James T. Wilburn as EPA contact for correspondence.

Response

This comment has been accepted by the Bureau.

Comment 2

EPA has assumed in the past that bulldozer activity on coal storage pile generates uncontrolled emission. What would the uncontrolled emissions estimate be for this operation?

Response

OUC on its application estimates that the uncontrolled dust emissions from the bulldozer activity can be reduced to 50% by using water spray before and during the activity. There is no 50% control efficiency requirement for bulldozer activity listed on the Preliminary Determination, except 20% opacity limit.

Comment 3

Mr. Gibbs pointed out that 100% of the 24 hour SO_2 increment has been consumed for the proposed 2 units.

Response

OUC has totally become aware of the fact. For any additional unit construction, further decrease of SO_2 emissions from units 1 and 2 shall be achieved.

Comment 4

EPA considered that the November 6, 1981 OUC response to DER's incompleteness letter established the completion date. If completion date was November 6, 1981, would increment allocations be affected in any way?

Response

Application was substantially complete on May 18, 1981. The letter DER sent to OUC, just asked for clarification of certain items. Increment would not be affected in any case.

Comment 5

Mr. Collins suggested that the Coal Stacking Spray should be operating at all times during stacking operations and that up to 20% opacity limit would be based on the spray operating and doing its best.

Response

This comment has been accepted by the Bureau.

Comment 6

Mr. Collins pointed out that the pH alarm should be used to control upper level pH value not the lower level pH value, because the less SO_2 removed by scrubber water the higher the pH value in the scrubber water.

Response

This comment has been accepted by the Bureau.

Comment 7

Under General Condition 5, Mr. Collins requested that the District Manager should be notified immediately by telephone for any non-compliance with emission limitations happening at the site.

Response

The comment has been accepted by the Bureau.

Comment 8

Mr. Shoup noted in Specific Condition No. 10.d. that including the limestone handling receiving hopper was in error. The controls used in this operation will be water spray and does not operate under negative pressure.

Response

This comment has been accepted by the Bureau.

Conclusion

All of the above comments accepted by the Bureau have been considered in the development of the Final Determination. The revised Specific Conditions and General Conditions are attached.

Specific Conditions

1. The proposed steam generating station shall be constructed and operated in accordance with the capabilities and specifications of the application including the 4136 MMBtu/hr. heat input rate for each steam generator.

2. Emissions for each unit shall not exceed the allowable emission limits listed in the following Table for SO_2, PM, NO_x and visible emissions. The control technology and allowable emission limits for Unit 2 shall be reviewed and modified as appropriate at the latest reasonable time which occurs no later than 18 months prior to commencement of construction of the unit. At such time, the applicant shall demonstrate the adequacy of this BACT determination or propose a modification to it, taking into account energy, environmental and economic impacts.

Allowable Emission Limits

Pollutant	lb/MMBtu
PM	0.03
SO_2	1.14 (3 hr. average) and 90 percent reduction (30 day rolling average)
NO_x	0.60 (30-day rolling average)
Visible Emissions	20% (6-minute average), except for one 6-minute period per hour of not more than 27% opacity.

3. The fuel oil to be fired in each unit and the auxiliary boiler shall be "new oil", which means an oil which has been refined from crude oil and has not been used. Emissions from the auxiliary boiler for burning No. 2 fuel oil shall not exceed the allowable emission limits listed in the following table.

Allowable Emission Limits

Pollutant	lb/MMBtu
PM	0.015
SO_2	0.51
NO_x	0.16
Visible Emissions	20% Opacity

4. The flue gas scrubber shall be put into service during normal operational startup, and shutdown, when No. 6 fuel oil is being burned. The emission limits when burning No. 6 fuel oil shall be 0.80 lb/MMBtu for SO_2 and 0.03 lb/MMBtu for particulate matter, except during normal startup and shutdown and malfunctions as provided in 40 CFR 60.46a.

5. Samples of all fuel oil and coal fired in the boilers shall be taken and analyzed for sulfur content, ash content, and heating value. Accordingly, samples shall be taken of each fuel oil shipment received. Coal sulfur content shall be determined and recorded on a daily basis

in accordance with EPA Reference Method 19. Records of all the analyses shall be kept for public inspection for a minimum of two years.

6. No fraction of the flue gas shall be allowed to bypass the FGD system to reheat the gases exiting from the FGD system, if the bypass will cause overall SO_2 removal efficiency less than 90 percent (or 70% for mass SO_2 emission rates less than or equal to 0.6 lb/MMBtu). The percentage and amount of flue gas bypassing the FGD system shall be documented and records kept for a minimum of two years available for public inspection.

7. 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 optimum air/fuel ratio parameters.

   The applicant shall install and operate continuously monitoring devices for each main unit exhaust for sulfur dioxide, nitrogen oxide and opacity. The monitoring devices shall meet the applicable requirements of 40 CFR 60.47a.

8. Visible emissions from the following facilities with air pollution control equipment shall be limited to 5%

opacity or 0.02 gr/acf: coal, lime, limestone and flyash handling systems.

9. Coal shall not be burned in the unit unless both the electrostatic precipitator and limestone scrubber are operating properly except as provided under 40 CFR 60.46a.

10. The following requirements shall be met to minimize fugitive dust emissions from the coal storage and handling facilities, the limestone storage and handling facilities, haul roads and general plant operations:

a. All conveyors and conveyor transfer points will be enclosed to preclude PM emissions (except those directly associated with the coal stacker/reclaimer and the emergency stockout facilities for which enclosure is operationally infeasible).

b. Inactive coal storage piles will be shaped, compacted and oriented to minimize wind erosion.

c. Water sprays or chemical wetting agents and stabilizers will be applied to storage piles, handling equipment, etc. during dry periods and as necessary to all facilities to maintain an opacity of less than or equal to 5 percent except when adding,

transferring and/or removing coal from the coal pile during which the opacity allowed shall be 20%. During adding, transferring or removing coal activity, the coal stacking spray should be operating at all times.

d. The limestone transfer conveyors and day silos will be maintained at negative pressures while operating with the exhaust vented to a control system. Water sprays shall be used to control particulate matter emissions from coal and limestone receiving hoppers.

e. The fly ash handling system (including transfer and silo storage) will be totally enclosed and vented (including pneumatic system exhaust) through fabric filters.

11. Within 90 days of commencement of operations, the applicant will determine and submit to EPA and FDER the pH level in the scrubber effluent that correlates with 90% removal of the SO_2 in the flue gas (or 70% for mass SO_2 emission rates less than or equal to 0.6 lb/MMBtu). Moreover, the applicant is required to operate a continuous pH meter equipped with an upset alarm to ensure that the operator becomes aware when pH value of the scrubber effluent rises above certain limited value. The value of the scrubber pH may be revised at a later

date provided notification to EPA and FDER is made demonstrating that the minimum percent removal will be achieved on a continuous basis. Further, if compliance data show that higher FGD performance is necessary to maintain the minimum removal efficiency limit, a different pH value will be determined and maintained.

12. The applicant will comply with all requirements and provisions of the New Source Performance Standard for electric utility steam generating units (40 CFR 60 Part Da). In addition, the applicant must comply with the provisions and the requirements of the attached General Conditions.

13. As a requirement of this specific condition, the applicant will comply with all emissions limits and enforceable restrictions required by the State of Florida Department of Environmental Regulation which are more restrictive, that is lower emissions limits or stricter operating requirements and equipment specifications, than the requirements of specific conditions 1-12 of this permit.

GENERAL CONDITIONS

1. The permittee shall notify the permitting authority in writing of the beginning of construction of the permitted source within 30 days of such action and the estimated date of start-up of operation.

2. The permittee shall notify the permitting authority in writing of the actual start-up of the permitted source within 30 days of such action and the estimated date of demonstration of compliance as required in the specific conditions.

3. Each emission point for which an emission test method is established in this permit shall be tested in order to determine compliance with the emission limitations contained herein within sixty (60) days of achieving the maximum production rate, but in no event later than 180 days after initial start-up of the permitted source. The permittee shall notify the permitting authority of the scheduled date of compliance testing at least thirty (30) days in advance of such test. Compliance test results shall be submitted to the permitting authority within forty-five (45) days after the complete testing. The permittee shall provide (1) sampling ports adequate for test methods applicable to such facility, (2) safe sampling platforms, (3) safe access to sampling platforms, and (4) utilities for sampling and testing equipment.

4. The permittee shall retain records of all information resulting from monitoring activities and information indicating operating parameters as specified in the specific conditions of this permit for a minimum of two (2) years from the date of recording.

5. If, for any reason, the permittee does not comply with or will not be able to comply with the emission limitations specified in this permit, the permittee shall immediately notify the State District Manager by telephone and provide the District Office and the permitting authority with the following information in writing within four (4) days of such conditions:

   (a) description for noncomplying emission(s),

   (b) cause of noncompliance,

   (c) anticipated time the noncompliance is expected to continue or, if corrected, the duration of the period of noncompliance,

(d) steps taken by the permittee to reduce and eliminate the noncomplying emission,

and

(e) steps taken by the permittee to prevent recurrence of the noncomplying emission.

Failure to provide the above information when appropriate shall constitute a violation of the terms and conditions of this permit. Submittal of this report does not constitute a waiver of the emission limitations contained within this permit.

6. Any change in the information submitted in the application regarding facility emissions or changes in the quantity or quality of materials processed that will result in new or increased emissions must be reported to the permitting authority. If appropriate, modifications to the permit may then be made by the permitting authority to reflect any necessary changes in the permit conditions. In no case are any new or increased emissions allowed that will cause violation of the emission limitations specified herein.

7. In the event of any change in control or ownership of the source described in the permit, the permittee shall notify the succeeding owner of the existence of this permit by letter and forward a copy of such letter to the permitting authority.

8. The permittee shall allow representatives of the State environmental control agency or representatives of the Environmental Protection Agency, upon the presentation of credentials:

(a) to enter upon the permittee's premises, or other premises under the control of the permittee, where an air pollutant source is located or in which any records are required to be kept under the terms and conditions of the permit;

(b) to have access to any copy at reasonable times any records required to be kept under the terms and conditions of this permit, or the Act;

(c) to inspect at reasonable times any monitoring equipment or monitoring method required in this permit;

(d) to sample at reasonable times any emission of pollutants;

and

(e) to perform at reasonable times an operation and maintenance inspection of the permitted source.

9. All correspondence required to be submitted to this permit to the permitting agency shall be mailed to:

Mr. James T. Wilburn
Chief, Air Management Branch
Air & Waste Management Division
U.S. EPA, Region IV
345 Courtland Street, NE
Atlanta, GA 30365

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

The emission of any pollutant more frequently or at a level in excess of that authorized by this permit shall constitute a violation of the terms and conditions of this permit.

Curtis H. Stanton Unit #2 10/10/91
DER Case No. PA 81-14/SA1
DOAH Case No. 91-1813EPP

SUPPLEMENTAL
CONDITIONS OF CERTIFICATION

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Curtis H. Stanton Unit #2
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SUPPLEMENTAL
CONDITIONS OF CERTIFICATION (COCs)

PART I

Administrative Conditions

I/I. ENTITLEMENT

Pursuant to s. 403.501-519, F.S., the Florida Electrical Power Plant Siting Act, this certification is issued to Orlando Utilities Commission, Florida Municipal Power Agency, and Kissimmee Utility Authority as joint owner/operators of Curtis H. Stanton Unit #2.

I/II. SCOPE OF LICENSE

A. Certification has previously been issued by the Governor & Cabinet on 12/14/82 for the Stanton site, including associated transmission and rail spur lines, with subsequent modifications thereto. These Conditions of Certification address the supplementary changes related to the construction and operation of Unit #2 and associated transmission line and alternate access road (shown on Attachment I). Where these conditions supersede the original COC and modifications thereto, such COC are rendered void; otherwise, the original COC and modifications thereto remain in effect.

B. Unit #2 certification is limited to 516,200 KVA (465 MW at a 0.9 power factor) nameplate capacity.

I/III. 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 Regulation (& Central District Office) [DER or DER/CDO]
South Florida Water Management District [SFWMD]
St. Johns River Water Management District [SJRWMD]
Game & Fresh Water Fish Commission [GFWFC]

Department of Natural Resources [DNR]
Department of Community Affairs [DCA]
Department of Transportation [DOT]
Orange County [OC]

I/IV. DEFINITIONS

A. Licensee: References herein to the "Licensee" apply to Orlando Utilities Commission, Florida Municipal Power Agency, and Kissimmee Utility Authority as joint owners of Stanton Unit #2, or to their successors or assigns. (See COC-I/V regarding transfer of certification).

B. Completeness/sufficiency: The term "complete" as used herein shall have the same meaning as contained in Chapter 120, F.S., not Chapter 403, F.S., i.e., a complete application shall also provide sufficient information for an agency to perform an analysis of compliance with the conditions of certification and applicable regulations. Where agency-recommended COCs have used the Ch. 403 FS term of "sufficient", that shall have the same meaning as the term "complete" as used herein.

C. Affected Agencies: References to the "affected agencies" apply to the jurisdictional agencies listed in COC-I/III.

D. Other terms: The meaning of terms not otherwise specified in A-C, as used herein, shall be governed by the definitions contained in Chapter 403, Florida Statutes and any regulations adopted pursuant thereto. In the event of any dispute over the meaning of a term 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.

I/V. 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 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.

I/VI. 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 circumstances, is held invalid, the application of such provisions to other circumstances and the remainder of the certification shall not be affected thereby.

I/VII. PROFESSIONAL CERTIFICATION

Where post-certification submittals are required by these conditions, drawings shall be signed and sealed by a Professional Engineer, or Professional Geologist, as applicable, registered in the State of Florida.

I/VIII. RIGHT OF ENTRY

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

A. To have access during normal business hours (Mon.-Fri., 9:00 a.m. to 5:00 p.m.) to any records required to be kept under the conditions of this certification for examination and copying; and

B. To inspect and test any monitoring equipment or monitoring method required in this certification and to sample any discharge or pollutants; and

C. To assess any damage to the environment or violation of ambient standards; and

D. To have reasonable escorted access to the power plant site and any associated linear facilities to inspect and observe any activities associated with the construction, operation, maintenance, or monitoring of the proposed project in order to determine compliance with the conditions of this Certification. The Licensee shall not refuse immediate entry or access upon reasonable notice to any Affected Agency representative who requests entry for the purpose of the above noted inspections and presents appropriate credentials.

I/IX. DESIGN STANDARDS

The facility shall be constructed pursuant to the design standards presented in the application and any approved

post-certification submittals, and shall be considered the minimum design standards for compliance.

I/X. LIABILITY

The Licensee shall hold and save the Affected Agencies harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, operation, maintenance and/or use of any facility authorized by this Certification, to the extent allowed under Florida law.

I/XI. PROPERTY RIGHTS

The issuance of this certification does not convey any property rights in either real or personal property, nor any exclusive privileges, nor does it authorize any injury to public or private property or any invasion of personal rights nor any infringement of Federal, State or local laws or regulations.

I/XII. COMPLIANCE

A. Compliance with Conditions

1. The Licensee shall at all times maintain in good working order and operate all treatment or control facilities or systems installed or used by the Licensee so as to achieve compliance with the terms and conditions of this certification. All discharges or emissions authorized herein shall be consistent with the terms and conditions of this certification. The discharge of any regulated pollutant not identified in the application, or more frequent than, or at a level in excess of that authorized herein, shall constitute a violation of the certification.

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 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 DER Central District Office and Siting Coordination Office, as required in I/XII.B.

3. Any anticipated facility expansions beyond the certified initial nameplate capacity, production increases, or process modifications which may result in new, different, or increased discharges of pollutants, change in type of fuel, or

expansion in steam generation capacity shall be reported by submission of a modification petition pursuant to Chapter 403, Florida Statutes.

4. In the event of a malfunction of Unit #2's boiler's pollution control system, the licensee shall comply with 40 CFR 60.46a.

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 Central District Office of the Department of Environmental Regulation by telephone within a working day that said non-compliance 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. A description of the discharge and cause of noncompliance; and

2. The period of noncompliance, including exact dates and times; or if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the noncomplying event.

C. Adverse Impact

The Licensee shall take all reasonable steps to minimize any adverse impact resulting from noncompliance with any limitation specified in this certification, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

I/XIII. 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 be subject to review pursuant to Chapter 120, 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 120 days prior to the intended commencement date of construction or operation of the feature undergoing review. Notification of the submittal of

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

B. Where such information is required, it shall be submitted to the agency(ies) named in the condition, which shall then have 30 days in which to determine the completeness (sufficiency) of the information. If a written request for additional information is not issued within the 30 day time period, the information will be presumed to be complete (sufficient).

C. Once the information has been determined complete (sufficient), the agency(ies) shall have 90 days, unless another time period has been specified herein, in which to make the determination regarding compliance.

I/XIV. COMMENCEMENT OF CONSTRUCTION

At least 30 days prior to the commencement of construction, the Licensee or Project Engineer shall notify the DER Siting Coordination Office, the DER Central 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.

I/XV. COMMENCEMENT OF OPERATION

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

XVI. OPERATIONAL CONTINGENCY PLANS

A. Operating Procedures

The Licensee shall develop and make available for viewing at the Stanton site by the DER operating instructions for all aspects of the operations which are critical to keeping the facililty's pollution control equipment working properly and to keep the facility in compliance with air and water quality criteria.

B. Contingency Plans

The Licensee shall develop and make available for viewing at the Stanton site by the DER written contingency plans or

procedures for the continued operation of the unit in event of pollution control equipment 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. Current Engineering Plans

For all pollution control and monitoring systems, the Licensee shall maintain a complete current set of as installed engineering plans, equipment data books, catalogs and documents in order to facilitate the smooth acquisition or fabrication of spare parts or mechanical modifications.

D. Application Modifications

The Licensee shall furnish appropriate modifications to drawings and plot plans submitted as part of the application.

I/XVII. REVOCATION OR SUSPENSION

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

I/XVIII. CIVIL AND CRIMINAL LIABILITY

This certification does not relieve the Licensee from civil or criminal penalties for noncompliance with any conditions of this certification, applicable rules or regulations of the Department or Chapter 403, Florida Statutes, or regulations thereunder.

Subject to Section 403.511, Florida Statutes, this certification shall not preclude the institution of any legal action or relieve the Licensee from any responsibilities or penalties established pursuant to any other applicable State Statues, or regulations.

I/XIX. ENFORCEMENT

The Department of Environmental Regulation, as supported by the applicable Affected Agency, may take any and all lawful actions to enforce any condition of this Certification. Any agency which deems enforcement to be necessary shall notify the Secretary of DER of the proposed actions. The agency may seek 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.

I/XX. FIVE-YEAR REVIEW

The certification shall be final unless revised, revoked, or suspended pursuant to law. At least every five years from the date of issuance of certification the Department shall review the project and these conditions of certification and propose any needed modifications.

I/XXI. MODIFICATION OF CONDITIONS

Pursuant to Subsection 403.516(1), F.S., the Board hereby delegates the authority to the Secretary to modify any condition of this certification not in conflict with condition of certification Part VII dealing with sampling, monitoring, reporting, specification of control equipment, related time schedules, emission limitations, variances or exceptions to water quality standards, transmission line, access road or pipeline construction, source of treated effluent cooling water, mitigation, transfer or assignment of the Certification or related federally delegated permits, or any special studies conducted, as necessary to attain the objectives of Chapter 403, Florida Statutes.

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

Part II

Conditions Recommended by the **Department of Environmental Regulation**

II/I. AIR

The construction and operation of Unit 2 at Orlando Utilities Commission, Curtis H. Stanton Energy Center (CHSEC) steam electric power plant site shall be in accordance with all applicable provisions of Chapters 17-2, 17-4, and 17-5, Florida Administrative Code except for NOx and SO_2 which shall be governed by 40 CFR Part 60 regarding startup, shutdown, and malfunction. In addition to the foregoing, the permittee shall comply with the following conditions of certification:

A. Emissions Limitations

1. The proposed steam generating station shall be constructed and operated in accordance with the capabilities and specifications of the application including the proposed 465 (gross) megawatt generating capacity and the 4286 MMBtu/hr heat input rate for each steam generator. Based on a maximum heat input of 4286 million Btu per hour, stack emissions from CHSEC Unit 2 shall not exceed the following when burning coal:

a. SO_2 - lb/million Btu heat input

30 - day rolling avereage	0.25
24 - hour emission rate	0.67
3 - hour emission rate	0.85

b. NOx - lb/million Btu heat input

30 day rolling average	0.17

c. PM/PM_{10} - lb/million Btu heat input

	lb/MBtu	lb/hr
PM	0.02	85.7
PM_{10}	0.02	85.7

d. CO - 0.15 lb/million Btu heat input, 643 lb/hour.

e. VOC - 0.015 lb/million Btu heat input, 64 lbs/hour.

f. H_2SO_4 - 0.033 lb/million Btu heat input 140 lb/hour.

g. Be - 5.2×10^{-6} lb/million Btu heat input, 0.022 lb/hour.

h. Hg - 1.1 x 10^{-5} lb/million Btu heat input, 0.046 lb/hour.

i. Pb - 1.5 x 10^{-4} lbs/million Btu heat input, 0.64 lb/hour.

j. Fluorides - 4.2 x 10^{-4} lb/million Btu heat input, 1.8 lbs/hour.

2. The height of the boiler exhaust stack for CHSEC Unit 2 shall not be less than 550 ft. above grade.

3. Particulate emissions from the coal, lime and limestone handling facilities:

a. All conveyors and conveyor transfer points will be enclosed to preclude PM emissions (except those directly associated with the coal stacker/reclaimer or emergency stockout, and the limestone stockout for which enclosure is operationally infeasible).

b. Inactive coal storage piles be shaped, compacted and oriented to minimize wind erosion.

c. Water sprays or chemical wetting agents and stabilizers will be applied to storage piles, handling equipment, etc. during dry periods and as necessary to all facilities to maintain an opacity of less than or equal to 5 percent, except when adding, moving or removing coal from the coal pile, which would be allowed no more than 20%.

d. Limestone day silos and associated transfer points will be maintained at negative pressures during filling operations with the exhaust vented to a control system. Lime will be handled with a totally enclosed pneumatic system. Exhaust from the lime silos during filling will be vented to a collector system.

e. The fly ash handling system (including transfer and silo storage) will be totally enclosed and vented (including pneumatic system exhaust) through fabric filters; and

f. Any additional coal, lime, and limestone handling facilities for Stanton Unit 2 will be equipped with particulate control systems equivalent to those for Stanton Unit 1.

4. Particulate emissions from bag filter exhausts from the following facilities shall be limited to 0.02 gr/acf: coal, lime, limestone and flyash handling systems excluding those

facilities covered by 3.c above. A visible emission reading of 5% opacity or less may be used to established compliance with this emission limit. A visible emission reading greater than 5% opacity will not create a presumption that the 0.02 gr/acf emission limit is being violated. However, a visible emission reading greater than 5% opacity will require the permittee to perform a stacktest for particulate emissions, as set forth in Condition I.C.

5. Compliance with opacity limits of the facilities listed in Condition II/I.A. will be determined by EPA referenced method 9 (Appendix A, 40 CFR 60).

6. Construction shall reasonably conform to the plans and schedule given in the application.

7. 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 DER Central District office in Orlando.

8. Reasonable precautions to prevent fugitive particulate emissions during construction shall be to coat the roads and construction sites used by contractors, regrass or water areas of disturbed soils.

9. Coal shall not be burned in the unit unless the electrostatic precipitator and limestone scrubber and other air pollution control devices are operating as designed except as provided under 40 CFR Part 60, Subpart Da.

10. The fuel oil to be fired in Stanton Unit 2 and the auxiliary boiler shall be "new oil" which means an oil which has been refined from crude oil and has not been used. On-site generated lubricating oil and used fuel oil which meets the requirements of 40 CFR 266.40 may also be burned. The quality of the No. 2 fuel oil used by the auxiliary boiler shall not contain more than 0.5% sulfur by weight and cause the allowable emission limits listed in the following table to be exceeded. Such emissions may be calculated in accordance with AP-42.

Allowable Emission Limits

Pollutant	lb/MMBtu
PM	0.015
SO_2	0.51
NO_x	0.16
Visible emissions	Maximum 20% Opacity

11. The flue gas scrubber shall be put into service during normal operational startup, and shut down when No. 6 fuel oil is being burned. The No. 6 fuel oil shall not contain more than 1.5% sulfur by weight.

12. No fraction of flue gas shall be allowed to bypass the FGD system to reheat the gases exiting from the FGD system, except that bypass shall be allowed during start up or shut down.

13. All fuel oil and coal shipments received shall have an analysis for sulfur content, ash content, and heating value either documented by supplier or determined by analysis. Records of all the analyses shall be kept for public inspection for a minimum of two years after the data is recorded by OUC.

14. Within 90 days of commencement of operations, the applicant will determine and submit to FDER the pH level range in the scrubber reaction tank that correlates with the specified limits for SO_2 in the flue gas. Moreover, the applicant is required to operate a continuous pH meter equipped with an upset alarm to ensure that the operator becomes aware when the pH level of the scrubber reaction tank falls out of this range. The pH monitor can also act as a backup in the event of malfunction of the continuous SO_2 monitor. The value of the scrubber pH may be revised at a later date provided notification to FDER is made demonstrating the emission limit is met. Further, if compliance data show that higher FGD performance is necessary to maintain the emissions limit, a different pH value will be determined and maintained.

15. The applicant will comply with all requirements and provisions of the New Source Performance standard for electric utility steam generating units (40 CFR 60 Part Da).

16. The Licensee shall submit to the Department at least 120 days prior to start of construction of the NOx control system, copies of technical data pertaining to the selected NOx control system. These data, if applicable to the technology chosen by the Licensee, should include, but not be limited to design efficiency, guaranteed efficiency, emission rates, flow rates, reagent injection rates, or types of catalysts. The Department may, upon review of these data, disapprove the use of any such device or system if the Department determines the selected control device or system to be inadequate to meet the emission limits specified in 1.b. above. such disapproval shall be issued within 90 days or receipt of the technical data.

B. Air Monitoring Program

1. A flue gas oxygen meter shall be installed for Stanton Unit 2 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. The flue gas oxygen monitor shall be calibrated and operated according to manufacturer's established procedures as approved by DER. The document "Use of Flue Gas Oxygen Meter as BACT for Combustion Controls" may be used as a guide.

2. The permittee shall install and operate continuous monitoring devices for Stanton Unit 2 main boiler exhaust for sulfur dioxide, nitrogen dioxide and opacity. The monitoring devices shall meet the applicable requirements of Section 17-2.710, F.A.C., and 40 CFR 60.47a. The opacity monitor may be placed in the duct work between the electrostatic precipitator and the FGD scrubber.

3. The permittee shall operate one continuous ambient monitoring device for sulfur dioxide in accordance with DER quality control procedures and EPA reference methods in 40 CFR, Part 53, and one ambient monitoring devices for PM_{10}, and one continuous NO_x monitor. The monitoring devices shall be specifically located at a location approved by the Department. The frequency of operation of the particulate monitor shall be every six days commencing as specified by the Department. During construction and operation the existing meteorological station will be operated and data reported with the ambient data.

4. The permittee shall maintain a daily log of the amounts and types of fuel used. The log shall be kept for inspection for at least two years after the data is recorded. Fuel analysis data including sulfur content, ash content and heating values shall be determined on an as-received basis and kept for two years.

5. The permittee shall provide stack sampling facilities as required by Rule 17-2.700(4) F.A.C.

6. The ambient monitoring program shall begin at least one year prior to initial start up of Unit 2 and shall continue for at least one year of commercial operation. The Department and the permittee shall review the results of the monitoring program annually and determine the necessity for the continuation of or modifications to the monitoring program.

C. Stack Testing

1. Within 60 calendar days after achieving the maximum capacity at which Unit 2 will be operated, but no later than 180 operating days after initial startup, the permittee shall conduct performance tests for particulates, SO_2, NO_X, and visible emissions during normal operations near (±10%) 4286 MMBtu/hr heat input and furnish the Department a written report of the results of such performance tests within 45 days of completion of the tests. The performance tests will be conducted in accordance with the provisions of 40 CFR 60.46a and 48a.

2. Compliance with emission limitation standards mentioned in specific Condition II/I.A. shall be demonstrated during initial performance tests using appropriate EPA Methods, as contained in 40 CFR Part 60 (Standards of Performance for New Stationary Sources), or 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants), or any method as proposed by the Applicant and approved by Department, in accordance with F.A.C. Rule 17-2.700.

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 emission limits.
3	Gas analysis when needed for calculation of molecular weight or percent O_2.
4	Moisture content when converting stack volumetric flow rate for use in converting concentrations in dry gases to or from mass emission limits.
5	Particulate matter concentration and mass emissions.
201 or 201A	PM_{10} emissions.
6, 6C, or 19	Sulfur dioxide emissions from stationary sources.
7, 7C, or 19	Nitrogen oxide emissions from stationary sources.

9	Visible emission determination of opacity.
-	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.
-	At least one lime truck unloading into the lime silo (from start to finish).
10	Carbon monoxide emissions from stationary sources.
12 or 101A	Lead concentration from stationary sources.
13A or 13B	Fluoride emissions from stationary sources.
18, 25, or	Volatile organic compounds concentration.
101A or 108	Mercury emissions.
104	Beryllium emission rate and associated moisture content.

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3. The permittee shall provide 30 days written notice of the performance tests for continuous emission monitors or 10 working days written notice for stack tests in order to afford the Department the opportunity to have an observer present.

4. Stack tests for particulates NO_x and SO_2 and visible emissions shall be performed annually in accordance with Conditions C.2, and 3 above.

D. Reporting

1. For Stanton Unit 2, a summary in the EPA format of stack continuous monitoring data, fuel usage and fuel analysis data shall be reported to the Department's Central Florida District Office and to the Orange County Environmental Protection Department 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 Section 17-2.710(2), F.A.C.

2. Utilizing the SAROAD or other format approved in writing by the Department, ambient air monitoring data shall be reported to the Bureau of Air Quality Management of the Department quarterly. Such reports shall be due within 45 days following the quarterly reporting period. Reporting and monitoring shall be in conformance with 40 CFR Parts 53 and 58.

3. Beginning one month after certification, the permittee shall submit to the Department a quarterly status report briefly outlining progress made on engineering design and purchase of major pieces of air pollution control equipment. All reports and information required to be submitted under this condition shall be submitted to the Siting Coordination Office, Department of Environmental Regulation, 2600 Blair Stone Road, Tallahassee, Florida, 32301.

E. Malfunction or Shutdown

In the event of a prolonged (thirty days or more) equipment malfunction or shutdown of air pollution control equipment, operation may be allowed to resume or 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. During such malfunction or shutdown, the operation of Stanton Unit 2 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 Department's order. Exceedances produced by operational conditions for more than two hours due to upsets in air pollution control systems as a result of start-up, shutdown, or malfunctions as defined by 40 CFR 60 shall be reported as specified in Conditions I/XII. Identified operational malfunctions which do not stop operation but may prevent compliance with emission limitations shall be reported to DER as specified in Condition I/XII.

F. Open Burning

Open burning in connection with initial land clearing shall be in accordance with Chapter 17-256, F.A.C., Chapter 5I-2, F.A.C., Uniform Fire Code Section 33.101 Addendum, and any other applicable County regulation.

Any burning of construction generated material, after initial land clearing that is allowed to be burned in accordance with Chapter 17-256, F.A.C., shall be approved by the DER Central Florida District Office in conjunction with the Division of Forestry and any other County regulations that may apply. Burning shall not occur unless approved by the jurisdictional agency or if the Department or the Division of Forestry has issued a ban on burning due to fire safety conditions or due to air pollution conditions.

G. Federal Annual Operating Permits and Fees

1. DER Responsibilities

The Department of Environmental Regulation shall implement the provisions of Title V of the 1990 Clean Air Act for the Stanton 2 by developing Conditons of Certification requiring submission of annual operating permit information and annual pollutant emission fees in accordance with Federal Law and Federal Regulations.

2. OUC Responsibilities

OUC shall submit the appropriate annual operating permit application information as well as the appropriate annual pollutant emission fees as required by Federal Law to the Department as specified in Condition 3. below.

3. Annual Operating "Permit" Application and Fee (Reserved)

II/II. WETLANDS RESOURCE MANAGEMENT

1. The proposed transmission line from the Stanton Energy Center to the Mud Lake transmission line and the proposed alternate access road to the Stanton Energy Center from the south shall be routed as shown in the supplemental application. Prior to construction, the permittee shall submit drawings on 8.5" by 11" paper showing the final design, including plan view and cross-sections for each area of filling or clearing in wetlands. The drawings shall show the existing and proposed ground elevations and all existing and proposed structure locations, sizes and invert elevations.

2. All clearing and construction activities shall be confined to the limits of the clear zone necessary for the transmission line as shown on Figures 6.1-5 and 6.1-6 of the application drawings. Within 30 days of the completion of construction, the permittee shall arrange a site visit by DER District personnel from the Central District office in Orlando to verify that no wetland damage has occurred outside the transmission line clear zone. If wetland damage occurs outside the transmission line clear zone during construction, the permittee 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 with 30 days of the Department approving the restoration and mitigation plan. This condition does not preclude the Department from taking enforcement action if unauthorized activities occur.

3. Prior to initiating construction, the permittee shall submit a map and aerial photographs showing the location of all staging areas for the transmission line and alternate access road construction to the Bureau of Wetland Resource Management for review and written approval. These areas shall be upland areas which are not currently providing red-cockaded woodpecker nesting or forage habitat. The staging areas shall not be used prior to receiving DER approval.

4. Drainage structures shall be placed in the transmission line ROW and under the alternate access road at the same locations where drainage structures currently exist under the CSX Railroad berm. The drainage structures shall provide at least the same efficiency as the corresponding drainage structure currently existing in the CSX Railroad berm.

5. The forested areas to be cleared shall be cleared using low-impact equipment so as to minimize soil disturbance. The root mats and tree stumps shall be left in place to provide soil stabilization.

6. During construction, best management practices, including but not limited to staked hay bales and filter cloth, shall be utilized to control erosion and turbidity. All side slopes shall be seeded and mulched within 72 hours of the final grading.

7. Construction of the transmission line and alternate access road will result in the filling of 4.12 ac. of herbaceous wetlands the permanent clearing of 13.19 ac. of forested wetlands. The permittee shall provide mitigation to offset the wetland loss and habitat degradation resulting from the construction of this project.

Prior to construction, the permittee shall propose a mitigation plan and shall provide the following information to the Bureau of Wetland Resource Management to allow the Department to review the proposed mitigation plan:

a. detailed description of each wetland impact area;

b. acreage of the type and quality of wetland being impacted at each site;

c. narrative, drawings and aerial photographs showing and explaining the proposed mitigation;

d. detailed description of the existing conditions at the mitigation area;

e. acreage of the proposed mitigation by mitigation and wetland type;

f. documentation providing reasonable assurance that the proposed mitigation will be successful.

If the mitigation submittal is deemed by the Department to provide insufficient information for review, additional information requested by the Department shall be submitted. Upon receiving complete information, the Department will assess the mitigation plan within 90 days.

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

II/III. ELECTRIC AND MAGNETIC FIELDS

The associated transmission line shall comply with the requirements of Ch. 17-274, F.A.C.

II/IV. OTHER

For wastewater treatment, sanitary waste treatment, public water supply, surface water monitoring, and ground water monitoring see Unit 1's Conditions of Certification. For air and water monitoring programs, quality assurance plans shall be submitted by OUC within 90 days of certification. Such QA plans shall be submitted in conformance with Chapter 17-160, F.A.C.

Part III

Conditions Recommended by the **Game and Fresh Water Fish Commission**

A. Prior to the construction of the proposed facilities, wildlife surveys shall be conducted for the presence of listed species (E, T, or SSC) or suitable habitat within the site. The results of these surveys shall be submitted to the Florida Game and Fresh Water Fish Commission and the U.S. Fish and Wildlife Service.

Specific Authority: Endangered Species Act of 1973, 16 U.S.C. ss. 1531-1543; 50 C.F.R. Part 17; Section 372.072, F.S.; Chapter 39-27, F.A.C.

B. Depending upon the results of listed species surveys, all requirements of the Endangered Species Act, including Section 7 consultation and obtaining any necessary permits from the U.S. Fish and Wildlife Service, shall be met.

Specific Authority: Endangered Species Act of 1973, 16 U.S.C. ss. 1531-1543; 50 C.F.R. Part 17. Section 372.072, F.S.

C. Prior to construction, all approvals required pursuant to Chapter 39-27, F.A.C., shall be sought and obtained from the Florida Game and Fresh Water Fish Commission.

Specific Authority: Chapter 39-27, F.A.C.

D. Nesting sandhill cranes shall be avoided by limiting installation of transmission lines over wetlands utilized by nesting cranes to periods outside of the nesting season, which runs from January through June.

E. A conservation easement shall be placed on the areas to be set aside, improved and managed as mitigation for impacts to the red-cockaded woodpecker to ensure preservation of these areas in perpetuity.

F. Before construction, a management plan for the preserved areas shall be presented to the Florida Game and Fresh Water Fish Commission for review and approval. At a minimum, this plan shall include a statement of what habitat function the preserve is expected to provide; 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; responsible entity; and cost estimate.

The general constitutional statutory, and rule authority for each of the recommended conditions are:

Article IV, Section 9, Constitution of Florida (1968)
Section 372.072, F.S.

Part IV

Conditions Recommended by
the
South Florida Water Management District

[NOTATION: The issues addressed in several of the proposed agency conditions recommended by the SFWMD have been addressed by preceding conditions. In order to consolidate and simplify the conditions, those conditions marked by a star (*) are not recommended by the Department for inclusion in the final conditions of certification.]

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 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. Reference: Sections 373.223 and 373.413, F.S.; Rules 40E-2.091(1)(a), 40E-2.301, 40E-2.381(1), 40E-4.091(1)(a), and 40E-4.301, F.A.C.

b. Minimum Standards

*

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

Reference: Sections 373.219, 373.223, 373.229, 373.413(1) and 373.416(1), F.S.; Rules 40E-2.091(1)(a), 40E-2.301(1), 40E-2.381, 40E-4.09(1)(a), 40E-4.301(1), and 40E-4.381, F.A.C.

c. Compliance Requirements

This project must be constructed, operated and maintained in compliance with and meet all non-procedural requirements set forth in Chapter 373, F.S., and Chapters 40E-2 (Consumptive Use), and 40E-4 (Surface Water Management), F.A.C.

d. Off-site Impacts

*

It is the responsibility of the Permittee to ensure that adverse off-site water resource related impacts do not occur during the construction, operation, and maintenance of the project. Reference: Sections 373.223, 373.309, and 373.413(1); Rules 40E-2.091(1)(a), 40E-2.381(d), 40E-2.381(e), 40E-4.091(1)(a), 40E-4.301, and 40E-4.381(2)(k), F.A.C.

e. Liability

*

The Permittee shall hold and save the SFWMD harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, operation, maintenance and/or use of any facility authorized by this Certification, to the extent allowed under Florida law. Reference: Sections 373.223, 373.443, F.S.; Rules 40E-2.091(1)(a), 40E-2.381(2)(i), 40E-4.091(1)(a), and 40E-4.381(2)(j), F.A.C.

f. Construction, Operation, and Maintenance Responsibilities

*

The Permittee shall be responsible for the construction, operation and maintenance of all facilities installed for the proposed project. Reference: Sections 373.413(1) and 373.416(1), F.S.; Rules 40E-2.301, 40E-4.091(1)(a), 40E-4.301, and 40E-4.381(2)(h), F.A.C.

g. Access

*

SFWMD representatives shall be allowed reasonable escorted access to the transmission line facilities and right-of-way to inspect and observe any activities associated with the construction, operation and maintenance of the proposed project, the associated surface water management system and/or mitigation areas in order to determine compliance with the conditions of this Certification. The Permittee shall not refuse immediate entry or access to any SFWMD representative who, upon reasonable notice, requests entry for the purpose of the above noted inspection and presents appropriate credentials. Reference: Sections 373.223 and 373.423, F.S.; Rules 40E-2.091(1)(a), 40E-2.301, 40E-2.381(2)(f), 40E-4.091(1)(a), and 40E-4.301, F.A.C.

h. Post Certification Information Submittals

Information submitted to the SFWMD subsequent to Certification, in compliance with the conditions of this Certification, shall be for the purpose of the SFWMD determining the Permittee's compliance with the Certification conditions and the non-procedural criteria contained in Chapters 40E-2 and 40E-4, F.A.C., as applicable, prior to the commencement of the subject construction, operation and/or maintenance activity covered thereunder. Reference: Rule 17-17.191, F.A.C.

i. Post Certification Permit Modifications

*

Once this Certification has been issued, the SFWMD will require modification of any permits issued by the SFWMD to any entities whose activities will be affected by the proposed project to reflect the activities authorized by this Certification. Reference: Sections 373.239 and 373.429, F.S.; Rules 40E-2.331 and 40E-4.331, F.A.C.

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 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 Division (using the appropriate SFWMD Form) beginning one year after the initial construction start date. Reference: Sections 373.413(1) and 373.416(1), F.S.; Rules 40E-4.091(1)(a), 40E-4.301, and 40E-4.381(2)(h), F.A.C.

k. Enforcement

The SFWMD may take any and all lawful actions that are necessary to enforce any condition of this Certification based on the rules of the SFWMD. Prior to initiating such action, the SFWMD shall notify the Secretary of DER of the proposed action. The SFWMD may seek modification of this Certification for any change in any activity which results from the SFWMD's enforcement of this Certification when the change has a duration longer than 60 days. Reference: Sections 373.223, 373.423, and 373.603, F.S.; Rules 40E-2.091(1)(a), 40E-2.301, 40E-2.381(2)(f), 40E-4.091(1)(a), and 40E-4.301, F.A.C.

2. PROCESSING OF INFORMATIONAL REQUESTS

a. Right-of-way Modifications

At least ninety (90) days prior to the commencement of construction of any portion of the transmission line, the Permittee shall submit any proposed modifications to the transmission line right-of-way, identified on Exhibits 2, 3 and 4 (Figures 6.1-2, 6.1-3, and 6.1-4), to the SFWMD staff for review and approval. If the SFWMD staff does not issue a written request for additional information and/or an objection to the proposed right-of-way modification within thirty (30) days, the modification shall be presumed to be complete and acceptable.

b. Completeness and Review

At least ninety (90) days prior to the commencement of construction of any portion of the

project, the Permittee shall submit to SFWMD staff, for a completeness and sufficiency review, any pertinent additional information required under the SFWMD's conditions of Certification for that portion proposed for construction. If SFWMD staff does not issue a written request for additional information within thirty (30) days, the information shall be presumed to be complete and sufficient. Reference: Section 373.413(2), F.S.

c. Compliance Review and Confirmation

Within sixty (60) days of the determination by SFWMD staff that the submitted information is complete and sufficient, the SFWMD shall determine and notify the Permittee in writing whether the proposed activities conform to SFWMD criteria, as required by Chapters 40E-2 and 40E-4, F.A.C., and the conditions of Certification. If necessary, the SFWMD shall identify what items remain to be addressed. No construction activities shall begin until the SFWMD has determined either in writing, or by failure to notify the Permittee in writing, that the activities are in compliance with the applicable SFWMD criteria. Reference: Section 373.413, F.S.

d. Revisions to Site Specific Design Authorizations

The Permittee shall submit, consistent with the provisions of Condition A.2., any proposed revisions to the site specific design authorizations specified in this Certification to the SFWMD for review and approval prior to implementation. The submittal shall include all the information necessary to support the proposed request, including detailed drawings, topographic maps, average wet season water table elevations, calculations and/or any other applicable data. Such requests may be included as part of the appropriate additional information submittals required by this Certification provided they are clearly identified as a requested modification to the previously authorized design.
Reference: Sections 373.413, 373.414, and 373.429, F.S.; Rules 40E-2.091, 40E-2.301, 40E-4.091, 40E-4.301, and 40E-4.381, F.A.C.

e. Dispute Resolution

Since this Certification is the only form of permit required from any agency, it is understood that the Permittee and the SFWMD shall strive to resolve disputes by mutual agreement. Reference: Sections 373.413 and 373.429, F.S.; Rules 40E-1.602 and 40E-4.331, F.A.C.

f. Objections

Objections to modifications of the terms and conditions of this Certification shall be resolved through the process established in Section 403.516, F.S.

g. Changes to Information Requirements

The SFWMD and the Permittee may jointly agree to vary the informational requirements. Reference: Sections 373.229 and 373.413(2), F.S.; Rules 40E-2.101(1), and 40E-4.101910, F.A.C.

B. WATER USE CONDITIONS

1. ADDITIONAL INFORMATION REQUIREMENTS

a. Dewatering Operations

Prior to the commencement of construction of those portions of the project which involve dewatering activities, the Permittee shall submit a detailed plan for the proposed dewatering activities to the SFWMD, consistent with the provisions of Conditions A.2, for a determination of compliance with the non-procedural requirements of Chapter 40E-2, 40E-3, and 40E-4, F.A.C., in effect at the time of submittal. The following information, referenced to NGVD where appropriate, shall be submitted:

(1) A detailed site plan which shows the location(s) for each proposed dewatering area;

(2) The method(s) used for each dewatering operation;

(3) The maximum depth for each dewatering operation;

(4) The location and specifications for all proposed wells and/or pumps associated with each dewatering operation;

(5) The projected quantity of water to be generated by each dewatering operation;

(6) The discharge method, route, and location of receiving waters generated by each dewatering operation, including the location of any interim containment areas and the measures (Best Management Practices) that will be taken to prevent water quality problems in the receiving water(s);

(7) The duration of each dewatering operation;

(8) An analysis of the impacts of each proposed dewatering operation which indicates that no significant impacts will occur to any existing onsite and/or off-site legal users, wetlands, or existing plumes of groundwater contamination;

(9) The location of any infiltration trench(es) and/or recharge barriers; and

(10) All plans must be signed and sealed by a Professional Engineer and a Professional Geologist, both registered in the State of Florida.

Reference: Sections 373.229, 373.308, and 343.413, F.S.; Rules 40E-2.091(1), 40E-2.301, 40E-3.500-531, and 40E-4.381(2)(1), F.A.C.

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 Engineering 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. Reference: Sections 373.117 and 373.419, F.S.; Rules 40E-4.091(1)(a), 40E-4.301(2), and 40E-4.381(2)(d), F.A.C. Engineer Water Shortage Compliance.

b. Impacts on Fish, Wildlife, Natural Environment Values and Water Quality

*

The Permittee shall prosecute the work authorized under this Certification in a manner so as to minimize any adverse impacts of the authorized works on fish, wildlife, natural environment values, and water quality. The Permittee shall institute necessary measures during the construction period, including necessary compaction of any fill materials placed around newly installed structures and/or the use of silt screens, hay bales, seeding and mulching, and/or other similar techniques, to reduce erosion, turbidity, nutrient loading and sedimentation in the receiving waters. Reference: Sections 373.413(1) and 373.416(1)F.S.; Rules 40E-4.091(1)(a), 40E-4.301, and 40E-4.381(2)(a), F.A.C.

c. Correction of Water Quality Problems

The Permittee shall be responsible for the correction of any sedimentation, turbidity, erosion, shoaling and/or maintenance of the works authorized under this Certification. Reference: Sections 373.413(1), 373.414, and 373.416(1); Rules 40E-4.09(1)(a), 40E-4.301, and 40E-4.381, F.A.C.

d. Discharge Structure's

Discharge structures, where appropriate, shall include a baffle, skimmer, or other mechanism suitable for preventing oil, grease, or other floatable materials from discharging to

and/or from retention/detention areas. Reference: Sections 373.413(1) and 373.416(1), F.S.; Rules 40E-4.091(1)(a), 40E-4.301, and 40E-4.381, F.A.C.

e. Off-site Discharges

Off-site discharges during construction and development shall be made only through the discharge facilities authorized by this Certification. No roadway or structure pad construction shall commence on-site until completion of the permitted discharge structure and detention areas. Water discharged from the project shall be through structures having a mechanism suitable for regulating upstream water stages. Stages may be subject to operating schedules satisfactory to the SFWMD. Reference: Sections 373.413(1) and 373.416(1), F.S.; Rules 40E-4.091(1)(a), 40E-4.301, and 40E-4.381(2)(g), F.A.C.

f. Additional Water Quality Requirements

The Permittee may be required to incorporate additional water quality treatment methods into the surface water management system if such measures are shown to be necessary. Reference: Sections 373.413(1) and 373.416(1); Rules 40E-4.091(1)(a), 40E-4.301, and 40E-4.381, F.A.C.

g. Access Roads

The Permittee shall, whenever available, utilize adjacent existing roads for access to the transmission line right of way for construction, operation and/or maintenance purposes. Finger roads connecting the existing roads to the structures pads and access roads which must be constructed in areas where an existing road is not available shall be constructed in a manner which does not impede natural drainage flows and minimizes impacts to on-site and adjacent wetlands. Reference: Sections 373.413(1), 373.414, and 373.416(1); Rules 40E-4.301 and 40E-4.381, F.A.C.

h. Correction of Drainage Problems

The Permittee shall be responsible for the correction of any adverse on-site, upstream,

and/or downstream drainage and/or wetland impacts which may occur as a result of the construction of the proposed access road and/or structure pads. These may include the placement and/or removal of culverts and/or other structures to remedy the impact. Reference: Sections 373.413(1), 373.414, and 373.416(1), F.S.; Rules 40E-4.301 and 40E-4.381, F.A.C.

i. Modifications

Subsequent modifications to the drawings and supporting calculation submitted to the SFWMD which may alter the quantity and/or quality of waters discharged off-site shall be made pursuant to Section 403.516, F.S., and Rule 17-17.211, F.A.C. They shall also be submitted to the SFWMD for a determination that the modifications are in compliance with the non-procedural requirements of Chapters 40E-2 and 40E-4, F.A.C., prior to the commencement of construction. Reference: Section 403.516, F.S.

2. SITE SPECIFIC DESIGN AUTHORIZATIONS

a. Access/Maintenance Road and Structure Pads

The Permittee is authorized to construct an access/maintenance road for the transmission line in the areas specifically identified on Exhibits 2, 3, and 4 (Figures 6.1-2, 6.1-3, and 6.1-4). Areas where an access/maintenance road is not proposed will be accessed from existing roads.

b. Authorized Receiving Water (Transmission Line only)

Adjacent Wetlands

3. ADDITIONAL INFORMATION REQUIREMENTS

a. Access/Maintenance Road and structure Pad Construction Plans

Prior to the commencement of construction of any portion of the transmission line which affects the movement of waters, the Permittee shall submit plans for any construction activities for that portion of the transmission line which may

obstruct, divert, control, impound or cross waters of the state, either temporarily or permanently, to the SFWMD, consistent with the provisions of Condition A.2, for a determination of compliance with the non-procedural requirements of Chapters 40E-2 and 40E-4, F.A.C., in effect at the time of submittal. "Construction activities" in this situation shall include the placement of access/maintenance roads, culverts, and/or fill materials, excavation activities, and any related activities. All plans, detail sheets and calculations shall be signed and sealed by a Florida Registered Professional Engineer. For all construction activities, the following information, referenced to NGVD, shall be submitted:

(1) A centerline profile of existing topographic features along the proposed access/maintenance road(s);

(2) A design of the proposed access/maintenance and finger road(s) with finished elevations marked;

(3) A typical cross-section of the proposed access/maintenance and finger road(s), including relative dimensions and elevations;

(4) A cross-section of each stream or creek at the point(s) to be crossed by the proposed access/maintenance and finger road, and/or other facility;

(5) Identification of wet season water table elevations for each basin in which facilities will be located;

(6) Specifications, including supporting assumptions and calculations, showing the type and size of water control structures (pipe, culvert, equalizer, etc.) to be used, with proposed flowline elevations marked, drainage areas identified, and design capacity verified;

(7) A cross-section of any proposed excavation areas showing the proposed depth of excavation;

(8) Calculations and supporting documentation which demonstrate that the proposed construction and/or excavation activities associated with the transmission line will not have an adverse water quantity and/or water quality impact on adjacent wetlands and/or permitted surface water management systems;

(9) If construction of the transmission line contributes to the necessity for future modifications to adjacent/existing roads, water quality treatment requirements of the requested road modifications must be addressed in the surface water management system design for the transmission line.

Reference: Sections 373.413(1), 373.413(2), and 373.416(1), F.S.; Rules 40E- 4.091(1)(a), 40E-4.301, and 40E-4.381, F.A.C.

D. ENVIRONMENTAL CONDITIONS

1. GENERAL

a. Wetland Avoidance

The Permittee shall avoid impacting wetlands within the transmission line corridor wherever practicable. Where necessary and feasible, the location of the structure pads, other related facilities and/or the transmission line alignment shall be varied to eliminate or reduce wetland impacts. Reference: Sections 373.413(1), 373.414, and 373.416(1) F.S.; Rules 40E-4.091(1)(a), 40E-4.301, and 40E-4.381, F.A.C.

b. Fill Materials

No fill materials shall be obtained from excavated wetlands or within 200 feet of functional wetlands, unless in accordance with a mitigation plan submitted in compliance with the conditions of this Certification. Reference: Sections 373.413(1), 373.414, and 373.416(1) F.S.; Rules 40E-4.091(1)(a), 40E-4.301, and 40E-4.381, F.A.C.

c. Additional Wetlands Mitigation

The Permittee may be required to provide additional mitigation and/or other measures if wetland monitoring and/or other information demonstrates that adverse impacts to protected, restored, incorporated, and/or mitigated wetlands have occurred as a result of project-related activities. Reference: Sections 373.413, 373.414, and 373.416, F.S.; Rules 40E-4.091, 40E-4.301, and 40E-4.381, F.A.C.

d. Additional Environmental Review

The Permittee shall submit any proposed changes in land use, project design, and/or the treatment of on-site wetland additional environmental review in order to determine whether any additional mitigation activities will be required. Reference: Sections 373.413, 373.414, and 373.416, F.S.; Rules 40E-4.091, 40E-4.301, and 40E-4.381, F.A.C.

2. SITE SPECIFIC DESIGN AUTHORIZATIONS

a. Authorized Wetland Impacts

The Permittee is authorized to construct an access/maintenance road for the transmission line and structure pads in the wetland areas specifically identified on Exhibits 2, 3, and 4 (Figures 6.1-2, 6.1-3, and 6.1-4).

b. Sandhill Crane Nest Protection

The Permittee shall protect the active sandhill crane nest located in the 0.58 acre marsh situated between stations 125 and 126 in accordance with the following requirements:

(1) The transmission line poles and structure pads shall be positioned so that the transmission line spans the marsh;

(2) Construction shall be scheduled to avoid the nesting season for sandhill cranes;

(3) The marsh shall not be disturbed in any way;

(4) The access road shall be located in the swale adjacent to the railroad rather than in the marsh; and

(5) The Permittee shall comply with any other measures deemed necessary by the Florida Game and Freshwater Fish Commission.

Reference: Sections 373.413, 373.414, and 373.416, F.S.; Rules 40E-4.091, 40E-4.301, and 40E-4.381, F.A.C.

3. ADDITIONAL INFORMATION REQUIREMENTS

a. Wetlands Protection

Prior to the commencement of construction of any portion of the transmission line which will be located adjacent to the wetlands identified for preservation, the Permittee shall:

(1) Stake and rope off the protected wetlands and buffer zones to prevent encroachment during construction. The stakes and ropes shall remain in place until all adjacent construction activities have been completed. Verification of staked areas by SFWMD staff shall be required prior to the commencement of and upon completion of any construction activities.

(2) Submit documentation to the SFWMD that all protected and/or mitigated areas, including buffer zones, have been legally reserved so that they will be managed in a manner consistent with their proposed use as preservation/conservation areas.

(3) Install silt screens, turbidity barriers and/or hay bales prior to any construction in or alteration of any wetlands within the project site in order to prevent adverse water quality impacts to wetlands. These barriers shall remain in place until fill material is stabilized and turbidity has returned to background levels.

Reference: Sections 373.413, 373.414, and 373.416 F.S.; Rules 40E-4.091, 40E-301, and 40E-4.381, F.A.C.

b. Mitigation Plan

Prior to the commencement of construction of any portion of the transmission line which may affect wetlands, the Permittee shall submit a mitigation and monitoring plan to the SFWMD, consistent with the provisions of Condition D.2.a, for a determination of compliance with the non-procedural requirements of Chapter 40E-4, F.A.C., including Appendix 7 (Isolated Wetlands Rule) of the Basis of Review for Surface Water Management Permit Applications in the SFWMD, in effect at the time of submittal. At a minimum, the plan shall include the following information:

(1) Locations and sizes of all proposed mitigation areas, species to be planted, planting densities, details of the proposed hydrologic regime, cross-sections showing the proposed elevations and water depths, and an estimated time schedule for completion of the construction of the mitigation areas;

(2) A wetland mitigation and/or restoration work schedule which details each specific mitigation task (e.g. grading to proper elevation, mulching, planting, regularly scheduled maintenance and monitoring, etc.) and the calendar dates for the start and completion of each task;

(3) Provisions for both quantitative and qualitative observations of wildlife and macroinvertebrate utilization and the vegetative community, weekly water level readings, panoramic photographs documenting the condition of the mitigation areas, and evaluation of the success of the mitigation effort, and an annual report incorporating this information and any other relevant information; and

(4) Documentation that sufficient areas have been legally preserved within the SFWMD and/or the SJRWMD to compensate for the proposed wetland impacts with both the water management districts.

Reference: Sections 373.413(1), 373.413(2), 373.414, and 373.416(1), F.S.; Rules 40E-4.091(1)(a), 40E-4.301, and 40E-4.381, F.A.C.

Part V

Conditions Recommended by
the
St. Johns River Water Management District

[NOTATION: The issues addressed in several of the proposed agency conditions recommended by the SJRWMD have been addressed by preceding conditions. In order to consolidate and simplify the conditions, those conditions marked by a star (*) are not recommended by the Department for inclusion in the final conditions of certification.]

Specific Authority for Conditions 1-22: Sections 40C-2.301, and 40C-2.381, F.A.C.; Part II, Chapter 373, F.S.):

*

1. St. Johns River Water Management District (SJRWMD) authorized staff, upon proper identification, will have permission to enter, inspect and observe certified and related facilities in order to determine compliance with the approved plans, specifications and conditions of this certification.

2. Nothing in this certification shall be construed to limit the authority of the SJRWMD to declare a water shortage and issue orders pursuant to Section 373.175, Florida Statutes, or to formulate a plan for implementation during periods of water shortage, pursuant to Section 373.246, Florida Statutes. In the event of a water shortage, as declared by the SJRWMD, OUC, et al., must adhere to reductions in water withdrawals as specified by the SJRWMD.

3. Prior to the construction, modification, or abandonment of a well, OUC, et al., must obtain approval from the SJRWMD and meet the requirements of Chapter 40C-3, Florida Administrative Code.

4. Leaking or inoperative well casings, valves, or controls must be repaired or replaced as required to put the system back in an operative condition acceptable to the SJRWMD. Failure to make such repairs will be cause for deeming the well abandoned in accordance with Subsection 17-532.200(1), Florida Administrative Code and Section 373.309, Florida Statutes.

5. OUC, et al., must mitigate any adverse impact caused by withdrawals permitted herein on legal uses of water existing at the time of certifications application. The SJRWMD has the right to curtail permitted withdrawal rates or water allocations if the withdrawals of water cause an adverse impact on legal uses of water which existed at the time of certification application. Adverse impacts are exemplified but not limited to:

   a. Reduction of well water levels resulting in a reduction of 10% in the ability of an adjacent well to produce water;

   b. Reduction of water levels in an adjacent surface water body resulting in a significant impairment of the use of water in that water body;

   c. Saline water intrusion or introduction of pollutants into the water supply of an adjacent water use resulting in a significant reduction of water quality; or

   d. Change in water quality resulting in either impairment or loss of use of a well or water body.

6. OUC, et al., must mitigate any adverse impact caused by withdrawals permitted herein on adjacent land uses which existed at the time of certification application. The SJRWMD has the right to curtail permitted withdrawal rates of water allocations if withdrawals of water cause any adverse impact on adjacent land uses which existed at the time of certification application. Adverse impacts are exemplified by but not limited to:

   a. Significant reduction in water levels in an adjacent surface water body;

   b. Land collapse or subsidence caused by a reduction in water levels; or

   c. Damage to crops and other types of vegetation.

7. The SJRWMD must be notified, in writing, within 90 days of the transfer of this certification. All transfers are subject to the provisions of Section 40C-2.351, Florida Administrative Code, which states that all terms and conditions of the permit shall be binding on the transfer.

8. A SJRWMD-issued identification tag must be prominently displayed at each withdrawal site by permanently affixing such tag to the pump, headgate, valve or other withdrawal facility as provided by Section 40C-2.401, Florida Administrative Code. OUC, et al., must notify the District in the event that a replacement tag is needed.

* 9. During the tenth year following issuance of this certification order, OUC, et al., shall submit a report to SJRWMD and DER demonstrating compliance with these conditions of certification, Chapter 373, Florida Statutes, and the rules of SJRWMD and DER, applicable to the consumptive use of water. Compliance shall be demonstrated with rules and statutory provisions in effect at that time.

SJRWMD shall evaluate the report and notify DER in a report of any issues regarding compliance with this certification and applicable rules and statutory provisions, including whether the consumptive use of water complies with those provisions of Chapter 373, Florida Statutes, and DER's and SJRWMD's rules applicable to consumptive use and whether any conditions of certification must be amended, added, or deleted in order to insure compliance with the referenced rules and statutory provisions. SJRWMD shall respond within 30 days of receipt of OUC, et al.'s report as to whether or not it contains information sufficient to make a determination as to compliance with the referenced rules and statutory provisions. Thereafter, DER shall notify OUC, et al., and SJRWMD as to its determination concerning sufficiency. SJRWMD shall file its report within ninety (90) days after DER's determination that OUC, et al.'s, report is sufficient. Section 40C-1.610, Florida Administrative Code, shall apply. An opportunity for hearing pursuant to Section 120.57, Florida Statutes, shall be afforded any party. In any hearing requested pursuant to this condition of certification, the

burden of demonstrating compliance shall be on OUC, et al. The continued consumptive use of water for the Stanton Energy Center Unit 2, shall be dependent upon OUC, et al., demonstrating and presenting sufficient data to establish that its consumptive use meets the referenced rules and statutory provisions. The Board hereby delegates to the Secretary the authority to enter final orders regarding this condition in the event an administrative hearing is requested.

10. Maximum annual withdrawals from the Floridan aquifer must not exceed 321.20 million gallons.

11. Maximum daily withdrawals from the Floridan aquifer must not exceed 1.25 million gallons.

12. Withdrawals from the Floridan aquifer wells must not be used for cooling tower make-up water. Reclaimed wastewater in the amount of 10.19 million gallons/day from the Orange County eastern wastewater treatment facility shall be the source of cooling tower make-up water.

13. All withdrawals for dewatering to facilitate construction from the surficial aquifer must be retained on-site within the recycle basin or the make-up water supply pond (#20 and #22, respectively, OUC, et al.'s fig. 3.2-1).

14. No offsite discharges are approved from this facility, except as provided for by the overflow structure in the make-up water supply pond (#20, OUC, et al.'s figure 3.2-1), for the duration of this certification.

15. All off-site discharges, as provided for by the overflow structure in the make-up water supply pond (#20, OUC, et al.'s figure 3.2-1), must be in compliance with water quality standards as set forth in Chapters 17-4, and 17-302, F.A.C., or such standards as issued through a variance by DER.

16. Water quality samples must be taken in May and October of each year from each production well. The samples must be analyzed for the following

parameters:

Calcium	Chloride
Magnesium	Sulfate
Sodium	Carbonate
Potassium	Bi-Carbonate (or alkalinity if pH is 6.9 or lower)

All major ion analyses must be checked for anion-cation balance and must balance within 5% prior to submission. It is recommended that duplicates be taken to allow for laboratory problems or loss. The sample analyses must be submitted to the SJRWMD by May 30, and October 30 of each year. Prior to sample collection, a minimum of 3-5 casing volumes must be removed from each well. All sampling and water quality analysis shall be performed by organizations with approved comprehensive or generic quality assurance plans on file with the DER or a laboratory having HRS certification.

17. By January 31 of each year OUC, et al., must submit to the SJRWMD copies of the previous year (12 months) DER monthly water treatment plant records. The project name and certification number must be attached to all reports.

18. OUC, et al., must maintain the continuous recorder on the Floridan aquifer monitor well. Copies of the previous year (12 months) recorder charts must be forwarded to the SJRWMD on a yearly basis. The charts must be submitted by January 31 of each year.

19. OUC, et al., must implement the conservation plan submitted to the SJRWMD in accordance with the schedule contained therein.

20. All Floridan aquifer withdrawal points must be equipped with totalizing flow meters throughout the duration of this certification. Such meters must maintain a 95% accuracy, be verifiable and be installed according to the manufacturer's specifications.

21. OUC, et al., must have all flow meter(s) calibrated once every 3 years within 30 days of the anniversary date of certification issuance,

and recalibrated if the difference between the actual flow and the meter reading is greater than 5%. SJRWMD form EN-51 must be submitted to the SJRWMD within 10 days of the inspection/ calibration.

22. OUC, et al., must maintain the required flow meter(s). In case of failure or breakdown of any meter, the SJRWMD must be notified in writing within 5 days of its discovery. A defective meter must be repaired or replaced within 30 days of its discovery.

Specific Authority for Conditions 23-42: Sections 40C-4.301, 40C-4.381, 40C-41.063(5), 40C-42.025, 40C-42.035, F.A.C.; Part IV, Chapter 373, F.S.

23. OUC, et al., must submit two (2) copies of an as-built survey of the enhancement areas certified by a registered surveyor or Professional Engineer showing dimensions, ground elevations, water surface elevations, and an inventory of the planted species within the wetland creation area(s). In areas where planting occurs, the inventory must include the type, number, distribution and size of the planted vegetation and must be referenced to the as-built survey. The as-built survey must be submitted to the SJRWMD within thirty (30) days of completion of the initial planting.

24. Prior to construction, OUC, et al., must clearly delineate the limits of construction on-site. OUC, et al., must advise the contractor that any work within the Riparian Habitat Regulation Zone outside the limits of construction, including clearing, is a violation of this certification.

25. Within the enhancement areas, cattails (typha spp.) and primrose willow (ludwigia peruviana), must be controlled by hand clearing or other methods receiving written approval by the SJRWMD so that they constitute no more than 10% of the areal cover in each stratum at any time.

26. Successful establishment of the planted vegetation in the enhancement area will have occurred when:

    a. At least 80 percent of the planted individuals in each stratum have survived and are showing

signs of normal annual growth, based upon standard growth parameters such as height and base diameter, or canopy circumference;

b. At least 80 percent cover by appropriate wetland herbaceous specied has been obtained in the re-hydrated areas; and

c. The above criteria has been achieved by the end of a 5 year period following the initial planting.

If successful enhancement has not occurred as stated above, or is unlikely based on the monitoring reports or trends, OUC et al., must within 30 days, provide the SJRWMD with a narrative describing the type and causes of failure with a complete set of plans for the redesign and/or replacement planting of the enhancement areas demonstrating that the success criteria can be achieved. Within 30 days of the SJRWMD approval of the plans, OUC, et al., must implement the redesign and/or replacement planting. Following completion of such work, the success criteria as stated above or as modified by subsequent SJRWMD approval of the plan must again be achieved. In addition, the monitoring required by the conditions of this permit must be conducted.

28. Within 30 days of completion of initial planting, OUC, et al., must submit to the SJRWMD for review and approval two (2) copies of a plan detailing the site-specific methods to be used for monitoring the enhancement areas so that the achievement of success criteria can be quantitatively demonstrated. The plan must include such information as the size, location and number of monitoring quadrants, the location and number of photographic stations, the location of the reference wetland (if applicable), the location of staff gauge(s) and piezometer(s), and other pertinent factors to demonstrate achievement of success criteria.

29. OUC, et al., must furnish the SJRWMD with two (2) copies of monitoring reports for the wetland

enhancement area(s) describing:

a. Percent survival and recorded growth via established parameters for planted trees and shrubs;

b. Percent cover for all specied within each stratum;

c. Total percent cover of herbaceous species within the rehydrated areas proposed for enhancement;

d. Ground and surface water monitoring data including:

   1) Surface water elevation referenced to N.G.V.D., or if surface water is not present, ground water elevation referenced to N.G.V.D.,

   2) Location of staff gauges and piezometers, and

   3) Date and time of measurements;

e. Observations of wildlife utilization;

f. Panoramic photographs of the mitigation site taken from approved permanent stations;

g. A description of any problems encountered, including the removal of any non-targeted species, replanting and maintenance dates and solutions; and

h. Any anticipated work for the successive six month period following each 6 month assessment.

The data must be collected and submitted semi-annually, once during the wet season (August-September) and once during the dry season (March-April) until the enhancement areas achieve the success criteria.

30. The use of non-native grasses, or the placement of sod in the enhancement areas I specifically prohibited.

31. OUC, et al., must submit to SJRWMD construction plans, including cross-sections of the proposed ditch plug and culvert replacements, at least 30 days prior to construction. The cross-sectional information must include the existing and proposed ground elevations, normal water elevations and elevations of all of the existing and proposed structures within the ditches.

32. OUC, et al., must submit to the SJRWMD, within 30 days of issuance of the certification order, cross-sections and plan view of all enhancement areas illustrating the following information:

    a) Site specific topographic survey information referenced to N.G.V.D.;

    b) Surveyed ordinary high, normal and chronic pool water elevations (referenced to N.G.V.D.) based upon biological/physical wetland indicators;

    c) Site specific survey of existing vegetative zonations referenced to N.G.V.D.;

    d) Limits of wetlands and uplands within the Riparian Habitat Regulation Zone and isolated wetlands (if applicable) referenced to N.G.V.D.; and,

    e) The location of the cross-sectional profile (on the plan view).

33. OUC, et al., must submit within 30 days of issuance of the certification order a signed survey of the site specific location of the limits of the Riparian Habitat Regulation Zone, including the limits of wetlands pursuant to Section 16.1.1, A.H., and the limits of all isolated wetlands, within the transmission line, the access road (unpaved) and the alternate access road corridors.

34. OUC, et al., must construct and maintain a permanent protective vegetative and/or artificial cover for erosion and sediment control on all land surfaces exposed or disturbed by construction or alteration of the certified project. Unless modified by another condition of this certification order or specified otherwise on a SJRWMD-approved erosion and sediment control plan,

this protective cover must be installed within fourteen (14) days after final grading of the affected land surfaces. A permanent vegetative cover must be established within 60 days after planting or installation. OUC, et al., must maintain cover on adjacent ground surfaces which may be impacted by construction activities until the SJRWMD receives the P.E. certification that the project is constructed according to the permitted plans. Upon completion of construction, OUC, et al., must maintain permanent erosion control measures in the areas of fill for the unpaved access road.

35. The proposed mitigation plan for the Curtis H. Stanton Energy Center, Unit 2 which was submitted to the SJRWMD on June 27, 1991, and revised on July 22, 1991 is incorporated as a condition of this certification except where specifically superseded by certification conditions.

36. Construction or alteration of the surface water management system must be completed and all disturbed areas must be stabilized in accordance with the submitted plans and certification conditions prior to use of the infrastructure for its intended use.

37. At a minimum, all retention/detention storage areas must be constructed to rough grade prior to the placement of impervious surface within the area to be served by those facilities. To prevent reduction in storage volume and percolation rates, all accumulated sediment must be removed from the storage areas prior to final grading and stabilization.

38. OUC, et al., must select, implement, and operate all erosion and sediment control measures required to retain sediment on-site and to prevent violations of water quality standards as specified in Chapters 17-302 and 17-4, F.A.C. OUC, et al., is encouraged to use appropriate Best Management Practices for erosion and sediment control as described in the Florida Land Development Manual: A Guide to Sound Land and Water Management (DER) 1988). All erosion and sediment control measures must remain in place at all locations until construction is completed and the soils are stabilized. Thereafter, OUC, et al., will be

responsible for the removal of the control measures (except for the control measures in the areas of fill for the unpaved access road which shall be permanent).

39. Final Access Road and Transmission Line construction plans must be submitted to the SJRWMD, at least 30 days prior to commencement of construction. The final plans must be in conformance with the plans and calculations received by the SJRWMD on July 22, 1991.

40. A plan depicting the location of the area to be used for fill for the Access Roads must be submitted to the SJRWMD, at least 30 days prior to commencement of construction. The fill material must satisfy the soil properties assumed in the calculations received by the SJRWMD on July 22, 1991. Access to the fill material site must be shown on the plan.

41. OUC, et al., must require the contractor to review and maintain a copy of this document, complete with all conditions, attachments, and exhibits, in good condition and posted on the construction site.

42. OUC shall provide to the SJRWMD, prior to initiating any construction, a recorded conservation easement pursuant to Section 704.06, Florida Statutes, on the real property which is the subject of Condition no. 31 of the original Certification Order for the OUC Curtis H. Stanton Power Plant, Unit 1. This easement shall prohibit all construction, including grading, dredging or filling, clearing, and road construction within said area for the life of the Curtis Stanton facility, except for construction specifically approved by this certification order and construction specifically designed for the benefit of the red cockaded woodpecker and implemented pursuant to Condition no. 31 of the original Certification Order. Said easement must contain provisions as set forth in subsection 1 (a)-(h) of Section 704.06, F.S., as well as provisions indicating that they may be enforced by the SJRWMD and may not be amended without SJRWMD approval.

Part VI

Conditions Recommended by the East Central Florida Regional Planning Council

[NOTATION: The issues addressed in several of the proposed agency conditions recommended by the ECFRPC have been addressed by preceding conditions. In order to consolidate and simplify the conditions, those conditions marked by a star (*) are not recommended by the Department for inclusion in the final conditions of certification.]

The ECRPC recommended the following language be added to the original Conditions of Certification:

XIV. Transmission Lines, Access Road and Rail Spur

A. General. . .

10. Unavoidable losses of viable wetlands shall be mitigated through restoration or creation of wetlands within the same watershed and in accordance with adopted rules and policies of Orange County and the water management district of jurisdiction. Wetlands to be restored or created as mitigation shall be located coterminously with one or more major habitat areas to be preserved so as to provide a continuity or expansion of natural habitat area. CRPP: 29F-19.001, 43.1, F.A.C.

11. Areas to be used as mitigation, compensation, or preservation for impacts to wetlands, red-cockaded woodpecker habitat, sandhill crane nesting and/or other natural features as a result of this change shall be regarded as preservation areas for the purpose of protecting their natural attributes and shall be managed as such. These areas shall have their developmental uses restricted in perpetuity by easement that is conveyed to Orange County, the St. Johns River or South Florida Water management District or a state or federal agency dedicated to conservation. CRPP: 29F-19.001, 43.7, F.A.C.

Part VII

Conditions Recommended by the **Department of Community Affairs**

[NOTATION: The issues addressed in several of the proposed agency conditions recommended by the DOT have been addressed by preceding conditions. In order to consolidate and simplify the conditions, those conditions marked by a star (*) are not recommended by the Department for inclusion in the final conditions of certification.]

* I. WATER RESOURCES

The order of certification shall incorporate the recommendations of the Department of Environmental regulation, the St. Johns River Water Management District, and the South Florida Water Management District regarding the protection of water resources.

* II. NATURAL SYSTEMS AND RECREATION LANDS

A. The Permittees shall avoid impacting wetlands on the site and within the certified corridor. Unavoidable losses of wetlands and of certain uplands that may be protected under the Econlockhatchee River Hydrologic Basin rule of the St. Johns River Water Management District shall be mitigated in accordance with the adopted rules of Orange County, the DER, and the water management district of jurisdiction. Wetlands to be restored shall be located with one or more major habitat areas to be preserved, the intent being to provide a continuity or expansion of natural habitat area.

B. The Permittees shall undertake a survey of the associated facilities corridor for endangered and threatened plants and animals according to the Florida Game and Fresh Water Fish Commission specifications prior to initiation of construction. Results of this survey should be submitted to the Florida Game and Fresh Water Fish Commission for review. If it is determined that any of these species will be adversely affected by the construction, the

Permittees shall consult with the Commission to determine the appropriate steps to be taken to minimize or mitigate any adverse impacts.

C. Areas to be used for mitigation, compensation, or preservation for project impacts to wetlands, endangered species, or other natural features shall be regarded as preservation areas for the purpose of protecting their natural attributes and shall be managed as such. These areas shall have their developmental uses restricted in perpetuity by easement that is conveyed to the South Florida Water Management District, the St. Johns River Water Management District, or a local, state, federal, or private agency or organization dedicated to the preservation of natural areas.

* III. AIR QUALITY

A. The Permittee shall undertake and implement any additional processes and procedures to control emission of the regulated pollutants which are determined necessary by the Department of Environmental Regulation and the U.S. Environmental Protection Agency.

B. The Permittees shall increase the planting of trees on their properties and shall assist with the planting of trees throughout their service areas. The number of trees planted through these programs should be sufficient to take up an amount of carbon dioxide equivalent to that produced by the Stanton 2 power plant through its combustion of coal and oil.

C. The Permittees shall monitor mercury emissions from the Stanton 2 power plant and report the results to the DER.

* IV. HAZARDOUS AND NON-HAZARDOUS MATERIALS AND WASTES

A. The Permittees shall endeavor to recycle the combustion wastes from the operation of Stanton 2. The Permittees shall file an

annual report with the Department of Environmental Regulation detailing its progress in marketing the combustion wastes.

B. Sewage effluent used as cooling water makeup shall be treated to maintain a 1.0 milligram per liter free chlorine residual and a quality of 1.0 Nephalometeric Turbidity Unit or less, or, alternatively, a demonstration that a viral concentration of less than plaque-forming unit per 300 gallons can be achieved at lower levels of chlorination.

* V. LAND USE RELATED ISSUES

A. The Permittees shall take steps to minimize the impact of noise generated during operation and construction which exceeds the Department's recommended guideline of 55 dBa in the nearest residential areas. These steps may include use of quiet equipment, erection of noise barriers, notification to nearby landowners, daytime scheduled of particularly noisy events, the use of welded rail joints on the rail spur, and other measures as feasible.

B. The Permittees shall investigate all complaints and provide appropriate mitigation for all impacts to radio or television reception caused by the proposed transmission lines. This applies only to residents and occupants of existing houses and other structures near the proposed transmission line corridor.

* VI. CULTURAL AND HISTORICAL RESOURCES

A. The Permittees shall notify the Division of Historical resources (DHR) in the Florida Department of State of any ground disturbing activities that may adversely affect archaeological sites 8OR391 and 8OR2208.

B. In the event of discovery of any archaeological artifacts during construction of the Stanton 2 plant and its

associated facilities, the Permittees shall stop construction in that area and immediately notify the DHR. The Permittees shall consult with the DHR to determine the appropriate action. If avoidance is not possible, the impact will be mitigated through archaeological salvage excavation operation or by other methods acceptable to DHR.

* VII. TRANSPORTATION

The Permittees shall promote ride sharing by members of the construction and operation work forces.

* VIII. EMPLOYMENT

A. The Permittees shall assist unemployed and economically disadvantaged person in finding unemployment during construction and operation of the facility.

B. The Permittees shall provide innovative arrangements such as onsite day care facilities (but not in the vicinity of the power block) and flexible hours of employment, as appropriate, to increase the access of working parents to employment at the facility.

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