STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

IN RE: FLORIDA POWER & LIGHT COMPANY MANATEE UNIT 3 POWER PLANT SITING APPLICATION NO. PA 02-44.	)	Case No. 02-0937EPP

RECOMMENDED ORDER

Pursuant to notice, the Division of Administrative Hearings, by its duly-designated Administrative Law Judge, Charles A. Stampelos, held a certification hearing in the above-styled case on January 27, 2003, in Parrish, Florida.

APPEARANCES

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STATEMENT OF THE ISSUE

The issue to be resolved in this proceeding is whether the Governor and Cabinet, sitting as the Siting Board, should issue certification to Florida Power & Light Company ("FPL") to construct and operate a new 1,100 megawatt (MW) combined-cycle electrical generating unit to be located at FPL's existing Manatee Plant site in Manatee County, Florida, in accordance with the Florida Electrical Power Plant Siting Act, Section 403.501, et seq., Florida Statutes.

PRELIMINARY STATEMENT

This proceeding was conducted pursuant to the Florida Electrical Power Plant Siting Act ("PPSA"), Chapter 403, Part II, Florida Statutes, and Chapter 62-17, Florida Administrative

Code, to consider FPL's application for site certification for proposed Manatee Unit 3 (also referred to as the "Project").

On February 22, 2002, FPL filed its application for site certification for Manatee Unit 3 with the Florida Department of Environmental Protection ("Department" or "FDEP"). The application was found to be complete on March 11, 2002. The application was found to be sufficient on July 10, 2002.

As required by Sections 403.508(1) and (2), Florida Statutes, a land use hearing on the Project was held in the community of Parrish, Florida, on August 29, 2002. By Final Order, dated December 9, 2002, the Siting Board adopted the undersigned's Recommended Land Use Order, holding that the site of the proposed Manatee Unit 3 is consistent and in compliance with the land use plans and zoning ordinances of Manatee County, Florida.

On December 10, 2002, the Florida Public Service Commission issued its Final Order determining the need for Manatee Unit 3, pursuant to Section 403.519, Florida Statutes

On December 18, 2002, the FDEP issued its written Staff Analysis Report concerning the Project, as required by Section 403.507(4), Florida Statutes. That Report contained reports from other state, regional, and local agencies and a compiled set of proposed Conditions of Certification for Manatee Unit 3,

as proposed by FDEP and the various agencies who had reviewed the Project.

On January 21, 2003, a joint prehearing stipulation was filed, which indicated that no party to this proceeding objected to certification of the Project.

On January 27, 2003, during the certification hearing, FDEP submitted its revised Staff Analysis Report as an exhibit (FDEP Exhibit 2) to update and correct various matters in the earlier version of its analysis, and to revise the proposed Conditions of Certification.

After proper public notice by both FPL and by FDEP, a certification hearing was held in Parrish, Florida, on January 27, 2003, as required by Section 403.508(3), Florida Statutes. The purpose of the certification hearing was to receive oral, written, and documentary evidence concerning whether, through available and reasonable methods, the location and operation of the proposed Manatee Unit 3 would produce minimal adverse effects on human health, the environment, the ecology of the land and its wildlife, and the ecology of State waters and their aquatic life, in an effort to fully balance the increase in demand for an electrical power plant location and operation with the broad interests of the public. See Section 403.502, Florida Statutes. The hearing would have also considered any petitions challenging the separate FDEP-issued

prevention of significant deterioration ("PSD") permit for the Project. However, no such petition was filed.

At the certification hearing, FPL presented the oral testimony of six witnesses and had FPL Exhibits numbered 1 through 9, PP-1 through PP-4, JG-1 through JG-4, HAF-1 and 2, GP-1 and 2, KB-1 and 2, and KK-1 through KK-4 admitted into evidence. These exhibits included the prefiled written testimony of two additional witnesses who were not available at the time of the hearing. That testimony was filed pursuant to Rule 62-17.141(3), Florida Administrative Code. The prefiled written testimony has been accepted based upon execution of affidavits attesting to the accuracy of the testimony and accompanying exhibits.

FDEP presented the testimony of Steven Palmer, of the FDEP's Siting Coordination Office, and had FDEP Exhibits 1 and 2 admitted into evidence. The Southwest Florida Water Management District ("SWFWMD") had its Agency Report admitted as WMD Exhibit 1 and called no witnesses. Manatee County and the Tampa Bay Regional Planning Council ("TBRPC") also attended the certification hearing. Their Agency Reports were accepted into evidence as part of the FDEP's Staff Analysis Report. ManaSota-88 also entered an appearance at the certification hearing. The Florida Department of Community Affairs, the Florida Fish and Wildlife Conservation Commission, and the Florida Department of

Transportation, all of which were parties to this proceeding, did not enter appearances at the certification hearing. However, those agencies joined in the prehearing stipulation. The agency reports for these three agencies were accepted into evidence as part of the FDEP's staff Analysis Report. At the conclusion of the hearing, members of the general public were allowed to offer testimony on the Project. Two exhibits offered by members of the public were accepted (Troxell-1 and Kumarich-1).

Subsequent to the certification hearing, FPL, upon proper authorization, granted at the hearing, submitted its late-filed Exhibit FPL-10, representing the Affidavit of Analee Mayes, attesting to her prefiled written testimony and exhibits.

Following the conclusion of the January 27, 2003, hearing, a transcript of the hearing was filed on February 3, 2003. The Joint Proposed Order of FPL, FDEP, SWFWMD, and Manatee County was timely submitted and has been considered in the rendition of this Recommended Order.

FINDINGS OF FACT

Background

1. Florida Power & Light Company is the largest electric utility in Florida, currently serving approximately seven million customers in its 34-county service area. That service area extends south from the northern Florida border along the

east coast of the State, and includes all of the southern portion of the Florida peninsula up to and including Manatee County. FPL currently operates 34 generating units at 14 locations in Florida, including FPL's Manatee Plant. FPL has been supplying electricity in Florida for over 75 years.

2. FPL’s Manatee Plant is located in the north central portion of Manatee County, Florida, approximately five miles east of the community of Parrish, Florida. The Manatee Plant is located in the unincorporated area of Manatee County. Access is by State Road 62, which runs east/west at the southern edge of the Plant site. S.R. 62 connects with U.S. 301 west of the Plant site in Parrish, Florida.

3. The FPL Manatee Plant site contains approximately 9,500 acres. The existing FPL Manatee Plant includes two 800-megawatt steam-electric generating units known as Units 1 and 2. FPL applied for permits for Manatee Units 1 and 2 in June of 1972. Units 1 and 2 began commercial operation in 1976 and 1977, respectively. The Florida DEP issued a "Title V" air operation permit (No. 0810016-001-AV) for the Manatee Plant on May 29, 1998, pursuant to Chapter 403, Florida Statutes, and Rules 62-4, 62-210, 62-213 and 62-214, Florida Administrative Code. The Title V permit authorizes Units 1 and 2 to operate up to 8,760 hours per year, subject to comprehensive and detailed conditions pertaining to their air emissions, including but not limited to:

emission limitations and standards; testing, monitoring, reporting, and record-keeping requirements; information on permitted fuels; and description of the two emission units and their maximum heat input rates. Existing Units 1 and 2 will remain in operation and will not be affected by the Project.

4. The Manatee Plant site contains a 4,000 acre cooling pond, which provides cooling water to the two existing steam electric generating units at the site. Makeup water for the cooling pond is withdrawn from the Little Manatee River, pursuant to diversion schedules established under a Permit Agreement between FPL and SWFWMD, entered into in April 1973. Withdrawals from the Little Manatee River have occurred for over 25 years. Other facilities on the site include oil storage facilities, wastewater treatment facilities, an onsite system substation and transmission lines, construction and maintenance warehouses, and administration and ancillary facilities. The balance of the Manatee site is undeveloped or utilized for agricultural operations such as citrus groves, row crops, and cattle.

5. Surrounding land uses are agricultural or undeveloped, with scattered residential development to the north and west of the Plant site. The nearest residence is approximately one-half mile away from the proposed Manatee Unit 3 site, within an outparcel contained within the larger FPL Manatee Plant site.

Project Overview

6. Manatee Unit 3 will consist of a natural gas-fired combined cycle power plant capable of generating 1100 MW (nominal) of electricity. Manatee Unit 3 will be located entirely within the existing boundaries of the FPL Manatee Plant site.

7. Manatee Unit 3 will be located west of existing Units 1 and 2 in the Project Area comprising approximately 73 acres. The Unit 3 power block will be located in an area that has already been affected by existing uses at the Manatee Plant. Unit 3 will require approximately 26 acres for permanent facilities. The balance of the Project Area contains construction activities, existing warehouses, and stormwater facilities.

8. The portion of the Manatee Plant site on which Unit 3 is proposed to be located, and for which FPL has sought site certification in this proceeding, does not include the existing Manatee Units 1 and 2. Neither FPL, nor any agency party, has invoked, or sought to invoke, the jurisdiction of the PPSA with respect to Manatee Units 1 and 2 or the air emissions from those existing generating units. All parties stipulated that Units 1 and 2 are not at issue in this proceeding.

9. FPL undertook a community outreach program in connection with Manatee Unit 3. This effort included one-on-one

discussions, group meetings and presentations, plant tours, and other opportunities. An open house was held at the Manatee Plant in May 2002. This ongoing communication program has contacted more than 1,800 people. FPL is continuing to update the community on the Project through presentations and mailings.

Need for Manatee Unit 3

10. On December 10, 2002, the Florida Public Service Commission ("PSC") issued its Final Order determining the need for the FPL Manatee Unit 3 Project (as well as FPL's proposed Unit 8 at its Martin Plant). The PSC determined that FPL has a need for additional capacity to maintain the reliability of FPL's electrical system. FPL was found to have a need for Manatee Unit 3 taking into account the need for adequate electricity at a reasonable cost. The PSC found that FPL chose a proven technology and has the necessary experience in the construction and operation of combined cycle units. Further, the costs for both units were found to be reasonable. The PSC concluded there were no further energy conservation measures available to FPL that could offset the need for Manatee Unit 3. FPL was found to have implemented a considerable amount of cost effective energy conservation and demand side management. Based upon FPL's evaluation of other alternatives submitted in response to a request for proposals, the PSC found that Manatee Unit 3 and the separately-proposed Martin Unit 8, are the most

cost effective alternative available to meet FPL's need for additional generating capacity beginning in 2005. The PSC concluded that FPL had met the statutory requirements under Section 403.519, Florida Statutes, for the determination of need for Manatee Unit 3.

Project Schedule and Construction

11. FPL expects to begin construction of Manatee Unit 3 in June 2003, or upon receiving final approvals for the Project. The new Unit is expected to be complete in June 2005, in order to meet FPL's customers' summer needs in that year. The simple cycle portions of Unit 3 are scheduled for completion beginning in August 2004, to allow operation in simple cycle mode while construction of the combined cycle unit is ongoing.

12. Peak construction employment will be approximately 750 construction workers, management, and staff. Construction employment is expected to average about 275 workers.

13. There will be no new construction of temporary or permanent roads that connect offsite as the existing plant entrance at S.R. 62 will be used for Project construction. Fugitive dust produced by traffic and excavation will be minimized through paving or the use of water sprinkling. Major pieces of equipment will be delivered by truck over existing road ways, or by rail over a rail line that already serves that site.

14. The Unit 3 Project Area has been previously cleared for the existing units or will require minimal clearing. Impacts from creating material laydown areas will be minimal, temporary and mainly associated with grubbing and grading to create proper drainage.

15. Soils will need to be excavated to provide support for the plant foundation and other facilities. Foundations for heavy loads will be supported by spread foundations or pilings. Subsurface excavations may require temporary dewatering by localized pumping of the shallow aquifer to lower the water table. The effluent from dewatering will be routed to the cooling pond. No offsite impacts to groundwater from dewatering activities are expected.

16. The entire Project Area is outside the 100-year flood zone. Construction activities will alter runoff in parts of the site, but no adverse effects are expected from these activities. Construction period surface water runoff will be conveyed to stormwater ponds that can provide detention for all runoff from these areas.

17. Impacts to offsite surface waters from construction-related runoff are expected to be negligible. Onsite construction activities will not cause adverse ecological effects as the Project Area is already highly altered, and maintained as either grassy or cultivated areas. These areas do

not contain unique wildlife species and are not considered important wildlife habitats because of their disturbed nature. (No wetlands are located within the Project Area.)

18. Construction noise will comply with the Manatee County Noise Control Ordinance. Construction noise will not affect wildlife in the vicinity of the site. The Manatee Plant site already has noise associated with operation of the existing facility and wildlife in the area is acclimated to such activities.

19. Control measures will be implemented during construction to minimize fugitive air emissions and its potential impacts. Clearing will be kept to a minimum, thereby reducing air emissions from exposed surfaces. Watering will be used to control fugitive dust on highly traveled areas.

20. During construction, portable chemical toilets and bottled water will be utilized. Solid and hazardous wastes generated during construction will be handled and disposed offsite by individual contractors.

Project Description

21. Manatee Unit 3 will consist of four advanced combustion turbines ("CT") and four heat recovery steam generators ("HRSG") in a configuration referred to as a "4-on-1" combined cycle unit. Each combustion turbine will generate approximately 170 MWs. The CTs operate much like a jet engine,

in which air and fuel, in this case natural gas, are combined in the CT and then combusted. The heated gases then rotate a shaft that drives an electrical generator. The exhaust gases from the combustion turbines produce steam in the heat recovery steam generators, which is used in turn to drive a separate steam turbine generator. By utilizing the waste heat from the CTs, the resulting combined cycle unit will be more efficient than the simple cycle CTs and traditional steam-electrical units. Manatee Unit 3 will be among the most efficient electric generators in Florida.

22. Duct burners are proposed for each HRSG and are fired during peak demand periods to achieve the total nominal generating capacity of Unit 3. The four CTs will be equipped with inlet air evaporative cooling which creates a more moisture-laden air stream in the CT, allowing additional power to be produced more efficiently. The CTs will also be capable of power augmentation, in which steam from the HRSG is injected into the CT during periods of peak electrical demand to increase electrical output. Each CT will be capable of operation in "peak" mode in which the firing temperature of the combustion turbine is increased, resulting in increased power.

23. Exhaust gases from Unit 3 will be emitted from a stack associated with each HRSG unit. Each combustion turbine will also be capable of operating in simple cycle mode in which

exhaust gases will be emitted either from a bypass stack associated with each CT or by the HRSG stack. Natural gas heaters will be used if the CTs are operated in simple cycle mode. The height of the four HRSG stacks will be a maximum of 150 feet.

24. Cooling water for the Manatee Unit 3 will be provided by the existing cooling pond. Wastewaters and stormwater from the power block will be treated onsite and recycled to the cooling pond. Other onsite facilities to be constructed as part of the Project will include interconnections with the existing onsite transmission facilities, along with storage facilities for ammonia, hydrogen, demineralized water, and condensate water.

25. Manatee Unit 3 will connect to the existing onsite electrical system substation via a new tie line. That substation will be expanded to accommodate the interconnection to FPL's existing electric transmission system. No new offsite transmission lines are required. The Unit 3 project will utilize a number of other existing facilities at the Manatee Plant site.

26. Natural gas will be the only fuel used in the Manatee Unit 3. Gas will be delivered to the Plant by pipeline. The Manatee Plant site is already served by an existing natural gas pipeline that may supply gas to the Unit 3, or another gas

pipeline may be installed and would be independently permitted and constructed. Natural gas will not be stored onsite.

27. Manatee Unit 3 will generate only small quantities of solid wastes. These will be limited to municipal solid wastes and infrequent replacement of inlet air filters. The catalyst in the selective catalytic reduction (SCR) system will be replaced periodically and disposed of in accordance with applicable requirements. Hazardous wastes will be produced in limited quantities. These will be collected and disposed of offsite by a licensed hazardous waste contractor.

Air Emissions

28. Air emissions from Manatee Unit 3 will result from both the combustion process and impurities in the fuel itself. Nitrogen oxides are formed through the oxidation of a portion of the nitrogen that is naturally found in natural gas. Additional nitrogen oxides are formed through the oxidation of the nitrogen contained in the combustion air. Carbon monoxide and volatile organic compounds are formed by incomplete combustion of fuel. Sulfur dioxide and particulate matter emission rates are dictated by the amount of sulfur in the fuel.

29. Under state and federal Prevention of Significant Deterioration ("PSD") review requirements, all major new or modified sources of regulated air pollutants that are located in areas attaining compliance with ambient air quality standards

must be reviewed. Manatee Unit 3 is considered a major modification to the existing Manatee Plant site because the Project's emissions will exceed the significant emission increase thresholds for several regulated air pollutants. Based on expected emissions from Unit 3, PSD review was required for: particulate matter ("PM"), sulfur dioxide ("SO_2"), nitrogen oxides ("NOx"), carbon monoxide ("CO"), volatile organic compounds ("VOC") and sulfuric acid mist. PSD review is used to ensure that significant air quality deterioration will not result from new facilities like Unit 3. These analyses include a review of the proposed emissions control technology, a source impact analysis, an air quality impact analysis, source information, and additional air quality impact analyses.

Air Emissions Control Technology

30. Air emissions from Manatee Unit 3 will be minimized through the inherent efficiency of the combined cycle design, and the use of: natural gas as the exclusive fuel, advanced combustion control technology, and post-combustion control technology. Natural gas, the cleanest of fossil fuels, has very low levels of impurities and can be burned very efficiently. The use of dry low NOx combustion design in the CTs, and low NOx burners in the duct burners, will also minimize air emissions by inhibiting formation of thermal NOx by premixing of fuel and air prior to combustion, and by reducing flame temperatures.

Selective Catalytic Reduction ("SCR") will provide additional control of emissions of NOx from Unit 3 when operating in combined cycle mode. In the SCR system, located in the HRSGs, ammonia is injected into the CT exhaust where NOx in the gas stream reacts with the ammonia in the presence of a catalyst to form nitrogen and water.

31. State and federal PSD regulations require that Manatee Unit 3 meet all applicable emission limiting standards and that Best Available Control Technology ("BACT") be applied in order to control emissions. BACT is defined in Chapter 62-210.200(38), Florida Administrative Code, as:

> An emission limitation, including a visible emissions standard, based on the maximum degree of reduction of each pollutant emitted which the Department [of Environmental Protection], on a case by case basis, taking into account energy, environmental and economic impacts, and other costs, determines is achievable through application of production processes and available methods, systems and techniques (including fuel cleaning or treatment or innovative fuel combustion techniques) for control of each such pollutant.

The BACT requirements are intended to insure that the air emission control systems for Unit 3 reflect the latest in control technologies used in the electric utility industry and take into consideration existing and future air quality in the vicinity of the Project. BACT review includes a cost-benefit

analysis of alternative control technologies capable of achieving a higher degree of emission reduction than the proposed technology. FDEP's determination on what constitutes BACT for Manatee Unit 3 is to be based on a balancing of environmental benefits with environmental, energy, and economic impacts and other costs.

32. In its PSD review, the Department preliminarily determined that the air emissions control technologies proposed for Manatee Unit 3 are consistent with BACT as required under federal and state PSD regulations. The exclusive use of natural gas, combined with advanced combustion control technology, will provide the maximum degree of emission reduction for sulfur dioxide, particulate matter, volatile organic compounds, carbon monoxide and sulfuric acid mist. The dry low NOx control technology for the CT combustors and the duct burners, along with SCR, reflect the latest available control technologies for reducing NOx emissions from combined cycle systems.

33. The emission limits for Manatee Unit 3 in the Department's recommended Conditions of Certification are identical to the emission limits proposed as BACT by the Department. The recommended NOx emission limit of 2.5 parts per million for combined cycle operation is equal to or lower than BACT determinations for other combined cycle units in the State

of Florida, and is lower than any project previously certified by the Siting Board under the PPSA.

Air Quality Impact Analysis

34. Ambient air quality standards have been established by the U.S. EPA and FDEP to protect public health and welfare. Air quality in the vicinity of the Manatee Plant, and in the Tampa Bay area, currently meets all federal and state ambient air quality standards. Manatee County is classified as an "attainment" area for all criteria pollutants.

35. Air quality modeling demonstrates that Manatee Unit 3 will comply with all state and federal ambient air quality standards, as well as PSD Class I and II increments. The air quality modeling conducted for the Project followed EPA and FDEP modeling guidelines. Two air quality models were utilized to assess air quality impacts in the area surrounding the Manatee Plant site. The modeling also assessed impacts in the nearest PSD Class I area, which is the Chassahowitzka National Wilderness Area (NWA), located approximately 72 miles to the north-northwest from the Project site. Local meteorological data from the National Weather Service was used in the modeling. The modeling incorporated maximum air emissions from the Unit 3 under both combined and simple cycle configurations and at various operating modes, loads, and ambient air temperatures, which may affect the emission rates from the Unit. The air

quality modeling results indicated the maximum air impacts from the Project will comply with all ambient air quality standards and PSD Class I and II increments.

36. EPA has established "Significant Impact Levels" for the various pollutants that are subject to PSD review, and the Department has adopted these Significant Impact Levels at Rule 62-204.200(29), Florida Administrative Code. The comparison of a project's air quality impacts with the Significant Impact Levels represents an initial screening analysis to determine which pollutants require a more detailed modeling analysis. Impacts of the emissions of all air pollutants from Unit 3 would be below the PSD Class I and Class II Significant Impact Levels, except for coarse particulate matter (PM_{10}) over the 24-hour averaging period in the Class II areas. Accordingly, air impacts from Unit 3 are considered insignificant based upon this screening analysis for all pollutants except for PM_{10} over the 24-hour averaging period.

37. More refined modeling was conducted for PM_{10} over the 24-hour averaging period. This modeling demonstrated that PM_{10} emissions from Unit 3, when considered along with other existing sources, would be well below each of the relevant air quality standards.

38. Nitrogen oxides and volatile organic compounds are precursors to the formation of ozone in the atmosphere. The

emission of these air pollutants from Manatee Unit 3 will not interfere with the ongoing compliance with the ambient air quality standard for ozone in the Tampa Bay region, and will not interfere with the area-wide strategy for reducing ozone concentrations.

39. There are expected to be no air quality impacts due to associated industrial, commercial, or residential growth due to the Project or its location. There should also be no adverse impacts to the "Air Quality Related Values," including visibility, soils, vegetation, or wildlife, in the closest PSD Class I area at the Chassahowitzka NWA. Unit 3's potential impacts on regional haze in this Class I area were below the screening level.

Water Uses and Sources

40. Water uses for Manatee Unit 3 will include circulating water for the condensers and other cooling, demineralized water for use in the power generation process, and general service water for washdowns and other uses. The existing cooling pond, with makeup water provided from the Little Manatee River, will be the source of cooling, service, and process water for Unit 3, as it is currently the source of water for the existing Manatee Plant. Potable water will be supplied from an existing permitted onsite potable well.

41. The existing cooling pond is man-made and has earthen embankments. The 4,000-acre pond has a gross storage volume of approximately 52,000 acre-feet of water. The pond contains two splitter dikes to prevent short circuiting in the circulating water, thereby enhancing the cooling pond's heat dissipation efficiency.

42. A spillway is located on the northern embankment of the cooling pond and is designed to safeguard against overtopping of the embankment. The only planned releases from the cooling pond are annual testing of the spillway gates.

43. Seepage from the cooling pond through the embankments is captured in a system of toe drains around the perimeter of the pond. The seepage is collected in sumps and returned to the cooling pond. An average of approximately three million gallons per day of seepage is returned to the cooling pond.

44. The Unit 3 circulating water system may require the construction of new inlet and outfall structures within the cooling pond and installation of circulating water pumps and underground piping to move water to and from the new Unit 3. The existing inlet structure may be utilized and a new diffuser pipe may be installed as part of the circulating water system, which would eliminate the need to construct new facilities in the pond dike. The existing weir at the Little Manatee River intake will be upgraded to ensure minimum river flows are

maintained. No other changes are needed to the cooling pond or the existing cooling water systems for Units 1 and 2 or to the cooling pond makeup system.

45. An existing Permit Agreement between FPL and the Southwest Florida Water Management District, originally entered into in 1973, allows sufficient makeup water for the operation of the Manatee Plant cooling pond even with the addition of Unit 3. Under the existing agreement, withdrawals may not exceed 190 cubic feet per second ("cfs") and are not allowed to lower river flow below 40 cfs. The existing agreement would allow FPL, under certain flows in the Little Manatee River, to withdraw up to 47 percent of the river flow.

46. After Unit 3 begins operation, makeup water for the cooling pond will continue to be withdrawn from the Little Manatee River. FPL has proposed, and SWFWMD has recommended, a more restrictive schedule for diversions from the Little Manatee River beginning in October 2004. With the proposed diversion schedule, withdrawals will reduce the rate of river flow by no more than 10 percent. During emergency conditions, when the level of the cooling pond falls below 62 feet above mean sea level ("msl"), FPL will be allowed to revert to the existing diversion schedule for October through July, under the current Permit Agreement until the cooling pond reaches 63 feet msl.

Under either schedule, diversions will neither reduce the river flow below 40 cfs nor exceed 190 cfs.

47. A modeling analysis of the revised schedule indicates that the average monthly diversion or withdrawal for all three units from the Little Manatee River is estimated to be about 8.9 million gallons per day ("mgd") when Unit 3 becomes operational. Flow in the Little Manatee River averages 114 mgd near the FPL Manatee Plant. The modeling analysis showed that only three events in a 24-year period would qualify as "emergencies" in which the current diversion schedule would have been used. Under this analysis, withdrawals under the proposed diversion schedule would have exceeded 10 percent of the river flow only three percent of the time. Historical withdrawals for the FPL Manatee Plant have exceeded 10 percent of the river flow 18.5 percent of the time.

48. The Little Manatee River is approximately 40 miles long from its origins to its mouth at Tampa Bay. The FPL Manatee Plant is about 18.5 miles above the mouth of the river. From its mouth up to about river mile 12, the vegetation in this part of the river is mangroves, salt marsh, and tidal marsh. At river mile 12 and above, the river is generally freshwater with freshwater bottom land stream swamp vegetation. Water flows and levels exhibit significant variability, with flows ranging between a low of four cubic feet per second and a high of 10,000

cubic feet per second at a location 3.5 miles downstream from the FPL Manatee Plant. At that location, water levels can vary between two feet and 12 feet above mean sea level.

49. Withdrawals from the Little Manatee River have the effect of reducing flow in the river, which could affect water levels along the river, as well as the location of the saltwater interface in the river itself. The saltwater interface represents the point at which fresh and saltwater meet, and it may move up and down the river due to river flow and tidal forces. There has been no adverse effect on the ecology of the Little Manatee River or its estuary from the historical withdrawals for the FPL Manatee Plant.

50. An evaluation of the hydrologic and ecological effects of the projected withdrawals under the revised diversion schedule indicate that the withdrawals after Manatee Unit 3 commences operation should not result in adverse impacts to the Little Manatee River. Hydrologic analyses indicate that the effects of withdrawals under the proposed diversion schedule on water levels, water flows, and salinity in the Little Manatee River will all be within the natural variability of the river and similar to the effects of the historical withdrawals for the Manatee Plant.

51. No significant adverse effects on the ecological features of the Little Manatee River will result from the

withdrawals under the new diversion schedule. Flora and fauna in the river are well adapted to fluctuating water levels and salinity. The new diversion schedule will more closely mimic natural rainfall patterns and the 40 cfs cutoff for diversions will protect critical low flow periods in the river. The new diversion schedule with Manatee Unit 3 will be more environmentally sensitive than the existing diversion schedule. These diversions will occur in a manner that better mimics the natural fluctuations in daily river flow by allowing more water to be diverted during high flow periods when the ecology of the river and its estuary is less sensitive to withdrawals.

52. FPL has provided reasonable assurances that the proposed withdrawals after Unit 3 commences operation will have no adverse effects on the Little Manatee River and its estuary. SWFWMD has proposed that FPL undertake a hydrobiological monitoring program of the River. This program will map and monitor vegetation in the river and collect data on salinity and tides in the river. The monitoring program will require regular reports to SWFWMD on the effects of FPL's withdrawals on the ecology of the Little Manatee River and its estuary.

Surface Water Discharges from the Cooling Pond

53. A mathematical model was also conducted of the thermal performance of the cooling pond to predict water quality in the pond over a 24-year period, based on historical weather data and

expected plant water withdrawals. The model was used to estimate the dissolved solids level in the cooling pond so that water quality in the pond could be predicted for the future. The pond modeling indicates that water quality in the pond will not exceed surface water quality standards that apply to discharges from the pond.

54. Currently, the only discharges from the pond occur during high-water controlled discharges during extreme rainfall events that exceed the 100-year, 24-hour storm, and during annual gate tests that are conducted to ensure reliability of the gates. When Unit 3 becomes operational, excess rainfall releases from the pond will become less frequent. The pond water level will be managed to provide sufficient storage to retain all direct rainfall and surface water runoff to the pond from a 100-year, 24-hour storm. The cooling pond modeling showed that, with Unit 3 operating, no high water discharges would have occurred over a modeled 24-year period. FPL will continue to analyze the pond water quality as required under an existing FDEP wastewater permit prior to any releases during gate tests. If the analysis shows water quality of a discharge would exceed applicable Class III surface water criteria, then the water in the stilling basin below the discharge gates is also analyzed for water quality criteria. If the combined

discharge would violate Class III water quality standards, the gate test will not be performed.

Plant Water and Wastewater Treatment

55. The design and operation of Manatee Unit 3 will include a number of water conserving technologies or systems. The use of combined cycle generating technology reduces water use by 60 percent over the water use in a comparable traditional steam generating unit. Unit 3 will utilize only natural gas and thus will not require water to control air emissions of nitrogen oxides. Wastewaters and stormwater from the power block will be collected and recycled to the cooling pond.

56. Process water for use in the plant will be treated in an existing permitted reverse osmosis ("RO") demineralizer system. Demineralized water is required to replace water lost in the steam cycle and to maintain water quality in the heat recovery steam generators, as well as for use in power augmentation and in inlet air fogging systems on the combustion turbines. Raw water will be taken from the Manatee Plant cooling pond for these purposes. The reject water from the RO system will be recycled to the cooling pond. The plant will also require general service water that will be provided by the service water system. The existing permitted domestic wastewater treatment system will handle any additional flows

generated by Manatee Unit 3 and no new treatment facilities are planned.

57. The proposed Manatee Unit 3 will utilize the existing Manatee Plant's process water treatment system and associated wastewater treatment systems. The only new wastewaters generated by Unit 3 will be blowdown required to maintain water quality in the HRSGs and equipment wash waters and stormwater from the power block. These wastewaters will be treated in the existing wastewater treatment systems, as necessary, and then recycled to the cooling pond.

58. The cooling system for Manatee Unit 3 requires chlorination or use of biocides to prevent biofouling of the heat rejection system. The water in the steam cycle of the HRSG will be treated to prevent corrosion and scaling of the piping and boiler drums. The HRSG and its piping must also be chemically cleaned initially and then periodically during the life of the Plant. The chemicals required for this process will be delivered to the site by a contractor at the time of the scheduled cleanings. Chemical wastewaters resulting from drainage at chemical storage tanks or cleaning and maintenance operations will be contained and routed to the existing neutralization system for treatment or disposed offsite.

Surface Water Management System

59. The onsite drainage facilities for Manatee Unit 3 are to be constructed in accordance with applicable federal, state, regional, and local regulations for control of both stormwater quality and stormwater quantity. The new stormwater systems for Unit 3 will be designed to handle the rainfall from a 25-year, 24-hour storm. Runoff that does not contact industrial areas will be collected and routed to new detention ponds located in the western and southern portions of the Project Area or routed directly to the cooling pond. Stormwater in the CT/HRSG, switchyard, and the plant maintenance areas will be collected, treated for oil separation as needed, and recycled to the cooling pond. The perimeter roads surrounding the CT/HRSG area will contain the runoff from a 100-year, 24-hour storm. Drainage patterns at the existing units will be separated from the new Unit 3 areas.

60. During construction, runoff will be routed to the stormwater ponds to prevent sediment transmission offsite and will be used while final construction of the Project stormwater system is completed. Temporary silt fences will be installed to prevent sediment from being displaced and carried offsite by construction runoff.

Groundwater Impacts

61. The only groundwater withdrawal associated with Manatee Unit 3 will be the withdrawal of approximately 1,000 gallons per day of additional groundwater for potable use. This would increase total potable groundwater withdrawals to 8,000 gallons per day. This is within the permitted withdrawal rates under the existing Manatee Plant's consumptive use permit for potable water. Thus, it is anticipated there will be no adverse impacts on groundwater supplies as a result of groundwater withdrawals for Unit 3. Groundwater will not be used in the cooling or other processes for the Project.

62. The existing Manatee Plant cooling pond is the principal source of potential impacts to groundwater at the Plant. Because the cooling pond is generally above the surficial aquifer, seepage from the cooling pond may move laterally through the earthen embankments and vertically into the groundwater beneath the cooling pond. The cooling pond is surrounded by a toe drain system and sumps that are designed to collect horizontal seepage from the cooling pond. This system captures most, if not all, of the seepage and recycles it to the cooling pond, thereby minimizing potential groundwater quality impacts to the surficial aquifer.

63. The Manatee Plant cooling pond was in existence in July 1982 and therefore it is an existing installation for

purposes of groundwater discharges under Rule 62-522.200, Florida Administrative Code. Groundwater discharges from the cooling pond are required to meet the state's primary drinking water standards at the boundary of an existing zone of discharge. The groundwater zone of discharge extends to FPL's property boundaries and to the base of the surficial aquifer below the Manatee Plant site. An analysis of the groundwater discharges from the cooling pond indicates that the cooling pond discharges will comply with applicable groundwater standards at the edge of the existing zone of discharge.

Noise Impacts of Construction and Operation

64. A noise impact assessment was conducted for the Project, both during construction and operation. Baseline or ambient noise data was collected using sound monitoring equipment at five different locations within and near the Project Area. Using the ambient noise data and expected project noise levels for construction and operation, a noise impact evaluation was performed using an accepted noise propagation computer program. This assessment demonstrated that the construction and operation of Manatee Unit 3 will comply with the Manatee County Noise Ordinance.

Socioeconomic Impacts and Benefits

65. The Project Area is an appropriate site for the proposed new Unit 3. The Project consists of the installation

of a new combined cycle unit at an existing power plant site that has been in use for that purpose since 1976. Surrounding properties are zoned for agricultural use and residential properties are some distance from Unit 3. The closest residential area is approximately two miles from the Unit 3 Project Area. The Project will also comply with the noise standards of Manatee County.

66. The Manatee Unit 3 Project will benefit the economies of Manatee County and surrounding communities. Direct benefits will include employment opportunities during construction and operation of the Project. It is expected that most of the construction employees will be drawn from the Tampa Bay area and commute daily to the job site. Employment opportunities will result from construction job opportunities, as well as jobs indirectly generated through the purchase of goods and services in the area. Construction employment will average 275 jobs over a 24-month period with an estimated payroll of $95 million.

67. In addition, approximately $20 to $25 million is expected to be spent within the state for materials and equipment during construction. Construction spending will have a multiplier effect in the economy, producing indirect jobs in sectors that support the construction industry. The number of indirect jobs expected to be created will average 175 jobs over the 24-month period.

68. The principal impact from construction of Unit 3 will be short-term traffic impacts due to construction employees, equipment, and materials entering and leaving the site. A transportation analysis of the Project indicated that there could be undesirable delays at the existing Plant's driveway connection to S.R. 62 and at the intersection of S.R. 62 and U.S. 301 in Parrish, with the current stop signs that exist. Therefore, during peak construction periods, an off-duty officer would control the traffic at those intersections during those peak hours. This is the preferred means for traffic maintenance.

69. Operation of Manatee Unit 3 will add approximately 12 new employees at the FPL Manatee Plant. Increases in employee traffic and deliveries to the Plant during operation will be de minimus compared to Manatee County's threshold for traffic impacts. No traffic improvements are needed for Unit 3's operation. Thus, the Project-related traffic during operation of Unit 3 will meet Manatee County's transportation concurrency standards.

70. The additional annual payroll for these 12 new employees is estimated to be $600,000. The increased economic activity from this payroll is expected to generate an additional 18 indirect jobs in the local economy and generate about

$310,000 in annual earnings, primarily in construction, retail trade, real estate, business service and health service.

71. Estimated Manatee County property taxes from Unit 3 during operation are $8.2 million in 2006. Over the first five years of operation, tax payments to Manatee County and the State of Florida are expected to be $1 million in sales taxes and almost $38 million in property taxes. The power plant will require very little in the way of additional public services and thus, there should be little or no increase in demand for public services and facilities from Unit 3.

72. Manatee Unit 3 will be consistent with the Manatee County Comprehensive Plan, the State Comprehensive Plan, and the Strategic Regional Policy Plan of the Tampa Bay Regional Planning Council. The Project will also comply with the applicable development standards in the Manatee County Land Development Code.

73. Construction and operation of Manatee Unit 3 will not adversely affect any landmarks, sensitive areas, or archaeological or historical sites. The closest landmarks and sensitive areas within the five-mile radius of the Project will not experience any changes in air quality, noise level, water quality, or visual impacts. There will be no impacts to known archaeological resources. If archaeological materials are discovered, they will be evaluated by professional

archaeologists and state historical preservation officials, if necessary.

Public Comment

74. Nine members of the public provided testimony during the certification hearing, and two exhibits were admitted as public comment. Several of the persons who provided public comment expressed concerns regarding the air emissions from Manatee Units 1 and 2. Several others expressed appreciation for the manner in which FPL has interacted with the community. No competent, substantial evidence that would alter the findings of fact set forth herein was received from members of the public at the certification hearing.

Agency Positions and Stipulations

75. The FDEP, the Florida Department of Community Affairs, the Florida Department of Transportation, the Florida Fish and Wildlife Conservation Commission, the Southwest Florida Water Management District, the Tampa Bay Regional Planning Council, and Manatee County each prepared written reports on the Project. Each of these agencies recommended approval of Manatee Unit 3, or otherwise did not object to certification of the proposed power plant. FDEP has proposed a series of Conditions of Certification for the Project that incorporate the recommendations of the various reviewing agencies. FPL states that it is prepared to accept and can comply with these

Conditions of Certification in the design, construction, and operation of Manatee Unit 3. The Florida Department of Community Affairs stipulated that the Project would not conflict with the State Comprehensive Plan. The Tampa Bay Regional Planning Council stated in its agency report that the Project would not conflict with the Strategic Regional Policy Plan for Southwest Florida. Manatee County reported that the Project would be consistent with the County's comprehensive plan and land development code. No state, regional, or local agency has recommended denial of certification of the Project or has otherwise objected to certification of the Project.

CONCLUSIONS OF LAW

76. The Division of Administrative Hearings has jurisdiction over the parties to, and the subject matter of, this proceeding. This proceeding has been conducted in accordance with the Florida Electrical Power Plant Siting Act, Chapter 403, Part II, Florida Statutes, and Chapter 62-17, Part I, Florida Administrative Code, which sets out the procedures for power plant siting reviews.

77. In accordance with Chapters 120 and 403, Florida Statutes, and Chapter 62-17, Florida Administrative Code, proper notice was accorded to all persons, entities, and parties entitled to such notice, and appropriate notice was provided to the general public by both the Department and FPL. All

necessary and required governmental agencies participated, and the general public had the opportunity to fully participate, in the certification process. Reports and studies were issued by FDEP, the Department of Community Affairs, the Florida Department of Transportation, the Florida Fish and Wildlife Conservation Commission, the Southwest Florida Water Management District, the Tampa Bay Regional Planning Council, and Manatee County in accordance with their various statutory duties under the PPSA.

78. The Florida Public Service Commission has issued its affirmative determination that a need exists for the electrical generating facility and the electricity it will produce, in accord with Section 403.519, Florida Statutes.

79. By its own terms, the PPSA "shall not apply" to electrical power plants for which applications for permits were made prior to 1973. Section 403.506(1), Florida Statutes, Chapter 73-33, Laws of Florida. FPL applied for permits for Manatee Units 1 and 2 prior to 1973, and thus the PPSA does not apply to those existing units. FPL has not in this proceeding sought to invoke the jurisdiction of the PPSA with respect to existing Manatee Units 1 and 2, nor has FPL elected to apply for certification of Units 1 and 2 under the optional PPSA provision for certification of existing electrical power plants codified at Section 403.5175, Florida Statutes.

80. Competent, substantial evidence and testimony produced at the certification hearing demonstrates that FPL has met its burden of proof to demonstrate that Manatee Unit 3 meets the criteria for certification under the PPSA. Unrebutted testimony and other evidence produced at the hearing demonstrates that the safeguards for construction and operation of Manatee Unit 3 are technically sufficient to protect the public welfare of the citizens of Florida and are otherwise reasonable and available methods to achieve that protection of the public. Manatee Unit 3 will result in minimal adverse effects on human health, the environment, the ecology of the land and its wildlife, and the ecology of state waters and their aquatic life. In addition, the Project will not conflict with the State Comprehensive Plan or the local comprehensive plan for Manatee County, Florida. If operated and maintained in accordance with this Recommended Order and the FDEP's proposed Conditions of Certification, Manatee Unit 3 will comply with the applicable nonprocedural requirements of all agencies. Furthermore, certification of the Project will fully balance the increasing demand for electrical power plant location and operation in this State with the broad interests of the public that are protected by the PPSA.

RECOMMENDATION

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

RECOMMENDED that the Siting Board grant full and final certification to Florida Power & Light Company, under Section 403, Part II, Florida Statutes, for the location, construction, and operation of Manatee Unit 3, representing a 1,100 MW combined cycle unit, as described in the Site Certification Application and the evidence presented at the certification hearing, and subject to the Conditions of Certification contained in FDEP Exhibit 2 and as appended hereto.

DONE AND ENTERED this 19th day of February, 2003, in Tallahassee, Leon County, Florida.

CHARLES A. STAMPELOS
Administrative Law Judge
Division of Administrative Hearings
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Filed with the Clerk of the
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NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

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

CONDITIONS OF CERTIFICATION: PA 02-44

FLORIDA POWER & LIGHT CORPORATION
MANATEE ELECTRIC POWER GENERATION FACILITY UNIT 3

I. CERTIFICATION CONTROL

A. Under the control of these Conditions of Certification the Florida Power & Light Company (FPL) will operate an 1100 MW (nominal) facility consisting of four 170 MW combustion turbines, four heat recovery steam generators with duct burners, a 420 MW steam turbine and generator, and ancillary equipment. The facility is known as the Manatee Unit 3 and is located on a 72.8 acre site which is located within the existing 9,500 acre FPL Manatee site, Section 18, Township 33S, Range 20E, Manatee County, Florida.

B. These Conditions of Certification, unless specifically amended or modified, are binding upon the Licensee and shall apply to the construction and operation of the certified facility. If a conflict should occur between the design criteria of this project and the Conditions of Certification, the Conditions shall prevail unless amended or modified. In any conflict between any of these Conditions of Certification, the more specific condition governs.

II. APPLICABLE RULES

The construction and operation of the certified facility shall be in accordance with all applicable provisions of Florida Statutes and Florida Administrative Code, including, but not limited to, the following regulations: Chapter 403, Florida Statutes (F.S.), and Chapters 40D-1, 40D-4, 40D-40, 40D-45, 62-4, 62-17, 62-256, 62-296, 62-297, 62-301, 62-302, 62-531, 62-532, 62-550, 62-555, 62-560, 62-600, 62-601, 62-604, 62-610, 62-620, 62-621, 62-650, 62-699, 62-660, 62-701, 62-762, 62-767, 62-769, and 62-770, Florida Administrative Code (F.A.C.), or their successors as they are renumbered.

III. DEFINITIONS

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

A. "DCA" shall mean the Florida Department of Community Affairs.

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

C. "DHR" shall mean the Florida Department of State, Division of Historical Resources.

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

E. "FFWCC" shall mean the Florida Fish and Wildlife Conservation Commission.

F. "Licensee/permittee" shall mean an applicant which has obtained a certification order for the subject electrical power plant.

G. “NPDES permit” shall mean the federal National Pollutant Discharge Elimination System permit issued in accordance with the federal Clean Water Act.

H. "Power plant", "facility", or "project" shall mean the electrical power generating plant as defined in Section 403.503(12), F.S.

I. “PSD permit” shall mean the federal Prevention of Significant Deterioration air emissions permit issued in accordance with the federal Clean Air Act.

J. “Title V permit” shall mean the federal permit issued in accordance with Title V of the federal Clean Air Act.

K. “SWFWMD” shall mean the Southwest Florida Water Management District.

IV. Facility Operation

The Licensee shall at all times properly operate and maintain the Manatee Unit 3 facility and related appurtenances, and systems of treatment and control that are installed and used to achieve compliance with the conditions of this certification, and are required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the approval and when required by Department rules.

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

V. Records Maintained at the Facility

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

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

VI. Change in Discharges or Emissions

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

VII. Compliance

A. The Licensee shall comply with all rules adopted by the Department subsequent to the issuance of this certification, which prescribe new or stricter criteria to the extent that the rules are applicable to electric power plants. Except where express variances have been granted, subsequently adopted rules which prescribe new or stricter criteria, which are applicable to electrical power plants, shall operate as a modification pursuant to Section 403.511(5)(a), F.S.

B. Pursuant to Section 403.511(5)(b), F.S., upon written notification to the Department's Siting Coordination Office, the Licensee may choose to operate in compliance with any rule subsequently adopted by the Department which prescribes criteria more lenient than the criteria required by the terms and conditions in this certification, so long as this operation causes no violation of standards or these Conditions of Certification.

C. If, for any reason, the Licensee does not comply with or is unable to comply with any limitation specified in this certification, the Licensee shall notify the Southwest District Office of the Department by telephone during the working day that said noncompliance occurs. After normal business hours, the Licensee shall report any condition that poses a public health threat to the State Warning Point at telephone number (850) 413-9911 or (850) 413-9912. The Licensee shall confirm this situation to the Southwest DEP District Office 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,

3. Steps being taken to reduce, eliminate and prevent recurrence of the non-complying event.

D. 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 non-complying event.

VIII. Right of Entry

The Licensee shall allow authorized agency personnel, including but not limited to representatives of the Florida Department of Environmental Protection, and/or Water Management District, when applicable, upon presentation of credentials or other documents as may be required by law, and at reasonable times, depending upon the nature of the concern being investigated:

A. To enter upon the Licensee's premises where an effluent source is located or in which records are required to be kept under the terms and conditions of this certification; and

B. To have access to and copy any records required to be kept under the conditions of this certification; and

C. To inspect the facilities, equipment, practices, or operations regulated or required under these Conditions; and

D. To sample or monitor any substances or parameters at any location necessary to assure compliance with these Conditions of Certification or Department rules.

IX. Enforcement

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

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

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

X. Revocation or Suspension

This certification may be suspended or revoked pursuant to Section 403.512, Florida Statutes, or for violations of any of these Conditions of Certification.

XI. Civil and Criminal Liability

This certification does not relieve the Licensee from civil or criminal penalties for noncompliance with any conditions of this certification, applicable rules or regulations of the Department, or any other state statutes or regulations which may apply. As provided in Section 403.511, F.S., the issuance of this certification does not convey any vested rights nor any exclusive privileges. Neither does it authorize any injury to human health or welfare, animal or plant life, public or private property or any invasion of personal rights. This certification does not allow any infringement of federal, state, or local laws or regulations, nor does it allow the Licensee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department or these Conditions of Certification.. This approval is not a waiver of any other Department approval that may be required for other aspects of the total project under federally delegated or approved programs.

XII. Property Rights

The issuance of this certification does not convey any property rights in either real or personal property, or any exclusive privileges thereto. The applicant shall obtain title, lease, easement, or right of use from the State of Florida to any sovereign submerged lands utilized by the project.

XIII. Severability

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

XIV. Procedural Rights

No term or condition of certification shall be interpreted to preclude the post-certification exercise by the Licensee of whatever procedural rights it may have under Chapter 120, F.S.

XV. Modification of Conditions

Pursuant to Section 403.516(1), F.S., Section 120.569(2)(n), F.S., and Rule 62-17.211, F.A.C., the Siting Board hereby delegates the authority to the Secretary of the Department of Environmental Protection to modify these Conditions of Certification:

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

B. The Secretary of the Department may modify any condition of this certification except those pertaining to a change in fuel.

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

XVI. Transfer of Certification

This certification is transferable only upon Department approval in accordance with Section 403.516, F.S., and Rule 62-17.211(3), F.A.C. The Licensee shall be liable for any noncompliance of the approved activity until the transfer is approved by the Department.

XVII. Safety

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

XVIII. Screening

The Licensee shall provide screening of the site to the extent feasible through the use of acceptable structures, vegetated earthen walls, or existing or planted vegetation.

XIX. Toxic, Deleterious or Hazardous Materials

A. The Licensee shall not discharge to surface waters wastes which are acutely toxic, or present in concentrations which are carcinogenic, mutagenic, or teratogenic to human beings or to significant locally occurring wildlife or aquatic species. The Licensee shall not discharge to ground waters wastes in concentrations which, alone or in combination with other substances, or components of discharges (whether thermal or non-thermal) are carcinogenic, mutagenic,

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

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

XX. Noise

Construction and operation noise shall not exceed noise criteria or any applicable requirements of the Manatee County. The Licensee shall notify area residents in advance of the onset and anticipated duration of the steam blowout of the facility's heat recovery steam generator and steam lines

XXI. Flood Control Protection

The plant and associated facilities shall be protected from flood damage by construction in such a manner as to comply with the appropriate Manatee County flood protection requirements or by flood proofing or by raising the elevation of the facilities above the 100-year flood level, whichever is more stringent.

XXII. Historical or Archaeological Finds

If historical or archaeological artifacts are discovered at any time within the project site, the Licensee shall notify the DEP Southwest District office and the Bureau of Historic Preservation, Division of Historical Resources, R.A. Gray Building, Tallahassee, Florida 32399-0250, telephone number (850) 487-2073.

XXIII. Endangered and Threatened Species

Prior to start of construction, the Licensee shall survey the certified site for species of animal and plant life listed as endangered or threatened by the federal government or listed as endangered by the state. If these species are found, their presence shall be reported to the Siting Coordination Office, the DEP District Office, and the Florida Fish & Wildlife Conservation

Commission's Office of Environmental Services. These species shall not be disturbed, if practicable. If avoidance is not practicable, the endangered species shall be treated as recommended by the appropriate agency, however, entombment of gopher tortoises shall not be allowed.

XXIV. Dispute Resolution

If a dispute situation arises between the Licensee and an agency exercising its regulatory jurisdiction, the Department shall act as a mediator to resolve it. If, after mediation, a mutual agreement cannot be reached between the parties, then the matter shall be immediately referred to the Division of Administrative Hearings (DOAH) for disposition in accordance with the provisions of Chapter 120, F.S.

XXV. Laboratories And Quality Assurance

A. The Licensee shall ensure that all laboratory analytical data submitted to the Department, as required by this certification, are from a laboratory which is approved by the Department and meets the requirements of Chapter 62-160, F.A.C.

B. The Licensee shall ensure that all samples required pursuant to this certification are taken by an appropriately trained technician following EPA and Department approved sampling procedures and chain-of-custody requirements in accordance with Rule 62-160, F.A.C. Records of monitoring information shall follow the guidelines in Rule 62-160.600, F.A.C. All chain-of-custody records shall be retained on-site for at least three (3) years and made available to the Department immediately upon request.

XXVI. Postcertification Submittals

A. Postcertification Submittals shall be handled pursuant to Rule 62-17.191, F.A.C.

B. Interagency Meetings: Within sixty (60) days of the filing of a complete post-certification submittal, DEP may conduct an interagency meeting with other agencies which received copies of the submittal. The purpose of such an interagency meeting shall be for the agencies with regulatory jurisdiction over the matters addressed in the postcertification submittal to discuss whether reasonable assurance of compliance with the conditions of certification has been provided. Failure of any agency to attend an interagency meeting shall not be grounds for DEP to withhold a determination of compliance with these conditions nor to delay the time frames for review established by these conditions.

XXVII. CONSTRUCTION

A. Standards and Review of Plans

1. All construction at the facility shall be pursuant to the design standards presented in the application or amended application and the standards or plans and drawings submitted and signed by an engineer registered in the state of Florida. Specific DEP Southwest

District Office acceptance of plans will be required based upon a determination of consistency with approved design concepts, regulations, and these conditions prior to initiation of construction of any: industrial waste treatment facility; domestic waste treatment facility; potable water treatment and supply system; ground water monitoring system, storm water runoff system; solid waste disposal area; and hazardous or toxic handling facility or area. The Licensee shall present specific plans for these facilities for review by the DEP Southwest District Office at least ninety (90) days prior to construction of those portions of the facility for which the plans are then being submitted, unless other time limits are specified in the following conditions herein. Review and approval or disapproval shall be accomplished in accordance with Chapter 120, F.S., or these Conditions of Certification as applicable.

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

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

B. Control Measures

1. To control runoff which may reach and thereby pollute waters of the state, necessary measures shall be utilized to settle, filter, treat or absorb silt containing or pollutant laden storm water to ensure against spillage or discharge of excavated material that may cause turbidity in excess of 29 Nephelometric Turbidity Units (NTU) above background in waters of the state. Control measures may consist of sediment traps, barriers, berms, and vegetation plantings. Exposed or disturbed soil shall be protected and stabilized as soon as possible to minimize silt and sediment-laden runoff. The pH of the runoff shall be kept within the range of 6.0 to 8.5. The Licensee shall comply with the applicable nonprocedural requirements in Rules 40B-4, 40C-42, 40D-4 and/or 40E-4, F.A.C.

2. Any open burning in connection with initial land clearing shall be in accordance with Chapter 62-256, F.A.C., Chapter 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 62-256, F.A.C., shall be approved by the DEP Southwest District office in conjunction with the Division of Forestry and any other county regulations that may apply. Burning shall not occur if not approved by the appropriate agency or if the Department or the Division of Forestry has issued a ban on burning due to fire safety conditions or due to air pollution conditions.

3. Disposal of sanitary wastes from construction toilet facilities shall be in accordance with applicable regulations of the appropriate local health agency.

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

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

6. The Licensee shall develop the site so as to retain the buffer of natural vegetation as described in the application and in Condition XVIII, Screening.

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

C. Environmental Control Program

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

D. Reporting

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

XXIII. AIR

A. General

1. The construction and operation of the Manatee Unit 3 project shall be in accordance with all applicable provisions of any Prevention of Significant Deterioration (PSD) Permit and/or Title V permit issued for Manatee Unit 3 and of any updates or modifications thereto, and of Chapters 62-210 through 62-297, F.A.C

2. All documents related to compliance activities such as reports, tests, and notifications shall be submitted to the

Air Quality Division
DEP Southwest District Office
3804 Coconut Palm Dr.
Tampa, Florida 33619-8218.

Copies of all such documents shall also be submitted to

Air Section
Manatee County Environmental Management Department
202 Sixth Avenue East
Bradenton, Florida 34208.

B. Equipment

The permittee is authorized to install, tune, operate, and maintain four new General Electric Model PG7241FA gas turbine-electrical generator sets each with a nominal capacity of 170 MW (EU 006, 007, 008 and 009). Each gas turbine shall include the Speedtronic^{TM} automated gas turbine control system . Ancillary equipment includes an inlet air filtration system, an evaporative inlet air cooling system, and a bypass stack for simple cycle operation The gas turbines will utilize the "hot nozzle" DLN combustors, which require natural gas to be preheated to approximately 290° F before combustion to increase overall unit efficiency. Gas-fired fuel heaters (EU 010) will preheat the natural gas during simple cycle operation and during startup to combined cycle operation. For full combined cycle operation, feedwater heat exchangers will preheat the natural gas.

2. Gas Turbine Controls

a. The permittee shall tune, maintain and operate the General Electric DLN-2.6 combustion system to control NO_X emissions from each turbine. Prior to the initial emissions performance tests for each gas turbine, the DLN combustors and automated gas turbine control system shall be tuned to achieve the simple cycle permitted level for CO and NOx . Thereafter, each system shall be maintained and tuned in accordance with the manufacturer's recommendations.

b. The permittee shall install, tune, maintain and operate a SCR system to control NOx emissions from each turbine during a combined cycle operation mode. The SCR system consists of an ammonia injection grid, catalyst, ammonia storage, monitoring and control system, electrical, piping and other ancilliary equipment. The SCR system shall be designed, constructed and operated to achieve the permitted levels for NOx emissions and ammonia slip. *{Note: In accordance with 40 CFR 60.130, the storage of ammonia shall comply with all applicable requirements of the Chemical Accident Prevention Provisions of 40 CFR 68}*

The permittee is authorized to install, operate, and maintain four new heat recovery steam generators (HRSGs). Each HRSG shall be designed to recover heat energy from one of the four gas turbines (3A-3D) and deliver steam to the steam turbine electrical generator through a common manifold. Each HRSG may be equipped with supplemental gas-fired duct burners having a maximum heat input rate of 495 MMBtu per hour (LHV). *{Note: The four HRSGs deliver steam to a single steam turbine-electrical generator with a nominal capacity of 470 MW.}*

C. The maximum heat input rate to each gas turbine is 1600 MMBtu/hr (normal conditions) based on a compressor inlet air temperature of 59° F, the lower heating value (LHV) of natural gas, and 100% load. Heat input rates will vary depending upon gas turbine characteristics, ambient conditions, alternate methods of operation, and evaporative cooling. The permittee shall provide manufacturer's performance curves (or equations) that correct for site conditions to the Air Quality Division, DEP Southwest District Office within 45 days of completing the initial compliance testing. Operating data may be adjusted for the appropriate site conditions in accordance with the performance curves and/or equations on file with the Department.

D. The total maximum heat input rate to the duct burners for each HRSG is 495 MMBTU/hr based on the lower heating value (LHV) of the natural gas.

E. Subject to the restrictions and requirements of this certification, the gas turbines may operate under the following methods of operation.

1. Subject to the operational restrictions of this certification, the gas turbines may operate throughout the year (8760 hours per year). Restrictions on individual methods of operation are specified below.

2. Each gas turbine shall fire natural gas as the primary fuel, which shall contain on average no more than 2 grains of sulfur per 100 standard cubic feet of natural gas.

3. Each gas turbine/HRSG system may operate to produce direct, shaft-driven electrical power and steam-generated electrical power from the steam turbine-electrical generator as a four-on-one combined cycle unit subject to the restrictions of this certification. In accordance with the specifications of the SCR and HRSG manufacturers, the SCR system shall be on line and functioning properly during combined cycle operation or when the HRSG is producing steam.

4. When firing natural gas and operating in combined cycle mode, each gas turbine/HRSG system may fire natural gas in the duct burners to provide additional steam-generated electrical power. The total combined heat input to the duct burners (all four HRSGs) shall not exceed 5,702,400 MMBtu (LHV) during any consecutive 12 months.

5. Each gas turbine may operate individually in simple cycle mode to produce only direct, shaft-driven electrical power subject to the following operational restrictions.

a. Prior to demonstrating compliance in combined cycle mode, each gas turbine shall operate in simple cycle mode for no more than 3390 hours during any consecutive 12 months.

b. After demonstrating initial compliance in combined cycle mode, the combined group of four gas turbines shall operate in simple cycle mode for no more than an average of 1000 hours per unit during any consecutive 12 months.

6. In accordance with the manufacturer's recommendations and appropriate ambient conditions, the evaporative cooling system may be operated to reduce the compressor inlet air temperature and provide additional direct, shaft-driven electrical power. This method of operation is commonly referred to as "fogging" and may be used in either simple cycle or combined cycle modes.

7. When firing natural gas in either simple cycle or combined cycle modes, steam may be injected into each gas turbine to generate additional direct, shaft-driven electrical power to respond to peak demands. To qualify as "power augmentation", the combustion turbine must operate at a load of 95% or greater than that of the manufacturer's maximum base load rate adjusted for the compressor inlet air conditions. Prior to activating and after deactivating the power augmentation mode, the operator shall log the date, time, and new mode of operation. Each gas turbine shall operate in this power augmentation mode no more than 400 hours per unit during any consecutive 12 months.

8. When firing natural gas, each gas turbine may operate in a high-temperature peaking mode to generate additional direct, shaft-driven electrical power to respond to peak demands. During any consecutive 12 months, each gas turbine shall operate in this peaking mode for no more than 60 hours of simple cycle operation and no more than 400 hours of combined cycle operation. The gas turbines shall not operate simultaneously in peaking and power augmentation modes. In addition, total combined operation of power augmentation and peaking modes shall not exceed 400 hours per unit during any consecutive 12 months.

F. Emissions from each gas turbine shall not exceed the following standards.

Pollutant	Fuel	Method of Operation	Stack Test, 3-Run Average		CEMS Block Average
			ppmvd @ 15% O2	lb/hr	ppmvd @ 15% O2
CO[a]	Gas	Simple Cycle	7.4	27.5	8.0, 24-hr
		Simple Cycle w/PA	12.0	45.0	12.0, 24-hr
		Combined Cycle, Normal Operation	7.4	27.5	10.0, 24-hr
		Combined Cycle, All Modes	NA	NA	10.0, 24-hr
NOx[b]	Gas	Simple Cycle	9.0	58.7	9.0, 24-hr
		Simple Cycle w/PA	12.0	76.2	12.0, 24-hr

		Simple Cycle w/PK	15.0	95.3	15.0, 24-hr	
		Combined Cycle w/SCR	2.5	16.3	2.5, 24-hr	
		Combined Cycle w/SCR and DB	2.5	23.6	2.5, 24-hr	
		Combined Cycle w/SCR, All Modes	N/A	N/A	2.5, 24-hr	
PM/PM10 [c]	Gas	Simple or Combined Cycle	Fuel Specifications			
		Simple or Combined Cycle	Visible emissions shall not exceed 10% opacity for each 6-minute block average.			
SAM/SO2 [d]	Gas	Simple or Combined Cycle	Fuel Specifications			
VOC [e]	Gas	Simple or Normal Combined Cycle	1.3		2.8	NA
VOC [e]	Gas	Combined Cycle, w/DB and/or PA	4.0		10.5	NA
Ammonia [f]	Gas	Combined Cycle w/SCR	5		NA	NA

Notes:

a. Compliance with the CO standards shall be demonstrated based on data collected by the required CEMS. Compliance may also be determined by EPA Method 10. Compliance with the 24-hr CO CEMS standard shall be determined separately for each mode of operation based on the hours of operation in each mode. {*Note*: 24-hr compliance average may be based on as little as 1-hr of data or as much as 24-hr of CEMS data}.

Compliance with the NO_X standards shall be demonstrated based on data collected by the required CEMS. Compliance may also be determined by EPA Method 7E or 20. NO_X mass emission rates are defined as oxides of nitrogen expressed as NO2. Compliance with the 24-hr NO_X CEMS standards during simple cycle operation shall be determined separately for each method of operation based on the hours of operation for each method.

{Note: A 24-hr compliance average may be based on as little as 1-hr of CEMS data or as much as 24-hr of CEMS data .}

b. In its review for the prevention of Significant Deterioration permit for this facility, the Department determined that the fuel specifications combined with the efficient combustion design and operation of each gas turbine represents the Best Available Control Technology (BACT) determination for PM/PM10 emissions. Note, however, that the specifications and emissions limitations in this certification do not establish BACT. Compliance with the fuel specifications, CO standards, and visible emissions standards shall serve as indicators of good combustion. Compliance with the fuel specifications shall be demonstrated by keeping records of the fuel sulfur content. Compliance with the visible emissions standard shall be demonstrated by conducting tests in accordance with EPA Method 9.

{Note: PM10 emissions for gas firing are estimated at 9 lb/hour for simple cycle operation, 11 lb/hour for combined cycle operation, and 17 lb/hour for combined cycle operation with duct burning.}

c. In its review for the prevention of Significant Deterioration permit for this facility, the Department determined that the fuel sulfur specifications effectively limit the potential emissions of SAM and SO2 from the gas turbines and represent the Best Available Control Technology (BACT) determination for these pollutants. Note, however, that the specifications and emissions limitations in this certification do not establish BACT.

{Note: SO_2 emissions for gas firing are estimated at 9.8 lb/hour for simple and combined cycle operation and 12.8 lb/hour for combined cycle operation with duct burning. SAM emissions are estimated to be less than 10% of the SO_2 emissions.}

d. Compliance with the VOC standards shall be demonstrated by conducting tests in accordance with EPA Method 25A. Optionally, EPA Method 18 may be also be performed to deduct emissions of methane and ethane. The emission standards are based on VOC measured as methane.

e. Each SCR system shall be designed and operated for an initial ammonia slip target of less that 5 ppmvd corrected to 15% oxygen based on the average of three test runs. Compliance with the ammonia slip standard shall be demonstrated by conducting tests in accordance with EPA Method CTG-027.

{General Notes: "DB" means duct burning. "PA" means power augmentation. "SCR" means selective catalytic reduction. "NA" means not applicable. The mass emission rate standards are based on a turbine inlet condition of 59° F and may be adjusted to actual test conditions in accordance with the performance curves and/or equations on file with the Department.}

G. The duct burners are also subject to the provisions of Subpart Da of the New Source Performance Standards in 40 CFR 60.

H. If the steam-electrical turbine generator is off line, the permittee is authorized to operate the gas turbine/HRSG systems by dumping steam to the condenser. When operating in this manner, each unit shall comply with the standards established for combined cycle operation with ammonia injection (SCR).

I. The permittee shall install, calibrate, maintain, and operate continuous emission monitoring systems (CEMS) to measure and record the emissions of CO and NO_X from each gas turbine in a manner sufficient to demonstrate continuous compliance with the CEMS emission standards of this section. Each monitoring system shall be installed, calibrated, and properly functioning prior to the initial performance tests. Within one working day of discovering emissions in excess of a CO or NOx standard (and subject to the specified averaging period), the permittee shall notify Air Quality Division, DEP Southwest District Office.

1. Each CO monitor shall be certified pursuant to 40 CFR 60, Appendix B, Performance Specification 4 or 4A. Quality assurance procedures shall conform to the requirements of 40 CFR 60, Appendix F, and the Data Assessment Report of Section 7 shall be made each calendar quarter, and reported

semiannually to the Air Quality Division, DEP Southwest District Office. The RATA tests required for the CO monitor shall be performed using EPA Method 10 in Appendix A of 40 CFR 60 and shall be based on a continuous sampling train. The CO monitor span values shall be set appropriately considering the allowable methods of operation and corresponding emission standards.

2. Each NOx monitor shall be certified, operated, and maintained in accordance with the requirements of 40 CFR Part 75. Record keeping and reporting shall be conducted pursuant to Subparts F and G in 40 CFR Part 75. The RATA tests required for the NO_X monitor shall be performed using EPA Method 20 or 7E in Appendix A of 40 CFR 60. In addition to the requirements of Appendix A of 40 CFR 75, the NOx monitor span values shall be set approximately considering the allowable method of operation and corresponding emission standards.

J. The oxygen (O2) content or carbon dioxide (CO2) content of the flue gas shall also be monitored at the location where CO and NOx are monitored to correct the measured emissions rates to 15% oxygen. If a CO2 monitor is installed, the oxygen content of the flue gas shall be calculated by the CEMS using F-factors that are appropriate for the fuel fired. Each monitor

shall comply with the performance and quality assurance requirements of 40 CFR Part 75.

K. Hourly average values shall begin at the top of each hour. Each hourly average value shall be computed using at least one data point in each fifteen-minute quadrant of an hour, where the unit combusted fuel during that quadrant of an hour. Notwithstanding this requirement, an hourly value shall be computed from at least two data points separated by a minimum of 15 minutes (where the unit operates for more than one quadrant of an hour). If less than two such data points are available, the hourly average value is not valid. The permittee shall use all valid measurements or data points collected during an hour to calculate the hourly average values. The CEMS shall be designed and operated to sample, analyze, and record data evenly spaced over an hour. If the CEMS measures concentration on a wet basis, the CEM system shall include provisions to determine the moisture content of the exhaust gas and an algorithm to enable correction of the monitoring results to a dry basis (0% moisture). Alternatively, the owner or operator may develop through manual stack test measurements a curve of moisture contents in the exhaust gas versus load for each allowable fuel, and use these typical values in an algorithm to enable correction of the monitoring results to a dry basis (0%

moisture). Final results of the CEMS shall be expressed as ppmvd, corrected to 15% oxygen. The CEMS shall be used to demonstrate compliance with the CEMS emission standards for CO and NOx as specified in this certification. For purpose of determining compliance with the CEMS emission standard of this certification, missing (or excluded) data shall not be submitted. Upon request by the Department, the CEMS emission rates shall be corrected to ISO conditions to demonstrate compliance with the applicable standards of 40 CFR 60.332.

L. A 24-hour block shall begin at midnight of each operating day and shall be calculated from 24 consecutive hourly average emission rate values. If a unit operates less than 24 hours during the block, the 24-hour block average shall be the average of available valid hourly average emission rate values for the 24-hour block. For purposes of determining compliance with the 24-hour CEMS standards, missing (or excluded) data shall not be substituted. Instead the 24-hour block average shall be determined using the remaining hourly data in the 24-hour block.

M. Each CEMS shall monitor and record emissions during all operations including all episodes of startup, shutdown, malfunction, DLN tuning, and steam blows. CEMS emissions data recorded during such episodes may be excluded from the corresponding CEMS compliance demonstration subject to the provisions of Specific Conditions XXIII.W.4 and XXIII.W.7.

All periods of data excluded shall be consecutive for each such episode. The permittee shall minimize the duration of data excluded for such episodes to the extent practicable. Data recorded during such episodes shall not be excluded if the

episode was caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure, which may reasonably be prevented. Best operational practices shall be used to minimize hourly emissions that occur during such episodes. Emissions of any quantity or duration that occur entirely or in part from poor maintenance, poor operation, or any other equipment or process failure, which may reasonably be prevented, shall be prohibited.

N. Monitor availability for the CEMS shall be 95% or greater in any calendar quarter. The report required in this certification shall be used to demonstrate monitor availability. In the event 95% availability is not achieved, the permittee shall provide the Department with a report identifying the problems in achieving 95% availability and a plan of corrective actions that will be taken to achieve 95% availability. The permittee shall implement the reported corrective actions within the next calendar quarter. Failure to take corrective actions or continued failure to achieve the minimum monitor availability shall be violations of this certification, except as otherwise authorized by the Department.

O. In accordance with the manufacturer's specifications, the permittee shall install, calibrate, maintain and operate an ammonia flow meter to measure and record the ammonia injection rate to the SCR system. The permittee shall document the general range of ammonia flow rates required to meet allowable emissions levels over the range of load conditions allowed

by this certification by comparing NO_X emissions recorded by the CEM system with ammonia flow rates recorded using the ammonia flow meter. During NO_X monitor downtimes or malfunctions, the permittee shall operate at the ammonia flow rate that is consistent with the documented flow rate for the combustion turbine load.

P. The permittee shall monitor and record the operating rate of each gas turbine and HRSG duct burner system on a daily average basis, considering the number of hours of operation during each day (including the times of startup, shutdown and malfunction). Such monitoring shall be made using a monitoring component of the CEM system required above, or by monitoring daily rates of consumption and heat content of each allowable fuel in accordance with the provisions of 40 CFR 75 Appendix D.

Q. By the fifth calendar day of each month, the permittee shall record the following in a written or electronic log for each gas turbine for the previous month of operation: consumption of each fuel, the hours of operation, the hours of power augmentation, the hours of peaking, the hours of duct firing, and the updated 12-month rolling totals for each. Information recorded and stored as an electronic file shall be available for inspection and printing within at least three days of a request by the Department. The fuel consumption shall be monitored in accordance with the provisions of 40 CFR 75 Appendix D.

R. The permittee shall demonstrate compliance with the fuel sulfur specification of this certification by maintaining records of the sulfur content of the natural gas being supplied based on the vendor's analysis for each month of operation. Methods for determining the sulfur content of the natural gas shall be ASTM methods D4084-82, D3246-81 (or more recent versions) in conjunction with the provisions of 40 CFR 75 Appendix D.

S. Within one working day of a malfunction that causes emissions in excess of a standard (subject to the specified averaging periods), the permittee shall notify the Air Quality Division, DEP Southwest District Office. The notification shall include a preliminary report of: the nature, extent, and duration of the emissions; the probable cause of the emissions; and the actions taken to correct the problem. If requested by the Air Quality Division, DEP Southwest District Office, the permittee shall submit written quarterly reports report of the malfunctions.

T. Within 30 days following the end of each calendar quarter, the permittee shall submit a report to the Air Quality Division, DEP Southwest District Office summarizing emissions in excess of an NSPS standard. For purposes of reporting emissions in excess of NSPS standards, excess emissions from the gas turbine are defined as: any CEMS hourly average value exceeding the NSPS NO_X emission standard; and any daily period during which the sulfur content of the fuel being fired in the gas turbine exceeds the NSPS standard. For purposes of reporting emissions in excess of NSPS standards, excess emissions from duct firing are defined as: NO_X or PM emissions in excess of the NSPS standards except during periods of startup, shutdown, or malfunction; and SO2 emissions in excess of the NSPS standards except during startup or shutdown.

U. Within 30 days following the end of each quarter, the permittee shall submit a report to the Air Quality Division, DEP Southwest District Office summarizing periods of excess

emissions. The information shall be summarized for simple/combined cycle startups, simple/combined cycle shutdowns, malfunctions, and major tuning sessions. In addition, the report shall summarize the CEMS systems monitor availability for the previous quarter.

V. The permittee is authorized to install, operate, and maintain four fuel heaters fired exclusively with natural gas at a maximum heat input rate of 24 MMBtu per hour. The fuel heaters will be designed to preheat the natural gas during simple cycle operation and during startup to combined cycle operation. For full combined cycle operation, feedwater heat exchangers will preheat the natural gas. *{Note: In accordance with Air Permit No. PSD-FL-286, construction of two gas-fired fuel heaters has been completed.}*

W. Excess Emissions

1. In order to ensure that good operating practices to reduce emissions are followed, all operators and supervisors shall be properly trained to operate and maintain the gas turbines, HRSGs, and pollution control systems in accordance with the guidelines and procedures established by each manufacturer. The training shall include good operating practices as well as methods of minimizing excess emissions.

2. Excess emissions caused entirely or in part by poor maintenance, poor operation or any other equipment or process failure that may reasonably be prevented during startup, shutdown or malfunction, shall be prohibited. All such preventable emissions shall be included in any compliance determinations based on CEMS data.

3. Visible emissions due to startups, shutdowns, and malfunctions shall not exceed 10% opacity except for up to ten, 6-minute averaging periods during a calendar day, which shall not exceed 20% opacity. [Rule 62-212.400(BACT), F.A.C.]

4. Excess Emissions Allowed

a. As specified in this condition, excess emissions resulting from startup, shutdown, and documented malfunctions are allowed provided that operators employ the best operational practices to minimize the amount and duration of emissions during such incidents. A "documented malfunction" means a malfunction that is documented within one working day of detection by contacting the Air Quality Division, DEP Southwest District Office by telephone, facsimile transmittal, or electronic mail. For each gas turbine/HRSG system, excess emissions resulting from startup, shutdown, or documented malfunctions shall not exceed two hours in any 24-hour period except for the following specific cases.

1) For cold startup of the steam turbine system, excess emissions from any gas turbine/HRSG system shall not exceed six hours in any 24-hour period. Cold startup of the steam turbine system shall be completed within twelve hours. A cold "startup of the steam turbine system" is defined as startup of the 4-on-1 combined cycle system following a shutdown of the steam turbine lasting at least 48 hours. *{Note: During a cold startup of the steam turbine system, each gas turbine/HRSG system is sequentially brought on line at low load to gradually increase the temperature of the steam-electrical turbine and prevent thermal metal*

fatigue. Note that shutdowns and documented malfunctions are separately regulated in accordance with the requirements of this condition.}

2) For shutdown of the steam turbine system, excess emissions from any gas turbine/HRSG system shall not exceed three hours in any 24-hour period.

3) For cold startup of a gas turbine/HRSG system, excess emissions shall not exceed four hours in any 24-hour period. "Cold startup of a gas turbine/HRSG system" is defined as a startup after the pressure in the high-pressure (HP) steam drum falls below 450 psig for at least a one-hour period.

b. Ammonia injection shall begin as soon as operation of the gas turbine/HRSG system achieves the operating parameters specified by the manufacturer. As authorized by Rule 62-210.700(5), F.A.C., the above conditions allow excess emissions only for specifically defined periods of startup, shutdown, and documented malfunction of the gas turbines.

5. Work Practice Standard and Load Restriction

a. Each unit will be operated according to manufacturer specifications and control systems. The CT control system is designed to reach Mode 5Q (i.e. five burners plus quaternary pegs in operation) within 15 minutes following gas turbine ignition and crossfire.

b. A Best Operating Practice procedure for minimizing emissions during startup and shutdown shall be submitted to the Department within 60 days following determination of initial compliance with emission limits when operating in combined cycle mode.

c. Except for initial steam blows, startup and shutdown, malfunctions, commissioning and recommissioning, operation at loads where the DLN 2.6 system is not in pre-mix mode is prohibited.

6. Initial Steam Blows

a. Prior to completing the conversion from simple cycle to combined cycle operation, the permittee is authorized to operate each gas turbine at loads below 50% for the purpose of cleaning the HRSG piping system and piping connecting the HRSG to the steam turbine. Prior to conducting any steam blows, the permittee shall submit a proposed schedule. On the first day of conducting steam blows, the permittee shall notify the Air Quality Division, DEP Southwest District Office that the process has begun. The permittee shall complete this process within 90 days of conducting the initial steam blow. For good cause, the permittee may request that the Air Quality Division, DEP Southwest District Office extend the steam blow period. During the steam blows, the following conditions apply:

1) The permittee shall take all precautions to minimize the extent and duration of excess emissions.

2) Each gas turbine shall fire only natural gas and each CEMS shall be on line and functioning properly.

3) CO and NO_X emissions may exceed the BACT limits specified in the PSD permit; however, NO_X emissions shall not exceed the NSPS Subpart GG limit of 110 ppmvd corrected to 15% oxygen based on a 24-hour block average. If the NSPS standard is exceeded, the permittee shall notify the Air Quality Division, DEP Southwest District Office within one working day of the incident.

b. Within 30 days of completing the initial steam blows, the permittee shall submit a report to the Bureau of Air Regulation and the Air Quality Division, DEP Southwest District Office summarizing the daily emissions resulting from each steam blow. {Permitting Note: It is estimated that steam blows will occur intermittently over a 30-day period for each gas turbine/HRSG system followed by a similar 60-day period of intermittent steam blows for the common piping system serving the four interconnected combined cycle units. It is not expected that steam blows would occur every day during these periods. This condition only applies if simple cycle operation begins prior to combined cycle operation and NSPS compliance tests for simple cycle operation have been performed}

7. CEMS data collected during initial or other major DLN tuning sessions shall be excluded from the CEMS compliance demonstration provided the tuning session is performed in accordance with the manufacturer's specifications. A "major tuning session" would occur after completion of initial construction, a combustor change-out, a major repair or maintenance to a combustor, or other similar circumstances. Prior to performing any major tuning session, the permittee shall provide the Air Quality Division, DEP Southwest District Office with an advance notice that details the activity and proposed tuning schedule. The notice may be by telephone, facsimile transmittal, or electronic mail.

X. Emissions Performance Testing

1. Required tests shall be performed in accordance with the following reference methods.

Method	Description of Method and Comments
CTM-027	Procedure for Collection and Analysis of Ammonia in Stationary Source {Notes: This is an EPA conditional test method. The minimum detection limit shall be 1 ppm.}
7E	Determination of Nitrogen Oxide Emissions from Stationary Sources
9	Visual Determination of the Opacity of Emissions from Stationary Sources
10	Determination of Carbon Monoxide Emissions from Stationary Sources {Notes: The method shall be based on a continuous sampling train. The ascarite trap may be omitted or the interference trap of section 10.1

	may be used in lieu of the silica gel and ascarite traps.}
18	Measurement of Gaseous Organic Compound Emissions by Gas Chromatography {Note: EPA Method 18 may be used (optional) concurrently with EPA Method 25A to deduct emissions of methane and ethane from the measured VOC emissions.}
20	Determination of Nitrogen Oxides, Sulfur Dioxide and Diluent Emissions from Stationary Gas Turbines
25A	Determination of Volatile Organic Concentrations

Except for Method CTM-027, the above methods are described in 40 CFR 60, Appendix A, and adopted by reference in Rule 62-204.800, F.A.C. Method CTM-027 is published on EPA's Technology Transfer Network Web Site at "http://www.epa.gov/ttn/emc/ctm.html". No other methods may be used for compliance testing unless prior written approval is received from the Department.

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2. Each gas turbine shall be stack tested to demonstrate initial compliance with the emission standards for CO, NO_X, VOC, visible emissions, and ammonia slip. The tests shall be conducted within 60 days after achieving the maximum production rate at which the unit will be operated for each unit configuration (i.e., simple cycle an combined cycle operation), but not later than 180 days after the initial startup of each unit configuration. Each unit shall be tested under all operating scenarios as required in Specific Condition No. 10. CEMS data collected during the required Relative Accuracy Test Assessments (RATA) may be used to demonstrate compliance with the initial CO and NOx standards. With appropriate flow measurements (or fuel measurements and approved F-factors), CEMS data may also be used to demonstrate compliance with the CO and NO_X mass emissions standards. CO and NOx emissions recorded by the CEMS shall also be reported for each run during tests for visible emissions, VOC and ammonia slip. Initial CO and VOC emissions tests performed during simple cycle operation may be used to satisfy the initial test requirement for similar operation in combined cycle mode. The Department may require the permittee to conduct additional tests after major replacement or repair of any air pollution control equipment, such as the SCR catalyst, DLN combustors, etc.

V. The permittee shall demonstrate continuous compliance with the CO and NO_X emissions standards based on data collected by the certified CEMS. Within 45 days of conducting any Relative Accuracy Test Assessments (RATA) on a CEMS, the permittee shall submit a report to the Compliance Authority summarizing results of the RATA. Compliance with the CO emission standards also serves as an indicator of efficient fuel combustion, which reduces emissions of particulate matter and volatile organic compounds.

W. During each federal fiscal year (October 1st to September 30th), each gas turbine shall be tested to demonstrate compliance with the emission standards for visible emissions and ammonia slip. NOx emissions recorded by the CEMS shall be reported for each ammonia slip test run. CO emissions recorded by the CEMS shall be reported for the visible emissions observation period. *{Note: After initial compliance with the VOC standards are demonstrated, annual compliance tests for VOC emissions are not required. Compliance with the continuously monitored CO standards shall indicate efficient combustion and low VOC*

emissions.}

X. If the tested ammonia slip rate for a gas turbine exceeds 5 ppmvd corrected to 15% oxygen when firing natural gas during the annual test, the permittee shall:

a. Begin testing and reporting the ammonia slip for each subsequent calendar quarter;

b. Before the ammonia slip exceeds 7 ppmvd corrected to 15% oxygen, take corrective actions that result in lowering the ammonia slip to less than 5 ppmvd corrected to 15% oxygen; and

c. Test and demonstrate that the ammonia slip is no more than 5 ppmvd corrected to 15% oxygen within 15 days after completing the corrective actions. Corrective actions may include, but are not limited to, adding catalyst, replacing catalyst, or other SCR system maintenance or repair. After demonstrating that the ammonia slip level is no more than 5 ppmvd corrected to 15% oxygen, testing and reporting shall resume on an annual basis

XXIX. WATER

The construction and operation of the Manatee Unit 3 project shall not cause or contribute to violation of any applicable provision of National Pollutant Discharge Elimination System (NPDES) Permit No. FL 0002267 Rev A or as subsequently revised, Chapters 62-4 through 62-699, F.A.C., and rules of the Department and the Southwest Florida Water Management District.

Any violation of such permit or rules shall constitute a violation of these conditions of certification.

XXX. DOMESTIC WASTE

The Licensee is hereby authorized to operate the facilities shown in the Manatee Unit 3 Site Certification Application and other documents on file with the Department and made a part hereof. The Licensee shall give the Department written notice at least 60 days before inactivation or abandonment of a wastewater facility and shall specify what steps will be taken to safeguard public health and safety during and following inactivation or abandonment

XXXI. INDUSTRIAL WASTE

The Licensee is hereby authorized to operate the facilities shown in the Manatee Unit 3 Site Certification Application and other documents on file with the Department and made a part hereof and as specifically described in NPDES Permit No. FL 0002267 Rev A or as subsequently revised.

XXXII. SOLID AND HAZARDOUS WASTE

No solid or hazardous waste is to be permanently stored onsite.

XXXIII. WATER MANAGEMENT DISTRICT

Reports

1. All Water Management District-related reports required by the Site Certification shall be submitted to the Southwest Florida Water Management District on or before the fifteenth (15^{th}) day of the month, unless otherwise indicated, following data collection and shall be addressed to:

Permit Data Section, Records and Data Department
Southwest Florida Water Management District
2379 Broad Street
Brooksville, Florida 34609-6899

2. Unless otherwise indicated, three copies of each plan or report are required to be submitted to the Southwest Florida Water Management District by the Site Certification. The exceptions are routine monthly pumpage, rainfall, evapotranspiration, water level or water quality data which require only one copy.

B. As of October 1, 2004, the Permit Agreement and First Amendment to the Permit Agreement between the Southwest Florida Water Management District and FPL, dated April 17, 1973 and November 12, 1975, respectively, shall become null and void. It is acknowledged that, although this Site Certification applies only to Unit 3, the diversion schedules authorized under this Site Certification authorize diversions for Units 1 and 2.

C. Any wells not in use, and in which pumping equipment is not installed shall be capped or valved in a water-tight manner in accordance with Chapter 62-532.500(3)(a)(4), F.A.C.

D. Minimum Flows for Little Manatee River

1. The Southwest Florida Water Management District anticipates establishment of Chapter 373.021(1), Florida Statutes, Minimum Flows for the Little Manatee River. Once adopted, the Minimum Flow adopted by the Southwest Florida Water Management District shall automatically be applicable, and withdrawals authorized under the diversion schedules included under this Site Certification shall be modified to be consistent with the adopted Minimum Flow.

2. FPL shall cease or reduce surface water withdrawal as directed by the Southwest Florida Water Management District if rates of flow in the Little Manatee River fall below the minimum levels established in Chapter 40D-8.

E. Flow Meters

1. FPL shall continue to maintain and operate totalizing flow meters or other flow measuring devices as approved by the Regulation Department Director, for District ID. No. 1, Permittee ID. No. 1, (Little Manatee River water-intake structure).

2. The flow meters shall have and maintain accuracies within five percent of the actual flow as installed.

3. Total flow in both cubic feet per second (cfs) and gallons per day (gpd) and meter readings from each metered source listed above shall be recorded on a daily basis and reported to the Permit Data Section (on District approved forms) on or before the fifteenth (15^{th}) day of the following month. If a metered withdrawal is not utilized during a given month, a report shall be submitted to the Permit Data Section indicating zero gallons.

F. By May 1, 2007, FPL shall submit an updated Water Conservation Plan for approval by the Resource Regulation Director. Subsequent reports shall be due every five years thereafter. These plans shall document all water conservation measures implemented by FPL at this site, and shall provide an analysis of the feasibility of implementing further water conservation measures beyond those already implemented. Such conservation measures shall include, but not be limited to, new water conserving technologies and industry best management practices. The intent of these measures shall be to decrease overall water usage. The report shall explain the experienced and potential water savings of each measure in gallons. In addition, the report shall address the economic, technical, and environmental feasibility of implementing any water conserving measures that are not already implemented. This plan shall be implemented immediately upon Southwest Florida Water Management District approval.

G. Little Manatee River Flow Data

1. On a daily basis, flow in the Little Manatee River shall be recorded at the FPL gauge station located ¼ mile upstream of diversion weir and reported to the Permit Data Section (using District approved forms) on or before the fifteenth (15^{th}) day of the following month. The recordings shall include average daily water flow in cubic feet per second (cfs) and average daily water flow in million gallons per day (mgd).

2. By October 1, 2003, FPL shall provide to the SWFWMD Resource Regulation Director, a quality control and assurance (QA/QC) program for the flow measurements.

a. This shall include an annual operation and maintenance program which includes specific information on measurement devices utilized, updated river profiles, flow rating tables, re-surveying of the gauge, and other measures as necessary to ensure accurate readings and that diversions are consistently undertaken in compliance with diversion schedule(s).

b. Flow data from the FPL gauge shall be compared with the United States Geological Survey (USGS) Station 02300500 located near Wimauma, Florida as a cross-check to assess the accuracy of measurement of the FPL gauge. Any divergence noted between these two gauges shall be further evaluated to determine if FPL's gauge is accurate. Any action necessary to ensure the accuracy of the FPL gauge shall be implemented immediately thereafter.

c. Reports regarding the results of the QA/QC program shall be provided to the SWFWMD Resource Regulation Director by May 1 of each year thereafter.

d. The QA/QC program shall be implemented upon approval by the Resource Regulation Director.

H. The existing weir at the river interface with the pump house withdrawal point(s) shall be upgraded to ensure that the 40 cfs threshold is complied with at all times.

I. Diversion Schedules

1. On October 1, 2004, FPL shall permanently implement the Regular diversion schedule (RDS) for withdrawals of water from the Little Manatee River with the following limitations:

Withdrawals shall not occur when Little Manatee River flow, as measured at FPL's gauging station (at the point of diversion), is less than 40 cfs (25.9 mgd).

The maximum authorized diversion is 190 cfs (122.8 mgd).

Withdrawals shall be limited to not greater than 10% of the Little Manatee River flow as measured at FPL's gauging station.

In no case shall the diversion reduce the flow in the Little Manatee River below the point of diversion to less than 40 cfs.

2. As of October 1, 2004, FPL is authorized to implement an emergency diversion schedule (EDS) in the event the water level in the cooling pond falls below 62.00 ft. N.G.V.D. subject to the following limitations:

a. Withdrawals shall not occur when Little Manatee River flow, as measured at FPL's gauging station (at the point of diversion), is less than 40 cfs (25.9 mgd).

b. The maximum authorized diversion is 190 cfs (122.8 mgd).

c. EDS withdrawals shall be limited according to the Table below:

Little Manatee River Flow in cfs As Measured at the FPL Gauging Station	Maximum Allowed Diversion in cfs
$Q_{riv} < 40$	0
$40 \quad Q_{riv} < 60$	$0.85\ Q_{riv} - 34.0$
$60 \quad Q_{riv} < 100$	$0.325\ Q_{riv} - 2.5$
$100 \quad Q_{riv} < 150$	$0.52\ Q_{riv} - 22.0$
$150 \quad Q_{riv} < 200$	$0.74\ Q_{riv} - 55.0$
$200 \quad Q_{riv} < 400$	$0.485\ Q_{riv} - 4.0$
$400 \quad Q_{riv}$	190

Note: Q_{riv} is the Little Manatee River Flow in cfs as measured at the FPL gauging station.

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d. In no case shall the diversion reduce the flow in the Little Manatee River below the point of diversion to less than 40 cfs.

The river diversion schedule shall revert from the EDS to the RDS upon cooling pond water levels reaching an elevation of 63.00 ft N.G.V.D.

f. Prior to implementation of withdrawals under the EDS, FPL shall make every feasible effort to avoid the need to initiate use of the EDS (e.g. enhanced conservation). When it becomes apparent that such enhanced measures are insufficient to avoid having to undertake withdrawals under the EDS, FPL shall provide written notice to the SWFWMD Resource Regulation Director. This notification shall be provided no less than 14 days prior to the anticipated date for initiating diversions under the EDS. Such notification shall include reasons for utilizing the EDS, details on enhanced conservation and other efforts which were enacted to avoid undertaking withdrawals under the EDS, details of any further enhanced conservation efforts that shall be implemented during use of the EDS, and the anticipated duration of EDS usage.

g. Within 30-days of cessation of withdrawals under the EDS, FPL shall provide written notification to the SWFWMD Resource Regulation Director, notifying the Southwest Florida Water Management District of cessation of these withdrawals. Notification shall also provide a summary of the number of days the EDS was in effect, the number of days when withdrawals actually occurred under the EDS, the percent of daily river flow diverted per day, and total volume diverted over the time the EDS was in use. Additionally, FPL shall include in the summary, an evaluation of the monitoring data collected for the period the EDS is in use and an analysis of the effects of the increased withdrawals on salinity movements of the Little Manatee River as measured at the two fixed monitoring stations.

J. Hydrobiological Monitoring Program (HBMP)

1. By October 1, 2003, FPL shall submit for approval of the SWFWMD Resource Regulation Director a proposed Hydrobiological Monitoring Program (HBMP) describing all data collection, monitoring locations, and analytical methods to be used in the program.

2. On or before May 1, 2004, FPL shall implement the Southwest Florida Water Management District approved HBMP. Variables that shall be measured in the monitoring program include:

a. Specific conductance using automated instruments at two fixed locations in the lower tidal river channel. The specific conductance recorders shall be operated to measure temperature corrected specific conductance in the river at approximate mid-depth at each location. Specific conductance measurements shall be converted to salinity using calculations approved by the Southwest Florida Water Management District and these instruments shall be referred to as salinity recorders. Automated specific conductance measurements shall be made at fifteen-minute intervals and the time of day shall be recorded for each measurement. Data shall be reduced to mean, minimum, and maximum salinity values for each tidal cycle, with time of day retained for the daily minimum and maximum values.

b. Continuous tide stage recorder. The continuous tide stage recorder shall also be installed near one of the specific conductance recorders. Tide measurements shall be made at fifteen-minute intervals and the time of day shall be recorded for each measurement. Tide data shall be reduced to mean, minimum, and maximum values for each tidal cycle, with time of day retained for the daily minimum and maximum values.

c. The continuous salinity and tide stage recorders shall be regularly maintained and calibrated to reference standards to ensure that accurate data are collected at all times. Upon the Southwest Florida Water Management District's approval FPL, shall install the automated salinity and tide recorders at the approved locations.

d. The HBMP shall include color infra-red aerial photography and mapping of vegetative communities in the Little Manatee River estuary within the 100-Year flood plain, extending between river mile 3 and river mile 11. River miles are defined in Figure SWFWMD 1-1 contained within the FPL Sufficiency Response received by the Southwest Florida Water Management District on June 10, 2002. Infra-red aerial photography, at a minimum scale of 1" = 1,000', with 60% stereo overlap, shall be geo-referenced for scale with all subsequent photos scaled to the same references. All photography shall be taken in early October, as practicable. Should October photography prove impracticable, FPL shall notify the SWFWMD Resource Regulation Director of when photography will be completed. Such photography shall be completed as shortly after the October timeframe, as practicable.

(1) Initial aerial photography and baseline vegetative mapping shall be performed in October 2004. Such photography shall be taken prior to start-up of Unit 3. This mapping shall be included with the first data baseline summary report due May 1, 2005.

(2) Subsequent aerial photographs (at the same scale as the initial photographs) and vegetative mapping shall be performed in October, 2007 and October, 2011. These photographs shall be included in the Interpretive Reports due May 1, 2009 and May 1, 2013. Upon written request and approval by the SWFWMD Resource Regulation Director, adjustment to this schedule may be implemented to document the effect of a particular wet or dry year or series of years, or if weather conditions prevented collection of photographs of sufficient quality during specified timeframes. Additionally, these photographs shall be made available to the Southwest Florida Water Management District for inspection, upon request, prior to the submittal of the Interpretive Reports.

(3) A combination of high-resolution infra-red aerial photography and concurrent field reconnaissance of the river shall be performed to identify the distribution of major plant communities such as mangroves, salt marshes,

brackish marshes and freshwater aquatic and floodplain communities. Within these communities more discrete diagnostic plant assemblages shall be located and described, including stands of individual species or mixtures of species [eg. red mangrove (Rhizophora mangle), black needlerush (Juncus roemerianus), sawgrass (Cladium jamaicense), cattails (Typha spp.), leather ferns (Acrostichum spp.), spatterdock (Nuphar luteum) or other conspicuous indicator species]. The distribution of these communities (including assemblages) shall be digitized into a Geographic Information System (GIS) compatible with the Southwest Florida Water Management District GIS system. Both electronic and hard-copy versions of the maps shall be provided for each mapping episode and the changes in the vegetation of the river shall be described by comparing the distribution of plant communities on the maps and quantifying the total area for each community. The location of these communities along the estuarine gradient shall be described and potential relationships to changes in salinity and freshwater inflows and withdrawals by FPL shall be described.

3. Submittal and interpretation of monitoring data

a. The results of the HBMP monitoring program shall be submitted to the Southwest Florida Water Management District in a series of Data Summary and Interpretive Reports.

(1) Data Summary Reports shall be submitted to the Southwest Florida Water Management District with the first data baseline summary report due May 1, 2005. Subsequent Data Summary Reports shall be due on May 1, 2007, and May 1, 2011.

(2) The Data Summary Reports shall include plots of mean, minimum and maximum salinity values for all tidal cycles, and tables of the salinity data. These data and other raw data specified in the Southwest Florida Water Management District approved HBMP shall be provided on paper and electronic medium in a format meeting District specifications. The results and dates of the field calibrations of the salinity meters shall be provided in the reports. Vegetation maps (hard copy and GIS files) that have been completed to that point in time shall be included with the Data Summary Reports.

FPL shall meet with the Sarasota Regulation Department of the Southwest Florida Water Management District no less than 60 days prior to submittal of the first Data Summary Report in order to reach agreement as to the content and format of the report.

Interpretive Reports shall be submitted to the Southwest Florida Water Management District with the first interpretive report due May 1, 2009. A subsequent Interpretive Report shall be due on May 1, 2013. The submittal of an Interpretive Report shall preclude the submittal of a separate Data Summary report for that period. In lieu of a separate report, the Data Summary can be provided as an appendix of the Interpretive Reports. The Interpretive Reports should include all data for that period. The Southwest Florida Water Management District and FPL may agree to adjust the timing of these reports depending on the initial operation of the new generating unit.

(1) Salinity data from the monitored sites (converted from specific conductance) shall be analyzed to examine trends in salinity over time. Along with graphic presentation of the data, one or more parametric or non-parametric statistical tests shall be run to examine trends in the data. The statistical methods for these tests shall be

described in the HBMP. Data from the continuous salinity and tide stage recorders shall also be used to develop models for predicting salinity at the monitored sites as a function of streamflow and tide stage. These models shall be used to evaluate the effect of withdrawals on salinity at these locations. By comparison to other salinity data available for the river (SWFWMD longitudinal transects), these sites shall be used as representative locations to characterize the general salinity regime of the river. The Interpretive Reports shall include the results of the trend analysis, the salinity modeling, and the analysis of the vegetation mapping effort. The interpretative reports shall discuss the results of the monitoring program with regard to the freshwater flow regime and ecology of the lower river, and their relationship to the FPL withdrawals. Variations in freshwater inflows resulting from changes in climatic conditions and physical modifications to the watershed shall be discussed. The relative effect of withdrawals on the freshwater inflows and ecology of the lower river shall be assessed in detail. The information obtained through the vegetative mapping and photography shall be included with the 2009 and 2013 Interpretive Reports.

FPL shall meet with the Sarasota Regulation Department of the Southwest Florida Water Management District no less than 60 days prior to submittal of all Interpretive Reports in order to reach agreement as to the content and format of the reports, as well as discuss the results.

4. If results of the HBMP indicate that withdrawals by FPL have caused, or will cause, adverse impacts to the ecology of the river and/or its estuary (as defined by Southwest Florida Water Management District Rule and associated Performance Standards), the diversion schedule shall be modified so as to not cause adverse impacts. If such a determination is made, FPL shall propose revisions to the diversion schedule for the Southwest Florida Water Management District's approval. Upon approval, FPL shall implement said revised diversion schedule. Nothing in this Site Certification shall be construed to replace, limit, or impair the Southwest Florida Water Management District's right to require modification of the RDS or the EDS in accordance with applicable law.

5. Continuation of HBMP after 2013

a. If after eight years of continuous monitoring, following the start-up of the new generating unit, the monitoring program demonstrates that FPL's withdrawals have not affected the flow rates of the Little Manatee River to the extent that water quality, vegetation, animal populations, salinity distributions, recreational or aesthetic qualities are adversely impacted, the monitoring plan may be discontinued or

modified as deemed appropriate by the Southwest Florida Water Management District.

b. Any requests to modify or discontinue the HBMP shall be made in writing to the SWFWMD Resource Regulation Director. Only upon receipt of written authorization from the SWFWMD may FPL modify or discontinue the HBMP.

c. If after eight years of monitoring, additional data is necessary as determined by evaluation of data submittals to date, FPL shall continue implementation of the HBMP with submittal of Data Summary Reports every two years and Interpretive Reports every four years. Implementation of the HBMP and reporting requirements shall continue until sufficient information exists for the District to definitively determine that FPL's withdrawals have not affected the flow rates of the Little Manatee River to the extent that water quality, vegetation, animal populations, salinity distributions, recreational or aesthetic qualities are adversely impacted.

K. Alternative Water Sources Report

1. By May 1, 2005, and every five years thereafter, FPL shall submit an Alternative Water Sources Report for approval by the SWFWMD Resource Regulation Director. These plans shall assess the feasibility of obtaining alternative water sources to reduce FPL's dependence upon surface water from the Little Manatee River. This plan shall include an economic, technical and environmental feasibility assessment of using alternative sources

including reclaimed water from the Manatee Agricultural Reuse System (MARS), sufficiently treated water from the Piney Point, Inc. site, stormwater (including on-site and offsite sources), desalination, and other non-groundwater sources.

2. MARS

a. FPL shall evaluate the optimal disposition of MARS water at the FPL site. This shall include evaluation of the feasibility of use of MARS water by FPL and/or providing wet weather storage for MARS (for ultimate use by other users) to help obtain the optimal net benefit for water resources within the Southern Water Use Caution Area (SWUCA). FPL shall work in close coordination with the Southwest Florida Water Management District and Manatee County in making this determination.

b. If sufficient volumes of alternative sources are available for use by FPL to meet all or a portion of the total demand allowed by this Site Certification and obtaining such water is economically, technically, and environmentally feasible, FPL shall connect to the source(s) as soon as possible. FPL shall notify the Southwest Florida Water Management District that such a connection has been made within 30 days of said connection, or upon use of the cooling pond for storage of MARS water.

c. If Manatee County is unable to provide reclaimed water to FPL for its use or for storage for MARS or if it is not economically, technically, nor environmentally feasible for FPL to use the reclaimed water, FPL shall submit a report to the Southwest Florida Water Management District. This report shall be submitted to the SWFWMD Resource Regulation Director by May 1, 2005, and shall explain, in detail, why the implementation of these options is not feasible.

3. FPL shall continue to coordinate with the Florida Department of Environmental Protection and the Southwest Florida Water Management District to evaluate the feasibility of using sufficiently treated water from the Piney Point Phosphates, Inc. site. By September 1, 2003, FPL shall provide a report for the approval of the SWFWMD Resource Regulation Director, regarding the feasibility of obtaining and using these waters from the Piney Point Phosphates, Inc. site. Subsequent reports shall be due annually on this same date, thereafter. If receipt of this water is determined to be infeasible by the Southwest Florida Water Management District, the annual reporting regarding this source of water shall cease upon written request by FPL to the Southwest Florida Water Management District.

4. Reclaimed Water

a. FPL shall continue to investigate the feasibility of using reclaimed water as a supplemental water source for the term of this Site Certification. The report shall contain an analysis of reclaimed water sources for the area, including the relative location of these sources to FPL's property, the quantity of reclaimed water available, the projected date(s) of availability, costs associated with obtaining the reclaimed water, and an implementation schedule for reuse, if feasible. If additional treatment of the reclaimed water would be necessary

to make its use economically, technically, or environmentally feasible, FPL shall address pertinent issues in the report. Infeasibility shall be supported with a detailed explanation.

b. When sufficient volumes are available to meet all or a portion of the total demand allowed by this Site Certification, FPL shall connect to the source(s) as soon as possible. A report to the SWFWMD Resource Regulation Director shall indicate when receipt of reclaimed water is anticipated by FPL. The Southwest Florida Water Management District shall be notified within 30 days after connection is completed. Any effects that receipt of reclaimed water would have upon the need to withdraw water from the Little Manatee River under the normal diversion schedule and/or the EDS shall be identified in the report.

c. If it is determined that reclaimed water will not be feasible for FPL for a period longer than five years after the date of any report, FPL may provide a written request to the Southwest Florida Water Management District to modify the reporting schedule under this condition.

L. If any of the statements in the application and in the supporting data are found to be untrue or inaccurate, or if FPL fails to comply with all of the provisions of Chapter 373, F.S., Chapter 40D, or the Water Management District-related conditions set forth herein, the SWFWMD Governing Board shall request the Florida Department of Environmental Protection to revoke or modify this Site Certification in accordance with applicable law.

M. This certification issued based on information provided by FPL demonstrating that the use of water is reasonable and beneficial, consistent with the public interest, and will not interfere with any existing legal use of water. If, during the term of this Site Certification, it is determined by the Southwest Florida Water Management District that the use is not reasonable and beneficial, in the public interest, or does interfere with an existing legal use of water, the SWFWMD Governing Board may request the DEP to revoke or modify this Site Certification in accordance with applicable law.

N. FPL shall not deviate from any of the Water Management District-related terms or conditions of this Site Certification without written approval by the Southwest Florida Water Management District and the DEP.

O. In the event the Southwest Florida Water Management District declares that a Water Shortage exists pursuant to Chapter 40D-21, the SWFWMD Governing Board may request the FDEP to alter, modify, or declare inactive all or parts of these conditions of certification as necessary to address the water shortage.

P. The Southwest Florida Water Management District may collect water samples from any withdrawal point listed in the certification or shall require FPL to submit water samples when the Southwest Florida Water Management District determines there is a potential for adverse impacts to water quality.

Q. FPL shall provide access to an authorized Southwest Florida Water Management District representative to enter the property at any reasonable time to inspect the facility and make environmental or hydrologic assessments. FPL shall either accompany Southwest Florida Water Management District staff onto the property or make provision for access onto the property.

R. Issuance of this Site Certification does not exempt FPL from any other Southwest Florida Water Management District requirements.

S. FPL shall practice water conservation to decrease waste and to minimize runoff from the property. At such time as the SWFWMD Governing Board adopts specific conservation requirements for FPL's water use classification, the facility shall be subject to those requirements upon notice and after a reasonable period for compliance.

T. The Southwest Florida Water Management District may establish special regulations for Water Use Caution Areas. At such time as the Governing Board adopts such provisions, this Site Certification shall be subject to them upon notice and after a reasonable period for compliance.

U. FPL shall mitigate any adverse impact to existing legal water uses caused by FPL withdrawals. When adverse impacts occur or are imminent, the Southwest Florida Water Management District may require FPL to mitigate the adverse impacts. Adverse impacts include:

A reduction in water levels which impairs the ability of a well to produce water;

2. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams or other watercourses; or

3. Significant inducement of natural or manmade contaminants into a water supply or into a usable portion of any aquifer or water body.

V. FPL shall mitigate any adverse impact to environmental features or offsite land uses as a result of withdrawals. When adverse impacts occur or are imminent, the Southwest Florida Water Management District shall require FPL to mitigate the impacts. Adverse impacts include the following:

1. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams, or other watercourses;

Sinkholes or subsidence caused by reduction in water levels;

3. Damage to crops and other vegetation causing financial harm to the owner; and

4. Damage to the habitat of endangered or threatened species.

W. A Southwest Florida Water Management District identification tag shall be prominently displayed at each withdrawal point by permanently affixing the tag to the withdrawal facility.

X. FPL shall notify the Southwest Florida Water Management District within 30 days of the sale or conveyance of certified water withdrawal facilities or the land on which the facilities are located.

Y. All conditions in this section are contingent upon continued ownership or legal control of all property on which pumps, wells, diversions or other water withdrawal facilities are located.

XXXIV. TRANSPORTATION

A. Traffic control at State Road 62 and the Manatee plant entrance and the intersection of State Road 62 and U. S. 301 shall be maintained during plant construction and operations in compliance with the standards in the Manual on Uniform Traffic Control Devices; Statewide Minimum Level of Service Standards, Chapter 14-94, Florida Administrative Code; Florida Department of Transportation's Roadway and Traffic Design Standards; and Florida Department of Transportation Standard Specifications for Road and Bridge Construction, whichever is more stringent.

B. Operation of overweight or overdimensional loads by the applicant on State transportation facilities during the construction and operation of the Manatee Unit 3, shall be subject to safety and permitting requirements of Chapter 316, Florida Statutes, and Rule Chapter 14-26, Safety Regulations and Permit Fees for Overweight and Overdimensional Vehicles, F.A.C.

C. Any new access to the State Highway System shall follow the provisions of Chapter 14-96, State Highway System Connection Permits, Administrative Process, and Chapter 14-97, State Highway Access Management Classification System and Standards, F.A.C.

D. Any use of State of Florida right of way and certain activities on State transportation facilities will be subject to the requirements of the Department of Transportation’s Utility Accommodation Manual (Document 710-020-001) and Rule 14-46.001, Railroads/Utilities Installation or Adjustment, F.A.C.

XXXV. EMERGENCY MANAGEMENT

A. FPL shall develop a Comprehensive Hurricane Preparation and Recovery Plan for the Manatee Unit 3 project. The plan shall be submitted to the Department of Community Affairs and the Manatee County Office of Emergency Management, and to the Manatee County Public Safety Department as part of the Final Site Plan. In no case shall the plan be submitted later than commencement of construction of the Manatee Unit 3.

FPL shall submit a formal update of the Comprehensive Hurricane Preparation and Recovery Plan to the Department of Community Affairs, the Manatee County Office of Emergency Management and the Manatee County Public Safety Department every five (5) years following commencement of commercial operation of the Manatee Unit 3 and whenever an additional electrical generating unit is brought into service at the Manatee Plant site.

XXXVI. MANATEE COUNTY

A. Upon commencement of construction of the project, FPL shall implement the erosion and sedimentation control plan approved by Manatee County. Water quality monitoring of stormwater during construction shall be performed in accordance with the plan and the conditions of certification.

B. FPL shall sample and analyze water quality in the Manatee Plant cooling pond at the time of annual gate tests at the spillway. Analyses shall be performed for the following parameters: pH, hardness, conductivity, alkalinity, dissolved oxygen, copper, zinc, iron and the phosphorus and nitrogen series. The results of these water quality analyses shall be submitted to Manatee County when also submitted to the Department.

C. FPL shall construct and operate Unit 3 in compliance with Ordinance PDPI-02-06(Z)(P) and as it may be amended by the Manatee County Board of County Commissioners pursuant to local ordinance.

D. FPL shall submit to Manatee County, for review and approval, a Final Site Plan consistent with the preliminary site plan pursuant to Ordinance PDPI-02-06(Z)(P) and as it may be amended by the Manatee County Board of County Commissioners pursuant to local ordinance. FPL shall construct the Project in accordance with these approved Site Plans.

E. FPL shall provide Manatee County with copies of their semi-annual and annual Dam Inspection Reports performed by FPL Engineering, together with any reports and recommendations of the Board of Review.

F. Construction of the Project shall be undertaken in accordance with the applicable building construction codes, as adopted by Manatee County. FPL shall submit to Manatee

County copies of any final building construction plans prior to commencement of construction of a particular facility which is subject to adopted building codes of Manatee County. Manatee County shall be allowed to inspect any and all construction activities which FPL conducts on site. Manatee County shall provide notice to FPL prior to performing any such inspection. FPL shall be required to pay Manatee County all generally applicable building code compliance and inspection fees for construction which is subject to the building codes adopted by Manatee County.

G. FPL shall pay applicable impact fees to Manatee County and the appropriate Fire Control District prior to commencement of construction on the Project. An Independent Impact Analysis shall be conducted to determine impact fees for the project. Impact fee credits shall be available in accordance with applicable regulations; however, no credit shall be given for the cost of conducting the independent analysis.

H. Threatened, Endangered and Species of Special Concern and associated habitats for both flora and fauna shall be protected in accordance with Section 3.3.2 of the Manatee County Comprehensive Plan and Section 721 of the Manatee County Land Development Code.

I. Any historical or archaeological resources discovered during development shall be immediately reported to the Florida Department of State, Division of Historical Resources ("Division of Historical Resources"), and treatment of such resources shall be determined by the Division of Historical Resources, in cooperation with Manatee County. Archaeological test excavations by a professional archaeologist shall be conducted on each such site to provide sufficient data to make a determination of significance prior to further disturbing activities in that area of the site. The final determination of significance shall be made by the Division of Historical Resources, in cooperation with the County. The appropriate treatment of such resources (potentially including excavation of the site in accordance with the guidelines established by the Division of Historical Resources) must be completed before resource-disturbing activities in that area of the site are allowed to continue.

J. FPL shall be responsible for compliance with the terms and conditions of this certification. FPL shall ensure that all entities which perform any activity authorized pursuant to this certification conduct such activities in accordance and in compliance with this certification.

K. Manatee County may seek enforcement of any condition of certification that is based on the adopted ordinances or codes of Manatee County as adopted as of February 22, 2002, or that is expressly identified under the County's name in these conditions of certification. Manatee County may conduct such investigations of alleged violation on a condition of certification that is based on the adopted ordinances or codes of Manatee County, or that is expressly identified under the County's name in these conditions of certification in accordance with the procedures for such investigations set forth in the enforcement provisions of the Manatee County Land Development Code. Manatee County may also issue a Notice of Violation upon receipt by the appropriate County official of a complaint or personal knowledge of a violation, identifying the alleged violation of a condition of certification, the action necessary to correct it, and the time permitted for such correction. When Manatee County determines that a Notice of Violation has not been corrected within the prescribed period of time,

the County may forward the matter to the Department of Environmental Protection for enforcement or other appropriate action under the Act. In addition, the County may take such other action as allowed by law.