



FLORIDA DEPARTMENT OF Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

June 10, 2019

Sent by Electronic Mail – Document Access Verification Requested

Joseph Sicbaldi
Manager, Everglades Mitigation Bank
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408
Joseph.Sicbaldi@fpl.com

RE: Indiantown Cogeneration Plant
Modification to Conditions of Certification
DEP Case Number PA 90-31J
OGC Case Number 19-0262

NOTICE OF INTENT TO MODIFY CONDITIONS OF CERTIFICATION

Dear Mr. Sicbaldi:

In accordance with Section 403.516(1)(c), Florida Statutes (F.S.), the Department of Environmental Protection (Department) may initiate a modification to the conditions of a certified facility's license upon its own initiative. The Department hereby provides notice of its intent to modify the Conditions of Certification (Conditions) for the Indiantown Cogeneration Plant pursuant to 403.516(1)(c), F.S., to incorporate a uniform set of general conditions consistent with recent site certifications, and to update antiquated specific conditions that are no longer applicable or consistent with current regulations.

The modified Conditions (PA90-30J) replace the existing Conditions (PA90-30I) in their entirety. Several existing conditions have been deleted or updated and incorporated into a more uniform set of general conditions. Many existing conditions may have been moved to different sections of the document. These changes are clarified in the existing (Attachment B) and the modified (Attachment A) Conditions, which can be downloaded from the following file transfer protocol (ftp) site:

http://publicfiles.dep.state.fl.us/Siting/Outgoing/Indiantown/Modifications/Mod_J_DEP_Initiated_GC/.

Copies of the Draft Conditions and/or attachments may also be obtained by contacting the Department of Environmental Protection, Siting Coordination Office, 2600 Blair Stone Rd, Tallahassee, Florida 32399-3000, (850) 717-9000.

Pursuant to Section 403.516, F.S., and Rule 62-17.211, Florida Administrative Code (F.A.C.), all parties to the certification proceeding have 45 days from the issuance of this notice in which to file a written objection to the modification. A public notice will also be published in the Florida Administrative Register (FAR) regarding this Intent to Modify the Conditions. Any person who is not already a party to the certification proceeding and whose substantial interests will be affected by the requested modification has 30 days from the date of publication of the notice in the FAR to object in writing. Failure to act within the time frame constitutes a waiver of the right to become a party. The Department will issue a Final Order Modifying the Conditions of Certification for Indiantown if no written objections are received by the Department.

Written objections must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000. If the Department does not receive any written objections, then an Order Modifying the Conditions of Certification shall be issued by the Department. If written objections are timely filed which address only a portion of the modification, then pursuant to subparagraph 62-17.211(1)(b)5, F.A.C., the Department shall issue an Order approving that portion of the modification to which no objections were filed, unless that portion of the modification is substantially related to or necessary to implement the portion to which written objections are filed. If written objections are raised, then pursuant to Section 403.516(1)(c), F.S., the applicant may file a petition for modification with the Department and the Division of Administrative Hearings seeking approval for those portions of the modification to which written objections were timely filed.

Mediation is not available in this proceeding.

Any questions regarding this Intent to Modify Conditions of Certification should be directed to Ann Seiler at (850) 717-9113. Questions regarding legal issues should be referred to the Department's Office of General Counsel at (850) 245-2257. Such contact with any of the above does not constitute an objection to the modification.

Sincerely,

Cindy Mulkey
Administrator
Siting Coordination Office

Notice of Intent – Indiantown Mod J

June 10, 2019

Page **3** of **4**

CC by electronic mail:

District Director, FDEP: jason.andreotta@dep.state.fl.us

District Liaison, FDEP: indarjit.jagnarine@dep.state.fl.us

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to §120.52

Florida Statutes, with the designated
Department Clerk, receipt of which is
hereby acknowledged.

Clerk

Date

Service List: *Sent by Electronic Mail – Received Receipt Requested*

Michael Weiss, Esquire
Department of Environmental Protection
3900 Commonwealth Blvd., M.S. 35
Tallahassee, Florida 32399-3000
michael.weiss@dep.state.fl.us

Krista Storey, Esquire
Martin County
2401 S.E. Monterey Road
Stuart, Florida 34996
kstorey@martin.fl.us
nvanvonno@martin.fl.us

Andrew Grayson, Esquire
Florida Fish & Wildlife Conservation Commission
620 South Meridian Street
Tallahassee, Florida 32399-1600
andrew.grayson@myfwc.com
fwcconservationplanningservices@myfwc.com

Jon Morris, Esquire
Assistant General Counsel
Department of Economic Opportunity
107 East Madison Street
Tallahassee, Florida 32399-4128
Jon.Morris@deo.myflorida.com
Scott.Rogers@deo.myflorida.com

Lee Eng Tan, Esquire
Florida Public Service Commission
Office of General Counsel
2450 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
LTan@psc.state.fl.us

Emily Canney, Esquire
Office of Counsel
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, Florida 33406
ecanney@sfwmd.gov

Carlos A. Rey, Esquire
Department of State
Division of Historical Resources
R.A. Gray Building 4th Floor
500 South Bronough Street
Tallahassee, Florida 32399-0250
carlos.rey@dos.myflorida.com
jason.aldridge@dos.myflorida.com
Robin.Jackson@dos.myflorida.com

Susan Schwartz, Esquire
Jasmin Raffington
Department of Transportation
605 Suwannee Street, MS 58
Tallahassee, Florida 32399-0458
susan.schwartz@dot.state.fl.us
jasmin.raffington@dot.state.fl.us

Thomas Lanahan
Executive Director
Treasure Coast Regional Planning Council
421 SW Camden Avenue
Stuart, Florida 34994
tlanahan@tcrpc.org