

MAY 18 2006

SITING COORDINATION

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

In Re: Seminole Electric Cooperative)
Seminole Generating Station Unit 3)
Power Plant Siting Application)
No. PA 78-10A2.)
_____)

DOAH CASE NO. 06-0929EPP

STIPULATION AS TO CONSISTENCY AND COMPLIANCE
WITH LOCAL LAND USE PLANS AND ZONING ORDINANCES

Putnam County (County) and Seminole Electric Cooperative, Inc. (Seminole), by
and through their undersigned counsel, stipulate and agree as follows:

1. On or about March 9, 2006, Seminole filed an application for site certification with the Florida Department of Environmental Protection (Department or DEP) seeking certification for the construction and operation of a 750 megawatt (MW) net coal-fired electrical power plant and related facilities at the existing Seminole Generating Station site in Putnam County. The application was filed pursuant to the Florida Electrical Power Plant Siting Act (PPSA), Sections 403.501 -- 403.518, Florida Statutes. Upon certification, Seminole intends to construct and operate the new Unit 3 (Unit 3 or Project) adjacent to, and integrated with, Seminole's existing Units 1 and 2. Those two existing electrical generating units received certification under the PPSA on September 18, 1979, and were placed in operation in 1984.

2. The Seminole Generating Station site is located in unincorporated Putnam County. The site consists of two parcels which are owned by Seminole. The existing plant, comprised of Units 1 and 2 and supporting facilities, is located on a parcel of approximately 1,917 acres lying east of U.S. Highway 17 and north of County Road 209 (Parcel 1). A smaller second parcel (Parcel 2) lies south of CR 209 and accommodates

an existing pump house and underground pipes necessary to operate the power plant cooling water intake and discharge system. Parcel 2 is approximately 4.5 acres in size and includes approximately 212 feet of frontage on the St. Johns River. This frontage also serves as the northernmost boundary of a sovereign submerged land lease, from the State of Florida to Seminole, which accommodates the power plant cooling water intake structure and associated pipes and the discharge infrastructure located on the submerged lands. Underground pipes needed for the power plant run from the existing pump house across Parcel 2 and from Parcel 2 along a 100 foot-wide privately-granted easement (Easement) to the main power plant facilities located on Parcel 1. This easement was created in 1978, and has been used by Seminole since 1984 when Units 1 and 2 commenced operation.

3. Putnam County has received a copy of the site certification application and other material related to the project, and is familiar with the existing facilities and activities on the site, as well as the proposed Unit 3.

4. As described in the application, Unit 3 is designed for a capacity of 750 megawatts (nominal). Project facilities for Unit 3 will include a turbine building, boiler, electrostatic precipitator, emissions stack, wet FGD system (flue gas desulfurization for SO₂ control), “zero liquid discharge” system for wastewater treatment, wet ESP (electrostatic precipitator for SO₃ control), FGD product processing area, coal handling area, limestone preparation area, ammonia storage, wastewater surge pond, temporary construction warehouse, a fuel oil tank and a mechanical draft cooling tower. Temporary staging areas (construction laydown) will vary in location within the existing plant site, as needed to facilitate construction. Many of the existing Unit 1 and 2 plant facilities and

infrastructure will be utilized to support the new Unit 3, including: the administration building; onsite rail system; access roads and entrances; coal handling system; lined storage area; industrial and domestic wastewater treatment systems; water supply wells; intake and discharge facilities in the St. Johns River; and the previously-certified FGD landfill facility.

5. On May 23, 1978, the Putnam County Board of County Commissioners rezoned Parcels 1 and 2 from “Agricultural” to “Planned Unit Development” (PUD) by Putnam County Ordinance PUD-78-002 in anticipation of the construction of the existing Units 1 and 2.

6. At the time of that initial rezoning to PUD in 1978, the County Comprehensive Plan was still in a draft stage, and no future land use plan or category applied to the Site. Since 1978, and the construction of the existing Seminole power plant, the County has adopted its Comprehensive Plan as well as a Land Development Code. The County’s comprehensive plan has been determined to be in compliance with the requirements of Florida law and no portion of the plan material to the Seminole Generating Station site is subject to challenge in any proceeding.

7. On October 21, 2005, SECI filed an application for rezoning to amend the existing PUD zoning for the power plant site, comprised of Parcels 1 and 2, to address the proposed construction and operation of Unit 3 and, in anticipation of the required land use hearing and certification proceeding under the PPSA, to assure that the Project and its site are consistent and in compliance with local land use plans and zoning ordinances. Seminole also coordinated with the County to prepare a proposed Development

Agreement required by the Putnam County Land Development Code when seeking the amended PUD zoning for the Project site.

8. On January 10, 2006, the Putnam County Board of County Commissioners (Board) adopted, by resolution, Ordinance 2006-02 amending the Seminole Generating Station PUD zoning covering Parcels 1 and 2. The Board also approved a Development Agreement which contains conditions which the Project must meet related to traffic control and maintenance of a vegetative buffer on Parcel 1. The Development Agreement contained a PUD Master Plan entitled "Conceptual Site Plan" (Plan) and requires that the Project will be completed substantially in accord with that Plan. The Development Agreement also provides that the final site plan for the Project shall be the final site plan approved under the site certification issued under the PPSA.

9. The majority of Parcel 1, and the entirety of the areas within Parcel 1 that contain existing and proposed power plant facilities, fall within the "Industrial" future land use category under the existing Putnam County Comprehensive Plan. Small portions of Parcel 1, which are not occupied by existing or proposed plant facilities, fall within the "Agricultural II" future land use category. No structures or facilities associated with Unit 3 will be constructed in the portions of Parcel 1 falling in the Agricultural II future land use category. Electrical power plants are an allowed use in the Industrial land use category. Parcel 1 is zoned PUD, under the amended Planned Unit Development zoning for the Site.

10. Approximately two-thirds of Parcel 2 falls within the "Agricultural II" future land use category with the southerly one-third waterfront portion, which contains the existing pump house, falling within the "Rural Residential" future land use category.

The existing underground cooling water distribution system and associated pumps on Parcel 2 will be upgraded to accommodate Unit 3. No physical alteration or changes to the existing pump house will occur as part of the Project, except for the installation of new pumps and motors within the existing pump house. A new pipeline will be installed adjacent to the existing pipelines along the existing right of way over Parcel 2 for those pipelines connecting the pump house to Parcel 1. No new development inconsistent with the County's existing future land use plan or categories is proposed for Parcel 2 as part of the Project. Parcel 2 is zoned PUD, under the amended Planned Unit Development Zoning for the Site.

12. The existing water pipeline Easement falls within the "Agricultural II" future land use category and runs across property zoned for Agricultural uses. The underground pipeline system and easement were included in and approved for construction and operation as part of the original site certification issued on September 18, 1979. As part of the Unit 3 project, one or more additional pipes may be installed in this easement to accommodate the transfer of cooling water from Parcel 2 to the power plant on Parcel 1. The land within the easement is zoned Agriculture. The County's future land use plan and zoning ordinances do not preclude Seminole's repair, replacement or addition of underground pipes, which are necessary to plant operations, within the existing Seminole pipeline Easement.

14. In adopting the Ordinance 2006-02 amending the PUD zoning for the Site, comprising Parcels 1 and 2, the Board found that the PUD amendments for the proposed Unit 3 are consistent with the County's Comprehensive Plan, will not adversely affect adjacent and surrounding properties, and meets the requirements of the County's land

development code. By the terms of the Development Agreement, the adoption of Ordinance 2006-02, approving the PUD amendment, served as confirmation that the site, for the purpose of adding Unit 3 and its associated facilities as proposed, are consistent and in compliance with existing land use plans and zoning ordinances of Putnam County, Florida.


15. Seminole's application seeks certification to construct and operate Unit 3 consistent with the terms of the amended PUD Zoning, the Development Agreement, the Putnam County Comprehensive Plan and County Land Development Code. Development Agreement conditions, related to traffic control and maintaining an enhanced vegetative buffer on Parcel 1, have been incorporated into Seminole's application materials and proposed construction plans.

16. For purposes of the land use hearing, as required by Section 403.508(1) and (2), Fla. Stat., Putnam County and SECI agree that the applicable land use plan is the Future Land Use Element and Future Land Use Map of the Putnam County Comprehensive Plan and that the applicable zoning ordinances are the Zoning Code and related provisions within the Putnam County Land Development Code and Putnam County Ordinance 2006-02 which approved the PUD zoning amendment and Development Agreement for the Seminole Generating Station and the Project.

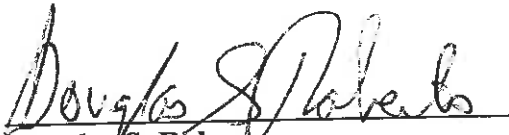
17. Putnam County and SECI acknowledge that adoption of Ordinance 2006-02, and approval of the Development Agreement referenced therein, confirms, that the Seminole Generating Station site, including Unit 3 and the associated facilities, are consistent and in compliance with applicable land use plans and zoning ordinances as required under Section 403.508(1) and (2), Fla. Stat., and that the issuance of an order

granting final site certification, signed by the Governor, shall constitute approval for SECI to construct and operate the proposed Unit 3 consistent with the Development Agreement, the final site certification order, and any applicable conditions of certification.

AFFIRMED and stipulated this 10th day of MAY 2006, on behalf of Putnam County, Florida, by:


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AFFIRMED and stipulated this 16th day of May 2006, on behalf of Seminole Electric Cooperative, Inc., by:


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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the foregoing have been furnished to the following by U.S. Mail on this 16th day of May, 2006:

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