



**FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**

BOB MARTINEZ CENTER  
2600 BLAIR STONE ROAD  
TALLAHASSEE, FLORIDA 32399-2400

RICK SCOTT  
GOVERNOR

CARLOS LOPEZ-CANTERA  
LT. GOVERNOR

JONATHAN P. STEVERSON  
SECRETARY

February 16, 2015

***Sent by Electronic Mail – Document Access Verification Requested***

Matthew J. Raffenberg  
Director, FPL Licensing and Permitting  
Florida Power and Light Company  
700 Universe Boulevard  
Juno Beach, Florida 33408

RE: Riviera Beach Energy Center (PA 09-54)  
Amendment Request (AM15-091)  
Hurricane Shelter Storm Surge Upgrades

Dear Mr. Raffenberg:

On January 29, 2015, the Florida Department of Environmental Protection (Department) Siting Coordination Office received a request from Florida Power and Light Company (FPL) for a post-certification amendment to the Riviera Beach Energy Center (RBEC) Site Certification Application (SCA). The amendment request is for the construction of storm surge upgrades to the facility's existing hurricane shelter.

Based on a review of the information submitted on January 29, 2015, the Department has determined that this proposal has been properly characterized as an amendment, as it requests a material change to FPL's SCA pursuant to Section 403.5113(1), Florida Statute (F.S.), but does not require modification to the SCA. This letter serves as notification of the approval of the proposed amendment.

Failure to comply with all existing requirements of the Conditions of Certification, pursuant to Section 403.514, F.S. shall constitute a violation of Chapter 403. The Department's notification shall become final unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, Florida Statutes (F.S.), within **21** days of receipt of this order. The procedures for petitioning for a hearing are set forth below.

Persons affected by this order have the following options:

If you choose to accept the above decision by the Department concerning the post-certification amendment you do not have to do anything. This order is final and effective as of the date on the top of the first page of this order.

If you disagree with the decision, you may do one of the following:

1. File a petition for administrative hearing with the Department's Office of General Counsel within **21** days of receipt of this order; or
2. File a request for an extension of time to file a petition for hearing with the Department's Office of General Counsel within **21** days of receipt of this order. Such a request should be made if you wish to meet with the Department in an attempt to informally resolve any disputes without first filing a petition for hearing.

Please be advised that mediation of this decision pursuant to Section 120.573, F.S., is not available.

#### How to Request an Extension of Time to File a Petition for Hearing

For good cause shown, pursuant to subsection 62-110.106(4), F.A.C., the Department may grant a request for an extension of time to file a petition for hearing. Such a request must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida, 32399-3000, within **21** days of receipt of this order. Petitioner, if different from the addressee, shall mail a copy of the request to the addressee at the time of filing. Timely filing a request for an extension of time tolls the time period within which a petition for administrative hearing must be made.

#### How to File a Petition for Administrative Hearing

A person whose substantial interests are affected by this order may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida, 32399-3000, within **21** days of receipt of this order. Petitioner, if different from the addressee, shall mail a copy of the petition to the addressee at the time of filing. Failure to file a petition within this time period shall waive the right of anyone who may request an administrative hearing under Sections 120.569 and 120.57, F.S.

Pursuant to Sections 120.54(5)(b)4 and 120.569(2), F.S. and Rule 28-106.201, F.A.C., a petition for administrative hearing shall contain the following information:

- a) The name, address, and telephone number of each petitioner, the name, address, and telephone number of the petitioner's representative, if any, the site owner's name and address, if different from the petitioner, the DEP certification number for the facility, and the name and address of the facility;
- b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- c) An explanation of how each petitioner's substantial interests are or will be affected by the Department's action or proposed action;
- d) A statement of the material facts disputed by the petitioner, or a statement that there are no disputed facts;

- e) A statement of the ultimate facts alleged, including a statement of the specific facts the petitioner contends warrant reversal or modification of the Department's action or proposed action;
- f) A statement of the specific rules or statutes the petitioner contends requires reversal or modification of the Department's action or proposed action; and
- g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Department's action or proposed action.

This order is final and effective as of the date on the top of the first page of this order. Timely filing a petition for administrative hearing postpones the date this order takes effect until the Department issues either a final order pursuant to an administrative hearing or an order responding to supplemental information provided to the Department pursuant to meetings with the Department.

#### Judicial Review

Any party to this order has the right to seek judicial review of it under Section 120.68, F.S., by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this order is filed with the clerk of the Department (see below).

#### Questions

Any questions regarding the Department's review of this amendment request should be directed to Bobby Bull at (850) 717-9111. Questions regarding legal issues should be referred to the Department's Office of General Counsel at (850) 245-2257. Contact with any of the above does not constitute a petition for administrative hearing or request for an extension of time to file a petition for administrative hearing.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Justin Green', with a long horizontal flourish extending to the right.

Justin Green  
Director,  
Division of Air Resource Management

CC by email:

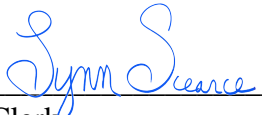
Jill Creech, DEP SED: [jill.creech@dep.state.fl.us](mailto:jill.creech@dep.state.fl.us)

Paul Wierzbicki, DEP SED: [paul.wierzbicki@dep.state.fl.us](mailto:paul.wierzbicki@dep.state.fl.us)

Stacy Foster, FPL: [Stacy.Foster@fpl.com](mailto:Stacy.Foster@fpl.com)

## 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

2/16/2015  
\_\_\_\_\_  
Date

**Service List: *Sent by Electronic Mail – Document Access Verification Requested***

Justin G. Wolfe  
Deputy General Counsel  
Department of Environmental Protection  
3900 Commonwealth Blvd., M.S. 35  
Tallahassee, Florida 32399-3000  
[justin.g.wolfe@dep.state.fl.us](mailto:justin.g.wolfe@dep.state.fl.us)

Scott Rogers  
Department of Economic Opportunity  
107 East Madison St.  
Tallahassee, Florida 32399-2100  
[Scott.Rogers@deo.myflorida.com](mailto:Scott.Rogers@deo.myflorida.com)

Kimberly Menchion, Assistant General Counsel  
Jasmin Raffington  
Department of Transportation  
605 Suwannee Street, Mail Station 58  
Tallahassee, Florida 32399-0450  
[Kimberly.Menchion@dot.state.fl.us](mailto:Kimberly.Menchion@dot.state.fl.us)  
[jasmin.raffington@dot.state.fl.us](mailto:jasmin.raffington@dot.state.fl.us)

Roger Saberson, P.A.  
General Counsel – Treasure Coast RPC  
70 S.E. 4<sup>th</sup> Avenue  
Delray Beach, Florida 33783-4514  
[ssroger@att.net](mailto:ssroger@att.net)

Scott Sanders  
Florida Fish & Wildlife Conservation  
Commission  
620 South Meridian Street  
Tallahassee, Florida 32399-1600  
[FWCCConservationPlanningServices@myfwc.com](mailto:FWCCConservationPlanningServices@myfwc.com)

Tom Lundeen  
Deputy Port Director  
Port of Palm Beach  
[tlundeen@portofpalmbeach.com](mailto:tlundeen@portofpalmbeach.com)

Adam Teitzman, Attorney Supervisor  
Florida Public Service Commission  
2450 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850  
[ateitzma@psc.state.fl.us](mailto:ateitzma@psc.state.fl.us)

Anthony Pinzino, Esquire  
Fish and Wildlife Conservation Commission  
620 South Meridian Street  
Tallahassee, Florida 32399-1600  
[anthony.pinzino@myfwc.com](mailto:anthony.pinzino@myfwc.com)

Jeffrey Collier  
South Florida Water Mgmt. District  
P.O. Box 24680  
West Palm Beach, Florida 33416-4680  
[jacollier@sfwmd.gov](mailto:jacollier@sfwmd.gov)

Pamela H. Ryan, Esquire  
City of Riviera Beach  
600 West Blue Heron Blvd.  
Riviera Beach, Florida 33404  
[cityattorney@rivierabch.com](mailto:cityattorney@rivierabch.com)

Deena Woodward  
Permitting and Compliance  
Bureau of Historic Preservation  
R.A. Gray Building  
500 South Bronough  
Tallahassee, Florida 32399  
[deena.woodward@dos.myflorida.com](mailto:deena.woodward@dos.myflorida.com)

Michael Busha, Executive Director  
Treasure Coast Regional Planning Council  
421 SW Camden Avenue  
Stuart, Florida 34994  
[mbusha@tcrpc.org](mailto:mbusha@tcrpc.org)

Denise M. Nieman, County Attorney  
Robert Banks, Sr. Asst. County Attorney  
Palm Beach County  
301 N. Olive Avenue, Ste. 601  
West Palm Beach, Florida 33401  
[dnieman@pbcgov.org](mailto:dnieman@pbcgov.org)  
[rbanks@pbcgov.org](mailto:rbanks@pbcgov.org)  
cc: [lreilly@pbcgov.org](mailto:lreilly@pbcgov.org)

Eric Schneider  
Director, City of West Palm Beach  
Planning & Zoning  
[eschneider@wpb.org](mailto:eschneider@wpb.org)

Suzanne Payson, Esquire  
City of West Palm Beach  
City Hall, 200 2<sup>nd</sup> Street, 5th Floor  
West Palm Beach, Florida 33401  
[spayson@wpb.org](mailto:spayson@wpb.org)