



FLORIDA DEPARTMENT OF Environmental Protection

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

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

November 21, 2024

Sent by Electronic Mail – Document Access Verification Requested

Jay Chesser
Station Manager, Hines Energy Complex
7700 County Road 555
Bartow, FL 33830
Jay.Chesser@duke-energy.com

RE: Hines Energy Complex
Modification to Conditions of Certification
DEP Case Number PA 92-33K
OGC Case Number 24-2798

NOTICE OF INTENT TO MODIFY CONDITIONS OF CERTIFICATION

Mr. Chesser:

On June 20, 2024, the Department of Environmental Protection (Department), Siting Coordination Office received a petition from Duke Energy Florida (DEF), and the associated fee for a modification to the Hines Energy Complex Site Certification in accordance with Section 403.516(1)(c), Florida Statutes (F.S.). The petition is to authorize construction of a reverse osmosis filtration system for treating cooling pond water, and the conversion of a UIC well to a backup water production well.

On October 8, 2024, the Department determined the petition complete. The Department intends to modify the Conditions of Certification (Conditions) for Hines Energy Complex to incorporate changes associated with DEF's petition. Herein the Department is also initiating modifications pursuant to Section 403.516(1)(c), F.S., to update various conditions to reflect recent rule and General Condition language changes. The proposed Conditions (PA92-33J) replace the existing Conditions (P92-33K) in their entirety. These changes are shown in the existing (Attachment A) using strikethrough/underline format and the proposed (Attachment B) Conditions, which can be downloaded from the following file transfer protocol (ftp) site:
https://publicfiles.dep.state.fl.us/Siting/Outgoing/DEF%20Hines/Modifications/ModK2024CoolingPondRO_UICWellConversion/Conditions/

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.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

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 objections are raised, or the Department denies the request, then pursuant to Section 403.516(1)(c)3., F.S., the applicant or Department may file a request for a hearing on the modification with the Department.

Mediation is not available in this proceeding.

Any questions regarding this Intent to Modify Conditions of Certification should be directed to Nate Senn at (850) 717-9111. 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

Deputy Director

Division of Water Resource Management

CC by electronic mail:

Southwest District Director, DEP: Kelley.M.Boatwright@FloridaDEP.gov

Southwest District Liaison, DEP: Robert.Sellers@FloridaDEP.gov

Lead EHS Consultant, DEF: Ilia.Balcom@duke-energy.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

11/21/2024

Date

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

Kelley Corbari, Esquire
Department of Environmental Protection
Office of General Counsel
3900 Commonwealth Blvd., M.S. 35
Tallahassee, Florida 32399-3000
Kelley.Corbari@FloridaDEP.gov

Elizabeth M. Fernandez, Esquire
Assistant General Counsel
Southwest Florida Water Management District
7601 US Highway 301 North
Tampa, Florida 33637-6759
Elizabeth.Fernandez@swfwmd.state.fl.us
James.Golden@swfwmd.state.fl.us

Anthony Pinzino, Esquire
Joseph Meyer, Esquire
Florida Fish & Wildlife Conservation
Commission
620 South Meridian Street
Tallahassee, Florida 32399-1600
Anthony.Pinzino@myfwc.com
Joseph.Meyer@myfwc.com
ConservationPlanningServices@myfwc.com

Jon Morris, Esquire
Department of State - DHR
R.A. Gray Building 4th Floor
500 South Bronough Street
Tallahassee, Florida 32399-0250
Jon.Morris@dos.myflorida.com
CompliancePermits@DOS.MyFlorida.com

Valerie Wright, Esquire
Department of Commerce
107 East Madison Street
Tallahassee, Florida 32399
Valerie.Wright@commerce.fl.gov
Scott.Rogers@commerce.fl.gov

Richard Shine, Esquire
Assistant General Counsel
Department of Transportation
605 Suwannee Street, MS 58
Tallahassee, Florida 32399-0458
Richard.Shine2@dot.state.fl.us
Monica.Zhong@dot.state.fl.us

Adria Harper, Esquire
Florida Public Service Commission
Office of General Counsel
2450 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
AHarper@psc.state.fl.us

Randy Mink, Esquire
County Attorney
Polk County
330 W Church Street, Drawer AT01
West Palm Beach, Florida 33401
RandyMink@polk-county.net
BenjaminZiskal@polk-county.net