



Florida Department of Environmental Protection

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

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Noah Valenstein
Secretary

September 19, 2017

Sent by Electronic Mail – Document Access Verification Requested

Brian V. Powers
Station Manager
Crystal River North Plant & Fuel Operations
15760 Power Line Street
Crystal River, FL 34428

RE: Crystal River Energy Complex
Modification to Conditions of Certification
DEP Case Number PA 77-09S
OGC Case Number 17-0894

NOTICE OF INTENT TO MODIFY CONDITIONS OF CERTIFICATION

Dear Mr. Powers:

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 Duke Energy Florida (DEF) Crystal River Energy Complex (CREC) pursuant to 403.516(1)(c), F.S., to 1) remove the requirement to report data from DEF's non-regulatory ambient air monitoring site; and 2) add clarifications to the groundwater monitoring requirements.

Ambient Monitoring Data Reporting

DEF has maintained and operated at least one sulfur dioxide (SO₂) ambient air monitoring site at the CREC since 1979. The Conditions of Certification require DEF to submit quarterly ambient air monitoring data to the Department. However, that data is not utilized for regulatory purposes. In addition, the Department established SO₂ and continuous particulate matter less than 2.5 microns in diameter (PM_{2.5}) monitoring sites, in 2013 and 2015 respectively, in close proximity to the DEF site (within 220 meters). The Department operated SO₂ site meets new federal monitoring requirements associated

with the 2010 SO₂ National Ambient Air Quality Standard (NAAQS), is more reliable, is operated in conformance with strict quality control procedures, is used to develop strategies for controlling emissions for area sources, and the data are used to determine compliance with the NAAQS. Data from the DEF ambient air monitoring site is no longer necessary with the establishment and operation of the Department site.

Groundwater Monitoring

Additional language is necessary to clarify the manner in which specific changes to the groundwater monitoring plan for the DEF site will be processed.

Modifications to the Conditions have been described in the attached draft Final Order. A copy of the complete set of draft Conditions (~~strike through~~/underline notation) including attachments may be obtained by contacting the Department of Environmental Protection, Siting Coordination Office, 2600 Blair Stone Road, 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 CREC 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

CC by electronic mail:

District Director, FDEP: mary.yeargan@dep.state.fl.us

District Liaison, FDEP: mark.langford@dep.state.fl.us

Duke Energy Florida: Jamie.hunter@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

Date

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

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

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

Scott Rogers
Department of Economic Opportunity
107 East Madison Street
Tallahassee, Florida 32399
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

Denise Dymond Lyn
Citrus County Attorney
307 N. Apopka Ave.
Inverness, Florida 33450
Denise.Lyn@citrusbocc.com

Mr. Manny Pumariega, Executive Director
Tampa Bay Regional Planning Council
4000 Gateway Center Boulevard, Suite 100
Pinellas Park, Florida 33782-6141
manny@tbrpc.org

Scott Sanders
Florida Fish & Wildlife Conservation
Commission
620 South Meridian Street
Tallahassee, Florida 32399-1600
fwcconservationplanningservices@myfwc.com

Vivian Arenas-Battles, Esquire
Assistant General Counsel
Southwest Florida Water Management District
7601 US Highway 301 North
Tampa, Florida 33637-6759
Vivian.Arenas-Battles@swfwmd.state.fl.us

Kimberly Menchion, Esquire
Assistant General Counsel
Department of Transportation
605 Suwannee Street, MS 58
Tallahassee, Florida 32399-0458
kimberly.menchion@dot.state.fl.us

Deena Woodward
Department of State - DHR
R.A. Gray Building 4th Floor
500 South Bronough Street
Tallahassee, Florida 32399-0250
deena.woodward@dos.myflorida.com