

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In re:
Petition for a Class G-II Ground Water
Quality Criteria Exemption
Progress Energy Crystal River
Energy Complex
Crystal River, Florida

OGC File No. 10-3490
Citrus County

**FINAL ORDER
GRANTING A WATER QUALITY CRITERIA EXEMPTION**

The Department of Environmental Protection hereby issues a Final Order granting a water quality criteria exemption for sodium, pursuant to Rule 62-520.500, Florida Administrative Code (F.A.C.), to Progress Energy (PE), Inc., Crystal River Energy Complex (CREC), Crystal River, Florida, Citrus County, as set forth below.

BACKGROUND AND FINDING of FACTS

1. On February 22, 2007, the Department received a petition from PE for a water quality criteria exemption associated with permitted industrial wastewater discharge to Class G-II ground water pursuant to Rule 62-520.500, F.A.C. The installation is PE's CREC, which is an existing facility located in Citrus County at 15760 West Powerline Street, Crystal River, Florida. PE has owned and operated the CREC since 1964.

2. The PE petition requests an exemption from the ground water standards contained in Rule 62-520.420(1), F.A.C., which are the same as the drinking water

standards in Rule 62-550.310, F.A.C. Specifically, the petition requests an exemption from the primary drinking water standard for sodium (standard is 160 mg/L). The sodium primary drinking water standard is health based. An alternative ground water concentration for sodium was not requested in the petition and is not being proposed because the sodium levels in the receiving Class III marine surface water are thousands of times greater than the sodium levels in the discharge to ground water at the CREC facility.

3. The CREC property consists of 4750 acres of which 650 acres are developed. The remaining property consists of undisturbed salt marsh, coastal wetlands and uplands. The CREC is bordered on the west by the Class III marine waters of the Gulf of Mexico and coastal wetlands, to the north and south by salt marsh and coastal wetlands and to the east by limestone mining and conservation land.

4. The Department has reviewed the PE petition for a water quality criteria exemption at the CREC, received on February 22, 2007, and determined that the petition meets the six criteria for issuance of an exemption pursuant to Rule 62-520.500(1), F.A.C.

5. The CREC facility is authorized to treat and discharge to ground water industrial wastewater under Permit No. FLA016960. Low volume wastewater effluent is treated and then discharged to ground water via two unlined evaporation/percolation ponds. Ground water is monitored in accordance with the approved ground water monitor plan for the CREC industrial wastewater Permit No. FLA016960.

6. On December 8, 2010, the Department issued an Intent to Grant a ground water quality criteria exemption for sodium to PE under Rule 62-520.500, F.A.C. A copy of the Intent to Grant is attached as Exhibit I.

7. The letter, dated December 9, 2010, with the executed Notice of Intent to Grant notified the petitioner of the Department's proposed agency action and advised it of the right to a hearing pursuant to Sections 120.569 and 120.57, F.S.

8. As required by the Intent to Grant, pursuant to Section 403.815, F.S., and Rule 62-110.106(7) and 62-520.500(3), F.A.C., the petitioner published notice on December 23, 2010, in the *Citrus County Chronicle*, a daily newspaper published in Citrus County, Florida, with general circulation in the facility area. A copy of the newspaper notice and proof of publication is attached as Exhibit II.

9. The Department published notice of the Intent to Grant on December 23, 2010, in the *Florida Administrative Weekly* informing the public of the Department's intended action and offering an opportunity for hearing pursuant to Sections 120.569 and 120.57, F.S. A copy of the notice is attached as Exhibit III.

10. The petitioner and interested parties having been advised of their rights under Chapter 120, F.S., and having failed or declined to file a petition pursuant to Sections 120.569 and 120.57, F.S., are hereby deemed to have waived those rights.

IT IS THEREFORE ORDERED that the PE petition for an exemption from the drinking water standard for sodium set forth in Rule 62-550.310, F. A. C., for the ground waters specified herein is hereby GRANTED, subject to these conditions:

(a) The ground water quality exemption is being granted in part based on the Department's understanding that the petitioner's CREC will not present a danger to the

public health, safety or welfare and will not result in any discernable environmental, social or economic effects.

(b) The ground water quality criteria exemption is granted for a duration of five (5) years from the date the Department signs this final order granting the exemption. Future exemptions must be petitioned for by the applicant through the Siting Coordination Office as a petition for a Modification of Certification for the facility pursuant to the Power Plant Siting Act, Section 403.516(1)(c), F.S. The exemption extends only to ground water elements of the PE industrial wastewater Permit No. FLA016960. The exemption will not affect NPDES discharge under the Clean Water Act to surface waters of the state, nor will it alter any permit conditions related to surface waters.

(c) The exemption provides relief only from the sodium standard contained in Rule 62-550.310, F.A.C., as referenced in Rule 62-520.420, F. A.C. All other ground water quality standards, and the minimum criteria contained in Rule 62-520.400, F. A. C., apply to this project.

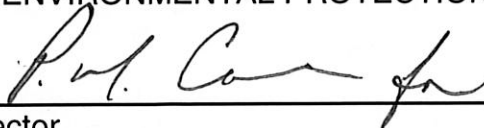
(d) The permittee shall monitor water quality in accordance with the specific conditions of the CREC industrial wastewater Permit No. FLA016960 and the approved ground water monitor plan.

A 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, Mail Station 35, 3900 Commonwealth Boulevard, 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 must be filed within thirty days after this order is filed with the clerk of the Department.

DONE AND ORDERED this 27th day of JANUARY 2011, in Tallahassee,
Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Director
Division of Water Resource Management
State of Florida Department of
Environmental Protection
Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Copies furnished to:

Amanda Bush FDEP Tallahassee
Allen Hubbard FDEP Tallahassee
Mike Halpin FDEP Tallahassee
Jeff Greenwell FDEP Tampa
Yanisa G. Angulo P.E. FDEP Tampa

FILING AND ACKNOWLEDGMENT

FILED ON THIS DATE,
PURSUANT TO §120.52,
FLORIDA STATUTES, WITH
THE DESIGNATED
DEPARTMENT CLERK,
RECEIPT OF WHICH IS
HEREBY ACKNOWLEDGED.

Shirley Shields 01-28-2011
CLERK DATE