



Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard
Secretary

June 14, 2012

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Michael Shrader
Lead Environmental Specialist
Progress Energy Florida, Inc.
100 Central Avenue
St. Petersburg, FL 33733

RE: Crystal River Energy Complex
Modification to Conditions of Certification
DEP Case Number PA77-09P
OGC Case Number 10-2632

DRAFT FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Mr. Shrader:

The Florida Pollution Control Board issued the Site Certification for Progress Energy Florida's (PEF) Crystal River Energy Complex (CREC) Units 4 and 5 on November 21, 1978. This certification authorized the construction and operation of two 640 MW coal-fired power plant units (Units 4 and 5) and ancillary facilities. Crystal River nuclear Unit 3 was certified August 28, 2008. The Department of Environmental Protection (Department) has modified the Conditions of Certification (Conditions) for CREC by Final Order on sixteen other occasions.

The Department has reviewed PEF's petition received September 10, 2010, for a modification to CREC's Conditions pursuant to Section 403.516(1)(c), Florida Statutes (F.S.). Additionally, the Department has considered modifications pursuant to 403.516(1)(c), F.S., to incorporate a uniform set of general conditions consistent with recent site certifications.

On June xx, 2012, all parties to the certification proceeding were provided notice by mail of the Department's intent to modify the Conditions for CREC, along with a draft copy of the proposed order modifying the Conditions. On June xx, 2012, notice of the Department's intent to modify CREC's Conditions was also published in the Florida Administrative Weekly (FAW).

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 notice by mail to such party's last address of record in which to file a written objection to the modification. Pursuant Section 403.516, F.S., and Rule 62-17.211, Florida Administrative Code (F.A.C.), 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 public notice in the FAW to object in writing. Failure to act within the 30 day time frame constitutes a waiver of the right to become a party. The Department will issue an order modifying the Conditions for this facility if no written objections are received by the Department.

These timeframes have expired and no objections to the modification have been received by the Department. Therefore, the Conditions for CREC are hereby modified as follows:

1. *Permit FLA016960 is being incorporated into the COC in its entirety. This includes authorization to increase the permitted flow to the south percolation pond from 0.91 million gallons per day (MGD) to 1.2 MGD monthly average flow and incorporates a new Monitoring, Operation and Maintenance Requirements Plan (Attachment H). Attachment H incorporates the monitoring, operation, and maintenance requirements for the industrial wastewater section and solid waste section.*
2. *The Crystal River North (CRN) Domestic Wastewater Treatment Permit (FLA011862) is being incorporated in its entirety. The PEF operates an existing 0.020 MGD 3-Month Average Daily Flow (3MADF), Type III, extended aeration domestic wastewater treatment plant.*
3. *The Southwest Florida Water Management District is reallocating the water distribution from the site's 10 existing water wells. The ten wells are allowed to operate equally at 430,900 gpd.*
4. *Conditions are being added to the COC defining the modeling requirements defined by the SWD for the CRN stormwater management system for future development and treatment.*
5. *The facility's water quality criteria exemption from the ground water standard for sodium associated with industrial wastewater discharge to ground water (OGC File No. 10-3490) is being incorporated into the COC.*
6. *The existing Conditions are being modified to incorporate a uniform set of general conditions consistent with recent site certifications and to remove/modify requirements no longer applicable.*

This modification also incorporates conditions of Modification Q for the facility. Modifications P and Q were being processed simultaneously by the SCO and Modification Q was finalized prior to this modification P. Modification Q approved the vertical expansion of the facility's existing ash landfill. For reference, these conditions are incorporated into the COC in Section B.I.F.(h-j).

The modified Conditions PA 77-09P (Attachment A) replaces the existing Conditions PA 77- (Attachment B) in its entirety. Several existing conditions have been updated and incorporated into a more uniform set of general conditions. Many existing conditions have been moved to different sections of the document. The existing Conditions (Attachment B) contain cross references to the corresponding conditions in the modified Conditions (Attachment A) appearing in red following each section of the document. These documents can be found on the DEP public files website at

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http://publicfiles.dep.state.fl.us/Siting/Outgoing/PEF%20CREC/PEF_CRE_CREC_Mod_P/MOD%20P%20NOI/

A complete set of the Conditions (including attachments) can be viewed and downloaded from the following website: http://www.dep.state.fl.us/siting/files/certification/pa77_09_2010_O.pdf. Copies of the Conditions and/or attachments may also be obtained by contacting the Department of Environmental Protection, Siting Coordination Office, 3900 Commonwealth Blvd., M.S. 48, Tallahassee, Florida 32399-3000, (850) 245-2002.

Pursuant to Section 120.68, F.S., any party to the this order has a right to seek judicial review, by filing a Notice of Appeal, pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department of Environmental Protection in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 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 **30 days** from the date this order is filed with the Clerk of the Department of Environmental Protection.

Sincerely,

Cindy Mulkey
Administrator,
Siting Coordination Office

CC by email:

FDEP SWD District Assistant Director, Pamala Vazquez, pamala.vazquez@dep.state.fl.us

FDEP SWD Siting Liaison: Danny Stubbs, danny.stubbs@dep.state.fl.us

FDEP SWD Solid Waste Section: Susan Pelz, susan.pelz@dep.state.fl.us

FDEP SWD Industrial Waste Section: Yanisa Angulo, yanisa.angulo@dep.state.fl.us

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: CC by email (return receipt requested):

Kelly Samek, Esquire
Fish and Wildlife Conservation Commission
6230 South Meridian Street
Tallahassee, FL 32399-1600
emily.norton@myfwc.com

Menchion, Kimberly, Assistant General Counsel
Department of Transportation
Haydon Burns Building
605 Suwannee Street
Mail Station 58
Tallahassee, FL 32399-0450
Kimberly.Menchion@dot.state.fl.us

Adam Teitzman, Attorney Supervisor
Florida Public Service Commission
Office of General Counsel
2450 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
ateitzma@psc.state.fl.us

Doug Roberts, Esquire
Hopping Green & Sams, P.A.
P.O Box 6526
Tallahassee, Florida 32317
droberts@hgslaw.com

Robert Battista, Esq.
Office of the Citrus County Attorney
110 N. Apopka Avenue
Inverness, FL 34450
Cheryl.clamer@bocc.citrus.fl.us

Laura Kammerer
Bureau of Historic Preservation
R.A. Gray Building
500 South Bronough
Tallahassee, FL 32399
lkammerer@dos.state.fl.us

David Jordan, Esquire
Department of Economic Opportunity
Office of General Council
107 East Madison Street
Tallahassee, Florida 32399
David.Jordan@dca.state.fl.us

Toni Sturtevant, Esquire
Department of Environmental Protection
3900 Commonwealth Blvd.
Mail Station 35
Tallahassee, FL 32399-3000
toni.sturtevant@dep.state.fl.us

Martha A. Moore, Esquire
Southwest FL Water Management District
2379 Broad Street
Brooksville, FL 34604-6899
martha.moore@swfwmd.state.fl.us

Fred Landt, Esq.
Withlacoochee Regional Planning Council
Post Office Box 2045
Ocala, FL 34478
fl3swim47@aol.com

Bruce Day
Withlacoochee Regional Planning Council
1241 Southwest 10th Street
Ocala, Florida 34471
bday@wrpc.cc

Patricia Anderson, Chief
Bureau of Water
Department of Health
4042 Bald Cypress Way
Tallahassee, Florida 32399-1742
patti_anderson@doh.state.fl.us

Jenette Collins, Director
Sue Farnsworth, Environmental Planner
Citrus County Development Department
3600 W. Sovereign Path, Suite 140
Lecanto, FL 34461
jenette.collins@bocc.citrus.fl.us
Susan.Farnsworth@bocc.citrus.fl.us

Julie Evans
Department of Economic Opportunity
107 East Madison Street
Tallahassee, Florida 32399
julie.evans@deo.myflorida.com

Michael R. Moehlman
Withlacoochee Regional Planning Council
1241 Southwest 10th Street
Ocala, Florida 34471
moehlman@wrpc.cc

Forrest Watson
Department of Agriculture & Consumer
Services
Florida Forest Service
3125 Conner Boulevard
Tallahassee, FL 32399-1650
John.watson@freshfromflorida.com

Joe Walsh
FL Fish & Wildlife Conservation Commission
620 South Meridian Street
Tallahassee, FL 32399-1600
joe.walsh@myfwc.com