



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

XXXXXX, 2012

Sent by Electronic Mail – Received 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 PA77-09Q
OGC Case Number 11-0486

DRAFT FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Mr. Shrader:

On November 21, 1978, the Florida Pollution Control Board issued a Site Certification for the construction and operation of Crystal River Energy Complex (CREC) units 4 and 5. Nuclear Unit 3 was certified August 28, 2008. CREC is located in Citrus County. The Department of Environmental Protection (Department) has modified the Conditions of Certification (Conditions) for CREC by Final Order on fifteen other occasions.

The Department has reviewed PEF's petition dated September 10, 2010 for a modification to CREC's Conditions pursuant to Section 403.516(1)(c), Florida Statutes (F.S.), to increase the vertical capacity and redesign the side slope of the existing ash landfill.

On XXX XX, 2011, all parties to the certification proceeding were provided notice by electronic mail (with received receipt requested) of the Department's intent to modify the Conditions for CREC, along with a draft copy of the proposed order modifying the Conditions. On XXX XX, 2011, 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 written objections to the modification have been. Therefore, the Conditions for CREC are hereby modified as follows:

Section A. General Conditions- *No Changes*

Section B. Common Conditions- *No Changes*

Section C. Specific Conditions

I. Unit 4 & Unit 5 Specific Conditions

A. Through G.1.g. *No Changes*

Conditions C, I.G.1 (h-j) are incorporated:

h. The Licensee is authorized to store or dispose ash and other approved coal combustion by-products in the on-site ash storage/disposal area in accordance with the plans titled, "Ash Storage/Disposal Area Vertical Expansion,..." dated December 2010 (Attachment 7, received August 17, 2011). The permitted maximum height of the ash storage/disposal area shall be no greater than +220 ft. NGVD, with slopes no steeper than 3H:1V. Stormwater benches shall be constructed as shown on the drawings.

i. Within 120 days of final issuance of Modification Q, the Licensee shall provide an ash storage/disposal area operations plan that describes the procedures for filling, compacting, and final closure of the ash storage/disposal area for Department approval. The plan shall include drawings that identify the method and sequence of filling, and a timetable for submittal of detailed closure plans and design. [ref. 3, Response #A.4.]

j. In the event that surface depressions or other occurrences which may be indicative of sinkhole activity, or subsurface instability, are discovered onsite, or within 500 feet of the ash storage/disposal area during the operation, the Department shall be notified verbally within 24 hours of the discovery. Written notification shall be submitted within 7 days of discovery. The written notification shall include a description of the depression, the location and size of the depression shown on an appropriate plan sheet, and a corrective action plan which describes the actions necessary to prevent the unimpeded discharge of waste, leachate or CCPs into ground or surface water. If a depression or subsurface collapse occurs within the ash storage/disposal area, additional materials shall not be placed (stored or disposed) in the affected area until the feature (i.e., depression, sinkhole, collapse, etc.) has been fully investigated and remediated if necessary.

Section C. Specific Conditions

1 Unit 4 and Unit 5 Specific Conditions

G.2 Through G.3- *No Changes*

Section C. Specific Conditions

II. Though V. - No Changes

A complete set of the Conditions (including attachments) can be viewed and downloaded from the following website: <http://www.dep.state.fl.us/siting/certification.htm>.

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:

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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):

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Crystal River Energy Complex

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DRAFT