



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

December 21, 2011

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

NOTICE OF INTENT TO MODIFY CONDITIONS OF CERTIFICATION

Dear Mr. Shrader:

On September 10, 2010 the Department of Environmental Protection (Department), Siting Coordination Office received a petition from Progress Energy Florida, Inc (PEF), and the associated fee for a modification to the Crystal River Energy Complex (CREC) Site Certification in accordance with Section 403.516(1)(c), Florida Statutes ("F.S."). The petition is for the vertical expansion of the existing ash landfill to an elevation of no greater than +220 ft. NGVD, with slopes no steeper than 3H:1V.

On October 11, 2010, the Department requested additional information regarding this petition. PEF submitted supplemental information on December 17, 2010. A second request for additional information was sent to PEF on January 18, 2011 and the response to the second request was received by the Department on September 10, 2011.

The existing ash landfill is permitted to landfill waste to an elevation of 80 feet with side slopes designed for a 4:1 vertical to horizontal side slope. Due to a dip in recent market demands, CREC has more ash to dispose of on-site and the landfill will meet its design capacity earlier than expected. CREC proposes to increase the vertical storage to +220 ft. NGVD and redesign the side slopes to a 3:1 vertical to horizontal slope. The Conditions of Certification (Conditions) are being modified to include requirements for the revised design of the existing ash landfill at CREC.

Modifications to the Conditions have been described in the attached draft Final Order. Copies of the existing Conditions and the draft Conditions (with attachments) are available at the following

file transfer protocol site:

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

Copies of the draft Conditions and/or attachments may also be obtained by contacting the Department of Environmental Protection, Siting Coordination Office, 3900 Commonwealth Blvd, Tallahassee, Florida 32399-3000, (850) 245-2002.

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 by mail to such party's last address of record in which to file a written objection to the modification. A public notice will also be published in the Florida Administrative Weekly (FAW) regarding this Intent to Modify the Conditions of Certification. 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 time frame constitutes a waiver of the right to become a party.

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 a Final 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 Bobby Bull, P.E., at (850) 245-2001. 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

Enclosure: Draft Final Order

December 21, 2011

CC by email:

FDEP SWD Director: Gary Colecchio, gary.colecchio@dep.state.fl.us

Susan Pelz, FDEP SWD, susan.pelz@dep.state.fl.us

Yanisa Angulo, FDEP SWD, yanisa.angulo@dep.state.fl.us

FDEP Siting Liaison: Danny Stubbs, danny.stubbs@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.

Essie Turner
Clerk

Dec 21 2011
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

Barbara Lenczewski
State Planning Initiatives Administrator
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, Florida 32399
barbara.lenczewski@dca.state.fl.us

Kimberly Menchion, 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

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

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

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

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

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

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

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

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

Crystal River Energy Complex

Page 5 of 5

December 21, 2011

Kevin A. Smith, Director
Sue Farnsworth, Environmental Planner
Citrus County Development Department
3600 W. Sovereign Path, Suite 140
Lecanto, FL 34461
Kevin.smith@bocc.citrus.fl.us
Susan.Farnsworth@bocc.citrus.fl.us

Forrest Watson
Department of Agriculture & Consumer
Services
Division of Forestry
3125 Conner Boulevard
Tallahassee, FL 32399-1650
watsonf@doacs.state.fl.us

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

