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, Jr.
Secretary

March 15, 2011

Barbara P. Linkiewicz
Director of Environmental Licensing
Florida Power & Light Company
700 Universe Blvd.
Juno Beach, Florida 33408

Re: Riviera Beach Energy Center
Modification to Conditions of Certification
DEP Case Number PA 09-54A
OGC Case Number 10-2493

FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Ms. Linkiewicz:

The Governor and Cabinet (Siting Board) issued the Site Certification for Florida Power & Light's (FPL) Riviera Beach Energy Center (RBEC) on November 24, 2009. This certification authorized the construction and operation of a 1250 megawatt facility consisting of one combined cycle unit and ancillary equipment.

The Florida Department of Environmental Protection's (Department) Siting Coordination Office has reviewed FPL's petition dated August 30, 2010 for modification to the Conditions of Certification. The petition is for changes to the fuel supply plan to allow for the addition of a FPL owned and operated natural gas pipeline lateral. Additionally, the Department initiated a modification in accordance with Section 403.516(1)(c), Florida Statutes (F.S.), to update the existing Conditions of Certification to incorporate a uniform set of General Conditions consistent with recent Site Certifications.

On January 24, 2011 all parties to the certification proceeding were provided with notice by certified mail of the Department's intent to modify the Conditions of Certification for this facility, along with a copy of the proposed Order Modifying Conditions of Certification.

On February 11, 2011, notice of the Department's intent to modify the Conditions of Certification for this facility was published in the Florida Administrative Weekly (F.A.W.). 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; 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 object, and the Department will issue an Order Modifying the Conditions of Certification for this facility if no written objections are received by the Department.

No objections to the modification have been received by the Department. The Conditions of Certification for the RBEC are hereby modified as follows:

Modification Associated with Natural Gas Pipeline

Modifications Associated with the Incorporation of General Conditions

The modified Conditions of Certification PA 09-54A (Attachment A to this document) replace the existing Conditions of Certification PA 09-54 (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 at each section of the document. In the electronic Adobe pdf file of the existing Conditions (Attachment B), the cross references have been electronically linked to the corresponding condition in the Adobe pdf file of the modified Conditions (Attachment A), which can be found at: http://publicfiles.dep.state.fl.us/Siting/Outgoing/FPL%20Riviera/Modifications/Mod%20A_NGPipeline/Draft%20COC/

Open Attachment B in Adobe. Once the document is open, right click and select 'Page Display Preferences'. Once the Preferences window opens, select 'Documents' under Categories. Make sure that the 'Open cross-document links in same window' is not checked under 'Open Settings'. Click on 'Okay' and then start clicking on the links in Attachment B. Attachment A will open. Slide Attachment A to the right so that you have both attachments open, one on either side. This will make it easier to toggle between the two documents. Clicking on a link in Attachment B will take you directly to the corresponding condition in Attachment A.

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

Any party to this Order has a right to seek judicial review of it pursuant to Section 120.68, F.S., 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, MS 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 thirty days from the date this Order is filed with the Clerk of the Department of Environmental Protection.

Executed in Tallahassee, Florida.

Sincerely,

Michael P. Halpin, P.E.

Michael P. Halpin, P.E.
Administrator
Siting Coordination Office

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 3-15-11

Clerk Date

Also CC:

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