



**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

MARJORY STONEMAN DOUGLAS BUILDING
3900 COMMONWEALTH BOULEVARD
TALLAHASSEE, FLORIDA 32399-3000

RICK SCOTT
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LT. GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

January 23, 2013

Sent by Electronic Mail – Document Access Verification Requested

Farzie Shelton
City of Lakeland
Department of Electric Utilities
501 East Lemon Street
Lakeland, Florida 33801

RE: C. D. McIntosh Power Plant Units 3 & 5
Modification to Conditions of Certification
DEP Case Number PA 74-06R
OGC Case Number 13-0024

NOTICE OF INTENT TO MODIFY CONDITIONS OF CERTIFICATION

Dear Ms. Shelton:

In accordance with Section 403.516(1)(c), Florida Statutes (F.S.), the Department of Environmental Protection (Department) may initiate a modification to the conditions of a certified facility's license upon its own initiative. The Department hereby provides notice of its intent to modify the Conditions of Certification (Conditions) for the McIntosh Power Plant Units 3 & 5 pursuant to 403.516(1)(c), F.S., to satisfy requirements in accordance with Consent Order 01-1498 (CO), and to update various conditions to reflect recent rule and General Condition language changes.

As set forth in Paragraph 19 of the CO, the Waste Management Plan and Ground Water Monitoring Plan prepared and approved under the CO shall be incorporated into the McIntosh Conditions for subsequent implementation. Accordingly, the Conditions for McIntosh are being modified to incorporate these plans and satisfy this CO requirement. Herein the Department is also initiating updates to the Conditions to reflect recent rule and General Condition language changes. These changes are shown in strikethrough/underline notation (words ~~stricken~~ are deletions and words underlined are additions) in the Draft Conditions (PA 74-06R), which can be downloaded from the following site: <http://publicfiles.dep.state.fl.us/Siting/Outgoing/McIntosh%20PA%2074-06/Mod%20R/>.

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 in which to file a written objection to the modification. A public notice will also be published in the Florida

Administrative Register (FAR) regarding this Intent to Modify the Conditions. 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 notice in the FAR to object in writing. Failure to act within the time frame constitutes a waiver of the right to become a party. The Department will issue a Final Order Modifying the Conditions of Certification for McIntosh if no written objections are received by the Department.

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 an 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 Jessica Dalton at (850) 245-2004. 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

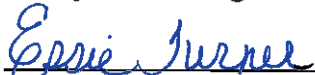
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FILING AND ACKNOWLEDGMENT
FILED, on this date, pursuant to §120.52
Florida Statutes, with the designated
Department Clerk, receipt of which is
hereby acknowledged.



Clerk

1-23-2013

Date

Service List: *Sent by Electronic Mail – Document Access Verification Requested*

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