



Florida Department of Environmental Protection

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2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Jonathan P. Steverson
Secretary

May 9, 2016

Sent by Electronic Mail – Document Access Verification Requested

Paul Carpinone
Director, Environmental, Health & Safety
Tampa Electric Company
POB 111
Tampa, Florida 33601-0111

RE: Big Bend Power Station Unit 4 (PA 79-12)
Amendment Request (AM16-119)
Construction and Operation of 20MW Solar Facility

Dear Mr. Carpinone:

On March 25, 2016, the Florida Department of Environmental Protection (Department), Siting Coordination Office received a request from Tampa Electric Company (TEC) for a post-certification amendment to the Big Bend Power Station Unit 4 (BB4) Site Certification Application (SCA). The amendment request is to construct and operate an approximately 20 megawatt solar energy facility.

Based on a review of the information submitted on March 25, 2016 and on April 27, 2016, the Department has determined that this proposal has been properly characterized as an amendment, as it requests a material change to TEC's SCA pursuant to Section 403.5113(1), Florida Statute (F.S.), but does not require modification of the Conditions of Certification. This letter serves as notification of the approval of the proposed amendment.

As described in the amendment request, and required by Condition of Certification XXVIII.C., TEC will provide 0.86 freshwater herbaceous mitigation credits from Tampa Bay Mitigation Bank. Prior to any construction or impacts approved by this order, the Licensee shall provide the Department with documentation that a total of 0.86 freshwater herbaceous credits have been deducted from the credit ledger of the Tampa Bay Mitigation Bank Southwest Florida Water Management District Environmental Resource Permit permit number 43020546.

Failure to comply with all existing requirements of the Conditions of Certification, pursuant to Section 403.514, F.S. shall constitute a violation of chapter 403. The Department's order shall become final unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S., within **21** days of receipt of this order. The procedures for petitioning for a hearing are set forth below.

Persons affected by this order have the following options:

If you choose to accept the above decision by the Department concerning the post-certification amendment you do not have to do anything. This order is final and effective as of the date on the top of the first page of this order.

If you disagree with the decision, you may do one of the following:

1. File a petition for administrative hearing with the Department's Office of General Counsel within **21** days of receipt of this order; or
2. File a request for an extension of time to file a petition for hearing with the Department's Office of General Counsel within **21** days of receipt of this order. Such a request should be made if you wish to meet with the Department in an attempt to informally resolve any disputes without first filing a petition for hearing.

Please be advised that mediation of this decision pursuant to Section 120.573, F.S., is not available.

How to Request an Extension of Time to File a Petition for Hearing

For good cause shown, pursuant to subsection 62-110.106(4), F.A.C., the Department may grant a request for an extension of time to file a petition for hearing. Such a request must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida, 32399-3000, within **21** days of receipt of this order. Petitioner, if different from the addressee, shall mail a copy of the request to the addressee at the time of filing. Timely filing a request for an extension of time tolls the time period within which a petition for administrative hearing must be made.

How to File a Petition for Administrative Hearing

A person whose substantial interests are affected by this order may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida, 32399-3000, within **21** days of receipt of this order. Petitioner, if different from the addressee, shall mail a copy of the petition to the addressee at the time of filing. Failure to file a petition within this time period shall waive the right of anyone who may request an administrative hearing under Sections 120.569 and 120.57, F.S.

Pursuant to Sections 120.54(5)(b)4 and 120.569(2), F.S. and Rule 28-106.201, F.A.C., a petition for administrative hearing shall contain the following information:

- a) The name, address, and telephone number of each petitioner, the name, address, and telephone number of the petitioner's representative, if any, the site owner's name and address, if different from the petitioner, the DEP certification number for the facility, and the name and address of the facility;
- b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- c) An explanation of how each petitioner's substantial interests are or will be affected by the Department's action or proposed action;
- d) A statement of the material facts disputed by the petitioner, or a statement that there are no disputed facts;
- e) A statement of the ultimate facts alleged, including a statement of the specific facts the petitioner contends warrant reversal or modification of the Department's action or proposed action;
- f) A statement of the specific rules or statutes the petitioner contends requires reversal or modification of the Department's action or proposed action; and
- g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Department's action or proposed action.

This order is final and effective as of the date on the top of the first page of this order. Timely filing a petition for administrative hearing postpones the date this order takes effect until the Department issues either a final order pursuant to an administrative hearing or an order responding to supplemental information provided to the Department pursuant to meetings with the Department.

Judicial Review

Any party to this order has the right to seek judicial review of it under Section 120.68, F.S., by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department 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 after this order is filed with the clerk of the Department (see below).

Questions

Any questions regarding the Department's review of this amendment request or upcoming modification should be directed to Ann Seiler at (850) 717-9113. Questions regarding legal issues should be referred to the Department's Office of General Counsel at (850) 245-2257. Contact with any of the above does not constitute a petition for

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administrative hearing or request for an extension of time to file a petition for administrative hearing.

Sincerely,



Cindy Mulkey
Program Administrator
Division of Air Resource Management

CC by email:

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Larry Curtin, HK: larry.curtin@hklaw.com

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

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Service List: CC by email (Document Access Verification Requested)

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