

BEFORE THE GOVERNOR AND CABINET
OF THE STATE OF FLORIDA

In Re: TAMPA ELECTRIC COMPANY)
POWER PLANT SITING APPLICATION,)
BIG BEND STATION UNIT NO. 4,)
PA 79-12)

The following persons were present and participated in the
disposition of this matter:

Honorable Bob Graham
Governor

Honorable George Firestone
Secretary of State

Honorable Jim Smith
Attorney General

Honorable Gerald A. Lewis
Comptroller

Honorable Bill Gunter
Treasurer and Insurance Commissioner

Honorable Ralph D. Turlinton
Commissioner of Education

Honorable Doyle Conner
Commissioner of Agriculture

RECEIVED
MAR 21 1984
DIV. ENVIRONMENTAL
PERMITTING

MODIFICATION OF CERTIFICATION

The Governor and Cabinet, sitting as the Siting Board,
having reviewed the Stipulation of Parties Modifying to
Conditions of Certification (attached hereto and incorporated
herein), and being otherwise fully advised herein, it is
ORDERED:

1. The Agreement of the parties is approved in accordance
with Section 403.516(2), Florida Statutes.

2. Condition XI. C. 2. of the Site Certification for Tampa
Electric Company Big Bend Unit No. 4 is modified to read:

To mitigate against the loss of the grass pond
in the area designated as Phase I of the
FGD/gypsum disposal area, TECO shall
reconstruct the northermost east-west drainage
canal. The side slopes of this drainage canal
from Beach Road to the eastern side of the
Phase I area shall be reduced to at lease 6:1
(horizontal to vertical) and planted with
juncus sp. The remaining portion of the

reconstructed ditch from the Phase I area east to U.S. Highway 41 shall have side slopes of at least 3:1 (horizontal to vertical). Such reconstruction shall be done in a manner to prevent violation of Section 17-3.121, F.A.C., Water Quality Criteria, and in accordance with the plans approved by the Department.

DONE AND ENTERED this 15 day of March 1984, in Tallahassee, Florida, pursuant to the vote of the Governor and Cabinet sitting as the Siting Board at a duly constituted Cabinet meeting on February 21, 1984.

BY THE GOVERNOR AND CABINET
SITTING AS THE SITING BOARD:



Bob Graham
Governor

Copies furnished to:

C. Laurence Keesey
Department of Community Affairs
2571 Executive Center Circle, East
Tallahassee, Florida 32301

Southwest Florida Water
Management District
5060 U.S. Highway 1, South
Brooksville, Florida 33512

Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32304

Lawrence N. Curtin
Holland & Knight
Post Office Drawer 810
Tallahassee, Florida 32301

FILING AND ACKNOWLEDGEMENT

FILED, on this date, pursuant to S120.52 (9), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Chris Vause 3/19/84
Clerk Date

JAN 20 1984

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

E E S

IN THE MATTER OF:)

TAMPA ELECTRIC COMPANY)
POWER PLANT SITING APPLICATION,)
BIG BEND STATION UNIT NO. 4,)
PA 79-12.)STIPULATION OF PARTIES
MODIFYING CONDITIONS OF CERTIFICATION

The parties entering appearances at and participating in the certification proceedings, by and through their undersigned representatives, hereby stipulate and agree as follows:

1. The signatories to this stipulation include representatives of all of the parties entering appearances at and participating in the above-referenced certification proceedings.

2. On August 17, 1981, the Final Order adopting Hearing Officer's Recommendation of Certification Subject to Conditions was entered in DOAH Case No. 80-1723, reflecting action taken by the Governor and Cabinet at the duly constituted Cabinet meeting of August 4, 1981. The Final Order constitutes approval of certification for the construction and operation of Tampa Electric Company's Big Bend Unit No. 4 subject to the conditions of certification attached thereto.

3. Pursuant to Section 403.516(2), Florida Statutes, Tampa Electric Company seeks a modification of condition XI. C. 2. which provides as follows:

To mitigate against the loss of the grass pond in the area designated as Phase I of the FGD/gypsum disposal area, TECO shall reconstruct the northernmost east-west drainage canal. The side slopes of this drainage canal on the TECO property shall be reduced to at least 6:1 (horizontal to vertical) and planted with juncus effusus. Such reconstruction shall be done in a manner to prevent violation of Section 17-3.121, F.A.C., Water Quality Criteria. Plans for canal reconstruction shall be submitted to the Department for approval sixty (60) days prior to reconstruction of the canal.

4. Using the original property boundaries and the anticipated routing of the reconstructed ditch at the time Condition XI. C. 2. was adopted, the result would have been side

slopes in the reconstructed ditch being at least 6:1 (horizontal to vertical) on that portion of the original ditch running from Beach Road to the eastern side of the Phase I FGD/gypsum disposal area.

5. The reconstruction plans, submitted by Tampa Electric Company and generally approved by the Department of Environmental Regulation in accordance with Condition XI. C. 2., proposed that the entire ditch now be located on Tampa Electric Company property and that the side slopes of the reconstructed ditch be 6:1 (horizontal to vertical) on that portion of the ditch from Beach Road to the eastern side of the Phase I FGD/gypsum disposal area. The change to the location of the reconstructed ditch was necessitated by difficulties in obtaining easements, resulting in moving the eastern two-thirds of the proposed reconstructed ditch from the Phase I area east to U. S. Highway 41, north with the result that the entire ditch will now be located on Tampa Electric Company property.

6. Since the entire ditch is now located on Tampa Electric Company property, existing Condition XI. C. 2. would require that the side slopes of the entire ditch be reduced to at least 6:1 (horizontal to vertical) although at the time the condition was adopted, it was not anticipated that the entire ditch would be required to contain side slopes in this configuration.

7. The purpose of the side slope requirement in existing Condition XI. C. 2. was to mitigate against the loss of the grass pond in the area designated as Phase I of the FGD/gypsum disposal area. The Company believes that reconstruction of the drainage ditch as proposed in the plan submitted to the Department of Environmental Regulation will adequately mitigate against the loss of the grass pond in the area designated as Phase I of the FGD/gypsum disposal area for the following reasons:

(a) The proposed plan and revised condition would result in an equivalent length of ditch with 6:1 (horizontal to vertical) side slopes as would have resulted under the existing condition; and

(b) The reconstructed ditch will be revegetated as required under the existing condition.

8. Wherefore, the parties hereby concur, and do not object to amending and modifying Condition XI. C. 2. to read as follows:

To mitigate against the loss of the grass pond in the area designated as Phase I of the FGD/gypsum disposal area, TECO shall reconstruct the northernmost east-west drainage canal. The side slopes of this drainage canal from Beach Road to the eastern side of the Phase I area shall be reduced to at least 6:1 (horizontal to vertical) and planted with juncus sp. The remaining portion of the reconstructed ditch from the Phase I area east to U.S. Highway 41 shall have side slopes of at least 3:1 (horizontal to vertical). Such reconstruction shall be done in a manner to prevent violation of Section 17-3.121, F.A.C., Water Quality Criteria, and in accordance with the plans approved by the Department.

Date: 2-6-84

Victoria J. Schubert
Florida Department of
Environmental Regulation
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32301

Date: 4-84

Laurence Keesey
C. Laurence Keesey
Department of Community Affairs
2571 Executive Center Circle, East
Tallahassee, Florida 32301

Date: 1/12/84

Stacy W. Wood
Southwest Florida Water
Management District
5060 U.S. Highway 41, South
Brooksville, Florida 33512

Date: _____

Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32304

Date: 12/21/82

Lawrence N. Curtin
Lawrence N. Curtin
HOLLAND & KNIGHT
Post Office Drawer 810
Tallahassee, Florida 32302

Attorneys for
Tampa Electric Company

00000.1286:43

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing MODIFICATION OF CERTIFICATION has been furnished by United States Mail to C. Laurence Keesey, Department of Community Affairs, 2571 Executive Center Circle, East. Tallahassee, Florida 32301; Southwest Florida Water Management District, 5060 U.S. Highway 41, South, Brooksville, Florida 33512; Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32304; and Lawrence N. Curtin, Holland & Knight, Post Office Drawer 810, Tallahassee, Florida 32302 this 20th day of March, 1984.



JOHN BOTTCHER
Attorney

State of Florida Department
of Environmental Regulation
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Tallahassee, Florida 32301
Telephone: (904)488-9730