



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Jonathan P. Steverson
Interim Secretary

June 22, 2015

Sent by Electronic Mail – Document Access Verification Requested

Ms. Susan Schumann
Environmental and Regulatory Affairs Administrator
Florida Municipal Power Agency
8553 Commodity Circle
Orlando, Florida 32819-9002

RE: Cane Island Power Park
Modification to Conditions of Certification
DEP Case Number PA 98-38G
OGC Case Number 15-0054

FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Ms. Schumann:

On November 23, 1999, the Florida Siting Board issued a Site Certification to Florida Municipal Power Agency (FMPA) and Kissimmee Utility Authority (KUA) for the construction and operation of Cane Island Power Park – Units 1-3. On December 22, 2008, due to stipulation agreement, the Secretary of the Department of Environmental Protection (Department) issued a Site Certification to FMPA/KUA for the construction and operation of Cane Island Power Park – Unit 4 (CIPP). The Department has modified the Conditions of Certification (Conditions) for CIPP by Final Order on six other occasions.

The Department has reviewed FMPA/KUA's petition dated January 23, 2015 for a modification to CIPP's Conditions pursuant to Section 403.516(1)(c), Florida Statutes (F.S.), to delete a requirement for FMPA/KUA to demonstrate no net increase of Total Nitrogen and Total Nitrates introduced back into the Tohopekaliga Water Authority (TWA) reclaimed water pipeline than the amount that was received. FMPA/KUA and TWA have agreed that this requirement is no longer necessary since TWA has its own permit with the Department to ensure compliance is being met for the downstream nitrate

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discharge limitations. Additionally, the Department has updated various conditions to reflect recent rule revisions.

On April 30, 2015, all parties to the certification proceeding were provided notice of the Department's intent to modify the Conditions for CIPP. On May 14, 2015, notice of the Department's intent to modify the Conditions for CIPP was also published in the Florida Administrative Register (FAR).

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 in which to file a written objection to the modification. Pursuant to Section 403.516, F.S., and Rule 62-17.211, F.A.C., 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 FAR to object in writing. Failure to act within the time frame constitutes a waiver of the right to become a party.

These timeframes have expired and no objections to the modification have been received by the Department. Therefore, the Conditions for CIPP are modified as described in the Department's Notice of Intent to Modify the Conditions of Certification dated April 30, 2015, which can be downloaded from the following file transfer protocol (ftp) site: http://publicfiles.dep.state.fl.us/Siting/Outgoing/FMPA_KUA%20Cane%20Island/Modifications/ModG/2015_4_30_CIPP_2015_ModG_COCs.pdf.

The final version of the modified Conditions (including attachments) can be viewed and obtained from the following website: http://publicfiles.dep.state.fl.us/siting/Outgoing/Web/Certification/pa98_38_2015_G.pdf.

Copies of the Conditions and/or attachments may also be obtained by contacting the Department of Environmental Protection, Siting Coordination Office, 2600 Blair Stone Road, M.S. 5500, Tallahassee, Florida 32399-2400, (850) 717-9000.

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, M.S. 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 30 days from the date this Order is filed with the Clerk of the Department of Environmental Protection.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cindy Mulkey", with a large, stylized loop at the end.

June 22, 2015

Cindy Mulkey
Interim Program Administrator
Siting Coordination Office

Sent by Electronic Mail:

Jeff Prather, FDEP: jeff.prather@dep.state.fl.us

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Michelle Robinson, FMPA: Michelle.Robinson@fmpa.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

Service List: Sent by Electronic Mail – Received Receipt Requested

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