



Florida Department of Environmental Protection

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

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

July 2, 2009

- CERTIFIED MAIL - RETURN RECEIPT REQUESTED -

Michael Shrader
Lead Environmental Specialist
Progress Energy Florida
P.O. Box 14042
PEF 903
St. Petersburg, Florida 33733-4042

RE: Crystal River Energy Complex Units 3, 4 & 5
DEP Case Number PA 77-09
Post-certification Amendment dated April 20, 2009

Mr. Shrader:

On April 20, 2009 the Florida Department of Environmental Protection's Siting Coordination Office (Department) received a request for a post-certification amendment to the Site Certification Application for Progress Energy Florida's (PEF) Crystal River Energy Complex Units 3, 4 & 5 for the relocation of two existing service water tanks.

Pursuant to Section 62-17.205(1), F.A.C., the Department has determined that this request is an amendment to the application that will not require modification to the Conditions of Certification (COC) for the facility.

PEF proposes to relocate two existing 500,000 gallon service water tanks and associated piping and valves to an area across the existing service road, less than 200 ft to the northwest. The service water tanks must be moved in order to accommodate the operation of a ringer crane necessary for the installation of upgrades to the Unit 4 electrostatic precipitator (ESP). Because the plant uses potable water as service water, these service water tanks have connections to the potable water system.

Based on PEF's April 20th submittal and additional information received on June 9, 2009, the Department has determined that the existing stormwater management system will not be adversely impacted by the additional 0.082 acre of impervious surface area associated with the tank relocation. Additionally, information regarding the potable water system included in the June 9th submittal provides assurance, in accordance with Condition of Certification IV.Z, that the state requirements for Public Water Systems will be satisfied. Accordingly, the Department has no objections to the above request.

The Department's Order shall become final unless a timely petition for an administrative hearing is filed under sections 120.569 and 120.57, Florida Statutes ("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, Florida Statutes ("F.S."), is not available.

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

For good cause shown, pursuant to rule 62-110.106(4), Florida Administrative Code ("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, Mail Station 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 subsections 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 facility number, 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, Mail Station 35, 3900 Commonwealth Boulevard, 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 your post-certification amendment should be directed to Cindy Mulkey at (850) 245-2175. Questions regarding legal issues should be referred to the Department's Office of General Counsel at (850) 245-2242. Contact with any of the above does not constitute a petition for administrative hearing or request for an extension of time to file a petition for administrative hearing.

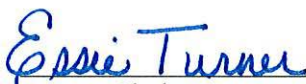
Sincerely,



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.


Clerk

7-2-09
Date

Service List CC by email (return receipt requested):

Emily Norton, Esquire
Fish and Wildlife Conservation Commission
6230 South Meridian Street
Tallahassee, FL 32399-1600
emily.norton@myfwc.com

Matt Davis
Assistant General Counsel
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, Florida 32399
matthew.davis@dca.state.fl.us

Mention, Kimberly, Assistant General
Counsel
Department of Transportation
Haydon Burns Building
605 Suwannee Street
Mail Station 58
Tallahassee, FL 32399-0450
Kimberly.Mention@dot.state.fl.us

Toni Sturtevant, Esquire
Department of Environmental Protection
3900 Commonwealth Blvd.
Mail Station 35
Tallahassee, FL 32399-3000
toni.sturtevant@dep.state.fl.us

Jennifer Brubaker, Attorney Supervisor
Florida Public Service Commission
Office of the General Counsel
2540 Shumard Oak Blvd.
jbrubake@psc.state.fl.us

Martha A. Moore, Esquire
Southwest FL Water Management District
2379 Broad Street
Brooksville, FL 34604-6899
martha.moore@swfwmd.state.fl.us

Doug Roberts, Esquire
Hopping Green & Sams, P.A.
P.O Box 6526
Tallahassee, Florida 32317
droboterts@hgslaw.com

Fred Landt, Esq.
Withlacoochee Regional Planning Council
Post Office Box 2045
Ocala, FL 34478
fl3swim47@aol.com

Robert Battista, Esq.
Office of the Citrus County Attorney
110 N. Apopka Avenue
Inverness, FL 34450
Cheryl.clamer@bocc.citrus.fl.us

Michael R. Moehlman
Withlacoochee Regional Planning Council
1241 Southwest 10th Street
Ocala, Florida 34471
moehlman@wrpc.cc

Laura Kammerer
Bureau of Historic Preservation
R.A. Gray Building
500 South Bronough
Tallahassee, FL 32399
lkammerer@dos.state.fl.us

Patricia Anderson, Chief
Bureau of Water
Department of Health
4042 Bald Cypress Way
Tallahassee, Florida 32399-1742
patti_anderson@doh.state.fl.us

PEF Crystal River 3, 4 & 5

July 2, 2009

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Kevin A. Smith, Director
Sue Farnsworth, Environmental Planner
Citrus County Development Department
3600 W. Sovereign Path, Suite 140
Lecanto, FL 34461
Kevin.smith@bocc.citrus.fl.us
Susan.Farnsworth@bocc.citrus.fl.us

Forrest Watson
Department of Agriculture & Consumer
Services
Division of Forestry
3125 Conner Boulevard
Tallahassee, FL 32399-1650
watsonf@doacs.state.fl.us

Also CC:

Barbara Lenczewski
State Planning Initiatives Administrator
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, Florida 32399
barbara.lenczewski@dca.state.fl.us