



Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

January 15, 2010

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Michael Shrader
Lead Environmental Specialist
299 1st Avenue, North
Progress Energy Florida, Inc.
St. Petersburg, FL 33733

RE: Crystal River Energy Complex
Modification to Conditions of Certification
Addition of FGD Blowdown Pond System
DEP Case Number PA 77-09N
OGC Case Number 09-3082

FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Mr. Shrader:

The Florida Siting Board issued the Site Certification for Progress Energy Florida's (PEF) Crystal River Units 4 and 5 on November 21, 1978. This certification authorized the construction and operation of two 640 MW coal-fire power plant units (Units 4 and 5) and ancillary facilities. Crystal River nuclear Unit 3 was certified on August 28, 2008. The Department of Environmental Protection (Department) has modified the Conditions of Certification by Final Order on thirteen other occasions.

The Department has reviewed PEF's petition dated June 24, 2009 for modification to the Conditions of Certification.

On November 30, 2009, all parties to the certification proceeding were provided with notice by certified mail of the Department's intent to modify the Conditions of Certification for this facility, along with a copy of the proposed Order Modifying Conditions of Certification.

On December 4, 2009, notice of the Department's intent to modify the Conditions of Certification for this facility was published in the Florida Administrative Weekly (FAW). Pursuant to Section 403.516, Florida Statutes ("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 by mail to such party's last address of record in which to file a written objection to the modification; that 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 FAW to object in writing; that failure to act within the time frame constitutes a waiver of the right to become a party; and that the Department will issue an Order Modifying the Conditions of Certification for this facility if no written objections are received by the Department.

No objections to the modification have been received by the Department. The Conditions of Certification for the Crystal River Units 3, 4 and 5 are hereby modified as follows:

I. through V. No Change

IV. Units 4 & 5 Specific Conditions

A. Through D. No Change

E. FGD Scrubber Blowdown and By-Products Handling

1. FGD scrubber blowdown wastewater shall be discharged to approved treatment systems. Any such receiving treatment system shall be permitted/licensed in accordance with all applicable requirements.

a. The Licensee may, on a temporary basis, employ the use of a filter press to treat FGD blowdown wastewater from Units 4 & 5 prior to completion of the FGD ponds. The Industrial Wastewater (IWW) Permit FLA016960, which is incorporated by reference herein as part of this Certification and attached as Appendix I, authorizes the use of the temporary filter press as an alternative clarification of the FGD blowdown.

b. Construction and monitoring of the proposed monitoring well MWC-31 to be located in the vicinity of the proposed FGD blowdown ponds is authorized under the IWW Permit FLA016960. Construction and Operational requirements are specified under Section III. of the IWW Permit FLA016960.

c. Certification of Construction Completion. All information required by this Specific Condition shall be signed and sealed by a registered professional engineer or land surveyor as appropriate. After construction has been completed and prior to the operation of the FGD ponds, the following activities shall be completed and submitted by the Licensee, and shall be approved by the Department in accordance with Condition IV.Y. Procedures for Post-Certification Submittals:

i. The owner or operator shall submit a Certification of Construction Completion, Form 62-701.900(2), signed and sealed by the professional engineer in charge of construction and quality assurance to the Department for approval, and shall arrange

for Department representatives to inspect the construction in the company of the Licensee, the engineer, and the facility operator.

ii. The owner or operator shall submit Record Drawings/Documents showing all changes (i.e. all additions, deletions, or revisions to the plans previously approved by the Department including site grades and elevations). The Record Documents shall include as-built plans details and elevations (survey) as appropriate.

iii. The owner operator shall submit a narrative indicating all changes in plans, the cause of the deviations, and certification of the Record Drawings/Documents by the professional engineer to the Department.

iv. The professional engineer of record shall submit to the Department a final report to verify conformance with the plans and specifications in accordance with Rules 62-701.400(7) and (8), F.A.C.

d. The Licensee is required to measure flow from the FGD blowdown to the IWW Percolation Pond System at the locations indentified as FLW-1, FLW-2, and FLW-3 in the DMRs attached to IWW Permit FLA016960. The Licensee shall record and submit flow on the DMRs quarterly to the Industrial Wastewater Section, Florida Department of Environmental Protection, Southeast District Office, 13051 North Telecom Parkway, Temple Terrace, FL 33637-0926.

e. Sludge/Solids Management Requirements:

i. Management of sludge/solids generated by the filter press at this facility shall be transported by truck to an off-site waste management facility that is authorized by the Department.

ii. The Licensee shall be responsible for proper treatment, management, use, or land application of its sludge/solids. [62-620.320(6), F.A.C.]

iii. Disposal of sludge/solids in a solid waste management facility permitted by the Department shall be in accordance with the requirements of Chapter 62-701, F.A.C.

iv. Storage, transportation, and disposal of sludge/solids characterized as hazardous waste shall be in accordance with requirements of Chapter 62-730, F.A.C.

v. Sludge/solids shall not be applied during rains that cause runoff from the site or when surface soils are saturated. [62-620.320(6), F.A.C.]

vi. The Licensee shall maintain records available for inspection by the Department at the facility, as follows:

- 1) Quantity of sludge/solids generated;
- 2) Quantity of sludge/solids transported for treatment and/or disposal;
- 3) Name and location of the site(s) to which sludge/solids is transported; and
- 4) If a person other than the Licensee is responsible for

sludge/solids transportation, treatment, and/or disposal, the Licensee shall also keep records of the name and address of each transporter, and copies of all shipping manifests. [62-620.320(6)]

f. Record Drawings/Documents. The Record Drawings/Documents shall include, but not be limited to, the following information:

- i. Location of all anchor trenches and limits of liner;
- ii. Daily construction reports;
- iii. As-built drawings showing the geotextile and geomembrane panel installation layout, locations of fabricated and field seams, type of seams, destructive sampling locations, locations of all repairs, panel designations, geomembrane booting and connection details;
- iv. As-built elevations for the FGD blowdown inlet, outlet and overflow piping leachate collection pipes (including elevations at the valve control point and inverts at the outlet manhole);
- v. All geomembrane destructive test results;
- vi. A compact disc or other electronic media that includes all available photographs (with camera date stamps) documenting all stages of the construction project;
- vii. The information listed in Section 6.6 of the CQA Plan;
- viii. Documentation of any geotechnical improvements to the subgrade during cell preparation;
- ix. Records of flow data, including reports and documents used to complete DMRs for the IWW Permit FLA016960.

g. The description of the operation and maintenance procedures for the FGD blowdown ponds provided with the certification modification application received on June 24, 2009, including all subsequently related documents submitted, shall be incorporated into the PEF CCP Solid Waste Management Plan.

F. through H. No Change

VII-IX. No Change

A complete set of the Conditions of Certification (including attachments) can be viewed and downloaded from the following website:

http://www.dep.state.fl.us/siting/files/certification/pa77_09_2010_N.pdf. Copies of the Conditions of Certification and/or attachments may also be obtained by contacting the Department of Environmental Protection, Siting Coordination Office, 3900 Commonwealth Blvd., M.S. 48, Tallahassee, Florida 32399-3000, (850) 245-2002.

Any party to the this Order has a right to seek judicial review of it pursuant to Section 120.68, Florida Statutes 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 thirty days from the date this Order is filed with the Clerk of the Department of Environmental Protection.

Executed in Tallahassee, Florida.



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



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

Menchion, Kimberly, Assistant General
Counsel
Department of Transportation
Haydon Burns Building
605 Suwannee Street
Mail Station 58
Tallahassee, FL 32399-0450
Kimberly.Menchion@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
droberts@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

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

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