Florida Department of Environmental Protection
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Tallahassee, Florida 32399-3000

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Lt. Governor

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Secretary

August 1, 2012

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Michael Shrader
Lead Environmental Specialist
Progress Energy Florida, Inc.
100 Central Avenue
St. Petersburg, FL 33733

RE: Crystal River Energy Complex
Modification to Conditions of Certification
DEP Case Number PA77-09P
OGC Case Number 10-2632

FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Mr. Shrader:

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

The Department has reviewed PEF's petition received September 10, 2010, for a modification to CREC's Conditions pursuant to Section 403.516(1)(c), Florida Statutes (F.S.), Additionally, the Department has considered modifications pursuant to 403.516(1)(c), F.S., to incorporate a uniform set of general conditions consistent with recent site certifications.

On June 15, 2012, all parties to the certification proceeding were provided notice by mail of the Department's intent to modify the Conditions for CREC, along with a draft copy of the proposed order modifying the Conditions. On June 22, 2012, notice of the Department's intent to modify CREC's Conditions was also published in the Florida Administrative Weekly (FAW).

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 by mail to such party's last address of record in which to file a written objection to the modification. Pursuant Section 403.516, F.S., and Rule 62-17.211, Florida Administrative Code (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 FAW to object in writing. Failure to act within the 30 day time frame constitutes a waiver of the right to become a party. The Department will issue an order modifying the Conditions for this facility if no written objections are received by the Department.

These timeframes have expired and no objections to the modification have been received by the Department. Written comments were received via email from PEF on June 18, 2012, July 25, 2012 and July 30, 2012 requesting clarifications and corrections to specific draft Conditions of Certification.

The submitted comments have been considered and changes have been made, as necessary, in the Conditions of Certification. The requested changes (*italics*) followed by the Department's responses are listed below.

1. *PEF Comment: Section B. Condition I.H.b. - The condition be corrected as follows: It has been demonstrated through the Golder Associates North Plant Area Stormwater Jacobs Modeling Report (dated July 19, 2010) and submitted with the PEF Petition for Modification (Mod P) dated September 9, 2010, that the receiving system for Area 1B-Vii is adequate to handle the volume of discharge from that area. For activities within Area 1B-Vii not previously authorized by post certification submittal, the Licensee shall provide the information pursuant to Section A, Condition XXX. Environmental Resources ~~aceept~~ except that further modeling for additional impervious surfaces shall not be required.*

   Department Response: The change shall be made accordingly to the final conditions.

2. *PEF Comment: "We have come to an agreement with the Water Management District regarding the changes to the alternate water supply conditions in the COC for PA 77-09. As a PEF comment to the current COC Mod P draft conditions that are currently open for comments, the following should be incorporated into the COC Mod P as agreed upon with the SWFWMD "Amended the reporting date of the Annual Monitoring Report to April 1st of each year for the preceding year".*

   Department Response: This request is in reference to Section B. Condition VIII.C.6. CREC currently submits an annual environmental monitoring data summary by January 1st of each year for the preceding year (October 1 - September 30). The request is to change the reporting period to January 1 through December 31 and the annual reporting deadline to April 1st. This will provide more consistency with other reporting requirements. The condition is revised as follows:

   6. Annual Environmental Monitoring Reports

   Licensee shall submit an annual environmental monitoring data summary by ~~January~~ April 1st of each year for the preceding water year (~~October 1 – September 30~~ January 1 – December 31).

3. *PEF Comment: The discharge limitation for land application system (G-001) is listed in the GROUNDWATER MONITORING, OPERATION AND MAINTENANCE REQUIREMENTS (Attachment H) to the Modification P Conditions of Certification as 0.91 million gallons per day (MGD) monthly average daily flow (MADF). The Modification P Notice of Intent and Draft Final Order issued on June 15, 2012 included language describing part of the modification as "authorization to increase the permitted flow to the south percolation pond (land application system G-001) from 0.91 MGD to 1.2 MGD MADF."*

   Department Response: The discharge limitation for the south percolation pond system (land application system G-001) authorized by this modification is an increase from 0.76 to 0.91 MGD MADF consistent with the *GROUNDWATER MONITORING, OPERATION AND MAINTENANCE REQUIREMENTS.* The modification description in this Final Order is revised to reflect the more restrictive discharge limitation increase to 0.91 MGD as it correctly appears in Attachment H of the Conditions of Certification and as authorized by this modification.

The Conditions for CREC are hereby modified as follows:

1. *Permit FLA016960 is being incorporated into the COC in its entirety. This includes authorization to increase the permitted flow to the south percolation pond from 0.76 million gallons per day (MGD) to 0.91 MGD monthly average flow and incorporates a new Monitoring, Operation and Maintenance Requirements Plan (Attachment H). Attachment H incorporates the monitoring, operation, and maintenance requirements for the industrial wastewater section and solid waste section.*
2. *The Crystal River North (CRN) Domestic Wastewater Treatment Permit (FLA011862) is being incorporated in its entirety. The PEFoperates an existing 0.020 MGD 3-Month Average Daily Flow (3MADF), Type III, extended aeration domestic wastewater treatment plant.*
3. *The Southwest Florida Water Management District is reallocating the water distribution from the site's 10 existing water wells. The ten wells are allowed to operate equally at 430,900 gpd.*
4. *Conditions are being added to the COC defining the modeling requirements defined by the SWD for the CRN stormwater management system for future development and treatment.*
5. *The facility's water quality criteria exemption from the ground water standard for sodium associated with industrial wastewater discharge to ground water (OGC File No. 10-3490) is being incorporated into the COC.*
6. *The existing Conditions are being modified to incorporate a uniform set of general conditions consistent with recent site certifications and to remove/modify requirements no longer applicable.*

This modification also incorporates conditions of Modification Q for the facility. Modifications P and Q were being processed simultaneously by the SCO and Modification Q was finalized prior to this modification P. Modification Q approved the vertical expansion of the facility's

existing ash landfill. For reference, these conditions are incorporated into the COC in Section B.I.F.(h-j).

The modified Conditions PA 77-09P (Attachment A) replaces the existing Conditions PA 77- (Attachment B) in its entirety. Several existing conditions have been updated and incorporated into a more uniform set of general conditions. Many existing conditions have been moved to different sections of the document. The existing Conditions (Attachment B) contain cross references to the corresponding conditions in the modified Conditions (Attachment A) appearing in red following each section of the document. These documents can be found on the DEP public files website at http://publicfiles.dep.state.fl.us/Siting/Outgoing/PEF%20CREC/PEF_CREC_Mod_P/MOD%20P%20NOI/

A complete set of the Conditions (including attachments) can be viewed and downloaded from the following website: http://publicfiles.dep.state.fl.us/Siting/Outgoing/Web/Certification/pa77_09_2012_P.pdf. Copies of the Conditions 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.

Pursuant to Section 120.68, F.S., any party to the this order has a right to seek judicial review, 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.

Cindy Mulkey
Administrator,
Siting Coordination Office

CC by email:
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FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to §120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Essie Turner August 1, 2012
Clerk Date

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