



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

February 11, 2010

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Robert Yarbrough
Senior Environmental Engineer
Seminole Electric Cooperative Inc.
POB 2000
Tampa, FL 33369-2000

Re: SECI Hardee Power Station (PA 89-25)
Amendment Request for Conductor replacement – Vandolah – Charlotte transmission
lines dated November 12, 2009

Dear Mr. Yarbrough:

On November 12, 2009, the Florida Department of Environmental Protection's (DEP's) Siting Coordination Office received a request for a post certification amendment to the Site Certification Application for the Seminole Electric Cooperative Inc.'s (SECI's) Hardee Power Station. The amendment request was to replace the conductor on a portion of an associated transmission line south of the certified plant site extending from the existing Vandolah Substation to the existing Florida Power & Light's (FPL's) Charlotte Substation.

Pursuant to Section 62-17.205(c), 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. According to the submitted information the new conductor will be comprised of annealed aluminum with a load carrying capacity of approximately 3,000 amperes (compared to 2,000 amperes presently). This transmission line will continue to be rated as 230kV, and will continue to meet all applicable electric and magnetic field (EMF) standards as set forth in Rule 62-8 14, F.A.C.

There are no proposed changes to the existing transmission line right of way, and no additional roads will be required. Of the 240 existing transmission line structures in the affected area, approximately 210 will be replaced. These replacement new structures will be installed near existing structures.

The Department has no objections to the above requests as proposed in the November 12, 2009 submittal, provided that:

1. SECI continues to comply with all existing requirements of this license.
2. SECI continues to meet the regulatory exemption and/or Noticed General Permit criteria.
3. SECI submits a letter of consent pursuant to Rule 18-21.005(1)(c)(14), F.A.C. that will be conditioned upon the following:

- o the General Conditions for Authorizations in Rule 18-21.004(7), F.A.C.; and
 - o a special consent condition requiring SECI to obtain the required public easement pursuant to Rule 18-21.005(1)(e)1, F.A.C., within one year.
4. Consistent with Condition of Certification XXXII.A.14., SECI “shall perform the work authorized under the certification in a manner so as to minimize any adverse impacts on fish, wildlife, native vegetation, natural environmental values, water resources, and water quality”. In particular, the following clarifications are provided:
- o Should impacts to gopher tortoises be unavoidable, SECI shall establish a 25 foot buffer around gopher tortoise burrow entrances near construction activities. Prior approval from the FWC is required if any project activities impact gopher tortoises, their burrows, or their habitat. SECI should refer to the current (revised April 2009) FWC gopher tortoise permitting guidelines for further information:
http://www.myfwc.com/WILDLIFEHABITATS/Speciesinfo_GopherTortoise.htm
 - o SECI shall provide a 1000 foot buffer around any Crested Caracara nesting habitat located on or near replacement activities during breeding season (November – April) to avoid adverse impacts. Adverse impacts include disruption of nesting and subsequent care of hatchlings caused by unusual activity close to nest trees.

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 postcertification 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 postcertification amendment should be directed to Ann Seiler at (850) 245-2143. 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.

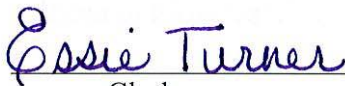
Sincerely,



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

2-11-10
Date

Service List: CC by email (return receipt requested)

James S. Alves, Esquire
Hopping Green Sams & Smith, P.A.
Post Office Box 6526
Tallahassee, Florida 32314
jalves@hgslaw.com

Michael P. Haymans, Esquire
Farr, Farr, Emerich, et al.
Post Office Box 511447
Punta Gorda, Florida 33951-1447
(For Slack and Katzen and Schmid)
dholmes@farr.com

Ken Evers
Hardee County Attorney
424 W Main St.
Wauchula, FL 33873
ken_evers@embarqmail.com

Janette S. Knowlton, Esquire
Charlotte County Attorney
18500 Murdock Circle, Room 573
Port Charlotte, Florida 33948-1094
janette.knowlton@charlottefl.com

Mark Craig, Esquire
Office of the County Attorney
Polk County
Post Office Box 9000
Bartow, Florida 33831-9005
michaelcraig@polk-county.net

Ted Williams, Esquire
Manatee County Attorney
Post Office Box 1000
Bradenton, Florida 34206
tedd.williams@co.manatee.fl.us

Liz Donley, Esquire
Southwest Florida Regional Planning Council
1926 Victoria Avenue
Fort Meyers, FL 33901
ldonley@swfrpc.org

David Owen, Esquire
Lee County Attorney
Post Office Box 398
Fort Myers, Florida 33902-0398
owend@leegov.com

Norman White, Esquire
Central Florida Regional Planning Council
2632 Eagle Court
Lake Wales, Florida 33898
gatorwhite@msn.com

Renee F. Lee, Esquire
Hillsborough County Attorney
601 E. Kennedy Blvd.,
County Center, 27th Floor
Tampa, FL 33602
leer@hillsboroughcounty.org

Matt Davis, Esquire
Assistant General Counsel
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100
matthew.Davis@dca.state.fl.us

William Galvano, Esquire
Post Office Box 592
10 East Oak Street
Arcadia, Florida 34265-0592
wgaltano@grimesgoebel.com

Kimberly Menchion, Assistant General Counsel
Department of Transportation
Haydon Burns Building, MS 58
605 Suwannee Street
Tallahassee, Florida 32399-0450
Kimberly.Menchion@dot.state.fl.us

Emily Norton, Esq.
Florida Fish and Wildlife Conservation
Commission
Bryant Building
620 South Meridian Street
Tallahassee, Florida 32399-1600
emily.norton@myfwc.com

Dolores D. Menendez, Esquire
City Attorney
City of Cape Coral
P.O. Box 150027
Cape Coral, FL 33915 – 0027
catty@capecoral.net

Jennifer Brubaker, Attorney Supervisor
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
jbrubake@psc.state.fl.us

Thomas W. Reese, Esquire
2951 61st Avenue South
St. Petersburg, Florida 33712-4539
(For Manasota-88, Inc.)

Marti Moore, Senior Attorney
Southwest Florida Water Management District
2379 Broad Street
Brooksville, Florida 34609-6899
Martha.Moore@SWFWMD.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

John McWhirter, Esquire
McWhirter and Reeves
Post Office Box 3350
Tampa, Florida 33601
(For Agrico Chemical Company)
jmcwhiter@mac-law.com

Also CC by email:

Greg Nieboer (DEP SWD) greg.nieboer@dep.state.fl.us
Mark Miller (DEP SD) mark.miller@dep.state.fl.us