



Florida Department of Environmental Protection

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

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Mimi Drew
Secretary

December 23, 2010

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Doug Yowell
Senior Environmental Specialist
Progress Energy Florida, Inc.
299 1st. Ave. North, PEF 903
St. Petersburg, FL 33701

RE: Hines Energy Complex (PA92-33)
Request for Amendment dated November 23, 2010
Guardhouse Relocation
DEP ERP File No.: 53-01220921-002

Dear Mr. Yowell:

The Florida Department of Environmental Protection's Siting Coordination Office (Department) received a request for a post certification amendment (dated November 23, 2010) to the Progress Energy Florida, Inc (PEF) Site Certification Application (PA92-33) for the relocation of the existing guard house at the Hines Energy Complex.

The project includes:

- Relocation of the existing guard house trailer to ensure more effective screening of personnel prior to entering the facility.
- Widening of the existing site access roadway to accommodate the security access point.
- Installation of a groundwater supply well to meet the potable water needs and State Fire Marshal requirements for the relocated guard house.
- Installation of a septic tank and drain field system to serve the relocated facility.

All relevant agencies listed in Section 403.508, Florida Statutes (F.S.), were notified of the requested amendment, and affected agencies recommended approval of the project as an amendment subject to the existing Conditions of Certification (COC).

The project will result in a net decrease of approximately 9,500 square feet of impervious surface area at the site. The Southwest Florida Water Management District has classified the proposed potable well as a Limited-Use Public Water Supply System under Chapter 64E-8, Part I, Florida Administrative Code (F.A.C.) and has approved of its installation under this amendment.

Based on agency recommendations and pursuant to Rule 62-17.205, F.A.C., DEP has determined that this request is an amendment to the application that will not require modification to the COC for the facility.

Accordingly, DEP has no objections to the above request as proposed in the November 23, 2010 submittal, provided that:

1. PEF shall continue to comply with all existing requirements of this license, particularly COC XII.A., which requires that facilities be constructed pursuant to the design standards presented in the submitted plans and drawings.
2. In accordance with COC XXX., and under Florida Statutes (Section 403.511(4), F.S.) nothing in this approval affects the right of any local government to charge appropriate fees or require that construction be in compliance with applicable building construction codes. PEF shall comply with all Polk County requirements regarding the on-site sewage treatment and disposal system, and the public drinking water supply system.

In reviewing PEF's proposal, the Department identified the need for the existing COC for the facility to be updated, including the incorporation of a uniform set of General Conditions, consistent with recent site certifications. Therefore, a modification to the facility's COC will be initiated by the Department, pursuant to Section 403.516(1)(c), F.S., following this amendment.

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

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

For good cause shown, pursuant to subsection 62-110.106(4), 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 Sections 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, 3900 Commonwealth Boulevard, Mail Station 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 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 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

CC: by email:

Deborah Getzoff, Director DEP SWD – deborah.getzoff@dep.state.fl.us

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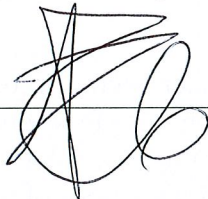
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FILING AND ACKNOWLEDGMENT

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

Clerk



12/23/10

Date

Service List: CC by email (return receipt requested):

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