

APL/CLK

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

IN RE:)
FLORIDA POWER CORPORATION)
POLK POWER PLANT CERTIFICATION) OGC NO. 92-1494
MODIFICATION REQUEST, NO. PA 92-33B)
POLK COUNTY, FLORIDA)
_____)

FINAL ORDER
MODIFYING CERTIFICATION

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The Department of Environmental Protection after notice and opportunity for hearing modifies the Certification for the Florida Power Corporation Polk Power Station pursuant to the Florida Electrical Power Plant Siting Act Section 403.516(1) Florida Statutes (F.S.).

On March 8, 1995, Florida Power Corporation (FPC) submitted a petition to the Department requesting approval of a delay in submitting detailed construction plans for Buffer Areas N-9B and N-13. Copies of FPC's request were distributed to all parties to the certification proceeding and made available for public review. On September 8, 1995, Notice of the proposed modification was published in the Florida Administrative Weekly. Copies of the request to modify were sent to all parties to the original proceeding. As of September 7, 1995, all of the parties to the original proceeding had received copies of the intent to issue. The notice specified that a hearing would be held if a party to the original certification hearing objects within 45 days from receipt of the proposed modification or if a person whose substantial interests will be affected by the proposed modification objects in writing within 30 days after issuance of the public notice. Written objections to the proposed modifications were

not received by the Department.

Accordingly, in the absence of any timely objection,

IT IS ORDERED:

The FPC's proposed changes to the reclaimed water pipeline corridor location described in the March 8, 1995, request for modification, are APPROVED. The Department hereby approves the following changes to Condition XXIV.A., pursuant to section 403.516(1)(b), F.S.

A. Construction Drawings

~~Within six months of certification,~~ Within 90 days of completion of clay consolidation (estimated to occur in April 1999, for Buffer Areas N-9B and N-13), FPC shall submit construction drawings showing the proposed design for the reclaimed wetlands on site. The drawings shall include plan views and cross sections showing all structures and elevations referenced to NGVD for the proposed wetlands.

Any party to the this Order has a right to seek judicial review of this Order pursuant to Section 120.68, Florida Statutes by the Filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the clerk of the Department in the Office of General Counsel, 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 30 days from the date this Order is filed with the clerk of the Department.

DONE AND ORDERED this 20TH day of December, 1995, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

FILING AND ACKNOWLEDGEMENT
FILED, on this date, pursuant to S120.52
Florida Statutes, with the designated
Department Clerk, receipt of which
is hereby acknowledged.

Rebecca B. B...
Clerk

12/21/95
Date

Gunneth J. Plante
for Virginia B. Wetherell
Secretary

3900 Commonwealth Blvd.
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(904) 488-4805

CERTIFICATE OF SERVICE

I DO HEREBY certify that a true and correct copy of the foregoing has been sent by U.S. mail to the following listed persons:

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Environmental Protection Commission
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Joseph L. Valenti, Director
Tampa Port Authority
P.O. Box 2192
Tampa, FL 33601

this 21st day of December, 1995.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



CHARLES P. "CHIP" COLLETTE
Assistant General Counsel

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TABLE 1A
FPC Hines Energy Complex
SA-10, N-11A, N-13 and N-9B
Detailed Reclamation Schedule

<u>Project Task</u>	<u>Begin Date</u>	<u>End Date</u>
Clay Consolidation	April 1995	April 1999*
Submit Construction Plans	July 1999 (Review)	October 1999 (Approval)
Contracting & Mobilization	October 1999	April 2000
Tailings Placement	April 2000	October 2000
Grading	July 2000	January 2001
Submit Wetlands Planting/ Management Plan	December 2000 (Review)	March 2001 (Approval)
Planting	April 2001	June 2001

*NOTE: N-11A Clay consolidation has been extended through April 2000. All other areas are complete and overall schedule is not affected.