



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

February 12, 2009

- CERTIFIED MAIL - RETURN RECEIPT REQUESTED -

John J. Hunter
Progress Energy Florida
Post Office Box 14042
St. Petersburg, FL 33733-4042

RE: Hines Energy Complex
Modification to Conditions of Certification
DEP Case Number PA 92-33H
OGC Case Number 09-0240

FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Mr. Hunter:

On April 26, 2008, the applicant published the Department's public notice of intent to issue Title V Air Operation Permit Amendment 1050234-016-TV for the Progress Energy Florida, Inc. Hines Energy Complex in the Lakeland Ledger. On June 5, 2008, the Department's public notice of intent to issue Title V Air Operation Permit Amendment 1050234-017-TV was published in the Lakeland Ledger. Final Permits 1050234-016-TV and 1050234-17-TV were issued by the Department on August 12, 2008 and February 2, 2009 respectively. Additionally, notices of intent to issue Air Construction Permits PSD-FL-296, PSD-FL-330, and PSD-FL-342 for the Hines Energy Complex were published on January 24, 2001, March 21, 2003, and February 2, 2005 in the Lakeland Ledger. The Department issued final Permits PSD-FL-296, PSD-FL-330, and PSD-FL-342 on June 7, 2001, September 19, 2003, and July 6, 2005 respectively. Notices of the draft permit and the intent to issue underground injection control permit 0183519-002-UC were published in the Lakeland Ledger on March 21, 2008 and May 29, 2008 respectively. The Department issued final permit 0183519-002-UC on June 23, 2009.

Pursuant to 403.516 (1) (b), Florida Statutes ("F.S."), the Department may modify specific Conditions of a Site Certification which are inconsistent with the terms of any federally delegated or approved permit. Such modification(s) may be made without further notice if the matter has been previously noticed under the requirements for any federally delegated or approved permit program. The Conditions of Certification for the Stanton Energy Center are hereby modified as follows:

I. through XII. No Change.

XIII. AIR

The construction and operation of Hines Energy Complex (Project) shall be in accordance with all applicable provisions of Chapters 62-210 to 297, F.A.C., ~~New Source Performance Standards (NSPS) Subparts GG, De, and Kb~~, Title V Permit Nos. 1050234-014-AV, 1050234-016-

AV, and 1050234-017-AV (Appendix 1, 3, and 4) and Final Air Construction Permits 1050234-010-AC PSD-FL-195, PSD-FL-296, PSD-FL-330, and PSD-FL-342 (Appendix 2, 5, 6, and 7). Any final issuance, modification, or amendment to such Title V and/or PSD permits, are incorporated by reference herein, and are binding and enforceable Conditions of this Certification. The Licensee is subject to and shall comply with the terms, conditions, requirements, limitations, and restrictions set forth in Appendix 1 ~~and Appendix 2 through 7~~ and any final issuance, modification, or amendment to such permits. A violation of the terms conditions, requirements, limitations, and restrictions in Appendix 1 ~~and Appendix 2 through 7~~ is a violation of these Conditions of Certification.

XIV. through XVII. No change.

XVIII. GROUNDWATER

A. No change.

B. Underground Injection

1. PEF is authorized to undertake an aquifer recharge and recovery project (ARRP) at the Hines Energy Complex to develop water resources for use in the facility. That project shall be undertaken in accordance with separately issued Departmental permits issued pursuant to the Federal permit program for such operations. The ARRP project shall be undertaken in accordance with Department Permit No. 183519-~~001002~~-UC for a Class V Group ~~82~~ Injection Well System and any subsequent federally-required permit for that system.

2. Aquifer recharge and recovery may be allowed.

XIX. through XXXII. No change.

The Conditions of Certification (including attachments) are available at the following website: <http://www.dep.state.fl.us/siting/Highlights/conditions.htm>. Copies of the Conditions of Certification and/or attachments may also be obtained by contacting the Siting Coordination Office, Marjory Stoneman Douglas Building, 3900 Commonwealth Blvd, Tallahassee, Florida 32399-3000, (850) 245-2002.

Any party to 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.

Essie Turner 2-12-09
Clerk Date

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Final Order has been sent by United States Postal Service or by email (return receipt requested) to:

Douglas S. Roberts, Esq. Hopping Green & Sams, P.A. 123 South Calhoun Street Tallahassee, FL 32314-6526 d Roberts@hgs law.com	Kimberly Menchion, Esq. Department of Transportation Haydon Burns Building 605 Suwannee Street, Mail Station 58 Tallahassee, FL 32399-0450 Kimberly.Menchion@dot.state.fl.us
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