



FLORIDA DEPARTMENT OF Environmental Protection

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

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

July 6, 2022

Sent by Electronic Mail – Document Access Verification Requested

Mitchel Beason
Station Manager, Hines Energy Complex
7700 County Road 555
Bartow, Florida 33830
Mitchel.Beason@duke-energy.com

RE: Hines Energy Complex
Modification to Conditions of Certification
DEP Case Number PA 92-33J
OGC Case Number 22-1892

FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Mr. Beason:

On January 27, 1994; June 4, 2001; September 11, 2003; and, June 7, 2005, the Florida Siting Board issued a Site Certification to Duke Energy Florida (DEF) for the construction and operation of the four units comprising the Hines Energy Complex (Hines) in Polk County. The Department of Environmental Protection (Department) has modified the Conditions of Certification (Conditions) for DEF by Final Order on nine other occasions.

The Department has reviewed DEF's petition dated January 7, 2021 for a modification to Hine's Site Certification in accordance with §403.516(1)(c), Florida Statutes (F.S.). The petition is to request an exemption from Class II Ground Water Quality Criteria for Total Dissolved Solids and revise the groundwater monitoring requirements. Additionally, the Department, pursuant to 403.516(1)(c), F.S., is incorporating a uniform set of General Conditions consistent with recent site certifications and updating various conditions no longer applicable or consistent with current regulations.

On May 20, 2022, all parties to the certification proceeding were provided notice of the Department's intent to modify the Conditions for Hines. On June 1, 2022, notice of the Department's intent to modify the Conditions for Hines was also published in the Florida Administrative Register (FAR). On May 27, 2022, DEF published a newspaper notice of

the Department's intent to grant a water quality exemption in accordance Rule 62-520.500, Florida Administrative Code (F.A.C.).

Pursuant to Section 403.516, F.S., and Rule 62-17.211, F.A.C., all parties to the certification proceeding have 45 days from the issuance of notice in which to file a written objection to the modification. Pursuant to Section 403.516, F.S., and Rule 62-17.211, 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 FAR to object in writing. Failure to act within the time frame constitutes a waiver of the right to become a party.

These timeframes have expired and no objections to the modification have been received by the Department. Therefore, the Conditions for Hines are modified as described in the Department's Notice of Intent to Modify the Conditions of Certification dated May 20, 2022, which can be downloaded from the following file transfer protocol (ftp) site: http://publicfiles.dep.state.fl.us/Siting/Outgoing/DEF%20Hines/Modifications/Mod_J_2021_WQ_Exemption_GW_Plan_Revision/20220520HinesModJ_NOI_In_Oculus.pdf.

The final version of the modified Conditions (including attachments) can be viewed and obtained from the following website: http://publicfiles.dep.state.fl.us/Siting/Outgoing/Web/Certification/PA92_33_2022_J.pdf. Copies of the Conditions and/or attachments may also be obtained by contacting the Department of Environmental Protection, Siting Coordination Office, 2600 Blair Stone Rd., M.S. 5500, Tallahassee, Florida, 850-717-9000.

Any party to the this Order has a right to seek judicial review of it pursuant to Section 120.68, F.S. 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.

Sincerely,

**Cindy
Mulkey**

Digitally signed by
Cindy Mulkey
Date: 2022.07.06
09:46:28 -04'00'

Cindy Mulkey
Program Administrator
Siting Coordination Office

CC by electronic mail:

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District Liaison, FDEP: robert.sellers@floridadep.gov

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

Lauren Temple Digitally signed by Lauren Temple
Date: 2022.07.06 10:09:27 -04'00'
Clerk

7/6/2022
Date

Service List: *Sent by Electronic Mail – Document Access Verification Requested*

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