

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In Re: Indiantown Cogeneration, L.P.)
 Indiantown Cogeneration Facility))
 Modification of Conditions)
 of Certification)
 Martin County, Florida)
_____)

DEP CASE NO. PA 90-31D
OGC CASE NO. 00-2146

DEP 1-0 2 1 5

**FINAL ORDER MODIFYING
CONDITIONS OF CERTIFICATION**

On February 7, 1992, the Governor and Cabinet, sitting as the Siting Board, issued a final order approving certification for the Indiantown Cogeneration Facility (Facility). The site certification order approved the construction and operation of a 330 MW (net) coal fired electrical power plant and associated linear facilities to be located in Martin and Okeechobee Counties, Florida. The conditions of certification were subsequently modified on July 21, 1992, April 3, 1995, and July 26, 2000.

Pursuant to section 403.516, Florida Statutes, and rule section 62-17.211(4), Florida Administrative Code, the Department proposes to modify and clarify the conditions of certification. The conditions of certification currently provide that the South Florida Water Management District (SFWMD) must authorize certain withdrawals of ground or surface water. The proposed modifications more clearly describe the SFWMD's authority to approve withdrawals by the Indiantown Cogeneration Facility. The proposed modifications also change the approved elevation for one of the ponds at the Facility. Copies of the Department's proposed modifications are available for public review.

On January 19, 2001, copies of the proposed modifications were made available for public review and all parties to the original proceeding were furnished with a copy of the Notice of Intent to Issue Proposed Modification of Power Plant Certification and with a copy of the proposed final order. On January 26, 2001, a Notice of Intent to Issue Proposed Modification of Power Plant Certification was published in the Florida Administrative Weekly. The notices specified that all parties to the original certification proceeding have 45 days from the issuance of the notice by mail to such party's last address of record in which to object to the requested modification. Failure of any of the parties to file a response constitutes a waiver of objection to the requested modification. The notices further specified that any person who is not already a party to the certification proceeding and whose substantial interest is affected by the requested modification has 30 days from the date of publication of the public notice to object in writing. If no objections are received, then a Final Order approving the modification shall be issued by the Department. If objections are raised and agreement cannot be subsequently reached, then pursuant to §403.516(1)(c), F.S., the applicant or the Department may file a petition for modification seeking approval for those portions of the request for modification to which written objections were timely filed. No written objections to the proposed modifications have been received by the Department. Accordingly, in the absence of any timely objection,

IT IS ORDERED:

The proposed changes to the conditions of certification for the Indiantown Cogeneration Facility, as described in the request for modification dated November 10, 2000, and as set forth below, are **APPROVED**. Pursuant to Section 403.516(1)(b), F.S., the conditions of certification for the Indiantown Cogeneration Facility are **MODIFIED** as follows:

Condition IV.B.2.b.(4)

Any withdrawals from the L-63N Canal or the Upper or Lower Production Zone of the Upper Floridan aquifer or the Surficial Aquifer in excess of the amounts specified herein (or during conditions other than specified herein) shall require prior SFWMD approval. The SFWMD may grant such approval for any withdrawal less than 180 days in duration, without modifying these Conditions of Certification. The SFWMD's approval shall be based on the non-procedural requirements of Chapter 40E, F.A.C.

Condition IV.C.2.b. Authorized Discharge Facilities

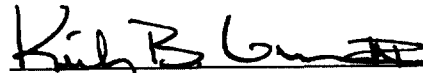
BASIN 2:	1-0.25' diameter circular orifice with the invert at elevation 33.5' NGV 1-20 V-notch with the invert at elevation 35.5' NGVD. 1-4.0' wide weir with the crest at elevation 36.5' NGVD and a length of 18" diameter culvert discharging into 20' of rip-rapped spreader swale.
BASIN 3:	1-0.25' diameter circular orifice with the invert at elevation 32.7' NGVD 1-20 V-notch with the invert at elevation 34.6' NGVD 1-4.0' wide weir with the crest at elevation 36.0' NGVD and a length of 18" diameter culvert discharging into a 20' of rip-rapped spreader swale.
BASIN 6:	1-12' wide weir consisting of a 3 sided drop inlet with the crest at 38.5' <u>37.75'</u> NGVD.

Any party to this proceeding has the right to seek judicial review of the 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 of Environmental Protection, M.S.35, 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 fee with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date that this Final Order is filed with the Department of Environmental Protection.

DONE AND ORDERED this 14th day of March, 2001, in Tallahassee,

Florida.

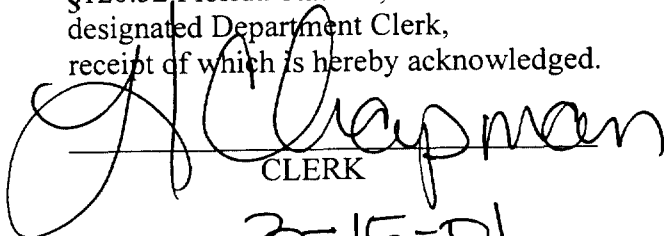
STATE OF FLORIDA, DEPARTMENT
OF ENVIRONMENTAL PROTECTION



KIRBY B. GREEN, III
DEPUTY SECRETARY
3900 Commonwealth Boulevard
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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

3-15-01
DATE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been sent this 15 day of March, 2001, by U.S. Mail to the following listed persons:

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**STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION**

A handwritten signature in black ink, appearing to read 'S. Goorland', is written over a horizontal line.

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