



Florida Department of Environmental Protection

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

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

December 10, 2009

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. George K. "Chip" Allen
Indiantown Cogeneration, L.P.
Post Office Box 1799
Indiantown, Florida 34956

RE: Indiantown Cogeneration Facility
Modification to Conditions of Certification
DEP Case Number PA 90-31I
OGC Case Number 09-4089

FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Mr. Allen:

On February 7, 1992, the Florida Siting Board certified the construction and operation of the Indiantown Cogeneration Facility. Since then the Florida Department of Environmental Protection (Department) has modified the Conditions of Certification by Final Order on eight other occasions.

The Department published notices of its intent to issue Air Construction Permits; 0850102-009-AC, 0850102-012-AC, 0850102-014-AC, and 0850102-017-AC for Indiantown Cogenerating Facility on May 28, 2007, August 29, 2007, August 14, 2007, and July 23, 2008, respectively. The Department issued Air Construction Permits; 0850102-009-AC, 0850102-012-AC, 0850102-014-AC, and 0850102-017-AC for Indiantown Cogenerating Facility on June 19, 2007, September 14, 2007, September 7, 2007, and August 22, 2008, respectively. Furthermore, on July 21, 2009, the Department published notice of its intent to issue Title V Air Operation Permit No. 0850102-019-AV. On November 23, 2009, the Department issued Title V Air Operation Permit No. 0850102-019-AV. These federally issued permits have been incorporated into the Conditions of Certification through this modification.

Pursuant to 403.516(1)(b), 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 Indiantown Cogeneration Facility are hereby modified as follows:

PART II. DEPARTMENT OF ENVIRONMENTAL PROTECTION

(1) AIR

The construction and operation of the Indiantown Cogeneration Project shall be in accordance with all applicable provisions of Chapter 62, F.A.C., -204, 62-210, 62-212, 62-296, 62-297, 62-256, and 62-702, as well as the Air Construction Permits including their subsequent modifications, amendments, or renewals, 0850102-008-AC, hereby incorporated by reference herein as part of this Certification attached as Appendix I and all applicable provisions of Chapter 62 F.A.C. except for SO₂ and NO_x during startup, shutdown, and malfunction, then 40CFR60 shall apply, and the Title V Air Operation Permit for facility I.D.0850102. Air Construction Permit Numbers PSD-FL-168, 0850102-008-AC, 0850102-009-AC, 0850102-012-AC, 0850102-014-AC, and 0850102-017-AC are incorporated by reference herein as part of this Certification and attached as Appendix I, IA, IB, IC, ID, and IE, respectively. The current Title V Air Operation Permit (0850102-00719-AV) is incorporated by reference herein as part of this Certification attached as Appendix II. The provisions of the Title V Air Operation Permit shall be conditions of this certification. The licensee shall comply with the substantive provisions and limitations set forth in the Title V Air Operation Permit as part of these Conditions of Certification, and as those provisions may be modified, amended, or renewed in the future by the Department. Such provisions shall be fully enforceable as conditions of this certification. Any violation of such provisions shall be a violation of these Conditions of Certification.

A complete set of the Conditions of Certification (including attachments) can be viewed and downloaded from the following website:

<http://www.dep.state.fl.us/siting/certification.htm>. Copies of the Conditions of Certification and/or attachments may also be obtained by contacting Michael P. Halpin, P.E., Administrator, Siting Coordination Office, Department of Environmental Protection, 3900 Commonwealth Blvd, M.S. 48, Tallahassee, Florida 32399, (850) 245-2002.

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 thirty days from the date this Order is filed with the Clerk of the Department of Environmental Protection.

The Department also notes that in the near future it will be initiating a modification pursuant to Section 403.516(1)(c), F.S., to update Indiantown Cogeneration Facility's existing Conditions of Certification to incorporate a uniform set of General Conditions consistent with recent Site Certifications. If you have any questions regarding this upcoming modification, please contact Jessica Dalton at (850) 245-2002.

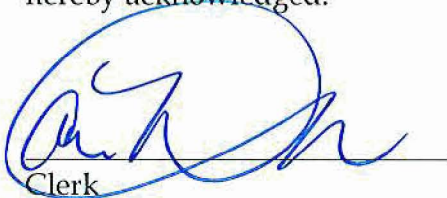
Sincerely,



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.


Clerk

12.10.09
Date

CC by email (return receipt requested):

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Indiantown Cogeneration Facility – Mod I
December 10, 2009

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