

In Re:

Florida Power & Light Company
Lauderdale Repowering Project
Power Plant Certification
Modification Request
No. PA 89-26A
Broward County, Florida

The Department of Environmental Regulation after notice and opportunity for hearing modifies the Conditions of Certification for the Florida Power & Light Company, Lauderdale Repowering Project pursuant to the Florida Electrical Power Plant Siting Act Section 403.516(1), Florida Statutes, and Condition XXI, Modification of Conditions, which delegates authority to modify conditions to the Department.

On August 18, 1992, Florida Power & Light Company submitted a petition to the Department requesting certain modifications of the Conditions of Certification for the above referenced facility.

On October 2, 1992, Notice of Proposed Modification of Power Plant Certification was served on all parties, and a Notice of Proposed Modification of Power Plant Certification was published in the Florida Administrative Weekly. No hearing was requested, therefore the Department adopts the proposed agency action as final.

Accordingly, the Department pursuant to Section 403.516(1), Florida Statutes (Supp 1990), modifies the Conditions of Certification as follows:

(1) Condition IV.B.2.b, Water Use - Prior to the commencement of construction of those portions of the repowering project involving dewatering, a detailed plan for the proposed dewatering operations must be reviewed by the SFWMD for a determination of compliance with Chapter 40E-2, 40E-3, and 40E-4, Florida Administrative Code. The following information must be submitted unless the dewatering activities meet the requirements for a no-notice short term dewatering activity under a no-notice short term dewatering activity under Rule 40E-20, Florida Administrative Code:

(2) - (6) No Change

(7) In the event the permittee proposes to replace existing on-site wells with new, deeper wells, either on-site or off site, then the Permittee shall submit to SFWMD for review and approval the information required in Condition IV.B.2.b and such other information SFWMD deems necessary for SFWMD to determine any replacement wells comply with the nonprocedural standards in Chapter 40E-3, F.A.C.

Condition IV.B.2.C. Surface Water Management

(4) In undertaking any modification to the site certification, the Permittee shall comply with the provisions of Condition IV.B.2.c. concerning the surface water management system. Any alteration to the previously approved surface water management system for the Project shall be reviewed and approved by SFWMD prior to commencement of those alterations.

Condition V.B. Environmental Control Program

(1) The Permittee shall establish an environmental control program under the supervision of a qualified person to assure that all construction activities conform to good environmental practices and the applicable conditions of certification. A written plan for controlling pollution during construction shall be submitted to DER within sixty days of issuance of the Certification. The plan shall identify and describe all pollutants and waste generated during construction and the methods for control, treatment and disposal. Each Permittee shall notify the Department's Southeast District Office by telephone within 24 hours, if possible, if unexpected harmful effects or evidence of irreversible environmental damage are detected by it during construction, shall immediately report in writing to the Department, and shall within two weeks provide an analysis of the problem and a plan to eliminate or significantly reduce the harmful effects or damage and a plan to prevent reoccurrence.

(2) Such a program shall be undertaken as part of any modification of site certification which entails construction at the Project site.

Condition XXIV. Noise

To mitigate the effects of noise produced by the steam blowout of steam boiler tubes, the Permittee shall conduct public awareness campaigns prior to such activities to forewarn the public of the estimated time and duration of the noise. Steam blowout shall be limited to the hours of 7:00 a.m. to 7:00 p.m. unless any steam blows conducted after 7:00 p.m. otherwise comply with these conditions of certification and the applicable Broward County noise regulations.

Condition XXX. Broward County.

A-D No changes.

E. The Permittee shall undertake the Lauderdale Repowering Project in accordance with the Final Site Plan as submitted to Broward County by the Permittee on August 30, 1990, (and as that Plan may be lawfully amended in the future) and determined by Broward County to be in compliance with the Broward County Land Development Code and the nonprocedural requirements therein.

F-I No changes

J. FPL shall comply with the following conditions to implement the site alterations contained in the August 18, 1992 modification request and shall comply with the provisions of the Broward County staff memos attached to and incorporated herein:

1. The proposed alteration of the Administration Building shall not substantially increase the number of employees from the current level. However, if the future use of the Administration Building is changed in such a manner so as to substantially increase the number of permanent employees, FPL and County agree to meet in order to determine whether the change of use has created a material negative impact on SW 42nd Avenue. If FPL and the County cannot agree on whether SW 42nd Avenue has suffered such a negative impact, FPL shall conduct a traffic count in accordance with Broward County standard procedures. The traffic count shall be conducted at a location acceptable to FPL and the County and shall be conducted for a continuous seven day period. If the traffic count demonstrates that the FPL related traffic on SW 42nd Avenue is more than 10% in excess of 400 vehicles per day, based on the average of the seven day period, the County administration and FPL shall meet to determine

appropriate and reasonable remedial measures to mitigate the negative impact. If the County administration and FPL are unable to agree as to the mitigation measures, FPL shall have the right to an administrative appeal to the County Commission. The County Commission may then require such mitigation measures which are appropriate and reasonable based upon the impacts on the road caused by FPL's increased usage and the Broward County Land Development Code.

2. Prior to any construction on SW 42nd Avenue, FPL shall provide documentation to the Broward County Engineering Division which evidences a drainage easement on the property east of SW 42nd Avenue from the Playland Substation to the north end of the existing cul-de-sac to meet prevailing drainage standards.

3. Prior to any construction on SW 42nd Avenue, FPL agrees to submit plans for construction of the roadway to the Broward County Engineering Division for review and approval for determination that the detailed plans substantially conform to the attached diagram provided by FPL which shows access between SW 42nd Avenue and SW 42nd Court.

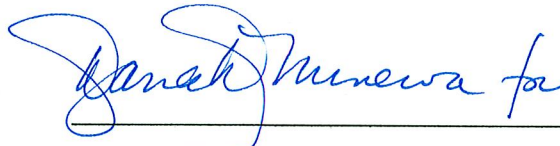
4. FPL agrees to install adequate protection (curb & gutter or guard rail) between the pavement and the existing power poles adjacent to the east side of SW 42nd Avenue. Details will be determined by the Engineering Division under construction plan review for SW 42nd Avenue.

5. FPL also agrees to work with Broward County with respect to the comments contained in the Memorandum of September 1, 1992 from Don Stone, Senior Environmental Planner, Broward County, to Dave Danovitz, Senior Planner, Office of Planning, Broward County attached hereto and the substantive standards set forth in the attached Memorandum of September 14, 1992 from Joanne MacGregor-Hanifan.

Any party to this Order has a right to seek judicial review of this Order pursuant to Section 120.67, 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, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, 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 25th day of ~~November~~ 1992 in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

A handwritten signature in blue ink, appearing to read "Carol M. Browner", is written over a horizontal line.

Carol M. Browner
Secretary

Certificate of Service

I hereby certify that a copy of the Petition for Modification of the Florida Power & Light Company, Lauderdale Repowering Project Site Certification was sent to the folling parties by United States mail on December 1st, 1992.

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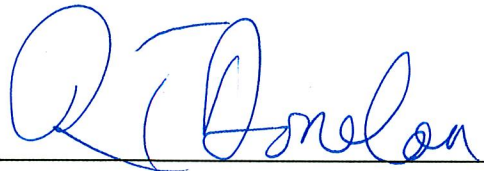
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