



FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

MARJORY STONEMAN DOUGLAS BUILDING
3900 COMMONWEALTH BOULEVARD
TALLAHASSEE, FLORIDA 32399-3000

RICK SCOTT
GOVERNOR

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HERSCHEL T. VINYARD JR.
SECRETARY

January 18, 2013

Sent by Electronic Mail – Document Access Verification Requested

Matthew Raffenberg
Environmental Licensing Manager
Florida Power & Light Company
700 Universe Blvd.
Juno Beach, FL 33408

RE: Lauderdale Repowering Plant (Units 4 and 5)
Modification to Conditions of Certification
DEP Case Number PA 89-26G
OGC Case Number 12-1535

FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Mr. Raffenberg:

The Florida Siting Board issued a Site Certification to Florida Power & Light Company (FPL) for the construction and operation of Lauderdale Repowering Plant Units 4 and 5 (LRP) on January 10, 1991. The Department of Environmental Protection (Department) has modified the Conditions of Certification (Conditions) for LRP by Final Order on six other occasions. Pursuant to Section 403.516(1)(c), Florida Statutes, (F.S.), the Department has initiated a modification to the LRP's Conditions to incorporate a uniform set of general conditions consistent with recent site certifications, and to update various antiquated specific conditions that are no longer applicable or consistent with current regulations.

On December 3, 2012, all parties to the certification proceeding were provided notice of the Department's intent to modify the Conditions for LRP, along with a draft copy of the proposed Order Modifying the Conditions of Certification. On December 11, 2012, notice of the Department's intent to modify the Conditions for LRP was also published in the Florida Administrative Register (FAR).

Pursuant to Section 403.516, F.S., and Rule 62-17.211, Florida Administrative Code (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. The Department will issue an order modifying the Conditions for this facility if no written objections are received by the Department.

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These timeframes have expired and no objections to the modification have been received by the Department. Therefore, the Conditions for LRP are hereby modified as follows:

The modified Conditions (PA 89-26G) replace the existing Conditions (PA 89-26F) in their entirety. Several existing conditions have been deleted or updated and incorporated into a more uniform set of general conditions. Many existing conditions may have been moved to different sections of the document. Also, some of the South Florida Water Management District and Broward County specific conditions have been deleted or updated as they are no longer applicable. These changes are clarified in the existing (Attachment B) and the modified (Attachment A) Conditions, which can be downloaded from the following file transfer protocol (ftp) site:

http://publicfiles.dep.state.fl.us/Siting/Outgoing/FPL_Lauderdale%20Mod%20G/.

In the existing Conditions (Attachment B), words ~~stricken~~ are deletions and words underlined are additions. The existing Conditions (Attachment B) also contain cross references, which have been electronically linked to the corresponding conditions in the modified Conditions (Attachment A), and vice versa, appearing in red following each section of the documents. In order to toggle between the two documents on your screen, copy both files (Attachments A & B) from the ftp site above and paste them into a single folder and then open both files. (If you open the documents and "Save As" using a different file name, the links will not work. You must copy and paste with the same file names.) Clicking on a link in Attachment B will take you directly to the corresponding condition in Attachment A and vice versa.

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/pa89_26_2013_G.pdf.

Copies of the Conditions and/or attachments may also be obtained by contacting the Department of Environmental Protection, Siting Coordination Office, 3900 Commonwealth Blvd., M.S. 48, Tallahassee, Florida 32399-3000, (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 30 days from the date this Order is filed with the Clerk of the Department of Environmental Protection.

Sincerely,



Cindy Mulkey
Administrator,
Siting Coordination Office

CC by email:

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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 Date



1/18/13

January 18, 2012

Service List: *Sent by Electronic Mail – Received Receipt Requested*

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