

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

IN RE: SITE CERTIFICATION,	)
MARTIN COAL GASIFICATION/	) OGC NO. 91-0581
COMBINED CYCLE PROJECT,	) CERTIFICATION NO. PA89-27C
<u>FLORIDA POWER & LIGHT COMPANY</u>	/

FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION

On February 20, 1991, the Governor and Cabinet, acting as the Siting Board, issued a final order approving certification of Florida Power & Light Company's (FPL) Martin Coal Gasification/ Combined Cycle Facility (Martin CG/CC). That certification order approved the construction and operation of a natural gas/oil fired combined cycle facility and associated facilities to be located in Martin County, Florida.

On February 16, 1995, FPL filed a request to modify the conditions of certification pursuant to section 403.516(l)(b), Florida Statutes (F.S.). FPL requested relief from maximum water level elevations in the cooling pond to conform to an agreement with the South Florida Water Management District.

Copies of FPL's request were distributed to all parties to the certification proceeding and made available for public review. On March 10, 1995, the Department published a Notice of Intent to Issue the Proposed Modification in the Florida Administrative Weekly. Copies of the request to modify were sent to all parties to the original proceeding. As of March 8, 1995, all of the parties to the original proceeding had received copies of the intent to issue. The notice specified

that a hearing would be held if a party to the original certification hearing objects within 45 days from receipt of the proposed modification or if a person whose substantial interests will be affected by the proposed modification objects in writing within 30 days after issuance of the public notice. Written objections to the proposed modifications were not received by the Department.

Accordingly, in the absence of any timely objection, IT IS ORDERED:

The proposed modifications to the Conditions of Certification relating to the maximum water level elevation in the cooling pond for the Martin CG/CC Project requested by FPL are hereby APPROVED. Pursuant to section 403.516(1)(b), F.S., the conditions of certification for the Martin CG/CC Project are MODIFIED by the Department as follows:

IV.B.2.d. Cooling Pond Maximum Elevation

~~The maximum water level elevation of the on-site cooling pond shall not exceed 31 feet NGVD.~~ In accordance with Amendment Two to the June 14, 1983, Revised Permit Agreement between SFWMD and FPL, FPL is authorized to fill the cooling pond at the Martin Plant to surface water elevations of 33.67 NGVD during the period of October 16 through May 14 of each year ("dry season") and 32.83 feet NGVD during the period May 15 through October 15 of each year ("wet season"), provided that if rainfall events cause these dry and wet season water levels to be exceeded, FPL shall refrain from adding make-up water to the cooling pond from the St. Lucie (C-44) Canal via the 90,000 GPM intake pumps until such time as seepage and evaporative losses ^{or} of flood control releases have lowered the

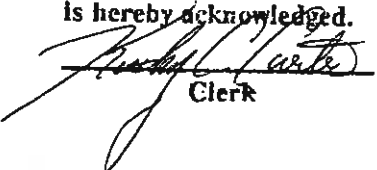
cooling pond elevation below these levels.

Any party to this Order has the right to seek judicial review of the Order pursuant to section 120.68, Florida Statutes, by the filing of 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, 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 that the Final Order is filed with the Department of Environmental Regulation.

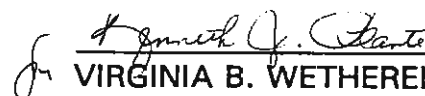
DONE AND ENTERED this 28TH day of April, 1995 in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

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


Clerk

5/2/95
Date


VIRGINIA B. WETHERELL
Secretary

Marjory Stoneman Douglas Bldg.
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was sent by U.S. Mail to the following this 2nd day of May, 1995.

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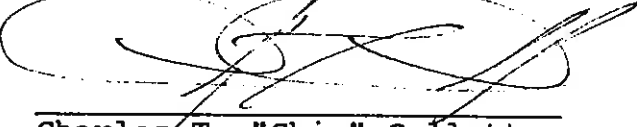
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**STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION**



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