



Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Colleen M. Castille
Secretary

DEP 04-1960

September 14, 2004

- CERTIFIED MAIL - RETURN RECEIPT REQUESTED -

Barbara P. Linkiewicz
Florida Power & Light Company
700 Universal Boulevard
Juno Beach, FL 33408

**RE: Florida Power & Light's Martin Power Plant
Modification to Conditions of Certification
DEP Case Number PA89-27H
OGC Case Number 04-0977**

ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Ms. Linkiewicz:

The Siting Board authorized the construction and operation of Martin Power Plant's Units 3, 4 on February 20, 1991 and the Unit 8 Project on April 14, 2003. The Department has modified the Conditions of Certification by Final Order on seven other occasions. The Department has noted several corrections that would substantively change the Conditions of Certification, necessitating a modification.

On July 23, 2004, all parties to the certification proceeding were provided with notice by certified mail of the Department's intent to modify the Conditions of Certification for this facility, along with a copy of the proposed Order Modifying Conditions of Certification. Additionally, on July 30, 2004, notice of the Department's intent to modify the Conditions of Certification for this facility was published on the Department's internet home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices." Those notices specified that pursuant to Section 403.516, Florida Statutes ("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 by mail to such party's last address of record in which to file a written objection to the modification; that 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 Florida Administrative Weekly to object in writing; that failure to act within the time frame constitutes a waiver of the right to become a party; and that the Department will issue an Order Modifying the Conditions of Certification for this facility if no written objections are received by the Department.

No objections to the modification have been received by the Department. The Conditions of Certification for the Martin Power Plant are hereby modified as follows:

I. through IV.

No Change.

V. SURFACE WATER DISCHARGES

Discharges into surface waters of the state during construction and operation of the project shall be in accordance with applicable provisions of Chapters 62-4, 62-160, 62-302, 62-601, 62-650, and 62-660, F.A.C., DEP Permit No. FL0030988-002-IW1S and the following Conditions of Certification:

A. Plant Effluents and Receiving Body of Water.

For discharges made from the Martin Power Plant Project, the following conditions shall apply:

1. through 14. No change.

15. ~~During the period beginning on the issuance date of these Conditions and lasting through the expiration date, the~~ The permittee is authorized to discharge from Internal Outfall I-13 - Construction Dewatering Water discharged to cooling pond.

a. No change.

b. No change.

16. No change.

B. Exemptions and Mixing Zones No change.

C. Ground Water No Change

VI. through XXXIII. No Change

XXXIV. TRANSMISSION AND PIPELINE ROWs

A. Regulatory Approval (Phase II) No Change.

B. Construction

1. through 8. No Change.

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9. For all construction activities in waters of the state where DEP has wetland resource protection jurisdiction pursuant to Chapter 403, F.S., and the Memorandum of Understanding between the Department and SFWMD, the Permittee shall file with DEP's Office of Siting Coordination and SE District Office Environmental Resources Permitting Section the information described in F.A.C. Rule 62-17.665 and ~~DEP Form 17-1.212(1), Section 3.2.2;~~ and a Joint Environmental Resource Permit Application, Form#: 62-343.900(1).

a. through d. No Change.

10. through 19. No Change.

C. Operation No Change.

XXXV. through XXXXI. No Change.

Any party to the this Order has a right to seek judicial review of it pursuant to Section 120.68, Florida Statutes 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.

Executed in Tallahassee, Florida.

Hamilton S. Oven

Hamilton S. Oven, 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.

Janda F. Korokos
Clerk

9/14/04
Date

cc:

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Ann Cole, Clerk and
Charles A. Stampelos, Administrative Law Judge
Division of Administrative Hearings
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Roger Saberson, Esquire
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And by hand delivery to:

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