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STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

IN RE: SITE CERTIFICATION,)
MCINTOSH UNIT NO. 3,)
CITY OF LAKE LAND AND)
ORLANDO UTILITIES COMMISSION)

Dept. of Environmental Reg.
Office of General Counsel

CERTIFICATION NO. PA 74-06D
OGC NO. 93-3123
DEP 93-0996

FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION

On December 7, 1978, the Governor and Cabinet, acting as the Siting Board, issued a final order approving the certification for the construction of McIntosh Unit 3 by the City of Lakeland and the Orlando Utilities Commission (OUC). That certification order approved the construction and operation of a 334 MW (gross) coal fired unit and an associated 230 kV transmission line from the McIntosh Plant Site to an OUC substation located in Orange County, Florida.

On February 2, 1993, OUC filed a request to modify the conditions of certification pursuant to section 403.516(1)(b), F.S. OUC requested that the conditions be modified to allow relocation of a portion of the transmission line in Osceola County from one side of I-4 to the opposite side of I-4. OUC also requested that the area for clearing vegetation in the right-of-way be increased from 10 feet to 20 feet from the outermost conductor, and that the herbicides used need not be approved by the Department, but must be registered with the U. S. Environmental Protection Agency. The Department was informed by the City of Lakeland, a co-licensee of the McIntosh project, that it has no objection to the proposed modification.

Copies of OUC's request were distributed to all parties to the certification proceeding and made available for public review. On February 19, 1993, a Notice Intent to Issue a Proposed Modification of a Power Plant Certification was published in the Florida Administrative Weekly. As of April 15, 1993, all of the parties to the original proceeding had received copies of the intent to modify. The notices specified that a hearing would be held if a party to the original certification hearing objects in writing 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 Department's proposed modifications were not received.

Accordingly, in the absence of any dispute,

IT IS ORDERED THAT:

The proposed changes to the Lakeland to Orlando 230 kV transmission line requested by OUC are hereby approved based on the absence of any written objections. The relocation of the 230 kV transmission line shall be done in compliance with Florida Department of Transportation (FDOT) permitting standards and the FDOT Utility Accommodation Guide, as called for in §§ 337.401 through 337.404, F.S., and Rule 14-46.001, F.A.C. OUC shall cooperate with FDOT to the extent feasible to locate the transmission line outside of the planned expansion and interchange construction of I-4.

Pursuant to section 403.516(1)(b), F.S., the Department hereby modifies the conditions of certification for the McIntosh No. 3 Power Plant as follows:

B. Maintenance.

1. Vegetative removal for maintenance should be carried out in the following manner:

Vegetation within the right-of-way may be cut or removed no lower than the soil surface under the conductor, and for a distance up to 20 feet to either side of the outermost conductor, while maintaining the remainder of the project right-of-way by selectively clearing vegetation which has an expected mature height above 14 feet. Brazilian pepper, Australian pine and Melaleuca shall be eradicated throughout the wetland portion of the right-of-way.

~~Vegetative-clearing-operations-to-be-carried-out within-the-corridor-should-follow-the-general standards-for-clearing-rights-of-way-for-overhead transmission-lines,-thus-preserving-immature-tree species-along-the-peripheries-of-the-right-of-way. These-standards-define-the-zone-that-shall-be-cleared of-all-tree-growth-as-the-area-between-structures-10 ft.-to-either-side-of-the-outside-conductor.--The remainder-of-the-right-of-way-from-the-cleared-area to-the-right-of-way-limit-shall-be-screened.--This translates-to-mean-that-only-trees-in-excess-of-10 ft.-in-height-would-be-removed-from-the-outer-zone.~~

2. Herbicides registered with the U.S. Environmental Protection Agency may be used for vegetation control within the transmission line easement without prior approval of the Department.

~~Herbicides-shall-not-be-used-for-vegetation-control along-the-transmission-line-without-prior-approval-of the-Department.~~

Any party to this Order has the right to seek judicial review of the Order pursuant to section 120.68, F.S. by the filing of Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the clerk of the Department

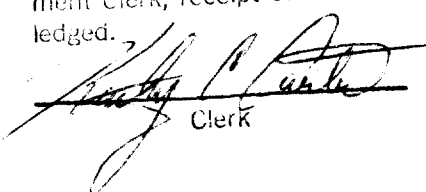
of Environmental Protection in the Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date that the Final Order is filed with the Department of Environmental Protection.

DONE AND ENTERED this 6TH day of August, 1993, 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

8/10/93
Date


VIRGINIA B. WETHERELL
Secretary

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was mailed or hand-delivered to the following on this 10th day of August, 1993.

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**STATE OF FLORIDA DEPARTMENT
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