

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION AUG 9 2001

SITING COORDINATION

In Re: City of Lakeland)
McIntosh Power Plant)
Modification of Conditions)
of Certification)
PA 74-06)
Polk County, Florida)

DEP CASE NO. PA 74-06H
OGC CASE NO. 99-2254

**FINAL ORDER MODIFYING
CONDITIONS OF CERTIFICATION**

On December 7, 1978, the Governor and Cabinet, sitting as the Siting Board, issued a final order approving certification for the Lakeland McIntosh Power Plant Unit Number 3. The site certification order approved the construction and operation of a 334 MW (net) coal fired unit and associated facilities in Polk County, Florida. The certification has been previously modified on October 5, 1980, August 15, 1988, August 10, 1983, February 13, 1996, and July 9, 1999.

On July 23, 1999, Lakeland filed a request to amend the Conditions of Certification pursuant to Section 403.516(1)(b), Florida Statutes to delete a condition requiring evaluation of treated sewage effluent for use in the cooling towers.

On May 23, 2001, copies of the proposed modifications were made available for public review and all parties to the original proceeding were furnished copies of the Notice of Intent to Issue Proposed Modification of Power Plant Certification along with a copy of the Proposed Final Order. On June 1, 2001, a Notice of Intent to Issue Proposed Modification of Power Plant Certification was published in the Florida Administrative Weekly. The notices specified that all parties to the original certification proceeding have 45 days from the issuance of the notice by mail to such party's last address of record in which to object to the requested modification. Failure of any of the parties to file a response constitutes a waiver of objection to the requested modification. The notices further specified 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 to object in writing. If no objections are received, then a Final Order approving the modification shall be issued by the Department. If objections are raised and an agreement cannot be subsequently reached, then

pursuant to §403.516(1)(c), F.S., the applicant or the Department may file a petition for modification seeking approval for those portions of the request for modification to which written objections were timely filed. No written objections to the proposed modifications have been received by the Department. Accordingly, in the absence of any timely objections,

IT IS ORDERED:

The proposed changes to the Lakeland McIntosh Power Plant Unit Number 5 as described in its July 23, 1999, request for modification for deletion of Condition XVI. are **APPROVED**. Pursuant to Section 403.516(1)(b), F.S., the Conditions of Certification for the Lakeland McIntosh Power Plant Unit Number 5 are **MODIFIED** as follows:

I. - XV. No change

~~XVI. COOLING WATER TREATMENT~~

~~A study to determine the presence of pathogenic organisms in the sewage treatment plant effluent shall be performed to determine the degree of treatment required prior to use in cooling towers. A plan or study will be developed by the Department and the Department of Health & Rehabilitative Services. Based on the number of pathogenic organisms detected, the final degree of treatment and amount of chlorination to be required will be determined by the Department.~~

~~XVII. XVI. SANITARY WASTE DISPOSAL~~

No change to text.

~~XVIII. XVII. SURFACE WATER AND STORMWATER MANAGEMENT FACILITIES~~

No change to text.

Any party to this Final Order has the right to seek judicial review of the Final Order 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, M.S.35, Office of General Counsel, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, and by filing a copy of the Notice of Appeal, accompanied by the applicable filing fee, with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date that this Final Order is filed with the Department of Environmental Protection.

DONE AND ENTERED this 5th day of August, 2001, in Tallahassee, Florida.

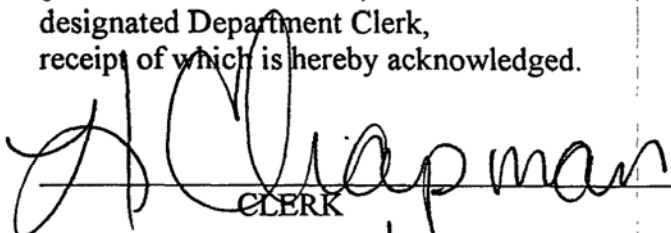
STATE OF FLORIDA, DEPARTMENT
OF ENVIRONMENTAL PROTECTION


ALLAN BEDWELL
DEPUTY SECRETARY

3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000
(850) 488-7131

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
8/6/01
DATE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY this 7 day of August 2001, that a true and correct copy of the foregoing has been sent by mail to the following:

Mark Lapp, Esq.
SWFWMD
2379 Broad Street
Brooksville, FL 34609-6899

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**STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION**



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Polk County, Florida)

DEP CASE NO. PA 74-06G
OGC CASE NO. 99-2254

**NOTICE OF INTENT TO ISSUE PROPOSED
MODIFICATION OF POWER PLANT CERTIFICATION**

The Florida Department of Environmental Protection (Department) hereby provides notice of an intent to modify power plant Conditions of Certification issued pursuant to the Florida Electrical Power Plant Siting Act, § 403.501, *et seq.*, Florida Statutes (F. S.). A Proposed Final Order has been prepared in accordance with Rule 62-17.211(4), Florida Administrative Code (F.A.C.), concerning the above referenced project. A copy of the Proposed Final Order Modifying Conditions of Certification is attached.

Pursuant to section 403.516, Florida Statutes, and rule section 62-17.211(4), Florida Administrative Code, the Department proposes to modify and clarify the Conditions of Certification. On July 23, 1999, Lakeland filed a request to amend the Conditions of Certification pursuant to Section 403.516(1)(b), Florida Statutes to delete a condition requiring evaluation of treated sewage effluent for use in the cooling towers. Copies of the Department's proposed modifications are available for public review.

POINT OF ENTRY

Pursuant to § 403.516, F.S., and Rule 62-17.211(5), F.A.C., all parties to the certification proceeding have 45 days from the issuance of this notice by mail to such party's last address of record in which to object to the requested modification. Failure of any of the parties to file a response will constitute a waiver of objection to the requested modification.

Any person who is not already a party to the certification proceeding and whose substantial interest would be affected by the requested modification has 30 days from the date of

publication of the public notice to object in writing. The written objection must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000.

If no objections are received, then a Final Order approving the modification shall be issued by the Department. If objections are raised and agreement cannot be subsequently reached, then pursuant to §403.516(1)(c), F.S., the applicant or the Department may file a petition for modification seeking approval for those portions of the request for modification to which written objections were timely filed.

Mediation is not available in this proceeding.

CERTIFICATE OF SERVICE

I hereby certify this _____ Day of _____ 2001, that a true and correct copy of the foregoing has been sent by mail to the following listed persons:

Frank Anderson, Esq.
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