



Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

November 30, 2011

Sent by Electronic Mail – Received Receipt Requested

Farzie Shelton
City of Lakeland
Department of Electric Utilities
501 East Lemon Street
Lakeland, Florida 33801

RE: C. D. McIntosh Power Plant Units 3 & 5
Modification to Conditions of Certification
DEP Case Number PA 74-06Q
OGC Case Number 11-1324

FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Ms. Shelton:

The Florida Siting Board issued a Site Certification for McIntosh Power Plant Units 3 and 5 (McIntosh) on December 11, 1978 and June 1, 2000, respectively. The Department of Environmental Protection (Department) has modified the Conditions of Certification (Conditions) for McIntosh by Final Order on fifteen other occasions. Pursuant to Section 403.516(1)(b) and (c), Florida Statutes ("F.S."), the Department has initiated a modification to McIntosh's Conditions to incorporate federally issued permits as well as a uniform set of general conditions consistent with recent site certifications.

Pursuant to Section 403.516(1)(b), F.S., the Department may modify conditions of a site certification which are inconsistent with the terms of any federally delegated or approved permit. Such modification(s) may be made without further notice if the matter has been previously noticed under the requirements for any federally delegated or approved permit program. The Department published notice of its intent to issue Title V Air Operation Permit No. 1050004-029-AV for McIntosh on January 24, 2011, and issued the final permit on April 8, 2011.

On September 26, 2011, all parties to the certification proceeding were provided notice by certified mail of the Department's intent to modify the Conditions for McIntosh to incorporate a uniform set of general conditions consistent with recent site certifications, along with a draft copy of the proposed Order Modifying the Conditions of Certification. On October 7, 2011, notice of the Department's intent to modify the Conditions for McIntosh was also published in the Florida Administrative Weekly (FAW).

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 by mail to such party's last address of record 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 FAW 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.

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

The modified Conditions (Attachment A) replace the existing Conditions (Attachment B) in its entirety. Several existing conditions have been updated and incorporated into a more uniform set of general conditions. Many existing conditions have been moved to different sections of the document. PDFs of the modified (Attachment A) and existing (Attachment B) Conditions can be downloaded from the following file transfer protocol (ftp) site:

<http://publicfiles.dep.state.fl.us/Siting/Outgoing/McIntosh%20PA%2074-06/Mod%20Q/>.

The existing Conditions (Attachment B) contain cross references to the corresponding conditions in the modified Conditions (Attachment A), appearing in red following each section of the document. The cross references in Attachment B have been electronically linked to the corresponding condition in the modified Conditions (Attachment A). 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 from the ftp site 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.

A complete set of the Conditions (including attachments) can be viewed and obtained from the following website: http://www.dep.state.fl.us/siting/files/certification/pa74_06_2011.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.

Executed in Tallahassee, Florida.



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.

Essie Turner 11-30-2011
Clerk Date

Service List: CC by email (return receipt requested):

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