



Florida Department of Environmental Protection

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

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Mimi Drew
Secretary

December 20, 2010

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Mike Roddy
Manager of Environmental Affairs
Seminole Electric Cooperative, Inc.
16313 North Dale Mabry Highway
Tampa, Florida 33688-2000

RE: Midulla Generating Station
DEP Case Number PA89-25
Post-certification Amendment dated September 24, 2010
Lubricating Oil Building

Dear Mr. Roddy:

The Florida Department of Environmental Protection's (Department's) Siting Coordination Office received a request dated September 24, 2010 from the Seminole Electric Cooperative, Inc. (SECI), for a post certification amendment to the Site Certification Application for SECI's Midulla Generating Station (MGS). The request is for the construction of a 60 foot (ft) by 80-ft lubricating oil building to the MGS facility, along with approximately 5,524 square feet (ft²) of gravel access driveway and 2,240 ft² of concrete apron adjacent to that building. In addition, SECI plans to build a small 19- by 38 ft free-standing roof adjacent to an existing administrative building. Because the impervious surfaces will increase, an analysis of the pond was conducted and it was determined that the weir invert should be raised 0.31' to 121.1' National Geodetic Vertical Datum (NGVD).

Pursuant to subsection 62-17.205(c), Florida Administrative Code ("F.A.C."), the Department has determined that this request is an amendment to the application that will not require modification to the Conditions of Certification for the facility. Based on review of the September 24th submittal, the Department has no objection to the construction of the lubricating building, gravel access driveway, concrete apron, and free standing roof adjacent to the administrative building provided that SECI continue to comply with the Conditions of Certification as well as the following:

1. Within thirty (30) days of issuance of this approval letter SECI will provide a revised Operations & Maintenance Plan that includes the following:
 - a. Notify the Department at (813) 632-7600 within twenty-four hours of observation of sinkhole development in the surface water management system.
 - b. All surface water management system pipes, swales, inlets, catch basins, manholes, flumes, pond inflow and outfall structures (including oil skimmers), and discharge pipes will be inspected on a regular basis (monthly or quarterly) and after major rainfalls. Maintenance will include removing built-up debris and vegetation as well as repairing deteriorating structures.
 - c. Maintain, rather than remove, wetland vegetation that becomes established in the littoral zone. Do not cut, mow, use herbicide or grass carp to remove any of the vegetation in the littoral zone.
2. SECI will revise and submit Drawing S3010 section 2 to the Department prior to construction in order to reflect the new DHW elevations per the field adjustment.

Please send all submittals to the Department's Southwest District Office and provide the Siting Office with an electronic copy.

The Department's Order shall become final unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, Florida Statutes ("F.S."), within 21 days of receipt of this Order. The procedures for petitioning for a hearing are set forth below.

Persons affected by this Order have the following options:

If you choose to accept the above decision by the Department concerning the postcertification amendment you do not have to do anything. This Order is final and effective as of the date on the top of the first page of this Order.

If you disagree with the decision, you may do one of the following:

1. File a petition for administrative hearing with the Department's Office of General Counsel within 21 days of receipt of this Order; or
2. File a request for an extension of time to file a petition for hearing with the Department's Office of General Counsel within **21** days of receipt of this Order. Such a request should be made if you wish to meet with the Department in an attempt to informally resolve any disputes without first filing a petition for hearing.

Please be advised that mediation of this decision pursuant to Section 120.573, F.S., is not available.

How to Request an Extension of Time to File a Petition for Hearing

For good cause shown, pursuant to subsection 62-110.106(4), F.A.C., the Department may grant a request for an extension of time to file a petition for hearing. Such a request must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000, within **21** days of receipt of this Order. Petitioner, if different from the addressee, shall mail a copy of the request to the addressee at the time of filing. Timely filing a request for an extension of time tolls the time period within which a petition for administrative hearing must be made.

How to File a Petition for Administrative Hearing

A person whose substantial interests are affected by this Order may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida, 32399-3000, within **21** days of receipt of this Order. Petitioner, if different from the addressee, shall mail a copy of the petition to the addressee at the time of filing. Failure to file a petition within this time period shall waive the right of anyone who may request an administrative hearing under Sections 120.569 and 120.57, F.S.

Pursuant to Sections 120.54(5)(b)4 and 120.569(2), F.S. and Rule 28-106.201, F.A.C., a petition for administrative hearing shall contain the following information:

- a) The name, address, and telephone number of each petitioner, the name, address, and telephone number of the petitioner's representative, if any, the site owner's name and address, if different from the petitioner, the DEP facility number, and the name and address of the facility;
- b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- c) An explanation of how each petitioner's substantial interests are or will be affected by the Department's action or proposed action;

- d) A statement of the material facts disputed by the petitioner, or a statement that there are no disputed facts;
- e) A statement of the ultimate facts alleged, including a statement of the specific facts the petitioner contends warrant reversal or modification of the Department's action or proposed action;
- f) A statement of the specific rules or statutes the petitioner contends requires reversal or modification of the Department's action or proposed action; and
- g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Department's action or proposed action.

This Order is final and effective as of the date on the top of the first page of this Order. Timely filing a petition for administrative hearing postpones the date this Order takes effect until the Department issues either a final order pursuant to an administrative hearing or an Order Responding to Supplemental Information provided to the Department pursuant to meetings with the Department.

Judicial Review

Any party to this Order has the right to seek judicial review of it under Section 120.68, F.S., by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, MS 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 after this order is filed with the clerk of the Department (see below).

Questions

Any questions regarding the Department's review of your postcertification amendment should be directed to Ann Seiler at (850) 245-2143. Questions regarding legal issues should be referred to the Department's Office of General Counsel at (850) 245-2242. Contact with any of the above does not constitute a petition for administrative hearing or request for an extension of time to file a petition for administrative hearing.

Sincerely,



Michael P. Halpin, 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.


Clerk

12/20/10

Date

SECI- Midulla
Post Certification Amendment – Lube Oil Bldg
December 20, 2010
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Service List

CC by certified mail or email (return receipt requested):

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Also CC by email:

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