



Florida Department of Environmental Protection

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

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

December 7, 2009

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Michael Opalinski
Seminole Electric Cooperative, Inc.
Post Office Box 272000
Tampa, Florida 33688-2000

RE: Richard J. Midulla Generating Station (formerly known as Payne Creek)
Modification to Conditions of Certification
DEP Case Number PA 89-25F
OGC Case Number 09-3926

FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Mr. Opalinski:

The Siting Board authorized the construction and operation of the Payne Creek Generating Station on August 15, 1995 (PA 89-25). On August 6, 2007, the Department of Environmental Protection's Siting Coordination Office (Department) received a post-certification amendment to change the name of the facility from Payne Creek to Richard J. Midulla Generating Station. The Department acknowledged this post-certification amendment on August 9, 2007, and has incorporated this change into the Conditions of Certification. The Department has modified the Conditions of Certification by Final Order on five other occasions.

The Department published notices of its intent to issue Air Construction Permits; PSD-FL-214A, PSD-FL-214C, PSD-FL-344, PSD-FL-344A, and PSD-FL-214E & 344B for Midulla Generating Station on May 20, 1999, May 12, 2005, May 12, 2005, September 4, 2008, and January 29, 2009, respectively. The Department issued Air Construction Permits; PSD-FL-214A, PSD-FL-214C, PSD-FL-344, PSD-FL-344A, and PSD-FL-214E & 344B for Midulla Generating Station on July 21, 1999, July 5, 2005, June 29, 2005, September 22, 2008, and March 4, 2009, respectively.

On November 1, 2007, the Department published notice of its intent to issue Title V Air Operation Permit No. 0490340-006-AV. On December 13, 2007, the Department issued Title V Air Operation Permit No. 0490340-006-AV. On June 15, 2009, the Department

published notice of its intent to issue a renewal of NPDES Permit No. FL0044229. On September 24, 2009, the Department issued NPDES Permit No. FL0044229-007-IWB. These federally issued permits have been incorporated into the Conditions of Certification through this modification.

Pursuant to 403.516(1)(b), F.S., the Department may modify specific 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 Conditions of Certification for the Midulla Generating Station are hereby modified as follows:

II. AIR

A. *Existing Units*

The construction and operation of the existing certified units shall be in accordance with all applicable provisions of Chapters 62-210 through 62-297 and 62-4, Florida Administrative Code (F.A.C.), the approved Title V Permit program where applicable and 40 CFR 60, Subpart GG, Appendix A, Appendix B, and Appendix F, and the respective PSD Permits ~~PSD-FL-214 and PSD-FL-344 as those provisions may be modified, amended, or renewed in the future by the Department and their subsequent modifications, amendments, or renewals.~~ The PSD Permits; PSD-FL-214A, PSD-FL-214C, PSD-FL-344, PSD-FL-344A, and PSD-FL-214E & 344B are incorporated by reference herein as part of this Certification and are attached as Appendix III, IV, V, VI, and VII, respectively. The current Title V Air Operation Permit (0490340-0056-AV) is incorporated by reference herein as part of this Certification and is attached as Appendix II. The provisions of the respective PSD Permits and the Title V Air Operation Permit shall be conditions of the certification and shall be fully enforceable as such.

A complete set of the Conditions of Certification (including attachments) can be viewed and downloaded from the following website:

<http://www.dep.state.fl.us/siting/Highlights/conditions.htm>. Copies of the Conditions of Certification and/or attachments may also be obtained by contacting Michael P. Halpin, P.E., Administrator, Siting Coordination Office, Department of Environmental Protection, 3900 Commonwealth Blvd, M.S. 48, Tallahassee, Florida 32399, (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

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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.

The Department also notes that in the near future it will be initiating a modification pursuant to Section 403.516(1)(c), F.S., to update Midulla Generating Station's existing Conditions of Certification to incorporate a uniform set of General Conditions consistent with recent Site Certifications. If you have any questions regarding this upcoming modification, please contact Jessica Dalton at (850) 245-2002.

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

12-7-09
Date

CC by email (return receipt requested):

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