



FLORIDA DEPARTMENT OF Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Noah Valenstein
Secretary

January 3, 2018

Sent by Electronic Mail – Document Access Verification Requested

Danielle Hall
Environmental Services Manager
Florida Power & Light Company
Okeechobee Clean Energy Center
700 Universe Boulevard
Juno Beach, Florida 33408
Danielle.Hall@fpl.com

RE: Okeechobee Clean Energy Center
Modification to Conditions of Certification
DEP Case Number PA15-58B
OGC Case Number 18-1358

FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Ms. Hall:

The Florida Siting Board issued a Site Certification to the Florida Power & Light Company (FPL) for the construction and operation of the Okeechobee Clean Energy Center (OCEC) in Okeechobee County on June 29, 2016. The Department of Environmental Protection (Department) has modified the Conditions of Certification (Conditions) for OCEC by Final Order on one other occasion.

The Department has reviewed FPL's petition dated August 3, 2018, for a modification pursuant to §403.516(1)(c), Florida Statutes (F.S.), to change the OCEC potable water supply classification. Additionally, the Department is also modifying various Conditions to reflect recent rule changes and to update the language used within the General Conditions in accordance with §403.516(1)(c), F.S.

On November 6, 2018, all parties to the certification proceeding were provided notice of the Department's intent to modify the Conditions for OCEC. The Department withdrew its Notice of Intent on November 8, 2018, to address scrivener's errors within the proposed Conditions. The amended Notice of Intent to modify OCEC's Conditions was issued November 9, 2018, and on November 15, 2018, the notice of the Department's intent to modify the Conditions for OCEC was published in the Florida Administrative Register (FAR).

Pursuant to §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 in which to file a written objection to the modification. Pursuant to §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 FAR to object in writing. Failure to act within the time frame constitutes a waiver of the right to become a party.

These timeframes have expired and no objections to the modification have been received by the Department. Therefore, the Conditions for OCEC are modified as described in the Department's Amended Notice of Intent to Modify the Conditions of Certification dated November 9, 2018, which can be downloaded from the following file transfer protocol (ftp) site:

[http://publicfiles.dep.state.fl.us/Siting/Outgoing/FPL_OCEC/Modifications/Mod_B_Water Supply Class Change/NOI/2018_11_09_Amended NOI Mod B.pdf](http://publicfiles.dep.state.fl.us/Siting/Outgoing/FPL_OCEC/Modifications/Mod_B_Water_Supply_Class_Change/NOI/2018_11_09_Amended_NOI_Mod_B.pdf).

The final version of the modified Conditions (including attachments) can be viewed and obtained from the following website:

[http://publicfiles.dep.state.fl.us/Siting/Outgoing/FPL_OCEC/Modifications/Mod_B_Water Supply Class Change/Proposed Conditions Mod B](http://publicfiles.dep.state.fl.us/Siting/Outgoing/FPL_OCEC/Modifications/Mod_B_Water_Supply_Class_Change/Proposed_Conditions_Mod_B).

Copies of the Conditions and/or attachments may also be obtained by contacting the Department of Environmental Protection, Siting Coordination Office, 2600 Blair Stone Road, M.S. 5500, Tallahassee, Florida 32399-2400, (850) 717-9000.

Any party to this Order has a right to seek judicial review of it pursuant to §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.

Sincerely,

Cindy Mulkey
Administrator,
Siting Coordination Office

FPL OCEC Mod B – Final Order

January 3, 2019

Page 3 of 5

CC by electronic mail:

Project Manager, FPL: Adrienne.Charbonneau@nexteraenergy.com

District Director SED, DEP: Jennifer.K.Smith@dep.state.fl.us

District Liaison SED, DEP: Paul.Wierzbicki@dep.state.fl.us

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

Date

Service List: *Sent by Electronic Mail – Received Receipt Requested*

Michael Weiss, Esquire
Department of Environmental Protection
3900 Commonwealth Blvd., M.S. 35
Tallahassee, Florida 32399-3000
michael.weiss@dep.state.fl.us

Andrew S. Grayson, Esquire
Florida Fish & Wildlife Conservation Commission
620 South Meridian Street
Tallahassee, Florida 32399-1600
andrew.grayson@myfwc.com
FWCConservationPlanningServices@myfwc.com

Jon Morris, Esquire
Scott Rogers
Department of Economic Opportunity
107 East Madison Street
Tallahassee, Florida 32399
Jon.Morris@deo.myflorida.com
Scott.Rogers@deo.myflorida.com

Thomas Lanahan
Executive Director
Treasure Coast Regional Planning Council
421 Southwest Camden Avenue
Stuart, Florida 34994
tlanahan@tcrpc.org

Kimberly Menchion, Esquire
Jasmin Raffington
Assistant General Counsel
Department of Transportation
605 Suwannee Street, MS 58
Tallahassee, Florida 32399-0458
kimberly.menchion@dot.state.fl.us
jasmin.raffington@dot.state.fl.us

Karen Ferguson, Esquire
Kealy West, Esquire
St. Johns River Water Management District
Office of Counsel
P.O. Box 1429
Palatka, Florida 32178-1429
kferguson@sjrwmd.com
kwest@sjrwmd.com

Lee Eng Tan, Esquire
Florida Public Service Commission
Office of General Counsel
2450 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
LTan@psc.state.fl.us

John Cassels, Esquire
Okeechobee County Attorney
400 Northwest 2nd Street
Okeechobee, Florida 34972
jdc@legal-one.com

Jason Aldridge
Robin Jackson
Department of State
Division of Historical Resources
R.A. Gray Building 4th Floor
500 South Bronough Street
Tallahassee, Florida 32399-0250
jason.aldridge@dos.myflorida.com
robin.jackson@dos.myflorida.com

William Royce
Director
Okeechobee County
Planning and Development
1700 Northwest 9th Avenue
Okeechobee, Florida 34972
broyce@co.okeechobee.fl.us

Scott A. Goorland
Senior Attorney
NextEra Energy
700 Universe Boulevard
Juno Beach, Florida 33408
scott.goorland@fpl.com

Patricia M. Steed
Executive Director
Central Florida Regional Planning Council
555 East Church Street
Bartow, Florida 33830
psteed@cfrpc.org

Roland Ries, Esquire
Heartland Consortium
1290 Golfview Avenue., 4th Floor
Bartow, Florida 33830
Roland.Ries@flhealth.gov

Stan Boling
Community Development Director
Indian River County
1801 27th Street
Vero Beach, Florida 32960-3388
sboling@ircgov.com