



Florida Department of Environmental Protection

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

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

October 6, 2008

- CERTIFIED MAIL - RETURN RECEIPT REQUESTED -

Mr. Mark J. Hornick,
General Manager, Polk Power Station
Tampa Electric Company.
Post Office Box 111
Tampa, Florida 33601-0111

RE: Tampa Electric Company
Polk Power Station
Modification to Conditions of Certification
DEP Case Number PA92-32K
OGC Case Number 08-1834

FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Mr. Hornick:

On January 27, 1994, the Governor and Cabinet, sitting as the Siting Board, issued a final order approving certification for the Tampa Electric Company Polk Power Station Unit 1 electrical power plant site. That certification order approved the construction and operation of a 1,150 MW Integrated Coal-Gasification Combined Cycle power plant facility and associated facilities located at the Polk Power Station site in Polk County, Florida. The Department of Environmental Protection has subsequently modified the Conditions of Certification on ten different occasions by final orders.

On July 10, 2008, the Department initiated a modification to clarify the land use and management intent. As a result of this modification, the identified habitats east of Highway 37 will continue to be protected from incompatible uses and maintained to contribute to the goals of the Integrated Habitat Network, which is the environmental component of FDEP/BMR's Regional Conceptual Plan for the Southern Phosphate District of Florida. Furthermore, the majority of the parcel serves as the headwaters of the Payne Creek watershed and could be combined with other planned watershed improvements under the Non-Mandatory Reclamation Program and the Peace River Basin Resource Management Plan. The overall goals of FDEP/BMR will be consistent with the Site Certification's intentions for a natural area.

All parties to the certification proceeding were provided with notice by certified mail or electronically of the Department's intent to modify the Conditions of Certification for this facility, along with a copy of the proposed Order Modifying Conditions of Certification on or near March 25, 2008. Additionally, notice of the Department's intent to modify the Conditions of Certification for this facility was published in the Florida Administrative Weekly on September 5,

2008. Those notices specified that pursuant to Section 403.516, F.S., and Rule 62-17.211, F.A.C., all parties to the certification proceeding have 45 days from the issuance of the notice by mail to such party's last address of record in which file a written objection to the modification; that failure of any of the parties to file a response will constitute a waiver of objection to the modification; and 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 in the Florida Administrative Weekly to object in writing.

The Conditions of Certification for the Polk Power Station are hereby modified as follows:

I. through XXIX. No change

XXX. A – I.1 No change

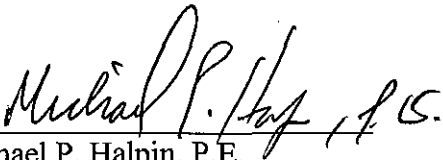
XXX.I.

2. TEC shall donate the 1,511 acres of land in Tract B west of State Road (SR) 37 ~~to the Polk County~~ and an associated \$200,000 start-up fund to the Board of Trustees Internal Improvement Trust via established state lands donation procedures by December 31, 20038

The complete Conditions of Certification (including attachments) are available at the following web site: <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 the Siting Coordination Office, Bob Martinez Center, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850) 245-8002.

Any party to the this Order has a right to seek judicial review of it 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 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 thirty days from the date this Order is filed with the Clerk of the Department of Environmental Protection.

Executed in Tallahassee, Florida.


Michael P. Halpin, P.E.
Administrator, Siting Coordination Office

Attach:

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 10/6/08
Clerk Date

cc. Michelle Harmeling, DEP - WRM
 Bud Cates, DEP – WRM

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Final Order has been sent by email to:

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