



# 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

July 30, 2018

***Sent by Electronic Mail – Document Access Verification Requested***

Ms. Jena Mier  
Environmental Services Manager  
Florida Power and Light Company  
700 Universe Boulevard  
Juno Beach, Florida 33408  
[jena.mier@nexteraenergy.com](mailto:jena.mier@nexteraenergy.com)

RE: Riviera Beach Energy Center  
Modification to Conditions of Certification  
DEP Case Number PA09-54D  
OGC Case Number 18-0237

**FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION**

Dear Ms. Mier:

The Secretary of the Department of Environmental Protection, on behalf of the Governor and Cabinet (Siting Board), issued the Site Certification of the Florida Power and Light Company (FPL) Riviera Beach Energy Center (RBEC) on November 24, 2009. This certification authorized the conversion from two nominal 300-megawatt (MW) conventional dual-fuel fired generating units and support facilities to a nominal 1,250 MW 3-on-1 combined cycle unit, which consists of three combustion turbines, three heat recovery steam generators, and one steam turbine/electric generator. The Department of Environmental Protection (Department) has modified the Conditions of Certification (Conditions) by Final Order on three other occasions.

On January 12, 2018, the Department's Siting Coordination Office received an amendment request from FPL pursuant to Section 403.5113(1), Florida Statutes (F.S.), to construct an asphalt paved parking lot on the landscaped buffer north of 59<sup>th</sup> Street to accommodate visitors to the Manatee Lagoon Center. There will also be a 160-square foot steel connex container located on the northwest corner of the parking lot which will be used to store light duty maintenance equipment.

The Department received notification on January 26, 2018, from the City of West Palm Beach that the request would require a change to its Conditions. In accordance with

403.5113(1)(c), F.S., the Department notified FPL on January 30, 2018 that a modification to RBEC's Conditions would be required.

On March 1, 2018, pursuant to Section 403.516(1)(c), F.S., FPL filed a petition with the Department to modify RBEC's Site Certification. The Department provided notice of FPL's petition to all parties to the certification proceeding on June 13, 2018. On June 22, 2018, notice of the Department's intent to modify was published in the Florida Administrative Register (FAR).

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 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 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 RBEC are modified as described in the Department's Notice of Intent to Modify the Conditions of Certification dated June 13, 2018, which can be downloaded from the following file transfer protocol (ftp) site:

[http://publicfiles.dep.state.fl.us/Siting/Outgoing/FPL%20Riviera/Modifications/Mod\\_D\\_Manatee\\_Lagoon\\_Parking\\_Lot/2018\\_05\\_03\\_Proposed\\_Existing\\_Conditions\\_Mod\\_D/](http://publicfiles.dep.state.fl.us/Siting/Outgoing/FPL%20Riviera/Modifications/Mod_D_Manatee_Lagoon_Parking_Lot/2018_05_03_Proposed_Existing_Conditions_Mod_D/)

The final version of the modified Conditions (including attachments) can be viewed and downloaded from the following ftp site:

[http://publicfiles.dep.state.fl.us/Siting/Outgoing/FPL%20Riviera/Modifications/Mod\\_D\\_Manatee\\_Lagoon\\_Parking\\_Lot/2018\\_07\\_26\\_Mod\\_D\\_Final\\_Conditions/](http://publicfiles.dep.state.fl.us/Siting/Outgoing/FPL%20Riviera/Modifications/Mod_D_Manatee_Lagoon_Parking_Lot/2018_07_26_Mod_D_Final_Conditions/)

Copies of the Conditions and/or attachments may also be obtained by contacting the Department of Environmental Protection, Siting Coordination Office, 2600 Blair Stone Rd, Tallahassee, Florida 32399-3000, (850) 717-9000.

Any party to 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.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cindy Mulkey", with a large, sweeping loop at the end.

Cindy Mulkey  
Administrator  
Siting Coordination Office

CC by electronic mail:  
District Director, DEP: [jennifer.k.smith@dep.state.fl.us](mailto:jennifer.k.smith@dep.state.fl.us)  
District Liaison, DEP: [paul.wierzbicki@dep.state.fl.us](mailto: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 – Document Access Verification Requested***

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

Jennifer Brown, Esquire  
South Florida Water Management District  
Office of Counsel  
3301 Gun Club Road  
West Palm Beach, Florida 33406  
[jebrown@sfwmd.gov](mailto:jebrown@sfwmd.gov)

Jon Morris, Esquire  
Department of Economic Opportunity  
107 East Madison Street  
Tallahassee, Florida 32399  
[jon.morris@deo.myflorida.com](mailto:jon.morris@deo.myflorida.com)  
[Scott.Rogers@deo.myflorida.com](mailto:Scott.Rogers@deo.myflorida.com)

Eric Schneider, Principal Planner  
City of West Palm Beach  
Planning and Zoning  
401 Clematis Street, Second Floor  
West Palm Beach, Florida 33401  
[eschneider@wpb.org](mailto:eschneider@wpb.org)

Kimberly Menchion, Esquire  
Assistant General Counsel  
Department of Transportation  
605 Suwannee Street, MS 58  
Tallahassee, Florida 32399-0458  
[kimberly.menchion@dot.state.fl.us](mailto:kimberly.menchion@dot.state.fl.us)  
[jasmin.raffington@dot.state.fl.us](mailto:jasmin.raffington@dot.state.fl.us)

Carlos A. Rey, Esquire  
Department of State  
R.A. Gray Building  
500 South Bronough Street  
Tallahassee, Florida 32399-0250  
[Carlos.Rey@dos.myflorida.com](mailto:Carlos.Rey@dos.myflorida.com)  
[deena.woodward@dos.myflorida.com](mailto:deena.woodward@dos.myflorida.com)

Michael J. Busha, Executive Director  
Treasure Coast Regional Planning Council  
421 Southwest Camden Avenue, Suite 1  
Stuart, Florida 34994-2903  
[mbusha@tcrpc.org](mailto:mbusha@tcrpc.org)

Nancy Urcheck, Esquire  
Deputy City Attorney  
City of West Palm Beach  
401 Clematis Street, Fifth Floor  
West Palm Beach, Florida 33401  
[NUrcheck@wpb.org](mailto:NUrcheck@wpb.org)

Denise M. Nieman, Esquire, County Attorney  
Robert Banks, Assistant County Attorney  
Palm Beach County  
301 North Olive Avenue, Suite 601  
West Palm Beach, Florida 33401  
[dnieman@pbcgov.org](mailto:dnieman@pbcgov.org)  
[rbanks@pbcgov.org](mailto:rbanks@pbcgov.org)

Andrew DeGraffenreidt, Esquire  
City Attorney  
City of Riviera Beach  
600 West Blue Heron Boulevard  
Riviera Beach, Florida 33401  
[cityattorney@rivierabch.com](mailto:cityattorney@rivierabch.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](mailto:LTan@psc.state.fl.us)

Andrew S. Grayson, Esquire  
Florida Fish & Wildlife Conservation  
Commission  
620 South Meridian Street  
Tallahassee, Florida 32399-1600  
[andrew.grayson@myfwc.com](mailto:andrew.grayson@myfwc.com)  
[fwcconservationplanningservices@myfwc.com](mailto:fwcconservationplanningservices@myfwc.com)

Tom Lundeen, P.E.  
Deputy Port Director  
Port of Palm Beach  
One East 11<sup>th</sup> Street, Suite 600  
Riviera Beach, Florida 33404  
[tlundeen@portofpalmbeach.com](mailto:tlundeen@portofpalmbeach.com)