



Florida Department of Environmental Protection

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

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel Vinyard
Secretary

June 14, 2012

Sent by Electronic Mail – Received Receipt Requested

Mr. Andrew Sears
Senior Environmental Scientist
JEA
21 West Church Street
Jacksonville, Florida 32202

RE: St. Johns River Power Park (PA 81-13)
Amendment Request (AM12-023)
District II Wastewater Reclamation Facility Reuse Water Diversion

Dear Mr. Sears:

On April 20, 2012, the Florida Department of Environmental Protection (Department), Siting Coordination Office received a request from JEA for an amendment to their St. Johns River Power Park (SJRPP) Site Certification Application (SCA) to divert reuse water from JEA's District II wastewater reclamation facility to the SJRPP cooling towers in order to deter manatee loitering at the current District II Wastewater Reclamation Facility effluent discharge outfall.

Based on a review of the information submitted by JEA on April 20, 2012 and additional information received on June 13, 2012, the Department has determined that this proposal is an amendment to SJRPP's SCA pursuant to subsection 62-17.205(1), Florida Administrative Code (F.A.C.). The Department has no objections to the proposed project and hereby approves the amendment request, provided that JEA continues to comply with the existing conditions of certification.

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 Blvd., M.S. 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 Blvd., M.S. 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 certification number for the facility 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;

June 14, 2012

- 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, Florida Rules of Appellate Procedure, with the clerk of the Department in the Office of General Counsel, 3900 Commonwealth Blvd., 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 after this order is filed with the clerk of the Department (see below).

Questions

Any questions regarding the Department's review of this amendment request should be directed to Ann Seiler at (850) 245-2002. Questions regarding legal issues should be referred to the Department's Office of General Counsel at (850) 245-2257. 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,



Cindy Mulkey
Administrator,
Siting Coordination Office

CC by email:

Greg Strong, DEP NED Director, greg.strong@dep.state.fl.us

Jeff Martin, DEP NED - Domestic Wastewater, jeff.martin@dep.state.fl.us

Jay Worley, JEA – Director, Environmental Programs, WorlJA@jea.com

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

6-14-2012
Date

Service List: CC by email (return receipt requested)

Kelly Samek, Esquire
FL Fish and Wildlife Conservation
Commission
620 South Meridian Street
Tallahassee, FL 32399-1600
kelly.samek@myfwc.com

David Jordan, Esquire
Department of Economic Development
107 East Madison St.
Tallahassee, FL 32399-2100
David.Jordan@deo.myflorida.com

Brooke Lewis, Esquire
Hopping Green & Sams, P.A.
Post Office Box 6526
Tallahassee, FL 32314
BrookeL@hgslaw.com

Brian D. Teeple, Executive Director
Northeast Florida Regional Council
6850 Belfort Oaks Place
Jacksonville, Florida 32216
bteeple@nefrc.org

Mary Ellen Winkler, Esquire
St. Johns River Water Management District
P.O. Box 1429
Palatka, FL 32178-1429
MWinkler@sjrwm.com

Kimberly Menchion, Esq.
Assistant General Counsel
Department of Transportation
605 Suwannee Street, MS 58
Tallahassee, FL 32399-0458
kimberly.menchion@dot.state.fl.us

Jason Teal, Esquire
City of Jacksonville
Office of General Counsel
117 W. Duval Street, Suite 480
Jacksonville, Florida 32202
JTeal@coj.net

Toni Sturtevant, Esquire
Department of Environmental Protection
3900 Commonwealth Blvd.
Mail Station 35
Tallahassee, FL 32399-3000
toni.sturtevant@dep.state.fl.us

Adam Teitzman, Attorney Supervisor
Florida Public Service Commission
Office of the General Counsel
2540 Shumard Oak Blvd.
ateitzman@psc.state.fl.us