



Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400
September 7, 2006

Colleen M. Castille
Secretary

- CERTIFIED MAIL - RETURN RECEIPT REQUESTED -

James R. Frauen
Seminole Electric Cooperative, Inc.
Post Office Box 272000
Tampa, Florida 33688-2000

RE: Seminole Power Plant Units 1 & 2
(Postcertification Amendments dated February 13, 2006)
DEP Case Number PA78-10J, OGC Case Number 06-1442

Dear Mr. Frauen:

On February 13, 2006, Seminole Electric Cooperative, Inc. submitted a petition to the Department requesting a modification to the site certification for the Seminole Power Plant to authorize the upgrade of pollution control equipment and new on site construction including a wet detention stormwater management system. The Department has determined that the revised stormwater management system is a post-certification amendment to the application that requires no modification of the conditions of certification. The Department has no objection to the construction of the revised stormwater management system as long as it complies with Condition IV.A. and DEP Rules 62-25, and 62-330, F.A.C. Please be advised that federal NPDES construction stormwater requirements may also apply to this activity.

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, Florida Statutes ("F.S."), is not available.

How to Request an Extension of Time to File a Petition for Hearing

For good cause shown, pursuant to rule 62-110.106(4), Florida Administrative Code ("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 Boulevard, Mail Station 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 Boulevard, MS 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 subsections 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 facility number, 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;

- 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 of the Florida Rules of Appellate Procedure with the clerk of the Department in the Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, 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 your postcertification amendment should be directed to Hamilton S. Oven, P.E. at (850) 487-0472. Questions regarding legal issues should be referred to the Department's Office of General Counsel at (850) 488 - 9314. 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,

Hamilton S. Oven

Hamilton S. Oven, 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.

Janda Karobow

Clerk
(or Deputy Clerk)

9-7-06

Date

CC: Scott Goorland, Esq.

CC by certified mail:

James Alves, Esq.
Hopping Green Sams & Smith, P.A.
Post Office Box 6526
Tallahassee, Florida 32314

***Via Interagency Delivery**

Kelly A. Martinson, Assistant General Counsel
Department Of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

***Via Interagency Delivery**

Sheauching Yu, Assistant General Counsel
Department Of Transportation
Haydon Burns Bldg., M.S. 58
605 Suwannee Street
Tallahassee, Florida 32399-0450

***Via Interagency Delivery**

Martha Carter Brown, Esq.
Division Of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

***Via Interagency Delivery**

James V. Antista, General Counsel
Fish & Wildlife Conservation Commission
Bryant Building
620 South Meridian Street
Tallahassee, Florida 32399-1600

Mr. Wayne Smith, Chairman
Board of County Commissioners
Union County
15 Northeast First Street
Lake Butler, Florida 32054

Mr. Patrick Gilligan
City of Ocala
1531 SE 36th Avenue
Ocala, Florida 34471

Mr. Charles Justice
Executive Director
N. Central Florida Regional Planning Council
2009 Northwest 67th Place
Suite A
Gainesville, Florida 32653-1603

Vance W. Kidder, Esq.
St. Johns River Water Mgmt. Dist.
Post Office Box 1429
Palatka, Florida 32178

Mr. Ronald Williams, Chairman
Board of County Commissioners
Columbia County Courthouse
Post Office Drawer 1529
Lake City, Florida 32056

Mark Scruby
Clay County Attorney
Post Office Box 1366
Green Cove Springs, Florida 32043

Mr. Charles "Skeet" Alford, Jr., Chairman
Board of County Commissioners
Putnam County
Post Office Box 758
Palatka, Florida 32178

Mr. Gordon B. Johnston, Esq.
Marion County Attorney
601 Southeast 25th Avenue
Ocala, Florida 34471

Tim Keyser, Esq.
Sierra Club
Post Office Box 62
Interlachen, FL 32148-0062

7005 0390 0002 1980 5957
7005 0390 0002 1980 5926
7005 0390 0002 1980 5919

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	

Postmark
Here

Total I Tim Keyser, Esquire

Sent To Sierra Club
Post Office Box 62
Interlachen, Florida 32148-0062

PS Form 3800, June 2002

See Reverse for Instructions

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	

Postmark
Here

Total Po:

Mark Scruby
Clay County Attorney
Post Office Box 1366
Green Cove Springs, FL 32043

PS Form 3800, June 2002

See Reverse for Instructions

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	

Postmark
Here

Total Postage & f Mr. Ronald Williams, Chairman
Board of County Commissioners
Columbia County Courthouse
Post Office Drawer 1529
Lake City, Florida

PS Form 3800, June 2002

See Reverse for Instructions

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	

Postmark
Here

Total F Mr. Charles Alford, Jr., Chairman
Board of County Commissioners
Putnam County
Post Office Box 758
Palatka, Florida 32178

PS Form 3800, June 2002

See Reverse for Instructions

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	

Postmark
Here

Total Postage

James Alves, Esquire
Hopping Green Sams & Smith, P.A.
Post Office Box 6526
Tallahassee, Florida 32314

PS Form 3800, June 2002

See Reverse for Instructions

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	

Postmark
Here

Tot

Vance Kidder, Esquire
St. Johns River Water Mgmt. Dist.
Post Office Box 1429
Palatka, Florida 32178

PS Form 3800, June 2002

See Reverse for Instructions

7005 0390 0002 1980 5940

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		

Total Post Mr. Gordon B. Johnston, Esquire

Sent To Marion County Attorney
601 Southeast 25th Ave.
Ocala, Florida 34471

PS Form 3800, June 2002

See Reverse for Instructions

7005 0390 0002 1980 5896

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		

Mr. Charles Justice
Executive Director
N. Central Florida Regional Planning Council
2009 Northwest 67th Place Suite A
Gainesville, Florida 32653-1603

PS Form 3800, June 2002

See Reverse for Instructions

7005 0390 0002 1980 5889

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		

Total Postage Mr. Patrick Gilligan

Sent To City of Ocala
1531 SE 36th Avenue
Ocala, Florida 34471

PS Form 3800, June 2002

See Reverse for Instructions

7005 0390 0002 1980 5858

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		

Total F James R. Frauen

Sent To Seminole Electric Cooperative, Inc.
Post Office Box 272000
Tampa, Florida 33688-2000

PS Form 3800, June 2002

See Reverse for Instructions

7005 0390 0002 1980 5872

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		

Total F Mr. Wayne Smith, Chairman
Board of County Commissioners
Union County
15 Northeast First Street
Lake Butler, Florida 32054

PS Form 3800, June 2002

See Reverse for Instructions