



Florida Department of Environmental Protection

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

November 30, 2009

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

- CERTIFIED MAIL - RETURN RECEIPT REQUESTED -

Mr. Mike Roddy
Manager, Environmental Affairs
Seminole Electric Cooperative, Inc.
16313 North Dale Mabry Highway
Tampa, FL 33688-2000

RE: Seminole Generating Station
Siting Case Number PA 78-10K
OGC # 09-3605
DEP Initiated Modification

FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Mr. Roddy:

The Florida Siting Board certified the Seminole Generating Station Units 1 & 2 on September 18, 1979 and Unit 3 on August 17, 2007, respectively. On November 17, 2007 and on March 13, 2009 respectively the Department published notice of its intent to issue NPDES permit FL0036498-004-IW1S and Air Construction Permit No. 1070025-012-AC. On April 6, 2009 and July 2, 2009, the Department issued Air Construction Permit No. 1070025-012-AC and NPDES permit FL0036498-004-IW1S respectively, which have been incorporated into the Conditions of Certification through this modification.

Pursuant to 403.516 (1) (b), Florida Statutes ("F.S."), the Department may modify specific Conditions of a site Certification which are inconsistent with the terms of any federally delegated or approved permit. Such modification(s) may be made without further notice if the matter has been previously noticed under the requirements for any federally delegated or approved permit program. The Conditions of Certification for the Seminole Generating Station are hereby modified as follows:

I. AIR **A. Units 1 and 2**

The construction and operation of Units No. 1 and 2 at the Seminole steam electric power plant site shall be in accordance with all applicable requirements and limits of Chapters 62-210, 62-212, 62-213, 62-296, and 62-297, Florida Administrative, with Air permit Nos. 1070025-004-AC, 1070025-012-AC and Title V permit 1070025-003-AV each as attached in Appendix A. Any final issuance, modifications, or amendments to such PSD permit and/or Title V permits, are incorporated by reference herein, and are binding and enforceable Conditions of this Certification. The Licensee is subject to and shall comply with the terms, conditions, requirements, limitations, and restrictions set forth in Appendix A, as it may be revised by any final issuance, modification, or amendment to such PSD permit and/or

Title V permits. A violation of the terms conditions, requirements, limitations, and restrictions in Appendix A is a violation of these Conditions of Certification.

B. Unit 3

The conditions, requirements, limitations, and restrictions set forth in draft Permit PSD-FL-375 (1070025-005-AV) [Attached as Appendix A] and any final issuance, modifications, or amendments to such PSD permit, are incorporated by reference herein, and are binding and enforceable Conditions of this Certification. The Licensee is subject to and shall comply with the conditions, requirements, limitations, and restrictions set forth in Appendix A and any final issuance modification or amendment thereto. A violation of the conditions, requirements, limitations, and restrictions in Appendix A is a violation of these Conditions of Certification. The Licensee is also obligated to comply with any air operation permit issued pursuant to Chapter 62-213, F.A.C.

C. Liquid Discharges

~~There shall be no discharge of liquids containing nitrogen compounds from the upgraded air pollution control systems to the Seminole Generating Station cooling water outfall to the St. Johns River until a revised NPDES permit is issued by the Department that reflects discharge limits for nitrogen compounds in accordance with the DEP's Total Maximum Daily Load limits for the St. Johns River.~~

II. WATER DISCHARGES

A. - B. No Change

C. Industrial Wastewater Permit

1. In addition to the Conditions of Certification set forth in this subsection, Water Discharges, the operation of Units 1, 2 and 3 at the Seminole steam electric power plant site also shall be in accordance with the separate Industrial Wastewater Facility Permit No. FL0036498-Major, issued to Seminole by the Department on January 7, 2000, and all revisions approved by the Department. The provisions of Industrial Wastewater Facility Permit No. FL0036498-Major, which is attached as Appendix "B", is hereby incorporated as part of these Conditions of Certification for the SECI Seminole Power Plant. Seminole shall comply with the substantive conditions and limitations set forth in that Permit as part of the Conditions of Certification, and as those conditions may be revised in the future by the Department. The substantive requirements of Industrial Wastewater Facility Permit No. FL0036498-Major are hereby incorporated as Conditions of this Certification, are fully enforceable as Conditions of Certification for this facility, and are subject to the provisions of §403.516, F.S., and Chapter 62-17.211, F.A.C.

2. No Change

No other changes to the Conditions of Certification

The Conditions of Certification (including attachments) are available at the following web site: <http://www.dep.state.fl.us/siting/certification.htm> Copies of the Conditions of Certification and/or attachments may also be obtained by contacting the Siting Coordination Office, Marjory Stoneman Douglas Building, 3900 Commonwealth Boulevard, Florida 32399-3000, (850) 245-2002.

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.

The Department also notes that in the near future it will be initiating a modification pursuant to Section 403.516(1)(c), F.S., to update Seminole Generating Station's existing Conditions of Certification to incorporate a uniform set of General Conditions consistent with recent Site Certifications. If you have any questions regarding this upcoming modification, please contact Ann Seiler at (850) 245-2143.

Executed in Tallahassee, Florida.

Sincerely,



Michael P. Halpin, 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.



Clerk

11.30.09

Date

CC by certified email:

- Emily Norton, Esquire
Fish and Wildlife Conservation Commission
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• Kimberly Mension, Esq.
Assistant General Counsel
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• Toni Sturtevant, Esquire
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Mail Station 35
Tallahassee, FL 32399-3000
toni.sturtevant@dep.state.fl.us

Nelson, Allena

From: Matthew.Davis@dca.state.fl.us
Sent: Monday, November 30, 2009 1:03 PM
To: Nelson, Allena
Subject: RE: Final Order - Seminole Generating Station
Attachments: Final Order MODK.pdf

Matthew Davis
Assistant General Counsel
Department of Community Affairs
Florida Communities Trust
2555 Shumard Oak Blvd.
Tallahassee, Florida 32399
(850) 922-1687
(850) 922-2679 (fax)

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Florida has a broad public records law and all correspondence, including email addresses, may be subject to disclosure.

"Nelson, Allena" <Allena.Nelson@dep.state.fl.us>

11/30/2009 12:06 PM

To <emily.norton@myfwc.com>, <matthew.davis@dca.state.fl.us>, <mark.scruby@co.clay.fl.us>, <jbrubake@psc.state.fl.us>, <jalves@hgsllaw.com>, <koons@ncfrpc.org>, <ronald_williams@columbiacountyfla.com>, <reary@putnam-fl.com>, <khDavis@sjrwmd.com>, <allen.erickson@ocfl.net>, <JacksonD@circuit8.org>, <pgilligan@ocalalaw.com>, <tom.wright@marioncountyfl.org>, <kimberly.menchion@dot.state.fl.us>, "Sturtevant, Toni" <Toni.Sturtevant@dep.state.fl.us>
cc "Seiler, Ann" <Ann.Seiler@dep.state.fl.us>, "Halpin, Mike" <Mike.Halpin@dep.state.fl.us>

Subject RE: Final Order - Seminole Generating Station

Dear Sir/Madam:

Please send a "reply" message verifying receipt of the attached document(s); this may be done by selecting "Reply" on the menu bar of your e-mail software and then selecting "Send". We must receive verification of receipt and your reply will preclude subsequent e-mail transmissions to verify receipt of the document(s).

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Thank you,

Allena Nelson

Dept. of Environmental Protection
3900 Commonwealth Blvd.
Tallahassee, Florida 32399-3000
Ph: (850) 245-2162
Fx: (850) 245-2020

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Nelson, Allena

From: Scott Koons [koons@ncfrpc.org]
Sent: Monday, November 30, 2009 6:29 PM
To: Nelson, Allena
Subject: RE: Final Order - Seminole Generating Station

From: Nelson, Allena [mailto:Allena.Nelson@dep.state.fl.us]
Sent: Monday, November 30, 2009 12:07 PM
To: emily.norton@myfwc.com; matthew.davis@dca.state.fl.us; mark.scruby@co.clay.fl.us; jbrubake@psc.state.fl.us; jalves@hgslaw.com; Scott Koons; ronald_williams@columbiacountyfla.com; rleary@putnam-fl.com; khDavis@sjrwmd.com; allen.erickson@ocfl.net; JacksonD@circuit8.org; pgilligan@ocalalaw.com; tom.wright@marioncountyfl.org; kimberly.menchion@dot.state.fl.us; Sturtevant, Toni
Cc: Seiler, Ann; Halpin, Mike
Subject: RE: Final Order - Seminole Generating Station

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Nelson, Allena

From: Mark H. Scruby [Mark.Scruby@co.clay.fl.us]
Sent: Tuesday, December 01, 2009 9:04 AM
To: Nelson, Allena
Subject: RE: Final Order - Seminole Generating Station

Received

Mark H Scruby, County Attorney
Clay County, Florida
Post Office Box 1366
Green Cove Springs, FL 32043
(V) 904 269 6377
(F) 904 269 6346
mark.scruby@co.clay.fl.us

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From: Nelson, Allena [mailto:Allena.Nelson@dep.state.fl.us]
Sent: Monday, November 30, 2009 12:07 PM
To: emily.norton@myfwc.com; matthew.davis@dca.state.fl.us; Mark H. Scruby; jbrubake@psc.state.fl.us; jalves@hgslaw.com; koons@ncfrpc.org; ronald_williams@columbiacountyfla.com; rleary@putnam-fl.com; khDavis@sjrwmd.com; allen.erickson@ocfl.net; JacksonD@circuit8.org; pgilligan@ocalalaw.com; tom.wright@marioncountyfla.org; kimberly.menchion@dot.state.fl.us; Sturtevant, Toni
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Nelson, Allena

From: James Alves [JimA@hgslaw.com]
Sent: Tuesday, December 01, 2009 3:53 PM
To: Nelson, Allena
Subject: RE: Final Order - Seminole Generating Station

James S. Alves
Hopping Green & Sams, P.A.
119 South Monroe Street, Suite 300*
Tallahassee, Florida 32301
HG&S website: <http://www.hgslaw.com>
Reception desk: (850) 222-7500
Direct line: (850) 425-2360
Direct Fax: (850) 521-2760
E-mail: jalves@hgslaw.com
Assistant: Melanie Goodson
Melanie's direct line: (850) 425-3410
Melanie's direct fax: (850) 521-2810
Melanie's E-mail: mgoodson@hgslaw.com

***Note our new physical address**

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To: emily.norton@myfwc.com; matthew.davis@dca.state.fl.us; mark.scruby@co.clay.fl.us; jbrubake@psc.state.fl.us; James Alves; koons@ncfrpc.org; ronald_williams@columbiacountyfla.com; rleary@putnam-fl.com; khdavis@sjrwmd.com; allen.erickson@ocfl.net; JacksonD@circuit8.org; pgilligan@ocalalaw.com; tom.wright@marioncountyfl.org; kimberly.menchion@dot.state.fl.us; Sturtevant, Toni
Cc: Seiler, Ann; Halpin, Mike
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Allena Nelson

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1. Article Addressed to: Michael Opalinski Seminole Electric Cooperative, Inc. P.O. Box 272000 Tampa, Florida 33688-2000		B. Received by (Printed Name) <i>Lucio Abbott</i>	C. Date of Delivery
		D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No	
		<i>Seminole Elec. Co. PA 8925F</i>	
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		4. Restricted Delivery? (Extra Fee) ☐ Yes	
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Mr. Mike Roddy
Manager, Environmental Affairs
Seminole Electric Cooperative, Inc.
16313 North Dale Mabry Highway
Tampa, FL 33688-2000

Instructions

7003 0500 0004 0142 9715



**Florida Fish
and Wildlife
Conservation
Commission**

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620 South Meridian Street
Tallahassee, Florida
32399-1500
Voice: (850) 488-4676

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(800) 955-8771 (T)
(800) 955-8773 (V)

MyFWC.com

December 17, 2009

Mr. Michael Halpin, P.E.
Siting Administrator
Florida Department of Environmental Protection
2600 Blair Stone Road, MS 48
Tallahassee, FL 32399-2400

Re: Seminole Electric Cooperative, Inc., Hardee Power Station, Power Plant
Certification No. PA89-25, Post-Certification Amendment to Application, Multi-
county, Florida

Dear Mr. Halpin:

Florida Fish and Wildlife Conservation (FWC) staff has reviewed the above-referenced post-certification amendment application pursuant to section 403.5113, Florida Statutes. This letter serves to identify potential impacts to wildlife resources regarding the proposed conductor replacement and an associated transmission line south of the certified Hardee Power Station extending from the existing Vandolah substation to the existing FPL-Charlotte substation. The FWC is recommending the following additions to the Conditions of Certification for the existing Power Plant Certification No. PA 89-25, in accordance with the Power Plant Siting Act.

Project Description

The Hardee Power Station was first approved under the Power Plant Siting Act on November 27, 1990. The Co-applicants at the time were Seminole Electric Cooperative, Inc. (Seminole), Tampa Electric Company, and TECO Power Services. TECO Power Services has since been replaced as a Co-applicant by Hardee Power Partners, Limited. The approved power plant site includes combined-cycle generating facilities, a cooling pond, and other improvements at the plant site in Hardee and Polk counties, as well as three associated transmission lines. The transmission lines were approved with the original site certification PA 89-25 and were constructed in 1992-93. The proposed project intends to replace portions of the transmission system that is operated by Seminole: the Vandolah transmission line, which terminates approximately eight miles south of the plant site at the Vandolah substation in Hardee County; and the Lee transmission line, which terminates approximately 70 miles farther south at the Lee County substation in Lee County, but is only being replaced up to the existing FPL-Charlotte substation in Charlotte County. There are no proposed changes to the existing transmission line right of way and no additional roads will be required.

Proposed Changes for Existing Recommendations

Gopher Tortoise:

The applicant acknowledges the presence of active gopher tortoise burrows within the proposed transmission line corridor and proposes to appropriately mark and provide a 25-foot buffer around gopher tortoise burrow entrances near construction activities.

Seminole also proposes to send a qualified biologist to the project site to educate construction crews on how to avoid potential harm to gopher tortoises. It is anticipated that all gopher tortoises and their burrows will be avoided during this project. If, however, impacts to this species are unavoidable, the FWC recommends that the following language be included as certification conditions:

- The FWC now requires that gopher tortoise work be conducted by "Authorized Agents."
- Either a conservation permit or a temporary exclusion permit from the FWC would need to be obtained if any project activities would impact gopher tortoises, their burrows, or their habitat.
- The applicant should refer to the current (revised April 2009) FWC gopher tortoise permitting guidelines (www.myfwc.com/gophertortoise) to determine which specific permit would be best suited to this project, if applicable.

Crested Caracara:

The applicant has identified a caracara nest within a cabbage palm approximately 50 feet to the west on one of the proposed pole replacements (structure #178). The FWC acknowledges that Seminole has consulted with the U.S. Fish and Wildlife Service and that a 1,000-foot buffer around the nest during the breeding season (November – April) was recommended to avoid adverse impacts to the nest from construction related activities. Please note that adverse impacts include disruption of nesting and subsequent care of hatchlings caused by unusual activity close to nest trees. To minimize the likelihood of this type of impact, we recommend the following language be included as conditions of certification:

- Breeding-season construction activities in this particular area should be initiated only if this breeding pair fails to initiate nesting. Also, caracaras may initiate nesting in other nearby trees in what are called alternate or supernumerary nests. Attention should be paid to attempts to nest in other trees within the 1,000-foot buffer. If neither the primary nest nor any secondary new nests are active on the site, then no further monitoring needs to be performed.
- The nest site should be monitored throughout the nesting cycle, November to June, to determine the activity status of the nest so long as construction activities persist in the area. Monitoring should be performed and documented by a person with documented experience in identifying normal and abnormal behaviors of caracaras associated with nesting activities.

Summary

Although we find this project to be consistent with the existing certification conditions, the proposed conductor replacement and an associated transmission line warrant the additional Conditions of Certification during the certificate modification process. This finding does not relieve the applicant from following requirements of all Florida Administrative Code rules relating to surveying for and obtaining necessary permits for impacts to wildlife (especially those listed as endangered, threatened or of special concern) that might be a result of future construction. If you or your staff would like to coordinate further on the potential issues contained in this report, please contact me at

Mr. Michael Halpin

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December 17, 2009

850-410-5272 or email me at MaryAnn.Poole@MyFWC.com, and I will be glad to help make the necessary arrangements. If you have any questions, or need any additional information, please feel free to contact Luis F. Gonzalez by telephone at 863-646-3200 or by email at Luis.Gonzalez@MyFWC.com.

Sincerely,



Mary Ann Poole
Commenting Program Administrator

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Seminole Electric-Fluores Power 2520 121709

cc: Ann Seiler, DEP, Tallahassee

James S. Alves, Hopping Green & Sams (www.hgslaw.com)

