



Florida Department of Environmental Protection

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

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Mimi A. Drew
Secretary

October 20, 2010

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Denise M. Stalls
Vice President
Environmental Affairs
Orlando Utilities Commission
P.O. Box 3193
Orlando, FL 32802

RE: Post-Certification Amendment dated April 16, 2010
OUC Stanton Energy Center
Site Certification PA 81-14
Landfill Gas Pipeline Project

Dear Ms. Stalls:

The Florida Department of Environmental Protection's Siting Coordination Office (Department) received a request for a post certification amendment (dated April 16, 2010) to the Orlando Utilities Commission (OUC) Stanton Energy Center (SEC) Site Certification Application (PA81-14) for the addition of a second landfill gas pipeline.

Pursuant to Section 62-17.205(c), F.A.C., the Department has determined that this request is an amendment to the application that will not require modification to the Conditions of Certification (COC) for the facility. The pipeline will supply landfill gas from the Orange County Landfill to be used as fuel in SEC Units 1 and 2. According to OUC's submittal, modification to the Title V air operating permit will not be required.

In reviewing OUC's proposal, the Department identified the need for the existing Conditions of Certification (COC) for the Facility to be updated, including the incorporation of a uniform set of General Conditions, consistent with recent site certifications. Therefore, a modification to the Facility's COC will be initiated by the Department pursuant to Section 403.516(1)(c), Florida Statutes (F.S.) following this amendment. Additionally, the Department has been unable to verify certain mitigation requirements related to the Stanton Unit B project.

Based on the review of the OUC April 16th submittal and additional information provided, the Department has no objections to the above request provided that:

1. OUC shall continue to comply with all existing requirements of its Conditions of Certification.
2. The demonstration of all-outstanding Unit B mitigation requirements shall be provided, subject to Department approval, no later than April 15, 2011. This shall include the purchase of additional mitigation bank credits if necessary.
3. Surface water discharge of any produced ground water, recovered during dewatering operation, shall be discharged in accordance with the requirements of Rule 62-621.300, F.A.C.
4. Construction of the blower/flare station area depicted in Drawing No. C2b, Stormwater Treatment Site Plan Blower/Flare Station included in Appendix 1 of the SCS Engineers submittal dated October 1, 2010 shall not commence until final approval from the Department has been received.

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 Cindy Mulkey at (850) 245-2175. Questions regarding legal issues should be referred to the Department's Office of General Counsel at (850) 245-2242. 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,

A handwritten signature in blue ink that reads "Michael P. Halpin, P.E.".

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 Date

Denise Stalls
October 20, 2010
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Service List: CC by email (return receipt requested):

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