



Florida Department of Environmental Protection

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

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

August 16, 2010

- CERTIFIED MAIL - RETURN RECEIPT REQUESTED -

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

Re: OUC Stanton Energy Complex
Case Number PA81-14
Post certification amendment – Sodium Hypochlorite/Cooling Towers & Brine Plant

Dear Ms. Stalls:

On July 20, 2010 the Department of Environmental Protection's Siting Coordination Office received a post-certification amendment from Orlando Utilities Commission's (OUC) to replace the gaseous chlorination feed systems used for water treatment at the brine plant and at the cooling towers for Unit 1, 2, and A with a sodium hypochlorite feed system at the Stanton Energy Center.

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 for the facility. The OUC has submitted all necessary documentation including engineering plans, specifications and a report. The Department of Environmental Protection has reviewed and approved the documentation. Accordingly, the Department has no objections to the above request.

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 post-certification 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 post-certification amendments should be directed to Michael P. Halpin, P.E. at (850) 245-2002. Questions regarding legal issues should be referred to the Department's Office of General Counsel at (850) 245-2293. 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

Service List: CC by email:

Matt Davis, Assistant General Counsel
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, Florida 32399
matthew.davis@dca.state.fl.us

Chris Browder, Esq.
Orlando Utilities Commission
P.O. Box 3193
Orlando, Florida 32802
cbrowder@ouc.com

Jennifer Brubaker, Attorney Supervisor
Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
jbrubake@psc.state.fl.us

Tasha Buford, Esquire
Young van Assenderp, P.A.
P.O. Box 1833
Tallahassee, FL 32302-1833
tbuford@yvlaw.net

Charles Lee
Senior Vice President
Florida Audubon Society
460 Highway 435, Suite 200
Casselberry, FL 32707
clee@audubon.org

Kris Davis, Esq.
St. Johns River Water Management District
P.O. 1429
Palatka, FL 32178-1429
khDavis@sjrwmd.com

Phil Laurien, Director
East Central Florida Regional Planning Council
631 N Wymore Rd Ste 100
Maitland, FL 32751
plaurien@ecfrpc.org

Frederick M. Bryant, Esq.
General Counsel
Florida Municipal Power Agency
2061-2 Delta Way
Tallahassee, FL 32303
Fred.bryant@fmpa.com

Kimberly Menchion, Assistant General Counsel
Department of Transportation
Haydon Burns Building
605 Suwannee Street
Mail Station 58
Tallahassee, FL 32399-0450
Kimberly.Menchion@dot.state.fl.us

Tom Drage, Esq.
County Attorney
Orange County
P.O. Box 1393
Orlando, FL 32802-1393
tom.drage@ocfl.net

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

Kelly Samek, Esquire
Fish and Wildlife Conservation Commission
6230 South Meridian Street
Tallahassee, FL 32399-1600
kelly.samek@myfwc.com