



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

October 3, 2007

- CERTIFIED MAIL - RETURN RECEIPT REQUESTED -

Denise Stalls
Vice President, Environmental Affairs
Orlando Utilities Commission
500 South Orange Avenue
Orlando, Florida 32802

RE: Orlando Utilities Commission
Curtis H. Stanton Energy Center, PA 81-14H
OGC No. 07-1458

ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Ms. Stalls;

On February 6, 2007, the Department received an amendment request letter for the Curtis H. Stanton Energy Center to allow installation of a rail car siding facility (Amendment #8). Amendment Request # 8 was determined to be a modification to the Conditions of Certification. The Conditions of Certification for the Stanton Energy Center are hereby modified as follows:

Conditions I-IV: No Change

V. CONSTRUCTION

A. Standards and Review of Plans

1. All construction at the facility shall be pursuant to the design standards presented in the application or amended application and the standards or plans and drawings submitted and signed by an engineer registered in the state of Florida. Specific Central DEP District Office acceptance of plans will be required based upon a determination of consistency with approved design concepts, regulations, and these conditions prior to initiation of construction of any: industrial waste treatment facility; domestic waste treatment facility; potable water treatment and supply system; ground water monitoring system, storm water runoff system; solid waste disposal area; and hazardous or toxic handling facility or area. The Licensee shall present specific plans for these facilities for review by the DEP Central District Office at least ninety (90) days prior to construction of those portions of the facility for which the plans are then being submitted, unless other time limits are specified in the following conditions herein.

Review and approval or disapproval shall be accomplished in accordance with Chapter 120, F.S., or these conditions of certification as applicable. The licensee shall not proceed with construction of any wastewater treatment and disposal system without a written authorization from the Department.

2. 3. – No change

4. Final drainage plans illustrating all stormwater treatment facilities and conveyances for construction phases and ultimate operations for the entire Curtis H. Stanton Energy Center site shall be submitted to the DEP Central District Manager, the Orange County Pollution Control Department, and the SJRWMD or SFWMD as applicable for review and approval prior to construction of any such conveyance or facility. The Department shall indicate its approval or disapproval within 60 days of the submittal. Analysis report of the produced ground samples shall be submitted 30 days before surface water discharge begins.

VI. AIR

A. No Change

B. Existing Units

The construction and operation of all existing units (Units 1,2,A and auxiliary) at the Curtis H. Stanton Energy Center (CHSEC) steam electric power plant site shall be in accordance with all applicable provisions of Chapter 62, Florida Administrative Code including all requirements of the State of Florida State Implementation Plan and approved Title V permit program where applicable. The current Title V Air Operation Permit (0950137-006-AV) is attached as Appendix 1, and is incorporated by reference herein as part of this Certification. In addition, the construction and operation of the units shall be in accordance with 40 CFR Part 60 and the provisions of PSD permits FL-084 and FL-313 and of Air Construction Permits 0950137-008-AC and 0950137-009-AC, and 0950137-011-AC, incorporated by reference herein as part of this Certification and attached as Appendix 2, ~~and 3~~ and 4 respectively. The provisions of the Title V Air Operation Permit and of the Air Construction Permits shall be conditions of this certification. The licensee shall comply with the substantive provisions and limitations set forth in the Title V Air Operation Permit and the Air Construction Permits as part of these Conditions of Certification, and as those provisions may be modified, amended, or renewed in the future by the Department. Such provisions shall be fully enforceable as conditions of this certification. Any violation of such provisions shall be a violation of these Conditions of Certification.

C. New Units (Unit B)

The terms, conditions, requirements, limitations, and restrictions set forth in ~~draft~~ final Permit PSD-FL-373 (0950137-010-AC), ~~[Attached as Attachment 4 Appendix 5]~~ and any final issuance, modification, administrative corrections, or amendment 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 terms, conditions, requirements, limitations, and restrictions set forth in Attachment A and any final issuance modification or amendment thereto. A violation of the terms 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.

VII. WETLANDS RESOURCE MANAGEMENT

A. – F. No Change

G. Construction of the transmission line, rail car siding facility and alternate access road will result in the filling of ~~4.12~~ 5.67 ac. of the herbaceous wetlands and the permanent clearing of 13.19 ac. of forested wetlands. The licensee shall provide mitigation to offset the wetland loss and habitat degradation resulting from the construction of this project. Prior to construction, the licensee shall propose a mitigation plan and shall provide the following information to the DEP Central District Office to allow the Department to review the proposed mitigation plan:

1. detailed description of each wetland impact area;
2. acreage of the type and quality of wetland being impacted at each site;
3. narrative, drawings and aerial photographs showing and explaining the proposed mitigation;

X. WATER DISCHARGES

A. Surface Waters

~~Any discharges from the site storage ponds or wastewater treatment system via any emergency overflow structure which result from any event LESS than a 25 year, 24 hour storm (as defined by the U.S. Weather Bureau Technical Paper No. 40, or the DOT drainage manual, or similar documents) shall meet State Water Quality Standards, Chapter 62-302, F.A.C. There shall be no discharge of wastewater to the surface waters of the State except for non contact stormwater as authorized by this certification. When stormwater is combined with industrial wastewater, the entire volume is considered industrial wastewater. If a potential for a surface water discharge exists, the licensee must apply for an individual industrial wastewater NPDES permit.~~

B. Compliance

Any discharges into any Waters of the State during construction and operation of CHSEC Unit 1 shall be in accordance with all applicable provisions of Chapter 62-302 550, F.A.C., and 40 CFR, Part 423, *Effluent Guidelines and Standards for Stream Electric Power Generating Point Source Category*, except as provided herein.

C. no change

XXI. RED COCKADED WOODPECKER

A. Implementation Of Red Cockaded Woodpecker Management Plan

The management plan for the Red-Cockaded Woodpecker shall be implemented for the life of the facility and is incorporated into these Conditions of Certification as Appendix 6.

B. – C. No Change

~~**D. Management Plan For The Red Cockaded is incorporated into these Conditions as Appendix 4 (attached).**~~

XXIX. ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

A. – EE. No Change

FF. Post Certification Information Submittals

Information submitted to the SJRWMD subsequent to Certification, in compliance with the conditions of this Certification, shall be for the purpose of the SJRWMD determining the Licensee's compliance with the Certification conditions and the non-procedural criteria contained in Chapter 40C-2, F.A.C., as applicable, prior to the commencement of the subject construction, operation and/or maintenance activity covered thereunder.

Executed in Tallahassee, Florida



Michael P. Halpin, P.E.
Administrator
Siting Coordination Office

10/3/2007

Page 5 of 6

Stanton Final Order Mod H

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 Korkoris

Clerk

10-03-07

Date

10/3/2007

Page 6 of 6

Stanton Final Order Mod H

cc. Toni Sturtevant, Esquire

Kelly Martinson
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Department of Community Affairs
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Tallahassee, FL 32399
kelly.martinson@dca.state.fl.us

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Conservation Commission
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james.antista@fwc.state.fl.us

Samantha Cibula
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vkidder@sjrwmd.com

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East Central Florida Regional Planning
Council
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plaurien@ecfrpc.org

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sheauching.yu@dot.state.fl.us

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tbuford@yvlaw.net

Irby G. Pugh, Esq.
218 Annie Street
Orlando, FL 32806

Anthony J. Cotter, Esq.
Assistant County Attorney
Orange County
P.O. Box 1393
Orlando, FL 32802-1393

Korokous, Landa

From: Halpin, Mike
To: Korokous, Landa
Sent: Wednesday, October 03, 2007 3:49 PM
Subject: Read: OUC-Curtis H. Stanton Energy Center, PA 81-14H

Your message

To: kelly.martinson@dca.state.fl.us; OUC-Tart, Tom (ttart@ouc.com); James Antista (james.antista@fwc.state.fl.us); scibula@psc.state.fl.us; cle@audubon.org; Vance Kidder (vkidder@sjrwmd.com); plaurien@ecfrpc.org; leon.biegalski@dot.state.fl.us; Sturtevant, Toni
Cc: Seiler, Ann; Halpin, Mike
Subject: OUC-Curtis H. Stanton Energy Center, PA 81-14H
Sent: 10/3/2007 3:12 PM

was read on 10/3/2007 3:49 PM.

Korokous, Landa

From: Kelly.Martinson@dca.state.fl.us
Sent: Wednesday, October 03, 2007 3:25 PM
To: Korokous, Landa
Cc: Paul.Darst@dca.state.fl.us
Subject: Re: OUC-Curtis H. Stanton Energy Center, PA 81-14H
Attachments: Stanton_Final Order_ModH.pdf

Received.

Kelly A. Martinson
 Assistant General Counsel
 Department of Community Affairs
 2555 Shumard Oak Blvd.
 Tallahassee, Florida 32399
 (850) 488-0410
 (850) 922-2679 (fax)

"Korokous, Landa" <Landa.Korokous@dep.state.fl.us>

10/03/2007 03:12 PM

To <kelly.martinson@dca.state.fl.us>, <tart@ouc.com>, <james.antista@fwc.state.fl.us>, <scibula@psc.state.fl.us>, <cllee@audubon.org>, <vkidder@sjrwmd.com>, <plaurien@ecfrpc.org>, <leon.biegalski@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 OUC-Curtis H. Stanton Energy Center, PA 81-14H

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Korokous, Landa

From: Kelly.Martinson@dca.state.fl.us
Sent: Wednesday, October 03, 2007 3:24 PM
To: Korokous, Landa
Subject: OUC-Curtis H. Stanton Energy Center, PA 81-14H

Return Receipt

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was received
by: Kelly Martinson/DCA/FLEOC

at: 10/03/2007 03:24:20 PM

Korokous, Landa

From: Samantha Cibula [SCibula@PSC.STATE.FL.US]
Sent: Wednesday, October 03, 2007 3:22 PM
To: Korokous, Landa
Subject: RE: OUC-Curtis H. Stanton Energy Center, PA 81-14H

From: Korokous, Landa [mailto:Landa.Korokous@dep.state.fl.us]
Sent: Wednesday, October 03, 2007 3:12 PM
To: kelly.martinson@dca.state.fl.us; ttart@ouc.com; james.antista@fwc.state.fl.us; Samantha Cibula; dee@audubon.org; vkidder@sjrwmd.com; plaurien@ecfrpc.org; leon.biegalski@dot.state.fl.us; Sturtevant, Toni
Cc: Seiler, Ann; Halpin, Mike
Subject: OUC-Curtis H. Stanton Energy Center, PA 81-14H

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Korokous, Landa

From: Samantha Cibula [SCibula@PSC.STATE.FL.US]
To: Korokous, Landa
Sent: Wednesday, October 03, 2007 3:22 PM
Subject: Read: OUC-Curtis H. Stanton Energy Center, PA 81-14H

Your message

To: SCibula@PSC.STATE.FL.US
Subject:

was read on 10/3/2007 3:22 PM.

Korokous, Landa

From: Leon.Biegalski@dot.state.fl.us
Sent: Wednesday, October 03, 2007 3:19 PM
To: Korokous, Landa
Subject: OUC-Curtis H. Stanton Energy Center, PA 81-14H

Return Receipt

Your document: OUC-Curtis H. Stanton Energy Center, PA 81-14H

was received
by: Leon Biegalski/CO/FDOT

at: 10/03/2007 03:18:55 PM

Korokous, Landa

From: Leon.Biegalski@dof.state.fl.us
Sent: Wednesday, October 03, 2007 3:21 PM
To: Korokous, Landa
Subject: Re: OUC-Curtis H. Stanton Energy Center, PA 81-14H

Leon M. Biegalski
Assistant General Counsel
Florida Department of Transportation
Office of the General Counsel
Haydon Burns Building
605 Suwannee Street, MS# 58
Tallahassee, FL 32399-0458
Phone: (850) 414-5286
Fax: (850) 414-5264

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Korokous, Landa

From: Vance Kidder [vkidder@sjrwmd.com]
Sent: Wednesday, October 03, 2007 3:16 PM
To: Korokous, Landa
Subject: RE: OUC-Curtis H. Stanton Energy Center, PA 81-14H

This project is not mine. It is Kris Davis' and I have forwarded it to her. I believe Kris has contacted you on this project following the first email to me.

From: Korokous, Landa [mailto:Landa.Korokous@dep.state.fl.us]
Sent: Wednesday, October 03, 2007 3:12 PM
To: kelly.martinson@dca.state.fl.us; ttart@ouc.com; james.antista@fwc.state.fl.us; scibula@psc.state.fl.us; clee@audubon.org; Vance Kidder; plaurien@ecfrpc.org; leon.biegalski@dot.state.fl.us; Sturtevant, Toni
Cc: Seiler, Ann; Halpin, Mike
Subject: OUC-Curtis H. Stanton Energy Center, PA 81-14H

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From: Vance Kidder [vkidder@sjrwmd.com]
To: Korokous, Landa
Sent: Wednesday, October 03, 2007 3:14 PM
Subject: Read: OUC-Curtis H. Stanton Energy Center, PA 81-14H

Your message

To: vkidder@sjrwmd.com
Subject:

was read on 10/3/2007 3:14 PM.

Korokous, Landa

From: Phil Laurien [plaurien@ecfrpc.org]
Sent: Wednesday, October 03, 2007 3:16 PM
To: Korokous, Landa
Subject: RE: OUC-Curtis H. Stanton Energy Center, PA 81-14H

Received.

Phil Laurien
Executive Director
East Central Florida Regional Planning Council
Telephone: 407.623.1075
Email:plaurien@ecfrpc.org

From: Korokous, Landa [mailto:Landa.Korokous@dep.state.fl.us]
Sent: Wednesday, October 03, 2007 3:12 PM
To: kelly.martinson@dca.state.fl.us; ttart@ouc.com; james.antista@fwc.state.fl.us; scibula@psc.state.fl.us; clec@audubon.org; vkidder@sjrwmd.com; plaurien@ecfrpc.org; leon.biegalski@dot.state.fl.us; Sturtevant, Toni
Cc: Seiler, Ann; Halpin, Mike
Subject: OUC-Curtis H. Stanton Energy Center, PA 81-14H

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Korokous, Landa

From: Phil Laurien [plaurien@ecfrpo.org]
Sent: Wednesday, October 03, 2007 3:16 PM
To: Korokous, Landa
Subject: Read: OUC-Curtis H. Stanton Energy Center, PA 81-14H
Attachments: Read_ OUC-Curtis H. Stanton Energy Center, PA 81-14H.txt

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Korokous, Landa

From: Sturtevant, Toni
To: Korokous, Landa
Sent: Wednesday, October 03, 2007 3:15 PM
Subject: Read: OUC-Curtis H. Stanton Energy Center, PA 81-14H

Your message

To: kelly.martinson@dca.state.fl.us; OUC-Tart, Tom (ttart@ouc.com); James Antista (james.antista@fwc.state.fl.us); scibula@psc.state.fl.us; dee@audubon.org; Vance Kidder (vkidder@sjrwmd.com); plaurien@ecfrpc.org; leon.biegalski@dot.state.fl.us; Sturtevant, Toni
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Subject: OUC-Curtis H. Stanton Energy Center, PA 81-14H
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Total	\$		
Sent	Anthony J. Cotter, Assistant County Attorney 201 South Rosalind Avenue, 3rd FL Orlando, Florida 32801		
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