



# 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

July 24, 2008

## CERTIFIED MAIL - RETURN RECEIPT REQUESTED

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

Re: Stanton Energy Center  
Modification to Conditions of Certification  
DEP Case Number PA 81-14K  
OGC Case Number 08-1632

### FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Ms. Stalls:

The Siting Board authorized the construction and operation of the Orlando Utilities Commission Stanton Energy Center on December 15, 1982 (PA81-14). The Department of Environmental Protection (Department) has modified the Conditions of Certification by Final Order on ten other occasions.

The Department has reviewed Orlando Utilities Commission's petition dated February 26, 2008 and revised petition dated March 7, 2008 for modification to the Conditions of Certification. The Department has also initiated additional modifications. Pursuant to 403.516 (1) (c), Florida Statutes ("F.S."), the Department may modify the terms and conditions of a site certification upon its own initiative.

On or before June 5, 2008 all parties to the certification proceeding were provided with notice by certified mail of the Department's intent to modify the Conditions of Certification for this facility, along with a copy of the proposed Order Modifying Conditions of Certification.

On June 13, 2008 notice of the Department's intent to modify the Conditions of Certification for this facility was published on the Florida Administrative Weekly (FAW). Pursuant to Section 403.516, Florida Statutes ("F.S."), and Rule 62-17.211, Florida Administrative Code ("F.A.C."), all parties to the certification proceeding have 45 days from the issuance of notice by mail to such party's last address of record in which to file a written objection to the modification; that any person who is not already a party to the certification proceeding and whose substantial interests will be affected by the requested modification has 30 days from the date of publication of the public notice in the Florida Administrative Weekly to object in writing; that failure to act within the time frame constitutes a waiver of the right to become a party; and that the Department will issue an Order Modifying the Conditions of Certification for this facility if no written objections are received by the Department.

No objections to the modification were received by the Department. Written comments were received via email from Young van Assenderp, P.A. on behalf of Orlando Utilities Commission on June 13, 2008 requesting clarification of a specific draft Condition of Certification.

The submitted comments have been considered and changes have been made, as necessary, in the Conditions of Certification. The requested changes (*italics*) followed by the Department's responses are listed below.

*In Condition VII.P.1 the north substation and transmission line are referred to as "proposed". It is recommended that the final order and Conditions of Certification reflect that these facilities are no longer proposed.*

#### Department Response

The Department has no objection to the recommendation. Condition VII.P.1. has been changed such that the north substation and transmission line are no longer referenced as proposed facilities.

The Conditions of Certification for the Orlando Utilities Commission Stanton Plant are hereby modified as follows:

#### **I. Certification Control**

A. Pursuant to s. 403.501-518, F.S., the Florida Electrical Power Plant Siting Act, this certification is issued to Orlando Utilities Commission, Florida Municipal Power Agency, Kissimmee Utility Authority and Southern-Florida, LLC as joint owner/operators of Curtis H. Stanton Energy Center. Under the control of these Conditions of Certification the OUC will operate a 930 MW (nominal) facility consisting of two coal-fired Units No. 1 and No. 2, and ancillary equipment. Southern-Florida LLC will construct and operate a 633 MW gas-fired combined cycle facility known as Combined Cycle Unit A. ~~Southern Power Company—Orlando Gasification LLC~~ OUC will construct and operate a ~~285~~ 300 MW ~~syngas-fired Integrated Gasification~~ dual-fueled (natural gas/No. 2 fuel oil) Combined Cycle unit known as IGCC Unit B. These units are located on a 3280-acre site which is located at Township 23S, Ranges 31E and 32E, Orange County, Florida. UTM coordinates are: Zone 17; 483.61 km East; 3151.1 km North.

B. The general and specific conditions contained in these Conditions of Certification, unless specifically amended or modified, are binding upon the licensees and shall apply to the construction and operation of the certified facility. If a conflict should occur between the design criteria of this project and the Conditions of Certification, the Conditions shall prevail unless amended or modified.

**II through III. No change.**

#### **IV. General Conditions**

**A. through M. No change.**

#### **N. Modification of Conditions**

The conditions of this certification may be modified in the following manner:

1. The licensee shall comply with rules, adopted by the Department subsequent to the issuance of the certification, which prescribe new or stricter criteria to the extent that the rules are applicable to electric power plants. Except where express variances, exceptions, exemptions, or other relief have been granted, subsequently adopted rules which prescribe new or stricter criteria shall operate as automatic modifications to the certification.

2. The licensee may choose to operate in compliance with any rule subsequently adopted by the Department which prescribes criteria more lenient than the criteria required by the terms and conditions in the certification which are not site specific.

3. The Siting Board hereby delegates to the Secretary of the Department of Environmental Protection the authority to modify, after notice and opportunity for hearing, any conditions herein which would not otherwise require approval from the Siting Board ~~pertaining to monitoring or sampling and conditions of Certification pertaining to consumptive use of water, monitoring, sampling, specification of~~

~~control equipment, related time schedules, effluent or emission standards or limitations, groundwater, mixing zones, zones of discharge, leachate control programs, railroad spur, transmission lines, access roads or pipeline construction, source of treated effluent cooling water, mitigation, transfer or assignment of the Certification or related federally delegated permits, or any special studies conducted, as necessary to attain the objectives of Chapter 403, Florida Statutes, which are not in conflict with Condition of~~

**Certification Part VII.**

**O. through Y.** No change.

**V.** No change.

**VI. Air**

**A. through B.** No change.

**C. New Units (Unit B).**

The terms, conditions, requirements, limitations, and restrictions set forth in final Permit PSD-FL-373A (0950137-010020-AC), (Attached as 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. through M.** No change.

**N. ~~Integrated Gasification~~ Combined Cycle Unit B**

1. through 3. No change.

**O. Magnolia Ranch Substation Mitigation**

1. To offset and mitigate for the wetland impacts, the licensee shall purchase 2.6 forested wetland mitigation bank credits from the TM-Econ Mitigation Bank (4-095-84310-1erp). Prior to any construction or impacts authorized by ~~this permit~~ these conditions, the licensee shall provide the Department with documentation that 2.6 credits have been deducted from the credit ledger of the TM-Econ Mitigation Bank (4-09584310-1erp).

2. The licensee shall restore the entire impact and work areas to original ground contours and elevations, with the allowance of native vegetation recruitment.

3. All species listed in the attached 2005 List of Florida's Most Invasive Species shall be eradicated from the impact and work areas.

4. The licensee shall eradicate the exotics/nuisance species for five consecutive years following the anniversary date of the initial eradication. Status surveys shall take place at least annually. A copy of the survey results shall be provided to the Department and submitted with the monitoring report required in Specific Condition Number 8. Any newly germinated seedlings will either be hand pulled and removed from the wetlands and deposited on a Department approved upland site, or when the seedlings are less than one (1) foot in height may be subject to herbicide treatments. The herbicide treatments shall be applied at a time when the treatments will have minimal impact to nontarget plants.

5. The removal of the exotics/nuisance species shall be conducted in a manner, which will have the least impact on the wetland. Mechanical equipment is prohibited within the wetland areas for exotic/nuisance removal. No aerial spraying of chemicals is authorized. No chemicals shall be applied to any desirable species, threatened or endangered species.

~~6. If eradication takes place in standing water, the herbicide Arsenal will be used in~~ accordance with EPA label requirements. If the eradication will take place while the area is dry, Garlon 4 and a suitable adjuvant (no diesel fuel) will be used for basal bark treatment, or Garlon 3A and a suitable adjuvant will be used for cut-stump treatments in accordance with label requirements.

7. Wetland Restoration Success Criteria:

Wetland restoration described above in item 2 shall be deemed successful when the following conditions are met:

- a. Nuisance/Exotics occupy less than 5 percent of the total cover on the parcel (as listed in the 2005 List of Florida's Most Invasive Species);
- b. Percent cover by non-nuisance, non-exotic (desirable) wetland species shall be 95 percent or greater within the remaining wetlands on the parcel. Percent cover shall be reported for the aggregate of those wetland species, relative to the total area, bare ground and water. A list of the wetland species included in the aggregate shall be included. Wetland species shall be those listed in Florida Administrative Code (F.A.C.) Rule 62-340;
- c. Wetland species shall be reproducing naturally in the ground, shrub and canopy stratum;
- d. The vegetation monitoring data for the wetland areas of the enhancement shows that not less than 95 percent of the vegetation cover comprises of Rule 62-340, F.A.C. listed species.

The final success determination shall not be made less than three years from the completion of implementation of the initial enhancement measures and when the above mentioned criteria have been continuously met for a period of at least one growing season, without intervention in the form of removal of undesirable vegetation.

8. Monitoring Reports Required:

The licensee shall furnish to the Central District annual status reports which describe in detail the following:

- a. status of construction (with a description of the extent of work completed since previous report or since ~~permit~~ conditions were issued);
- b. problems encountered and solutions undertaken;
- c. anticipated work for the following year;
- d. panoramic photographs taken from the same permanent stations (at least 4 stations to be approved by the Department);
- e. status of nuisance eradication on the parcel;
- f. status of enhancement on the parcel;
- g. herbicide listing and date of application;
- h. percentage survival, density and cover trees and herbaceous species using acceptable methods.

These methods are described in Daubermire (1968), Oosting (1956), and Mueller-Dombois and Ellenberg 1974). The first monitoring report shall be submitted within 6 months of permit certification issuance and prior to construction commencement. The remaining monitoring reports shall be submitted annually on the anniversary date of the permit, for five years after completion of construction and all enhancement work. If work authorized in this permit does not start immediately, the Licensee shall submit to the Department a site status letter as notification that "No Work" has occurred. The site status letter is due within 6 months after permit certification issuance and any additional site status letters shall be submitted on the anniversary date of the permit certification.

The monitoring reports should include a cover page with the following information:

- a. ~~1.~~ licensee name;
- b. ~~2.~~ permit case number (PA81-14);
- c. ~~3.~~ who performed the assessment;
- d. ~~4.~~ signed and attested; "To the best of the undersigned's knowledge, this report represents a true, accurate and representative description of the site conditions present at the time of the monitoring."

**P. North Substation and Transmission Line**

1. The proposed wetland impacts for the ~~proposed~~ Stanton North Substation and Transmission line are as follows:

.42 acres of impact (clearing and fill) within isolated wetlands less than ½ acre in size

.41 acres of impact (fill) within forested connected wetlands

.85 acres of impact (clearing) within forested connected wetlands

Prior to any construction activities, the applicant shall submit revised wetland impact drawings 35-S-100 thru 35-S-104 indicating the acreage of the proposed impacts.

2. To offset and mitigate for the wetland impacts, the applicant shall purchase 1.2 forested wetland mitigation bank credits from the TM-Econ Mitigation Bank (4-095-84310-1erp). Prior to any construction or impacts authorized by this permit these conditions, the permittee licensee shall provide the Department with documentation that 1.2 credits have been deducted from the credit ledger of the TM-Econ Mitigation Bank (4-095-84310-1erp).

3. The applicant shall restore the entire impact and work areas to original ground contours and elevations, with the allowance of native vegetation recruitment.

4. All species listed in the 2005 List of Florida's Most Invasive Species (attached as Appendix 7) shall be eradicated from the impact and work areas.

5. The permittee licensee shall eradicate the exotics/nuisance species for five consecutive years following the anniversary date of the initial eradication. Status surveys shall take place at least annually. A copy of the survey results shall be provided to the Department and submitted with the monitoring report required in Specific Condition Number 8. Any newly germinated seedlings will either be hand pulled and removed from the wetlands and deposited on a Department approved upland site, or when the seedlings are less than one (1) foot in height may be subject to herbicide treatments. The herbicide treatments shall be applied at a time when the treatments will have minimal impact to non-target plants.

6. The removal of the exotics/nuisance species shall be conducted in a manner, which will have the least impact on the wetland. Mechanical equipment is prohibited within the wetland areas for exotic/nuisance removal. No aerial spraying of chemicals is authorized. No chemicals shall be applied to any desirable species, threatened or endangered species.

7. ~~If eradication takes place in standing water, the herbicide Arsenal will be used in~~ accordance with EPA label requirements. If the eradication will take place while the area is dry, Garlon 4 and a suitable adjuvant (no diesel fuel) will be used for basal bark treatment, or Garlon 3A and a suitable adjuvant will be used for cut-stump treatments in accordance with label requirements.

8. Wetland Restoration Success Criteria:

Wetland restoration described above in item 2 shall be deemed successful when the following conditions are met:

a. Nuisance/Exotics occupy less than 5 percent of the total cover on the parcel (as listed in the 2005 List of Florida's Most Invasive Species – Appendix 7);

b. Percent cover by non-nuisance, non-exotic (desirable) wetland species shall be 95 percent or greater within the remaining wetlands on the parcel. Percent cover shall be reported for the aggregate of those wetland species, relative to the total area, bare ground and water. A list of the wetland species included in the aggregate shall be included. Wetland species shall be those listed in Florida Administrative Code (F.A.C.) Rule 62-340;

c. Wetland species shall be reproducing naturally in the ground, shrub and canopy stratum;

d. The vegetation monitoring data for the wetland areas of the enhancement shows that not less than 95 percent of the vegetation cover comprises of Rule 62-340, F.A.C. listed species.

The final success determination shall not be made less than three years from the completion of implementation of the initial enhancement measures and when the above mentioned criteria have been continuously met for a period of at least one growing season, without intervention in the form of removal of undesirable vegetation.

9. Monitoring Reports Required:

The ~~permittee~~ licensee shall furnish to the Central District annual status reports which describe in detail the following:

a. status of construction (with a description of the extent of work completed since previous report or since permit certification was issued);

b. problems encountered and solutions undertaken;

c. anticipated work for the following year;

d. panoramic photographs taken from the same permanent stations (at least 4 stations to be approved by the Department);

e. status of nuisance eradication on the parcel;

f. status of enhancement on the parcel;

g. herbicide listing and date of application;

h. percentage survival, density and cover trees and herbaceous species using acceptable methods.

These methods are described in Daubemire (1968), Oosting (1956), and Mueller-Dombois and Ellenberg 1974).

The first monitoring report shall be submitted within 6 months of permit certification issuance and prior to construction commencement. The remaining monitoring reports shall be submitted annually on the anniversary date of the permit certification, for five years after completion of construction and all enhancement work. If work authorized in this permit certification does not start immediately, the Permittee Licensee shall submit to the Department a site status letter as notification that "No Work" has occurred. The site status letter is due within 6 months after permit certification issuance and any additional site status letters shall be submitted on the anniversary date of the permit certification.

The monitoring reports should include a cover page with the following information:

- a. permittee licensee name;
- b. permit case (PA81-14) number;
- c. who performed the assessment;
- d. signed and attested: "To the best of the undersigned's knowledge, this report represents a true, accurate and representative description of the site conditions present at the time of the monitoring."

Other information may be included by the permittee licensee at their discretion.

**XIII through XXVIII.** No change.

## **XXIX. ST. JOHNS RIVER WATER MANAGEMENT DISTRICT**

**A. through C.** No change.

### **D. Mitigation of Withdrawal Impacts on Existing Legal Users**

Licensees must mitigate any adverse impact caused by withdrawals permitted herein on legal uses of water existing at the time of the initial application for the Stanton Energy Center. DEP has the right to curtail permitted withdrawal rates or water allocations if the withdrawals of water cause an adverse impact on legal uses of water which existed at the time of application. Adverse impacts are exemplified by but not limited to:

1. Reduction of water levels in an adjacent surface water body resulting in a significant impairment of the use of water in that water body.
2. Saline water intrusion or introduction of pollutants into the water supply of an adjacent water use resulting in a significant reduction of water quality; and
3. Change in water quality resulting in either impairment or loss of use of a well or water body. [Paragraphs 9.2; 10.3(b)(d)(h)(i)(j), A.H.]

### **E. Mitigation of Impacts On Adjacent Land Uses**

Licensee must mitigate any adverse impact caused by withdrawals permitted herein on an adjacent land use which existed at the time of Supplemental Site Certification Application for Stanton 2 and any subsequent unit. DEP has the right to curtail permitted withdrawal rates or water allocations unless the impacts can be mitigated by licensee. Adverse impacts are exemplified by, but not limited to:

1. Significant reduction in water levels in an adjacent surface water body;
2. Significant potential for land collapse or subsidence off-site caused by a reduction in water levels; or
3. Damage to crops, wetlands and other types of off-site vegetation. [Paragraphs

9.4.3; 10.3(b)(d)(g)(h)(i), A.H.]

#### **F. Identification Tags**

A SJRWMD-issued identification tag must be prominently displayed at each withdrawal site by permanently affixing such tag to the pump, head-gate, valve or other withdrawal facility as provided by Section 40C-2.401, Florida Administrative Code. Licensee must notify the SJRWMD in the event that a replacement tag is needed [Paragraphs 16.0(h); 10.3(b)(d)(g)(h)(i), A.H.]

#### **G. Submittals**

All submittals made to demonstrate compliance with the consumptive use and water well construction conditions of this certification must have the certification number plainly labeled on the submittal. [Paragraphs 10.3(a)-(h)(j)(i), A.H.]

#### **H. Maximum Annual Withdrawals**

Maximum annual groundwater withdrawals from the Floridan aquifer for demineralizer/steam cycle makeup, general service water, heat recovery steam generation, wash-down, injection and power augmentation, and domestic uses combined must not exceed 321.2 million gallons per year. [Paragraphs 10.3;(a)(b)(c)(e)(f)(g), A.H.]

#### **I. Maximum Daily Withdrawals**

Maximum daily groundwater withdrawals from the Floridan aquifer for demineralizer/steam cycle makeup, general service water, heat recovery steam generation, wash-down, injection and power augmentation, and domestic uses combined must not exceed 2.00 million gallons per day.

[Paragraphs 10.3;(a)(b)(c)(e)(f)(g), A.H.]

#### **J. Limitation on Uses of Water**

1. The maximum annual ground water withdrawals from the Floridan Aquifer for fire protection (essential use) must not exceed 2.48 million gallons per day. [Paragraphs 10.3(a)(b)(c)(f)(~~h~~)(g)(h)(i), A.H.]

2. The annual allocation of reclaimed water from the Orange County Easterly Water Reclamation Facility and surface/stormwater water (~~stormwater and surficial groundwater~~) from the Orange County Landfill for power plant cooling and other power plant uses is:

4,745.0 million gallons in ~~2006~~ 2008 and 2009;

~~5,694.0~~ 5,365.5 million gallons in 2007 2010 and beyond.

3. Licensees must use available surface water to the maximum extent possible prior to using reclaimed water. [Paragraphs 10.3(a)(b)(c)(f)(k), A.H.]

4. 3. Withdrawals from the Floridan aquifer wells must not be used directly for cooling tower make-up water. The CHSEC shall utilize treated sewage effluent, treated wastewater, onsite re-use water, landfill stormwater/leachate, stormwater runoff, or direct precipitation to the makeup water supply storage pond, as cooling tower makeup water.

5. 4. If unacceptable saline water intrusion occurs at the on-site wellfield as a result of the withdrawal authorized by this certification, DEP will revoke the allocation of ground water in this certification in whole or in part to curtail or abate the impact caused by the saline water intrusion. [Paragraphs 10.3(b)(c)(d)(g)(h)(i), A.H.]

6. 5. Licensees shall diligently and in good faith pursue an agreement with Orange County to transfer up to 8.0 million gallons per day of surface water (including stormwater/surficial groundwater) from the adjacent Orange County Landfill property for use at the Stanton Energy Center facility. Once an

agreement is entered into by Licensees and Orange County, Licensees shall utilize surface water from the Landfill to the maximum extent feasible to meet the water needs of the facility. The Licensees shall submit written reports to the Department and the SJRWMD six months from the date of certification and every six months thereafter until a final agreement is reached, regarding the status of negotiations and any draft or final agreements with Orange County. Licensees shall diligently and in good faith pursue a revised cooling water supply agreement with Orange County to obtain the additional reclaimed water and surface/stormwater needed for cooling Unit B. Upon execution of the revised agreement, licensees shall provide DEP and SJRWMD with copies of said agreement. [Paragraphs 10.3 (b)(d)(Qf)(g)(k), A.H.]

K. No change.

**L. ~~Off-Site Discharges~~**

~~No off-site discharges are approved from this facility, except as provided for by the overflow structure in the make-up water supply pond and the natural drainage for the duration of this certification.~~

**M. Discharges From Make-Up Water Supply Pond**

~~All off-site discharges, as provided for by the overflow structure in the make-up water supply pond (#20, OUC, et al.'s Figure 3.2-1), must be in compliance with water quality standards as set forth in Chapters 62-4, and 62-302, F.A.C., or such standards as issued through a variance by DEP.~~

N. through O. Reformatted numbering.

**P. Well Water Flow Monitoring**

1. OUC, et al., must maintain the continuous recorder on the Floridan aquifer monitor well. Copies of the previous year (12 months) recorder charts must be forwarded to the SJRWMD on a yearly basis. The charts must be submitted by January 31 of each year. Well Nos. 1 and 2 and all reclaimed water and stormwater delivery points must have in-line totalizing flow meters installed prior to use (not including well development). The totalizing flow meters must maintain 95% accuracy, be verifiable, and be installed according to manufacturer specifications. Documentation of proper installation of flow meters (e.g. photograph) shall be submitted to the SJRWMD within 30 days of meter placement. A site visit by SJRWMD staff can also fulfill this documentation requirement.

2. Total withdrawal from well nos. 1 and 2 and all reclaimed water and stormwater delivery points, as listed on the application, must be recorded continuously, totaled monthly, and reported to DEP and SJRWMD at least every six months using SJRWMD Form No. EN-50. The reporting dates each year will be as follows:

Reporting Period Report Due Date January - June July 31 July - December January 31

[Paragraphs 6.7.1.1; 6.7.1.2; 6.7.1.8.1, 10.3(a)(b), A.H.]

Q. through FF Reformatted numbering.

**XXX. Florida Department of Transportation**

A through B. No change.

**C. Unit B - Post Certification Review of Specific Problems**

1. through 4. No change.

**5. Use of Air Space**

~~Any structures proposed in the application which exceed 200 feet in height will be subject to an aeronautical study by the Federal Aviation Authority under the provisions of 14 CFR Part 77. If the aeronautical study finds an adverse effect on the safe and efficient use of navigable airspace, the project will require the issuance of a variance by state or local government.~~

Any newly proposed structure or alteration of an existing structure will be subject to the requirements of Chapter 333, F.S., and Rule 14-60.009, Airspace Protection, F.A.C. Additionally, notification to the Federal Aviation Administration (FAA) is required prior to beginning construction, if the structure exceeds notification requirements of 14 CFR Part 77, Objects Affecting Navigable Airspace, Subpart B, Notice of Construction or Alteration. Notification will be provided to FAA Southern Region Headquarters using FAA Form 7460-1, Notice of Proposed Construction or Alteration in accordance with instructions therein. A subsequent Determination by the FAA stating that the structure exceeds any federal obstruction standard of 14 CFR Part 77, Subpart C for any structure that is located within a 10-nautical-mile radius of the geographical center of a public-use airport or military airfield in Florida will be required to submit information for an Airspace Obstruction Permit from the Florida Department of Transportation or variance from local government depending on the entity with jurisdictional authority over the site of the proposed structure. The FAA Determination regarding the structure serves only as a review of its impact on federal airspace and is not an authorization to proceed with any construction. However, FAA recommendations for marking and/or lighting of the proposed structure are made mandatory by Florida law. For a site under Florida Department of Transportation jurisdiction, application will be made by submitting Florida Department Transportation Form 725-040-11, Airspace Obstruction Permit Application, in accordance with the instructions therein.

#### **XXXI. Orange County**

**A. through D.** No change.

##### **E. Cooling Water**

Licensee will receive the additional ~~2-6~~ 1.7 million gallons per day of cooling water supply to be provided by Orange County. Because the necessary infrastructure requirements to deliver this flow have not been sufficiently evaluated by the licensee, the delivery terms and conditions for this unit are not defined at this time and, if necessary, will be addressed in an amendment to the First Amendment To and Restatement of the Substitute Agreement between Orange County and OUC relating to Cooling Water Supply dated March 25, 2003.

##### **F. Air**

{By Agreement}: Upon Unit B achieving commercial operation, the licensee shall operate the facility ~~to such that an equivalent NOX emission increase (TPY) is yielded which is superior to that which would have otherwise been authorized via a Department Determination of Best Available Control Technology (BACT). Accordingly, there shall be no net increase (i.e., zero TPY) in facility-wide NOX emissions as a result of the new Unit B. Further, the licensee shall comply with the Federal Clean Air Interstate Rule (CAIR) and the implementing State rules.~~

Licensee and Orange County agree to identify community-based projects that will provide environmentally beneficial NOX, greenhouse gas and/or toxic emission reductions within Orange County. Licensee agrees to co sponsor with the County these mutually agreed upon community-based projects and fund these projects in the amount of \$1,000,000.00 contributed in an amount no less than \$100,000.00 annually until such time Licensee has contributed a total of One Million Dollars toward the community-based projects. The ten-year period will begin on January 1, 2008, or the start of construction of Unit B, whichever occurs first.

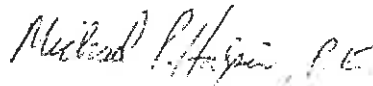
Licensee agrees to co sponsor with Orange County mutually agreed upon qualified Renewable Energy projects within Orange County. These projects will be mutually agreed upon and Licensee agrees to fund \$1,000,000 over a ten-year period for this purpose. The ten-year period will begin January 2007 or upon receipt of regulatory approval for the project, whichever occurs first.

#### **XXXII No change.**

A complete set of the Conditions of Certification (including attachments) can be viewed and downloaded from the following website: <http://www.dep.state.fl.us/siting/Highlights/conditions.htm>. Copies of the Conditions of Certification and/or attachments may also be obtained by contacting Michael P. Halpin, P.E., Administrator, Siting Coordination Office, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 48, Tallahassee, Florida 32399-2400, (850) 245-8002.

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.

Executed in Tallahassee, Florida.



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.

Essie Turner      7/24/08  
Clerk                      Date

## CERTIFICATE OF SERVICE

CC by email (received receipt requested).

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Mail Station 35  
Tallahassee, FL 32399-3000  
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## INTERESTED PERSONS

CC by email:

Kevin Spear, Reporter  
Orlando Sentinel  
633 N. Orange Ave.  
Orlando, FL 32801  
[kspear@orlandosentinel.com](mailto:kspear@orlandosentinel.com)

**Turner, Essie**

**From:** Kelly.Martinson@dca.state.fl.us  
**Sent:** Thursday, July 24, 2008 11:52 AM  
**To:** Turner, Essie  
**Cc:** Barbara.Lenczewski@dca.state.fl.us  
**Subject:** Re: Stanton Energy Center Modification to Conditions of Certification  
**Attachments:** OUC Mod K Final Order.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)

The Department of Community Affairs is committed to maintaining the highest levels of service and values your feedback. Please take a few moments to complete our Customer Service Survey by visiting <http://www.dca.state.fl.us/CustomerServiceSurvey/>. Thank you in advance for letting us know what you think.

The Florida Discount Drug Card is designed to lower the cost of prescriptions for certain Florida residents. To learn more, visit <http://www.FloridaDiscountDrugCard.com> or call toll-free 1-966-341-8894 or TTY 1-866-763-9630.

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"Turner, Essie" <Essie.Turner@dep.state.fl.us>

07/24/2008 11:14 AM

To <kelly.martinson@dca.state.fl.us>, <tart@ouc.com>, <james.antista@fwc.state.fl.us>, <jbrubake@psc.state.fl.us>, <clea@audubon.org>, <khdavis@sjrwmd.com>, <plaurien@ecfrpc.org>, <fred.bryant@fmpa.com>, <kimberly.menchion@dot.state.fl.us>, <buford@yvlaw.net>, <tom.drage@ocfl.net>, "Sturtevant, Toni" <Toni.Sturtevant@dep.state.fl.us>, <ksper@orlandosentinel.com>  
 cc "Halpin, Mike" <Mike.Halpin@dep.state.fl.us>, "Mulkey, Cindy" <Cindy.Mulkey@dep.state.fl.us>

Subject Stanton Energy Center Modification to Conditions of Certification

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Thank you,

*Essie Turner*  
*Staff Assistant*  
*Department of Environmental Protection*  
*Siting Coordination Office*  
*2600 Blair Stone Road, MS-48*  
*Tallahassee, Florida 32399-2400*  
[essie.turner@dep.state.fl.us](mailto:essie.turner@dep.state.fl.us)  
*Phone: (850) 245-8002*  
*Fax: (850) 245-8003*

More than 3,000 retail pharmacies in Florida are now a part of the Florida Discount Drug Card Program. See [www.FloridaDiscountDrugCard.com](http://www.FloridaDiscountDrugCard.com) for more info or call toll-free, 1- 866-341-8894.

*The Department of Environmental Protection values your feedback as a customer. DEP Secretary Michael W. Sole is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you received. Simply click on [this link to the DEP Customer Survey](#). Thank you in advance for completing the survey.*

**Turner, Essie**

---

**From:** Fred.Bryant@fmpa.com  
**Sent:** Thursday, July 24, 2008 11:30 AM  
**To:** Turner, Essie  
**Subject:** Re: Stanton Energy Center Modification to Conditions of Certification

Frederick M. Bryant  
 General Counsel  
 FLORIDA MUNICIPAL POWER AGENCY  
 2061-2 Delta Way (32303)  
 Post Office Box 3209  
 Tallahassee, Florida 32315-3209  
 Telephone No. (850) 297-2011 or (850) 443-8282 (Cell)  
 Facsimile No. (850) 297-2014  
 Electronic Mail Address: fred.bryant@fmpa.com

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"Turner, Essie" <Essie.Turner@dep.state.fl.us>

07/24/2008 11:23 AM

To <kelly.martinson@dca.state.fl.us>, <ttart@ouc.com>,  
 <james.antista@fwc.state.fl.us>, <jbrubake@psc.state.fl.us>,  
 <clea@audubon.org>, <khedavis@sjrwmd.com>, <plaurien@ecfrpc.org>,  
 <fred.bryant@fmpa.com>, <kimberly.menchion@dot.state.fl.us>,  
 <tbuford@yvlaw.net>, <tom.drage@ocfl.net>, "Sturtevant, Toni"  
 <Toni.Sturtevant@dep.state.fl.us>, <ksper@orlandosentinel.com>  
 cc "Halpin, Mike" <Mike.Halpin@dep.state.fl.us>, "Mulkey, Cindy"  
 <Cindy.Mulkey@dep.state.fl.us>

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Thank you,

*Essie Turner  
Staff Assistant  
Department of Environmental Protection  
Siting Coordination Office  
2600 Blair Stone Road, MS-48  
Tallahassee, Florida 32399-2400  
[essie.turner@dep.state.fl.us](mailto:essie.turner@dep.state.fl.us)  
Phone: (850) 245-8002  
Fax: (850) 245-8003*

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**Turner, Essie**

**From:** Jennifer Brubaker [JBrubake@PSC.STATE.FL.US]  
**Sent:** Thursday, July 24, 2008 11:24 AM  
**To:** Turner, Essie  
**Subject:** RE: Stanton Energy Center Modification to Conditions of Certification

**From:** Turner, Essie [mailto:Essie.Turner@dep.state.fl.us]  
**Sent:** Thursday, July 24, 2008 11:15 AM  
**To:** kelly.martinson@dca.state.fl.us; ttart@ouc.com; james.antista@fwc.state.fl.us; Jennifer Brubaker; cle@audubon.org; khDavis@sjrwm.com; plaurien@ecfrpc.org; fred.bryant@fmpa.com; kimberly.menchion@dot.state.fl.us; tbuford@yvlaw.net; tom.drage@ocfl.net; Sturtevant, Toni; ksper@orlandosentinel.com  
**Cc:** Halpin, Mike; Mulkey, Cindy  
**Subject:** Stanton Energy Center Modification to Conditions of Certification

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*Staff Assistant*  
*Department of Environmental Protection*  
*Siting Coordination Office*  
*2600 Blair Stone Road, MS-48*  
*Tallahassee, Florida 32399-2400*  
[essie.turner@dep.state.fl.us](mailto:essie.turner@dep.state.fl.us)  
*Phone: (850) 245-8002*  
*Fax: (850) 245-8003*

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7/24/2008

## Turner, Essie

---

**From:** Tasha Buford [Tbuford@yvlaw.net]  
**Sent:** Thursday, July 24, 2008 12:17 PM  
**To:** Turner, Essie  
**Subject:** Re: Stanton Energy Center Modification to Conditions of Certification

Received the documents.

Tasha O. Buford  
Young van Assenderp, P.A.  
225 South Adams Street, Suite 200  
Tallahassee, FL 32301  
(850) 222-7206

>>> "Turner, Essie" <Essie.Turner@dep.state.fl.us> 7/24/2008 11:14 AM

>>>

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Thank you,

Essie Turner

Staff Assistant

Department of Environmental Protection

Siting Coordination Office

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essie.turner@dep.state.fl.us

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1- 866-341-8894.

The Department of Environmental

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survey:

<http://survey.dep.state.fl.us/?refemail=Essie.Turner@dep.state.fl.us>

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