



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

February 9, 2010

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Jamie Hunter
Progress Energy Florida
299 First Avenue North
St. Petersburg, Florida 33701

RE: Tiger Bay Cogeneration Facility
Modification to Conditions of Certification
DEP Case Number PA 97-37E
OGC Case Number 10-0818

FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Mr. Hunter:

On June 24, 1998, the Florida Siting Board certified the construction and operation of Tiger Bay Cogeneration Facility in Polk County. Since then the Florida Department of Environmental Protection (Department) has modified the Conditions of Certification by Final Order on four other occasions.

The Department published notices of its intent to issue Air Construction Permit No. 1050223-016-AC and Title V Air Operation Permit No. 1050223-015-AV for Tiger Bay Cogeneration Facility on November 4, 2009. The Department issued Air Construction Permit No. 1050223-016-AC and Title V Air Operation Permit No. 1050223-015-AV on December 18, 2009. These federally issued permits 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 Tiger Bay Cogeneration Facility are hereby modified as follows:

XIII. AIR RESOURCES MANAGEMENT

The construction and operation of Tiger Bay Cogeneration Facility shall be in accordance with all applicable provisions of ~~Chapters Title 62-210 through 62-297, F.A.C., and the Air Construction and Title V Air Operation Permits, including their modifications, amendments, or renewals. 1050223-012-AV and Air Construction Permit 1050223-013-AC are incorporated by reference herein as part of this Certification attached as Appendix 1 and Appendix 2, respectively. The provisions of both Title V Air Operation Permit Number 1050223-012-AV and Air Construction Permit 1050223-013-AC shall be conditions of this certification. The licensee shall comply with the substantive provisions and limitations set forth in Title V Air Operation Permit Number 1050223-012-AV and Air Construction Permit 1050223-013-AC 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. The Air Construction Permits are incorporated by reference herein as part of this Certification and attached as Appendix I. The current Title V Air Operation Permit (1050223-015-AV) is incorporated by reference herein as part of this Certification and attached as Appendix II.~~ Any violation of such provisions shall be a violation of these Conditions of Certification.

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/files/certification/pa97_37_2010_E.pdf. 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, 3900 Commonwealth Blvd, M.S. 48, Tallahassee, Florida 32399, (850) 245-2002.

Any party to this Order has a right to seek judicial review of it pursuant to Section 120.68, F.S., 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 Tiger Bay Cogeneration Facility's existing Conditions of Certification to incorporate a uniform set of General Conditions

Tiger Bay Cogeneration Facility Mod E
February 9, 2010

consistent with recent Site Certifications. If you have any questions regarding this upcoming modification, please contact Jessica Dalton at (850) 245-2002.

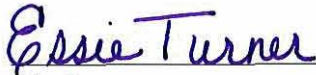
Sincerely,



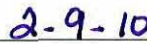
Michael P. Halpin, P.E.
Administrator,
Siting Coordination Office

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



Date

CC by email (return receipt requested):

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