



Florida Department of Environmental Protection

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

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Mimi Drew
Secretary

October 25, 2010

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Ms. Barbara P. Linkiewicz
Director, Environmental Licensing
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408

RE: West County Energy Center
DEP Case Number PA05-47
Post-certification Amendment dated September 24, 2010
Oil Spill Remedial Action Plan

Dear Ms. Linkiewicz:

On September 27, 2010 the Florida Department of Environmental Protection's (Department's) Siting Coordination Office received a request from the Florida Power & Light Company (FPL), for a post certification amendment to the Site Certification Application for FPL's West County Energy Center (WCEC).

FPL must implement a Remedial Action Plan (RAP), in accordance with 62-770, F.A.C., for a diesel spill which occurred on the WCEC site on August 3, 2009. The RAP is being processed by Palm Beach County Department of Environmental Resources Management and the Department's Bureau of Petroleum Storage Systems.

Temporary equipment associated with the diesel clean-up will be onsite for approximately 9 to 12 months. This amendment request is for the authorization of the temporary placement of the groundwater treatment system equipment required for the implementation of the RAP on the WCEC site. Recovered groundwater will be pumped to a treatment system, including MPE blower, catalytic oxidizer, oil-water separator, oil holding tank, water transfer tank, filters, clay adsorbers, and granular activated carbon units. Equipment for off-gas control will be mounted on a concrete pad located adjacent to the system container. A product holding tank will be mounted on a second concrete pad.

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. Based on review of the September 27th submittal, the Department has no objection to the temporary placement of the groundwater treatment system provided:

1. FPL continues to comply with all existing requirements of its Conditions of Certification.
2. FPL shall obtain a Water Use General Permit from the South Florida Water Management District for the proposed temporary ground water withdrawals associated with the RAP prior to its implementation.
3. Equipment associated with the RAP shall be removed from the WCEC site no later than October 31, 2011.

4. FPL shall notify the Department's Southeast District Office, copying the Siting Coordination Office, once the temporary equipment has been removed.

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,



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

10-25-10
Date

Service List

CC by certified mail or email (return receipt requested):

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

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

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

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

Jennifer Brubaker, Attorney Supervisor
Florida Public Service Commission
Office of the General Counsel
2540 Shumard Oak Blvd.
jbrubake@psc.state.fl.us

Ruth Holmes
General Counsel
South Florida Water Mgmt. District
P.O. Box 24680
West Palm Beach, Florida 33416-4680
rholfmes@sfwmd.gov

Peter Cunningham
Hopping Green & Sams, P.A.
P.O. Box 6526
Tallahassee, Florida 32317
pcunningham@hgslaw.com

Roger Saberson, Esquire
Treasure Coast Regional Planning Council
70 SE 4th Avenue
Delray Beach, Florida 32399-0450
ssroger@bellsouth.net

Laura Kammerer
Bureau of Historic Preservation
R.A. Gray Building
500 South Bronough
Tallahassee, FL 32399
lkammerer@dos.state.fl.us

Robert P. Banks
Assistant County Attorney
Palm Beach County Attorney's Office
301 N. Olive Avenue, Suite 601
West Palm Beach, FL 33401
rbanks@pbcgov.org

Patricia Anderson, Chief
Bureau of Water
Department of Health
4042 Bald Cypress Way
Tallahassee, Florida 32399-1742
patti_anderson@doh.state.fl.us

Forrest Watson
Department of Agriculture & Consumer Services
Division of Forestry
3125 Conner Boulevard
Tallahassee, FL 32399-1650
watsonf@doacs.state.fl.us

B. Linkiewicz
October 25, 2010
Page 5 of 5

Barbara Lenczewski
State Planning Initiatives Administrator
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, Florida 32399-2100
barbara.lenczewski@dca.state.fl.us

Also CC by email:

Jack Long, DEP SED jack.long@dep.state.fl.us
Dianne Hughes, DEP SED, dianne.k.hughes@dep.sate.fl.us
William Kennedy, DEP SED, william.c.kennedy@dep.state.fl.us
Jim Golden, SFWMD, jgolden@sfwmd.gov
Rachel Godino, FPL, rachel.godino@fpl.com

Turner, Essie

From: Samek, Kelly [Kelly.Samek@MyFWC.com]
Sent: Tuesday, October 26, 2010 10:11 AM
To: Turner, Essie
Subject: RE: Post Certification Amendment, PA 05-47

From: Turner, Essie [Essie.Turner@dep.state.fl.us]
Sent: Tuesday, October 26, 2010 10:05 AM
To: Samek, Kelly; matthew.childs@dot.state.fl.us; jbrubake@psc.state.fl.us; pcuningham@hgsllaw.com; lkammerer@dos.state.fl.us; patti_anderson@doh.state.fl.us; matthew.davis@dca.state.fl.us; Sturtevant, Toni; rholmes@sfwmd.gov; ssrogers@bellsouth.net; rbanks@pbcgov.org; watsonf@doacs.state.fl.us; barbara.lenczewski@dca.state.fl.us; Long, Jack; dianne.khughes@dep.state.fl.us; william.c.kennedy@dep.state.fl.us; jgolden@sfwmd.gov; rachel.godino@fpl.com
Cc: Halpin, Mike; Mulkey, Cindy
Subject: Post Certification Amendment, PA 05-47

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<http://www.adobe.com/products/acrobat/readstep.html>.

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Thank you,

Essie Turner
Staff Assistant
Department of Environmental Protection
Siting Coordination Office
3900 Commonwealth Blvd., MS 48
Tallahassee, Florida 32399-3000
essie.turner@dep.state.fl.us<<mailto:essie.turner@dep.state.fl.us>>
Phone: (850) 245-2002
Fax: (850) 245-2020

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.

Turner, Essie

From: Matthew.Davis@dca.state.fl.us
Sent: Tuesday, October 26, 2010 10:08 AM
To: Turner, Essie
Subject: Re: Post Certification Amendment, PA 05-47
Attachments: FPL WCEC Amend Appr Oil Spill RAP.pdf

Matthew Davis
Assistant General Counsel
Department of Community Affairs
Florida Communities Trust
2555 Shumard Oak Blvd.
Tallahassee, Florida 32399
(850) 922-1687
(850) 922-2679 (fax)

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

10/26/2010 10:05 AM

To "kelly.samek@fwc.state.fl.us" <kelly.samek@fwc.state.fl.us>, "matthew.chilids@dot.state.fl.us" <matthew.chilids@dot.state.fl.us>, "jbrubake@psc.state.fl.us" <jbrubake@psc.state.fl.us>, "pcunnungham@hgsllaw.com" <pcunnungham@hgsllaw.com>, "lkammerer@dos.state.fl.us" <lkammerer@dos.state.fl.us>, "patti_anderson@doh.state.fl.us" <patti_anderson@doh.state.fl.us>, "matthew.davis@dca.state.fl.us" <matthew.davis@dca.state.fl.us>, "Sturtevant, Toni" <Toni.Sturtevant@dep.state.fl.us>, "rholmes@sfwmd.gov" <rholmes@sfwmd.gov>, "ssrogers@bellsouth.net" <ssrogers@bellsouth.net>, "rbanks@pbccgov.org" <rbanks@pbccgov.org>, "watsonf@doacs.state.fl.us" <watsonf@doacs.state.fl.us>, "barbara.lenczewski@dca.state.fl.us" <barbara.lenczewski@dca.state.fl.us>, "Long, Jack" <Jack.Long@dep.state.fl.us>, "dianne.khughes@dep.state.fl.us" <dianne.khughes@dep.state.fl.us>, "william.c.kennedy@dep.state.fl.us" <william.c.kennedy@dep.state.fl.us>, "jgolden@sfwmd.gov" <jgolden@sfwmd.gov>, "rachel.godino@fpl.com" <rachel.godino@fpl.com>

cc "Halpin, Mike" <Mike.Halpin@dep.state.fl.us>, "Mulkey, Cindy" <Cindy.Mulkey@dep.state.fl.us>

Subject Post Certification Amendment, PA 05-47

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<http://www.adobe.com/products/acrobat/readstep.html>.

Turner, Essie

From: Golden, James [jgolden@sfwmd.gov]
Sent: Tuesday, October 26, 2010 10:09 AM
To: Turner, Essie
Subject: RE: Post Certification Amendment, PA 05-47

James J. Golden, AICP
Lead Planner
Intergovernmental Policy & Planning
South Florida Water Management District
(561) 662-6662

From: Turner, Essie [mailto:Essie.Turner@dep.state.fl.us]
Sent: Tuesday, October 26, 2010 10:05 AM
To: kelly.samek@fwc.state.fl.us; matthew.childs@dot.state.fl.us; jbrubake@psc.state.fl.us; pcuningham@hgsllaw.com; lkammerer@dos.state.fl.us; patti_anderson@doh.state.fl.us; matthew.davis@dca.state.fl.us; Sturtevant, Toni; Holmes, Ruth; ssrogers@bellsouth.net; rbanks@pbcgov.org; watsonf@doacs.state.fl.us; barbara.lenczewski@dca.state.fl.us; Long, Jack; dianne.khughes@dep.state.fl.us; william.c.kennedy@dep.stats.fl.us; Golden, James; rachel.godino@fpl.com
Cc: Halpin, Mike; Mulkey, Cindy
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Thank you,

*Essie Turner
Staff Assistant*

Turner, Essie

From: Hughes, Dianne K.
Sent: Tuesday, October 26, 2010 10:21 AM
To: Turner, Essie
Subject: RE: FPL Post -Certification Amendment PA 05-47

From: Turner, Essie
Sent: Tuesday, October 26, 2010 10:13 AM
To: Kennedy, William C.; Hughes, Dianne K.
Cc: Mulkey, Cindy
Subject: FPL Post -Certification Amendment PA 05-47

Dear Sir/Madam:

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3900 Commonwealth Blvd., MS 48
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essie.turner@dep.state.fl.us
Phone: (850) 245-2002
Fax: (850) 245-2020*

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Turner, Essie

From: Barbara.Lenczewski@dca.state.fl.us
Sent: Tuesday, October 26, 2010 10:22 AM
To: Turner, Essie
Cc: Robert.Arredondo@dca.state.fl.us; Matthew.Davis@dca.state.fl.us
Subject: Re: Post Certification Amendment, PA 05-47
Attachments: FPL WCEC Amend Appr Oil Spill RAP.pdf

Barbara Lenczewski, Ph.D, AICP
State Planning Initiatives Administrator
Rural and Natural Resource Planning Section
Div. of Community Planning, Dept. of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100
Ph (850) 922-1786 Fax 488-3309
Email: Barbara.Lenczewski@dca.state.fl.us

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

10/26/2010 10:05 AM

To "kelly.samek@fwc.state.fl.us" <kelly.samek@fwc.state.fl.us>, "matthew.childs@dot.state.fl.us" <matthew.childs@dot.state.fl.us>, "jbrubake@psc.state.fl.us" <jbrubake@psc.state.fl.us>, "pcunnungham@hqsllaw.com" <pcunnungham@hqsllaw.com>, "lkammerer@dos.state.fl.us" <lkammerer@dos.state.fl.us>, "patti_annderson@doh.state.fl.us" <patti_annderson@doh.state.fl.us>, "matthew.davis@dca.state.fl.us" <matthew.davis@dca.state.fl.us>, "Sturtevant, Toni" <Toni.Sturtevant@dep.state.fl.us>, "rholmes@sfwmd.gov" <rholmes@sfwmd.gov>, "ssrogers@bellsouth.net" <ssrogers@bellsouth.net>, "rbanks@pbccgov.org" <rbanks@pbccgov.org>, "watsonf@doacs.state.fl.us" <watsonf@doacs.state.fl.us>, "barbara.lenczewski@dca.state.fl.us" <barbara.lenczewski@dca.state.fl.us>, "Long, Jack" <Jack.Long@dep.state.fl.us>, "dianne.khughes@dep.state.fl.us" <dianne.khughes@dep.state.fl.us>, "william.c.kennedy@dep.state.fl.us" <william.c.kennedy@dep.state.fl.us>, "jgolden@sfwmd.gov" <jgolden@sfwmd.gov>, "rachel.godino@fpl.com" <rachel.godino@fpl.com>
cc "Halpin, Mike" <Mike.Halpin@dep.state.fl.us>, "Mulkey, Cindy" <Cindy.Mulkey@dep.state.fl.us>

Subject Post Certification Amendment, PA 05-47

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<http://www.adobe.com/products/acrobat/readstep.html>.

Turner, Essie

From: Kammerer, Laura [LKammerer@dos.state.fl.us]
Sent: Tuesday, October 26, 2010 11:40 AM
To: Turner, Essie
Subject: RE: Post Certification Amendment, PA 05-47

Please take a few minutes to provide feedback on the quality of service you received from our staff. The Florida Department of State values your feedback as a customer. Dawn K. Roberts, Florida Interim Secretary of State, is committed to continuously assessing and improving the level and quality of services provided to you. Simply click on the link to the "DOS Customer Satisfaction Survey." Thank you in advance for your participation.
[DOS Customer Satisfaction Survey](#)

From: Turner, Essie [<mailto:Essie.Turner@dep.state.fl.us>]
Sent: Tuesday, October 26, 2010 10:05 AM
To: kelly.samek@fwc.state.fl.us; matthew.childs@dot.state.fl.us; jbrubake@psc.state.fl.us; pcunnamungham@hgsllaw.com; Kammerer, Laura; patti_anderson@doh.state.fl.us; matthew.davis@dca.state.fl.us; Sturtevant, Toni; rholmes@sfwmd.gov; ssrogers@bellsouth.net; rbanks@pbcgov.org; watsonf@doacs.state.fl.us; barbara.lenczewski@dca.state.fl.us; Long, Jack; dianne.khughes@dep.state.fl.us; william.c.kennedy@dep.state.fl.us; jgolden@sfwmd.gov; rachel.godino@fpl.com
Cc: Halpin, Mike; Mulkey, Cindy
Subject: Post Certification Amendment, PA 05-47

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Thank you,

*Essie Turner
Staff Assistant
Department of Environmental Protection
Siting Coordination Office*

Turner, Essie

From: Long, Jack
Sent: Tuesday, October 26, 2010 12:06 PM
To: Turner, Essie
Subject: RE: Post Certification Amendment, PA 05-47

From: Turner, Essie
Sent: Tuesday, October 26, 2010 10:05 AM
To: kelly.samek@fwc.state.fl.us; matthew.childs@dot.state.fl.us; jbrubake@psc.state.fl.us; pcunnamungham@hgslaw.com; lkammerer@dos.state.fl.us; patti_annderson@doh.state.fl.us; matthew.davis@dca.state.fl.us; Sturtevant, Toni; rholmes@sfwmd.gov; ssrogers@bellsouth.net; rbanks@pbcgov.org; watsonf@doacs.state.fl.us; barbara.lenczewski@dca.state.fl.us; Long, Jack; dianne.khughes@dep.state.fl.us; william.c.kennedy@dep.state.fl.us; jgolden@sfwmd.gov; rachel.godino@fpl.com
Cc: Halpin, Mike; Mulkey, Cindy
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Thank you,

*Essie Turner
Staff Assistant
Department of Environmental Protection
Siting Coordination Office
3900 Commonwealth Blvd., MS 48
Tallahassee, Florida 32399-3000
essie.turner@dep.state.fl.us
Phone: (850) 245-2002*

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Barbara P. Linkiewicz
Director of Environmental Licensing
Florida Power & Light Company
700 Universe Blvd.
Juno Beach, Florida 33408

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☒ Addressee

B. Received by (Printed Name)

S. AUTORINE

C. Date of Delivery

10/28

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☒ No

FPL-WC Energy Ctr PA-05-47

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☒ Yes

7006 0100 0003 0981 0258