



Florida Department of Environmental Protection

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

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard
Secretary

June 15, 2012

Sent by Electronic Mail – Received Receipt Requested

Mr. Michael Shrader
Lead Environmental Specialist
Progress Energy Florida, Inc.
100 Central Avenue
St. Petersburg, FL 33733

RE: Crystal River Energy Complex
Modification to Conditions of Certification
DEP Case Number PA77-09P
OGC Case Number 10-2632

NOTICE OF INTENT TO MODIFY CONDITIONS OF CERTIFICATION

Dear Mr. Shrader:

On September 10, 2010 the Department of Environmental Protection (Department), Siting Coordination Office received a petition from Progress Energy Florida, Inc (PEF), and the associated fee for a modification to the Crystal River Energy Complex (CREC) Site Certification in accordance with Section 403.516(1)(c), Florida Statutes ("F.S."). The petition is for the incorporation of the CREC Industrial Wastewater Permit (FLA016960), increased permitted flow to the south percolation pond system, incorporation of the Crystal River North (CRN) Domestic Wastewater Permit (FLA011862), reallocation of well water use of the existing well system, determination of the treatment capabilities of Crystal River Unit 4 and 5 (CRN) stormwater management system, and incorporation of the facility's water quality criteria exemption for sodium (OGC File No. 10-3490).

On October 11, 2010, the Department requested additional information regarding this petition. PEF submitted supplemental information on December 17, 2010. A second request for additional information was sent to PEF on January 18, 2011 and the response to the second request was received by the Department on February 18, 2011.

The Conditions of Certification (COC or Conditions) are being modified to include the following:

Incorporation of DEP IWW Permit FLA016960 and Increase in Flow to South Percolation Pond:
Permit FLA016960 is being incorporated into the COC in its entirety. This includes

authorization to increase the permitted flow to the south percolation pond from 0.91 million gallons per day (MGD) to 1.2 MGD monthly average flow. The conditions will be incorporated as specific conditions of the COC or as conditions of the Groundwater Monitoring, Operation and Maintenance Requirements as provided in Attachment H. Attachment H will incorporate the monitoring, operation, and maintenance requirements for the industrial wastewater section and solid waste section.

CRN Domestic Wastewater Permit FLA011862): PEF currently operates an existing 0.020 MGD 3-Month Average Daily Flow (3MADF), Type III, extended aeration domestic wastewater treatment plant at CREC consisting of: one 20,000 gallon concrete equalization basin, eight aeration basins of 34,000 gallons total volume, two clarifiers of 5,700 gallons total volume and 103 square feet of surface area, one chlorine contact chamber of 1,600 gallons, and two digesters of 8,000 gallons. This plant is operated to provide secondary treatment with basic disinfection. The permit will be incorporated into the COC in its entirety.

SWFWMD Water Use Allocation: PEF is authorized to operate 10 water wells onsite. The existing conditions allow four wells to operate at annual average of 250,000 gallons per day (gpd) and six wells at 521,520 gpd. This equates to a total daily average of 4,309,000 gpd. PEF has requested each of the ten wells be allowed to operate equally at 430,900 gpd. The revised conditions will reflect the new allocations.

CRN Stormwater Treatment Determination: The CRN area includes defined basins 1B-i-iii, 1B-iv, 1B-v, 1B-vi, and 1A, and Area 1B-Vii. It has been determined that activities falling within areas identified as 1B-i-iii, 1B-iv, 1B-v, 1B-vi, and 1A will require review by the DEP Southwest District Industrial Wastewater Waste and/or Solid Waste Sections as appropriate. It has further been determined that the receiving system for Area 1B-Vii is adequate to handle the volume of discharge from that entire area. For activities falling within the area identified as 1B-Vii, environmental resource approval must be obtained, except that further modeling for additional impervious surfaces shall not be required.

Groundwater Quality Exemption for Sodium: The facility's water quality criteria exemption from the ground water standard for sodium associated with industrial wastewater discharge to ground water (OGC File No. 10-3490) is being incorporated into the COC.

Herein the Department is also initiating a modification in accordance with Section 403.516(1)(c), F.S., to update the existing Conditions to incorporate a uniform set of general conditions consistent with recent site certifications and to remove/modify requirements no longer applicable.

Modifications to the Conditions have been described in the attached draft Final Order. Copies of the existing Conditions (including cross reference annotations) and the draft Conditions (with attachments) are available at the following file transfer protocol site:

http://publicfiles.dep.state.fl.us/Siting/Outgoing/PEF%20CREC/PEF_CREC_Mod_P/MOD%20P%20NOI/ . Copies of the draft Conditions and/or attachments may also be obtained by contacting the Department of Environmental Protection, Siting Coordination Office, 3900 Commonwealth Blvd, Tallahassee, Florida 32399-3000, (850) 245-2002.

Pursuant to Section 403.516, 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 this notice by mail to such party's last address of record in which to file a written objection to the modification. A public notice will also be published in the Florida Administrative Weekly (FAW) regarding this Intent to Modify the Conditions of Certification. 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 FAW to object in writing. Failure to act within the time frame constitutes a waiver of the right to become a party.

Written objections must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000. If the Department does not receive any written objections, then a Final Order Modifying the Conditions of Certification shall be issued by the Department. If written objections are timely filed which address only a portion of the modification, then pursuant to subparagraph 62-17.211(1)(b)5, F.A.C., the Department shall issue an Order approving that portion of the modification to which no objections were filed, unless that portion of the modification is substantially related to or necessary to implement the portion to which written objections are filed. If written objections are raised, then pursuant to Section 403.516(1)(c), F.S., the applicant may file a petition for modification with the Department and the Division of Administrative Hearings seeking approval for those portions of the modification to which written objections were timely filed.

Mediation is not available in this proceeding.

Any questions regarding this Intent to Modify Conditions of Certification should be directed to Bobby Bull, P.E., at (850) 245-2001. Questions regarding legal issues should be referred to the Department's Office of General Counsel at (850) 245-2257. Such contact with any of the above does not constitute an objection to the modification.

Sincerely,



Cindy Mulkey
Administrator,
Siting Coordination Office

Enclosure: Draft Final Order

CC by email:

FDEP SWD Assistant Director: Pamala Vazquez, pamala.vazquez@dep.state.fl.us

FDEP SWD Siting Liaison: Danny Stubbs, danny.stubbs@dep.state.fl.us

FDEP SWD Solid Waste Section: Susan Pelz, susan.pelz@dep.state.fl.us

FDEP SWD Industrial Waste Section: Yanisa Angulo, yanisa.angulo@dep.state.fl.us

June 15, 2012

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

Clerk

6-15-2012

Date

Service List: CC by email (Received Receipt Requested):

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

David Jordan, Esquire
Department of Economic Opportunity
Office of General Council
107 East Madison Street
Tallahassee, Florida 32399
David.Jordan@dca.state.fl.us

Menchion, Kimberly, 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

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

Adam Teitzman, Attorney Supervisor
Florida Public Service Commission
Office of General Counsel
2450 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
ateitzma@psc.state.fl.us

Martha A. Moore, Esquire
Southwest FL Water Management District
2379 Broad Street
Brooksville, FL 34604-6899
martha.moore@swfwmd.state.fl.us

Doug Roberts, Esquire
Hopping Green & Sams, P.A.
P.O Box 6526
Tallahassee, Florida 32317
droberts@hgslaw.com

Fred Landt, Esq.
Withlacoochee Regional Planning Council
Post Office Box 2045
Ocala, FL 34478
fl3swim47@aol.com

Robert Battista, Esq.
Office of the Citrus County Attorney
110 N. Apopka Avenue
Inverness, FL 34450
Cheryl.clamer@bocc.citrus.fl.us

Bruce Day
Withlacoochee Regional Planning Council
1241 Southwest 10th Street
Ocala, Florida 34471
bday@wrpc.cc

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

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

Jenette Collins, Director
Sue Farnsworth, Environmental Planner
Citrus County Development Department
3600 W. Sovereign Path, Suite 140
Lecanto, FL 34461
jenette.collins@bocc.citrus.fl.us
Susan.Farnsworth@bocc.citrus.fl.us

Julie Evans
Department of Economic Opportunity
107 East Madison Street
Tallahassee, Florida 32399
julie.evans@deo.myflorida.com

Michael R. Moehlman
Withlacoochee Regional Planning Council
1241 Southwest 10th Street
Ocala, Florida 34471
moehlman@wrpc.cc

Forrest Watson
Department of Agriculture & Consumer
Services
Florida Forest Service
3125 Conner Boulevard
Tallahassee, FL 32399-1650
john.watson@freshfromflorida.com

Joe Walsh
FL Fish & Wildlife Conservation Commission
620 South Meridian Street
Tallahassee, FL 32399-1600
joe.walsh@myfwc.com