



# Florida Department of Environmental Protection

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

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Mimi A. Drew  
Secretary

October 25, 2010

## CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Robert Yarborough  
Senior Environmental Engineer  
Seminole Electric Coop., Inc.  
16313 North Dale Mabry Highway  
Tampa, FL 33688-2000

RE: Seminole Generating Station Units 1 & 2  
DEP Case Number PA 78-10  
Post-certification Amendment Request – Ground Water Monitoring Wells

Dear Mr. Yarborough:

On September 24, 2010, the Florida Department of Environmental Protection's Siting Coordination Office received a request from Seminole Electric Cooperative, Inc. (SECI) for a post certification amendment to their Seminole Generating Station Units 1 & 2 (SGS) Site Certification Application. The amendment request includes the installation of five additional monitoring wells and addresses monitoring of the portion of the FGD/Sludge Landfill designated as Increment I which is to be constructed and is not part of the existing footprint of the landfill. Pursuant to subsection 62-17.205(1), Florida Administrative Code ("F.A.C."), the Department has determined that this proposal is an amendment to the application that will not require modification to the Conditions of Certification (COC) for the Facility.

Based on a review of the information submitted on September 24, 2010 the Department has determined that the installation of the additional groundwater monitoring wells is in compliance with the applicable groundwater and groundwater monitoring rules within the Conditions of Certification. Therefore, the Department has no objections to the proposed project and hereby approves the amendment request, provided that SECI continues to comply with all terms and conditions of the existing COC for the Facility.

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, F.S., is not available.

How to Request an Extension of Time to File a Petition for Hearing

For good cause shown, pursuant to subsection 62-110.106(4), 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 Sections 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 Ann Seiler at (850) 245-2002. 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 Section  
120.52, Florida Statutes, with the designated  
Department Clerk, receipt of which is  
hereby acknowledged.

---

Clerk

---

Date

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

Toni Sturtevant, Esquire  
Department of Environmental Protection  
3900 Commonwealth Blvd., M.S. 35  
Tallahassee, Florida 32399-3000  
[toni.sturtevant@dep.state.fl.us](mailto:toni.sturtevant@dep.state.fl.us)

James S. Alves  
Hopping Green & Sams, P.A.  
POB 6526  
Tallahassee, FL 32314  
[jalves@hgslaw.com](mailto:jalves@hgslaw.com)

Matt Davis, Esq  
Department of Community Affairs  
2555 Shumard Oak Blvd.  
Tallahassee, Florida 32399  
[Matthew.Davis@dca.state.fl.us](mailto:Matthew.Davis@dca.state.fl.us)

Matthew Childs, Esq.  
Assistant General Counsel  
Department of Transportation  
605 Suwannee Street, MS 58  
Tallahassee, FL 32399-0458  
[matthew.childs@dot.state.fl.us](mailto:matthew.childs@dot.state.fl.us)

Russell Castleberry, Esq.  
Putnam County Attorney  
POB 758  
Palatka, FL. 32178-0758  
[rleary@putnam-fl.com](mailto:rleary@putnam-fl.com)

Mr. Wayne Smith, Chairman  
Union County BOCC  
15 Northeast First ST  
Lake Butler, FL 32054  
[JacksonD@circuit8.org](mailto:JacksonD@circuit8.org)

Mr. Patrick Gilligan  
Attorney for the City of Ocala  
1531 SE 36th Avenue  
Ocala, Florida 34471  
[pgilligan@ocalalaw.com](mailto:pgilligan@ocalalaw.com)

Brian Teeple, Executive Director  
Northeast FL Regional Planning Council  
6850 Belfort Oaks Place  
Jacksonville, FL 32216  
[bteeple@nefr.org](mailto:bteeple@nefr.org)

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

Vance Kidder, Esq.  
St. Johns River Water Management District  
P.O. Box 1429  
Palatka, FL 32178-1429  
[VKidder@sjrwmd.com](mailto:VKidder@sjrwmd.com)

Jennifer Brubaker, Attorney Supervisor  
Florida Public Service Commission  
Office of General Counsel  
2450 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
[jbrubake@psc.state.fl.us](mailto:jbrubake@psc.state.fl.us)

Mark Scruby, Esq.  
Clay County Attorney  
P.O. Box 1366  
Green Cove Springs, FL 32043  
[mark.scruby@co.clay.fl.us](mailto:mark.scruby@co.clay.fl.us)

Mr. Matthew Minter, Esq.  
Marion County Attorney  
601 Southeast 25th Ave  
Ocala, FL 34471  
[matthew.minter@marioncountyfla.org](mailto:matthew.minter@marioncountyfla.org)

Mr. Ronald Williams, Chairman  
Columbia Co. BOCC  
Post Office Drawer 1529  
Lake City, FL 32056  
[ronald\\_williams@columbiacountyfla.com](mailto:ronald_williams@columbiacountyfla.com)