Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Jonathan P. Steverson
Secretary

August 28, 2015

Sent by Electronic Mail – Document Access Verification Requested

Lewis Snyder
Director of Environmental, Health & Safety
Seminole Electric Cooperative, Inc.
16313 North Dale Mabry Highway
Tampa, Florida 33688-2000

RE: Midulla Generating Station (PA 89-25SA)
Amendment Request (AM15-104)
Control House Addition

Dear Mr. Snyder:

On August 7, 2015, the Florida Department of Environmental Protection (Department), Siting Coordination Office received a request from Seminole Electric Cooperative, Inc. (SECI) for an amendment to the Midulla Generating Station (MGS) Site Certification Application (SCA). The amendment request is for the construction of a 400 square foot concrete slab in support of the facility's planned switchyard control room expansion. The additional impervious area will be accommodated by the existing onsite stormwater management system.

Based on a review of the information submitted on August 7, 2015, the Department has determined that this proposal has been properly characterized as an amendment, as it requests a material change to SECI's SCA pursuant to Section 403.5113(1), Florida Statute (F.S.), but does not require modification to the Conditions of Certification. This letter serves as notification of approval of the proposed amendment.

Failure to comply with all existing requirements of the Conditions of Certification, pursuant to Section 403.514, F.S. shall constitute a violation of Chapter 403. The Department's notification 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 post-certification 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, 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 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 certification number for the facility, 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, 3900 Commonwealth Boulevard, MS 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 after this order is filed with the clerk of the Department (see below).

Questions

Any questions regarding the Department's review of this amendment request should be directed to Bobby Bull at (850) 717-9111. Questions regarding legal issues should be referred to the Department's Office of General Counsel at (850) 245-2257. 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,

Cindy Mulkey
Program Administrator
Siting Coordination Office
Division of Air Resource Management

CC by ***Electronic Mail - Document Access Verification Requested***:

Mary Yeargan, FDEP: Mary.Yeargan@dep.state.fl.us
Mark Langford, FDEP: Mark.Langford@dep.state.fl.us
Michael Lee, SECI: MLee@seminole-electric.com

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to §120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Lynn Scearce 2015.08.28 11:25:52 -04'00'

Clerk Date

Service List: ***Sent by Electronic Mail – Document Access Verification Requested***

Benjamin Melnick
Department of Environmental Protection
Office of General Counsel
3900 Commonwealth Blvd., M.S. 35
Tallahassee, Florida 32399-3000
Benjamin.Melnick@dep.state.fl.us

Keino Young
Public Service Commission
2450 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
kyoung@psc.state.fl.us

Scott Rogers
Department of Economic Opportunity
107 East Madison St.
Tallahassee, Florida 32399-2100
scott.rogers@deo.myflorida.com

Anthony Pinzino, Esquire
Fish and Wildlife Conservation Commission
620 South Meridian Street
Tallahassee, Florida 32399-1600
anthony.pinzino@myfwc.com

Kimberly Menchion, Esquire
Department of Transportation
605 Suwannee Street, Mail Station 58
Tallahassee, Florida 32399-0450
Kimberly.Menchion@dot.state.fl.us
Jasmin.Raffington@dot.state.fl.us

Norman White, Esquire
Central Florida Regional Planning Council
2632 Eagle Court
Lake Wales, Florida 33898
gatorwhite@msn.com

Karen E. West, General Counsel
Southwest FL Water Management District
2379 Broad Street
Brooksville, Florida 34604-6899
karen.west@swfwmd.state.fl.us

Deena Woodward
Department of State - DHR
R.A. Gray Building 4th Floor
500 S. Bronough Street
Tallahassee, Florida 32399-0250
deena.woodward@dos.myflorida.com

Kenneth B. Evers, Esq.
Hardee County Attorney
424 W Main St.
Wauchula, Florida 33873
kevers@hardeelaw.com

Lawrence N. Curtin, Esquire
Holland & Knight, L.L.P.
Post Office Drawer 810
Tallahassee, Florida 32303-0810
larry.curtin@hklaw.com

James S. Alves, Esquire
Hopping Green Sams & Smith, P.A.
Post Office Box 6526
Tallahassee, Florida 32314
jalves@hgslaw.com

Michael Craig, Esquire
Office of the Polk County Attorney
Post Office Box 9000
Bartow, Florida 33831-9005
michaelcraig@polk-county.net