Florida Department of Environmental Protection

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

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel Vinyard
Secretary

August 20, 2012

Sent by Electronic Mail – Received Receipt Requested
Matthew.Raffenberg@fpl.com

Matthew Raffenberg
Director of Environmental Licensing and Permitting
Environmental Services Department
Florida Power & Light Company
700 Universe Blvd (JES/JB)
Juno Beach, FL 33408

RE: West County Energy Center (PA 05-47)
Amendment Request AM12-032
Three Concrete Slabs

Dear Mr. Raffenberg:

On July 31, 2012, the Florida Department of Environmental Protection (Department), Siting Coordination Office received a request from Florida Power and Light (FPL) for an amendment to the West County Energy Center (WCEC) Site Certification Application (SCA). The amendment request is for authorization to construct three new concrete slabs for the auxiliary cooling water strainers at the WCEC site.

Based on a review of the information submitted on July 31, 2012, the Department has determined that this proposal is an amendment to WCEC's SCA pursuant to subsection 62-17.205(1), Florida Administrative Code (F.A.C.). The new concrete slabs will accommodate the replacement of the existing water strainers with a larger strainer system configuration. Each slab is approximately 600 square ft located within the power block on existing impervious surface and will not change the stormwater design at the facility. The Department has no objections to the proposed project and hereby approves the amendment request, provided that FPL continues to comply with the existing Conditions of Certification. Prior to project commencement and consistent with Condition XXXV, Palm Beach County, FPL shall comply with the requirements contained within Development Order Resolution Number R-2002-0009 as amended including site plan revisions as applicable.

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 Blvd., M.S. 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 Blvd., M.S. 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, Florida Rules of Appellate Procedure, with the clerk of the Department in the Office of General Counsel, 3900 Commonwealth Blvd., 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 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) 245-2002. 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
Administrator,
Siting Coordination Office

CC by email:
FDEP District Direction: Jill Creech, jill.creech@dep.state.fl.us
FDEP Siting Liaison: Dianne Hughes, dianne.k.hughes@dep.state.fl.us
FPL: Peter Holzapfel, Pete.Holzapfel@fpl.com
FPL: Matt Wetmore, Matthew.Wetmore@fpl.com
FPL: Sharon Peterson, Sharon.Peterson@fpl.com
FPL: Stacy Foster, Stacy.Foster@fpl.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.

Essie Turner
Clerk

8-20-2012
Date

Service List: CC by 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

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

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

Scott Sanders
FL Fish & Wildlife Conservation Commission
620 South Meridian Street
Tallahassee, FL 32399-1600
FWCConservationPlanningServices@myfwc.com

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

David Jordan, Esq.
Dept. of Economic Opportunity, Div. of Community Development
107 East Madison Street
Tallahassee, Florida 32399
David.Jordan@deo.myflorida.com

Kimberly Menchion, Esq.
Assistant General Counsel
Department of Transportation
605 Suwannee Street, MS 58
Tallahassee, FL 32399-0458
kimberly.menchion@dot.state.fl.us

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

Roger Saberson, Esquire
Treasure Coast Regional Planning Council
70 SE 4th Avenue
Delray Beach, FL 33483-4514
ssroger@bellsouth.net

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

Forrest Watson
Dept. of Agriculture & Consumer Services
Division of Forestry
3125 Conner Boulevard
Tallahassee, FL 32399-1650
john.watson@freshfromflorida.com

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

Peter Cocotos
Florida Power & Light
Law/JB
700 Universe Blvd
Juno Beach, FL 33408
Peter.Cocotos@fpl.com