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

November 18, 2010

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

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

RE: Postcertification Amendment to Application - Dewatering
Florida Power & Light's Cape Canaveral Energy Center
DEP Case Number PA08-53
Amendment Approval

Dear Ms. Linkiewicz:

On October 7, 2010, the Florida Department of Environmental Protection's Siting Coordination Office (the Department) received a request from Florida Power & Light (FPL) for a postcertification amendment to their Cape Canaveral Energy Center (CCEC) Site Certification Application. The amendment request was to obtain approval for FPL to recycle dewatering effluent by mixing it with the approved City of Cocoa water source for stone column installation and dust control during the construction of CCEC. Stone column installation and the requirement for dust control were included in the initial approval of the CCEC project.

On November 4, 2010, the Department issued an amendment approval. Following the approval the Licensee advised the Department that the means by which the subject work would occur had changed, which necessitated additional information submittals to the Department as well as revocation of the amendment approval as written. Additional information was received by the Department on November 16, 2010.

Pursuant to Section 62-17.205(c), Florida Administrative Code (F.A.C.), the Department has determined that this revised request is an amendment to the application that will not require modification to the Conditions of Certification (COC) for the facility.

In Section B of the Conditions of Certification, Condition VII.S requires a dewatering plan to be submitted to the St. Johns River Water Management District prior to any construction activities. As a pre-requisite to related construction requirement(s) of this amendment approval, the dewatering plan shall also be submitted to the Groundwater Section of the Department's Central District prior to February 1, 2011 and it shall include the following:

1. Provide a Site Map (hard copy) depicting the locations of the two unlined Storm water ponds that will be used along with cross sections of these ponds and all related elevations in Feet, NGVD.
2. Provide the approximate depth of dewatering, location(s) of dewatering, the method(s) to be used for dewatering and the depth of stone column construction where the dewatered effluent would be re-circulated.
3. Provide the projected quality of dewatering effluent from the Surficial Aquifer.
4. Provide information on how the volume of dewatered effluent and volume of dewatered effluent from the unlined ponds to be used for construction activities would be monitored and reported to DEP.
5. Since the area around the unlined storm water ponds are expected to see some impacts from the proposed dewatering activities, please propose additional monitor well(s) at these locations, the proposed construction details of monitor well(s), the parameters to be monitored in the groundwater, frequency of sampling program, and site map indicating proposed monitor well locations.

If the Department determines that additional monitoring well(s) are required surrounding the unlined ponds, they shall be installed prior to the commencement of dewatering activities.

The approval for the use and storage of the dewatering effluent for stone column installation shall become effective upon the Department's acceptance of the submittals outlined herein, and shall remain in effect until August 1, 2011. Licensee shall promptly notify the Department upon commencement and cessation of the stone column installation.

The Department's Order shall become final unless a timely petition for an administrative hearing is filed under Sections 120.569, Florida Statutes (F.S.) and 120.57, 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 no action is required. 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 an 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 a 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 a 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) with the Department in the Office of General Counsel 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 an 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, F.S. and 120.57, F.S. The petition must contain the information set forth below and must be filed with the Department in the Office of General Counsel 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 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, F.S. and 120.57, F.S.

Pursuant to Sections 120.54(5)(b)4, F.S. and 120.569(2), F.S. and Rule 28-106.201, F.A.C., a petition for an 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 of a petition for an 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 at 3900 Commonwealth Boulevard, Mail Station 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 30 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) 245-2143. 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 an administrative hearing or request for an extension of time to file a petition for an administrative hearing.

Sincerely,

Michael P. Halpin, P.E.

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

11/18/10
Date

Service List: CC by email (return receipt requested):

Peter Cunningham, Esquire
Hopping Green & Sams, P.A.
Post Office Box 6526
Tallahassee, FL 32314
peterc@hgslaw.com
cc: gails@hgslaw.com

Jennifer Crawford, Asst. Gen. Cnsl.
Florida Public Service Commission
2450 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
jcrawfor@psc.state.fl.us

Matt Davis, Asst. Gen. Cnsl.
Department of Community Affairs*
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
Matthew.Davis@dca.state.fl.us

Kelly Semak, Asst. Gen. Cnsl.
Fish and Wildlife Conservation Commission
620 South Meridian Street
Tallahassee, FL 32399-1600
kelly.semak@myfwc.com

Matthew Childs, Asst. Gen. Cnsl.
Department of Transportation
605 Suwannee Street, MS 58
Tallahassee, FL 32399-0450
Matthew.Childs@dot.state.fl.us

Gail Hankinson, Asst. Gen. Cnsl.
St. Johns River Water Management District
4049 Reid St.
Palatka, FL 32177
ghankins@sjrwmd.com

Phil Laurien, Executive Director
East Central Florida Regional Planning Council
309 Cranes Roost Blvd., Suite 2000
Altamonte Springs, Florida 32701
plaurien@ecfrpc.org

Christine Lepore, County Attorney
Brevard County Attorney's Office
2725 Fran Jamieson Way Bldg C
Viera, FL 32940
christine.lepore@brevardcounty.us

Dwight Severs, City Attorney
Titusville City Attorney's Office
555 S Washington Ave
Titusville, Florida 32796
dwight.severs@titusville.com
cc: vanessa.hayes@titusville.com

Anthony Garganese, City Attorney
Cocoa City Attorney
Brown Garganese Weiss & D'Agresta P A
PO Box 2873
Orlando, Florida 32802
agarganese@orlandolaw.net

cc. Jackie Lorne, FPL — Jacquelyn.Lorne@fpl.com
Caroline Shine, DEP- CD — Caroline.Shine@dep.state.fl.us
Anil Desai, DEP – CD — Anil.Desai@dep.state.fl.us
Vivian Garfein, Director DEP-CD — Vivian.Garfein@dep.state.fl.us
Toni Sturtevant, DEP-OGC — Toni.sturtevant@dep.state.fl.us