

Jeb Bush
Governor

Department of Environmental Protection

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

David B. Struhs
Secretary

DEP 03-1432

July 8, 2003

- CERTIFIED MAIL - RETURN RECEIPT REQUESTED -

Yolanta E. Jonyas
Gainesville Regional Utilities
Post Office Box 147117
Station A136
Gainesville, Florida 32614-7117

**RE: Deerhaven Generating Station
Modification to Conditions of Certification
DEP Case Number PA 74-04 F
OGC Case Number 03-0673**

ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Ms. Jonyas:

On March 31, 2003, the Department received a request to modify the Conditions of Certification for the Deerhaven Generating Station. That request would allow leachate and runoff from the Secure Landfill Collection Pond to be discharged to the Kanapaha Water Reclamation Facility or other permitted facility provided that the discharge is in accordance with the pretreatment requirements of 40 CFR Part 423 and that the appropriate permits have been obtained for the discharge by the permitted facility.

The Department has reviewed the modification request. On April 17, 2003 all parties to the certification proceeding were provided with notice by certified mail of the Department's intent to modify the Conditions of Certification for this facility, along with a copy of the proposed Order Modifying Conditions of Certification. Additionally, on May 30, 2003, notice of the Department's intent to modify the Conditions of Certification for this facility was published in the Florida Administrative Weekly ("FAW"), and on the Department's internet home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices." Those notices specified that pursuant to Section 403.516, Florida Statutes ("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 notice by mail to such party's last address of record in which to file a written objection to the modification; that 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 Florida Administrative Weekly to

Deerhaven Generating Station
Order Modifying Conditions of Certification
DEP Case Number PA74-04F
July 8, 2003

object in writing; that failure to act within the time frame constitutes a waiver of the right to become a party; and that the Department will issue an Order Modifying the Conditions of Certification for this facility if no written objections are received by the Department.

No objections to the modification have been received by the Department. The Conditions of Certification for the Deerhaven Generating Station are hereby modified as follows:

I. through XI. No change.

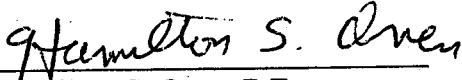
XII. Leachate Control

A. The applicant shall develop a program of leachate control for the coal pile, ash disposal landfill, brine concentrator waste pond and all wastewater holding ponds, consisting of impermeable barriers or monitoring/collection wells to prevent contamination of groundwater. The program shall be submitted to the Department and the Suwannee River Water Management District for review and approval prior to construction of said facilities.

B. Leachate/runoff from the Secure Landfill Collection Pond may be discharged to the Kanapaha Water Reclamation Facility or other permitted facility provided that the discharge is in accordance with the pretreatment requirements of 40 CFR Part 423 and that the appropriate permits have been obtained for the discharge by the permitted facility.

Any party to the this Order has a right to seek judicial review of it pursuant to Section 120.68, Florida Statutes by filing a Notice of Appeal, pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department of Environmental Protection in the Office of General Counsel, 3900 Commonwealth Boulevard, 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 from the date this Order is filed with the Clerk of the Department of Environmental Protection.

Executed in Tallahassee, Florida.


Hamilton S. Oven, P.E.
Administrator, Siting Coordination Office

Deerhaven Generating Station
Order Modifying Conditions of Certification
DEP Case Number PA74-04F
July 8, 2003

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

Linda F. Karakous 7/8/03
Clerk Date

CC by U.S. mail:

James W. Antista, Esquire
Tom Brown, Esquire
Kathy Carter
Scott Goorland, Esquire
Dan Hargrove
Michael Palecki, Esquire
Douglas Roberts, Esquire
Colin Roopnarine, Esquire
Jane Walker

CC by electronic mail:

Kathy Carter