



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

February 23, 2011

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Robert Klemans
Gainesville Regional Utilities
Post Office Box 147117, Station A132
Gainesville, Florida 32614-7117

RE: Deerhaven Generating Station, Units 2 and 3
Modification to Conditions of Certification
DEP Case Number PA 74-04I
OGC Case Number 10-3624

FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Mr. Klemans:

The Florida Siting Board issued the site certification for Gainesville Regional Utilities' (GRU) Deerhaven Generating Station on May 16, 1978, authorizing the construction and operation of a 250 MW coal-fired steam generator (Unit 2) and a 75 MW natural gas-fired simple cycle combustion turbine (Unit 3) and ancillary facilities. The Department of Environmental Protection (Department) has modified the Conditions of Certification (COCs) for Deerhaven by final order on seven other occasions.

Pursuant to Sections 403.516(1)(b) and (c), Florida Statutes, (F.S.), the Department has initiated a modification to Deerhaven's COCs to incorporate federally issued permits, and requirements imposed on the facility relating to the Gainesville Renewable Energy Center (GREC), which was certified on December 15, 2010.

Pursuant to Section 403.516(1)(b), F.S., the Department may modify conditions of a site certification which are inconsistent with the terms of any federally delegated or approved permit. Such modification(s) may be made without further notice if the matter has been previously noticed under the requirements for any federally delegated or approved permit program.

The Department published notices of its intent to issue Air Construction Permits 0010006-009-AC and 0010006-012-AC for Deerhaven Generating Station on February 26,

2009 and June 22, 2010, respectively. The Department issued Air Construction Permits 0010006-009-AC, 0010006-011-AC, and 0010006-012-AC for Deerhaven Generating Station on March 19, 2009, October 30, 2009, and July 12, 2010, respectively. On October 8, 2009, the Department published notice of its intent to issue Title V Air Operation Permit No. 0010006-010-AV. On December 8, 2009, the Department issued Title V Air Operation Permit No. 0010006-010-AV.

On January 04, 2011, all parties to the certification proceeding were provided with notice by certified mail of the Department's intent to modify the COCs for Deerhaven to incorporate specific requirements associated with the recently certified GREC, along with a draft copy of the proposed order modifying the COCs. On December 23, 2010, notice of the Department's intent to modify the facility's COCs was also published in the Florida Administrative Weekly (FAW).

Pursuant to Section 403.516, 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 FAW to 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 COCs for this facility if no written objections are received by the Department.

No objections to the modification have been received by the Department. However, on January 13, 2011, the Department received a request from the Suwannee River Water Management District to incorporate a specific condition requiring GRU to submit an annual report of their monthly groundwater usage for compliance monitoring purposes. This recommendation has been addressed in this final order with the addition of the requested reporting requirements. The COCs for the Deerhaven's Units 2 and 3 are hereby modified as follows:

Special Conditions

I. Air

The operation of the Gainesville Regional Utilities Deerhaven Generating Station Unit No. 2 shall be in accordance with all applicable provisions of Title V Air Operation Permit 0010006-00310-AV (attached as Appendix II), Air Construction Permits 0010006-005-AC, 0010006-009-AC, 0010006-011-AC, and 0010006-012-AC (attached as Appendix D) and of any updates or modifications thereto, and of Chapters 62-210 through 62-297, F.A.C. In addition to the foregoing, the Licensee shall comply with the following conditions of certification as indicated.

A-G. No Changes

H. Deerhaven Combustion Turbine No. 3

Air Construction Permit Number PSD-FL-212 and PSD-FL-212(A) (attached as Appendix ~~A and B~~I) are incorporated by reference herein as part of this Certification. The provisions of Air Construction Permit Number PSD-FL-212 and PSD-FL-212(A) shall be conditions of this certification. The licensee shall comply with the substantive provisions and limitations set forth in Air Construction Permit Number PSD-FL-212 and PSD-FL-212(A) and by Title V Air Operation Permit No 0010006-00310-AV (attached as Appendix ~~E~~II) as part of these Conditions of Certification, and as those provisions may be modified in the future by the Department. Such provisions may be modified in the future by the Department. Such provisions shall be fully enforceable as conditions of this certification. Any violation of such provisions shall be a violation of these Conditions of Certification.

II. No Changes

III. Groundwater

A. General

The use of groundwater for ~~Unit #2~~ the Deerhaven Generating Station shall be minimized to the greatest extent practicable, but in no case shall exceed 6.5 mgd based on an annual average daily basis.

B. No Changes

C. Groundwater Withdrawal Limits

GRU shall reduce the allocated groundwater withdrawal quantities for Deerhaven Generating Station from 6.5 mgd to 5.1 mgd (annual average) prior to or concurrent with the commencement of Gainesville Renewable Energy Center's groundwater withdrawals of 1.4 mgd.

D. Reporting

GRU shall submit a report of the monthly pumpage of groundwater to the Suwannee River Water Management District on an annual basis.

IV-XII. No Changes

A complete set of the COCs (including attachments) can be viewed and downloaded from the following website:

http://www.dep.state.fl.us/siting/files/certification/pa74_04_2011_I.pdf. Copies of the COCs and/or attachments may also be obtained by contacting the Department of

Environmental Protection, Siting Coordination Office, 3900 Commonwealth Blvd., M.S. 48, Tallahassee, Florida 32399-3000, (850) 245-2002.

Any party to the this order has a right to seek judicial review of it pursuant to Section 120.68, F.S., 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.



Michael P. Halpin, P.E.
Administrator,
Siting Coordination Office

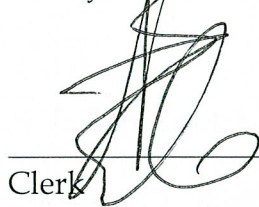
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FILING AND ACKNOWLEDGMENT
FILED, on this date, pursuant to §120.52
Florida Statutes, with the designated
Department Clerk, receipt of which is
hereby acknowledged.


Clerk

2/23/11
Date

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