



FLORIDA DEPARTMENT OF Environmental Protection

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

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

October 6, 2020

Sent by Electronic Mail – Document Access Verification Requested

Matthew J. Capone
Director Environmental Compliance
Florida Crystal Corporation
Intersection of US 98 & Hutton Hwy
Pahokee, Florida 33476
Matthew.Capone@floridacrystals.com

RE: Okeelanta Cogeneration Facility (PA04-46)
Amendment Request (AM20-232)
Use of Cogeneration Facility Cooling Tower #2

Dear Mr. Capone:

On March 17, 2020, the Florida Department of Environmental Protection (Department) Siting Coordination Office received a request from Miller Engineering on behalf of New Hope Power Company (NHPC), for a post-certification amendment to the Okeelanta Cogeneration Facility Site Certification Application (SCA). The amendment request is for approval for seasonal use of the Cogeneration Facility Cooling Tower #2 for the proposed condenser process at the Okeelanta Mill.

Based on a review of the information submitted on March 17, 2020, as well as information provided on June 8, 2020, the Department has determined that this request has been properly characterized as an amendment, pursuant to Section 403.5113(1), Florida Statutes (F.S.), as it proposes a material change to NHPC's SCA, but does not require modification to the Conditions of Certification. This letter serves as notification of the 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, 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 and address of each agency affected and each agency's file or identification number, if known;
- b) The name, address, any e-mail address, any facsimile number, and telephone number of each petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding.
- 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 how and when each petitioner received notice of the Department's action or proposed action;
- e) A statement of all material facts disputed by the petitioner, or a statement that there are no disputed facts;
- f) A concise 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;
- g) A statement of the specific rules or statutes the petitioner contends requires reversal or modification of the Department's action or proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- h) 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).

October 6, 2020

Page 4 of 5

Questions

Any questions regarding the Department's review of this amendment request should be directed to Ann Seiler at (850)717-9113. 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

Digitally signed by Cindy
Mulkey
Date: 2020.10.06 09:19:59
-04'00'

Cindy Mulkey, Administrator
Siting Coordination Office

CC by email:

Jon Iglehart, FDEP: jon.iglehart@floridadep.gov

Nolin Moon, FDEP: Nolin.moon@floridadep.gov

Glen Miller, Miller Engineering: glen@millier-engineer.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.

Clerk

Date

Service List: *CC by email (Document Access Verification Requested)*

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

Isabel C. Carballo, Executive Director
South Florida Regional Planning Council
3440 Hollywood Blvd. Suite 140,
Hollywood, Florida 33021
isabelc@sfrpc.com

Emily Norton, Esquire
Florida Fish & Wildlife Conservation Commission
620 South Meridian Street
Tallahassee, Florida 32399-1600
Emily.Norton@MyFWC.com
FWCConservationPlanningServices@myfwc.com

Emily Canney, Esquire
South Florida Water Management District
Office of General Counsel
3301 Gun Club Road
West Palm Beach, Florida 33406
ecanney@sfwmd.gov
asteiner@sfwmd.gov

Jon Morris, Esquire
Scott Rogers
Assistant General Counsel
Department of Economic Opportunity
107 East Madison Street
Tallahassee, Florida 32399-4128
Jon.Morris@deo.myflorida.com
Scott.Rogers@deo.myflorida.com

Carlos A. Rey, Esquire
Department of State
Division of Historical Resources
R.A. Gray Building 4th Floor
500 South Bronough Street
Tallahassee, Florida 32399-0250
carlos.rey@dos.myflorida.com
jason.aldridge@dos.myflorida.com
Robin.Jackson@dos.myflorida.com

Lee Eng Tan, Esquire
Florida Public Service Commission
Office of General Counsel
2450 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
LTan@psc.state.fl.us

Richard Shine, Esquire
Jasmin Raffington
Department of Transportation
605 Suwannee Street, MS 58
Tallahassee, Florida 32399-0458
Richard.Shine2@dot.state.fl.us
jasmin.raffington@dot.state.fl.us

Robert P. Banks
Palm Beach County Attorney's Office
301 North Olive Avenue, Suite 601
West Palm Beach, Florida 33401
RBanks@pbcgov.org