

Syed

**BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In Re: Seminole Electric Cooperative)
Hardee Power Station Unit 3)
Modification of Conditions)
of Certification, PA89-25SA-A)
Hardee County, Florida)
_____)

OGC Case No. 99-0354

RECEIVED

SEP 16 1999

BUREAU OF AIR REGULATION

**NOTICE OF INTENT TO ISSUE PROPOSED
MODIFICATION OF POWER PLANT CERTIFICATION**

The Florida Department of Environmental Protection (Department) hereby provides notice of an intent to modify Power Plant Certification Conditions issued pursuant to the Florida Electrical Power Plant Siting Act, § 403.501, *et seq.*, Florida Statutes. A Proposed Final Order has been prepared in accordance with Rule 62-17.211(4) concerning the above referenced project. A copy of the proposed Final Order Modifying Conditions of Certification is attached.

The Department has reviewed the requested modification of conditions of certification to reflect the purchase of combustion turbines and associated heat recovery steam generators that are 48 megawatts (MW) larger than the 440 MW originally proposed, which also increases the site's ultimate megawatt size to 928 MW. It was also requested that the conditions be modified to allow conformance of the conditions with the proposed amendment to the PSD permit for the facility (PSD-FL-214A), that conditions pertaining to certain deadlines for post certification submittals and reporting be revised to reflect a later start of construction, and that the plant be renamed the Payne Creek Generating Station.

POINT OF ENTRY

Pursuant to § 403.516, F.S., and Rule 62-17.211(5), F.A.C., all parties to the certification proceeding have 45 days from the issuance of this notice by mail to such party's last address of record in which to object to the requested modification. Failure of any of the parties to file a response will constitute a waiver of objection to the requested modification.

Any person who is not already a party to the certification proceeding and whose substantial interest is affected by the requested modification has 30 days from the date of publication of the public notice to object in writing. The written objection must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000.

If no objections are received, then a Final Order approving the modification shall be issued by the Department. If objections are raised and agreement cannot be subsequently reached, then pursuant to § 403.516(1)(c), F.S., the applicant may file a petition for modification seeking approval for those portions of the request for modification to which written objections were timely filed.

Mediation is not available in this proceeding.

CERTIFICATE OF SERVICE

I CERTIFY that a true and correct copy of the foregoing Intent to Issue Proposed Modification of Power Plant Certification was mailed to:

Andrew Grayson
Assistant General Counsel
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Robert V. Elias, Esquire
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Sheauching Yu, Assistant General Counsel
Department of Transportation
Haydon Burns Bldg., MS 58
605 Suwannee Street
Tallahassee, Florida 32399-0450

Gary Alan Vorbeck
Hardee County Attorney
Vorbeck & Vorbeck, P.A.
207 East Magnolia Street
Arcadia, Florida 33821

Mark Carpanini, Esq.
Office of the County Attorney
Polk County
Post Office Box 9005
Bartow, Florida 33831-9005

James V. Antista, General Counsel
Fish and Wildlife Conservation Commission
Bryant Building
620 South Meridian Street
Tallahassee, Florida 32399-1600

Richard Tschantz
Assistant General Counsel
Southwest Florida Water Management District
2379 Broad Street
Brooksville, Florida 34609-6899

Lawrence N. Curtin, Esq.
Holland & Knight
Post Office Drawer 810
Tallahassee, Florida 32303-0810

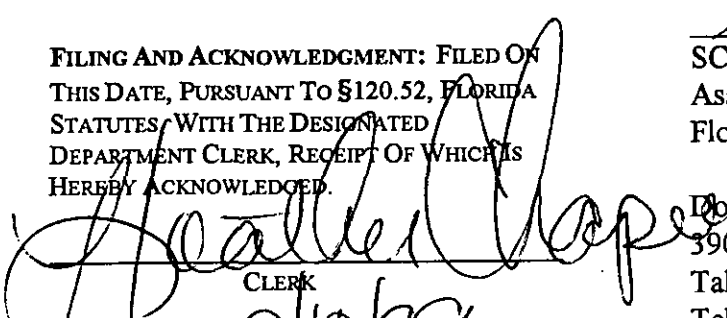
Mr. Brian Sodt
Central Florida Regional Planning Council
555 East Church Street
Bartow, Florida 33930

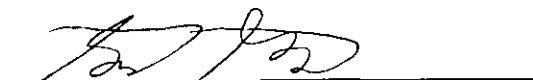
Douglas S. Roberts, Esq.
Hopping Green Sams & Smith, P.A.
Post Office Box 6526
Tallahassee, Florida 32314

on this 10th day of September 1999.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

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
9/10/99
DATE


SCOTT A. GOORLAND
Assistant General Counsel
Florida Bar No. 0066834

Douglas Building, MS 35
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000
Telephone: (850) 488-9314

**BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In Re: Seminole Electric Cooperative)
 Hardee Power Station Unit 3)
 (Payne Creek Generating Station))
 Modification of Conditions)
 of Certification)
 Hardee County, Florida)
_____)

DEP File No. PA89-25SA-A
OGC Case No. 99-0354

DRAFT

**FINAL ORDER MODIFYING
CONDITIONS OF CERTIFICATION**

On August 15, 1995, the Governor and Cabinet, sitting as the Siting Board, issued a final order approving certification for the Hardee Power Station Unit 3. That certification order approved the construction and operation of a 440 megawatt (MW), natural gas-fired, combined cycle power plant and associated facilities located in Hardee County, Florida.

On February 12, 1999, Seminole Electric Cooperative, Inc. (SECI) filed a request to amend their application to reflect purchase of combustion turbines and associated heat recovery steam generators that are 48 megawatts larger than the 440 MW originally proposed, which also increases the site's ultimate megawatt size to 928 MW. SECI also requested that the conditions be modified to allow conformance of the conditions with the proposed amendment to the PSD permit for the facility (PSD-FL-214A), that conditions pertaining to certain deadlines for post certification submittals and reporting be revised to reflect a later start of construction, and that the plant be renamed the Payne Creek Generating Station.

Copies of SECI's proposed modifications were made available for public review on February 12, 1999. On May 20, 1999, all parties to the original proceeding were sent a Notice of Receipt of Proposed Modification of Power Plant Certification. On September 3, 1999, a Notice

of Intent to Issue a Proposed Modification of Power Plant Certification was published in the Florida Administrative Weekly. On September 10, 1999, all parties to the original proceeding were furnished copies of the notice of intent to modify and a copy of this proposed order. The notice specified that parties to the original certification hearing have 45 days from the issuance of the notice by mail to such party's last address of record to object to the requested modification. Any other person whose interests would be substantially affected has 30 days from the date of publication of the public notice to object in writing. No written objection to the proposed modifications has been received by the Department. A public notice of the proposed PSD amendment was published on May 20, 1999. Accordingly, in the absence of any timely objection,

IT IS ORDERED:

DRAFT

The proposed changes to the Seminole Electric Cooperative's Payne Creek Generating Station as described in its February 12, 1999, request for modification are **APPROVED**. Pursuant to Section 403.516(1)(b), F.S., the conditions of certification for the Payne Creek Generating Station are **MODIFIED** as follows, including replacement of Hardee Power Station Unit 3 with the term Payne Creek Generating Station:

I.A.1. "Application" shall mean the Site Certification Application for the ~~Hardee Power Station Unit 3~~ Payne Creek Generating Station (PCGS), as supplemented.

2. - 6. No change.

~~7. "GFWFC" shall mean the Florida Game and Freshwater Fish Commission.~~

"FWCC" shall mean the Florida Fish and Wildlife Conservation Commission.

8. No change.

9. ~~"HPS"~~ "PCGS" shall mean the ~~Hardee Power Station Site~~ Payne Creek Generating Station site within which the project will be located. ~~HPS is also the site of~~ Also located contiguous to the site are existing generating units operated by Hardee Power Partners Limited.

10. - 12. No change.

13. "Project" shall mean the ~~Hardee Power Station Unit 3~~ Payne Creek Generating Station and all associated facilities, including: The power plant and related facilities; the cooling reservoir and related facilities.

14. - 18. No change.

B. Identification of Permittee Responsible for Compliance

These conditions are intended to apply to Seminole Electric Cooperative Incorporated (SECI) as the owner and operator of ~~Hardee Power Station Unit 3~~ Payne Creek Generating Station. However, these conditions do not relieve SECI of obligations imposed by Conditions of Certification for certification PA 89-25 unless these conditions are specific to Phase 3 (Payne Creek Generating Station) construction and operation.

C. Applicable Rules

The construction and operation of the ~~Hardee Unit 3~~ Payne Creek Generating Station shall be in accordance with all applicable provisions of at least the following regulations of the Department: Chapters 62-3, 62-4, 62-6, 62-12, 62-21, 62-22, 62-25, 62-210 through 62-297, 62-302, 62-650, and 62-660, Florida Administrative Code (F.A.C.) or their successors as they are renumbered.

DRAFT

II. AIR

The construction and operation of the project shall be in accordance with all applicable provisions of Chapters 62-210 through 62-297 and 62-4, Florida Administrative Code (F.A.C.), and 40 CFR 60, Subpart GG, Appendix A, Appendix B, and Appendix F (1994 version). The following emission limitations and conditions reflect the BACT determinations for the ~~300~~ 315 megawatts (nominal) (MW; two ~~150~~ 157.5 MW combined

cycle combustion turbines) of generating capacity. Each combustion turbine (CT) will be connected to a heat recovery steam generator (HRSG), which will recover the waste heat to produce steam for utilization in a single ~~140~~ 173 MW (net) steam generator. There is no fuel firing in the associated HRSG. The facility will have a total nominal generating capacity of ~~440~~ 488 MW (~~net~~) (nominal). In addition to the foregoing, the project shall comply with the following conditions of certification as indicated.

A. General Requirements

1. Pursuant to Rule 62-212.200(56), F.A.C., Potential to Emit (PTE), the maximum heat input to each ~~combustion turbine~~ Westinghouse 501F (D) CT, or equivalent, at an ambient temperature of 32°F, shall neither exceed ~~1,862~~ 1,962 MMBtu/hr while firing natural gas nor ~~1,965~~ 1,888 MMBtu/hr while firing fuel oil.

2. - 5. No change.

DRAFT

B. Emission Limits

1. Pursuant to Rule 62-212.410, F.A.C., BACT, the maximum allowable emission limitations from two CTs, when firing natural gas or No. 2 fuel oil, shall not exceed the following:

| MAXIMUM ALLOWABLE EMISSION LIMITATIONS | | | | | |
|--|------|--------------------------------|---------------------|------------------|-------------------------|
| POLLUTANT | FUEL | CONCENTRATION | lbs/hr ^a | TPY ^b | TPY(TOTAL) ^c |
| NO _x | Gas | 15 <u>9</u> ppmvd ^d | 106 <u>68</u> | 931 <u>596</u> | 1212 <u>906</u> |
| | Oil | 42 ppmvd ^e | 336 | 504 | |
| CO | Gas | 20 ppmvd | 71 | 622 | 618 |
| | Oil | 25 ppmvd | 91 | 136 | |
| PM/PM ₁₀ | Gas | | 7 | 65 | 147 |
| | Oil | | 67 | 100 | |
| SO ₂ | Gas | | 5 | 47 | 182 |
| | Oil | | 101 | 152 | |
| VOC | Gas | 5 ppmvd | 10 | 88 | 99 |

| | | | | | |
|--------------------|-----|----------|----------------------|-------|-------|
| | Oil | 10 ppmvd | 21 | 31 | |
| Sulfuric Acid Mist | Gas | | 1 | 6 | 39 |
| | Oil | | 22 | 34 | |
| Beryllium | Oil | | 0.0049 | 0.007 | 0.007 |
| Arsenic | Oil | | 0.0097 | 0.014 | 0.014 |
| Visible Emissions | Gas | | ----- | | |
| | Oil | | ≤ 10 percent opacity | | |

(a)-(c) No change.

(d) The natural gas NOx allowable emission limitation of ~~15~~ 9 ppmvd is corrected to 15 percent O₂. An interim limit of 12 ppmvd (91 lb/hr/ct, 797 TPY) corrected to 15 percent O₂ shall be allowed for a period of one year from the startup date. Compliance shall be determined through the initial and annual compliance tests.

(e) No change.

DRAFT

2. No change.

3. The permittee will install a dry low-NOx (DLN) combustor and a Selective Catalytic Reduction (SCR) system or an equivalent system on each CT. Ammonia slip from the SCR system shall not exceed 10 ppm. The permittee shall make every practicable effort to achieve the lowest possible NOx emission rate, but must not exceed ~~15~~ 12 ppmvd at 15 percent O₂ per CT on a continuous basis when firing natural gas during the first year of operation. The final limit for NOx one year after startup will be 9 ppmvd at 15% O₂.

4. ~~After the initial compliance tests on the CTs, the permittee shall operate a certified continuous emissions monitor for NOx emissions and collect 12 months of monitoring data. The monitor will, at a minimum, meet the requirements of 40 CFR 60, Appendix F's quality assurance procedures. Within 18 months after the initial compliance test, the permittee shall prepare and submit for the Department's review an engineering report regarding the collection and the analysis of the data gathered from the monitor. In addition, this report shall include a conclusion regarding the lowest NOx emission rate that can be consistently achieved with a reasonable operating margin, taking into account long term performance expectations and assuming good operating and maintenance practices. The report shall also include results of the testing requirements of 40 CFR 60, Appendix F or 40 CFR 75 quality assurance procedures and the actual CEMS data for the period of the study in~~

~~an acceptable format. Excess emissions from a turbine resulting from startup, shutdown, malfunction, fuel switch or load change shall be reported in accordance with 40 CFR 60.334(c) and accepted providing (1) best operational practices to minimize emissions are adhered to and (2) the duration of excess emissions shall be minimized, but in no case exceed two hours in any 24-hour period unless specifically authorized by the Department for a longer duration. The permittee shall provide a general description of the procedures to be followed during periods of startup, shutdown, malfunction, fuel switch or load change to ensure that the best operational practices to minimize emissions will be adhered to and the duration of excess emissions will be minimized. The description should be submitted to the Department along with the initial compliance test data. The description may be updated as needed by submitting such update to the Department within thirty (30) days of implementation.~~

5. ~~The Department will make a determination as to whether to seek to revise the permitted NO_x emission limitation and will base it on the engineering data report submitted by the permittee. If the data demonstrate that a NO_x emission rate of less than 15 ppmvd at 15 percent O₂ is consistently achievable, the NO_x emission limit may be adjusted accordingly, but not lower than 9 ppmvd at 15 percent O₂. Excess emissions from fuel switching shall not exceed 15 minutes.~~
6. ~~Excess emissions from a turbine resulting from startup, shutdown, malfunction, fuel switch or load change shall be reported in accordance with 40 CFR 60.334(c) and accepted providing (1) best operational practices to minimize emissions are adhered to and (2) the duration of excess emissions shall be minimized, but in no case exceed two hours in any 24-hour period unless specifically authorized by the Department for a longer duration. The permittee shall provide a general description of the procedures to be followed during periods of startup, shutdown, malfunction, fuel switch or load change to ensure that best operational practices to minimize emissions will be adhered to and the duration of excess emissions will be minimized. The description should be submitted to the Department along with the initial compliance test data. The description may be updated as needed by submitting such update to the Department within thirty (30) days of implementation. Excess emissions due to fuel bound nitrogen levels above 0.015 percent are allowed pursuant to Condition II.B.1. foot note (e) of the emissions limitation table.~~

- C. Performance Testing - No change.
- D. Monitoring Requirements - No change.
- E. Notification, Reporting and Record Keeping

DRAFT

1. No change.
2. a. - d. No change.
 - e. 40 CFR 60.7(a)(6) - By postmarking or delivering notification of the anticipated date for conducting the ~~capacity~~ opacity observations no less than 30 days prior to such date.
 - f. - k. No change.

3. The following information shall be submitted to the Department's Bureau of Air Regulation within 90 days after the permittee has made the selection of the following:

- a. Description of the final selection of the turbines, SCR and CO oxidation catalyst control systems ~~for installation at the facility~~. The descriptions shall include the specific make and model numbers and any changes in the proposed method of operation, fuels, emissions or equipment.
- b. No change.

DRAFT

4. The following protocols shall be submitted to the Department's Southwest District office for approval:

- a. - b. No change.
- c. Heat Input Curves - Within 120 days after final selection, but 180 days prior to initial startup of the turbine, manufacturer's curves or equations of heat input and NOx emission rate (lbs/hr) corrections to other temperatures shall be provided to the Department. ~~Subject to the approval by the Department for technical validity while applying sound engineering principles, the manufacturer's curves shall be used to establish the heat input rates over a range of temperatures for the purposes of compliance determination.~~
- d. Subject to the approval by the Department for technical validity while applying sound engineering principles, the manufacturer's curves shall be used to establish the heat input rates over a range of temperatures for the purposes of compliance determination.

F. Modifications - No change.

G. No. 2 Fuel Oil Storage Tank - No change.

H. Additional General Conditions

1. Pursuant to Rule 62-4.090, F.A.C., the permittee, for good cause, may request that the PSD Permit PSD-FL-214A be extended. Such request shall be submitted to the Department's Bureau of Air Regulation prior to 60 days before expiration of the permit.

2. The permittee must also submit an application for an operation permit for a major source of air pollution pursuant to Chapter 62-213, F.A.C.

3. Approval to construct under the provisions of permit PSD-FL-214A shall become invalid if construction is not commenced by June 2000, if construction is discontinued for a period of 18 months or more, or if construction is not completed by March 4, 2002. The Department may extend the 18-month period upon a satisfactory showing that an extension is justified. [40 CFR 52.21(r)(2)].

III. SURFACE WATER DISCHARGES

DRAFT

A. Plant Effluents and Receiving Body of Water

For discharges made from ~~Hardee Unit 3~~ the Payne Creek Generating Station, the following conditions shall apply:

1. - 3. No change.

4. ~~Chemical Wastes from Hardee Unit 3~~ the Payne Creek Generating Station - All discharges of low volume wastes (demineralizer regeneration, floor drainage, labs drains, and similar wastes) shall be treated in an adequately sized and constructed treatment facility prior to discharge into the cooling reservoir.

5. - 15. No change.

B. No change.

IV. GROUNDWATER

A. No change.

B. Water Well Construction

Prior to the construction, modification, or abandonment of a production well for ~~Unit-3~~ the PCGS, SECI must notify the SWFWMD pursuant to Chapter 40D-3, Florida Administrative Code. Construction, modification, or abandonment of a production well will require modification of the ~~Unit-3~~ PCGS consumptive use conditions when such construction, modification or abandonment is other than that specified and described on ~~Unit-3~~ PCGS consumptive use information as addressed in the application. The construction, modification, or abandonment of a monitor well specified in Condition IV.I. will require the prior approval of the Department.

- C. No change.
- D. Maximum Annual Withdrawals

The combined use of groundwater for all power generating facilities at the HPS PCGS site from the wellfield shall not exceed 3.8 million gallons per day (mgd) annual average daily and 8.64 mgd peak month daily.

The use of the Floridan aquifer potable water for control of fugitive dust emissions is prohibited when alternatives are available, such as treated discharges, shallow aquifer wells, or stormwater. The use of Floridan aquifer potable water for the sole purpose of waste stream dilution is prohibited.

- E. No change.
- F. Emergency Shortages

DRAFT

Nothing in this certification is to be construed to limit the authority of the SWFWMD to declare a water shortage and issue orders pursuant to Section 373.175, Florida Statutes, or to formulate a plan for implementation during periods of water shortage, pursuant to Section 373.246, Florida Statutes. In the event of a water shortage, as declared by the District Governing Board, ~~Unit-3~~ Payne Creek Generating Station shall adhere to reductions in water withdrawals as specified by the SWFWMD.

In the event SWFWMD declares that a water shortage exists pursuant to Chapter 40D-21, F.A.C., SWFWMD may alter, modify, or declare inactive all or parts of this certification as necessary to address the water shortage, after notice and a reasonable opportunity for compliance.

- G. - H. No change.
- I. Ground Water Monitoring Requirements

1. - 2. No change.

3. The Ground Water Monitoring System for ~~Hardee Unit 3~~ Payne Creek Generating Station shall consist of 4 monitoring wells and shall be tentatively located as listed below. All wells are to be clearly labeled and easily visible at all times.

(No change to chart.)

4. - 10. No change.

11. Ground water sampling shall be reported on the Monitoring Report Forms (~~DER Form 17-1-216(2)~~) (DEP Form 62-522.900(2)). In order to facilitate entry of this data into the State computer system, these forms or an exact replica must be used and must not be altered as to content. The original copies should be retained so that the necessary information is available to properly complete future reports. The report forms received from the laboratory must be submitted along with the DERDEP Parameter Monitoring Report Forms described above.

12. - 16. No change.

DRAFT

J. Zone of Discharge

The HPS-PCGS shall meet the groundwater criteria of Chapter 62-520, F.A.C. at the boundary of a zone of discharge extending 100 feet from the outside toe of the cooling reservoir. A ground water monitoring program as described in Condition IV.I. shall be implemented to verify compliance with these requirements.

K. - L. No change.

M. Conservation

1. - 2. No change.

3. By ~~January 1, 2002~~ June 1, 2004, SECI shall submit for approval by the Permitting Department Director, Resource Regulation, a water conservation plan for the purposes of documenting the current groundwater use for ~~Hardee Unit 3's~~ the Payne Creek Generating Station's water use operations, and the existing and proposed water conservation programs which are, or will be implemented to conserve groundwater at the plant. The plan shall address the following:

a. - b. No change.

4. No change.

N. - P. No change.

DRAFT

Q. Alternative Source Investigation

SECI shall continue to investigate the feasibility of using reclaimed water as a water source and submit an updated report describing the feasibility to the Permits Data Section of the District by ~~January 1, 2002~~ June 1, 2004. The report shall contain an analysis of reclaimed water sources for the area, including the relative location of these sources to SECI's property, the quantity of reclaimed water available, the projected date(s) of availability, costs associated with obtaining the reclaimed water, and an implementation schedule for reuse, if feasible. Infeasibility shall be supported with a detailed explanation.

If the use of reclaimed water as a water source is determined to be feasible by SECI and the District, SECI shall submit an implementation plan to the Permits Data Section for review and approval, within 30 days after the feasibility report is approved in writing by the Permitting Department Director, Resource Regulation. The District will require the implementation of the approved plan within a period of time agreed upon by the District and SECI. A modification of the water use quantities authorized in the certification may be required based upon the implementation plan.

V. WETLANDS - No change.

VI. INDUSTRIAL WASTE

A. Standard Criteria - No change.

B. Construction

1. No change.

2. Upon completion of construction of the ~~Hardee Unit Number 3~~ Payne Creek Generating Station Project, SECI shall submit to the Department's Southwest District Office a completed "Certificate of Completion of Construction" form signed and sealed by the Professional Engineer of record.

3. - 5. No change.

VII. DOMESTIC WASTE

A. No change.

B. In order to obtain approval to construct a domestic wastewater treatment plant and reuse/disposal system, excluding the cooling pond, the following forms, reports, plans and data as applicable, appropriately signed and sealed by an engineer registered in the State of Florida, must be submitted to the Department at least one hundred twenty (120) days prior to proposed date for commencement of construction to demonstrate the consistency of that system with these conditions. (All forms cited are titled "DER" Forms under Title "17", Florida Administrative Code, now "DEP" and Title "62" respectively):

1. No change.

2. ~~DER Form 17-604.900(1)~~, DEP Form 62-604.300(7)(a), Application to Construct a Domestic Wastewater Collection System, with documentation;

3. ~~DER Form 17-600.910(1)~~, DEP Forms 62-620.910(1) and (2), Application to Construct a Domestic Wastewater Facility, with documentation;

4. ~~DER Form 17-610.910(1)~~, DEP Forms 62-620.910(1) and (2), Application to Construct a Reuse/Land Application System; with documentation;

5. ~~DER Form 17-640.900(1)~~, DEP Form 62-640.210(2)(a), Agricultural Use Plan, with documentation;

DRAFT

6. No change.

C. - H. No change.

I. Upon completion of construction of the wastewater collection system, SECI shall submit two (2) copies of the Domestic Wastewater Collection/Transmission Systems Certificate of Completion of Construction [~~DER Form 17-604.900(2)~~][DEP Form 62-604.300(7)(b)], and a copy of the record drawings for the system, signed and sealed by a registered engineer, to the DEP Southwest District office. Upon completion of construction and prior to placing the treatment plant or effluent reuse/disposal system into operation for any purpose other than testing for leaks and equipment operation, SECI shall submit a Notification That a Domestic Wastewater Facility Will Be Placed Into Operation [~~DER Form 17-600.910(3)~~] and a Completion of Construction Notification for a Reuse/land Application System [~~DER form 17-610.910(6)~~][DEP Form 62-620.910(12)], signed and sealed by a Registered Engineer, to the DEP Southwest District office.

J. - R. No change.

S. Any condition at this facility that causes a violation of these Conditions shall be reported to the Department within twenty-four (24) hours of occurrence by calling the Domestic Wastewater Section, Water Facilities, FDEP Southwest District at (813) 744-6100. After normal business hours, any condition that poses a serious health threat shall immediately be reported by calling ~~(904) 488-1320~~ (850) 488-1320.

VIII. - X. - No change.

XI. SOLID WASTE STORAGE AND DISPOSAL

A. No change.

B. Disposal

DRAFT

Solid waste produced by the operation of ~~Unit 3~~ the Payne Creek Generating Station shall be removed from site and disposed of in a permitted disposal facility.

XII. - XVI. No change.

XVII. CHANGE IN DISCHARGE

All discharges or emissions authorized herein to ~~Unit 3~~ the PCGS shall be consistent with the terms and conditions of this certification. The discharge of any regulated pollutant not identified in the application or any regulated discharge more frequent than, or at a level in excess of, that authorized herein shall constitute a violation of this certification. Any anticipated facility expansions, production increases, or process modification which will result in new, different or increased discharges or expansion in steam generating capacity will require a submission of a request for modification of certification or a new or supplemental application to the Siting Coordination Office pursuant to Chapter 403, F.S.

XVIII. NONCOMPLIANCE NOTIFICATION

If, for any reason, SECI does not comply with or will be unable to comply with any limitation specified in this certification, SECI shall notify the ~~Deputy Assistant Secretary~~ Director of DEP's Southwest District office by telephone as soon as possible but not later than the first DEP working day after SECI becomes aware of said noncompliance, and shall confirm the reported situation in writing within seventy-two (72) hours supplying the following information:

A. - B. No change.

XIX. - XX. No change.

XXI. RIGHT OF ENTRY

SECI shall allow DEP and other authorized representatives, upon the presentation of credentials:

A. To enter upon the ~~Unit 3~~-PCGS premises where an effluent source is located or, during business hours, in which records are required to be kept under the terms and conditions of this permit;

B. - E. No change.

DRAFT

F. Moreover, SECI shall allow authorized representatives of DEP and other appropriate agencies, acting within the scope of their jurisdiction and authority, upon the presentation of credentials:

1. To enter upon the project site or mitigation area, or during business hours to enter the ~~Unit 3~~-Payne Creek Generating Station premises in which records are required to be kept under the terms and conditions of this certification; and

2. No change.

XXII. - XXXII. No change.

XXXIII. DISPUTE RESOLUTION

If a situation arises in which mutual agreement cannot be reached between SCI and an agency exercising its regulatory jurisdiction, then the matter shall be immediately referred to the Division of Administrative Hearings (DOAH) for disposition in accordance with the provisions of Chapter 120, Florida Statutes. A hearing under Section 120.57, Florida Statutes, shall be held as soon as possible after its referral to DOAH.

Petitions for dispute resolution shall be disposed of in the same manner as an application, but with time periods established by the ~~Hearing Officer~~ Administrative Law Judge commensurate with the significance of the dispute.

XXXIV. POST-CERTIFICATION SUBMITTAL - No change.

XXXV. TRANSPORTATION

Monitoring of the intersection of State Road 37/County Road 630 is to commence at such time as the total number of construction employees reaches 344 persons or June 1, 1997 2000, whichever occurs first. Monitoring on an annual basis shall continue to February 1998 2001, or until the number of employees is again below 344, whichever occurs last. Should the monitoring identify needed improvements to maintain an acceptable level of service, SECI shall be responsible for the proportion of the improvements which can be attributed to the impact of the Hardee Unit-3 Payne Creek Generating Station facility (Section 9J-5.0055, F.A.C.).

XXXVI. EMERGENCY RESPONSE - No change.

Any party to this Notice has the right to seek judicial review of the Order Pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000 and by filing a copy of the Notice of Appeal, accompanied by the applicable filing fee, with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date that this Final Order is filed with the Department of Environmental Protection.

DONE AND ENTERED this _____ day of _____, 1999, in Tallahassee, Florida.

STATE OF FLORIDA, DEPARTMENT
OF ENVIRONMENTAL PROTECTION

DRAFT

DAVID B. STRUHS
SECRETARY
3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000
Telephone: (850) 488-1554