

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

RECEIVED

IN RE: CITY OF TALLAHASSEE)
PURDOM UNIT 8)
POWER PLANT SITING)
APPLICATION PA 97-35,)
_____)

MAR 26 1998
BUREAU OF
AIR REGULATION
Case No. 97-1350EPP

WAKULLA COUNTY, FLORIDA'S EXCEPTIONS TO CORRECTED
RECOMMENDED ORDER

Wakulla County, Florida, by and through undersigned counsel, hereby files its exceptions to the Recommended Order filed March 9, 1998, and the Corrected Recommended Order filed March 19, 1998, as follows:

1. The hearing officer failed to adequately address the BACT for NOx . Paragraph 56 of the Findings of Fact states that BACT (Best Available Control Technology) for NOx is the use of dry low NOx combustors capable of achieving emissions of 12 ppm by volume when burning natural gas and 42 ppm when burning diesel fuel oil. In fact, this technology is unproven. This will be the first dual fuel system combustor in operation. (T.482) The only commercially operating unit uses natural gas (T. 467), and the dual system is more complicated (T. 482). Accordingly, the expectations of 12 ppm and 42 ppm are based on a results from a unit that only uses natural gas. The unit Purdom will employ has not been commercially demonstrated to control emissions to the levels predicted.

2. The hearing officer further determined in paragraph 56 that Selective Catalytic Reduction (SCR), the most stringent control technology for NOx emissions, was too costly in terms of environmental, economic, and energy costs to be determined BACT. However, the BACT

technology process was entirely subjective and the main consideration in determining what technology to use was economics. (T. 528). The hearing officer did not take into account the fact that SCR greatly reduces NOx emission rates when used with low dry burner technology (T. 471), and that SCR has been proven commercially to work (T. 476), while the new GE low dry burner technology used in a dual fuel system has not been demonstrated commercially to achieve the levels predicted.

3. Cost was also the only factor considered in selecting good combustion practices as BACT for controlling carbon monoxide emissions, rather than the more stringent emission control called an oxidation catalyst. (REM 16)

4. The hearing officer failed to consider the fact that once a plant is certified, it is rarely shut down or taken offline for failure to comply with emission standards. (T. 527) Accordingly, if the most stringent technology is not used, Wakulla County and its resources are without protection from dangerous emissions of toxins.

5. The Purdom Plant will not comply with all state air quality standards, as set forth in Paragraph 63 of the Findings of Fact. The State Comprehensive Plan states that a policy of the State is to "reduce sulfur emissions and nitrogen oxide emissions and mitigate their effects on the natural and human environment." § 187.201(11)(b)(3). Purdom Unit 8 will not reduce emissions from the plant. Only allowable emissions will be reduced. Actual emissions from the plant will not be reduced. (T. 901) Accordingly, this state policy, which is embodied in the state comprehensive plan, will not be met.

6. The hearing officer failed to address the fact that selection of the Hopkins site over the Purdom site would have prevented the production of 50,000 pounds of solid waste per day because Purdom will use salt water. (T. 146, 705)

7. Studies have been conducted that link magnetic field intensity with adverse health effects. (T. 301) The Florida Legislature has taken such studies into account by giving DEP the power to adopt regulations on electromagnetic fields produced by power lines. (T.869) Accordingly, the potential for harm due to electromagnetic fields should be taken into effect in determining whether power lines should be buried.

8. The hearing officer failed to adequately consider the effect of flooding due to hurricanes on the functioning of the Purdom Plant. The City of Tallahassee only provided evidence of flood proofing of the oil storage tanks. The entire Purdom facility is located below the base flood elevation. No evidence was provided at the certification hearing that the entire facility would be flood-proofed, as is required for compliance with FEMA regulations and local ordinances.

9. The hearing officer also ignored the fact that the City of Tallahassee could not reasonably estimate the time necessary to repair the facility in the event of flooding. GE could only estimate that repair of the combustion system would take two to three weeks. (T. 469). The City did not take into account the time necessary to repair equipment, such as the turbine compressor. There is no evidence in the record to suggest that all equipment could be repaired within three weeks.

10. Contrary to the findings of fact and conclusions of law, state funds will be used in the construction of the facility. Municipal money is derived from the state through taxes, revenue sharing, and grants. Based on the high costs of constructing the Purdom facility, some of these funds will be used in constructing the Purdom facility.

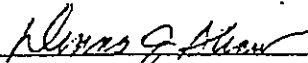
11. The hearing officer incorrectly determined in his conclusions of law that the expenditure of state funds to subsidize development in a high hazard coastal area applies only to structures that will attract additional development. This policy sets forth a straightforward limitation

on all development in coastal high-hazard areas which utilize state funds.

12. Furthermore, all public funds spent by Wakulla County within the coastal high-hazard area have been strictly consistent with the coastal management element of its comprehensive plan and the state comprehensive plan.

13. While a power plant may be a "water-dependent use", other locations, such as the Hopkins site, which is not located within a coastal high-hazard area were available for Purdom Unit 8. Furthermore, were this a new site, it would be inappropriate for other reasons, as well, such as its proximity to the Class I area (national forest).

DATED this 24th day of March, 1998.



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CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of Wakulla County, Florida's Exceptions to the Corrected Recommended Order have been furnished by U.S. mail to the following this 24th day of March, 1998:

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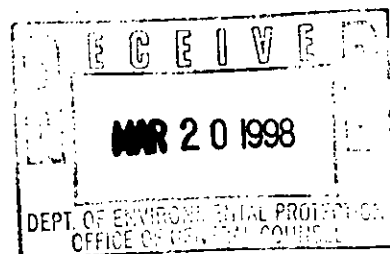
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IN RE: CITY OF TALLAHASSEE)
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CORRECTED RECOMMENDED ORDER

Pursuant to notice, this cause came on for formal hearing before P. Michael Ruff, duly designated Administrative Law Judge of the Division of Administrative Hearings, in St. Marks, Florida on November 18-21, 1997. The appearances were as follows:

APPEARANCES

For City of Tallahassee:	Gary P. Sams, Esquire Hopping, Green, Sams, and Smith Post Office Box 6526 Tallahassee, Florida 32314
For Department of Environmental Protection:	Charles T. Collette, Esquire Scott Gorland 2600 Blair Stone Road Mail Station 35 Tallahassee, Florida 32399
For Department of Transportation:	Mary S. Miller, Esquire Haydon Burns Building 605 Suwannee Street Tallahassee, Florida 32399
For Department of Community Affairs:	Andrew S. Grayson, Esquire 2555 Shumard Oak Boulevard Tallahassee, Florida 32399
For Wakulla County:	Ronald A. Mowrey, Esquire Mowrey, Barrett and Minacci 515 North Adams Street Tallahassee, Florida 32302

STATEMENT OF THE ISSUE

The issue to be resolved in this proceeding concerns whether certification should be issued to the City of Tallahassee for approval to construct and operate a two hundred fifty (250) megawatt combined-cycle generating unit to be located at the city's Samuel O. Purdom Generating Station in St. Marks, Florida, in accordance with the pertinent provisions of Sections 403.501 through 403.518, Florida Statutes.

PRELIMINARY STATEMENT

This proceeding arose on the application by the City of Tallahassee ("City") for a power plant site certification for its Purdom Generating Station, including the new Purdom Unit 8 and associated facilities attendant to retirement of certain units and facilities and the conversion and use of other facilities in support of Unit 8 (the Purdom Unit 8 project). The project and the application include related so-called "linear facility modifications," including the proposed re-conductoring of two (2) existing transmission lines and modifications to an existing natural gas pipeline lateral, the construction and operation of a re-claimed water pipeline from the City of St. Marks wastewater treatment plant to the Purdom Generating Station and the retirement and removal from service of an existing water well field and waterline in conjunction with the project.

The Florida Public Service Commission issued a determination of need for Unit 8 on June 9, 1997, in accordance with Section 403.519, Florida Statutes. Thereafter, a land-use hearing was conducted before the undersigned on June 25, 1997, in accordance

with Sub-Sections 403.508(1)(2) and 403.5175(3), Florida Statutes. A Recommended Order was entered and that Recommended Order was adopted by the Governor and Cabinet on October 28, 1997.

The subject certification hearing came on as noticed on November 18 through November 21, 1997, in accordance with Section 403.508(3), Florida Statutes. The hearing was conducted for the purpose of receiving evidence concerning whether there is compliance with criteria contained in Section 403.5175, Florida Statutes; 403.502, Florida Statutes; and Section 403.519, Florida Statutes.

The city presented the testimony of sixteen (16) witnesses, and ninety-seven (97) of its exhibits were admitted into evidence. The witnesses and exhibits are more particularly described in the record in this proceeding, a transcript of which has been filed.

The Department of Environmental Protection presented the testimony of Hamilton S. Oven, Jr., Administrator of the Siting Coordination Office of the Department of Environmental Protection ("DEP") and a professional engineer. He was admitted as an expert in siting, permitting, regulation of electric power plants and associated facilities in Florida, as well as environmental engineering, water and wastewater treatment, and water and air pollution control. The Department had three (3) exhibits admitted into evidence. One witness testified on behalf of Wakulla County; George Edward Mills, IV, the planning Director for Wakulla County. He was accepted as an expert witness in

land-use planning and comprehensive planning. His resume was admitted into evidence. Additionally Exhibits S-1 through S-12, were stipulated into evidence and Exhibits JN-1 through JN-10, were officially recognized or "judicially noticed." One member of the general public, Eugene Danaher, a Leon County resident, appeared, testified, and offered his Exhibits 1 through 5, which were received into evidence.

Upon concluding the taking of evidence the parties elected to order a transcript of the proceedings and requested an extended briefing schedule. Accordingly, proposed recommended orders were timely submitted and have been considered in the rendition of this Recommended Order.

FINDINGS OF FACT

1. The City of Tallahassee is a unit of local government in Leon County which owns and operates the Samuel O. Purdom Power Station located on approximately sixty-three (63) acres lying within the City of St. Marks and Wakulla County, Florida. The proposed Unit 8 will be constructed on approximately four (4) acres of that sixty-three (63) acre existing power station site. The Department of Environmental Protection ("DEP, Department") is an agency of the State of Florida charged, in pertinent part, with jurisdiction over and regulation of the certification of power plant siting and operation, in accordance with the various provisions of Chapter 403, Florida Statutes, and related rules cited and discussed elsewhere herein.

2. Notice of the certification hearing was accorded to all parties entitled thereto as well as to the general public.

Notice of the proposed Prevention of Significant Deterioration ("PSD") air construction permit for the Unit 8 project and the draft Title V air operation permit amendment for the Purdom Power Station, including the Unit 8 project, was provided to all persons entitled thereto as well as the general public.

3. The Tallahassee Purdom Power Station is located in the City of St. Marks, Wakulla County, Florida. Unit 8 of that facility will be constructed on approximately four (4) acres contained within the present sixty-three (63) acre site. The site is approximately seven (7) miles north of the Gulf of Mexico on upland immediately adjacent to the St. Marks River, approximately one and one-half miles north of the confluence of the St. Marks and Wakulla rivers, and twenty (20) miles southeast of the City of Tallahassee. The station is bounded on the north by the St. Marks Petroleum Storage Facility and Asphalt Refinery. Murphy Oil Company also operates a petroleum storage and distribution facility slightly further north. The power station site and property is bounded on the east by the St. Marks River. It is bounded on the west by State Road 363. Immediately across the St. Marks River from the site is the Aucilla Wildlife Management area, managed by the Florida Game and Fresh Water Fish Commission. There are some business establishments and residences to the west of the power station, generally along State Road 363, and the property is bounded on the south by property of McKenzie Tank Lines, a petroleum storage and distribution operation. The City of St. Marks residential and

business areas are primarily located to the south of the power station.

4. The existing power station began operation in 1952. It currently consists of three (3) steam generation units known as Units 5, 6, and 7, and two (2) combustion turbines; an auxiliary boiler; a barge oil unloading facility; a 115KV switch yard; a 69KV switch yard; two (2) wastewater storage ponds; an industrial wastewater treatment facility; an elevated water tank; two (2) surface water intake structures, including one surface water intake canal; two (2) surface water discharge canals; a diesel fuel storage tank; three (3) number 6 fuel oil storage tanks; a de-mineralizer; as well as maintenance shops and a warehouse. The on-site facilities of the Purdom Unit 8 project consist of a new combined-cycle electric generating unit, which includes a gas turbine generator, a heat recovery steam generator, a steam turbine generator, a condenser, an exhaust stack, a cooling tower, a zero discharge wastewater treatment facility, and associated facilities. Additionally, as part of the project, steam-electric generating Units 5 and 6 presently operating at the Purdom Station will be permanently de-activated. The existing wastewater storage pond and industrial wastewater treatment facility will be removed from service. One surface water intake structure will be re-used for Unit 8, and one surface water discharge canal will be removed from service. The elevated water tank will be made available for use by the City of St. Marks and one of the three (3) existing fuel oil storage tanks will be converted to a wastewater storage tank.

SITE DETERMINATION

5. The City of Tallahassee has attempted to use existing facilities before having to build on a new site. It began the site selection process by considering both the Purdom Station at St. Marks and the Arvah B. Hopkins Generating Station West of Tallahassee in Leon County. The selection process included a review of technical and environmental assessments of both sites in consideration of Tallahassee's electrical system capacity expansion needs for the future. Based on this analysis the Purdom site was selected because no new transmission capability was needed, compared to the Hopkins Station where additional transmission lines and transmission line corridors would have to be installed and acquired. No additional personnel will be needed at the Purdom Station and the city has the ability to make certain environmental improvements at the Purdom Station by combining the addition of the new Unit 8 with the early retirement of existing Units 5 and 6.

PSC NEED DETERMINATION

6. On June 9, 1997, the Public Service Commission issued Order No. PSC-97-0659-FOF-EM, determining the need for an additional two hundred fifty (250) megawatts (MW) of generating capacity at the Purdom Generating Station.

CAPITAL COSTS AND SCHEDULING

7. The city will invest approximately \$111,000,000.00 in Unit 8 and its related facilities. That number will include the initial capital cost of a zero discharge wastewater system at approximately \$6,000,000.00, with annual operating costs of

approximately \$1,000,000.00, as well as the capital cost of the dry low NO_x (Oxides of Nitrogen) burner control technology system at a cost of approximately \$1,000,000.00. No state funds will be used to defray these capital costs.

8. Contractual release of Unit 8 for engineering purposes is expected to occur in the spring of 1998, and procurement and construction to commence in July 1998. Mobilization and physical construction of the Unit are scheduled to begin January 1999, and continue through the late spring of the year 2000 with operation commencing in May of 2000.

GENERATING UNITS

9. A combined-cycle electric generating Unit, like Unit 8, is a highly efficient system that consists of two (2) sequential electrical generating stages. In the first stage the natural gas or diesel fuel is burned to operate the combustion turbine generator. A combustion turbine connected to a generator will produce electricity in its own right and the combustion turbine of Unit 8 would produce approximately 160MW of electricity. When the hot exhaust gas exits from its function of turning the combustion turbine, it is then routed to the heat recovery steam generator (HRSG) to produce steam by heating boiler tubes so as to operate the steam turbine generator. The steam turbine generator will produce approximately 90MW to 95MW of electricity.

10. The nominal 250MW electrical generating capacity represented by proposed Unit 8 will equal approximately one half of Tallahassee's presently owned generating capacity of 490MW,

and approximately one half of Tallahassee's prior all-time peak demand of 533MW.

11. Unit 8 will be approximately 30% more efficient than the Arvah Hopkins Unit 2, Tallahassee's newest Unit. It will be approximately 40% more efficient than Tallahassee's existing generating capacity on an average basis, with efficiency measured as fuel used per MW or Unit of output.

12. The existing steam generating Units 5 and 6 are nominal 22MW units each and are fired by natural gas or fuel oil. Existing steam generating Unit 7 is a nominal 44MW Unit and is fired with natural gas or number 6 fuel oil. The existing combustion turbines are nominal 12.5MW units and are fired with natural gas or diesel oil. The existing auxiliary boiler is fired with natural gas and is used to provide supplemental steam at the Purdom Station. With the addition of Purdom Unit 8 and the retirement of Units 5 and 6, the generating capacity at the Purdom Station will almost triple from 120MW to approximately 320MW. All facilities at the current Purdom Station are in compliance with existing and effective permits.

TRANSMISSION FACILITIES

13. There are three 115KV transmission lines connecting the Purdom Station with the city's electrical distribution network in Tallahassee. The addition of Unit 8 will not require the construction of any new transmission lines. However, two of the three existing transmission lines will be re-conducted (new wires) as part of the Unit 8 project. A re-conducting will not require the addition or expansion of existing rights-of-way,

which are typically 100 feet wide, nor will it require new structures. Lines 1-A and 2-A will have their existing wire replaced with a different type and size wire. The voltage will remain at 115KV, however.

14. Both lines 1-A and 2-A run from the Purdom Station northward to Tallahassee through lightly populated areas. The existing shield wires, which provide lightning protection on the transmission lines, will also be replaced in conjunction with the re-conductoring of those lines. The re-conductoring may include fiber optic cable which can be used for communication between the Purdom Station and the City of Tallahassee in lieu of the existing microwave tower that will be removed to accommodate the construction of Unit 8.

15. The city plans to re-conductor one of the existing transmission lines in the spring of 1998 and the second one in the fall of 1998, so as to reduce on-site construction conflict and provide for communication between the Tallahassee Control Center and the Purdom Station.

16. Crews and vehicles will access the transmission lines ~~rights-of-way from public roads and travel down the rights-of-way~~ to the various work locations. No clearing of mature trees will be required and no wetlands will be impacted by the re-conductoring operation.

17. Both the electric and magnetic fields for lines 1A and 2A are currently and subsequent to the re-conduction will continue to be well within compliance with all applicable standards of Chapter 62-814, Florida Administrative Code. There

has been shown no conclusive scientific proof of adverse health effects from exposure to electromagnetic fields from power lines. There has been no demonstration by competent evidence that the transmission lines, as they presently exist, nor as they will exist after the re-conductoring work will cause any hazardous magnetic field exposure nor increase magnetic field exposure.

18. The two (2) transmission lines to be re-conducted are depicted on the future land-use maps of both Wakulla County and Tallahassee and Leon Counties comprehensive plans. They are not otherwise regulated by those plans. The Leon County land development regulations at Section 10-172(c) provide that utility work such as re-conductoring shall be permitted if the work is performed in a manner consistent with the requirements of the Leon County Environmental Management Act. Because the re-conductoring will only require the use of wire pulling equipment within the existing rights-of-way, will not require work in wetlands, will not require clearing, and will not result in alteration to topography, Leon County's Environmental Management Ordinances do not apply.

NATURAL GAS PIPELINE LATERAL

19. An existing Florida gas transmission (FGT) natural gas pipeline lateral provides natural gas to the Purdom Station presently. It runs along State Road 363 from a gate station in Leon County. The pipeline lateral enters the Purdom Station along the entrance road and proceeds along that road to a gas metering station. The gas metering station will be upgraded and re-located nearer to the Purdom Station entrance as part of the

Unit 8 project. At the northern end of the pipeline in Leon County, the St. Marks pipeline lateral is currently connected to a thirty-inch (30") main gas transmission pipeline. To support the Purdom Unit 8 project, FGT will connect its existing St. Marks pipeline lateral to a thirty-six-inch (36") main gas transmission pipeline that operates at higher pressure and will add new regulator valves. Once the new connection is made, the entire length of the pipeline lateral from the connection in Leon County to the Purdom Station will be hydrostatically tested by FGT for the increased pressure. FGT may install additional twelve-inch (12") piping called a "loop" parallel to a portion of the pipeline lateral. If a loop is added it will be separately permitted, owned, and operated by FGT.

RE-CLAIMED WATER PIPELINE

20. A re-claimed water pipeline will be constructed from the existing St. Marks Wastewater Treatment Plant to the Purdom Station for reuse of treated wastewater effluent. Currently, the City of St. Marks discharges treated wastewater effluent to the St. Marks River in the vicinity of the public park and beach.

The re-claimed water pipeline from the city's wastewater treatment plant to the Purdom Station will eliminate a present discharge of pollutants to the St. Marks River; relieve the City of St. Marks of the costs of establishing alternate disposal methods, such as discharge to a spray field in accordance with a permit issued by the trustees of the Internal Improvement Trust Fund; and will reduce the amount of surface water required for cooling at the Purdom Station. Use by the City of Tallahassee of

re-claimed water transported by the proposed pipeline will relieve the City of St. Marks of permitting burdens and a potentially burdensome economic impact on its citizens.

21. The re-claimed water pipeline will consist of a lift station to be installed at the St. Marks Wastewater Treatment Plant and a six-inch (6") pvc pipe that will be buried and run from the treatment plant to the Purdom Station.

22. The re-claimed water pipeline corridor will be approximately forty-six hundred (4,600) feet in length. Existing utility and road rights-of-way will be used. The roadways affected will be restored to pre-construction condition, including the use of sod or seed where necessary. The pipeline will not impact wetlands nor any archeological sites of any significance. Construction of the water pipeline will include mechanical trenching or digging to a depth of between 30 and 54 inches and standard siltation and erosion control measures will be implemented for stormwater runoff in those areas. Where the pipeline crosses State Road 363 and the "St. Marks to Tallahassee Rail Trail," the pipeline will be installed by using the jacking and boring methods. No surface waters, wetlands or ecological resources will be affected by construction of the re-claimed water pipeline.

23. Construction of the re-claimed water pipeline is estimated to cost approximately \$250,000.00. The City of Tallahassee will perform preventive maintenance on the lift station at the St. Marks Wastewater Treatment Plant and on the re-claimed water pipeline. It will perform any needed repairs.

No measurable changes to populations of important species are expected as a result of right-of-way maintenance. By agreement between the City of St. Marks and Tallahassee, the City of St. Marks will provide up to 100,000 gallons per day of treated effluent to Tallahassee and the Purdom Station. The re-claimed water pipeline is consistent with the St. Marks Comprehensive Plan and Land Development Code.

WELL FIELD

24. The existing deep wells that currently serve the Purdom plant are permitted by the Northwest Florida Water Management District. When the Purdom Unit 8 commences operation, these wells will be abandoned in accordance with applicable requirements and the associated groundwater use eliminated. On occasion the city will require up to 77 gallons per minute of potable water from the City of St. Marks for the control of NO_x emissions when it burns diesel fuel oil in Unit 8. However, that condition is expected to occur only a few days at a time due to the limited availability of low sulfur diesel fuel in the vicinity of the Purdom Station, the facility-wide limits on NO_x and sulfur dioxide emissions (SO₂) as well as by the higher cost of diesel fuel.

FUEL SUPPLY AND STORAGE

25. Fuel for the Purdom Station consists of number 6 fuel oil, natural gas and diesel fuel. Fuel for Unit 8 will consist primarily of natural gas with some use of low sulfur diesel fuel as a secondary fuel. Natural gas will continue to be delivered to the Purdom Station by the FGT pipeline lateral. Diesel fuel

will be delivered to the Purdom Station by tanker truck and enough diesel fuel will be stored for approximately 24 to 30 hours of full-load operation of Unit 8. Additional low sulfur diesel fuel is available in the local market area for another 2 to 3 days of full load operation.

26. Number 6 fuel oil is delivered to the Purdom Station by barge where it is stored in tanks for use by the Purdom Station as well as by Tallahassee's Hopkins Generating Station. The Purdom Station's three (3) existing number 6 fuel oil tanks have a combined capacity of 155,000 barrels. These three (3) tanks are enclosed within an earthen berm designed to retain the volume of the largest of the three (3) tanks with sufficient free board for rainfall. As a part of the Unit 8 project one of these tanks with a 55,000-barrel capacity will be converted into a wastewater storage tank.

27. The existing diesel fuel storage tank at the Purdom Station has a capacity of 10,000 barrels. This tank currently stores diesel fuel for use in the existing gas turbines. As part of the Unit 8 project, this tank will also be used to store diesel fuel for use in Unit 8 and at that time the sulfur content of the fuel will not exceed 0.05%. The diesel storage tank has a concrete retention area that is capable of containing 110% of the tank's volume. All four (4) of the fuel oil storage tanks at the Purdom Station have leak detection or overflow detection systems as well as cathodic protection systems. The tanks all comply with Florida's above-ground storage tank rules, including those that will become effective in 1999.

28. The fuel storage tanks meet the American Petroleum Institute Standard 650 for above-ground storage tanks in terms of withstanding a 100 mile-per-hour sustained wind. As part of the Unit 8 project, Tallahassee will install wind girders on the two number 6 fuel oil tanks that will continue to be used for fuel oil storage and will maintain minimum oil levels in one of those tanks and the diesel fuel storage tank.

29. In the last five (5) years Tallahassee has taken nine (9) barge deliveries of fuel oil at the Purdom Station. Tallahassee has in place and will continue to use a spill prevention control and counter-measures plan, as well as specific unloading procedures for the handling of fuel oils. It maintains a spill-response boat with necessary supplies. Prior to unloading a barge, a floating boom is placed around the barge to prevent spreading of any spill that might occur. Tallahassee is also an active participant in the St. Marks Oil Spill Cooperative, a consortium of local industries that work together to share resources and minimize the impacts of any spill.

FOUNDATION STABILITY

30. The sub-strates below the Purdom Station are primarily limestone with intermittent layers of sand, clay, and marl for a depth of more than 2,000 feet below the surface. Foundations for Unit 8 will require either spread footings or argured cast in place concrete pilings. The probability for sink-hole development at the Purdom Station is low. If sub-surface voids are encountered during construction they can be mitigated by using argured cast-in-place concrete piling and if necessary, by

extending the length of the piling to reach an area with adequate sub-strate support.

ARCHEOLOGICAL AND HISTORIC SITES

31. There is no visible or public record evidence that construction of the re-claimed water pipeline from the City of St. Marks Wastewater Treatment Plant or the construction of Unit 8 itself at the Purdom Station will impact archeological or historic sites. The pipeline will be constructed within the right-of-way of existing City of St. Marks roadways where fielding, ditching, and grading have already disturbed the upper, potentially artifact-bearing strata of the soil. At the Purdom Station's site there will be some excavation below existing field deposits; however, there was extensive disturbance of the site prior to the placement of the field many years ago. Accordingly, there is virtually no likelihood that archeological or historic artifacts will be encountered.

32. Due to the existence of a previously recorded, but insignificant archeological or historic site near the City of St. Marks Wastewater Treatment Plant, and the possibility that excavation of the wet-well of Tallahassee's proposed pumping station for the re-claimed water pipeline could extend beneath existing field deposits at that location, Tallahassee has agreed to have a professional archeologist monitor any such excavation, to notify the Florida Division of Historic Resources and follow its instructions in the event a historic or archeological find occurs at that location. Tallahassee has agreed that if archeological or historic remains are encountered at any time

during construction of Unit 8 or operation of the Purdom Station, activity will be halted in the vicinity, the Division of Historic Resources will be contacted, and its recommendations will be followed.

LAND-USE COMPATIBILITY

33. The City of St. Marks historically developed as a port community. That is why it has several petroleum storage and distribution facilities, and once had a rail connection with Tallahassee. The Purdom Station, which has been in use since 1952, relies on the St. Marks River for fuel deliveries for both the Purdom and the Arvah Hopkins power stations and as a source of cooling water. It is a water-dependent use; therefore, according to state policy, it has priority over other uses in marine development.

34. Adjacent land uses north and south of the Purdom Plant are petroleum storage and distribution businesses with their own barge unloading facilities, established in 1954. West of the Purdom Station and along State Road 363 is a mixture of business and residential uses. The developed portion of the City of St. Marks is located south of the Purdom Station. The four (4) acre construction area for Unit 8 is located in the interior of the sixty-three (63) acre Purdom site, approximately five hundred (500) yards from the nearest residence.

35. The future land use map (FLUM) of the Wakulla County Comprehensive Plan designates for agricultural use the property in un-incorporated Wakulla County which is immediately across the St. Marks River from the Purdom Station. Electrical power plants

are considered compatible with agricultural uses and are often found in agricultural areas. The Wakulla County Comprehensive Plan allows processing plants, such as sawmills, to be located in agricultural areas.

36. The largest area in Wakulla County designated for industrial use by the Wakulla County FLUM is located just north of the City of St. Marks. It comprises about 2.2 square miles, which is larger than the entire City of St. Marks and is about ten (10) times the size of the area within St. Marks and has been designated for industrial use. The industrial designation of this 2.2 square-mile area shows that Wakulla County has made a land-use decision similar to those of the City of St. Marks.

37. Primex Technologies operates a manufacturing facility on a portion of the 2.2 square-mile area designated as industrial. Portions of that area are within the coastal high hazard area, as designated by Wakulla County and portions are considered flood prone. Similar to the Purdom Station, the 2.2 square-mile industrially-designated area has highway access on State Road 363 and surrounding lands are designated by Wakulla County as "Agricultural, Rural 1, and Rural 2." The area does not have direct shipping access to the St. Marks River, but Primex Technologies does discharge treated wastewater via overland flow to the Wakulla River, which lies to the west.

38. Wakulla County has not, for at least 12 or 13 years prior to this case, notified the City of St. Marks that it considers Tallahassee's Purdom Station or any other industrial facility on the St. Marks River in the vicinity of the Purdom

Station to be an inappropriate land-use. The Purdom Station is compatible with surrounding uses. From a land-use standpoint it is an appropriate site for the location of Unit 8.

SOCIOECONOMIC IMPACTS

39. The construction of Unit 8 will have a positive impact on the local economy, providing directly approximately 240 jobs at the peak of construction and 160 jobs, on the average, during the 15-month construction period. About half of the construction work force is expected to commute daily from homes to the construction site, while the other half is expected to commute daily from temporary housing in Leon or Wakulla counties, to which they will travel weekly from their homes. Direct construction payroll will be approximately \$9.8 million dollars. Additionally, construction of Unit 8 will have a cumulative, multiplier effect in Leon and Wakulla counties, resulting indirectly in approximately 118 additional jobs with wages of approximately \$7 million dollars.

40. Operation of Unit 8 will benefit the local, regional, and state economies in the retention of relatively high-paying jobs. Due to the retirement of Units 5 and 6, and the operational efficiency of Unit 8 there will be a staffing reduction by attrition at the Purdom Station from 50 to 37 employees. However, that is 12 more positions than would result if Units 5 and 6 were retired without construction of Unit 8. There will be no long-term increase in demand by the Purdom Station for public services, either directly or indirectly, through any increase in population attributable to increased

staffing. The retirement of Units 5 and 6 and the design of Unit 8 will improve the environment as an economic asset of the City of St. Marks, Wakulla County, and the State of Florida.

AIR QUALITY

41. Wakulla County has been designated by the U. S. Environmental Protection Agency (EPA) and DEP as an "attainment area" in compliance with all Federal and Florida ambient air quality standards. Regulatory Prevention of Significant Deterioration (PSD) program requirements apply to the Unit 8 project. This program requires a demonstration that Unit 8 project emissions will not cause or contribute to any violations of State or Federal Ambient Air Quality Standards or PSD increments. The program further requires an analysis to demonstrate that the Purdom Unit 8 project's impacts on visibility, soils and vegetation, as well as impacts induced by residential, commercial, and industrial growth, are acceptable. The PSD program also generally requires that the new emission units associated with the project (the combustion turbine and cooling tower) comply with all applicable State and Federal Emission Limiting Standards, including New Source Performance Standards (NSPS) and that Best Available Control Technology (BACT) be applied to control emissions of PSD pollutants being increased above applicable PSD significant emission rates.

42. Facility-wide caps will limit Oxides of Nitrogen and sulfur dioxide emissions to ensure that there will be no increase above recent actual annual emissions for those pollutants. They will indirectly limit emissions of other regulated pollutants.

The facility-wide caps will apply to Unit 7 and 8, the existing gas turbines (GT-1 and GT-2), and the auxiliary boiler.

43. The Unit 8 project required PSD review only for particulate matter (total suspended particulates, or TSP), and particulate matter of 10 microns or less (PM_{10}), and carbon monoxide. A PSD review was nevertheless conducted for all PSD-regulated pollutants that may be emitted by the Purdom Unit 8 project, including not only particulate matter (TSP and PM_{10}) and carbon monoxide, but NO_x , volatile organic compounds, sulfur dioxide, sulfuric acid mist, fluorides, lead, mercury, and beryllium as well.

44. Air emission from the Unit 8 project must not cause or contribute to a violation of Federal and State Ambient Air Quality Standards and PSD increments. Most of Wakulla County is classified as a Class II area for PSD purposes. However, portions of the county are classified as Class I areas. The nearest Class I area to the Purdom Station is the St. Marks National Wilderness area, located approximately 0.4 miles to the south and southeast of the Purdom Station and the Bradwell Bay National Wilderness area, located approximately 18 miles to the west of the Purdom Station.

45. An air quality analysis undertaken in accordance with computer modeling procedures approved in advance by DEP, the U.S. Fish and Wildlife Service, and the U.S. Forest Service, demonstrated that the Purdom Unit 8 project would not cause or contribute to an exceedence of State and Federal Ambient Air Quality Standards for nitrogen dioxide (NO_2), sulfur dioxide,

PM₁₀, carbon monoxide, and lead, as well as PSD Class I and Class II increments for NO₂, sulfur dioxide and PM₁₀. Consistent with Federal guidance, Ambient Air Quality Impact modeling for PM₁₀ was considered for purposes of emissions of particulate matter with a diameter of less than 2.5 microns because PSD permitting requirements, including Ambient Air Quality Impact and PSD increment analysis, are not currently required for PM_{2.5} and EPA has not yet developed PSD increments or an approved modeling technology for PM_{2.5}.

46. The air quality modeling for Ambient Air Quality Standard purposes was based on conservative assumptions, including background ambient concentrations based upon regional monitors generally located in urban areas or near large point sources, existing major sources in the area at their maximum potential emissions and potential emissions from the Purdom Station. They include emissions from the new Unit 8 combustion turbine and the cooling tower which produced the worst case or highest air quality impact.

47. The two hundred (200) foot stack's height for Unit 8 represents "good engineering practice" (GEP) calculated in accordance with DEP and EPA rules. The Purdom Unit 8 project is not expected to cause an increase in ozone concentrations in the area because NO_x emissions, one of the precursors to the formation of ozone, will be held constant and volatile organic compound emissions, the other ozone precursor, will only increase negligibly. In addition, BACT was applied to both NO_x and

volatile organic compound emissions from the Unit 8 combustion turbine.

48. Impacts of the estimated hazardous air pollutant emissions from the Purdom Station, including the new Unit 8 combustion turbine and cooling tower, were compared to the draft Florida Ambient Reference Concentrations (FARCS). All pollutants are projected to be below the corresponding draft FARCS. Because of the conservatism of DEP's draft FARCS, impacts from hazardous air pollutant emissions from the Purdom Station, including Unit 8, will not pose a significant health risk to the population in the surrounding area.

49. The Purdom Unit 8 project's air emissions are not expected to cause any adverse impacts on vegetation, soil, or wildlife in the Purdom Station vicinity or in the St. Marks and Bradwell Bay National Wilderness areas, the nearest PSD Class I areas. Visibility in the vicinity of the St. Marks and Bradwell Bay National Wilderness areas will not be impaired. Only temporary and very small residential and commercial growth and no significant industrial growth is expected from the construction phase of Unit 8. Any resulting emissions will be very small, well distributed, and will have no measurable impact on ambient air quality. Air emission impacts of the Purdom Unit 8 project on the St. Marks River will be non-detectable for all but two (2) constituents. Detectable changes in those two (2) constituents will cause the water quality of the river to be improved.

50. Because sewage effluent from the St. Marks Wastewater Treatment Plant will have a chlorine contact time in excess of

one hour while traveling from the treatment plant to the Purdom Station and because the treated effluent represents only 1.5% of the water going into the cooling tower, the Unit 8 cooling tower emissions will pose no danger of transmission of infectious agents.

51. The operation of Unit 8 will not cause any odor impacts and will have no effect on acid rain because the primary precursors of acid rain, sulfur dioxide and NO_x emissions will not be increased. No significant air emission impacts are expected to result from the construction of Unit 8.

BACT AND EMISSION RATES

52. A BACT analysis is intended to ensure that the air emissions control system selected for a new project reflect the latest in control technologies used in a particular industry, based on a cost-benefit approach, taking into account technical, economic, energy, and environmental considerations. One purpose of BACT is to minimize consumption of PSD increments and thereby increase the potential for future economic growth without significantly degrading air quality.

53. Regardless of regulatory applicability, BACT review for the Unit 8 combustion turbine was conducted for particulate matter, carbon monoxide, NO_x, volatile organic compounds, sulfur dioxide, sulfuric acid mist, fluorides, lead, mercury, and beryllium. BACT was required for particulate matter (TSP and PM₁₀) emissions for the Unit 8 cooling tower.

54. BACT for the Unit 8 combustion turbine for particulate matter (TSP and PM₁₀) emissions is the fuel quality of natural

gas and the low sulfur diesel fuel oil, good combustion practices, combustion inlet air filtration, and a 10% opacity limitation, which is the most stringent form of control technology available for the control of particulate matter emissions from combustion turbines.

55. For the Unit 8 combustion turbine BACT for carbon monoxide and volatile organic compounds emissions consists of good combustion practices. The proposed emission limits for carbon monoxide emissions are 25 and 90 parts per million (PPM) while firing natural gas and diesel fuel oil, respectively. The cost per ton of controlling carbon monoxide and volatile organic compound emissions through the use of an add-on emissions control device known as an oxidation catalyst is over seventy-five hundred dollars (\$7,500.00) per ton. In addition, the use of an oxidation catalyst would result in a decrease in the generating units electrical output capacity, increase sulfuric acid mist and particulate matter emissions and additional waste generation and disposal. The economic, energy, and environmental impacts associated with an oxidation catalyst were too great based on other recent BACT determinations by DEP for similar units; therefore, BACT is good operating practice.

56. For the Unit 8 combustion turbine, BACT for NO_x emissions is the use of advanced, dry, low NO_x combustors capable of achieving emissions of 12PPM by volume; dry at 15% oxygen, when burning natural gas and the use of water injection to achieve 42PPM volume; dry at 15% oxygen, when burning diesel fuel oil, based on a thirty (30) day "rolling average," with a

fuel-bound nitrogen allowance when burning diesel; and excluding periods of startup, shutdown, malfunction, and fuel switches, up to two (2) hours in twenty-four (24) hours, except during cold start-ups where up to four (4) hours in twenty-four (24) hours are allowed. The economic cost associated with the most stringent technology to control NO_x emissions, a selective catalytic reduction (SCR) system combined with combustion controls, was in excess of fifty two hundred dollars (\$5,200.00) per ton removed. The use of an SCR system also results in a reduced electrical output and environmental impacts such as ammonia emissions; increased sulfur dioxide and particulate matter emissions; transportation, storage and handling of ammonia; and additional solid waste generation. These environmental, economic, and energy costs associated with an SRC system were too great; therefore, consistent with the recent BACT determinations by DEP, BACT is the use of dry, low NO_x burner technology when firing natural gas and water injection when firing diesel fuel oil. DEP has historically used a four thousand dollar (\$4,000.00) cost per ton threshold for removal of NO_x emissions in determining BACT (i.e., not requiring additional control technology if it would cost more than that amount to reduce emissions further); EPA has recommended a threshold as low as two thousand dollars (\$2,000.00) per ton.

57. Manufacturer guarantees, performance data from commercially operating units and laboratory tests, along with professional engineering judgments, provide reasonable assurance

that the proposed NO_x emission limits are appropriate and achievable.

58. NO_x emissions from the Unit 8 combustion turbine while firing natural gas have been guaranteed at 9 parts per million volume, dry ranging from 55% to 100% of full-load operation. This guarantee will provide for reasonable utilization of the other generating units at the Purdom Station that are also subject to the facility-wide cap on annual NO_x emissions; will allow Unit 8 to be operated over a range of load conditions; and will provide Tallahassee with a reasonable operating margin for compliance in the event of degradation or if minor problems are encountered with the combustion control equipment or controls.

59. For the Unit 8 combustion turbine, BACT for sulfur dioxide, sulfuric acid mist, fluorides, lead, mercury, and beryllium emissions is the use of natural gas and low sulfur diesel fuel oil (0.05%). Because "back-end technology" is not applied to further control these emissions from combustion turbines, the use of clean fuels such as natural gas and low-sulfur diesel oil is considered the most stringent form of control technology available.

60. While PSD permitting review, including BACT, is not required for PM_{2.5}, BACT was applied to the Unit 8 combustion turbines emissions of two (2) of the primary precursors of PM_{2.5}, NO_x, and sulfur dioxide.

61. For the new cooling tower that is part of the Unit 8 project, BACT for particulate matter (TSP and PM₁₀) emissions is the use of drift eliminators. This control technology is

considered the most stringent technology available to control particulate matter emissions from a cooling tower.

62. The Unit 8 combustion turbine will have emission limits considerably below NSPS requirements and no NSPS requirements apply to cooling towers.

COMPLIANCE

63. The Purdom Station air emissions units and activities, both new and existing, will comply with all applicable federal, state, and local air quality standards, including the conditions contained in the proposed PSD permit for Unit 8 and the draft Title V permit amendment for the Purdom Station that includes the Purdom Unit 8 project, both as entered into the record of the certification hearing and the recommended conditions of certification. Demonstrations of compliance with the facility-wide caps for NO_x and sulfur dioxide, as well as the unit-specific emission limiting standards for the Purdom Station are required under the recommended conditions of certification, the proposed PSD permit and the draft Title V permit amendment.

INDUSTRIAL WASTEWATER

64. The Purdom Station currently uses once-through cooling. It removes water from the St. Marks River, uses it to cool the condensers of the existing units, and discharges it back to the river at a slightly elevated temperature. The Purdom Station also currently discharges treated wastewater to the St. Marks River from its low-volume waste and metal cleaning waste ponds.

65. Following the construction of Unit 8 with a closed-cycle evaporative cooling system (considered BACT by EPA) and

zero discharge wastewater treatment system and the associated early retirement of Purdom Units 5 and 6, the potential thermal discharge from the Purdom Station will decrease by approximately 50%, and the discharge of treated wastewater from the low volume and metal cleaning waste ponds will cease entirely.

66. The zero discharge wastewater treatment facility installed as part of Unit 8 will produce distilled water that can be used, first, to produce steam and, second, for cooling so as to reduce the amount of water required for cooling from the river. The zero discharge wastewater treatment facility will produce up to 25 tons per day of a solid filter cake, comprised principally of salt from the St. Marks River, which Tallahassee intends to market as a by-product for uses such as cattle feed supplement or dispose of at an off-site, properly licensed landfill. This amount of filter cake will comprise approximately one and one half dump truck loads per day.

WASTE DISPOSAL

67. Various types of solid waste, consisting mainly of waste oils from oil/water separators in place to protect surface water and debris from the surface water intake screen (primarily grass), are currently and will continue to be generated by the operation of the Purdom Station and Unit 8 and will continue to be disposed of off-site in accordance with all applicable Federal and State laws. The only new solid waste to be generated from Unit 8 is used inlet air filter elements, which will also be disposed of in accordance with all applicable federal and state laws.

68. Relatively small amounts of hazardous waste, comprised primarily of paints and solvents in amounts of less than 200 pounds per year during recent years, are currently generated at the station and will continue to be generated as a result of Unit 8. Tallahassee will minimize production of hazardous waste and intends to maintain its status as a conditionally exempt, small-quantity generator. Hazardous waste generated at the Purdom Station are stored on-site in a hazardous waste storage facility that includes a secondary containment structure until they are taken off-site for disposal or to be recycled. As a conditionally exempt, small-quantity generator, Tallahassee is not required to use such a storage facility but intends to continue to use the storage facility during the operation of Unit 8. During construction, a safety and environmental program will be implemented to minimize and ensure the proper handling and disposal of all materials such as paints, solvents, and lubricants.

SURFACE WATER HYDROLOGY AND WATER QUALITY IMPACTS

69. The Purdom Station is located on a stretch of the St. Marks River classified as a Class III water body. The nearest down-stream outstanding Florida water is approximately 1.5 miles away, at the confluence of the St. Marks and Wakulla Rivers.

70. Localized, limited-duration "de-watering" of excavations will be required during construction in a small percentage of the overall construction site area. The de-watering effluent will be discharged in accordance with a DEP generic permit. It will be tested and discharged onto the ground

as surface runoff only if it meets the requirements of the generic permit. Until it has been tested and meets those requirements, it will be stored in either portable tanks or the Number 6 fuel oil tank being converted to a wastewater storage tank and then either retained for use in the cooling tower of Unit 8 or sent to an appropriate off-site wastewater treatment facility. Accordingly, there will be no discharge of de-watering effluent off-site unless it meets all applicable standards.

71. Existing discharges of the Purdom Station and the City of St. Marks Wastewater Treatment Plant are fully permitted by EPA and DEP and meet all of the water quality requirements for Class III water bodies.

72. The St. Marks River in the vicinity of the Purdom Station and upstream as far as Newport approximately 2.5 miles North, is tidally-influenced, with both an upper freshwater layer and a lower brackish layer or "salt wedge." The maximum amount of freshwater withdrawn by Unit 8 from the St. Marks River that is evaporated by the cooling tower and not returned to the river would not result in a measurable change in the ratio of fresh to saltwater in the river.

73. Water quality in the river will improve as a result of the operation of Unit 8 by eliminating the thermal discharge of existing Units 5 and 6, eliminating two (2) existing permitted waste streams at the Purdom Station, and eliminating the existing permitted discharge from the City of St. Marks Wastewater Treatment Plant to the river. Because Unit 7 and the existing gas turbines (GT1 and GT2) will continue to operate, the

permitted once-through thermal discharges from these units will also continue.

74. The construction and operational stormwater runoff from Unit 8 will be controlled through the use of Best Management Practices. In addition, operational stormwater runoff from Unit 8 will be treated by a new detention pond designed to retain the first 3/4 inch of runoff and release it through a sand filter within thirty-six (36) hours. By maintaining construction and post-construction stormwater runoff equal to pre-construction flow rates, volumes, water quality and timing of release, the Purdom Station, including Unit 8, will meet all applicable stormwater requirements, which are found in the Purdom Station's stormwater NPDES (National Pollutant Discharge Elimination System) general permit; Chapter 62-25, Florida Administrative Code, and Sections 4.03 to .04, 5.0205, and 6.05.00 of the St. Marks Land Development Code.

GROUNDWATER HYDROLOGY AND IMPACTS FROM WATER WITHDRAWAL

75. There will be no effect off-site or in the St. Marks River from the limited amount and duration of construction de-watering that will occur. Only one on-site wetland could potentially be affected by a temporary drawdown of the water table at the Purdom Station. However, the potentially affected area is only a marginal wetland and has a clayish component near the surface that could help hold rainwater. Finally, de-watering effluent could be used for recharge to the affected wetland if it is needed and the effluent meets generic permit requirements for discharge.

76. A limited, slightly reduced quantity of potable water from the City of St. Marks will be needed to supply drinking water and other potable water needs for Purdom Station employees.

77. The Purdom Station currently uses groundwater from four (4) wells pursuant to a permit from the Northwest Florida Water Management District. These wells are those that will be shutdown and properly abandoned upon the successful commencement of commercial operation of Unit-8. The cessation of this use will result in an approximate 50% reduction in the potential cone of depression in the area currently affected by the City of Tallahassee's well field and wells of others, thereby lessening the potential for saltwater intrusion into the Florida aquifer.

78. By ceasing the use of potable groundwater for industrial purposes under normal operating conditions and obtaining make-up water from the City of St. Marks Wastewater Treatment Plant and the river, both of which are sources of non-potable water, Unit 8 will maximize its use of the lowest quality water and help to conserve higher quality, potable groundwater.

79. For occasional short periods of time when potable water might be needed for control of NO_x emissions in order to burn diesel fuel in Unit 8, the City of Tallahassee has the right to take up to 77 gallons of potable water per minute from the City of St. Marks water system. However, the short duration of that use makes it unlikely to have any significant effect on groundwater resources.

ECOLOGICAL RESOURCES

80. The Purdom Station includes approximately 34 acres of land that is developed (including mowed areas) and under regular maintenance. Approximately 29 acres are relatively undisturbed, consisting of upland and wetland forested components; herbaceous non-forested wetlands, including sawgrass and scrub wetlands; and open-water areas.

81. Unit 8 will be constructed primarily on a portion of the site that has already been disturbed by earlier development. A total of up to approximately four (4) acres will be affected by construction. The U.S. Army Corps of Engineers and DEP have conducted wetland jurisdictional boundary reviews. No construction is planned in such wetland areas and a thirty-five (35) foot boundary zone will be maintained between construction areas and wetlands, unless there is an existing topographic feature, such as a berm or dike which would preclude construction runoff from entering wetlands. Barriers and other soil erosion and siltation control measures will be used to prevent erosion and siltation that would affect wetlands. Tree clearing on-site for the Unit 8 project would total less than an acre.

82. The primary aquatic resource associated with the Purdom Station is the St. Marks River, which is in compliance with Class III water quality standards. The Unit 8 and the retirement of Units 5 and 6 will have an overall long-term positive impact on the aquatic resources of the river and adjacent Apalachee Bay by reducing impingement and entrainment of aquatic organisms in the Purdom Station's cooling systems, by reducing thermal impacts and by eliminating two (2) discharges of treated industrial

wastewater by the Purdom Station and eliminating the discharge of treated effluent by the City of St. Marks Wastewater Treatment Plant. Aquatic resources will not be affected by the construction of Unit 8 except positively.

83. Because the river is tidally influenced and has naturally varying salt concentrations in the vicinity of the Purdom Station, there is a naturally lower biological diversity in that area. Any reduction in the freshwater-to-saltwater ratio of the river as a result of the operation of Unit 8 will be too small to have a significant adverse impact, if any, on the aquatic resources of the river and will have even less of an impact downstream in Apalachee Bay. There will be no adverse impact on seagrass from changes in salinity, turbidity or air emissions.

84. A review of threatened and endangered species was conducted based on habitat types that might occur at the Purdom Station, by reviewing lists of threatened and endangered species from the U.S. Fish and Wildlife Service and from the Department of Agriculture and Consumer Services, discussions with representatives from the St. Marks Wildlife Refuge and by contacting the Florida Natural Areas Inventory. No plant species listed as threatened or endangered were found at the site. Listed animal species that could occur at or near the Purdom Station include the alligator, osprey, eagle, little blue heron, snowy egret, tri-colored heron, and Louisiana heron. None of these species will be adversely affected by the Purdom Unit 8 project.

85. The effects of the project on the Manatee should be negligible or positive due to the reduced thermal output to the river resulting from the shutdown of Units 5 and 6. Manatee summering in the St. Marks area will be encouraged to return to their normal southerly migration pattern during the winter. Any members of the species that do winter in the area will be protected from thermal distress when Unit 7 is not operating by being able to migrate to the naturally warmer waters of the nearby Wakulla River.

86. No adverse wetland or upland ecological impacts will result from construction of the proposed re-claimed water pipeline. Positive impacts on wetlands will result from the operation of the water pipeline because it will eliminate the existing discharge by the St. Marks Wastewater Treatment Plant to the St. Marks River. Overall impacts to the existing terrestrial and aquatic ecological resources from the construction and operation of Unit 8 will either be negligible or, in some respects, positive.

IMPACTS FROM FLOODING AND HURRICANES

87. The 100-year flood elevation in the City of St. Marks is 12.4 feet above mean sea level, as established by the Federal Emergency Management Agency (FEMA) and made applicable through the St. Marks Flood Damage Prevention Ordinance. The highest recorded flood level at St. Marks identified by FEMA in a 100-year period of record was 11.3 feet, in effect leaving a 1.1-foot safety factor in the 12.4 foot level. Unit 8 and other facilities at the Purdom Station required for its operation will

be constructed at or above that elevation or flood-proofed to that elevation. Additionally, the Purdom Station is not in the floodway of the St. Marks River that is reserved for the passing of the 100-year flood. The construction of Unit 8 will not result in any significant loss of floodplain storage.

88. The staff of the Department of Community Affairs (DCA) investigated at length concerning the station site and whether it appears vulnerable to storm-induced flooding. They concluded that there was a small risk of such an event. The Station has never been inundated by major flooding and, in the past 50 years, the highest level of flooding at the Shields Marina in nearby St. Marks has been approximately 7'8" above mean sea level.

89. The Purdom Station is located at least 2 miles inland from the nearest FEMA designated "V" zone which would be exposed to flood and high velocity wave action in the event of a hurricane. In addition, Unit 8 will be designed to withstand three (3) second wind gusts up to 120 miles per hour, which is a more stringent requirement than the 100-mile-per-hour sustained-wind criteria of the presently applicable building code. These wind criteria are substantially higher and more protective than recorded wind speed at Tallahassee and Apalachicola for periods of record provided in the Site Certification Application.

90. There is no historical record of a Class 4 or Class 5 hurricane striking Northwest Florida. Only 30 hurricanes of any classification have struck all of North Florida in a 93-year period from 1899 to 1992. Consistent with data from historical FEMA studies, the recurrence interval of a maximum Class 2

hurricane surge at St. Marks, as hypothesized by the National Hurricane Center at a height of 17.3 feet above mean sea level, would be 900 years. The recurrence interval of a maximum Class 3 hurricane surge at St. Marks, as hypothesized by the National Hurricane Center at a height of 22.7 feet above mean sea level, would be 7,000 years.

91. Even if the Purdom Station were inundated by a hurricane surge, it could be rendered operational again in a period of three (3) weeks, which would be adequate in light of the expected time required to repair Tallahassee's electrical transmission and distribution system following such an event.

92. No state funds will be used in the construction of Unit 8. During the construction period the contractor will be required to ensure the facility with builder's risk insurance. During operation, the facility will be covered by Tallahassee's risk management program, which includes private commercial property insurance that is not obtained through FEMA.

NOISE IMPACTS

93. Section 9.01.03(f), of the City of St. Marks Land Development Code exempts from its noise limits construction, maintenance, and testing noise which occurs between the hours of 7:00 a.m., and 10:00 p.m. Steam blowing that will occur near the end of construction of Unit 8 in order to clean scale and debris from the boiler tubes and steam lines for protection of the steam turbine will be the loudest construction-related noise. Each blow will last from 1 to 15 minutes and there could be two-to-three of them per day for a period of several weeks. The noise

level would be approximately 82 decibels at the nearest residence, which is not loud enough to harm anyone's hearing but requires persons engaged in outdoor conversation to raise their voices.

94. Despite the exemption for daytime construction, maintenance, and testing noise within the St. Marks Land Development Code, Tallahassee has committed to publicly notify residents of St. Marks prior to commencement of the steam blowing phase of construction to alleviate any concerns. Tallahassee has also committed to direct the steam blowing noise to the East or Northeast away from the St. Marks community.

95. The expected 17% increase in truck traffic associated with construction of Unit 8 will not increase roadway noise in any significant amount.

96. The operation of the station since 1952 has produced low-level noise which is hardly noticeable within St. Marks except for limited periods when the two (2) existing combustion turbines are operating. In addition to silencers which have been installed on steam vents at the Purdom Station and the removal of some public address speakers, Tallahassee is in the process of procuring silencers for the exhaust stacks of the two (2) existing combustion turbines to reduce their noise level.

97. During normal operation of the station following construction of Unit 8 and retirement of Units 5 and 6, the highest predicted continuous noise level will be approximately 45 decibels at the nearest existing residence. That is similar to the present operational noise level and is below the EPA noise

guideline, which is the most protective extant agency criterion. Noise from operation of the station after commencement of operation of Unit 8 will comply with the noise limits of the St. Marks Land Development Code and will not adversely affect wildlife or pose a nuisance.

TRAFFIC

98. All roadways serving the construction and operational traffic of Purdom Unit 8 have adequate capacity presently. No section of roadway will be impacted adversely. Tallahassee has arranged additional temporary access for construction workers to the station site via a St. Marks Refinery entrance road to the north. Additionally, the construction contractor may rent an open, off-site area at the southwestern side of the Purdom Station site for storage and parking. It would be connected during construction by a temporary foot bridge across an existing ditch.

99. Afternoon peak-hour traffic during construction of Unit 8 will tend to move north opposite the heavy traffic flow south from Leon County, thus avoiding an adverse impact. Based on the volume of truck traffic expected during construction and taking into account the existing low traffic volume in the vicinity of the station, it is unlikely that traffic safety will be adversely affected.

100. Due to the reduction in staff at the Purdom Station expected from retirement of Units 5 and 6, there will be a net long-term reduction in operational traffic to and from the station. The addition of one and one-half truck trips per day

for transport of filter cake from the zero discharge wastewater treatment system of Unit 8 will have insignificant traffic impacts. During construction and operation of Unit 8 the existing roadway network will operate at acceptable levels of service as established in the comprehensive plans of St. Marks, Wakulla County, and Leon County.

CONSISTENCY AND COMPLIANCE WITH LOCAL COMPREHENSIVE PLANS AND LAND DEVELOPMENT CODES

101. Purdom Unit 8 is consistent with the City of St. Marks Comprehensive Plan. Goals, objectives, and policies from the following elements are applicable to the project: future land use; traffic circulation; sanitary sewer, solid waste, potable water, drainage, and natural ground water aquifer recharge; conservation; coastal management; recreation and open space; and capital improvements. The project complies with all those applicable goals, objectives, and policies.

102. Unit 8 will comply with the applicable standards in the St. Marks Land Development Code. The applicable standards include those related to concurrency, resource protection (including tree protection, wetland protection, and shoreline protection), floodplain and stormwater management, development design and improvement standards (including, for example, lot coverage, setbacks and landscaping standards), and operational performance standards relating to, for example, noise and air quality.

103. Wakulla County does not supervise land use in the City of St. Marks. The Wakulla County Land Development Code does not apply within the City of St. Marks.

104. Unit 8 is consistent with and in compliance with the Wakulla County Comprehensive Plan, taking into account five (5) areas of potential applicability beyond the boundaries of the City of St. Marks:

a. As to land use compatibility along the border between the City of St. Marks and unincorporated Wakulla County, findings 33 through 38, above, show compatibility.

b. As to protection of natural resources, Unit 8 will not adversely impact wetlands, significant wildlife habitat or threatened or endangered species. Water quality in the St. Marks River will be improved. The existing well field will be closed, providing a beneficial effect on groundwater quantity and quality.

c. As to the availability of public services, the City of St. Marks provides water and sewer services to the Purdom Station. There is adequate solid-waste capacity in the Wakulla County landfill for disposal of construction debris. There is adequate solid-waste capacity for the disposal of other types of solid-waste at the Panama City waste-to-energy facility. There is adequate existing roadway capacity to service the project construction and operating traffic. Drainage facilities will be constructed on the site to manage stormwater in compliance with local, state and federal requirements. Other public services such as police, fire, and emergency medical services are available and sufficient to meet the needs at Purdom Station. The estimated impact fee due to Wakulla County for the Unit 8 project is \$7,350.00.

d. Concerning coastal management, although the station is located within a coastal high-hazard area designated by Wakulla County, it will meet the requirements of the St. Marks Flood Damage Prevention Ordinance. The project is designed to be elevated or flood-proofed to the 100-year floor elevation. Tallahassee has agreed to a condition of certification requiring it to prepare a hurricane evacuation, preparedness, and recovery plan for the Purdom Station. Under the terms of that condition, preparation of the plan will be coordinated with the Wakulla County Emergency Management Office. Power plants are water-dependent uses, so the Purdom Station location in the coastal area is appropriate. The City of St. Marks historically developed as a port community and there are other port-related uses in and around the Purdom Station. The station will not encourage other development to locate within the coastal high-hazard area, so it is not the type of infrastructure for which public expenditures are meant to be limited in the coastal high-hazard area.

e. Unit 8 will further the goals, objectives, and policies of Wakulla County's economic development element of its comprehensive plan. It allows an existing industry to expand and relatively high-paying jobs at the station will be retained. The environment, which is an important economic asset to Wakulla County, will be protected and improved through the use of clean fuel, clean burning technology and other advance technologies, such as the combined cycle generating equipment itself and the zero discharge wastewater treatment system provision.

CONSISTENCY WITH REGIONAL POLICY PLAN

105. Unit 8 is consistent with the Apalachee Regional Planning Counsel's Strategic Regional Policy Plan for the following reasons:

a. It will have an economic benefit in terms of temporary construction job creation and long-term job retention that supports the goal and policies for the economic development section of the plan. The jobs will be relatively high-paying jobs compared with the jobs in the predominant government sector in the Wakulla County economy.

b. Tallahassee's commitment to prepare a comprehensive hurricane evacuation, preparedness, and recovery plan supports the Strategic Policy Plan's goals and policies dealing with emergency management.

c. Unit 8 will not have an adverse impact on the regionally significant resources listed in the plan, including the river, the Aucilla Wildlife Management area, the St. Marks National Wildlife Refuge, wetlands and wildlife.

d. The project will not adversely affect the highway system, so it is consistent with the regional transportation goals and policies of the Strategic Policy Plan.

CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN

106. Unit 8 is consistent with the applicable goals and policies of the State of Florida Comprehensive Plan, Section 187.201, Florida Statutes, as shown by the following:

a. Concerning the Goal, Section 187.201(7)(a), Florida Statutes, and Policies 24 and 25 related to public safety, Tallahassee has agreed to prepare a hurricane evacuation preparedness and recovery plan for the Purdom Station.

b. Concerning the Goal, Section 187.201(8)(a), Florida Statutes, and Policies 5, 8, 9, 10, 11, 12, 13, and 14, related to water resources, Unit 8 will have adequate supplies of water; it will comply with the Flood Damage Prevention Ordinance of the City of St. Marks; no wetlands will be impacted; withdrawal for once-through cooling will be reduced; and the consumptive use of water from the river would be less than 1% of the seven (7) day, ten (10) year low flow in the river. This is consistent with state policy to use water so that navigation, recreation, and fish and wildlife resources will not be adversely affected.

Water quality in the river will be improved. There will be a reduction in existing thermal discharges at the Purdom Station. Existing permitted wastewater discharges to the river will be eliminated with the installation of the zero discharge, wastewater treatment system. Treated wastewater from the City of St. Marks and Purdom Station's own permitted waste streams will be re-used as make-up water to the Unit 8 cooling tower instead of being discharged to the river as it is currently permitted to

do. This feature of the project is consistent with state policy that promotes water conservation, re-use of water and the use of water of lowest acceptable quality. As a result of Unit 8's installation, groundwater withdrawals will be eliminated and the existing well field will be closed.

c. Concerning the Goal, Section 187.201(9)(a), Florida Statutes, and Policies 4, 6, 7, and 10, related to coastal and marine resources, there will be no adverse impact to the aquatic and marine environment. Water quality in the river will be improved as a result of Unit 8, which will benefit the aquatic and marine environment. The Purdom Station is a water-dependent use and, therefore, according to state policy, has priority over other uses in marine development.

d. Concerning the Goal, Section 187.201(10)(a), Florida Statutes and Policies, 1, 3, and 7 related to Natural Systems and Recreational Lands, wetlands and wildlife will be conserved and water quality will be improved as a result of Unit 8 being installed and operated. There will be no adverse impact on endangered species. The reduction in thermal discharges will benefit the West Indian manatee by reducing the attraction of artificially warmed waters, encouraging that species to return to its historic migration pattern. Aesthetics for recreational users of the river have already been improved with the removal of old boilers from Units 1 through 4. Tallahassee will install landscaping near the north boundary of the station, and a nearly continuous buffer will be placed along the shoreline, in

compliance with landscaping standards of the City of St. Marks Land Development Code.

e. Concerning the Goal, Section 187.201(11)(a), Florida Statutes, and Policies 1, 2, and 3 related air quality, annual emissions of NO_x and sulfur dioxide will not increase as a result of Unit 8, even though generating capacity at the site will increase by nearly 200%. Tallahassee has agreed to air permit limits that are considerably lower than current permit limits at the Purdom Station, so the potential emissions of air pollutants will be reduced. Air quality standards will be met. BACT has been applied; this ensures that air pollution is minimized through the installation of the best technology available, considering environmental, energy and cost factors.

f. Concerning the Goal, Section 187.201(12)(a), Florida Statutes, and Policies 5, 6, 7, and 9 related to Energy, Unit 8 has been reviewed by the Public Service Commission, which determined that there were no conservation measures reasonably available to Tallahassee that would have mitigated the need for Unit 8. That agency also found that the city has adequately explored alternatives to Unit 8 and that Unit 8 is the most cost-effective alternative. During the need determination proceeding for Unit 8, Tallahassee entered into a settlement agreement with the Legal Environmental Assistance Foundation that will result in enhancements to Tallahassee's Solar Energy and Energy Conservation Program.

g. Concerning the Goal, Section 187.201(13)(a), Florida Statutes, and Policies 8, 9, and 11 related to hazardous and

nonhazardous materials and waste, Tallahassee has adopted an environmentally sound method of wastewater treatment and disposal, the zero discharge wastewater treatment system. The zero discharge wastewater treatment system benefits the environment in two (2) ways: first, by treating, re-using and not discharging to the environment treated wastewater from the City of St. Marks and second, by treating, re-using and not discharging to the environment Purdom Station's own industrial waste streams. Tallahassee has committed to pursue re-cycling of the filter cake by-product of the zero discharge, wastewater treatment system. Tallahassee has a plan in place for the proper handling, storage, and disposal of hazardous waste. It has agreed to a condition of certification requiring it to continue implementation of the current plan. It also uses practices that minimize the production of hazardous wastes.

h. Concerning the Goal, Section 1897.201(16)(a), Florida Statutes, and Policies 1, 3, and 6 related to Land Use, Unit 8 constitutes the re-development of an existing power plant site. There are adequate land, water resources, and service capacity available to support the new development at the Purdom Station site. Unit 8 will enhance the livability of St. Marks by preserving opportunities to work in the community.

i. Concerning the Goal, Section 187.201(18)(a), Florida Statutes, and Policies 1, 2, 3, and 4 related to Public Facilities, Unit 8 will efficiently use and reuse existing structures, buildings, and facilities at the Purdom Station. Potable water and domestic wastewater services will be provided

by the City of St. Marks. The project will use the existing transmission network, the existing underground natural gas pipeline infrastructure, the existing highway network, and existing fuel and water storage facility at the Purdom Station.

j. Concerning the Goal, Section 187.201(19)(a), Florida Statutes, and Policy 6 related to Cultural and Historical Resources, the project is not expected to have an adverse impact on historic or archaeological resources. As a precautionary measure, Tallahassee has agreed that construction of the wet well at the City of St. Marks wastewater treatment plant will be monitored by a professional archaeologist if excavation extends below existing field.

k. Concerning the Goal, Section 187.201(22), Florida Statutes, and Policies 1, 3, and 12 related to the Economy, Unit 8 will allow a job-producing industry to remain in the state; and in addition, its design will protect and improve the environment as an economic asset of the state, the county and the City of St. Marks.

l. Concerning the Goal, Section 187.201(26)(a), Florida Statutes, and Policy 6 related to Plan Implementation, citizen participation has been encouraged and sought throughout the planning and permitting of Unit 8, with special emphasis on communication with individual citizens, interest groups, and government agencies.

107. The Purdom Unit 8 project is on balance and with certain conditions agreed to by the City of Tallahassee, consistent with the State Comprehensive Plan.

VARIANCES

108. Tallahassee requires no variances for the operation of the Purdom Station or the construction or operation of Unit 8 and its associated facilities.

AGENCY POSITIONS AND STIPULATIONS

109. The DEP, DOT, DCA, the NFWFMD, and the ARPC have recommended certification of the station and the Unit 8 project, including construction and operation of Unit 8 and its associated facilities subject to recommended conditions of certification which have been accepted by the City of Tallahassee. Those conditions or certifications are attached hereto and incorporated by reference herein as Appendix One. The Florida Game and Freshwater Fish Commission determined that Unit 8 would have no significant impact to fish and wildlife resources under its jurisdiction and the Department of Health found that the Unit 8 project would be an improvement over existing conditions. Aside from Wakulla County, no state, regional or local agency has recommended denial of certification. Wakulla County neither requested nor recommended any conditions of certification before or during the certification hearing.

110. The City of St. Marks adopted a resolution supporting the Purdom Unit 8 project and strongly supporting the continued location and operation of the existing Purdom power station.

111. Wakulla County's witness asserted that the county does not expend public funds to establish new infrastructure that would subsidize development in high-hazard coastal areas and that Tallahassee should not be permitted to expend public funds on the

Purdom Unit 8 project. Wakulla County, however, has expended state funds during the past two (2) years to construct a fishing pier in the high-hazard coastal area. The purpose of that pier is to make beaches and shores in the area, and recreation, more accessible to the public. The county has also expended public funds to install central sewer lines and a waste treatment facility in a high-hazard coastal area. Additionally, the county expends public funds to maintain roads and utilities built by developers in high-hazard coastal areas.

CONCLUSIONS OF LAW

The Division of Administrative Hearings has jurisdiction of the parties to and the subject matter of this proceeding. The proceeding was conducted in accordance with Chapter 403, Part II, Florida Statutes, the "Florida Electrical Power Plant Siting Act."

112. In accordance with Chapters 120 and 403, Florida Statutes, and Chapter 62-17, Florida Administrative Code, proper notice was accorded all persons, entities and parties entitled thereto as well as notice being provided to the general public. All necessary and required governmental agencies participated in the certification process; and reports and studies were issued by the DEP, the DCA, the NFWFMD, the Apalachee Regional Planning Counsel, Wakulla County, the Florida Game and Freshwater Fish Commission and the Florida Department of Health, in accordance with their various statutory charges.

113. The PSC has certified the need for the electrical generating capacity, nominally 250MW, to be supplied by Unit 8 as required by Sections 403.508(3) and .519, Florida Statutes.

114. The Governor and Cabinet sitting as the Siting Board have determined that the Unit 8 project is consistent with and in compliance with the exiting land use plans and zoning ordinances as required by Section 403.5175(3), and Section 403.508(2), Florida Statutes.

115. Rule 9J-5.003(144), Florida Administrative Code, a part of the DCA rules governing local government comprehensive planning defines "water-dependent uses" to include specifically "electrical generating facilities." Section 187.201(9)(b)(10), Florida Statutes, which is part of the State Comprehensive Plan, requires the state to "[g]ive priority in marine development to water-dependent uses over other uses."

116. Preponderant evidence produced by the City of Tallahassee at the certification hearing demonstrates that it has met its burden of proving that the Purdom Station, including Unit 8 and its associated facilities, is entitled to the certification as described more particularly below.

117. Preponderant evidence produced at hearing demonstrates that the construction and operational safeguards for the station are technically sufficient for the welfare and protection of citizens and are reasonable and available methods to achieve that protection. The Purdom Station, the new Unit 8 and associated facilities, if constructed, maintained and operated in accordance with the conditions and parameters recommended and found herein

and in the attached conditions of certification, will result in environmental and other benefits compared to current utilization of the Purdom Station. They will minimize adverse effects on human health, the environment, the ecology of the land and its wildlife, and the ecology of state waters and their aquatic wildlife through the use of reasonable and available methods. Certification for the construction and operation of Unit 8 is consistent with the goal of abundant, low cost energy, and will effect a reasonable balance between minimal environmental impacts and an already determined need for the new 250MW combined cycle unit at the Purdom Station.

118. The existing Purdom Station, Unit 8 and its associated facilities, if constructed and operated in accordance with the findings and conclusions herein and in the attached recommended conditions of certification, will be consistent and in compliance with the State Comprehensive Plan, the ARPC Comprehensive Regional Policy Plan, the Tallahassee Leon County Comprehensive Plan, the Wakulla County Comprehensive Plan and the City of St. Marks Comprehensive Plan.

119. The Purdom Station, Unit 8 and associated facilities, if constructed and operated in accordance with the findings and conclusions herein and in the attached recommended conditions of certification, will comply with the applicable, non-procedural requirements of all agencies, including the land development codes of local governments with jurisdiction. Certification of the Purdom Station and Unit 8 and associated facilities will serve and protect the broad interests of the public.

120. Certification of the Purdom Station, Unit 8 and associated facilities should include permission for Tallahassee to use, connect to and cross properties of the Department of Transportation, concerning which there is no dispute, subject to the attached conditions of certification.

121. The sole argument against certification advanced by Wakulla County at the certification hearing is that the Unit 8 project should not be certified because the state comprehensive plan has as one of its policies to:

Avoid the expenditure of state funds that subsidize development in high-hazard coastal areas.

Subsection 187.201(9)(b)(3), Florida Statutes. The evidence demonstrates, however, that the construction of Unit 8 will not require the expenditure of state funds and will not subsidize other development in high-hazard coastal areas. The evidence also establishes that Wakulla County itself expends public funds including state funds to construct infrastructure and to maintain infrastructure built by developers in high-hazard coastal areas.

122. Regardless of the facts concerning Unit 8 and the consistency of Wakulla County's argument with its own practices, there is a more fundamental set of reasons found in the applicable statute which renders the county's argument unpersuasive:

187.101 Description of plan; legislative intent; construction and application of plan

(1) The State Comprehensive Plan shall provide long-range policy guidance for the orderly social, economic, and physical growth of the state. It shall be reviewed biennially by the Legislature, and

implementation of its policies shall require legislative action unless otherwise specifically authorized by the constitution or law.

(2) The State Comprehensive Plan is intended to be a direction-setting document. Its policies may be implemented only to the extent that financial resources are provided pursuant to legislative appropriation or grants or appropriations of any other public or private entities. The plan does not create regulatory authority or authorize the adoption of agency rules, criteria, or standards not otherwise authorized by law.

(3) The goals and policies contained in the State Comprehensive Plan shall be reasonably applied where they are economically and environmentally feasible, not contrary to the public interest, and consistent with the protection of private property rights. The plan shall be construed and applied as a whole, and no specific goal or policy in the plan shall be construed or applied in isolation from the other goals and policies in the plan.

Thus, even if Wakulla County's argument was consistent with the evidence, the single state plan policy on which it is based is not a legally enforceable standard and cannot be applied in isolation to the Unit 8 project. Similarly, the Florida Electrical Power Plant Siting Act requires only that a proposal "not unduly conflict with the goals established by local comprehensive plan." See Section 403.502, Florida Statutes., (emphasis added). Indeed the DCA, which is required by the Florida Electrical Power Plant Siting Act to "address the impact upon the public of the proposed electrical power plant, based on the degree to which the electrical power plant is consistent with the applicable portions of the State Comprehensive Plan . . .", Subsection 403.507(2)(1)1., Florida Statute (emphasis supplied),

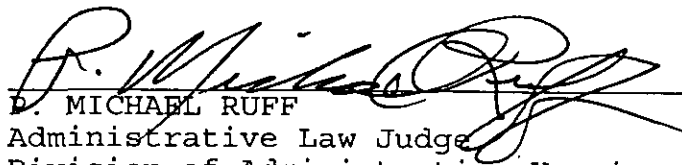
has recommended certification subject to conditions of certification which it deems appropriate. Thus, even if Wakulla County's argument was established by the evidence, the preponderant evidence, when considered in its totality, measured against the above statutory charge, establishes that the Unit 8 project is consistent with and in compliance with the State Comprehensive Plan as a whole.

RECOMMENDATION

Having considered the foregoing findings of fact, conclusions of law, the evidence of record, the candor and demeanor of the witnesses and the pleadings and arguments of the parties, it is, therefore,

RECOMMENDED: That the City of Tallahassee Florida, be granted certification, pursuant to Chapter 403, Part II, Florida Statutes, for the operation of the existing Purdom Station, including the location, construction, and operation of proposed Unit 8 and its associated facilities, as proposed in the Site Certification Application as modified by the preponderant evidence of record supportive of the above findings of fact and conclusions of law, and in accordance with the attached conditions of certification, which are incorporated herein and made a part hereof by reference. It is further recommended that the City of Tallahassee, Florida, be authorized to use, connect to and cross properties of the Florida Department of Transportation, subject to the above-referenced and attached conditions of certification.

DONE AND ENTERED this 19th day of March, 1998, in
Tallahassee, Leon County, Florida.


P. MICHAEL RUFF

Administrative Law Judge
Division of Administrative Hearings
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NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit written exception within 15 days from the date of this Recommended Order. Any exceptions to this Recommended Order should be filed with the agency that will issue the Final Order in this case.

