

SEVERAL
OGC documents

8-7-98

CHRONOLOGICAL SHEET

APPLICATION: STANTON ORLANDO UTILITIES	PA 81-14
MODIFICATION FINAL ORDERS	
1. FINAL ORDER OF MODIFICATION	04-05-1993 ✓
2. FINAL ORDER OF MODIFICATION	07-24-1995 ✓
3. FINAL ORDER OF MODIFICATION	12-24-1997 ✓
4. FINAL ORDER OF MODIFICATION	08-07-1998 ✓
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**BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In Re: Orlando Utilities Commission) Curtis H. Stanton Energy) Center, Units 1 and 2) Modification of Conditions) of Certification) Orange County, Florida)	OGC CASE NO. 98-2158 DEP FILE NO. PA 81-14D
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**FINAL ORDER MODIFYING
CONDITIONS OF CERTIFICATION**

On December 14, 1982, the Governor and Cabinet, sitting as the Siting Board, issued a final order approving certification for the Orlando Utilities Commission (OUC) Curtis H. Stanton Energy Center Unit 1. On December 17, 1991, the Siting Board issued a final order approving certification of Unit 2 at the OUC Stanton Energy Center Unit 2. Those certification orders approved the construction and operation of two 465 MW (net) coal fired units and associated facilities in Orange County, Florida. The certification has been previously modified by Department order on July 28, 1986, July 29, 1996, and December 24, 1997.

On May 11, 1998, OUC filed a request to amend the conditions of certification pursuant to Section 403.516(1)(b), Florida Statutes. OUC requested that the conditions be modified to eliminate the operation of the ambient air monitoring station.

Copies of OUC's proposed modifications were made available for public review on June 12, 1998, on which date a Notice of Intent to Issue Proposed Modification of Power Plant Certification was also published in the Florida Administrative Weekly. The Department included in the Notice an intent to modify certain conditions to conform to requirements of the State Implementation Plan. On May 15 and May 22, 1998, all parties to the original proceeding were served by mail with copies of the intent to modify and supporting documentation. The notice specified that a hearing would be held if a party to the original certification hearing objected within 45 days from receipt of the proposed modifications or if any other person, whose interests would be substantially affected, objected in writing within 30 days after issuance of the public

notice. No written objection to the proposed modifications has been received by the Department. Accordingly, in the absence of any timely objection,

IT IS ORDERED:

The proposed changes to the Orlando Utility Commission Stanton Energy Center as described in its May 11, 1998, request for modification are APPROVED, provided that any ambient air quality data collected prior to June 30, 1998, shall be reported to the Department. Pursuant to Section 403.516(1)(b), F.S., the conditions of certification for the Orlando Utility Commission Stanton Energy Center Units 1 and 2 are MODIFIED as follows:

I. Air

The construction and operation of Units 1 and 2 at the Orlando Utilities Commission, Curtis H. Stanton Energy Center (CHSEC) steam electric power plant site shall be in accordance with all applicable provisions of Chapter 62, Florida Administrative Code, ~~except for opacity, NO_x, and SO₂, which shall be governed by 40 CFR Part 60 regarding startup, shutdown, and malfunction including all requirements of the State of Florida State Implementation Plan and approved Title V permit program.~~ In addition, the construction and operation of the units shall be in accordance with 40 CFR Part 60, especially for opacity, NO_x, and SO₂ during periods of startup, shutdown, and malfunction; the provisions of PSD permit FL-084; and the following conditions of certification:

A. Emission Limitations

1. -10. No change

11. Except as noted herein, the fuel to be fired in Stanton Units 1 and 2 and the auxiliary boiler shall be primarily "new oil" which has been refined from crude oil and has not been used. On-site generated lubricating oil and used fuel oil which meets the requirements of 40 CFR 266.40 may also be burned.

a. No change

b. Landfill gas from the Orange County Landfill may be burned in Unit No. 1 and Unit No. 2 to the extent quantities are available provided that all emission limits in Condition I.A.1 for Unit 1 and Condition I.A.2. for Unit 2 are met.

c. Natural gas as supplied by commercial pipeline may be burned in Unit No. 1 and Unit No. 2 to the extent quantities are available provided that all emission limits in Condition I.A.1 for Unit 1 and Condition I.A.2. for Unit 2 are met.

III. B. Air Monitoring Program

1. No change

2. No change

~~3. The permittee shall operate one continuous ambient monitoring device for sulfur dioxide in accordance with DER quality control procedures and EPA reference methods in 40 CFR, Part 53, and one ambient monitoring device for PM₁₀, and one continuous NO_x monitor. The monitoring devices shall be specifically located at a location approved by the Department. The frequency of operation of the particulate monitor shall be every six days commencing as specified by the Department. During construction and operation the existing meteorological station will be operated and data reported with the ambient data.~~

~~3. 4. The permittee shall maintain --- No change~~

~~4. 5. The permittee shall provide --- No change.~~

~~6. The ambient monitoring program shall begin at least one year prior to initial start up of Unit 2 and shall continue for at least one year of commercial operation. The Department and the permittee shall review the results of the monitoring program annually and determine the necessity for the continuation or modifications to the monitoring program.~~

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

DONE AND ENTERED this 4th ^{August} day of ~~July~~, 1998 in Tallahassee, Florida.

STATE OF FLORIDA, DEPARTMENT OF ENVIRONMENTAL PROTECTION

Virginia B. Wetherell

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

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

Scott Chapman
CLERK 8/17/98
DATE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY this 7th day of ^{August} ~~July~~ 1998, that a true and correct copy of the foregoing Final Order Modifying Conditions of Certification has been sent by mail to the following listed persons:

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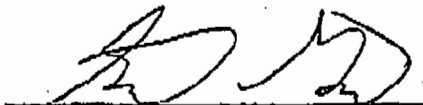
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**BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In Re: Orlando Utilities Commission) Stanton Energy Center) Modification of Conditions) of Certification) Orange County, Florida) <hr style="width: 30%; margin-left: 0;"/>	DEP CASE NOS. PA 81-14C & PA 81-14SA OGC CASE NOS. 81-0145 & 91-0769
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**FINAL ORDER MODIFYING
CONDITIONS OF CERTIFICATION**

On December 14, 1982, the Governor and Cabinet, sitting as the Siting Board, issued a final order approving certification for the Orlando Utilities Commission (OUC) Stanton Energy Center Unit 1. On December 17, 1991, the Siting Board issued a final order approving certification for the OUC Stanton Energy Center Unit 2. Those certification orders approved the construction and operation of two 465 MW (net) coal fired units and associated facilities in Orange County, Florida.

On September 20, 1997, OUC filed a request to modify the Stanton Energy Center Site. On November 13, 1997, OUC filed additional information relating to their request to amend the conditions of certification pursuant to Section 403.516(1)(b), Florida Statutes. OUC requested that the conditions be modified to allow the use of landfill gas as a fuel, use of offsite fly ash combined with lime to replace onsite produced fly ash in the Flue Gas Desulfurization (FGD) process, use of onsite used oil in Units 1 and 2, a modification process for federally delegated permits, a relocation of the fleet maintenance facility, clarification of applicable federal New Source Performance Standard Regulations, and clarification of heat input numbers.

Copies of OUC's proposed modifications were made available for public review. On October 17, 1997, a Proposed Modification of Power Plant Certification was published in the Florida Administrative Weekly. As of September 30, 1997, all parties to the original proceeding had received copies of OUC's request to modify. The notice specified that a hearing would be held if a party to the original certification hearing objected within 45 days from receipt of the proposed modifications or any other affected person objected in writing within 30 days after issuance of the public notice. No written objection to the proposed modifications has been received by the Department. Accordingly, in the absence of any timely objection,

IT IS ORDERED:

The proposed changes to the OUC Stanton Energy Center Units 1 and 2 relating to use of landfill gas, used oil, purchased fly ash, and other clarifications as described in the September 20 1997, requests for modification are APPROVED. Pursuant to Section 403.516(1)(b), F.S., the Department HEREBY modifies the conditions of certification for the Stanton Energy Center as follows:

I. Air

The construction and operation of Units 1 & 2 at Orlando Utilities Commission, Curtis H. Stanton Energy Center (CHSEC) steam electric power plant site shall be in accordance with all applicable provisions of Chapters ~~17-2, 17-4, and 17-5~~ 62, Florida Administrative Code except for opacity, NO_x, and SO₂, which shall be governed by 40 CFR Part 60 regarding startup, shutdown, and malfunction. In addition to the foregoing, the permittee shall comply with the following conditions of certification:

A. Emissions Limitations

1. The proposed steam generating station shall be constructed and operated in accordance with the capabilities and specifications of the application including for Unit 1, a the proposed 465 474 (gross), and Unit 2, a 474 (gross) megawatt generating capacity and the 4136 4286 MMBtu/hr heat input rate for each steam generator. For the purpose of calculating mass stack emissions, based on a maximum heat input of 4136 million Btu per hour, stack emissions from CHSEC Unit 1 shall not exceed the following when burning coal:
 - a. SO₂ - 1.2 lb. per million BTU per heat input, maximum two hour average, and 1.14 lb/MMBtu maximum three hour average;
 - b. NO_x - 0.60 lb. per million Btu heat input, 30 day rolling average;
 - c. Particulates - 0.03 lb. per million Btu heat input, 124.1 lb. per hour;
 - d. Visible emissions - 20% opacity (6 minute average, except one 6 - minute period per hour of not more than 27% opacity).
2. Based on a maximum heat input of 4286 million Btu per hour, stack emissions from Unit 2 shall not exceed the following when burning coal:
 - a. SO₂ -lb/million Btu heat input

30 - day rolling average	0.25
24 - hour emission rate	0.67
3 - hour mission rate	0.85
 - b. NO_x -lb/million Btu heat input

30 day rolling average	0.17
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c. PM/PM₁₀ -lb/million Btu heat input

	lb/MMBtu	lb/hr
PM	0.02	85.7
PM ₁₀	0.02	85.7

d. CO - 0.15 lb/million Btu heat input, 643 lb/hour;

e. VOC - 0.015 lb/million Btu heat input, 64 lb/hour;

f. H₂SO₄ - 0.033 lb/million Btu heat input 140 lb/hour;g. Be - 5.2×10^{-6} lb/million Btu heat input, 0.022 lb/hour;h. Hg - 1.1×10^{-5} lb/million Btu heat input, 0.046 lb/hour;i. Pb - 1.5×10^{-4} lbs/million Btu heat input, 0.64 lb/hour;j. Fluorides - 4.2×10^{-4} lb/million Btu heat input, 1.8 lb/hour.

23. The height of the boiler exhaust stacks for CHSEC Units 1 & 2 shall not be less than 550 ft. above grade.

34. Particulate emissions from the coal, lime and limestone handling facilities:

a. All conveyors and conveyor transfer points will be enclosed to preclude PM emissions (except those directly associated with the coal stacker/reclaimer or emergency stockout, and the limestone stockout for which enclosure is operationally infeasible). All coal and limestone conveyors not underground or within buildings will be enclosed (roof and sides) with steel grating or concrete floors (except the stacker/reclaimer which will have windscreen protection);

b. Inactive coal storage piles will be shaped, compacted and oriented to minimize wind erosion;

c. Water sprays or chemical wetting agents and sterilizers will be applied to storage piles, handling equipment, etc., during dry periods and as necessary to all facilities to maintain an opacity of less than or equal to 5 percent, except when adding, moving or removing coal from the coal pile, which would be allowed no more than 20%;

d. The limestone handling receiver hopper will be equipped with water spray dust control facilities. Limestone conveyors not underground or within buildings will be enclosed with open grating floors (except where concrete floors are provided over roads or other facilities). Limestone day silos and associated transfer points will be maintained at negative pressures during filling operations with the exhaust vented to a control system. Lime will be handled with a totally enclosed pneumatic system. Exhaust from the lime silos during filling will be vented to a collector system;

- e. The fly ash handling system (including transfer and silo storage) will be totally enclosed and vented (including pneumatic system exhaust) through fabric filters; and
- f. The permittee must submit to the Department within thirty (30) days after it becomes available, copies of technical data pertaining to the selected particulate control for the coal, lime and limestone handling facilities. These data should include, but not be limited to, guaranteed efficiency and emission rates, and major design parameters such as air/cloth ratio and flow rate. The Department may, upon review of these data, disapprove the use of any such device if the Department determines the selected control devices to be inadequate to meet the emission limits specified in 4.5 below. Such disapproval shall be issued within 30 days of receipt of the technical data. Any additional coal, lime, and limestone handling facilities for Stanton Unit 2 will be equipped with particulate control systems equivalent to those for Stanton Unit 1.

4.5. Particulate emissions from bag filter exhausts from the following facilities shall be limited to 0.02 gr/acf: coal, lime, limestone and flyash handling systems excluding those facilities covered by II/LA.3.c. above. A visible emission reading of 5% opacity or less may be used to establish compliance with this emission limit. A visible emission reading greater than 5% opacity will not create a presumption that the 0.02 gr/acf emission limit is being violated. However, a visible emission reading greater than 5% opacity will require the permittee to perform a stack test for particulate emissions, as set forth in Condition I.C.

- 5.6. Compliance with opacity limits of the facilities listed in Condition II/LA. will be determined by EPA referenced method 9 (Appendix A, 40 CFR 60).
- 6.7. Construction shall reasonably conform to the plans and schedule given in the original application or the supplemental application.
- 7.8. The permittee shall report any delays in construction and completion of the project which would delay commercial operation by more than 90 days to the DEP Central District Office in Orlando.
- 8.9. Reasonable precautions to prevent fugitive particulate emissions during construction shall be to coat the roads and construction sites used by contractors, and to regrass or water areas of disturbed soils.
- 9.10. Coal shall not be burned in the unit unless the electrostatic precipitator and limestone scrubber and other air pollution control devices are operating as designed except as provided under 40 CFR Part 60, Subpart Da.

1011. Except as noted herein, the fuel oil to be fired in Stanton Units 1 and 2 and the auxiliary boiler shall be primarily "new oil" which means an oil which has been refined from crude oil and has not been used. On-site generated lubricating oil and used fuel oil which meets the requirements of 40 CFR 266.40 may also be burned. The quality of the No. 2 fuel oil used by the auxiliary boiler shall not contain more than 0.5% sulfur by weight and cause the allowable emission limits listed in the following table to be exceeded. Such emissions may be calculated in accordance with AP-42.

a. The quality of the No. 2 fuel oil used by the auxiliary boiler shall not cause the allowable emission limits listed in the following table to be exceeded. Such emissions may be calculated in accordance with AP-42.

Allowable Emission Limits

<u>Pollutant</u>	<u>lb/MMBtu</u>
PM	0.015
SO ₂	0.51
NO _x	0.16
Visible emissions	Maximum 20% Opacity

b. Landfill gas from the Orange County Landfill may be burned in Unit No. 1 and Unit No. 2 to the extent that quantities are available provided that all emission limits contained in condition I.A.1. are met.

c. Natural gas as supplied by commercial pipeline may be burned in Unit No. 1 and Unit No. 2 to the extent that quantities are available provided that all emission limits contained in Condition I.A.1. are met.

B. No change.

C. Stack Testing

1-3. No change.

4. Stack tests for particulates, NO_x and SO₂ and visible emissions shall be performed annually ~~in accordance with Conditions C.2 and 3 above.~~

XXVI. (Unit 1) Modification of Conditions

The conditions of this certification may be modified in the following manner.

A. The Board pursuant to 403.516(1), F.S., hereby delegates to the Secretary the authority to modify, after notice and opportunity for hearing, and conditions pertaining to consumptive use of water, monitoring, sampling, groundwater, mixing zones, zones of discharge, leachate control programs, effluent or emission standards or limitations, ~~variances or exceptions to water quality standards, specification of control equipment, related time schedules, railroad spur, transmission lines, access roads, or pipeline construction, mitigation, transfer or assignment of the certification or related federally delegated permits, and source of treated effluent cooling~~

water, or any special studies conducted as necessary to obtain the objectives of Chapter 403, Florida Statutes, which are not in conflict with the Conditions of Certification in Part VII.

B. This certification shall be automatically modified to conform to any subsequent amendments, modifications, or renewals made by DEP to any separately issued Prevention of Significant Deterioration (PSD) permit, Title V Air Permit, or National Pollutant Discharge Elimination System (NPDES) permit for the facility under any federally delegated or approved program. OUC shall send each party to the original certification proceedings (at the party's last known address as shown in the record of the proceedings) notice of requests for modifications or renewals to the applicable federal permit if the request involves a relief mechanism (e.g. mixing zone, variance, alternate emission or discharge standard, etc.) from standards. DEP shall notify all parties to the certification proceedings of any intent to modify conditions under this section prior to taking final agency action.

C. All other modifications shall be made in accordance with Sections 403.516, Florida Statutes.

I/XXI (Unit2) Modification of Conditions

The conditions of this certification may be modified in the following manner:

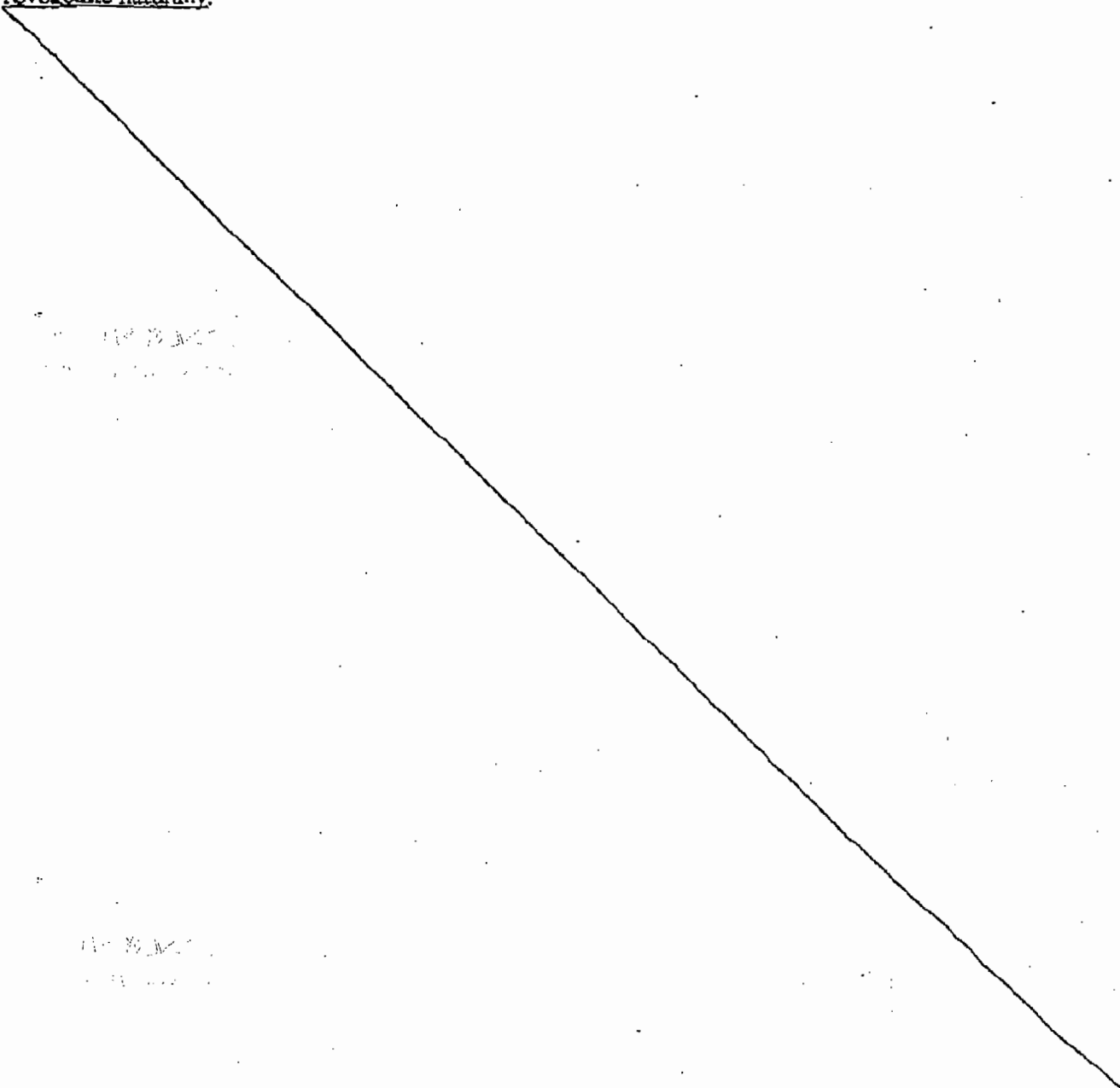
A. Pursuant to Subsection 403.516(1), F.S., the Board hereby delegates the authority to the Secretary to modify, after notice and opportunity for hearing, any conditions of this certification dealing with ~~pertaining to~~ consumptive use of water, monitoring, sampling, monitoring, reporting, specification of control equipment, related time schedules, effluent or emission standards or limitations, variances or exceptions to water quality standards, groundwater, mixing zones, zones of discharge, leachate control programs, railroad spur, transmission lines, access roads, or pipeline construction, source of treated effluent cooling water, mitigation, transfer or assignment of the certification or related federally delegated permits, or any special studies conducted as necessary to obtain the objectives of Chapter 403, Florida Statutes, which are not in conflict with the Conditions of Certification in Part VII.

B. This certification shall be automatically modified to conform to any subsequent amendments, modifications, or renewals made by DEP to any separately issued Prevention of Significant Deterioration (PSD) permit, Title V Air Permit, or National Pollutant Discharge Elimination System (NPDES) permit for the facility under any federally delegated or approved program. OUC shall send each party to the original certification proceedings (at the party's last known address as shown in the record of the proceedings) notice of requests for modifications or renewals to the applicable federal permit if the request involves a relief mechanism (e.g. mixing zone, variance, alternate emission or discharge standard, etc.) from standards. DEP shall notify all parties to the certification proceedings of any intent to modify conditions under this section prior to taking final agency action.

C. All other modifications to these conditions shall be made in accordance with Section 403.516, Florida Statutes.

V/XXXVII. Landfill Gas and Condensate Pipeline Construction

OUC and its contractors will maintain *in situ* flow conditions within the upland cut ditches located approximately at stations 42+50 and 44+75 during construction of the landfill gas and gas condensate pipelines. Upon completion of construction at each of these locations, OUC and its contractors shall restore the banks of the ditches to natural grade and will allow the ditches to revegetate naturally.



NOTICE OF RIGHTS

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

DONE AND ORDERED this 22nd day of December 1997, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



~~VIRGINIA B. WETBERELL~~

Acting Secretary

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000
(904) 488-1554

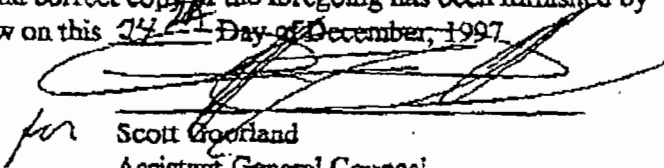
FILING AND ACKNOWLEDGEMENT
FILED, on this date, pursuant to ~~§120.52~~
Florida Statutes, with the designated
Department Clerk, receipt of which
is hereby acknowledged.

Tabrina D'Neal
Clerk

12/24/97
Date

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U. S. Mail to the parties listed below on this ~~24~~ ²⁷ Day of December, 1997



for Scott Goodland
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FINAL ORDER OF MODIFICATION
08/07/1998

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

AUG 10 1998

SITING COORDINATION

In Re: Orlando Utilities Commission)	
Curtis H. Stanton Energy)	
Center, Units 1 and 2)	OGC CASE NO. 98-2158
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notice. No written objection to the proposed modifications has been received by the Department. Accordingly, in the absence of any timely objection,

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III. B. Air Monitoring Program

1. No change

2. No change

~~3. The permittee shall operate one continuous ambient monitoring device for sulfur dioxide in accordance with DER quality control procedures and EPA reference methods in 40 CFR, Part 53, and one ambient monitoring device for PM₁₀, and one continuous NO_x monitor. The monitoring devices shall be specifically located at a location approved by the Department. The frequency of operation of the particulate monitor shall be every six days commencing as specified by the Department. During construction and operation the existing meteorological station will be operated and data reported with the ambient data.~~

~~3.~~ 4. The permittee shall maintain --- No change

~~4.~~ 5. The permittee shall provide --- No change.

~~6. The ambient monitoring program shall begin at least one year prior to initial start up of Unit 2 and shall continue for at least one year of commercial operation. The Department and the permittee shall review the results of the monitoring program annually and determine the necessity for the continuation or modifications to the monitoring program.~~

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

DONE AND ENTERED this 4th ^{August} day of ~~July~~, 1998 in Tallahassee,

Florida.

**STATE OF FLORIDA, DEPARTMENT
OF ENVIRONMENTAL PROTECTION**

Virginia B. Wetherell
VIRGINIA B. WETHERELL
SECRETARY
3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000
Telephone: (850) 488-1554

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

Walker Chapman 8/17/98
CLERK DATE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY this 7th day of ^{August} ~~July~~ 1998, that a true and correct copy of the foregoing Final Order Modifying Conditions of Certification has been sent by mail to the following listed persons:

C. Laurence Keeseey
Young, van Assenderp & Varnadoe
801 Laurel Oak Drive
Suite 300
Naples, FL 34108

Aaron Dowling, Executive Director
East Central Florida Regional
Planning Council
1011 Wymore Road
Suite 105
Winter Park, FL 32789

Stephanie G. Kruer
General Counsel
Dept. of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100

Tom Wilks, Esq.
Assistant County Attorney
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Orlando, FL 32801

Sheauching Yu, Esq.
Assistant General Counsel
Department of Transportation
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Tallahassee, FL 32399-0450

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Gerald Gunter Building
2540 Shumard Oak Blvd.
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Game and Fresh Water Fish Comm.
Bryant Bldg.
620 S. Meridian Street
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Orlando, FL 32806


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Fred Bryant, Esq.
306 East College Avenue
Tallahassee, FL 32302

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Scott Goorland
Assistant General Counsel
Florida Bar No. 0066834

3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000
Telephone: (850) 488-9730

FINAL ORDER OF MODIFICATION
12/24/1997

Orlando Utilities Commission
500 South Orange Avenue
P.O. Box 3193
Orlando, Florida 32802
Phone: 407.423.9100
Administrative Fax: 407.236.9616
Purchasing Fax: 407.384.4141
Website: www.ouc.com



The *Reliable* One

CERTIFIED MAIL RETURN RECEIPT REQUESTED
No. Z 040 696 667

March 26, 1999

Mr. H. S. Oven
Siting Coordination Office
Florida Department of
Environmental Protection
2720-H Blair Stone Road
Blair Stone Plaza
Tallahassee, Florida 32399

PA 81-14

RE: Use of Lime Substitute Material at OUC's Stanton Energy
Center *BucM*

Dear ~~Mr. Oven~~:

It was a pleasure speaking with you the other day and I want to especially thank you for your assistance with the subject matter.

For your information, I have attached a copy of the final order of modification to our Power Plant Certification permit dated December 24, 1997 which authorizes our use of off-site produced substitute lime products at the Stanton Plant.

Once again, it was a pleasure speaking with you and thank you for your help.

Please call me at 407-423-9100, ext. 123 should you have any questions or need any further information regarding this matter.

Sincerely,

Thomas

Thomas B. Tart, Esq.
OUC Vice President &
General Council

DEPARTMENT OF
ENVIRONMENTAL PROTECTION

MAR 29 1999

SITING COORDINATION

Attachment

xc: A. C. Frazier
F. F. Haddad
D. M. Scarlett
L. M. Brown

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

In Re: Orlando Utilities Commission) Stanton Energy Center) Modification of Conditions) of Certification) Orange County, Florida) <hr style="width: 30%; margin-left: 0;"/>) DEP CASE NOS. PA 81-14C & PA 81-14SA) OGC CASE NOS. 81-0145 & 91-0769
--	---

**FINAL ORDER MODIFYING
CONDITIONS OF CERTIFICATION**

On December 14, 1982, the Governor and Cabinet, sitting as the Siting Board, issued a final order approving certification for the Orlando Utilities Commission (OUC) Stanton Energy Center Unit 1. On December 17, 1991, the Siting Board issued a final order approving certification for the OUC Stanton Energy Center Unit 2. Those certification orders approved the construction and operation of two 465 MW (net) coal fired units and associated facilities in Orange County, Florida.

On September 20, 1997, OUC filed a request to modify the Stanton Energy Center Site. On November 13, 1997, OUC filed additional information relating to their request to amend the conditions of certification pursuant to Section 403.516(1)(b), Florida Statutes. OUC requested that the conditions be modified to allow the use of landfill gas as a fuel, use of offsite fly ash combined with lime to replace onsite produced fly ash in the Flue Gas Desulfurization (FGD) process, use of onsite used oil in Units 1 and 2, a modification process for federally delegated permits, a relocation of the fleet maintenance facility, clarification of applicable federal New Source Performance Standard Regulations, and clarification of heat input numbers.

Copies of OUC's proposed modifications were made available for public review. On October 17, 1997, a Proposed Modification of Power Plant Certification was published in the Florida Administrative Weekly. As of September 30, 1997, all parties to the original proceeding had received copies of OUC's request to modify. The notice specified that a hearing would be held if a party to the original certification hearing objected within 45 days from receipt of the proposed modifications or any other affected person objected in writing within 30 days after issuance of the public notice. No written objection to the proposed modifications has been received by the Department. Accordingly, in the absence of any timely objection,

IT IS ORDERED:

The proposed changes to the OUC Stanton Energy Center Units 1 and 2 relating to use of landfill gas, used oil, purchased fly ash, and other clarifications as described in the September 20 1997, requests for modification are **APPROVED**. Pursuant to Section 403.516(1)(b), F.S., the Department **HEREBY** modifies the conditions of certification for the Stanton Energy Center as follows:

I. Air

The construction and operation of Units 1& 2 at Orlando Utilities Commission, Curtis H. Stanton Energy Center (CHSEC) steam electric power plant site shall be in accordance with all applicable provisions of Chapters ~~17-2, 17-4, and 17-5~~ 62, Florida Administrative Code except for opacity, NO_x, and SO₂, which shall be governed by 40 CFR Part 60 regarding startup, shutdown, and malfunction. In addition to the foregoing, the permittee shall comply with the following conditions of certification:

A. Emissions Limitations

1. The proposed steam generating station shall be constructed and operated in accordance with the capabilities and specifications of the application including, for Unit 1, a the proposed 465 474 (gross), and Unit 2, a 474 (gross) megawatt generating capacity and the 4136 4286 MMBtu/hr heat input rate for each steam generator. For the purpose of calculating mass stack emissions, based on a maximum heat input of 4136 million Btu per hour, stack emissions from CHSEC Unit 1 shall not exceed the following when burning coal:

- a. SO₂ - 1.2 lb. per million BTU per heat input, maximum two hour average, and 1.14 lb/MMBtu maximum three hour average;
- b. NO_x - 0.60 lb. per million Btu heat input, 30 day rolling average;
- c. Particulates - 0.03 lb. per million Btu heat input, 124.1 lb. per hour;
- d. Visible emissions - 20% opacity (6 minute average, except one 6 - minute period per hour of not more than 27% opacity).

2. Based on a maximum heat input of 4286 million Btu per hour, stack emissions from Unit 2 shall not exceed the following when burning coal:

- a. SO₂ -lb/million Btu heat input
 - 30 - day rolling average 0.25
 - 24 - hour emission rate 0.67
 - 3 - hour mission rate 0.85
- b. NO_x -lb/million Btu heat input
 - 30 day rolling average 0.17

c. PM/PM₁₀ -lb/million Btu heat input

	lb/MMBtu	lb/hr
PM	0.02	85.7
PM ₁₀	0.02	85.7

d. CO - 0.15 lb/million Btu heat input, 643 lb/hour;

e. VOC - 0.015 lb/million Btu heat input, 64 lb/hour;

f. H₂SO₄ - 0.033 lb/million Btu heat input 140 lb/hour;

g. Be - 5.2×10^{-6} lb/million Btu heat input, 0.022 lb/hour;

h. Hg - 1.1×10^{-5} lb/million Btu heat input, 0.046 lb/hour;

i. Pb - 1.5×10^{-4} lbs/million Btu heat input, 0.64 lb/hour;

j. Fluorides - 4.2×10^{-4} lb/million Btu heat input, 1.8 lb/hour.

23. The height of the boiler exhaust stacks for CHSEC Units 1 & 2 shall not be less than 550 ft. above grade.

34. Particulate emissions from the coal, lime and limestone handling facilities:

a. All conveyors and conveyor transfer points will be enclosed to preclude PM emissions (except those directly associated with the coal stacker/reclaimer or emergency stockout, and the limestone stockout for which enclosure is operationally infeasible). All coal and limestone conveyors not underground or within buildings will be enclosed (roof and sides) with steel grating or concrete floors (except the stacker/reclaimer which will have windscreen protection);

b. Inactive coal storage piles will be shaped, compacted and oriented to minimize wind erosion;

c. Water sprays or chemical wetting agents and sterilizers will be applied to storage piles, handling equipment, etc., during dry periods and as necessary to all facilities to maintain an opacity of less than or equal to 5 percent, except when adding, moving or removing coal from the coal pile, which would be allowed no more than 20%;

d. The limestone handling receiver hopper will be equipped with water spray dust control facilities. Limestone conveyors not underground or within buildings will be enclosed with open grating floors (except where concrete floors are provided over roads or other facilities). Limestone day silos and associated transfer points will be maintained at negative pressures during filling operations with the exhaust vented to a control system. Lime will be handled with a totally enclosed pneumatic system. Exhaust from the lime silos during filling will be vented to a collector system;

e. The fly ash handling system (including transfer and silo storage) will be totally enclosed and vented (including pneumatic system exhaust) through fabric filters; and

f. The permittee must submit to the Department within thirty (30) days after it becomes available, copies of technical data pertaining to the selected particulate control for the coal, lime and limestone handling facilities. These data should include, but not be limited to, guaranteed efficiency and emission rates, and major design parameters such as air/cloth ratio and flow rate. The Department may, upon review of these data, disapprove the use of any such device if the Department determines the selected control devices to be inadequate to meet the emission limits specified in 4.5 below. Such disapproval shall be issued within 30 days of receipt of the technical data. Any additional coal, lime, and limestone handling facilities for Stanton Unit 2 will be equipped with particulate control systems equivalent to those for Stanton Unit 1.

4.5. Particulate emissions from bag filter exhausts from the following facilities shall be limited to 0.02 gr/acf: coal, lime, limestone and flyash handling systems excluding those facilities covered by II/I.A.3.c. above. A visible emission reading of 5% opacity or less may be used to establish compliance with this emission limit. A visible emission reading greater than 5% opacity will not create a presumption that the 0.02 gr/acf emission limit is being violated. However, a visible emission reading greater than 5% opacity will require the permittee to perform a stack test for particulate emissions, as set forth in Condition I.C.

5.6. Compliance with opacity limits of the facilities listed in Condition II/I.A. will be determined by EPA referenced method 9 (Appendix A, 40 CFR 60).

6.7. Construction shall reasonably conform to the plans and schedule given in the original application or the supplemental application.

7.8. The permittee shall report any delays in construction and completion of the project which would delay commercial operation by more than 90 days to the DEP Central District Office in Orlando.

8.9. Reasonable precautions to prevent fugitive particulate emissions during construction shall be to coat the roads and construction sites used by contractors, and to regrass or water areas of disturbed soils.

9.10. Coal shall not be burned in the unit unless the electrostatic precipitator and limestone scrubber and other air pollution control devices are operating as designed except as provided under 40 CFR Part 60, Subpart Da.

~~1011. Except as noted herein, the fuel oil to be fired in Stanton Units 1 and 2 and the auxiliary boiler shall be primarily "new oil" which means an oil which has been refined from crude oil and has not been used. On-site generated lubricating oil and used fuel oil which meets the requirements of 40 CFR 266.40 may also be burned. The quality of the No. 2 fuel oil used by the auxiliary boiler shall not contain more than 0.5% sulfur by weight and cause the allowable emission limits listed in the following table to be exacted. Such emissions may be calculated in accordance with AP-42.~~

~~a. The quality of the No. 2 fuel oil used by the auxiliary boiler shall not cause the allowable emission limits listed in the following table to be exceeded. Such emissions may be calculated in accordance with AP-42.~~

Allowable Emission Limits

<u>Pollutant</u>	<u>lb/MMBtu</u>
PM	0.015
SO ₂	0.51
NO _x	0.16
Visible emissions	Maximum 20% Opacity

~~b. Landfill gas from the Orange County Landfill may be burned in Unit No. 1 and Unit No. 2 to the extent that quantities are available provided that all emission limits contained in condition I.A.1. are met.~~

~~c. Natural gas as supplied by commercial pipeline may be burned in Unit No. 1 and Unit No. 2 to the extent that quantities are available provided that all emission limits contained in Condition I.A.1. are met.~~

B. No change.

C. Stack Testing

1-3. No change.

4. Stack tests for particulates, NO_x and SO₂ and visible emissions shall be performed annually ~~in accordance with Conditions C.2 and 3 above.~~

XXVI. (Unit 1) Modification of Conditions

The conditions of this certification may be modified in the following manner:

A. The Board pursuant to 403.516(1), F.S., hereby delegates to the Secretary the authority to modify, after notice and opportunity for hearing, ~~and conditions pertaining to~~ consumptive use of water, monitoring, sampling, groundwater, mixing zones, zones of discharge, leachate control programs, effluent or emission standards or limitations, variances or exceptions to water quality standards, specification of control equipment, related time schedules, railroad spur, transmission lines, access roads, or pipeline construction, mitigation, transfer or assignment of the certification or related federally delegated permits, and source of treated effluent cooling

water, or any special studies conducted as necessary to obtain the objectives of Chapter 403, Florida Statutes, which are not in conflict with the Conditions of Certification in Part VII.

B. This certification shall be automatically modified to conform to any subsequent amendments, modifications, or renewals made by DEP to any separately issued Prevention of Significant Deterioration (PSD) permit, Title V Air Permit, or National Pollutant Discharge Elimination System (NPDES) permit for the facility under any federally delegated or approved program. OUC shall send each party to the original certification proceedings (at the party's last known address as shown in the record of the proceedings) notice of requests for modifications or renewals to the applicable federal permit if the request involves a relief mechanism (e.g. mixing zone, variance, alternate emission or discharge standard, etc.) from standards. DEP shall notify all parties to the certification proceedings of any intent to modify conditions under this section prior to taking final agency action.

C. All other modifications shall be made in accordance with Sections 403.516, Florida Statutes.

I/XXI.(Unit2) Modification of Conditions

The conditions of this certification may be modified in the following manner:

A. Pursuant to Subsection 403.516(1), F.S., the Board hereby delegates the authority to the Secretary to modify, after notice and opportunity for hearing, any-conditions of this certification dealing with pertaining to consumptive use of water, monitoring, sampling, monitoring, reporting, specification of control equipment, related time schedules, effluent or emission standards or limitations, variances or exceptions to water quality standards, groundwater, mixing zones, zones of discharge, leachate control programs, railroad spur, transmission lines, access roads, or pipeline construction, source of treated effluent cooling water, mitigation, transfer or assignment of the certification or related federally delegated permits, or any special studies conducted as necessary to obtain the objectives of Chapter 403, Florida Statutes, which are not in conflict with the Conditions of Certification in Part VII.

B. This certification shall be automatically modified to conform to any subsequent amendments, modifications, or renewals made by DEP to any separately issued Prevention of Significant Deterioration (PSD) permit, Title V Air Permit, or National Pollutant Discharge Elimination System (NPDES) permit for the facility under any federally delegated or approved program. OUC shall send each party to the original certification proceedings (at the party's last known address as shown in the record of the proceedings) notice of requests for modifications or renewals to the applicable federal permit if the request involves a relief mechanism (e.g. mixing zone, variance, alternate emission or discharge standard, etc.) from standards. DEP shall notify all parties to the certification proceedings of any intent to modify conditions under this section prior to taking final agency action.

C. All other modifications to these conditions shall be made in accordance with Section 403.516, Florida Statutes.

V/XXXVII. Landfill Gas and Condensate Pipeline Construction

OUC and its contractors will maintain *in situ* flow conditions within the upland cut ditches located approximately at stations 42+50 and 44+75 during construction of the landfill gas and gas condensate pipelines. Upon completion of construction at each of these locations, OUC and its contractors shall restore the banks of the ditches to natural grade and will allow the ditches to revegetate naturally.

NOTICE OF RIGHTS

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

DONE AND ORDERED this 22nd day of December 1997, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



VIRGINIA B. WETHERELL

acting Secretary

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000
(904) 488-1554

FILING AND ACKNOWLEDGEMENT
FILED, on this date, pursuant to **S120.52**
Florida Statutes, with the designated
Department Clerk, receipt of which
is hereby acknowledged.

Tabina O'Shea 12/24/97
Clerk Date

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U. S. Mail to the parties listed below on this 24th Day of December, 1997.

for

Scott Goerland
Assistant General Counsel
Department of Environmental Protection
2600 Blair Stone Road, MS 35

C. Laurence Keeseey
Young, van Assenderp & Varnadoe
801 Laurel Oak Drive, Suite 300
Naples, FL 34108

Aaron Dowling, Executive Director
East Central Florida Regional
Planning Council
1011 Wymore Road, Suite 105
Winter Park, FL 32789

Stephanie G. Krueer
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Tom Wilks, Esq.
Assistant County Attorney
Orange County
201 S. Rosalind Avenue, 5th Floor
Orlando, FL 32801

Pamela S. Leslie, Esq.
General Counsel
Department of Transportation
Haydon Burns Building
605 Suwannee Street, M.S. 58
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Senior Assistant General Counsel
St. Johns River Florida Water
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460 Highway 435, Suite 200
Casselberry, FL 32707

Irby G. Pugh, Esq.
218 Annie St.
Orlando, FL 32806

Fred Bryant, Esq.
306 East College Avenue
Tallahassee, Fl 32302

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

In Re: Orlando Utilities Commission) Stanton Energy Center)) Modification of Conditions)) of Certification)) Orange County, Florida)) <hr style="width: 30%; margin-left: 0;"/>	DEP CASE NOS. PA 81-14C & PA 81-14SA OGC CASE NOS. 81-0145 & 91-0769
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**FINAL ORDER MODIFYING
CONDITIONS OF CERTIFICATION**

On December 14, 1982, the Governor and Cabinet, sitting as the Siting Board, issued a final order approving certification for the Orlando Utilities Commission (OUC) Stanton Energy Center Unit 1. On December 17, 1991, the Siting Board issued a final order approving certification for the OUC Stanton Energy Center Unit 2. Those certification orders approved the construction and operation of two 465 MW (net) coal fired units and associated facilities in Orange County, Florida.

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Copies of OUC's proposed modifications were made available for public review. On October 17, 1997, a Proposed Modification of Power Plant Certification was published in the Florida Administrative Weekly. As of September 30, 1997, all parties to the original proceeding had received copies of OUC's request to modify. The notice specified that a hearing would be held if a party to the original certification hearing objected within 45 days from receipt of the proposed modifications or any other affected person objected in writing within 30 days after issuance of the public notice. No written objection to the proposed modifications has been received by the Department. Accordingly, in the absence of any timely objection,

IT IS ORDERED:

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I. Air

The construction and operation of Units 1& 2 at Orlando Utilities Commission, Curtis H. Stanton Energy Center (CHSEC) steam electric power plant site shall be in accordance with all applicable provisions of Chapters ~~17-2, 17-4, and 17-5~~ 62, Florida Administrative Code except for opacity, NO_x, and SO₂, which shall be governed by 40 CFR Part 60 regarding startup, shutdown, and malfunction. In addition to the foregoing, the permittee shall comply with the following conditions of certification:

A. Emissions Limitations

1. The proposed steam generating station shall be constructed and operated in accordance with the capabilities and specifications of the application including, for Unit 1, a the proposed ~~465~~ 474 (gross), and Unit 2, a 474 (gross) megawatt generating capacity and the ~~4136~~ 4286 MMBtu/hr heat input rate for each steam generator. For the purpose of calculating mass stack emissions, based on a maximum heat input of 4136 million Btu per hour, stack emissions from CHSEC Unit 1 shall not exceed the following when burning coal:
 - a. SO₂ - 1.2 lb. per million BTU per heat input, maximum two hour average, and 1.14 lb/MMBtu maximum three hour average;
 - b. NO_x - 0.60 lb. per million Btu heat input, 30 day rolling average;
 - c. Particulates - 0.03 lb. per million Btu heat input, 124.1 lb. per hour;
 - d. Visible emissions - 20% opacity (6 minute average, except one 6 - minute period per hour of not more than 27% opacity).
2. Based on a maximum heat input of 4286 million Btu per hour, stack emissions from Unit 2 shall not exceed the following when burning coal:
 - a. SO₂ -lb/million Btu heat input
 - 30 - day rolling average 0.25
 - 24 - hour emission rate 0.67
 - 3 - hour mission rate 0.85
 - b. NO_x -lb/million Btu heat input
 - 30 day rolling average 0.17

c. PM/PM₁₀ -lb/million Btu heat input

	lb/MMBtu	lb/hr
PM	0.02	85.7
PM ₁₀	0.02	85.7

- d. CO - 0.15 lb/million Btu heat input, 643 lb/hour;
- e. VOC - 0.015 lb/million Btu heat input, 64 lb/hour;
- f. H₂SO₄ - 0.033 lb/million Btu heat input 140 lb/hour;
- g. Be - 5.2×10^{-6} lb/million Btu heat input, 0.022 lb/hour;
- h. Hg - 1.1×10^{-5} lb/million Btu heat input, 0.046 lb/hour;
- i. Pb - 1.5×10^{-4} lbs/million Btu heat input, 0.64 lb/hour;
- j. Fluorides - 4.2×10^{-4} lb/million Btu heat input, 1.8 lb/hour.

23. The height of the boiler exhaust stacks for CHSEC Units 1 & 2 shall not be less than 550 ft. above grade.

34. Particulate emissions from the coal, lime and limestone handling facilities:

- a. All conveyors and conveyor transfer points will be enclosed to preclude PM emissions (except those directly associated with the coal stacker/reclaimer or emergency stockout, and the limestone stockout for which enclosure is operationally infeasible). All coal and limestone conveyors not underground or within buildings will be enclosed (roof and sides) with steel grating or concrete floors (except the stacker/reclaimer which will have windscreen protection);
- b. Inactive coal storage piles will be shaped, compacted and oriented to minimize wind erosion;
- c. Water sprays or chemical wetting agents and sterilizers will be applied to storage piles, handling equipment, etc., during dry periods and as necessary to all facilities to maintain an opacity of less than or equal to 5 percent, except when adding, moving or removing coal from the coal pile, which would be allowed no more than 20%;
- d. The limestone handling receiver hopper will be equipped with water spray dust control facilities. Limestone conveyors not underground or within buildings will be enclosed with open grating floors (except where concrete floors are provided over roads or other facilities). Limestone day silos and associated transfer points will be maintained at negative pressures during filling operations with the exhaust vented to a control system. Lime will be handled with a totally enclosed pneumatic system. Exhaust from the lime silos during filling will be vented to a collector system;

e. The fly ash handling system (including transfer and silo storage) will be totally enclosed and vented (including pneumatic system exhaust) through fabric filters; and

f. The permittee must submit to the Department within thirty (30) days after it becomes available, copies of technical data pertaining to the selected particulate control for the coal, lime and limestone handling facilities. These data should include, but not be limited to, guaranteed efficiency and emission rates, and major design parameters such as air/cloth ratio and flow rate. The Department may, upon review of these data, disapprove the use of any such device if the Department determines the selected control devices to be inadequate to meet the emission limits specified in 4 5 below. Such disapproval shall be issued within 30 days of receipt of the technical data. Any additional coal, lime, and limestone handling facilities for Stanton Unit 2 will be equipped with particulate control systems equivalent to those for Stanton Unit 1.

45. Particulate emissions from bag filter exhausts from the following facilities shall be limited to 0.02 gr/acf: coal, lime, limestone and flyash handling systems excluding those facilities covered by II/I.A.3.c. above. A visible emission reading of 5% opacity or less may be used to establish compliance with this emission limit. A visible emission reading greater than 5% opacity will not create a presumption that the 0.02 gr/acf emission limit is being violated. However, a visible emission reading greater than 5% opacity will require the permittee to perform a stack test for particulate emissions, as set forth in Condition I.C.
56. Compliance with opacity limits of the facilities listed in Condition II/I.A. will be determined by EPA referenced method 9 (Appendix A, 40 CFR 60).
67. Construction shall reasonably conform to the plans and schedule given in the original application or the supplemental application.
78. The permittee shall report any delays in construction and completion of the project which would delay commercial operation by more than 90 days to the DEP Central District Office in Orlando.
89. Reasonable precautions to prevent fugitive particulate emissions during construction shall be to coat the roads and construction sites used by contractors, and to regrass or water areas of disturbed soils.
910. Coal shall not be burned in the unit unless the electrostatic precipitator and limestone scrubber and other air pollution control devices are operating as designed except as provided under 40 CFR Part 60, Subpart Da.

~~4011. Except as noted herein, the fuel oil to be fired in Stanton Units 1 and 2 and the auxiliary boiler shall be primarily "new oil" which means an oil which has been refined from crude oil and has not been used. On-site generated lubricating oil and used fuel oil which meets the requirements of 40 CFR 266.40 may also be burned. The quality of the No. 2 fuel oil used by the auxiliary boiler shall not contain more than 0.5% sulfur by weight and cause the allowable emission limits listed in the following table to be exceeded. Such emissions may be calculated in accordance with AP-42.~~

~~a. The quality of the No. 2 fuel oil used by the auxiliary boiler shall not cause the allowable emission limits listed in the following table to be exceeded. Such emissions may be calculated in accordance with AP-42.~~

<u>Allowable Emission Limits</u>	
<u>Pollutant</u>	<u>lb/MMBtu</u>
PM	0.015
SO ₂	0.51
NO _x	0.16
Visible emissions	Maximum 20% Opacity

~~b. Landfill gas from the Orange County Landfill may be burned in Unit No. 1 and Unit No. 2 to the extent that quantities are available provided that all emission limits contained in condition I.A.1. are met.~~

~~c. Natural gas as supplied by commercial pipeline may be burned in Unit No. 1 and Unit No. 2 to the extent that quantities are available provided that all emission limits contained in Condition I.A.1. are met.~~

B. No change.

C. Stack Testing

1-3. No change.

4. Stack tests for particulates, NO_x and SO₂ and visible emissions shall be performed annually ~~in accordance with Conditions C.2 and 3 above.~~

XXVI.(Unit 1) Modification of Conditions

The conditions of this certification may be modified in the following manner:

A. The Board pursuant to 403.516(1), F.S., hereby delegates to the Secretary the authority to modify, after notice and opportunity for hearing, ~~and~~ conditions pertaining to consumptive use of water, monitoring, sampling, groundwater, mixing zones, zones of discharge, leachate control programs, effluent or emission standards or limitations, ~~variances or exceptions to water quality standards~~, specification of control equipment, related time schedules, railroad spur, transmission lines, access roads, or pipeline construction, mitigation, transfer or assignment of the certification or related federally delegated permits, ~~and~~ source of treated effluent cooling

water, or any special studies conducted as necessary to obtain the objectives of Chapter 403, Florida Statutes, which are not in conflict with the Conditions of Certification in Part VII.

B. This certification shall be automatically modified to conform to any subsequent amendments, modifications, or renewals made by DEP to any separately issued Prevention of Significant Deterioration (PSD) permit, Title V Air Permit, or National Pollutant Discharge Elimination System (NPDES) permit for the facility under any federally delegated or approved program. OUC shall send each party to the original certification proceedings (at the party's last known address as shown in the record of the proceedings) notice of requests for modifications or renewals to the applicable federal permit if the request involves a relief mechanism (e.g. mixing zone, variance, alternate emission or discharge standard, etc.) from standards. DEP shall notify all parties to the certification proceedings of any intent to modify conditions under this section prior to taking final agency action.

C. All other modifications shall be made in accordance with Sections 403.516, Florida Statutes.

I/XXI.(Unit2) Modification of Conditions

The conditions of this certification may be modified in the following manner:

A. Pursuant to Subsection 403.516(1), F.S., the Board hereby delegates the authority to the Secretary to modify, after notice and opportunity for hearing, any conditions of this certification dealing with pertaining to consumptive use of water, monitoring, sampling, monitoring, reporting, specification of control equipment, related time schedules, effluent or emission standards or limitations, variances or exceptions to water quality standards, groundwater, mixing zones, zones of discharge, leachate control programs, railroad spur, transmission lines, access roads, or pipeline construction, source of treated effluent cooling water, mitigation, transfer or assignment of the certification or related federally delegated permits, or any special studies conducted as necessary to obtain the objectives of Chapter 403, Florida Statutes, which are not in conflict with the Conditions of Certification in Part VII.

B. This certification shall be automatically modified to conform to any subsequent amendments, modifications, or renewals made by DEP to any separately issued Prevention of Significant Deterioration (PSD) permit, Title V Air Permit, or National Pollutant Discharge Elimination System (NPDES) permit for the facility under any federally delegated or approved program. OUC shall send each party to the original certification proceedings (at the party's last known address as shown in the record of the proceedings) notice of requests for modifications or renewals to the applicable federal permit if the request involves a relief mechanism (e.g. mixing zone, variance, alternate emission or discharge standard, etc.) from standards. DEP shall notify all parties to the certification proceedings of any intent to modify conditions under this section prior to taking final agency action.

C. All other modifications to these conditions shall be made in accordance with Section 403.516, Florida Statutes.

V/XXXVII. Landfill Gas and Condensate Pipeline Construction

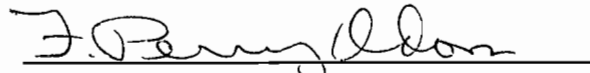
OUC and its contractors will maintain *in situ* flow conditions within the upland cut ditches located approximately at stations 42+50 and 44+75 during construction of the landfill gas and gas condensate pipelines. Upon completion of construction at each of these locations, OUC and its contractors shall restore the banks of the ditches to natural grade and will allow the ditches to revegetate naturally.

NOTICE OF RIGHTS

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

DONE AND ORDERED this 22nd day of December 1997, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



~~VIRGINIA B. WETHERELL~~

acting Secretary

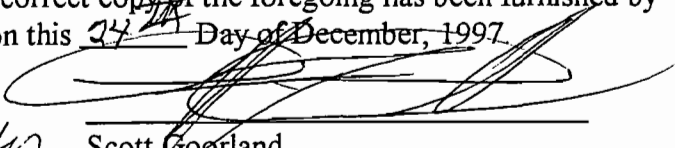
Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000
(904) 488-1554

**FILING AND ACKNOWLEDGEMENT
FILED, on this date, pursuant to S120.52
Florida Statutes, with the designated
Department Clerk, receipt of which
is hereby acknowledged.**

Tabina D'Neal *12/24/97*
Clerk Date

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U. S. Mail to the parties listed below on this 24~~th~~ Day of December, 1997.

for


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Assistant General Counsel
Department of Environmental Protection
2600 Blair Stone Road, MS 35

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Tallahassee, FL 32302

FINAL ORDER OF MODIFICATION
07/24/1995

Burch

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

IN RE:)
)
APPLICATION FOR MODIFICATION OF)
SUPPLEMENTAL POWER PLANT SITE)
CERTIFICATION OF ORLANDO)
UTILITIES COMMISSION FOR CURTIS)
H. STANTON ENERGY CENTER)
PA 81-14C)
_____)
/

CASE NO. 92-6153EPP
OGC NO. 92-1943

FINAL ORDER APPROVING MODIFICATION OF CERTIFICATION

On June 8, 1995, the assigned DOAH Hearing Officer, Patricia Malono entered an order relinquishing jurisdiction of this proceeding to the board for the purpose of taking final agency action in this matter. On June 27, 1995, this matter came before the Governor and Cabinet, sitting as the Siting Board, pursuant to the Florida Electrical Power Plant Siting Act (PPSA), Section 403.501 et seq., Florida Statutes (1993). All parties to the modification proceedings before DOAH earlier executed a Stipulation and subsequently agreed to Conditions of Certification which resolved all disputed issues.

The Siting Board, having reviewed the terms of the Stipulation and Conditions of Certification and otherwise having been fully advised as to this matter, concludes that the Stipulation and Conditions of Certification effects an appropriate resolution of the controversy over the modification for the Orlando Utilities Commission (OUC) Curtis H. Stanton Energy Center (CHSEC). The revised Conditions of Certification

agreed to by all parties and attached as Hearing Officer's Exhibit 3 implement the agreed modification.

Accordingly, the Board ORDERS:

1. OUC is granted modification to its certification and its supplemental certification pursuant to Chapter 403, Part II, Florida Statutes, for the construction of the Alafaya Trail Extension beginning at the new "T" intersection on the CHSEC Site south to the existing State Road No. 528 interchange located at the International Corporate Park (ICP) Development of Regional Impact upon an alignment as described in Exhibit "A" to the Alafaya Stipulation attached hereto as a part of Hearing Officer's Exhibit 1.

2. The modification is granted subject to the Alafaya Stipulation, the April 11, 1995 Letter Agreement and the Conditions of Certification which are attached as Exhibits 1, 2, 3, respectively. These three documents and terms, provisions, and paragraphs contained therein shall constitute the conditions to this modification. OUC and ICP, their successors or assigns are responsible for compliance with the Conditions of Certification.

3. As contemplated by paragraph 3 of the Alafaya Stipulation, no construction of the Alafaya Trail Extension shall occur until the submittal to and completion of a post certification review by the Florida Department of Environmental Protection. Among other things, the exact relocation of 44 acres of OUC's combustion waste storage area and several monitoring wells in the southwest corner of the site shall be addressed in

the post certification review subject to the substantive requirements of subparagraph 2(6) of the Alafaya Stipulation, and any relevant Final Conditions.

4. Paragraph 5 of the Alafaya Stipulation at the time of its drafting contemplated a much longer time between entry of the Stipulation and the entry of the Siting Board Order than is actually occurring. Accordingly, the introductory section to paragraph 5 of the Alafaya Stipulation is necessarily amended, consistent with the intent of the parties to the Alafaya Stipulation, to read as follows with the new language being underlined and the deleted language being struck through:

5. Grant of Necessary Rights-of Way and Easements.

At the earlier of (i) the completion of the post certification review for the first two lanes of the Alafaya Trail Extension as contemplated by Paragraph (3) of the Stipulation or (ii) two (2) years from the date of ~~Prior-to~~ entry of the said Siting Board Order, OUC, ICP, and the County agree to execute a substitute right-of-way for all prior right-of-way and easements previously granted for the Alafaya Trail Extension and the water and wastewater pipeline that accomplished the following items:

5. Except as modified by the Final Order and its exhibits, the Supplemental and Original Certification as previously modified shall remain in effect in accordance with its terms and conditions.

6. The Board DELEGATES to the Department of Environmental Protection the authority to assure and enforce compliance by Orlando Utilities Commission and its agents with all of the Conditions of Certification imposed by this Order.

NOTICE OF RIGHTS

Any party to this certification proceeding has the right to seek judicial review of this Order under Section 120.68, Florida Statutes, by the filing of a notice of appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department of Environmental Protection, Office of General Counsel, 3900 Commonwealth Blvd., Tallahassee, FL 32399-3000; and by filing a copy of the Notice of Appeal, accompanied with the applicable filing fees, with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this Order is filed with the Clerk of the Department of Environmental Protection.

DONE and ORDERED this 24th day of July, 1995, at Tallahassee, Florida, pursuant to a vote of the Governor and Cabinet sitting as the Siting Board, at a duly-noticed and constituted Cabinet meeting on June, 27, 1995.

FILING AND ACKNOWLEDGEMENT
FILED, on this date, pursuant to §120.82
Florida Statutes, with the designated
Department Clerk, receipt of which
is hereby acknowledged.

[Signature]
Clerk
7/24/95
Date

THE GOVERNOR AND CABINET
SITTING AS THE SITING BOARD

BY: *[Signature]*
THE HONORABLE LAWTON CHILES

CERTIFICATE OF SERVICE

I HEREBY CERTIFY this 24th day of July, 1995, that a true and correct copy of the foregoing has been sent by U.S. Mail to the following listed persons:

Thomas B. Tart, Esquire
General Counsel
Orlando Utilities Commission
500 South Orange Avenue
Orlando, FL 32801

Kenna Van Assenderp, Esquire
C. Lawrence Keeseey, Esquire
Young, Van Assenderp, Varnadoe
& Denton, P.A.
P.O. Box 1800
Tallahassee, FL 32302

Preston T. Robertson, Esquire
Florida Game and Fresh Water
Fish Commission
620 Meridian Street
Tallahassee, FL 32399-1600

Brigitte Filokes
Assistant General Counsel
Department of Community Affairs
2740 Centerview Drive
Tallahassee, FL 32399-2100

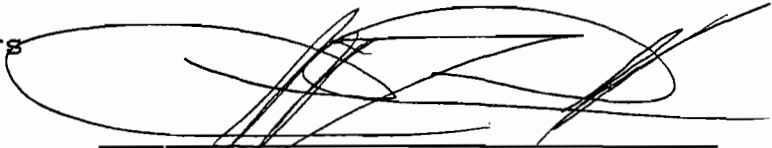
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Charles T. "Chip" Collette

Assistant General Counsel
Department of Environmental
Protection
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Tallahassee, FL 32399-2400

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

IN RE:)
)
APPLICATION FOR MODIFICATION OF)
SUPPLEMENTAL POWER PLANT)
CERTIFICATION OF ORLANDO) CASE NO. 92-6153EPP
UTILITIES COMMISSION FOR)
CURTIS H. STANTON ENERGY CENTER)
PA 81-14C)
_____)

ORDER RELINQUISHING JURISDICTION
AND CLOSING FILE

Pursuant to notice, a motion hearing was held before the undersigned on May 17, 1995, to consider the Motion to Relinquish Jurisdiction to the Department of Environmental Protection filed by ICP Associates on May 3, 1995. All parties to this proceeding joined in this motion except the Florida Audubon Society. On May 16, 1995, ICP Associates filed a Substitute Motion for Adoption of Proposed Recommended Order in which the May 3 Motion to Relinquish Jurisdiction was withdrawn; all parties to this proceeding joined in the substitute motion. During the May 17 hearing, ICP Associates withdrew its Substitute Motion for Adoption of Proposed Recommended Order and made an ore tenus Motion to Relinquish Jurisdiction to the Governor and Cabinet sitting as the Siting Board, the agency with the authority to enter final orders in cases governed by the Florida Electrical Power Plant Siting Act, part II, chapter 403, Florida Statutes. All parties at the hearing joined in this ore tenus motion.

Appearances at the May 17 motion hearing were as follows:

Orlando Utilities
Commission:

C. Lawrence Keesey, Esquire
YOUNG, VAN ASSENDERP & VARNADOE
225 South Adams Street
Suite 200
Post Office Box 1833
Tallahassee, FL 32302-1833

ICP Associates:

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GRAY, HARRIS & ROBINSON, P.A.
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Suite 1200
Post Office Box 3068
Orlando, FL 32802-3068

Department of Environmental
Protection:

Charles T. "Chip" Collette
Assistant General Counsel
2600 Blair Stone Road
Tallahassee, FL 32399

St. John's River Water
Management District:

Eric T. Olsen
Assistant General Counsel
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(Via telephone)

Orange County:

Paul H. Chipok
Assistant County Attorney
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Orlando, FL 32802-1393

East Central Florida
Regional Planning Council:

Gerald S. Livingston, Esquire
KREUTER & LIVINGSTON
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Suite 1625
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Orlando, FL 32802-2151
(Via telephone)

Florida Game & Fresh
Water Fish Commission:

Preston T. Robertson, Esquire
Farris Bryant Building
Room 108
620 South Meridian Street
Tallahassee, FL 32399-1600

Florida Audubon Society &
Orange Audubon Society:

Charles Lee
Senior Vice President
460 Highway 435
Suite 200
Casselberry, FL 32707

Neither the South Florida Water Management District nor the Florida Department of Community Affairs appeared at the hearing even though they are parties to this proceeding.

The record reveals that this case was commenced pursuant to section 403.516, Florida Statutes, with the October 5, 1992, filing by the Orlando Utilities Commission ("OUC") of a Petition for Modification of Site Certification for Public Roadway. The OUC sought modification of the supplemental certification and conditions of certification for the Curtis H. Stanton Energy Center, Unit 2 and associated facilities, which was approved in the Final Order entered by the Siting Board on December 17, 1991, in DOAH Case No. 91-1813EPP. The original site certification and conditions for certification of the Curtis H. Stanton Energy Center, Unit 1 and associated facilities, was approved by the Siting Board in a Certification Order entered December 14, 1982 in DOAH Case No. 81-1431.

By order of Hearing Officer Diane K. Kiesling, entered September 28, 1993, the formal hearing on the modification petition was scheduled for November 17-19, 1993. This order also required publication of the required notices in the Florida Administrative Weekly by October 1, 1993, and in a newspaper of general circulation in Orange County by October 8, 1993. Notice was timely published in the Florida Administrative Weekly, but nothing of record shows that notice was published in a newspaper of general circulation.

There has been no formal hearing conducted in this case. The formal hearing scheduled for November 17-19, 1993, was

ultimately cancelled and the case held in abeyance pursuant to an order entered by Hearing Officer Kiesling on October 15, 1993. In status reports filed periodically by the parties, it was represented that the parties were engaged in mediation. On May 3, 1995, the Stipulation of the Parties Concerning the Alafaya Trail Extension was filed by ICP Associates; a copy of the Stipulation is attached to this order as Exhibit 1. At the May 17, 1995, motion hearing, counsel for ICP Associates requested that a document identified as "ICP Agreement between OUC and ICP" and dated April 11, 1995, be transmitted to the Siting Board as an attachment to this order; it is attached hereto as Exhibit 2. On June 7, 1995, an Amended Notice of Filing Modification of Conditions of Certification was filed by the Department of Environmental Protection; a copy of the Amended Notice, with the conditions, is attached to this order as Exhibit 3.

After careful consideration of the record in this case and of the arguments of counsel at the May 17 motion hearing, the ore tenus motion of ICP Associates that jurisdiction of this case be relinquished to the Siting Board is GRANTED. It is, therefore,

ORDERED:

1. Jurisdiction in this case is, at the parties' request, relinquished to the Governor and Cabinet, sitting as the Siting Board, for consideration of the agreements of the parties and for final disposition of this case, if the Siting Board deems it appropriate.

2. Unless the Siting Board determines that a formal public hearing in this case should be conducted by the Division, and

pending such a request, the file of the Division of Administrative Hearings is closed.

DONE AND ORDERED in Tallahassee, Leon County, Florida, this

8th day of June 1995.

Patricia H. Malono

PATRICIA HART MALONO
Hearing Officer
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-1550
(904) 488-9675 SC 278-9675

Filed with the Clerk of the Division
of Administrative Hearings this 8
day of June 1995

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Tallahassee, Florida 32399-2100

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Continued next page.

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Tallahassee, Florida 32399-1600

Case No. 92-6153EPP

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

IN RE: APPLICATION FOR SUPPLEMENTAL)
CERTIFICATION OF ORLANDO UTILITIES)
COMMISSION, ET AL., FOR CURTIS H.) CASE NO. 92-6153 EPP
STANTON ENERGY CENTER UNIT 2)
PA81-14C)
_____)

STIPULATION OF THE PARTIES CONCERNING
THE ALAFAYA TRAIL EXTENSION

The parties to this proceeding consisting of (1) Orlando Utilities Commission ("OUC"), (2) various agencies of the State of Florida, including specifically the Florida Department of Environmental Protection ("FDEP"), the St. Johns River Water Management District ("SJRWMD"), the South Florida Water Management District ("SFWMD"), the Florida Game and Fresh Water Fish Commission ("GFC"), the Florida Department of Community Affairs ("FDCA"), the Florida Department of Transportation ("FDOT"), and the East Central Florida Regional Planning Council ("ECFRPC") (collectively referred to as the "State Agencies"), (3) the Florida Audubon Society and Orange Audubon Society (collectively referred to as "Audubon"), (4) Orange County, Florida, a political subdivision of the State of Florida ("County"), ICP Associates ("ICP"), and Lake Nona Corporation ("Lake Nona") by and through their undersigned representatives and counsel do hereby enter into this Stipulation to settle issues so as to permit the construction of the Alafaya Trail Extension as follows:

1. Issuance of Siting Board Certification Modification Order. All parties agree and stipulate to recommend to the Governor and Cabinet sitting as the Board (as defined in §403.503(6), F.S.) that modification of the certification be granted to permit the issuance of an order by the Board (the "Board Order" or "Order") granting a Modification of Certification to permit the construction of the Alafaya Trail Extension beginning at the new "T" intersection on the Curtis H. Stanton Energy Center Site (the "Site") south to the existing State Road No. 528 interchange located at the ICP Development of Regional Impact upon an alignment as described in Exhibit "A" attached to and incorporated in this Stipulation. This Order will grant conceptual authorization for construction on the Stanton Site of a 4-lane highway in phases; provided, however, that the mitigation provided under this Stipulation mitigates for the impacts of the first two-lanes only and the second two-lanes are conceptually approved only. All parties agree to take all actions necessary to cause the Board to approve and accept this Stipulation and incorporate this Stipulation in said Order subject to conditions as outlined in this Stipulation. Furthermore, all parties agree to support and issue any needed letters, approvals, permits, or any other documents determined necessary to permit construction of the Alafaya Trail Extension along the alignment described on Exhibit "A" hereof. Upon (1) an Order which does not contain any language or condition that requires any additional environmental, wetland, or wildlife mitigation beyond that proposed in the October 5, 1992 Petition and

Request for Modification of Certification filed by OUC to mitigate for the impacts of the first two lanes only becoming final and non-appealable, (2) issuance of all said letters, approvals, permits, and documents, and (3) issuance of necessary federal approvals to permit construction of the Alafaya Trail Extension, then ICP agrees not to seek construction of the Alafaya Trail Extension along any alignment other than that set forth in Exhibit "A" hereof, and agrees to release the easement currently held by ICP for the eastern alignment.

2. Conditions to Board Order. With respect to the construction of the Alafaya Trail extension, all parties further agree and stipulate to recommend approval of conditions to be included in the Order to implement the following agreements:

(1) The northern terminus of the Alafaya Trail Extension to will be constructed as a "T" intersection to the existing Alafaya Trail.

(2) FDEP agrees, assuming compliance by the County with applicable statutes and permitting conditions in the construction and operation of the landfill cells located along the easterly boundary of its landfill property, that the "screening" required under Fla. Admin. Code Rule 62-701.340(4)(d) is not practical. All parties agree, however, that planting trees along both sides of the right-of-way paralleling the eastern boundary of the County landfill and the western boundary of OUC's landfill operation would be an aesthetic benefit to the project. ICP agrees to undertake such planting in the course of construction of the roadway

utilizing a portion of the pine seedlings set aside for red-cockaded woodpecker mitigation.

(3) FDEP understands and agrees that the County landfill monitoring wells and OUC's monitoring wells in the area of its combustion waste storage area may record the presence of contaminants in groundwater which could emanate from the new roadway (for example, accidental spills, "midnight dumping," or normal runoff from the highway surface). Accordingly, FDEP expressly agrees that in the event the County or OUC's landfill monitoring wells detect contaminants, FDEP will:

- (a) refrain from operating under the presumption that such contaminants emanated from the County landfill or OUC's combustion waste storage area and await the outcome of an appropriate investigation and assessment to make that determination;
- (b) refrain from delaying or disapproving the processing or issuance of any pending County landfill permits or permit renewals until such time as the source is finally determined; and
- (c) refrain from any enforcement action affecting OUC's construction activities or electric power generation or transmission operations that are otherwise in compliance with its certification pursuant to the Power Plant

Siting Act until such time as the source is finally determined.

In return, the County and OUC commit to promptly report to the FDEP Central District Office any catastrophic event or occurrence on the roadway of which OUC or the County become aware which could potentially cause groundwater contaminants to be detected in their respective monitoring wells, and the County further commits to promptly undertake an investigation and assessment of any groundwater contaminants discovered in its monitoring wells to determine their source and report such findings to FDEP. OUC further commits to promptly undertake an investigation of any groundwater contaminants discovered through routine groundwater monitoring to determine their source and report such findings to the FDEP. OUC shall be required to carry out an assessment of groundwater contaminants discovered in its monitoring wells through routine groundwater monitoring only when such contaminants are reasonably expected to result from operation of the combustion waste storage area.

(4) All parties agree that the County will require reasonable access to its 24-inch diameter water and wastewater pipelines, which are located in two (2) twenty-foot wide easements placed along the former alignment for the roadway on the eastern side of OUC's property capable of accommodating heavy types of equipment necessary to repair, replace, and maintain the pipelines. The parties agree and stipulate to the construction of a twenty-foot wide unpaved at-grade access corridor as generally outlined on

Exhibit "B" attached to and incorporated in this Stipulation and OUC hereby agrees to grant an easement to the County sufficient to operate, maintain, repair, and replace the pipelines, including rights of reasonable ingress and egress. The use of this unpaved at-grade access corridor will be restricted to the official vehicles of OUC, the County, other utility providers having a recorded easement as of the date of execution of this Stipulation and their contractors for the inspection, maintenance, repair, replacement, or reconstruction of the utility, water, and wastewater lines. All other users and uses of this unpaved at-grade access corridor shall be blocked by secure locked steel gates at both its northern and southern terminus points. The County's unpaved at-grade access corridor shall be constructed so as to not impact the current or future operations of OUC for the generation or transmission of electric power and shall not adversely affect previously approved mitigation sites and mitigation plans being implemented by OUC or ICP. All parties further agree that the upland portions of the existing water and wastewater easements may require action to control excessive vegetative growth over the unpaved at-grade access corridor and the two twenty-foot wide water and wastewater easements.

(5) As a part of the project design and construction costs for the Alafaya Trail Extension, ICP will include a scope of work for the utility pipeline access referred to in subparagraph (4) above as an alternate advertisement in its request for bid proposals. Orange County agrees to pay the total cost of the

design and construction of the utility pipeline access up to the maximum amount of \$125,000, and ICP will control the scope of the design and construction of the utility pipeline access consistent with Exhibit "B" hereof and subparagraph 2(4) hereof.

(6) The western alignment of the Alafaya Trail Extension agreed to by the Parties pursuant to this Stipulation will displace, and require the relocation of, 44 acres of OUC's combustion waste storage area located on the western side of the Stanton Energy Center pursuant to the original certification and supplemental certification of Stanton Unit 2, granted by the Siting Board pursuant to the Power Plant Siting Act. All parties agree and stipulate to recommend that the Board's order shall also approve as a minor modification and permit the relocation of 44 acres of OUC's combustion waste storage area and several monitoring wells in the southwest corner of the site. The recommendations shall not require OUC to provide any additional mitigation and OUC shall not be required to obtain any other agency authorization or approval for the relocation of the 44 acres of combustion waste storage area and monitoring wells, beyond post-certification review of any final detailed construction plans for the relocated combustion waste storage area.

(7) The road surface storm water outflow shall be from west to the east and any approved point of discharge shall discharge off-site of the Curt Stanton Energy Center site.

(8) ICP shall release its easement granted by ICP, Inc. for the construction of the eastern alignment of Alafaya Trail

Extension between the southern boundary of the Power Plant Site and the Bee Line Expressway.

(9) ICP shall relocate any gopher tortoises found within the Alafaya Trail Extension segment located on the previously certified Curt Stanton Energy Center site to approved areas within the Curt Stanton Energy Center site in accordance with and subject to the reasonable approval of GFC, and ICP shall relocate any gopher tortoises found within the Alafaya Trail extension segment south of the previously certified Curt Stanton Energy Center site to other areas in accordance with and subject to the reasonable approval of GFC.

(10) Construction of the second two (2) lanes of the Alafaya Trail Extension shall be approved only upon a demonstration that such construction meets all applicable agency requirements including, but not limited to, mitigation requirements as necessary to offset impacts to wetlands and the Econlockhatchee River Riparian Habitat Protection Zone as defined in Chapter 40C-41, F.M.C.

3. Post Certification Review. To accomplish the construction contemplated by this Stipulation, all parties agree that OUC shall file all information necessary for post certification review of the Alafaya Trail Extension project consistent with the terms and conditions of the Siting Board Order. So long as this submission is consistent with the terms and conditions of the Siting Board Order each and every party hereto agrees it shall not file or cause to be filed any petition,

challenge, or pleading (administrative or judicial) which opposes or in any way delays review of the post-certification submittal. Furthermore, each and every party agrees to support said post-certification submittal so long as it is consistent with the Siting Board Order. All parties agree that the impacts of the first two (2) lanes of the Alafaya Trail Extension alignment set forth on Exhibit "A" are deemed comparable to and do not exceed the impacts of the eastern alignment previously sought for the Alafaya Trail Extension. The impact comparison chart is attached to and incorporated in this Stipulation as Exhibit "C" hereof. The parties agree that the modification of the road from the east to the west alignment set forth on Exhibit "A," along with OUC's commitment to manage the eastern area as specified in the Stipulation of the Parties Concerning the Red-Cockaded Woodpecker Management Plan, as filed in DOAH Case No. 91-1813 EPP, shall be considered part of the mitigation for the Riparian Habitat Protection Zone and wetland impacts resulting from the western alignment and the Combustion Waste Storage Area relocation. All parties agree to support the use of previously submitted mitigation plans proposed in the October 5, 1992 Petition and Request for Modification of Certification filed by OUC for red cockaded woodpeckers and wetlands for all impacts of the first two (2) lanes of the Alafaya Trail Extension alignment set forth on Exhibit "A" hereof. The parties agree that any necessary wetland mitigation for the second two (2) lanes of the Alafaya Trail Extension shall:

(1) be handled by the later filing of a post certification submittal with FDEP, SJRWMD, and GFC for review and approval thereof, and

(2) consider the use of mitigation which benefits red-cockaded woodpecker management or habitat on lands in east Orange County or Riparian Habitat Protection Zone and wetland habitat for the Econlockhatchee River. Finally, all parties agree to support and not oppose in the same degree and manner outlined above the issuance or approval of any necessary federal agency permit including but not limited to a U.S. Army Corps of Engineers permit to permit construction and relocation of a portion of OUC's combustion waste storage area and the construction of the Alafaya Trail Extension alignment set forth on Exhibit "A" hereof.

4. Monetary Mitigation Option. The parties agree that in lieu of the mitigation plan approved for the wetland impacts of the initial two (2) lanes of Alafaya Trail, ICP shall have the option up to thirty (30) days prior to the commencement of construction to place the 37 ac mitigation area under a conservation easement to FDEP and contribute the sum of FOUR HUNDRED THIRTY THOUSAND DOLLARS (\$430,000.00) to be used toward the purchase of lands for mitigation deemed acceptable by SJRWMD to be conveyed to SJRWMD. Said option shall be exercisable if and only if approval or concurrence is obtained from the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, the U.S. Environmental Protection Agency, and the SJRWMD.

5. Grant of Necessary Rights-of-Way and Easements. Prior to entry of the said Siting Board Order, OUC, ICP and the County agree to execute a substitute right-of-way for all prior right-of-way and easements previously granted for the Alafaya Trail Extension and the water and wastewater pipeline that accomplishes the following items:

(1) Grants a permanent utility easement to the County for the operation, inspection, maintenance, repair, rehabilitation, reconstruction, and replacement of the water and wastewater pipelines, together with the right to construct adequate access as previously set forth in this Stipulation,

(2) Grants a temporary construction easement to ICP for the construction of the Alafaya Trail Extension upon the alignment set forth in Exhibit "A" hereof, including but not limited to any lands owned or controlled by the County, and,

(3) Provides for the conveyance of a permanent right-of-way by OUC and ICP over lands owned by either of them to the County for the Alafaya Trail Extension as depicted on Exhibit "A" hereof. The parties agree that under no circumstances shall any party be required to condemn lands for said right-of-way.

6. Determination and Approval of Non-Substantial Changes to ICP Development of Regional Impact and Planned Development. All parties hereby agree that the changes described in the letter and attachments attached to and incorporated in this Stipulation as Exhibit "D," and other changes that are determined by the County and FDCA to be directly and solely related to and necessitated by

the realignment of the Alafaya Trail Extension, and the realignment itself are hereby determined and shall be approved as both a non-substantial change under §380.06(19), Fla. Stat., and a non-substantial change under Orange County's Planned Development District requirements as set forth in the Orange County Code. The County and FDCA agree by execution of this Stipulation to grant such determinations and approvals, subject to reasonable conditions not inconsistent with this Stipulation and agree that they will accomplish such proceedings as are required by law. As to any other changes that may relate to the realignment of the Alafaya Trail Extension, they shall be processed as provided by law.

7. SJRWMD Review and Recommendations. Upon execution of and acceptance of this Stipulation, but in no event later than the entry of the Siting Board Order, OUC and ICP shall submit to the SJRWMD data and analysis demonstrating that construction of the first two (2) lanes of the Alafaya Trail Extension complies with SJRWMD requirements. Notwithstanding anything to the contrary contained in said requirements, no additional mitigation beyond that proposed in the October 5, 1992 Petition and Request shall be required by SJRWMD for the first two (2) lanes of the Alafaya Trail Extension. Prior to entry of the Order, SJRWMD shall render its recommendations to FDEP for inclusion into the Order. All parties agree that the four (4) SJRWMD permits previously issued for the Alafaya Trail Extension shall expire upon issuance of the Order by the Siting Board and receipt of the United States Army Corps of Engineers dredge and fill permit, whichever last occurs. The

SJRWMD recommendations to FDEP shall contain such conditions from said permits as SJRWMD determines are necessary to authorize construction of the Alafaya Trail Extension consistent with this Stipulation. Said permits are listed on Exhibit "E" attached to and incorporated in this Stipulation. Notwithstanding any other provision of this Stipulation, the SJRWMD shall not be required to advocate the Alafaya Trail Extension, as set forth in Exhibit "A" attached hereto, the County access to the water and wastewater pipelines, or the combustion waste storage area relocation, before any other federal, state, or local agency or government except that by signing this Stipulation, the SJRWMD agrees that the Division of Administrative Hearings case number 92-6153EPP is resolved, and the Siting Board Order may be issued, pursuant to the terms of this Stipulation.

8. Final County Approval of Construction Plans. This Stipulation contemplates and all parties agree that the Order shall include a condition providing for the County's final approval of construction plans for the construction of the Alafaya Trail Extension consistent with the terms and conditions of this Stipulation and the Order.

9. Counterpart Originals. This Stipulation may be executed in a number of identical counterparts. If so executed, each of such counterparts is to be deemed an original for all purposes and all such counterparts shall, collectively, constitute one agreement, but, in making proof of this Stipulation, it shall not

be necessary to produce or account for more than one such counterpart.

10. Binding Effect. All parties stipulate, warrant, and agree that this Stipulation is binding upon heirs, successors, and/or assigns of the parties hereto.

11. Stipulation Condition of Order. This Stipulation shall be incorporated as an attachment to the Order to be issued by the Board.

12. Enforcement of a Stipulation. Any party to this Stipulation shall be able to seek specific performance of its terms by suit in the Circuit Court of the Second Judicial Circuit of Florida, or enforcement proceedings for the FDEP.

13. No Waiver of Rights. The parties, by entering into this Stipulation and settlement of this matter, do not waive any rights they may have as a matter of law and do not waive the ability to raise collateral issues in the appropriate form(s), that are not specifically addressed herein. Nothing in this Stipulation and settlement of this matter shall act to limit the future lawful exercise by the FDEP or the County of its police powers, eminent domain powers, or other governmental powers.

IN WITNESS WHEREOF, the parties hereto have caused this Stipulation to be executed by the undersigned officials as duly authorized. This Stipulation shall be recorded in the Public Records of Orange, Florida.

Signed, sealed and delivered
in the presence of:

x: [Handwritten Signature]

HINDA S. Schwab

x: [Handwritten Signature]

Sue Ann Mansingh

ORLANDO UTILITIES COMMISSION

By: [Handwritten Signature]

Robert C. Haven, General
Manager

Attest: [Handwritten Signature]
ASSISTANT SECRETARY

Executed subject to
ratification by the
Orlando Utilities
Commission at its April
11, 1995, meeting.

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 6th
day of April, 1995, by ROBERT C. HAVEN, General Manager, Orlando
Utilities Commission, on behalf of OUC. He is (personally known to
me) (~~or has produced~~) (~~type of identification~~) as identification.

[Handwritten Signature]
(Signature)

Sharon L. Knudsen
(Print Name)

Notary Public
My Commission Expires:

Approved as to form
and legal sufficiency:

[Handwritten Signature]

Thomas B. Tart, Esquire

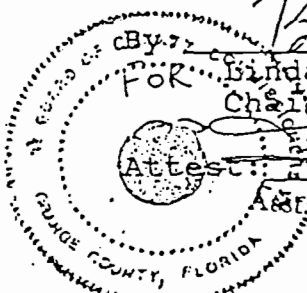
Dated: 4/11/95



SHARON L. KNUDSEN
MY COMMISSION # CC445129 EXPIRES
March 14, 1999
BONDED THRU TROY FAIR INSURANCE, INC.

ORANGE COUNTY, a political subdivision of the State of Florida

Bob Freeman
FOR Linda Chapin, County Chairman Bob Freeman
Attest: *[Signature]*
Asst. Deputy Clerk



STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 27th day of March, 1995, by ~~LINDA CHAPIN~~ Linda Chapin, County Chairman, Orange County Board of County Commissioners, on behalf of Orange County. She is (personally known to me) (or has produced) (type of identification) as identification.



GWENDOLYN EDNA SASSER
MY COMMISSION # CC 204743 EXPIRES
June 1, 1996
BONDED THRU TROY FAIR INSURANCE, INC

Gwendolyn Edna Sasser
(Signature)
GWENDOLYN EDNA SASSER
(Print Name)
Notary Public
My Commission Expires:

For use and reliance by Orange County only. Approved as to form.

Paul H. Chipok
Paul H. Chipok, Asst. County Attorney

Dated: March 24, 1995

CITY OF ORLANDO, FLORIDA

Butty T. Johnson
Mayor Pro Tem

ATTEST:

Grace A. Chewning
Grace A. Chewning, City Clerk

(SEAL)

APPROVED AS TO FORM AND LEGALITY
for the use and reliance of the
City of Orlando, Florida only.

P. APRIL 14, 1995.
Richard D. Oldham III
CHIEF ASST. City Attorney
Orlando, Florida

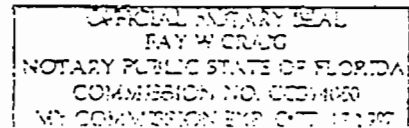
STATE OF FLORIDA)

COUNTY OF ORANGE)

PERSONALLY APPEARED before me, the undersigned authority,
Henry T. Williams, and Grace A. Chewning, personally
known to me, and known by me to be the Mayor Pro Tem and
City Clerk, respectively, and acknowledged before me that they
executed the foregoing instrument on behalf of the City of Orlando,
Florida, as its true act and deed, and that they were duly
authorized to do so.

WITNESS my hand and official seal this 18 day of April,
1995.

Fay W. Craig
NOTARY PUBLIC
Print Name: FAY W. CRAIG
My Commission Expires:



Signed, sealed and delivered
in the presence of:

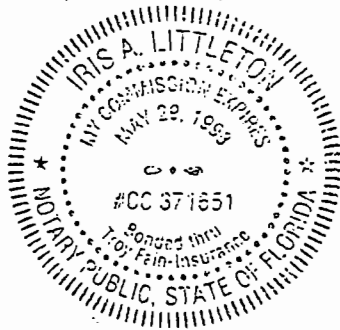
FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION, an
agency of the State of Florida

x: _____

By: RT Donelan
Richard T. Donelan
Assistant General Counsel

STATE OF FLORIDA
COUNTY OF LEON

The foregoing document was acknowledged before me this
24th day of March, 1995, by Richard T. Donelan, Esquire, who,
personally appeared before me and who is personally known to me
and who did (did not) take an oath.



Iris A. Littleton
Iris A. Littleton
Notary Public

Signed, sealed and delivered
in the presence of:

FLORIDA DEPARTMENT OF
COMMUNITY AFFAIRS, an agency
of the State of Florida

x: Paul Darst
PAUL DARST

By: Charles Pattison
Charles Pattison, Director
Division of Resource
Planning and Management

x: Brigette A. Ffolkes
BRIGETTE A. FOLKES

Attest: _____

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 24th
day of March, 1995, by CHARLES PATTISON, Director, Division of
Resource Planning and Management, Florida Department of Community
Affairs, on behalf of FDEA. She is (personally known to me) (~~or
has produced~~) (~~type of identification~~) as identification.

Jane R. Bass
(Signature)

Jane R. Bass
(Print Name)

Notary Public
My Commission Expires: 6/24/96

Approved as to form
and legal sufficiency:

Brigette A. Ffolkes
Brigette Ffolkes, Asst. General
Counsel

Dated: 3/24/95



GRAY, HARRIS & ROBINSON

PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW

J. CHARLES GRAY
GORDON H. HARRIS
RICHARD M. ROBINSON
PHILLIP R. FINCH
PAMELA O. PRICE
JAMES F. PAGE, JR.
WILLIAM A. BOYLES
THOMAS A. CLOUD
BYRD F. MARSHALL, JR.
J. MASON WILLIAMS III
LEO P. ROCK, JR.
G. ROBERTSON DILG
CHARLES W. SELL
JACK A. KIRSCHENBAUM
JAMES W. PEEPLES III
RICHARD E. BURKE
GUY S. HAGGARD
FREDERICK W. LEONHARDT
BORRON J. OWEN, JR.
MICHAEL K. WILSON

SUITE 1200
201 EAST PINE STREET
POST OFFICE BOX 3068
ORLANDO, FL 32802-3068
TELEPHONE (407) 843-8880
FAX (407) 244-5690

GLASS BANK BUILDING
303 NORTH ORLANDO AVENUE
POST OFFICE BOX 320757
COCOA BEACH, FL 32932-0757
TELEPHONE (407) 783-2218
FAX (407) 783-2297

WRITER'S DIRECT DIAL

PLEASE REPLY TO:
Orlando

PAUL S. QUINN, JR.
DAVID L. SCHICK
JACK K. McMULLEN
SUSAN T. SPRADLEY
TRACY A. BORGERT
LILA INGATE McHENRY
KENT L. HIPPI
MICHAEL E. NEUKAMM
ROBERT L. BEALS
DONALD H. GIBSON
KIMBERLY L. NOWORYTA
MICHELE R. PLANTE
N. SCOTT NOVELL
CHRISTOPHER J. COLEMAN
PEGGY R. HOYT
RUSSELL S. KENT

OF COUNSEL
MALCOLM R. KIRSCHENBAUM
SYD JACKOWITZ
WILLIAM G. BOLTIN, III

April 4, 1995

Via FAX Transmittal - 904/488-4412

Thomas Duffy, Asst. General Counsel
DEPARTMENT OF TRANSPORTATION
605 Suwanee Street, MS-58
Tallahassee, Florida 32399-0458

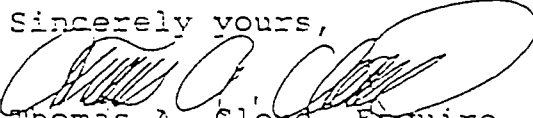
Re: Alafaya Trail Stipulation

Dear Tom:

Enclosed is a copy of the May 18, 1993, Order Granting Continuance, Revising Prehearing Schedule and Denying Intervention, signed by Diane K. Kiesling, Hearing Officer. Pursuant to this order, agencies had until September 3, 1993, to become a party to the proceeding. I have diligently searched the records and can find no evidence that the Department of Transportation filed to become a party by the September 3, 1993 date. Therefore, I am of the opinion that Department of Transportation is not a party to this application for modification. Therefore, as we discussed this morning, there is no need for the Department of Transportation to execute the Stipulation.

I do understand from my discussions with you that the agency has no objections to the entry of the Stipulation, so long as ICP and others comply with State law in the construction of the road. I can assure you that ICP intends to comply with every applicable State law in the construction of this road. As we discussed, then, I intend on representing to the Hearing Officer that your agency has no objections to the entry of the Stipulation as specified above. If you have any questions, please do not hesitate to call on me.

Sincerely yours,


Thomas A. Cloud, Esquire
GRAY, HARRIS & ROBINSON, P.A.

Enclosures

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

IN RE:)
)
)

APPLICATION FOR MODIFICATION OF)
SUPPLEMENTAL POWER PLANT)
CERTIFICATION OF ORLANDO)
UTILITIES COMMISSION FOR)
CURTIS H. STANTON ENERGY CENTER)
PA 81-14C)

CASE NO: 92-6153EPP

ORDER GRANTING CONTINUANCE, REVISING PREHEARING
SCHEDULE AND DENYING INTERVENTION

This cause comes on for consideration on the Motion for Continuance of Certification Hearing, OUC's Response thereto and ICP's Concurrence therein, on the University of Central Florida's Petition for Leave to Intervene, and on Florida and Orange Audubons' Response in Opposition to University of Central Florida's Petition for Leave to Intervene. Upon consideration, it is

ORDERED:

1. The University of Central Florida's Petition for Leave to Intervene is DENIED for the same reasons set forth in the Order Denying Intervention by the Department of Corrections.

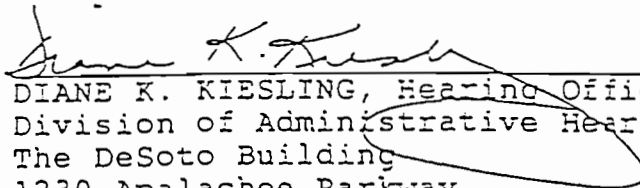
2. The Motion for Continuance of the certification hearing scheduled for June 21-25, 1993, is GRANTED and that hearing is cancelled.

3. The certification hearing is rescheduled for November 15-19, 1993.

4. The prehearing schedule is revised as set forth herein:

September 3, 1993	Deadline for agencies to become parties
September 15, 1993	Agency reports must be filed and newspaper and FAW notices of hearing published
October 8, 1993	DER issues final report
October 15, 1993	Deadline for intervention and for persons to file to be a party
November 1, 1993	Prehearing Conference to exchange witness lists, review exhibits, and discuss prehearing stipulation
November 8, 1993	File Prehearing Stipulation. Any witnesses or exhibits not listed may be excluded at hearing
November 15-19, 1993	Certification hearing

DONE and ORDERED this 18th day of May, 1993, at Tallahassee, Florida.


 DIANE K. KIESLING, Hearing Officer
 Division of Administrative Hearings
 The DeSoto Building
 1230 Apalachee Parkway
 Tallahassee, Florida 32399-1550
 (904) 488-9675

Filed with the Clerk of the Division of Administrative Hearings this 18th day of May, 1993.

Copies furnished to:

Thomas B. Tart, General Counsel
 Orlando Utilities Commission
 500 South Orange Avenue
 2nd Floor
 Orlando, FL 32801
 Representing Orlando Utilities Commission

Kenza Van Assenderp, Attorney at Law
 C. Laurence Keesey, Attorney at Law
 Young, Van Assenderp, Varnadoe
 & Benton, P.A.
 Post Office Box 1833
 Tallahassee, FL 32302
 Representing Orlando Utilities Commission

Fred Bryant, Attorney at Law
306 East College Avenue
Tallahassee, FL 32302

Richard Donelan
Assistant General Counsel
Department of Environmental
Regulation
2600 Blair Stone Road
Tallahassee, FL 32399-2400
Representing DER

Hamilton S. Owen, Jr.
Office of Siting Coordination
Department of Environmental
Regulation
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Michael Palecki, Bureau Chief
Florida Public Service Commission
Division of Legal Services
101 East Gaines Street
Fletcher Building, Room 212
Tallahassee, FL 32399-0859
Representing FPSC

Jim Antista, General Counsel
Florida Game and Fresh Water
Fish Commission
Farris Bryant Building
Room 108
620 S. Meridian Street
Tallahassee, FL 32399-1600
Representing GFWFC

M. B. Adelson IV
Assistant General Counsel
Department of Natural Resources
3900 Commonwealth Boulevard
Tallahassee, FL 32399
Representing DNR

Lucky T. Osho, Assistant General Counsel
Department of Community Affairs
2740 Centerview Drive
Tallahassee, FL 32399-2100
Representing DCA

William H. Roberts, Assistant
General Counsel
Department of Transportation
605 Suwanee Street, MS-58
Tallahassee, FL 32399-0458
Representing DOT

Wayne E. Flowers, General Counsel
Eric T. Olsen, Asst. General Counsel
St. Johns River Water Management
District
Post Office Box 1429
Palatka, FL 32178-1429
Representing SJRWMD

Toni M. Leidy, Attorney at Law
South Florida Water Management District
3301 Gun Club Road
Post Office Box 24680
West Palm Beach, FL 33416-4680
Representing SFWMD

Charles Lee, Senior Vice President
Florida Audubon Society
460 Highway 435, Suite 200
Casselberry, FL 32707
Representing Florida Audubon Society

Gerald S. Livingston
Attorney at Law
Kreuter & Livingston
800 N. Magnolia Ave., Suite 1525
Orlando, FL 32803
Representing ECFRPC

John Gehrig, County Attorney
Paul H. Chipok, Assistant County Attorney
Orange County Administration Center
Post Office Box 1393
Orlando, FL 32802-1393
Representing Orange County

James F. Page, Jr.
Thomas A. Cloud
Anthony J. Cotter
Attorneys at Law
Post Office Box 3068
Orlando, FL 32802-3068
Representing ICP Associates

Ashmun Brown
Attorney at Law
University of Central Florida
Box 25000
Orlando, FL 32816

Case No. 92-6153-EPP

Signed, sealed and delivered
in the presence of:

FLORIDA DEPARTMENT OF
TRANSPORTATION, an agency
of the State of Florida

x: _____

By: _____

Ben Watts
Secretary

x: _____

Attest: _____

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this _____
day of March, 1995, by BEN WATTS, Secretary, Florida Department of
Transportation, on behalf of FDOT. He is (personally known to me)
(or has produced) (type of identification) as identification.

(Signature)

(Print Name)
Notary Public
My Commission Expires:

Approved as to form
and legal sufficiency:

William H. Roberts, Asst.
General Counsel

Dated: _____

State of Florida

Commissioners:

SUSAN F. CLARK, CHAIRMAN
J. TERRY DEASON
JULIA L. JOHNSON
DIANE K. KIESLING
JOE GARCIA



DIVISION OF LEGAL SERVICES
NOREEN S. DAVIS
DIRECTOR
(904) 487-2740

Public Service Commission

March 31, 1995

Mr. Thomas A. Cloud, Esquire
Gray, Harris & Robinson
201 East Pine Street
Suite 1200
Orlando, Florida 32802-3068

Dear Mr. Cloud:

I believe that the Florida Public Service Commission has waived participation in these proceedings per Section 403.508(4)(b), Florida Statutes.

If I am mistaken in this belief, the Commission staff is not authorized to take a position on the stipulation you have submitted. In order for the Commission itself to state a position on the stipulation, a noticed vote of the Commission, in the sunshine, would need to be taken and affected persons given an opportunity to participate. Since this does not appear to be feasible given your time constraints, the Commission will not take a position on the stipulation. Of course, the Commission intends to comply with any order of the DOAH Hearing Office or of the Siting Board, and will take a position on the stipulation if so ordered.

While the Commission did not choose to participate in this particular case, its decision on whether to participate in certification proceedings is made on a case by case basis. The Commission may choose to participate in future certification proceedings.

Sincerely,

A handwritten signature in cursive script that reads "Michael A. Palecki".

Michael A. Palecki
Chief, Bureau Electric and Gas

MAP/js

THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY

Execution of Stipulation will be substituted by a letter from FPSC evidencing FPSC's lack of objection.

Signed, sealed and delivered
in the presence of:

x: Rosemary Mara
Rosemary Mara
x: [Signature]
K. M. Wright

GAME & FRESH WATER FISH
COMMISSION, an agency of
the State of Florida

By: [Signature]
Dr. Allan L. Egbert
Executive Director

Attest: [Signature]

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 23rd
day of March, 1995, by DR. ALLAN L. EGBERT, Executive Director,
Game & Fresh Water Fish Commission, on behalf of GFC. He is
(personally known to me) (or has produced) (type of identification)
as identification.

[Signature]
(Signature)

JIMMIE C. BEVIS
(Print Name)
Notary Public
My Commission Expires



Approved as to form
and legal sufficiency:

[Signature]
Preston T. Robertson, Esquire

Dated: 3/23/95

Signed, sealed and delivered
in the presence of:

ST. JOHNS RIVER WATER
MANAGEMENT DISTRICT

x: *Eric T. Olsen*

Eric T. Olsen

x: *Amy D. Burdette*

Amy D. Burdette

BY: *Henry Dean*

HENRY DEAN
Executive Director
Signed subject to
ratification by the
SJRWMD Governing
Board at its April
11-12, 1995, meeting.

STATE OF FLORIDA
COUNTY OF PUTNAM

The foregoing instrument was acknowledged before me
this 9th day of March, 1995, by HENRY DEAN,
Executive Director, St. Johns River Water Management
District, on behalf of SJRWMD. He is (personally known to
me) (or has produced) (type of identification) as
identification.

Kristi L. Cushman

(Signature)

Kristi L. Cushman

(Print Name)

Notary Public

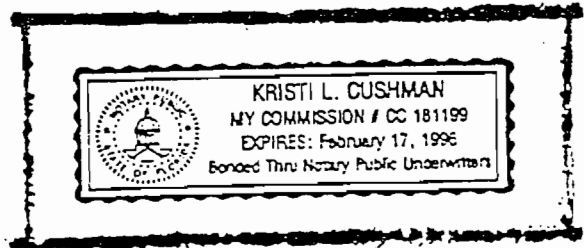
My Commission Expires:

Approved as to form
and legal sufficiency:

Wayne E. Flowers

Wayne E. Flowers, Esquire

Dated: 3/27/95



STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

IN RE:)
)
APPLICATION FOR MODIFICATION OF)
SUPPLEMENTAL POWER PLANT)
CERTIFICATION OF ORLANDO)
UTILITIES COMMISSION FOR)
CURTIS H. STANTON ENERGY CENTER)
PA 81-14C)

CASE NO. 92-6153EPP

NOTICE OF NO OBJECTION TO STIPULATION

South Florida Water Management District ("SFWMD") hereby files notice that it has no objection to the Stipulation of the Parties Concerning The Alafaya Trail Extension. The SFWMD is a statutory party to the certification modification proceedings for Curtis H. Stanton Energy Center but has not been a participant in the review of the Alafaya Trail Extension nor has SFWMD participated in related settlement negotiations. The proposed extension of Alafaya Trail is located outside of the SFWMD's jurisdiction and, to the SFWMD's knowledge, has no impact on its water resources or mitigation requirements. SFWMD neither concurs with, nor objects to the particular terms of resolution of this matter; but reserves its right to remain a party to these proceedings and any future modification of the subject certification.

RESPECTFULLY SUBMITTED this 31st day of March, 1995.

Toni M. Leidy
Toni M. Leidy, Esquire
SOUTH FLORIDA WATER
MANAGEMENT DISTRICT
Post Office Box 24680
West Palm Beach, Florida 33416-4680
(407) 686-8800
Florida Bar No. 0837970

Post-It™ brand fax transmittal memo 7671 # of pages 1

To <u>Tom Cloud</u>	From <u>Toni Leidy</u>
Ca	Cc.
Dept.	Phone # <u>407 687-6311</u>
Fax # <u>407-244-5690</u>	Fax # <u>407 687-6295</u>

* Service List is NOT being FAXED

Signed, sealed and delivered
in the presence of:

SOUTH FLORIDA WATER
MANAGEMENT DISTRICT, an agency
of the State of Florida

x: _____

By: _____
Sam Poole
Executive Director

x: _____

Attest: _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____
day of March, 1995, by SAM POOLE, Executive Director, South Florida
Water Management District, on behalf of SFWMD. He is (personally
known to me) (or has produced) (type of identification) as
identification.

(Signature)

(Print Name)
Notary Public
My Commission Expires:

Approved as to form
and legal sufficiency:

Antonette M. Leidy, Esquire

Dated: _____

Signed, sealed and delivered in the presence of:

EAST CENTRAL FLORIDA REGIONAL PLANNING COUNCIL

x: [Signature]
x: Kerry D. Lyons

By: [Signature]
The Hon. Frankee Hellinger
Chairman, ECFRPC
Attest: [Signature]

The foregoing instrument was acknowledged before me this 4th day of April, 1995, by Commissioner Frankee Hellinger, Chairman, East Central Florida Regional Planning Council, on behalf of ECFRPC. She is personally known to me.



TERIL HUNALP
My Commission CC395415
Expires Jul. 18, 1998
Bonded by HAI
800-422-1555

[Signature]
(Signature)
Teril L Hunalp
(Print Name)
Notary Public
My Commission Expires: 7/18/98

Approved as to form and legal sufficiency:

[Signature]
Gerald S. Livingston, Esquire

Dated: April 4, 1995

Signed, sealed and delivered
in the presence of:

x: Shirley M. Horchler
Shirley M. Horchler

x: Karlene Rogers
Karlene Rogers

Signed, sealed and delivered
in the presence of:

x: Shirley M. Horchler
Shirley M. Horchler

x: Karlene Rogers
Karlene Rogers

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 23rd
day of March, 1995, by CHARLES LEE, Senior Vice President, Florida
Audubon Society, on behalf of Florida Audubon and for Orange
Audubon Society. He is (personally known to me) (or has produced)
(type of identification) as identification.

FLORIDA AUDUBON SOCIETY
a Florida not-for-profit
corporation

By: [Signature]
Charles Lee
Senior Vice President

Attest: _____

ORANGE AUDUBON SOCIETY
a Florida not-for-profit
corporation

By: [Signature]
Charles Lee

Attest: _____

Linda K. Dittman
(Signature)

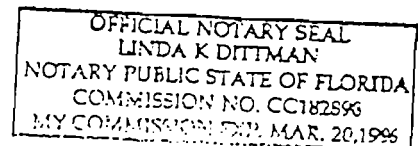
Linda K. Dittman

(Print Name)
Notary Public
My Commission Expires:

Approved as to form
and legal sufficiency:

[Signature]
Charles Lee

Dated: _____



Signed, sealed and delivered
in the presence of:

LAKE NONA CORPORATION, a
Florida corporation

x: Claudia Thomas
Claudia Thomas

By: R. Randolph Lyon, Jr.
R. Randolph Lyon, Jr.
Executive Vice President

x: Larry Thomas
Larry Thomas

[CORPORATE SEAL]

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this _____
day of March, 1995, by R. RANDOLPH LYON, JR., Executive Vice
President, on behalf of Lake Nona. He is (personally known to me)
(or has produced) (type of identification) as identification.

Cheryl M. Crawford
(Signature)

Cheryl M. Crawford
(Print Name)

Notary Public
My Commission Expires:

NOTARY PUBLIC, STATE OF FLORIDA AT LAW
MY COMMISSION EXPIRES JULY 22, 1995
LOUISIANA TRUST COMPANY & ASSOCIATES

Signed, sealed and delivered
in the presence of:

ICP ASSOCIATES, a Florida
general partnership

By: ICP1, INC.,
managing general partner of
ICP Associates

x: [Signature]

By: [Signature]
Mark B. Cohen
President

x: [Signature]

[CORPORATE SEAL]



STATE OF NY
COUNTY OF NY

The foregoing instrument was acknowledged before me this 28th
day of March, 1995, by MARK B. COHEN, President on behalf of ICP
Associates. He is (personally known to me) (or has produced) (type
of identification) as identification.

[Signature]
(Signature)

(Print Name)
Notary Public
My Commission Expires:

Approved as to form
and legal sufficiency:

[Signature]
Thomas A. Cloud, Esquire

Dated: MAY 2, 1995

CYNTHIA L. PEREZ
Notary Public, State of New York
No. 31-4972096
Qualified in New York County
Commission Expires Sept. 17, 1996

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

Orlando Utilities Commission)	
Curtis H. Stanton Energy Center)	
Power Plant Siting Application)	DER CASE NO. PA81-14C
No. PA 81-14)	
Orange County, Florida)	

**FINAL ORDER MODIFYING CONDITIONS
OF CERTIFICATION**

On December 17, 1991, the Governor and Cabinet, acting as the Siting Board, issued a final order approving the supplemental certification for the construction of Stanton Unit 2 to the Orlando Utilities Commission (OUC). That certification order approved the construction and operation of a 465 MW (gross) coal fired unit and associated facilities to be located in Orange County, Florida.

On January 27, 1993, OUC filed a request to modify the conditions of certification pursuant to section 403.516(1)(b), F.S. OUC requested that the conditions be modified to allow erection and operation of a temporary, concrete batch plant to provide concrete for construction of the Unit 2 facilities.

Copies of OUC's request were distributed to all parties to the certification proceeding and made available for public review. On February 12, 1993, a Notice of Proposed Modification of Power Plant Certification regarding the proposed modifications was published in the Florida Administrative Weekly, and served on all parties. The notices specified that a hearing would be held if requested on or before 45 days from receipt of the proposed modification by the

parties or within 30 days of publication of the notice. No hearing was requested. No person has filed written objections to the proposed modifications.

Accordingly, in the absence of any dispute,

IT IS ORDERED:

The proposed changes to the Curtis H. Stanton Energy Center, described in the January 27, 1993, request for modification, are approved based on the absence of any request for a hearing or written objections. The Department hereby approves the requested modifications. All modifications to the original certification as conceptually described in the request for modification, in and of themselves and as they impact the total infrastructure, shall be in conformance and in compliance with the following as appropriate:

- Air Pollution - Chapters 17-210 through 17-297, F.A.C.
- Stormwater - Chapters 17-4, and 17-25, F.A.C.

Pursuant to Section 403.516(1)(b), F.S. the Department hereby modifies the conditions of certification for the Stanton Energy Center as follows:

Condition II/I.A.17. is added as follows:

17. Concrete Batch Plant

- a. For the operation of a Vince Hagan Company Model HSM-10250C-400 concrete batch plant with cement and fly ash storage silos, emissions generated during pneumatic filling of the storage silos will be controlled by two Vince Hagan Company Model ES-268B baghouses, one on each silo, with 268 square feet of

cloth filtration area. A water spray ring will be used to control emissions during truck loading.

- b. Visible emissions from concrete batching plants, silos, hoppers and other storage or conveying equipment shall not exceed 5% opacity (Rule 17-296.414(1), F.A.C.).
- c. The initial and subsequent compliance tests for visible emissions on the particulate matter control equipment shall be conducted using DER Method 9 in accordance with Rule 17-297.420, F.A.C. The initial and subsequent compliance tests for visible emissions on the storage piles shall be conducted using EPA Method 22 in accordance with Rule 17-297.401(22), F.A.C., and 40 CFR 60, Appendix A. The Department's Central District office shall be notified in writing at least 15 days prior to the compliance test in accordance with Rule 17-297.340, F.A.C. The test reports shall be submitted to the Department's Central District office no later than 45 days after the last sampling run of each test is completed in accordance with Rule 17-297.570(2), F.A.C.
- d. The visible emissions test observation period shall include the period during which the highest opacity can reasonably be expected to occur. For the storage silos, this is expected to be the last 30 minutes of filling.

- e. Testing of emissions must be accomplished while filling the cement and fly ash storage silos within $\pm 10\%$ of the permitted capacity of 27 tons per hour. A compliance test submitted at operating rates less than 90% of the permitted capacity will automatically constitute an amended permit at the lesser rate. Failure to submit the input rates and actual operating conditions may invalidate the test (Rule 17-297.570, F.A.C.).
- f. Permitted hours of operation are up to 20 hrs/day, seven days per week, and not to exceed 4,200 hrs/year.
- g. All reasonable precautions shall be taken to prevent and control generation of unconfined emissions of particulate matter in accordance with the provision in Rule 17-296.310(3), F.A.C. These provisions are applicable to any source, including, but not limited to, vehicular movement, transportation of materials, construction, alteration, demolition or wrecking, or industrial related activities such as loading, unloading, storing and handling. Reasonable precautions shall include the use of water sprinklers to prevent and control fugitive particulates from plant grounds and aggregate storage piles and the use of the water spray ring at the truck loadout.

Any party to this Order has the right to seek judicial review of the Order pursuant to Section 120.68, F.S., by the

filing of Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the clerk of the Department of Environmental Regulation in the Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date that the Final Order is filed with the Department of Environmental Regulation.

DONE AND ENTERED this 1 day of April, 1993
in Tallahassee, Florida.

**STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION**

FILING AND ACKNOWLEDGEMENT

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

Andy C. Carter
Clerk

4.5.93
Date

Virginia B. Wetherell
VIRGINIA B. WETHERELL
Secretary

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, FL 32399-2400

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Final Order Modifying Conditions of Certification to Authorize Construction of a Temporary Concrete Batch Plant has been furnished by Certified U.S. Mail, Return Receipt Requested, to the following parties of record this 5th day of April, 1993.

John Gehrig, Esq.
Orange County Attorney
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Orlando, FL 32801

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Management District
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West Palm Beach, FL 33416-4680

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Tallahassee, FL 32302

M. Robert Christ
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Florida Public Service Comm.
Fletcher Building, Room 226
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Tallahassee, FL 32399-0863

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Sr. Asst. General Counsel
St. Johns River Water
Management District
Post Office Box 1429
Palatka, FL 32178-1429

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Patrick Kennedy, Legal Intern.
Florida Audubon Society
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Casselberry, FL 32307

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Assistant General Counsel
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Tallahassee, FL 32399-0458

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FL Dept. of Community Affairs
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Tallahassee, FL 32399-2100

Cliff Guillet
East Central Florida
Regional Planning Council
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Winter Park, FL 32789

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Tallahassee, FL 32399-1600

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Assistant Regional Counsel
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Agency, Region IV
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Sierra Club
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Orlando, FL 32801

Thomas B. Tart
Orlando Utilities Commission
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Orlando, FL 32801


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Telephone: (904) 488-9730