

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In re:  
Petition for a Class G-II Ground Water  
Quality Criteria Exemption  
Duke Energy of Florida, Inc.  
Anclote Power Plant  
Holiday, Florida

---

OGC File No. 15-0653  
Pasco County

**FINAL ORDER  
GRANTING A WATER QUALITY CRITERIA EXEMPTION**

The Department of Environmental Protection hereby issues a Final Order granting renewal of a water quality criteria exemption for sodium pursuant to Rule 62-520.500, Florida Administrative Code (F.A.C.), to the Duke Energy of Florida, Inc., (DEF), Anclote Power Plant, Holiday, Pasco County, Florida, as set forth below.

**BACKGROUND AND FINDING OF FACTS**

1. On October 20, 2015, the Department received a petition from DEF (formerly Progress Energy) for renewal of a water quality criteria exemption pursuant to Rule 62-520.500, F.A.C., associated with permitted industrial wastewater discharge to Class G-II ground water. The installation is the Anclote Power Plant located in Pasco County at 1729 Ballies Bluff Road, Holiday, Florida.
2. The Anclote Power Plant is authorized to treat and discharge industrial wastewater to ground water under Permit Number FLA016778. Ground water is monitored in accordance with the approved facility ground water monitoring plan as required by the permit.

9. On January 25, 2016, the Department published notice the Intent to Grant in the *Florida Administrative Register*, informing the public of the Department's intended action and offering an opportunity for a hearing pursuant to sections 120.569 and 120.57, F.S. A copy of the notice is attached as Exhibit III.

10. The Petitioner and interested parties having been advised of their rights under Chapter 120, F.S., and having failed or declined to file a petition pursuant to sections 120.569 and 120.57, F.S., are hereby deemed to have waived those rights.

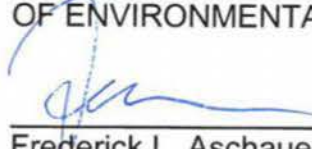
IT IS THEREFORE ORDERED that the DEF Anclore Power Plant petition for an exemption from the drinking water standards for sodium set forth in Rules 62-550.310 and 62-550.320, F. A.C., for the ground waters specified herein is hereby GRANTED, subject to these conditions:

(a) Renewal of the ground water quality criteria exemption is granted based on the petitioner's demonstration that the industrial wastewater discharge to ground water will not present a danger to the public health, safety or welfare and will not result in any discernable environmental, social or economic effects.

(b) The ground water quality criteria exemption renewal will be incorporated into the Anclore Power Plant industrial wastewater Permit Number FLA016778 and approved for the duration of said permit upon issuance. The exemption extends only to ground water elements of the Anclore Power Plant industrial wastewater Permit Number FLA016778. The exemption will not affect any NPDES discharge under the Clean Water Act to surface waters of the state, nor will it alter any permit conditions related to surface waters.

DONE AND ORDERED this 29<sup>th</sup> day of February, 2016, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
\_\_\_\_\_  
Frederick L. Aschauer, Jr., Director  
Division of Water Resource Management  
State of Florida Department of  
Environmental Protection  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

FILED ON THIS DATE PURSUANT TO § 120.52,  
FLORIDA STATUTES, WITH THE DESIGNATED  
DEPARTMENT CLERK, RECEIPT OF WHICH IS  
HEREBY ACKNOWLEDGED.

  
\_\_\_\_\_  
CLERK

2/29/16  
DATE

Copies furnished to:

Betsy Hewitt FDEP Tallahassee  
Marc Harris FDEP Tallahassee  
Cindy Zhang-Torres FDEP SW District

Enclosure: (3)

Attachment I

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In re:  
Petition for a Water Quality Criteria Exemption  
From the Class G-II Ground Water Standards  
Duke Energy of Florida, Inc.  
Anclote Power Plant  
Holiday, Florida

---

OGC File No. 15-0653  
Pasco County

INTENT TO GRANT WATER QUALITY CRITERIA EXEMPTION

The Department of Environmental Protection gives notice of its intent to grant a water quality criteria exemption under Rule 62-520.500, Florida Administrative Code (F.A.C.), to the Duke Energy of Florida, Inc., (DE), Anclote Power Plant, Holiday, Pasco County, Florida, as detailed in the petition specified above. The Department is issuing this Intent to Grant for the reasons stated below.

BACKGROUND AND FACTS AND CIRCUMSTANCES

1. On October 20, 2015, the Department received a petition from Duke Energy (DE) for renewal of a water quality criteria exemption associated with permitted wastewater discharge to Class G-II ground water pursuant to Rule 62-520.500, F.A.C. The exemption is for DE's (formerly Progress Energy) Anclote Power Plant, located at 1729 Ballies Bluff Road, Holiday, Florida 34691, in Pasco County.
2. The petition is for renewal of an exemption from the ground water standards contained in Rule 62-520.420(1), F.A.C., which are the same as the drinking water standards in Rule 62-550.310, F.A.C. Specifically, the petition requests an

exemption from the ground water standard for sodium. The sodium ground water standard is 160 mg/L, which is a primary drinking water standard and is health-based.

3. The Anclothe Power Plant is an existing installation under Rule 62-520.200, F.A.C., and is exempt from compliance with the secondary drinking water standards pursuant to Rule 62-520.520, F.A.C.

4. The petition received by the Department on October 20, 2015, is DE's second request for renewal of a sodium exemption from the Class G-II ground water standards. On May 24, 2005, the Department issued a Final Order granting the Anclothe Power Plant a sodium exemption from the Class G-II ground water standard. On July 16, 2012, the Department issued a Final Order granting a renewal of the Anclothe Power Plant sodium exemption from the Class G-II ground water standard.

5. The Anclothe Power Plant is physically located on a 480-acre triangular shaped island surrounded on all sides by Class III marine surface waters. Approximately 65 acres of the site have been developed with the remaining 415 acres consisting of brackish salt marsh and coastal lowlands. Access to the plant is via a causeway that connects the facility to the mainland.

6. The Anclothe Power Plant is a steam electric generating facility that is powered by natural gas and produces approximately 1,100 megawatts of energy. Prior to 2013, the power generating units were fueled by No. 6 fuel oil.

7. The industrial wastewater (IWW) generated from the facility consists of boiler blowdown, regeneration wastewater from the demineralizer, laboratory sink wastewater, floor wash water, contact storm water, boiler and air pre-heater chemical cleaning washdown wastewater, and concentrate from the reverse osmosis (RO)

treatment system. The chemical cleaning wastewater stream is neutralized prior to discharge to the IWW percolation pond.

8. The IWW is routed and discharged to one IWW percolation pond (formerly identified as Pond 2) located on the west side of the site. The percolation pond is approximately 900 ft by 300 ft by 11 ft with a design storage capacity of 22.2 million gallons. The percolation pond consist of three basins. Basins A and B are designated to receive IWW effluent and Basin C is designated to temporarily store canal dredge spoil materials. Pond 1 was removed from service in August 2011.

9. IWW discharge to ground water has contributed to elevated sodium concentrations in the percolation pond monitoring wells above the ground water standard of 160 mg/L. In addition, sodium ground water concentrations are also naturally elevated in the area due to the ambient environment of the adjacent Class III marine surface waters and brackish salt marshes that surround the Anclore Power Plant. Sodium concentrations in the IWW effluent have ranged between 10.3 and 300 mg/L since the plant was repowered in 2013.

10. The ground water flow direction at the Anclore Power Plant is radial in pattern and ultimately discharges to the surrounding Class III marine surface waters. An alternative ground water concentration for sodium was not requested in the petition and is not being proposed because the sodium levels in the receiving brackish and Class III marine surface waters are up to 10 times greater than the sodium levels in the discharge to ground water. There is no sodium standard for Class III marine surface waters.

11. The Department has permitting jurisdiction under Chapter 403, Florida Statutes (F.S.). The project is not exempt from these permitting procedures. The Department has determined that in addition to a water quality criteria exemption an industrial wastewater permit is required for the Anclote Power Plant.

12. The Duke Energy Anclote Power Plant is authorized to treat and discharge treated industrial wastewater to ground water under industrial wastewater Permit Number FLA016778, which expires on March 23, 2016. On September 14, 2015, the Department received an application from DE for renewal of IWW Permit Number FLA016778. Renewal of the ground water exemption for sodium from the Class G-II ground water standard, if granted by the Department, will be incorporated into IWW renewal Permit Number FLA016778, upon issuance by the Department, and approved for the duration of said permit. The exemption is applicable only to the ground water elements of the IWW Permit Number FLA016778. The exemption will not affect NPDES discharge under the Clean Water Act to surface waters of the state nor will it alter any permit conditions related to surface water.

13. The Department has reviewed the above petition for an exemption under the requirements of Rule 62-520.500, F.A.C., and hereby gives notice of its intent to grant the renewal exemption to DE for its Anclote Power Plant based on the following findings:

(a) Rule 62-520.500(1): Granting the exemption is clearly in the public interest.

DE is a utility that provides essential electricity and related services to Florida business and residences. The Anclote Power Plant is an integral component of

providing this service. The economic, environmental and social costs for treating sodium along the Gulf of Mexico coast far outweigh the benefits of compliance with the sodium standard and with no benefit to the environment. Requiring unnecessary regulatory constraints negatively impacts the facility's ability to provide the most cost effective and reliable supply of electricity to the customers it serves.

(b) Rule 62-520.500(2): Compliance with such criteria is unnecessary for the protection of present and future potable water supplies.

The Anclote Power Plant is physically located on a 480-acre triangular shaped island surrounded on all sides by Class III marine waters and brackish salt marsh. Access to the plant is via a causeway that connects the facility to the mainland. There are no known potable drinking water wells on the island. The Anclote Power Plant obtains potable water from a local utility on the mainland. The Southwest Florida Water Management District and the Pasco County Utilities Fiscal and Business Services Department both report that there is no intended future water supply development in the area of the Anclote Power Plant.

(c) Rule 62-520.500(3): Granting the exemption will not interfere with existing uses or the designated use of the waters or of contiguous water.

Granting an exemption from the Class G-II standard for sodium will not interfere with existing uses or the designated uses of the waters or contiguous waters. As stated in (b) above there are no current or planned potable water wells in the area. The Anclote Power Plant is located adjacent to Class III marine waters. The operation of the Anclote Power Plant does not increase the sodium load to the surrounding marine



surface waters and, therefore, does not interfere with the designated use of the adjacent Class III marine waters.

(d) Rule 62-520.500(4): The economic, environmental, and social costs of compliance with the Class G-II standard for sodium outweigh the economic, environmental, and social benefits of compliance.

Sodium ground water concentrations are naturally elevated in the area due to the adjacent Class III marine surface waters and brackish salt marshes that surround the Anclote Power Plant. There is no future intended use of ground water in the area for potable water supply development and there is no interference with existing uses or the designated use of contiguous waters. Because of the physical location of the Anclote Anclote Power Plant and the other factors discussed above, treatment of ground water at the percolation pond to meet the sodium standard would be cost prohibitive with no economic, environmental, or social benefit.

(e) Rule 62-520.500(5): An adequate monitoring program approved by the Department has been established to ascertain the location and approximate dimensions of the discharge plume, to detect any leakage of contaminants to other aquifers or surface waters, and to detect any adverse effect of underground geologic formations or waters.

A ground water monitoring program has been approved by the Department and is being implemented by the facility under IWW Permit Number FLA016778 to ascertain the location and approximate dimensions of the discharge plume, to detect any leakage of contaminants to other aquifers or surface waters, and to detect any adverse effect of underground geologic formations or waters. The monitoring program design meets the

requirements for monitoring under a water quality exemption. The facility will continue to implement the approved ground water monitoring program under the IWW renewal Permit Number FLA016778.

(f) Rule 62-520.500(6): The requested exemption will not present a danger to the public health, safety, or welfare.

Granting the sodium exemption will have no adverse effects upon public health, safety, or welfare. There are no potable water wells on the Anclothe Power Plant property and there are no plans for future potable water supply development in the area. The ground water affected by the exemption will not present a danger to the public health, safety, or welfare.

14. The Department will grant this exemption subject to the following conditions:

(a) This ground water quality exemption renewal is being granted based on the Department's determination that the permittee's Anclothe Power Plant IWW discharge will not present a danger to the public health, safety or welfare and will not result in any discernable environmental, social or economic effects.

(b) The exemption renewal is incorporated into and granted for the duration of IWW renewal Permit Number FLA016778 upon Department issuance, and approved for the duration of said permit. A petition for any future renewal of this ground water quality criteria exemption must be submitted by the applicant in conjunction with any future renewal of the IWW Permit Number FLA016778.

(c) The exemption renewal provides relief only from the primary drinking water standard for sodium (standard is 160 mg/L) contained in Rule 62-550.320, F.A.C.,

as referenced in Rule 62-520.420, F.A.C. All other ground water quality standards, and the minimum criteria contained in Rule 62-520.400, F.A.C., apply to the Anclote Power Plant.

(d) The permittee shall monitor water quality in accordance with the specific conditions of industrial wastewater Permit Number FLA016778.

Pursuant to section 403.815 F.S., and Department Rule 62-110.106(7), F.A.C., you (the applicant) are required to publish at your own expense the enclosed Notice of Intent to Grant a Water Quality Exemption. The notice shall be published one time only within 30 days, in the legal ad section of a newspaper of general circulation in the area affected. For the purpose of this rule, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. The applicant shall provide an original of the proof of publication to Mr. David C. James, PG, Florida Department of Environmental Protection, Ground Water Regulatory Section, 2600 Blair Stone Road, Mail Station 3580, Tallahassee, Florida 32399-2400, and a copy to Ms. Cindy Zhang-Torres, P.E., Florida Department of Environmental Protection, Regulatory Section, 13051 North Telecom Parkway, Temple Terrace, FL 33637-0926, within seven days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the exemption.

The Department will issue the exemption with the attached conditions unless a timely petition for an administrative hearing is filed under sections 120.569 and 120.57, F.S. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the Department's proposed exemption decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) with the Agency Clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Petitions filed by the applicant or any person entitled to written notice under section 120.60(3), F.S., must be filed within 21 days of receipt of this written notice.

Petitions filed by any persons other than those entitled to written notice under section 120.60(3), F.S., must be filed within 21 days of publication of the public notice or receipt of the written notice, whichever occurs first. Under section 120.60(3), F.S., however, any person who asked the Department for notice of agency action may file a petition within 21 days of receipt of such notice, regardless of the date of publication. The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will only be at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must contain the following information, as required by Rule 28-106.201, F.A.C.

(a) The name and address of each agency affected and each agency's file or identification number, if known;

(b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

(c) A statement of when and how the petitioner received notice of the agency decision;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, including specific facts the petitioner contends warrant reversal or modification of the Department action;

(f) A statement of the specific rules and statutes the petitioner contends requires reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and

(g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on the petition have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation under section 120.573, F.S., is not available for this proceeding.

A party to this order has the right to seek judicial review of it under section 120.68, F.S., by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Agency Clerk of the Department in the Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within thirty days after this order is filed with the clerk of the Department.

DONE AND ENTERED this 21st day of January, 2016, in Tallahassee, Florida.



---

Frederick L. Aschauer, Jr., Director  
Division of Water Resource Management  
State of Florida Department of  
Environmental Protection  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Copies furnished to:

Betsy Hewitt FDEP Tallahassee  
Marc Harris FDEP Tallahassee  
Cindy Zhang-Torres FDEP SW District

Enclosure: Public Notice

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
NOTICE OF INTENT TO GRANT GROUND WATER QUALITY CRITERIA  
EXEMPTION

The Department of Environmental Protection gives notice of its intent to grant an exemption renewal from the Class G-II ground water standard for sodium pursuant to Rule 62-520.500, Florida Administrative Code (F.A.C.), as part of industrial wastewater (IWW) renewal Permit Number FLA016778 to the Duke Energy of Florida, Inc., (DE), Anclote Power Plant located in Pasco County at 1729 Ballies Bluff Road, Holiday, Florida 34691. The exemption is for the permitted discharge of treated IWW to Class G-II ground water.

On September 14, 2015, the Department received an application from DE for renewal of IWW Permit Number FLA016778. The exemption renewal is incorporated into and granted for the duration of IWW renewal Permit Number FLA016778 upon Department issuance, and approved for the duration of said permit. A petition for any future renewal of this ground water quality criteria exemption must be submitted by the applicant in conjunction with renewal of the IWW Permit Number FLA016778.

A person whose substantial interests are affected by the Department's proposed exemption decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57, Florida Statutes (F.S). The petition must contain the information set forth below and must be filed (received) with the Agency Clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within 21 days of publication of this notice. The petitioner must mail a copy of the petition to the applicant Mr. Mitchel Beason,



Station Manager-Anclote, Duke Energy of Florida, Inc., 1729 Baillies Bluff Road, Holiday, Florida, 34691, at the time of filing.

The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will only be at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must contain the following information, as required by Rule 28-106.201, F.A.C.

(a) The name and address of each agency affected and each agency's file or identification number, if known;

(b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

(c) A statement of when and how the petitioner received notice of the agency decision;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, including specific facts the petitioner contends warrant reversal or modification of the Department action;

(f) A statement of the specific rules and statutes the petitioner contends requires reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and

(g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on the petition have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available for this proceeding.

The application is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department's Tallahassee Office, 2600 Blair Stone Road, Room 232B, Tallahassee, Florida 32399-2400; telephone Mr. David James, P.G., at 850/245-8648.

Attachment II



299 1<sup>st</sup> Avenue North  
St. Petersburg, FL 33701

Mailing Address:  
P.O. Box 14042 / FL903  
St. Petersburg, FL 33733

o 727.820.5053  
c: 727.432.3077  
f 727.820.5229

February 2, 2016

Mr. David C. James, PG  
Florida Department of Environmental Protection  
Ground Water Regulatory Section  
2600 Blair Stone Road, MS#3580  
Tallahassee, FL 32399



Dear Mr. James:

Subject: Duke Energy Florida, Inc.  
Anclote Station  
Industrial Wastewater Permit No. FLA016778  
Submittal of Proof of Publication

In accordance to Section 403.815, Florida Statutes, and Rule 62-620.550, Florida Administrative Code, enclosed is certified proof of publication of the notice of intent to grant an exemption renewal from the Class G-II ground water standard for sodium.

Should you have any questions regarding this submittal, please contact me at (727) 820-5053 or [patricia.garner@duke-energy.com](mailto:patricia.garner@duke-energy.com).

Sincerely,

A handwritten signature in black ink that reads "Patricia A. Garner".

Patricia A. Garner  
Sr. Environmental Specialist

Enclosure

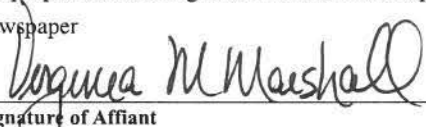
# Tampa Bay Times

Published Daily

STATE OF FLORIDA } ss  
COUNTY OF Pasco County

Before the undersigned authority personally appeared **Virginia Marshall** who on oath says that he/she is **Legal Clerk** of the **Tampa Bay Times** a daily newspaper printed in St. Petersburg, in Pinellas County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter **RE: Permit Number FLA016** was published in **Tampa Bay Times: 1/28/16**, in said newspaper in the issues of **Baylink Pasco**

Affiant further says the said **Tampa Bay Times** is a newspaper published in Pasco County, Florida and that the said newspaper has heretofore been continuously published in said Pasco County, Florida, each day and has been entered as a second class mail matter at the post office in said Pasco County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he/she neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper

  
Signature of Affiant

Sworn to and subscribed before me this 01/28/2016.

  
Signature of Notary Public

Personally known ☒ or produced identification ☐

Type of identification produced \_\_\_\_\_



JOSEPH F. FISH  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# FF116052  
Expires 6/23/2018

## STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION NOTICE OF INTENT TO GRANT GROUND WATER QUALITY CRITERIA EXEMPTION

The Department of Environmental Protection gives notice of its intent to grant an exemption renewal from the Class G-II ground water standard for sodium pursuant to Rule 62-520.500, Florida Administrative Code (F.A.C.), as part of Industrial wastewater (IWW) renewal Permit Number FLA016778 to the Duke Energy of Florida, Inc., (DE), Anclote Power Plant located in Pasco County at 1729 Baillies Bluff Road, Holiday, Florida 34691. The exemption is for the permitted discharge of treated IWW to Class G II ground water.

On September 14, 2015, the Department received an application from DE for renewal of IWW Permit Number FLA016778. The exemption renewal is incorporated into and granted for the duration of IWW renewal Permit Number FLA016778 upon Department issuance, and approved for the duration of said permit. A petition for any future renewal of this ground water quality criteria exemption must be submitted by the applicant in conjunction with renewal of the IWW Permit Number FLA016778.

A person whose substantial interests are affected by the Department's proposed exemption decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57, Florida Statutes (F.S.). The petition must contain the information set forth below and must be filed (received) with the Agency Clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within 21 days of publication of this notice. The petitioner must mail a copy of the petition to the applicant Mr. Mitchel Beason, Station Manager-Anclote, Duke Energy of Florida, Inc., 1729 Baillies Bluff Road, Holiday, Florida, 34691, at the time of filing.

The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will only be at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must contain the following information, as required by Rule 28-106.201, F.A.C.

(a) The name and address of each agency affected and each agency's file or identification number, if known;

(b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

(c) A statement of when and how the petitioner received notice of the agency decision;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, including specific facts the petitioner contends warrant reversal or modification of the Department action;

(f) A statement of the specific rules and statutes the petitioner contends requires reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and

(g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on the petition have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available for this proceeding.

The application is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department's Tallahassee Office, 2600 Blair Stone Road, Room 232B, Tallahassee, Florida 32399 2400; telephone Mr. David James, P.G., at 850/245-8648.

(249224) 1/28/2016

**STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
NOTICE OF INTENT TO GRANT GROUND WATER QUALITY CRITERIA EXEMPTION**

The Department of Environmental Protection gives notice of its intent to grant an exemption renewal from the Class G-II ground water standard for sodium pursuant to Rule 62-520.500, Florida Administrative Code (F.A.C.), as part of industrial wastewater (IWW) renewal Permit Number FLA016778 to the Duke Energy of Florida, Inc., (DE), Anclote Power Plant located in Pasco County at 1729 Baillies Bluff Road, Holiday, Florida 34691. The exemption is for the permitted discharge of treated IWW to Class G II ground water.

On September 14, 2015, the Department received an application from DE for renewal of IWW Permit Number FLA016778. The exemption renewal is incorporated into and granted for the duration of IWW renewal Permit Number FLA016778 upon Department issuance, and approved for the duration of said permit. A petition for any future renewal of this ground water quality criteria exemption must be submitted by the applicant in conjunction with renewal of the IWW Permit Number FLA016778.

A person whose substantial interests are affected by the Department's proposed exemption decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57, Florida Statutes (F.S.). The petition must contain the information set forth below and must be filed (received) with the Agency Clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within 21 days of publication of this notice. The petitioner must mail a copy of the petition to the applicant Mr. Mitchel Beason, Station Manager-Anclote, Duke Energy of Florida, Inc., 1729 Baillies Bluff Road, Holiday, Florida, 34691, at the time of filing.

The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will only be at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must contain the following information, as required by Rule 28-106.201, F.A.C.

(a) The name and address of each agency affected and each agency's file or identification number, if known;

(b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

(c) A statement of when and how the petitioner received notice of the agency decision;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, including specific facts the petitioner contends warrant reversal or modification of the Department action;

(f) A statement of the specific rules and statutes the petitioner contends requires reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and

(g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on the petition have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available for this proceeding.

The application is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department's Tallahassee Office, 2600 Blair Stone Road, Room 232B, Tallahassee, Florida 32399 2400; telephone Mr. David James, P.G., at 850/245-8648.

(249224) 1/28/2016

Attachment III  
Published 1/25/16

Miscellaneous

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Division of Water Resource Management**

STATE OF FLORIDA

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF INTENT TO GRANT A GROUND WATER QUALITY CRITERIA EXEMPTION

The Department of Environmental Protection gives notice of its intent to grant an exemption renewal from the Class G-II ground water standard for sodium pursuant to Rule 62-520.500, Florida Administrative Code (F.A.C.), as part of industrial wastewater (IWW) renewal Permit Number FLA016778 to the Duke Energy of Florida, Inc., (DE), Anclote Power Plant located in Pasco County at 1729 Ballies Bluff Road, Holiday, Florida 34691. The exemption is for the permitted discharge of treated IWW to Class G-II ground water.

On September 14, 2015, the Department received an application from DE for renewal of IWW Permit Number FLA016778. The exemption renewal is incorporated into and granted for the duration of IWW renewal Permit Number FLA016778 upon Department issuance, and approved for the duration of said permit. A petition for any future renewal of this ground water quality criteria exemption must be submitted by the applicant in conjunction with renewal of the IWW Permit Number FLA016778.

A person whose substantial interests are affected by the Department's proposed exemption decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57, Florida Statutes (F.S.). The petition must contain the information set forth below and must be filed (received) with the Agency Clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within 21 days of publication of this notice. The petitioner must mail a copy of the petition to the applicant Mr. Mitchel Beason, Station Manager-Anclote, Duke Energy of Florida, Inc., 1729 Baillies Bluff Road, Holiday, Florida, 34691, at the time of filing.

The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will only be at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must contain the following information, as required by Rule 28-106.201, F.A.C.

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including specific facts the petitioner contends warrant reversal or modification of the Department action;

(f) A statement of the specific rules and statutes the petitioner contends requires reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and

(g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on the petition have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available for this proceeding.

The application is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department's Tallahassee Office, 2600 Blair Stone Road, Room 232B, Tallahassee, Florida 32399-2400; telephone Mr. David James, P.G., at 850/245-8648.