

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Noah Valenstein
Secretary



Florida Department of Environmental Protection

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

August 16, 2017

Sent by Electronic Mail – Document Access Verification Requested

Matthew J. Raffenberg
Senior Director, FPL Licensing and Permitting
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408
matthew.raffenberg@fpl.com

RE: West County Energy Center
Modification to Conditions of Certification
DEP Case Number PA 05-47C
OGC Case Number 17-0858

FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Mr. Raffenberg:

On December 26, 2006, the Governor and Cabinet (Florida Siting Board) issued a Site Certification to the Florida Power & Light Company (FPL) for the construction and operation of the West County Energy Center (WCEC). The Department of Environmental Protection (Department) has modified the Conditions of Certification (Conditions) for WCEC by Final Order on two other occasions.

The Department has reviewed WCEC's petition received on May 25, 2017, and a corrected petition on June 26, 2017, for a modification to the WCEC Conditions pursuant to Section 403.516(1)(c), Florida Statutes (F.S.), to add flexibility to the scheduling of secondary water withdrawals from the onsite upper Floridan aquifer wells within the existing maximum allowable withdrawal limits.

On June 28, 2017, all parties to the certification proceeding were provided notice by electronic mail of the Department's intent to modify the Conditions for WCEC, along with a draft copy of the proposed order modifying the Conditions. On July 11, 2017, notice of the Department's intent to modify WCEC's Conditions was also published in the Florida Administrative Register (FAR).

Pursuant to Section 403.516, F.S., and Rule 62-17.211, Florida Administrative Code (F.A.C.), all parties to the certification proceeding have 45 days from the issuance of notice in which to file a written objection to the modification. Pursuant to Section 403.516, F.S., and Rule 62-17.211, F.A.C., any person who is not already a party to the certification proceeding and whose substantial interests will be affected by the requested modification has 30 days from the date of publication of the public notice in the FAR to object in writing. Failure to act within the time frame constitutes a waiver of the right to become a party.

These timeframes have expired and no objections to the modification have been received by the Department. Therefore, the Conditions for WCEC are hereby modified as follows (words ~~stricken~~ are deletions; words underlined are additions):

XXXII. WATER MANAGEMENT

A. No Change

B. Water Use Conditions

1. No Change

2. Site Specific Design Authorizations

a. – b. No Change

c. Operation of Plant on Reclaimed Water

(1) – (3) No Change

(4) After reclaimed water becomes the primary cooling, service, and process water source for Units 1, 2 and 3, there may be temporary interruptions in the delivery of reclaimed water supply to the plant site. Consequently, authorizing a reliable, secondary water supply source for the project is in the public interest and is consistent with the criteria set forth in Section 2.2 of the Basis of Review for Water Use Applications Within the SFWMD. Therefore, this Certification authorizes a maximum withdrawal of 29.28 MGD from the upper Floridan aquifer for Units 1, 2 and 3 as a temporary secondary water supply source ~~for up to 90 days~~ not to exceed 2.635 million gallons during a calendar year.

C. No Change

Copies of the Conditions and/or attachments may also be obtained by contacting the Department of Environmental Protection, Siting Coordination Office, 2600 Blair Stone Rd., M.S. 5500, Tallahassee, Florida 32399-3000, (850) 717-9000.

Pursuant to Section 120.68, F.S., any party to this order has a right to seek judicial review, by filing a Notice of Appeal, pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department of Environmental Protection in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 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 of Environmental Protection.

Sincerely,



Cindy Mulkey
Administrator
Siting Coordination Office

CC by electronic mail:

District Director, FDEP: jennifer.k.smith@dep.state.fl.us

District Liaison, FDEP: paul.wierzbicki@dep.state.fl.us

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



2017.08.16 12:40:32 -04'00'

Clerk

Date

Service List: *Sent by Electronic Mail – Document Access Verification Requested*

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