



# FLORIDA DEPARTMENT OF Environmental Protection

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

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Noah Valenstein**  
Secretary

January 28, 2020

*Sent by Electronic Mail – Document Access Verification Requested*

Richard Markey  
Environmental Services Director  
Lansing Smith Unit 3  
One Energy Place  
Pensacola, Florida 32520  
[Richard.Markey@nexteraenergy.com](mailto:Richard.Markey@nexteraenergy.com)

RE: Lansing Smith Unit 3  
Modification to Conditions of Certification  
DEP Case Number PA99-40C  
OGC Case Number 19-0223

## **FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION**

Dear Mr. Markey:

The Florida Siting Board issued a Site Certification to the Gulf Power Company (GPC) for the construction and operation of the Lansing Smith Unit 3 (Unit 3) on July 28, 2000, in Bay County. The Department of Environmental Protection (Department) has modified the Conditions of Certification (Conditions) for Unit 3 by Final Order on two other occasions.

Pursuant to §403.516(1)(c), Florida Statutes (F.S.), the Department has reviewed GPC's petition for modification, dated March 11, 2019, to Unit 3's Site Certification Application to allow for replacement of the temporary injection well pump station with a permanent pump station and treatment system. The certified site boundary is being modified to incorporate the injection well system and associated access roads located on Gulf Power property.

On December 12, 2019, all parties to the certification proceeding were provided notice of the Department's intent to modify the Conditions for Unit 3. On December 12, 2019, notice of the Department's intent to modify the Conditions for Unit 3 was also published in the Florida Administrative Register (FAR).

Pursuant to §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 §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 timeframe constitutes a waiver of the right to become a party.

These timeframes have expired, and the Department did not receive any objections to the modification. The final version of the modified Conditions (including attachments) can be viewed and obtained from the following website:

[http://publicfiles.dep.state.fl.us/Siting/Outgoing/Web/Certification/pa99\\_40\\_2020\\_C.pdf](http://publicfiles.dep.state.fl.us/Siting/Outgoing/Web/Certification/pa99_40_2020_C.pdf).

Copies of the Conditions and/or attachments may also be obtained by contacting the Department of Environmental Protection, Siting Coordination Office, 2600 Blair Stone Road, M.S. 5500, Tallahassee, Florida 32399-2400, (850) 717-9000.

Any party to this Order has a right to seek judicial review of it pursuant to §120.68, F.S. 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** Digitally signed by Cindy Mulkey  
Date: 2020.01.28 13:26:18 -05'00'

Cindy Mulkey  
Administrator,  
Siting Coordination Office

CC by electronic mail:  
District Director, DEP: [Shawn.Hamilton@dep.state.fl.us](mailto:Shawn.Hamilton@dep.state.fl.us)  
District Liaison, DEP: [Kim.Allen@dep.state.fl.us](mailto:Kim.Allen@dep.state.fl.us)  
Ashley Jansen, GPC: [Ashley.Jansen@nexteraenergy.com](mailto:Ashley.Jansen@nexteraenergy.com)

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

**Ann Seiler** Digitally signed by Ann Seiler  
Date: 2020.01.28 15:37:18 -05'00'

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Date



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

Michael Weiss, Esquire  
Department of Environmental Protection  
3900 Commonwealth Blvd., M.S. 35  
Tallahassee, Florida 32399-3000  
[michael.weiss@dep.state.fl.us](mailto:michael.weiss@dep.state.fl.us)

Emily Norton, Esquire  
Florida Fish & Wildlife Conservation  
Commission  
620 South Meridian Street  
Tallahassee, Florida 32399-1600  
[emily.norton@myfwc.com](mailto:emily.norton@myfwc.com)  
[fwcconservationplanningservices@myfwc.com](mailto:fwcconservationplanningservices@myfwc.com)

Jon Morris, Esquire  
Assistant General Counsel  
Department of Economic Opportunity  
107 East Madison Street  
Tallahassee, Florida 32399-4128  
[Jon.Morris@deo.myflorida.com](mailto:Jon.Morris@deo.myflorida.com)  
[Scott.Rogers@deo.myflorida.com](mailto:Scott.Rogers@deo.myflorida.com)

Lee Eng Tan, Esquire  
Florida Public Service Commission  
Office of General Counsel  
2450 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850  
[LTan@psc.state.fl.us](mailto:LTan@psc.state.fl.us)

Susan Schwartz, Esquire  
Assistant General Counsel  
Department of Transportation  
605 Suwannee Street, M.S. 58  
Tallahassee, Florida 32399-0458  
[susan.schwartz@dot.state.fl.us](mailto:susan.schwartz@dot.state.fl.us)  
[jasmin.raffington@dot.state.fl.us](mailto:jasmin.raffington@dot.state.fl.us)

J. Breck Brannen, Esquire  
Northwest Florida Water Management District  
Office of Counsel  
215 South Monroe Street, Suite 200  
Tallahassee, Florida 32301  
[breck@penningtonlaw.com](mailto:breck@penningtonlaw.com)

Don Banks, Esquire  
County Attorney  
Bay County  
840 West 11th Street  
Panama City, Florida 32401  
[dbanks@baycountyfl.gov](mailto:dbanks@baycountyfl.gov)

Brooke Lewis, Esquire  
Hopping Green & Sams, P.A.  
P.O. Box 6526  
Tallahassee, Florida 32317  
[brookel@hgslaw.com](mailto:brookel@hgslaw.com)

Austin Mount  
Executive Director  
West Florida Regional Planning Council  
4081 East Olive Road, Suite A  
Pensacola, Florida 32514  
[Austin.mount@wfrpc.org](mailto:Austin.mount@wfrpc.org)

Carlos A. Rey, Esquire  
Department of State - DHR  
R.A. Gray Building 4th Floor  
500 South Bronough Street  
Tallahassee, Florida 32399-0250  
[Carlos.rey@dos.myflorida.com](mailto:Carlos.rey@dos.myflorida.com)  
[jason.aldridge@dos.myflorida.com](mailto:jason.aldridge@dos.myflorida.com)  
[robin.jackson@dos.myflorida.com](mailto:robin.jackson@dos.myflorida.com)