

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

OGC File No. 20-1650  
Pasco County

**FINAL ORDER GRANTING PETITION FOR GROUNDWATER  
QUALITY CRITERIA EXEMPTION**

The Department of Environmental Protection (“Department”) hereby issues a Final Order granting the Petitioner’s, Duke Energy of Florida, Inc., Anclote Power Plant, petition for a groundwater quality criteria exemption for sodium, pursuant to Rule 62-520.500, Florida Administrative Code (F.A.C.), as set forth below.

**BACKGROUND AND FINDING OF FACTS**

1. On September 23, 2020, Petitioner filed with the Department a Petition for Renewal of Exemption pursuant to Rule 62-520.500, Florida Administrative Code (F.A.C.) for the renewal of groundwater quality criteria exemptions (exemption). The Petitioner is requesting the establishment of alternative compliance levels for the primary drinking water standard for sodium at the Anclote Power Plant (“Facility”) located in Pasco County. The groundwater exemption is associated with Petitioner’s discharge to Class G-II groundwater through an onsite percolation pond system at the Facility.

2. The applicable groundwater quality standards for Class G-II groundwater are established, in part, in Rule 62-520.420(1), F.A.C. In addition to the minimum criteria in Rule 62-520.400, F.A.C., the primary and secondary drinking water quality standards for public water systems established pursuant to the Florida Safe Drinking Water Act, which are listed in Rules 62-550.310, and 62-550.320, F.A.C., apply to Class G-II

groundwater.

3. As provided for under the applicable rule, Petitioner has proposed the following alternative compliance level for sodium from which an exemption is being sought: 4,000 mg/L (milligrams per liter) for compliance wells MWC-8 and MWC-9.

4. The Department has reviewed the Facility's petition for a water quality criteria exemption received on September 23, 2020, and determined that the petitioner has met the six criteria for issuance of an exemption pursuant to Rule 62-520.500(1) through (6), F.A.C.

5. On May 5, 2021, the Department issued an Intent to Grant a groundwater quality criteria exemption to the Facility for sodium under Rule 62-520.500, F.A.C. A copy of the Intent to Grant is attached as Exhibit I. The executed Notice of Intent to Grant notified the petitioner of the Department's proposed agency action and advised it of the right to a hearing pursuant to Sections 120.569 and 120.57, F.S.

6. As required by the Intent to Grant, pursuant to Section 403.815, F.S., and Rule 62-110.106(7), F.A.C., the petitioner published notice on June 9, 2021, in the *Tampa Bay Times*, a daily newspaper published in Pasco County, Florida, with general circulation in the Facility area. A copy of the newspaper notice and proof of publication is attached as Exhibit II.

7. The Department published notice of the Intent to Grant on May 6, 2021, in the *Florida Administrative Register* informing the public of the Department's intended action and offering an opportunity for hearing pursuant to Sections 120.569 and 120.57, F.S. A copy of the notice is attached as Exhibit III.

8. 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 Facility's petition for an exemption from the drinking water standard for sodium set forth in Rule 62-550.320, F. A. C., for the groundwaters specified herein is hereby GRANTED, subject to these conditions:

(a) The groundwater quality exemption is being granted in part based on the Department's understanding that the Facility does 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 is granted for the duration of the Facility's industrial wastewater Permit No. FLA016778. Any future exemptions must be petitioned for by the applicant in conjunction with any future renewal of industrial wastewater Permit No. FLA016778. The exemption extends only to groundwater elements of the Facility's industrial wastewater Permit No. 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 waters.

(c) The exemption provides relief only from the sodium standard contained in Rule 62-550.320, F.A.C., as referenced in Rule 62-520.420, F. A.C. The Facility shall not exceed the alternative compliance level of 4,000 mg/L for sodium for compliance wells MWC-8 and MWC-9. All other groundwater quality standards, and the minimum criteria contained in Rule 62-520.400, F. A. C., apply to this project.

(d) The permittee shall monitor water quality in accordance with the specific conditions of the Facility's industrial wastewater Permit No. FLA016778 and the approved groundwater monitor plan.

DONE AND ORDERED ON this the 26 day of July, 2021, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION



Benjamin Melnick  
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.

Lisa Williams  
Deputy Clerk

Date: 07/27/2021

Copies furnished to:  
Doug Beason, Esq., FDEP, Office of General Counsel  
Jamie Shakar, FDEP, Division  
Cindy Fischler, FDEP, Division  
James Cichon, FDEP, Division  
Larisa Orekhova, FDEP, Southwest District  
Jorge Perez, FDEP, Southwest District  
Gerald Loesch, FDEP, Southwest District  
Pamala Vazquez, FDEP, Southwest District  
David McAgy, Duke Energy Florida, Inc.  
Rachel McGraw, Duke Energy Florida, Inc.

[Agency\\_Clerk@dep.state.fl.us](mailto:Agency_Clerk@dep.state.fl.us). Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Petitions for an administrative hearing must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first.

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation is not available in this proceeding.

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department 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 action is filed with the Clerk of the Department.

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

OGC File No. 20-1650  
Pasco County

**INTENT TO GRANT A GROUND-WATER  
QUALITY CRITERIA EXEMPTION**

The Department of Environmental Protection (“Department”) gives notice of its intent to grant a G-II ground-water quality exemption for sodium, pursuant to Rule 62-520.500, Florida Administrative Code (F.A.C.), to the Duke Energy of Florida, Inc., Anclote Power Plant, (Petitioner) located at 1729 Baillies Bluff Road, Holiday, Pasco County, Florida. The Department is issuing this Intent to Grant for the reasons stated below.

**BACKGROUND AND FINDING OF FACTS**

1. On September 23, 2020, Petitioner filed with the Department a Petition for Renewal of Exemption pursuant to Rule 62-520.500, F.A.C., for the renewal of ground-water quality criteria exemption. The Petitioner is requesting the establishment of alternative compliance levels for the primary drinking water standard for sodium at the Anclote Power Plant (“Facility”) located in Pasco County. The ground-water exemption is associated with Petitioner’s permitted industrial wastewater discharge to Class G-II groundwater through an onsite percolation pond system at the Facility.

2. The applicable ground-water quality standards for Class G-II groundwater are established, in part, in Rule 62-520.420(1), F.A.C. In addition to the minimum criteria in Rule 62-520.400, F.A.C., the primary and secondary drinking water quality standards

for public water systems established pursuant to the Florida Safe Drinking Water Act, which are listed in Rules 62-550.310, and 62-550.320, F.A.C., apply to Class G-II groundwater. The primary drinking water quality standard for sodium is 160 mg/L.

3. As provided for under the applicable rule, Petitioner has proposed the following alternative compliance level for sodium: 4,000 mg/L (milligrams per liter) for compliance wells MWC-8 and MWC-9. These wells are located on the west side of the percolation ponds, adjacent to salt-water marsh, and the Gulf of Mexico. Since groundwater sampling has not occurred during an extreme drought it is hard to ascertain the upper sodium level that could naturally occur in this coastal zone. Data stretching back to 2004 in other monitor wells indicate no sodium increases to groundwater due to the plant's activities. This suggests that location and weather conditions (i.e., drought) are the main factors in determining the upper concentration of sodium that could occur in groundwater. The Petitioner should evaluate sodium concentrations, in the wells, especially during extreme weather conditions. This evaluation may warrant a change in the alternative compliance level during the next renewal period.

4. The Facility is bordered by the Gulf of Mexico on the north and west, by the Anclote River to the south, and a manmade canal to the east. The Facility is located on land separated from the mainland by an intake/discharge canal.

5. The Petitioner is authorized to treat and discharge industrial wastewater to surface water and groundwater under operating Permit Number FLA016778. Renewal of the groundwater standard exemption for sodium, if granted by the Department, will be incorporated into the industrial wastewater operating renewal Permit Number FLA016778 and approved for a duration of five years. The exemption will not affect the NPDES

permitted discharge under the Clean Water Act to surface waters of the state, nor will it alter any permit conditions related to surface waters.

6. The Department has reviewed the petition for an exemption pursuant to the requirements of Rule 62-520.500, F.A.C., and makes the following findings concerning compliance with applicable criteria:

(a) Rule 62-520.500(1)(a), F.A.C.: granting the exemption for sodium is clearly in the public interest because the Petitioner provides electrical power, which is an essential service to protect and preserve human health, safety and welfare. The Facility is adjacent to marine waters and marsh that are naturally high in sodium. Requiring compliance with the G-II ground-water standard for sodium would result in no discernable environmental, social, or economic benefits.

(b) Rule 62-520.500(1)(b), F.A.C.: compliance with such criteria is unnecessary for the protection of present and future potable water supplies. The Facility is adjacent to marine waters and marsh with naturally high sodium concentrations. Future potable supplies should not be impacted by the exemption since none are planned, as stated by the Northern Planning Region and the Pasco County Utilities Fiscal services, until a full evaluation of wellfield withdrawal reductions and water level recovery is made.

(c) Rule 62-520.500(1) (c), F.A.C.: granting the exemption will not interfere with existing uses or the designated use of the waters or of contiguous water. Compliance with the alternative compliance level will not interfere with any existing or future potential drinking water sources since the area is designated as brackish water by the SWFWMD Regional Water Supply Plan. Additionally, sodium concentrations should not interfere with existing or designated uses of the surrounding surface waters. Sodium



concentrations in these waters are already elevated and allowing the alternative compliance level will not change any existing or designated uses.

(d) Rule 62-520.500(1)(d), F.A.C.: compliance with the ground-water quality criteria standard for sodium would require significant economic, environmental, and social cost with minimal economic, environmental, and social benefits of compliance. Since the sodium concentrations from the Facility are not affecting potable water supplies or adjacent surface waters there is minimal benefit from requiring compliance with the ground-water standard.

(e) Rule 62-520.500(1)(e), F.A.C.: a ground-water monitoring program has been approved by the Department and is implemented under Permit Number FLA016778. The monitoring program is designed 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 on underground geologic formations or waters. The monitoring program meets the requirements for monitoring under a water quality exemption. The Facility will continue to implement the approved ground-water monitoring program.

(f) Rule 62-520.500(1)(f), F.A.C.: Granting an exemption from the standard for sodium associated with permitted wastewater discharge to Class G-II groundwater will have no adverse effects upon public health, safety, or welfare.

**IT IS THEREFORE ORDERED** that Petitioner's petition for a water quality criteria exemption for the primary drinking water standard for sodium is **GRANTED**. The exemption is subject to the following conditions:

(i) No single value will exceed the alternative compliance levels for the parameters from which an exemption is being sought as a result of Facility operations: Sodium 4,000 mg/L (milligrams per liter) for compliance wells MWC-8 and MWC-9.

(ii) Renewal of the ground-water exemption will be incorporated into the industrial wastewater operating renewal Permit Number FLA016778 and approved for the duration of the permit. The exemption only extends to the ground-water elements of the industrial wastewater operating permit Number FLA016778.

(iii) Any future exemptions must be petitioned for by the applicant in conjunction with any future renewal of industrial wastewater discharge Permit Number FLA016778.

#### NOTICE OF RIGHTS

Pursuant to Section 403.815, F.S., and Rule 62-110.106(7), F.A.C., the applicant is required to publish at its own expense the enclosed Notice of Intent to Grant a Water Quality Exemption. The notice shall be published, one time only within 30 days from the date of issuance of this Notice of Intent, 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 James Cichon, PG, Florida Department of Environmental Protection, Source and Drinking Water, 2600 Blair Stone Road, Mail Station 3520, Tallahassee, Florida 32399-2400, and a copy to PWS@Floridadep.gov, within seven days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in 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 exemption applicant or any of the parties listed below 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, any e-mail address, any facsimile number, and telephone number of the petitioner if the petitioner is not represented by an attorney or a qualified representative; 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's 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's final agency 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 30 days after this order is filed with the clerk of the Department.

DONE AND ORDERED ON this the 3rd day of May, 2021, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION



Benjamin M. Melnick

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.

\_\_\_\_\_  
Deputy Clerk

May 5, 2021

Date

Copies furnished to:

David McAgy, Duke Energy Florida, Inc.

Mike Lodato, Geosyntec

Doug Beason, Esq., FDEP, Office of General Counsel

Larisa Orekhova, FDEP, Southwest District

Jorge Perez, FDEP, Southwest District

Gerald Loesch, FDEP, Southwest District

Jamie Shakar, FDEP, Division of Water Resource Mgmt.

Cindy Fischler, FDEP, Division of Water Resource Mgmt.

James Cichon, FDEP, Division of Water Resource Mgmt.

# Tampa Bay Times Published Daily

STATE OF FLORIDA  
COUNTY OF Pasco

Before the undersigned authority personally appeared **Jessica Attard** who on oath says that he/she is **Legal Advertising Representative** 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: Case No.20-1650** was published in **Tampa Bay Times: 6/ 9/21** 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 not 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.

} SS

**STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION NOTICE OF INTENT**

The Department of Environmental Protection gives notice of its intent to grant a ground water quality exemption pursuant to the provisions of Rule 62-520.500, F.A.C., to the Duke Energy of Florida, Inc., Anclote Power Plant (Petitioner) located at 1729 Baillies Bluff Road, Holiday, Florida, 34691, Pasco County. The file has been assigned OGC Case No.20-1650. The exemption is for the permitted discharge of treated industrial wastewater to Class G-II ground water. The ground water quality criteria exemption will be incorporated into the current industrial wastewater Permit FLA016778 and is granted for the duration of said permit and for the subsequent renewal of Permit FLA016778. The exemption will establish an alternative compliance level for sodium of 4,000 mg/L for compliance wells MWC-8 and MWC-9 due to already existing high saline groundwater. The ground water quality exemption is being granted because the Petitioner has demonstrated compliance with the requirements of Rule 62-520.500(1)(a)-(f), F.A.C. The Department's file on this matter can be obtained by contacting James Cichon at 850-245-8633 or james.cichon@floridadep.gov.

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department.

Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rule 28-106.201, F.A.C., a petition for an administrative hearing must contain the following information: (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 are or 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 the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes that the petitioner contends require 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 wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000 or via electronic correspondence at Agency\_Clerk@dep.state.fl.us. Also, a copy of the petition shall be mailed to the David McAgy at 1729 Baillies Bluff Road, Holiday, Florida, 34691.

Petitions for an administrative hearing must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first.

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative 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 be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation is not available in this proceeding.

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department 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 action is filed with the Clerk of the Department.

0000164016  
06/09/21

Jessica Attard  
Signature Affiant

Sworn to and subscribed before me this 06/09/2021

Jean Mitotes  
Signature of Notary Public

Personally known X or produced identification

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

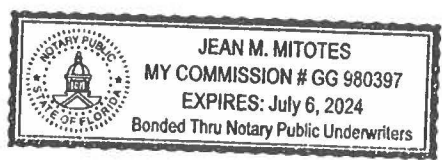


Exhibit I  
Attached as pdf

Exhibit II  
Attached as pdf

Exhibit III

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION NOTICE OF INTENT

The Department of Environmental Protection gives notice of its intent to grant a ground-water quality exemption pursuant to the provisions of Rule 62-520.500, F.A.C., to the Duke Energy of Florida, Inc., Anclote Power Plant (Petitioner) located at 1729 Baillies Bluff Road, Holiday, Florida, 34691, Pasco County, Florida. The file has been assigned OGC Case No. 20-1650. The exemption is for the permitted discharge of treated industrial wastewater to Class G-II ground water. The ground water quality criteria exemption will be incorporated into the renewal of industrial wastewater Permit FLA016778 and is granted for the duration of said permit. The exemption will establish an alternative compliance level for sodium of 4,000 mg/L for compliance wells MWC-8 and MWC-9 due to already existing high saline groundwater. The ground-water quality exemption is being granted because the Petitioner has demonstrated compliance with the requirements of Rules 62-520.500(1)(a)-(f), F.A.C. The Department's file on this matter can be obtained by contacting James Cichon at 850-245-8633 or [james.cichon@floridadep.gov](mailto:james.cichon@floridadep.gov).

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department.

Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rule 28-106.201, F.A.C., a petition for an administrative hearing must contain the following information:

- (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 are or 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 the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require 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 wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000 or via electronically at