



FLORIDA DEPARTMENT OF Environmental Protection

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

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

May 25, 2022

Sent by Electronic Mail – Document Access Verification Requested

Mitchel Beason
Station Manager, Tiger Bay
3219 County Road 630 West
Ft. Meade, FL 33841
Mitchel.Beason@duke-energy.com

RE: Tiger Bay Plant
Modification to Conditions of Certification
DEP Case Number PA 97-37F
OGC Case Number 22-0480

FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Mr. Beason:

On June 24, 1998, the Florida Siting Board issued a Site Certification to Duke Energy Florida (DEF) for the construction and operation of Tiger Bay Plant (Tiger Bay). The Department of Environmental Protection (Department) has modified the Conditions of Certification (Conditions) for Tiger Bay by Final Order on five other occasions. Pursuant to Section 403.516(1)(c), Florida Statutes (F.S.), the Department has initiated a modification to Tiger Bay's Conditions to incorporate a uniform set of general conditions consistent with recent site certifications, and to update antiquated specific conditions that are no longer applicable or consistent with current regulations. The Department is also modifying Tiger Bay's Conditions to include an extension of the timeframe during which DEF would be authorized to utilize its water allocation from the Tiger Bay Plant, during an interim water supply shortage, to maintain the operational water level of the Hines Energy Complex cooling pond. The Southwest Florida Water Management District is extending this authorization to November 2035.

On April 8, 2022, all parties to the certification proceeding were provided the amended notice of the Department's intent to modify the Conditions for Tiger Bay. On April 13, 2022, notice of the Department's intent to modify the Conditions for Tiger Bay 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 Tiger Bay are modified as described in the Department's Notice of Intent to Modify the Conditions of Certification dated April 8, 2022, which can be downloaded from the following file transfer protocol (ftp) site:

http://publicfiles.dep.state.fl.us/Siting/Outgoing/DEF%20Tiger%20Bay/Modifications/Mod_F.

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/pa97_37_2022_F.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 the this Order has a right to seek judicial review of it pursuant to Section 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: 2022.05.25
10:49:47 -04'00'

Cindy Mulkey
Program Administrator, Siting Coordination Office
Division of Air Resource Management

CC by electronic mail:

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District Liaison, FDEP: javier.ramirez@floridadep.gov

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




Digitally signed by Elizabeth
Walker
Date: 2022.05.25 11:16:09
-04'00'

Clerk

Date

Service List: *Sent by Electronic Mail – Received Receipt Requested*

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