

SCANNED ORIGINAL

13584-00

SUZANNE BROWNLESS, P. A.
ATTORNEY AT LAW
1311-B Paul Russell Road, Suite 201
Tallahassee, Florida 32301

ADMINISTRATIVE LAW
GOVERNMENTAL LAW
PUBLIC UTILITY LAW

TELEPHONE (850) 877-5200
TELECOPIER (850) 878-0090

October 24, 2000

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BY HAND DELIVERY

Blanca Bayo
Director, Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

Docket No. 001064-EI
In re: Petition for Determination of Need by Florida Power Corporation for Hines Unit 2 Power Plant

Dear Ms. Bayo:

Enclosed for filing are the original and fifteen copies of Request for Oral Argument, Notice of Deposition, and Motion for Continuance.

Please stamp a copy and return to us for our files. If you should have any questions please contact me at 850-877-5200.

Very truly yours,

Lewis J. Barwick
Legal Assistant to Suzanne Brownless

APP _____
CAF _____
CMP 1 _____
COM 5 _____
CTR _____
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LEG 2 _____
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OTH _____

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FPSC-BUREAU OF RECORDS

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Petition for determination)	
of need by Florida Power Corporation)	DOCKET NO. 001064-EI
for Hines Unit 2 Power Plant.)	
)	

MOTION FOR CONTINUANCE

Pursuant to Rule 28-106.204, Florida Administrative Code, Panda Energy International, Inc. (PEII), by and through its undersigned attorney, respectfully requests that the hearing in this proceeding scheduled for October 26-27, 2000 be continued until November 29, 30 and December 1, 2000¹, and in support thereof states as follows:

1. PEII has two pending need determination petitions before the Commission at this time.² Until September 28, 2000, the date of which the Florida Supreme Court ruled on Duke Energy's request for reconsideration of the Court's April 20, 2000 initial decision in Tampa Electric Company v. Garcia (Tampa Electric),³ all interested parties have been unclear as to the posture of pending need determinations filed by exempt wholesale generators (EWGs). The Florida Supreme Court decisions reverse the Commission's ruling granting Duke New Smyrna's request for a determination of need for

¹ These are the hearing dates previously assigned to Calpine's Osprey Power Project which have now become available.

² In re: Petition for determination of need for an electrical power plant in Lake County by Panda Leesburg Power Partners, L.P., Docket No. 000288-EU; In re: Petition for determination of need for an electrical power plant in St. Lucie County by Panda Midway Power Partners, L.P., Docket No. 000289-EU.

³ 25 Fla.L. Weekly S294 (Fla. April 20, 2000), revised 25 Fla.L. Weekly S730 (Fla. Sept. 28, 2000).

DOCUMENT NUMBER-DATE

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a merchant power plant it proposed to build in New Smyrna Beach, Florida.

2. Based on the Tampa Electric appeal, the Commission held all EWG need determination petitions, with the exception of Calpine Energy's⁴, in abeyance. Order No. PSC-00-1063-PCO-EU, issued June 5, 2000 in Dockets Nos. 991462-EU, 000288-EU, 000289-EU, and 000442-EI. PEII has invested over \$1 million in the development of its Florida power plants to date. Investing resources in this proceeding where PEII's proposed plants cannot be granted a determination of need even though proven to be the most cost-effective alternative available⁵ was simply economically and legally insupportable until the Florida Supreme Court ruled in the Tampa Electric case.

3. PEII's petition for intervention in this case was filed on October 12, 2000, only 14 calendar days and 9 business days after the Florida Supreme Court ruling in Tampa Electric. The filing of PEII's intervention was both prudent and timely under the circumstances.

4. This need determination case is the first in which the investor-owned utility (IOU) applicant must demonstrate compliance with Rule 25-22.082, Florida Administrative Code, commonly known as the "Bidding Rule". Thus, this case presents significant and novel

⁴ In re: Petition for determination of need for the Osprey Energy Center by Calpine Construction Finance Company, L.P., Docket No. 000442-EI.

⁵ Nassau Power Corporation v. Deason (Nassau II), 641 So.2d 396 (Fla. 1994).

legal and policy issues including, but not limited to, the criteria an IOU must utilize to evaluate bids received during the bidding process.

5. The Commission cannot make a finding that the Hines Unit 2 plant proposed by Florida Power Corporation (FPC) is the most cost-effective alternative to supply FPC's identified need for power without thoroughly examining the legitimacy of the bidding process employed by FPC. PEII paid its \$10,000 application fee and was a bona fide participant in that process and as such has a serious interest in, and information critically relevant to, the Commission's evaluation of FPC's bidding process.

6. Virtually all of the details of the bidding process utilized by FPC are contained in prefiled testimony, exhibits and discovery responses for which FPC has requested, and in some cases been granted⁶, confidential status by the Prehearing Officer. PEII has indicated to FPC that it will waive its confidentiality rights with regard to its own bid materials. As of the afternoon of October 23rd, FPC has indicated that it will provide FPC's own bid information to PEII's counsel and consultants pursuant to a Confidentiality Agreement tendered to FPC by PEII on October 16th with modifications acceptable to both parties. However, FPC will not provide the bid information regarding the other participant in FPC's bid at issue in this proceeding to PEII pursuant to the Confidentiality Agreement without that party's consent.

⁶ Order No. PSC-00-1881-CFO-EI, issued on October 16, 2000.

7. FPC provided to PEII by overnight delivery on October 24th versions of its testimony, exhibits and discovery responses with this third party information redacted. While this partial information is better than nothing, it does not allow PEII to completely analyze the evaluation methodologies used to screen all competing options prior to hearing or to depose all of the witnesses who support this testimony.⁷ Additional time would allow the other bidder to respond to FPC's and PEII's request to allow PEII to review their bid materials pursuant to a confidentiality agreement and thereby allow more rigorous testing of the evaluation methodologies used by FPC in this docket.

8. PEII would also note that the information requested by Staff at its deposition of Mr. Crisp on October 19th have not yet been provided to either Staff or PEII. In this time of changing regulatory climates, and with a case of first impression such as this, the Commission more than ever before needs the benefit of all relevant information and inquiry.

9. There is no statutory or administrative rule which bars the Commission from granting the continuance requested. Section 403.507(2)(a), Florida Statutes, requires that the Commission submit its report to "the department [DEP] and the applicant within 150 days after distribution of the complete application." FPC's

⁷ FPC has made John Crisp, one of its bid evaluation witnesses available on the afternoon of Tuesday, October 24th. However, Mr. Taylor, FPC's other bid evaluation witness could not be available prior to the new discovery termination time, October 25th at noon.

DEP application for the Hines Unit 2 power plant was filed with DEP on July 24, 2000. FPC filed its petition for determination of need with the Commission on August 7, 2000. FPC's DEP application was distributed to the Commission on that same date. Thus, absent a tolling of the 150 day statutory timeframe, the FPSC's order regarding determination of need, its §403.507 "report", to DEP must be filed at the earliest on or before January 7, 2000. The hearing in this proceeding could be continued until November 29, 30 and December 1 and still be within the statutory time periods of §403.507(2)(a), Florida Statutes.

10. In order to meet these statutory deadlines, Rule 25-22.080(2), Florida Administrative Code, requires that the Commission set its need determination hearing within 90 days of the receipt of an applicant's need determination petition, i.e., on or before November 7, 2000. Further, the rule requires that the Commission vote on the need determination petition on or before 135 days of the receipt of the petition, i.e., on or before December 20, 2000.

11. Although §403.507(2)(a), Florida Statutes, sets forth the 150 day deadline discussed above, this time can be tolled if the applicant does not provide a "sufficient" application within 40 days of notification of insufficiency by DEP. §§ 403.5067(1)(a) and (b), Florida Statutes. FPC received a Notice of Insufficiency with regard to its Hines Unit 2 power plant siting application on September 26, 2000. [Attachment A] The time in which to satisfy DEP with regard to sufficiency or to request a DOAH hearing on the

issue of sufficiency will run on November 6, 2000. Thus, the 150 day Commission reporting requirement of § 403.507(2)(a) cannot be applicable until that date.

12. The Commission is free to treat Rule 25-22.080, Florida Administrative Code, as a procedural rule which can be waived or modified for good cause shown and has done so in the past. This is a complex case as are all other need determination petitions. FPC, itself has vigorously argued before this Commission that the timelines set forth in Rule 25-22.080, Florida Administrative Code, did not allow parties adequate time to conduct discovery and prepare for hearing when information was provided at the last minute.⁸ In this instance FPC is providing information to both the Staff and PEII literally on the eve of hearing.

13. Further, FPC has also filed numerous motions: a motion for reconsideration of the Prehearing Officer's order granting PEII intervention; a motion to reconsider the Prehearing Officer's order retaining the prefiled testimony of Staff witness Billy Dickens; a motion for protective order regarding another non-party's document(s) and an Emergency Motion for Protective Order requesting that the full panel assigned to this case review the Prehearing Officer's decision to extend discovery time until 12:00 noon on October 25, 2000.

14. Just as FPC was allowed to respond to PEII's petition for

⁸ In re: Petition for determination of need for electrical power plant in Okeechobee County by Okeechobee Generating Company, L.L.C., Docket No. 991462-EU.

intervention, it is PEII's and Staff's right under Rule 28-106.204, Florida Administrative Code, as well as their fundamental constitutional due process right, to have adequate time to respond to FPC's various motions. One day is not adequate time to research a response, much less write one. Continuance of the hearing until November 29th will allow PEII to file a written response to these numerous motions, the panel time to consider the pleadings and the Staff time to review all pleadings and prepare its recommendations on same.

15. Due to the fact that FPC challenged the Staff's desire to include an issue regarding rate base treatment of the proposed Hines Unit 2,⁹ as well as the testimony of Staff witness Billy Dickens, no prehearing order has been issued as of this date. Thus, Commissioners assigned to this panel, through no fault of either the Prehearing Officer or the Staff, do not have available this valuable synopsis of case background, issues and party positions.

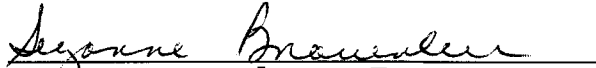
16. In short, if the requested continuance is granted, the Commission will have concluded all of its procedural housekeeping chores and can devote its hearing time to testimony on the identified legal and factual issues. The continuance, whether PEII is ultimately allowed to participate as a party or not, will result in a more orderly and efficient proceeding.

⁹ Issue No. 6: "Is it reasonable to obligate Florida Power Corporation's retail customers for the costs of the Hines 2 Unit for the expected life of the Unit?". Order No. PSC-00-1933-PCO-EI, issued October 19, 2000.

17. Finally, a continuance will not prejudice FPC. While timing of the in-service date of the unit, November of 2003, maybe of the essence, a 30-day continuance cannot affect this date. This is so because the ability of FPC to process its application at DEP is contingent not only upon the issuance of a positive determination of need by the Commission but also on a determination that its siting application is "sufficient", a decision that will not take place before November 6, 2000. PEII would also note that the actual construction time for a combined cycle unit once fully permitted is in the range of 9-12 months, not the 2-3 years required for other types of generation technology. The in-service date of the proposed Hines Unit 2 can be met if a continuance is granted.

18. The factual issues presented in this docket, the procedural posture of this case, administrative efficiency, due process rights and the lack of harm to FPC all support PEII's request for a continuance in this case until November 29, 30 and December 1, 2000. There is no statutory bar to this action and common sense demands it.

WHEREFORE, PEII respectfully requests that the Commission grant its Motion for Continuance until November 29, 30 and December 1, 2000.


Suzanne Brownless, Esq.
1311-B Paul Russell Road
Suite 201
Tallahassee, Florida 32301
(850) 877-5200
FAX: (850) 878-0090

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been provided by U.S. Mail to all persons listed below and by Facsimile (**) or Hand Delivery where indicated on this 25th day of October, 2000:

(**)Gary L. Sasso, Esq.
James Michael Walls
Carlton Fields Law Firm
One Progress Plaza
Suite 2300
200 Central Ave.
St. Petersburg, FL 33701
FAX: (727) 822-3768

(**)Robert A. Glenn, Esq.
Director, Regulatory Counsel
Group
Florida Power Corp.
One Progress Plaza, Suite 1500
200 Central Ave.
St. Petersburg, FL. 33701
FAX: (727) 820-5519

(*)Deborah D. Hart, Esq.
Katrina D. Walker, Esq.
Florida Public Service Comm.
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850


Suzanne Brownless, Esq.

c: 3253

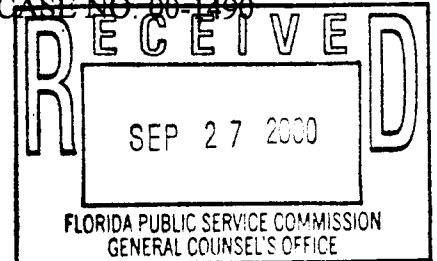
Bob
413-0250

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

IN RE: FLORIDA POWER CORPORATION
HINES ENERGY COMPLEX
(POWER BLOCK 2)
POWER PLANT SITING SUPPLEMENTAL
APPLICATION NO. PA92-33SA

DOAH CASE NO 00-3125EPP

OGC CASE NO. 00-1490



NOTICE OF INSUFFICIENCY

Pursuant to section 403.5067, Florida Statutes, the Florida Department of Environmental Protection (Department) hereby finds the application insufficient in the following areas:

- A. Air
See Exhibit "A", attached and incorporated by reference herein.

- B. Water
See Exhibit "B", attached and incorporated by reference herein.

- C. Water Management District
See Exhibit "C", attached and incorporated by reference herein.

NOTICE OF RIGHTS

Pursuant to Section 403.5067, F.S., as a result of the Department's determination of insufficiency, the applicant may withdraw the application or amendment. If the applicant declines to withdraw the application or amendment, the applicant may, at its option:

1. Within 40 days after the department filed its statement of insufficiency or such later date as authorized by department rules, file additional information necessary to make the application or amendment sufficient. If the applicant makes its application or amendment sufficient within this time period, the time schedules under this act shall not be tolled by the department's statement of insufficiency;

2. Advise the department and the administrative law judge that the information necessary to make the application or amendment sufficient cannot be supplied within the time period authorized in paragraph 1. The time schedules under this act shall be tolled from the date of the notice of insufficiency until the application or amendment is determined sufficient; or

3. Contest the statement of insufficiency by filing a request for hearing with the administrative law judge within 15 days after the filing of the statement of insufficiency. If a hearing is requested by the applicant, all time schedules under this act shall be tolled as of the department's statement of insufficiency, pending the administrative law judge's decision concerning the dispute. A hearing shall be held no later than 30 days after the filing of the statement by the department, and a decision shall be rendered within 10 days after the hearing.

Respectfully submitted,



SCOTT A. GOORLAND
Senior Assistant General Counsel
Florida Bar No. 0066834

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION
3900 Commonwealth Boulevard
Mail Station 35
Tallahassee, Florida 32399-3000
Telephone: (850) 488-9314

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Insufficiency has been sent by mail to the following listed persons this 26 day of August 2000:

Robert A. Glenn, Esq.
Florida Power Corporation
P.O. Box 14042
St. Petersburg, Fl 33733

Frank K. Anderson, Esq.
SWFWMD
2379 Broad Street
Brooksville, FL 34609-6899

Andrew Grayson, Esq.
Department of Community Affairs
2470 Centerview Drive
Tallahassee, Fl 32399-2100

Cathy Bedell, General Counsel
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

James Antista, Esq.
Florida Fish and Wildlife
Conservation Commission
620 South Meridian Street
Tallahassee, Florida 32399-1600

Sheauching Yu,
Assistant General Counsel
Florida Department of Transportation
605 Suwannee Street
Tallahassee, Florida 32399-0450

Norman White, Esq.
Central Florida Regional
Planning Council
555 East Church Street
Bartow, Florida 33830

Carolyn S. Raepple, Esq.
Douglas S. Roberts, Esq.
Hopping Green Sams & Smith
P.O. Box 6526
Tallahassee, Florida 32314

Mark Carpanini, Esq.
Office of County Attorney
Post Office Box 9005
Drawer AT01
Bartow, Florida 33831-9005


SCOTT A. GOORLAND
Senior Assistant General Counsel



Jeb Bush
Governor

Department of Environmental Protection

DEPARTMENT OF
ENVIRONMENTAL PROTECTION

AUG 29 2000

CITING COORDINATION

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399 2400

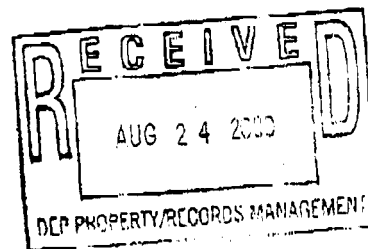
David B. Struba
Secretary

August 23, 2000

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. W. Jeffrey Pardue
Director Environmental Services Department
Florida Power Corporation
PO Box 14042
St. Petersburg, Florida 33733-4042

Re: Request for Additional Information
DEP File No. 1050234-004 AC (PSD-FL-296)
Hines Energy Complex, Power Block 2



Dear Mr. Pardue,

On July 24, 2000 the Department received your application and complete fee for an air construction/PSD permit for the construction of two combustion turbines to create Power Block 2 at the existing Hines Energy Complex. The application is incomplete. In order to continue processing your application, the Department will need the additional information requested below. Should your response to any of the below items require new calculations, please submit the new calculations, assumptions, reference material and appropriate revised pages of the application form.

1. Please provide the air quality impact modeling data files for Department review. The Department may have additional questions related to air quality modeling after review of this information.
2. Please provide the CO concentrations for natural gas firing and fuel oil firing at the outlet of the turbine/inlet of the HRSG, for conditions of 50% and 60% of full load, or provide curves that cover these operating conditions. Also provide mass emission estimates for these loads.
3. Please provide the vendor's quote used in the cost effectiveness analysis for selective catalytic reduction. This quote must be for this project and not a scaled estimate from another project, or from a turbine of different size or manufacturer.
4. Based upon the hours of operation and load levels requested in the application, the Department is likely to require control of CO with an oxidation catalyst to an expected level of 6 ppmvd @ 15% O₂ or less. Please address, if you wish, any changes to your requested allowable operation given this possibility.
5. Please provide the vendor's quote used in the cost effectiveness analysis for oxidation catalyst for CO control, and provide a cost effectiveness estimate using this quote. This quote must be for this project and not an estimate from another project, or from a turbine of different size or manufacturer.
6. The Department has advised other applicants that it considers SCONOX to be a commercially available technology. Please obtain a vendor quote from Alstom Power for SCONOX with commercial and performance guarantees similar to that of the SCR system with an oxidation catalyst, and provide a cost effectiveness estimate using this quote. This quote must be for this project and not an estimate from another project, or from a turbine of different size or manufacturer.
7. Please provide an updated estimate of HAP emissions for this project and include complete supporting information for any emission factors and assumptions used in the estimate. The application does not indicate whether this project is major for HAPs. Please address.
8. Provide an estimate of the duration and quantity of emissions under expected startup and shutdown scenarios. How many (and what duration) startup and shutdown cycles are anticipated per day, month, and year for each

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Mr. W. Jeffrey Pardue
Request for Additional Information
Page 2 of 2
August 23, 2000

combustion turbine? The Department plans to address excess emissions from startup and shutdown in its BACT determination.

9. The maximum heat input rate at 59°F of 1830 mmBtu/hr, firing gas, and 1932 mmBtu/hr, firing oil, (HHV) is less than the newly increased allowable maximum heat input rate of 1915 mmBtu/hr, firing gas, and 2020 mmBtu/hr, firing oil, (HHV) for the turbines for Power Block 1. Please address and revise the estimated potential mass emissions if the requested maximum heat input rate is revised in this application.
10. What are the actual CO and NOx concentrations at the outlet of the turbines of Power Block 1 over the range of operating conditions requested for Power Block 2?
11. Are there any other proposed emissions units related to this project such as fuel heaters, cooling towers, fuel storage tanks? Will emissions increase at any existing emissions units as a result of this project?
12. Please provide supporting information for the SAM emissions factor.
13. What are cases A, B, C and D in Table A-25?
14. Please provide more information to support the estimate of costs of instrumentation considered in the cost estimate for CO catalyst. Also, provide more detail regarding the estimate for heat rate penalty in your analysis.

The Department will resume processing your application after receipt of the requested information. Rule 62-4 050(9), F.A.C. requires that all applications for a Department permit must be certified by a professional engineer registered in the State of Florida. This requirement also applies to responses to Department requests for additional information of an engineering nature. Material changes to the application should also be accompanied by a new certification statement by the authorized representative or responsible official. Permit applicants are advised that Rule 62-4.050(1), F.A.C. now requires applicants to respond to requests for information within 90 days. If there are any questions, please call me at 850/921-9519. Matters regarding modeling issues should be directed to Cleve Holladay (meteorologist) at 850/921-8986.

Sincerely,


Joseph Katin, P.E.
New Source Review Section

/jk

cc: Gregg Worley, EPA
John Bunyak, NPS
Bill Thomas, P.E., DEP SWD
Ken Kosky, P.E., Golder Associates, Inc.
Buck Owen, DEP SCO



Department of Environmental Protection

Jeb Bush
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

INTEROFFICE MEMO

DEPARTMENT OF
ENVIRONMENTAL PROTECTION

TO: Hamilton S. Oven, Jr., P.E.
Administrator, Power Plant Siting Section

SEP 21 2000

THROUGH: Timothy J. Parker, P.E. *TJP*
Water Facilities Administrator, Southwest District

SITING COORDINATION

Henry B. Dominick, P.E. *HBD* 09-11-00
Manager, Industrial Wastewater Program

FS Mohammed Kader, P.E. *MB* 09-11-00
Supervisor, Industrial Wastewater Permitting

FROM: Kim Barlow *KB*
Engineer, Industrial Wastewater Permitting

SUBJECT: Florida Power Corporation-Hines Energy Complex
Supplemental Site Certification Application to PA 92-33 dated August 7, 2000
Polk County

DATE: September 5, 2000

I have reviewed the two (2) volumes of information submitted with the above-referenced application. Upon review of the submittal and based upon my site visit on August 30, 2000, I have no incompleteness items to request at this time.

The Compliance/Enforcement Section and the Technical Services Ground Water Section have also reviewed the above-referenced application and their comments are attached in memos dated August 11, 2000, and September 1, 2000, respectively.

This staff assessment is preliminary and is designed to assist in the review of the application prior to final agency action. The comments provided herein are not the final position of the Department and may be subject to revision pursuant to additional information and further review.

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EXHIBIT B

662

**REVIEW OF SUPPLEMENTAL SITE CERTIFICATION APPLICATION FOR FPC - HINES ENERGY COMPLEX
DATED 8/7/00**

**BY
CINDY CATHEY
8/11/00**

I have the following comments concerning the application:

- On page 2.3.2-7, FPC states that seven consecutive quarters of ground water sampling and analysis have been completed at the facility. Only the analysis for samples collected on 3/13/00, first quarter 2000, were included in Appendix 10.5.2. FPC has made a request for the Department to reduce ground water monitoring parameters. The District requested FPC submit a trend analysis for those parameters that they wish to have removed. The requested information has not been submitted at the time of this review. We recommend that this information be included as part of the supplemental site certification application review.
- FPC indicates in the application that they will be doubling the amount of RO brine discharged to the brine pond. Condition XVII.G.2.e. of the facility's site certification provides details for evaluating the impact of the brine on the disposal pond. This condition specifies pre-operation and operational phase programs. Joe May, FDEP Technical Services, stated that FPC performed pre-operational characterization during the initial site certification process, however, there are no records in the district files that the operational phase program was implemented. The operational phase program requires tests to be taken annually for the first five years after initiation of brine production. On page 5.3-7, FPC states that they are still conducting the brine pond study and will submit the results to the Department. If this study is the same as that required by the site certification, we recommend that it be reviewed as part of the supplemental site certification application.
- A review of district files indicates the following:
 - The comprehensive operation plan required under Condition XVII.G.2.h. of the facility's site certification could not be located in the district files nor could the Departmental letter approving the plan.
 - The waste stream characterizations for the cooling pond and brine pond required under Condition XVIII.A.8. of the facility's site certification could not be located in district files.

We recommend that this information be submitted to both the District and Tallahassee staff.

Review of supplemental site certification application for
FPC - Hines Energy Complex dated 8/7/00
Page 2


- FPC mentions chemical and biocide wastes in section 3.6 of the supplemental site certification application. A characterization of these waste streams should be submitted.
- FPC discusses oil spill prevention in section 3.6.7. of the supplemental site certification application. FPC should provide a discussion of procedure for discharging oil tank secondary containment to the cooling water pond.
- The potential for water quality concerns (i.e.: nutrients, chlorophyll, etc.) associated with the release of water from old clay settling areas to surface waters should be addressed.
- In section 4.2 of the supplemental site certification application, FPC discusses dewatering activities. It should be noted that under NPDES, any dewatering activity, which discharge to surface waters, must obtain approval under Chapter 62-621, F.A.C.

This staff assessment is preliminary and is designed to assist in the review of the application prior to final agency action. The comments provided herein are not the final position of the department and may be subject to revision pursuant to additional information and further review.

State of Florida
Department of Environmental Protection - Southwest District Office

Interoffice Memorandum

TO: Kim Barlow, Engineer
Industrial Wastewater- Permitting

FROM:  Joseph R. May, P.G., Environmental Supervisor
Technical Services - Ground Water Protection

DATE: September 1, 2000

SUBJECT: FPC - Hines Energy Complex
PA No. 92-33
Ground Water Protection - Power Block Two Addition

I have reviewed application and have the following comment:

The monitoring wells that are present were installed with the intention of incorporating the planned addition of Power Block Two. The submittal should address the additional monitoring parameters needed for fuel oil wastewater effluent cooling pond discharge.

Should you have any questions, please contact me at extension 342.

cc: Charles Kovach, TE-3W
John Morris, WM 6W

This staff assessment is preliminary and is designed to assist in the review of the application prior to final agency action. The comments provided herein are not the final position of the Department and may be subject to revision pursuant to additional information and further review.

Ronald C. Johnson
Chair, Lake Wales
Monroe "Al" Coogler
Vice Chair, Lecanto
Sally Thompson
Secretary, Tampa
Ronnie E. Duncan
Treasurer, Tarpon Springs
Thomas G. Dabney, II
Sarasota
 Pamela L. Fontana
Lake Wales
John P. Harlow, IV
Bradenton
Watson L. Haynes, II
St. Petersburg
John K. Henke, III
New Port Richey

E. D. "Benny" Vargas
Executive Director
Gene A. Heath
Assistant Executive Director
William S. Blonky
General Counsel

Protecting Your
Water Resources

September 7, 2000

SEP 11 2000

SITING COORDINATION

I Hamilton Oven
Florida Department of Environmental Protection
Siting Coordination Office
2600 Blair Stone Road, MS48
Tallahassee, FL 32399-2400

Re: **SUPPLEMENTAL SITE CERTIFICATION APPLICATION, FLORIDA
POWER CORPORATION, HINES ENERGY COMPLEX, POWER
BLOCK 2, PA92-33SA**

Dear Mr. Oven:

The Southwest Florida Water Management District ("District") has reviewed the subject application, and, in accordance with the provisions of Chapter 403.5067, Florida Statutes, recommends the application be determined insufficient. The following additional information is required before a full analysis of the project by the District can go forward:

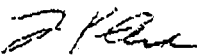
1. The current Supplemental Site Certification Application (SSCA) No. PA92-33SA refers to and contains documentation of the Water Use Permit (WUP) No. 2011407.000, as the WUP associated with the above-mentioned SSCA. The referenced WUP number is associated with the Florida Power Corporation (FPC)'s Polk City Combined Cycle Facility, whereas the current SSCA relates to the FPC's Hines Energy Complex. The WUP associated with this site is WUP No. 2010944.000. Accordingly, the correct WUP number and documentation associated with the current SSCA needs to be provided. [40D-2.091 F.A.C, 40D-2.101, F.A.C., 40D-2.301, F.A.C., 2.1.1, Basis of Review for Water Use Permit Applications.]
2. It is unclear how the proposed drainage enhancement for Camp Branch (areas N-11A, N-13, N-9B) will reach Tiger Bay or Camp Branch in the post-reclamation condition. The Storage/Release Mode diagram (Figure 3.3.6-2) depicts the temporary water crop system for those areas. Under that system, water from these areas is shown as flowing to water crop areas N-11B and N-16W. A flow

diagram that depicts the proposed post-reclamation drainage enhancement for Camp Branch must be provided. In addition, an estimate of the expected timing, frequency and volume of the proposed drainage enhancement and provide a comparison with existing or estimated flow data for Camp Branch is necessary. [40D-2.091 F.A.C, 40D-2.101, F.A.C., 40D-2.301, F.A.C., 2.1.1, Basis of Review for Water Use Permit Applications.]

3. The applicant needs to demonstrate that the proposed water crop system will not affect the hydration of wetlands within the Tiger Bay area. [40D-2.091 F.A.C, 40D-2.101, F.A.C., 40D-2.301, F.A.C., 2.1.1, Basis of Review for Water Use Permit Applications.]
4. The expected frequency and volume of the proposed McCullough Creek drainage enhancement must be provided and estimated. The applicant also needs to compare this with any existing or estimated flow data for McCullough Creek. [40D-2.091 F.A.C, 40D-2.101, F.A.C., 40D-2.301, F.A.C., 2.1.1, Basis of Review for Water Use Permit Applications.]
5. Excess water from storm events collected in the water crop areas is proposed to be released to Six Mile Creek, as ultimately a flow enhancement to the Peace River. An estimate of the expected frequency and volume of these discharges to Six Mile Creek needs to be provided along with a comparison with existing and historic flow data for Six Mile Creek. [40D-2.091 F.A.C, 40D-2.101, F.A.C., 40D-2.301, F.A.C., 2.1.1, Basis of Review for Water Use Permit Applications.]

Should you, your staff or the Applicant have any questions regarding this recommendation for a determination of insufficiency, contact either Said Abusada at (863) 534-1448 ext. 6107 (Suncom 572-6200) or myself at (352) 796-7211 ext. 4666 (Suncom 628-4150).

Respectfully,



F. K. Anderson
Senior Attorney

cc: see attached list

James V. Antista, General Counsel
Ross Stafford Burnaman, Asst. General Counsel
FL Fish and Wildlife Conservation Commission
620 South Meridian Street, Room 108
Bryant Building
Tallahassee, FL 32399-1600

Mark Carpanini, Esquire
Polk County Attorney's Office
Drawer AT012
Post Office Box 9005
Bartow, Florida 33830-9005

Scott A. Goorland, Esquire
Department of Environmental Protection
3900 Commonwealth Boulevard
The Douglas Building, Mail Station 35
Tallahassee, FL 32399-3000

Carolyn S. Raepple, Esquire
Hopping, Green, Sams & Smith, P.A.
Post Office Box 6526
Tallahassee, FL 32314

Sheauching Yu, Esquire
Department of Transportation
605 Suwannee Street
Haydon Burns Building, MS-58
Tallahassee, FL 32399-0458

Cathy Bedell, Esquire
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Robert A. Glenn, Esquire
Florida Power Corporation
Post Office Box 14042
St. Petersburg, FL 33733

Andrew S. Grayson, Esquire
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Norman White, Esquire
Central Florida Regional Planning Council
555 East Church Street
Bartow, FL 33930