

CL AREA

CRAF006A

Logged Total

Collection Point Log Remittance

Remittance ID  Type \*  Received Date \*  Status

System Receipt  PNR  Check # \*  Amount \*

Name \*

First  Middle  Title  Suffix

Address1

Address2

City  ST  Zip

Country  Short Comments

PAYMENT (S)

| Payment ID | Distribution CL Area | Rev Code ODN | Revenue Object | Description     | Payment Amount | Reference# | Appl | Fund * | Grant | Project | BPIN | Status   |
|------------|----------------------|--------------|----------------|-----------------|----------------|------------|------|--------|-------|---------|------|----------|
| 2033911    | NED                  | 018003       | 018003         | LCT-REIMB.LEGAL | 750.00         | 231038     |      | WQATF  |       |         |      | COMPLETE |
| 2033912    | NED                  | 012008       | 012008         | LCT-PENALTIES   | 7,500.00       | 231038     |      | WQATF  |       |         |      | COMPLETE |
|            |                      |              |                |                 |                |            |      |        |       |         |      |          |
|            |                      |              |                |                 |                |            |      |        |       |         |      |          |

COMMIT FREQUENTLY  Payment Total

HOLD DOCUMENT AT ANGLE TO VIEW ARTIFICIAL WATERMARK ON BACK

HOLD DOCUMENT AT ANGLE TO VIEW ARTIFICIAL WATERMARK ON BACK

**CHASE** **CASHIER'S CHECK**

Date 08/23/2023

Void after 7 years

9516817936

440

**Remitter:** SEMINOLE ELECTRIC COOPERATIVE INC/OPERATING ACCOUNT

223260

**Pay To The Order Of:** FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION**Pay:** EIGHT THOUSAND TWO HUNDRED FIFTY DOLLARS AND 00 CENTS

\$\*\* 8,250.00 \*\*

Do not write outside this box

Memo: OGC No. 23-1038 "Water Quality Assurance Trust Fund"  
Note: For information only. Comment has no effect on bank's payment.**Drawer: JPMORGAN CHASE BANK, N.A.**Rebecca Griffin, Chief Administrative Officer  
JPMorgan Chase Bank, N.A.  
Columbus, OHSecurity  
Features  
Detail on  
Back



# FLORIDA DEPARTMENT OF Environmental Protection

Northeast District  
8800 Baymeadows Way West, Suite 100  
Jacksonville, Florida 32256

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Secretary

August 8, 2023

Sent electronically to: [LJohnson@seminole-electric.com](mailto:LJohnson@seminole-electric.com)

Ms. Lisa D. Johnson, Chief Executive Officer  
Seminole Electric Cooperative, Inc.  
1613 North Dale Mabry Highway  
Tampa, Florida 33618

**SUBJECT: Department of Environmental Protection v. Seminole Electric Cooperative, Inc.**  
**OGC File No. 23-1038**  
**Air Facility ID No. 1070025**

Dear Ms. Johnson:

The State of Florida Department of Environmental Protection ("Department") finds that Seminole Electric Cooperative, Inc. ("Respondent") operated Emission Unit 002, Steam Electric Generator No. 2, at the Seminole Generating Station in such a manner that exceeded the unit's emissions standard for Particulate Matter during the 1<sup>st</sup> Quarter 2023 MATS Compliance Test on February 20, 2023, in violation of Permit Conditions A.9.(a) and A.9.(b) of Title V Air Operation Permit No. 1070025-038-AV and 40 CFR 60.42Da(a).

Before sending this letter, the Department requested that the Respondent undertake certain actions to resolve the violation. These actions have since been completed. However, due to the nature of the violation, the Respondent remains subject to civil penalties. The Respondent is also responsible for costs incurred by the Department during the investigation of this matter.

### **The Department's Offer**

Based on the violations described above, the Department is seeking \$7,500.00 in civil penalties and \$750.00 for costs and expenses the Department has incurred in investigating this matter, which amounts to a total of \$8,250.00. The civil penalties are apportioned as follows: \$1,500.00 for exceeding the air emissions standard for Particulate Matter, in violation of 40 CFR 60.42Da(a), with a \$4,500.00 add-on since the facility is classified as a major source of pollution for Particulate Matter; an additional

25% adjustment factor for history of non-compliance was applied to the base civil penalty value, totaling \$1,500.00, since the Department pursued formal enforcement for a similar air emissions exceedance within the past five years (OGC File No. 23-0087).

### **Respondent's Acceptance**

If you wish to accept this offer and fully resolve the enforcement matter pending against the Respondent, please sign this letter and return it to the Department at the Northeast District Office, 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida 32256, **within 30 days of the issuance of this Order**. The Department will then countersign it and file it with a designated clerk of the Department. Once the document is filed with the designated clerk, it will constitute a final order of the Department pursuant to Section 120.52(7), Fla. Stat. and will be effective unless a request for an administrative hearing is filed by a third party in accordance with Chapter 120, Florida Statutes ("Fla Stat.") and the attached Notice of Rights.

By accepting this offer you, Lisa Johnson:

- (1) certify that you are authorized and empowered to negotiate, enter into, and accept the terms of this offer in the name and on behalf of Respondent;
- (2) acknowledge and waive Respondent's right to an administrative hearing pursuant to Sections 120.569 and 120.57, Fla. Stat., on the terms of this offer, once final;
- (3) acknowledge and waive Respondent's right to an appeal pursuant to Section 120.68, Fla. Stat.; and
- (4) acknowledge that payment of the above amount does not constitute a waiver of the Department's right, if any, to recover emergency response related costs and expenses for this matter.

The Department acknowledges that the Respondent's acceptance of this offer does not constitute an admission of liability for the violation referenced above.

### **Respondent's Performance**

After signing and returning this document to the Department,

- (1) Respondent must pay \$8,250.00 in full by **within 30 days of the effective date of this Order**.
- (2) Respondent shall make all payments required by this Order by cashier's check, money order or on-line payment. Cashier's check or money order shall be made payable to the "Department of Environmental Protection" and shall include both the OGC number assigned to this Order and the notation "Water Quality

Assurance Trust Fund.” Online payments by e-check can be made by going to the DEP Business Portal at: <http://www.fldepportal.com/go/pay/>  
It will take a number of days after this order is final, effective and filed with the Clerk of the Department before ability to make online payment is available.

The Department may enforce the terms of this document, once final, and seek to collect monies owed pursuant to Sections 120.69 and 403.121, Fla. Stat.

Until clerked by the Department, this letter is only a settlement offer and not a final agency action. Consequently, neither the Respondent nor any other party may request an administrative hearing to contest this letter pursuant to Chapter 120, Fla. Stat. Once this letter is clerked and becomes a final order of the Department, as explained above, the attached Notice of Rights will apply to parties, other than the Respondent, whose interests will be substantially affected.

Electronic signatures or other versions of the parties’ signatures, such as .pdf or facsimile, shall be valid and have the same force and effect as originals. No modifications of the terms of this Order will be effective until reduced to writing, executed by both Respondent and the Department, and filed with the clerk of the Department.

Please be aware that if the Respondent declines to respond to the Department’s offer, the Department will assume that the Respondent is not interested in resolving the matter and will proceed accordingly.

If you have any questions, please contact Christopher Azcuy at (904) 256-1529 or at [Chris.Azcuy@FloridaDEP.gov](mailto:Chris.Azcuy@FloridaDEP.gov).

Sincerely,



---

Thomas G. Kallemeyn  
Assistant Director

FOR THE RESPONDENT:

I, Lisa D. Johnson [Lisa D. Johnson], **HEREBY ACCEPT THE  
TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

By:  Date: 8-9-23  
[Signature]

Title: Chief Executive Officer, Seminole Electric Cooperative, Inc.

**FOR DEPARTMENT USE ONLY**

DONE AND ORDERED this 7th day of September 2023, in Duval County,  
Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



\_\_\_\_\_  
Gregory J. Strong  
District Director  
TEK Northeast District

Filed, on this date, pursuant to section 120.52, Fla. Stat., with the designated  
Department Clerk, receipt of which is hereby acknowledged.



\_\_\_\_\_  
Clerk

September 7, 2023

\_\_\_\_\_  
Date

Attachments:        Notice of Rights  
                              [Warning Letter No. WL23-084](#)

Final clerked copy furnished to:

FDEP-OGC: Lea Crandall, Agency Clerk, [lea.crandall@dep.state.fl.us](mailto:lea.crandall@dep.state.fl.us) (executed copy only)

FDEP-NED: Tom Kallemeyn, Joni Petry, Chris Azcuy, Sarah Harris, DEP-NED

David Ferrentino, [dferrentino@seminole-electric.com](mailto:dferrentino@seminole-electric.com)

Lewis Snyder, [lsnyder@seminole-electric.com](mailto:lsnyder@seminole-electric.com)

Chris Weber, [cweber@seminole-electric.com](mailto:cweber@seminole-electric.com)

## NOTICE OF RIGHTS

Persons who are not parties to this Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under Sections 120.569 and 120.57, Florida Statutes. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Order means that the Department's final action may be different from the position it has taken in the Order.

The petition for administrative hearing must contain all of 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, 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 the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;

(f) A statement of the specific rules or statutes 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 petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 or received via electronic correspondence at [Agency\\_Clerk@floridadep.gov](mailto:Agency_Clerk@floridadep.gov), within 21 days of receipt of this notice. A copy of the petition must also be mailed at the time of filing to the District Office at the address indicated above. Failure to file a petition within the 21-



day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under Sections 120.569 and 120.57, Florida Statutes. Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.