

CHAPTER 62-807

NATURAL GAS TRANSMISSION PIPELINE SITING

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62-807.100 Purpose. (Repealed)

Rulemaking Authority 403.9404(1) FS. Law Implemented 403.9401-.9425 FS. History -- New 8-12-93, Formerly 17-807.100, Repealed 2-16-12.

62-807.200 Definitions.

Words, terms, and phrases used in this chapter, unless otherwise indicated, have the meaning set forth in s. 403.9403, F.S. In addition, the following words, when used in these rules, have the indicated meanings:

(1) "Act" means the Natural Gas Transmission Pipeline Siting Act, Sections 403.9401-.9425, F.S.

(2) "Access road" means a road that must be constructed within the corridor to gain access to the right-of-way, compressor stations, pipeline, or other pipeline company property or facilities, including a road used for maintenance purposes. The term does not include a new or existing road or an easement acquired from property owners, which are outside of the corridor and is not licensed under the provisions of the Act.

(3) "Alternate corridor" means a corridor proposed by a party other than the applicant under s. 403.9412, F.S.

(4) "Clerk of the Siting Board" means the person designated as the clerk of the department for purposes of Florida Rules of Appellate Procedure.

(5) "Conditions of certification" means the requirements that must be satisfied during the construction, operation, and maintenance of the natural gas transmission pipeline as ordered by the Siting Board under the provisions of s. 493.9416, F.S.

(6) "Construction" means any clearing of land, excavation or other action by the applicant which would alter the physical environment or ecology of a corridor, but does not include those activities essential for surveying, preliminary corridor evaluation, or environmental studies, including trimming of vegetation necessary for such activities.

(7) "Corridor" means the area within which the pipeline right-of-way, if certified, may be located. Where a primary corridor and secondary corridors are designated, a primary corridor means the corridor which the applicant prefers to have certified, and secondary corridors means corridor segments proposed for certification by the applicant which are alternate to the primary corridor but also are acceptable. A secondary corridor does not refer to a lateral pipeline corridor which may also have a secondary corridor segment.

(8) "Licensee" means a person who has received certification through the licensing provisions of the Act.

(9) "Maintenance" means the act of physically maintaining the natural gas transmission pipeline or the right-of-way, and includes activities such as vegetation control, compressor servicing, roadway upkeep, but not construction of additional pipeline facilities.

(10) "Maintenance replacement" means the exchange of equipment or material necessary to ensure continued safe operation of the pipeline, and which has impact

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control specifications equal to or better than the previously installed equipment. It may include upgrades determined necessary by the licensee, if such upgrades improve safety and do not result in an increase in pipeline capacity.

(11) "Mandatory replacement" means the exchange of equipment or material required by federal or state laws, rules, or regulations.

(12) "Office of Siting Coordination" means that part of the Department of Environmental Protection charged with coordination of certification activities, and the address of which is Office of Siting Coordination, Department of Environmental Protection, 3900 Commonwealth Blvd., Tallahassee, Florida, 32399-3000.

(13) "Restricted area" means an area within the corridor determined by the Governor and Cabinet to be unacceptable for location of the natural gas transmission pipelines, or access roads thereto. Any restricted area will be identified in the final conditions of certification.

(14) "Secretary" means the Secretary of the Department of Environmental Protection, or the duly authorized designee.

(15) "Siting Board" means the Natural Gas Transmission Pipeline Siting Board, which is the Governor and Cabinet.
Specific Authority 403.9404(1),(2), FS. Law Implemented 403.9403, FS. History -- New 8-12-93, Formerly 17-807.200.

62-807.300 Prohibitions and Applicability. (Repealed)

Rulemaking Authority 403.9404(1) FS. Law Implemented 403.9405 FS. History -- New 8-12-93, Formerly 17-807.300, Repealed 2-16-12.

62-807.310 Public Service Commission's Determination of Need. (Repealed)

Rulemaking Authority 403.9404(1) FS. Law Implemented 403.941(2), 403.9422 FS. History -- New 8-12-93, Formerly 17-807.310, Repealed 2-16-12.

62-807.400 Application for Corridor Certification, Recipients.

(1) Applications for certification must follow the format of Rule 62-807.900, F.A.C., and must be supported by information and technical studies agreed to by the department and affected agencies, as a result of pre-application meetings and discussions.

(a) No more than six months prior to the filing of an application, the applicant shall meet with the department's Office of Siting Coordination to generally discuss the format and content of the application, as well as to provide a general briefing on the contemplated project. The department will invite other potentially affected agencies to attend the meeting. The Office of Siting Coordination, on behalf of the affected agencies and itself, may indicate that additional or alternative information will be needed in the application.

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(b) The application shall provide information as specific as possible concerning the corridor, including maps delineating the precise boundary of the corridor, and the locations of the corridor that fall within existing rights-of-way if fee reductions under the provisions of s. 403.9421, F.S., are sought.

(c) Even though an applicant may elect to propose a corridor which overlaps with another company's corridor undergoing certification or other licensing which may provide similar information, the applicant shall still provide in its application the full information required by this section for that overlapping segment, to assure that agencies receive sufficient, up-to-date information.

(d) As part of the application, the applicant shall provide a preliminary listing of the agencies entitled to notice and copies of the application. This list shall include the names of representatives of the agencies to whom correspondence and the application are intended to be sent. At a minimum, the list shall include:

1. Those agencies listed in s. 403.9411(4)(a), F.S.
2. Local governments adjacent to the corridor, or within three miles of the corridor, if areas within their jurisdictions are likely to be subject to the impacts from the natural gas transmission pipeline.

(2) An applicant may choose at its option to propose segments of more than one corridor in the original application, known as secondary corridors. If information on more than one corridor is included in the application, the applicant must clearly identify the primary corridor, versus any secondary corridor segments. There may be no more than one segment of secondary corridor per counterpart segment of primary corridor. Any other variations indicated will be considered as a means to demonstrate that other route options have been considered by the applicant.

(3) In order for an application to be deemed filed with the department, the following must be submitted by the applicant:

(a) Fifteen copies of the certification application, which are reserved for the department's own use.

(b) The appropriate application fee prescribed under s. 403.9421, F.S., and Rule 62-807.660, F.A.C. Submittal of the fee is a condition precedent to any further consideration or action on the application by the department.

(4) Pursuant to s. 403.9407, F.S., within seven days after the application has been filed with the department, the department is required to provide the applicant and the Division of Administrative Hearings with a list of agencies, including the names and addresses of agencies entitled to notice and copies of the application. This listing will be based on the listing required by (1)(d) above. Whenever possible, the names of the legal counsel which will be representing each agency should be included.

Specific Authority 403.9404(1), FS. Law Implemented 403.9407, FS. History -- New 8-12-93, Formerly 17-807.400.

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62-807.410 Completeness of the Application. (Repealed)

Specific Authority 403.9404(1),(2), FS. Law Implemented 403.9408, FS. History -- New 8-12-93, Formerly 17-807.410, Repealed 12-8-96.

62-807.420 Application Distribution, Schedule. (Repealed)

Rulemaking Authority 403.9404(1) FS. Law Implemented 403.9407 FS. History -- New 8-12-93, Formerly 17-807.420, Repealed 2-16-12.

62-807.430 Notice of Application Filing. (Repealed)

Rulemaking Authority 403.9404(1),(2) FS. Law Implemented 403.9411(1), 403.9414 FS. History -- New 8-12-93, Formerly 17-807.430, Repealed 2-16-12.

62-807.440 Determination of Sufficiency, Withdrawal. (Repealed)

Rulemaking Authority 403.9404(1),(2) FS. Law Implemented 403.9409 FS. History -- New 8-12-93, Formerly 17-807.440, Repealed 2-16-12.

62-807.450 Preliminary Statement of Issues. (Repealed)

Rulemaking Authority 403.9404(1) FS. Law Implemented 403.941(1) FS. History -- New 8-12-93, Formerly 17-807.450, Repealed 2-16-12.

62-807.460 Conduct of Studies.

To verify or supplement the studies made by the applicant in support of the application, it is recommended that the topics identified below be studied by the named agencies. For studies concerning issues outside of the department's substantive jurisdiction and in the jurisdiction of another agency, but which appear may not be conducted, the department, as support staff to the Siting Board, may initiate such studies as necessary to achieve the comprehensive review contemplated by the statute.

(1) Department of Environmental Protection: When conducting studies, the department may request assistance from any other agency. The department's substantive jurisdictional issues (not those from acting as staff to the Siting Board) to be reviewed include, but are not limited to, the following.

(a) Wetland resource regulation issues, including, but not limited to:

1. Potential impacts of natural gas transmission pipeline crossings on navigable waters, submerged lands or wetlands, or agency rights-of-way and other works of agencies.

2. Potential impact on water quality and quantity, including hydrology, hydrogeology, and surface drainage resulting from construction, clearing, and maintenance.

3. Potential impact on terrestrial and aquatic plant and animal life, including endangered or threatened species, or species of special concern, within the department's jurisdiction.

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4. Commensurate with the level of detail of information provided in the application, a final or preliminary identification of those areas where the department has wetland resource jurisdiction (specific identification and the location of the landward extent of jurisdiction may not occur until after the right-of-way has been defined).

5. Restricted areas, as per section (3), below.

6. The need for mitigation. If the department determines that the project is not permissible without mitigation, then:

a. The department will consider any detailed or conceptual mitigation plan included in the application, assessing what types of mitigation (e.g., preservation, creation or enhancement) would be made, the proposed watershed basin (or basins) to be used, and suggested mitigation ratios for the type of wetland affected. The department's report will reflect an analysis of the suitability of the mitigation proposal reflective of the specificity and quality of the submitted plan.

b. If no such mitigation plan is included in the application, the department will include in its report a proposed condition of certification addressing the need for mitigation. If the applicant then chooses to submit a proposal prior to approval by the Siting Board, such plan will be subject to a sufficiency review as provided in Rule 62-807.440, F.A.C., and may be deemed "good cause" for alteration of timeclocks under s. 403.9414, F.S., if requested, in order for the department to consider such proposal within the agency report, or, alternatively, to submit an amended report.

(b) Impacts from air emissions from compressor stations, and pipeline repairs, as well as from fugitive dust caused by the construction. Also, air impact control methodologies.

(c) Impacts from usage of pesticides or herbicides, as determined by the department, and the Department of Agriculture and Consumer Services.

(d) Impact on state lands, as determined by the department, and as appropriate, state-owned forests, in conjunction with the Division of Forestry.

(e) Site specific environmental studies due to the particular nature of the corridor.

(f) As appropriate, those items listed in subsections (3) and (4).

(2) Examples of issues which should be studied by other specific affected agencies, are as follows. The non-agency specific items listed in subsections (3) and (4), should be evaluated in conjunction with these.

(a) Department of Transportation: Impact on state transportation facilities.

(b) The applicable water management district: Impact on water management district owned lands, and impact on water resources (in conjunction with the department, where appropriate).

(c) Game and Fresh Water Fish Commission, in conjunction with, as appropriate, the department, affected water management districts, or affected local governments: Impact on wildlife, and endangered and threatened fauna.

(d) Department of State's Division of Historical Resources: Impact on historical and cultural resources of the state.

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(e) Department of Community Affairs: Impact upon the public based on the degree to which the project is consistent with the applicable portions of the state comprehensive plan.

(f) The affected regional planning council(s): Impact upon the public based on the degree to which the project is consistent with the applicable provisions of the comprehensive regional policy plan.

(g) The affected local governments:

1. Impact upon the public and surrounding land uses, based on the degree to which the project is consistent with applicable adopted comprehensive plans and land development regulations, local ordinances, regulations, standards or criteria that apply to natural gas transmission pipelines.

2. Conflicts with Developments of Regional Impact;

3. Requirements for county/city permitting activities, such as for road crossings, stormwater control, etc., which will be included under certification;

4. Compliance with zoning restrictions;

5. Conflicts with lands owned by local government and easements necessary thereto;

6. Potential conflicts with support services;

7. Environmental or special use factors with which the county/city has jurisdiction; and

8. Impacts on water supply facilities.

(h) Public Service Commission: Impact on delivery reliability, safety, integrity, and need for the pipeline, pursuant to s. 403.9422(1)(b), F.S., and Ch. 368 F.S.

(3) Each affected agency should perform an analysis of areas in which the right-of-way should not be located, and which should be proposed for designation as restricted areas due to regulatory considerations. The rationale for such designations must be provided, along with a citation of the statute, rule, regulation, or ordinance upon which such rationale is based. If restricted areas cover entire portions of the corridor, this may be used as grounds for recommending denial of certification. Examples of reasons for restricting an area of a corridor are as follows:

(a) Department of Environmental Protection wetlands restricted area proposal justifications:

1. There are no construction techniques which can reasonably be used in particular wetlands to minimize adverse construction impacts to the extent that permitting requirements can be met, including considerations of cumulative impact as provided for in s. 403.919, F.S, and, therefore, it would be appropriate for this particular location to be excluded from the certified corridor.

2. Other matters relating to wetlands resource regulation which fail to comply with all non-procedural requirements of an agency, including the requirement to make all reasonable modifications to minimize wetland impacts, or fail to comply with the standards set forth in ss. 403.918 and 403.919, F.S., or in s. 403.9415, F.S., e.g., protection of endangered species habitat within the department's jurisdiction.

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(b) Local government restricted area proposal justification: Incompatible land use encroachment into the corridor has occurred since the filing of the application.

(c) Game and Fresh Water Fish Commission restricted area proposal justification: The prescribed no-impact zone for a newly identified location of an endangered species extends into the corridor.

(4) Each affected agency should assess the impacts on the works of that agency. This will include ascertaining whether the construction techniques for installation of the pipeline and the techniques for operating and maintaining the pipeline will affect the safety of its works, but does not include the safety of the pipeline's structural design or construction which is under the jurisdiction of the Public Service Commission.

Specific Authority 403.9404(1), FS. Law Implemented 403.941, FS. History -- New 8-12-93, Formerly 17-807.460.

62-807.470 Local Government Informational Meetings.

(1) In accordance with s. 403.9424, F.S., local governments are encouraged to hold informational meetings to assist in explaining the project plans and impacts, in order to better solicit comments from the public in their jurisdiction about the project. The statutory times suggested for the meetings are such that the meetings should be concluded approximately when the agencies are completing their studies and preparing agency reports. While the statute does not require attendance by the applicant, department, or other parties, at the meeting, the local governments holding such meetings shall provide individual notice to the applicant, department, and other parties to the proceedings at least three weeks before the meeting, and shall attempt to schedule the meeting so that at least the applicant may have a representative present.

(2) Local governments are responsible for the publication of notice about these meetings, but the cost of such a notice is an authorized expense under the reimbursement criteria of Rule 62-807.660, F.A.C.

Specific Authority 403.9404(1), FS. Law Implemented 403.9424, FS. History -- New 8-12-93, Formerly 17-807.470.

62-807.480 Agency Reports. (Repealed)

Rulemaking Authority 403.9404(1),(2) FS. Law Implemented 403.941(2) FS. History -- New 8-12-93, Formerly 17-807.480, Repealed 2-16-12.

62-807.490 Arrangement for Certification Hearing Locations, Notice. (Repealed)

Rulemaking Authority 403.9404(1),(2) FS. Law Implemented 403.9411(1) FS. History -- New 8-12-93, Formerly 17-807.490, Repealed 2-16-12.

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62-807.500 Analysis by the Department; Conditions. (Repealed)

Rulemaking Authority 403.9404(1) FS. Law Implemented 403.941(3) FS. History -- New 8-12-93, Formerly 17-807.500, Repealed 2-16-12.

62-807.510 Recommendations for Conditions of Certification.

Examples of conditions of certification which may be recommended are as follows:

(1) Those which require the filing after certification of more information with the department and other agencies, as appropriate, because the precise location of the right-of-way and access roads are seldom defined prior to certification. Such conditions typically will outline restrictions and require further evaluation of site-specific information to assess compliance with the conditions, although no separate permits would be issued. Additionally, further requirements and mitigation may be determined necessary under the conditions as site-specific information becomes available, in order for the project to achieve compliance with requirements.

(2) Administrative requirements, typically referred to as "general conditions," in addition to substantive conditions reflecting the regulations of the jurisdictional agencies.

(3) Specific reference to each variance, exception, exemption, or other relief which appear to be appropriate.

(4) Those which provide for any needed review of maintenance and mandatory replacements under Rule 62-807.620(2), F.A.C.

Specific Authority 403.9404(1), FS. Law Implemented 403.941(3), 403.9416, FS. History -- New 8-12-93, Formerly 17-807.510.

62-807.520 Reminder Notice. (Repealed)

Rulemaking Authority 403.9404(1),(2) FS. Law Implemented 403.9411(1)(c) FS. History -- New 8-12-93, Formerly 17-807.520.

62-807.530 Alternate Corridors, Criteria for Rejection.

(1) In accordance with s. 403.9412, F.S., alternate corridors to those proposed by the applicant may be filed by parties to the proceedings, initiating a special review process. In comparison, the application may contain primary and secondary corridors which are distinct from the alternate corridors described herein; these corridors are to be addressed as part of the original application review procedures.

(a) There is no requirement that an agency file an alternate corridor proposal, if it intends to recommend denial of the applicant's proposed corridor.

(b) Alternate corridors, when filed, apply only to the specific geographical area of interest, and do not automatically incorporate those parts of the corridor proposed by the applicant which are not the subject of dispute. The filing of an alternate corridor does not thereby reopen for additional review the other parts of the corridor for which an alternate has not been proposed.

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(2) Pursuant to s. 403.9412(1)(b), F.S., within seven days after receipt of the notice of proposed alternate corridor filing, the applicant and the department must each file with the Hearing Officer and all parties a notice of acceptance or rejection of a proposed alternate corridor for consideration. This does not apply to applicant-filed amendments to the corridor. Examples of the grounds for the department's rejection will include the following:

(a) The alternate does not connect to the remainder of the natural gas transmission pipeline.

(b) The quality of the filing is so poor as to make it difficult for the department to evaluate the proposal.

(c) Failure to submit the information required by s. 403.9412(1)(a), F.S.; however, this will be without prejudice to refile within the deadlines set forth in s. 403.9412, F.S.

(3) As specified in s. 403.9412(1)(d), F.S., the party proposing an alternate corridor has the burden of providing data which is in addition to its notice of alternate corridor filing and which will suffice to enable the agencies to prepare supplemental reports on the proposed alternate corridor. This data must be filed within 25 days after the acceptance of an alternate corridor by the department and the applicant, and will undergo a sufficiency review as specified in s. 403.9412(1)(e), F.S.

(a) These information submittals must address the same issues as the original application which are applicable, although such submittals can cross-reference to the original application in regards to data which is basically identical. (b) The level of detail of the submittal must be commensurate with the scale of change in comparison to the applicant's original proposal. For example, if an alternate would shift the corridor several hundred feet west of the original proposal, for a distance of a thousand feet, and overlaps slightly with the original corridor, much of the original application information may address the impact of a corridor in that area. Cross-referencing to the application will be adequate in most instances. On the other hand, an alternate that shifts the corridor several miles west, and is not joined for fifteen miles with the other parts of the corridor not in dispute, would require substantially new, detailed information.

(4) Within seven days after determining that the data submitted is sufficient and thus the review of the alternate must continue, the department must prepare a schedule of significant dates to be followed during the rescheduled certification proceedings including dates for filing notices of appearances to be a party pursuant to s. 403.9411(4), F.S.

(5) To assist the department and the other agencies in understanding the impact of an alternate upon the applicant, the department may, within five days of the filing of the information required under (3), request that the applicant submit comments on the impact. It is recommended that these comments be submitted to the department and the other agencies no later than 30 days after receipt of the request by the department. However, nothing herein requires the applicant to respond to this request.

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(6) Notice of the rescheduled certification hearing must be published pursuant to s. 403.9411(3)(b), F.S., no later than 80 days before the date set for the hearing. The provisions of Rule 62-807.490, F.A.C., apply to this revised notice of certification hearing.

(7) Local government informational meetings pursuant to to s. 403.9424, F.S., should be held no later than 60 days after the notice of filing of an alternate.

(8) A reminder notice of the rescheduled certification hearing must be published pursuant to s. 403.9411(1)(c), F.S., and Rule 62-807.520, F.A.C., no sooner than 10 days before the date set for the hearing.

(9) The certification hearing and all other procedures subsequent to the hearing in the processing of an application will follow those procedures and schedules provided by the Act.

Specific Authority 403.9404(1),(2), FS. Law Implemented 403.9412, FS. History -- New 8-12-93, Formerly 17-807.530.

62-807.540 Certification Hearing - Subject Matter, Procedure, Participants. (Repealed)

Rulemaking Authority 403.9404(1),(2) FS. Law Implemented 403.9411, 403.9414, 403.9415(4) FS. History -- New 8-12-93, Formerly 17-807.530, Repealed 2-16-12.

62-807.550 Transmittal of Order to Siting Board, Exceptions, Siting Board Procedures. (Repealed)

Specific Authority 403.9404(1),(2), FS. Law Implemented 120.57, 403.9411(3)(b), 403.9415, FS. History -- New 8-12-93, Formerly 17-807.550, Repealed 12-8-96.

62-807.560 Retention and Availability of Certification and Application. (Repealed)

Specific Authority 403.9404(1),(2), FS. Law Implemented 119, 403.9404(5), FS. History -- New 8-12-93, Formerly 17-807.560, Repealed.

62-807.570 Postcertification -- Compliance Reviews, Monitoring and Reporting.

(1) Pursuant to specific conditions of certification, a licensee may be required to file site-specific technical data in order to facilitate the department's and any other affected agency's monitoring of the licensee's compliance with the conditions of certification. This is generally described as "postcertification review," or "PCR."

(a) Any submittal of information or determination of compliance pursuant to PCR does not provide a point of entry for a third party on the submittal, unless the licensee requests a hearing on the department's determination that the submittal or activity is not in compliance with the terms and conditions of certification, or applicable law and rules.

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(b) Where postcertification review of compliance with the conditions of certification are necessary, data requirement provisions which would otherwise have been required in the absence of certification must be followed, if not otherwise specified in the conditions.

(c) The procedures for postcertification submittal processing, if not otherwise specified in the conditions, are as follows:

1.a. All postcertification submittals of information by the licensee are to be filed with the department. Copies of each submittal shall be simultaneously submitted to any other agency indicated in a specific condition requiring a postcertification submittal.

b. The department shall promptly review each postcertification submittal for completeness; for the purposes of postcertification reviews, completeness shall mean that the information submitted is both complete and sufficient. The department will consult with the other agencies, as appropriate, and note completeness problems raised by the other agencies. If found by the department to be incomplete, the licensee shall be so notified. Failure to issue such a notice within 30 days after filing of the submittal shall constitute a finding of completeness.

c. Within 45 days of the filing of a complete postcertification submittal, the department may conduct an interagency meeting with other agencies which received copies of the submittal. The purpose of such an interagency meeting shall be for the agencies with regulatory jurisdiction over the matters addressed in the postcertification submittal to discuss whether reasonable assurance of compliance with the conditions of certification has been provided. Failure of any agency to attend an interagency meeting shall not be grounds for the department to withhold an assessment determination of compliance with the conditions nor to delay the timeframes for review established by the conditions.

d. Within 90 days of the filing of a complete postcertification submittal, the department shall give written notification to the licensee and the agencies to which the postcertification information was submitted of its assessment of whether there is reasonable assurance of compliance with the conditions of certification. If it is determined that reasonable assurance has not been provided, the licensee shall be notified with particularity and possible corrective measures suggested. Failure to notify the licensee in writing within 90 days of receipt of a complete postcertification submittal shall constitute a finding of compliance.

e. If the department does not give notification of compliance within the time period specified in subparagraph d. above, the licensee may begin construction pursuant to the terms of the conditions of certification and the subsequently submitted construction details.

2. The licensee, or any agency which received a copy of a postcertification submittal pursuant to subparagraph 1. above, may dispute a finding by the department regarding whether a postcertification submittal provides reasonable assurance of compliance with the conditions of certification, within 30 days after receiving notice of the department's findings. Upon notification of a dispute, the department shall

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immediately refer the matter to the Division of Administrative Hearings (DOAH) for disposition in accordance with the provisions of Chapter 120, Florida Statutes. A hearing under Section 120.57(1), Florida Statutes, shall be held within 30 days after its referral to DOAH. The hearing officer shall issue the decision 30 days after the termination of such hearing. All exceptions to the hearing officer's order shall be filed with the Governor and Cabinet within 10 days of the issuance of such order. The Governor and Cabinet shall issue a decision within 30 days of the filing of the exceptions. The time requirements under this condition may be altered by agreement of the parties to the dispute.

(d) The issue of postcertification compliance reviews will be limited to the technical merits of reasonable assurance of compliance with conditions of certification, including any restrictions on pipeline or access road locations within the corridor. Such restrictions may include restricted areas within the corridor or objective standards to be applied in establishing the pipeline road locations. All such restrictions for the project will have already been established by certification. Construction may occur on components or sections of the pipeline, access roads, or compressor stations for which compliance with the conditions of certification have been demonstrated so long as no construction occurs which will affect the component or sections at issue. A postcertification compliance review may be the basis for initiating modifications to the relevant condition or to other related conditions.

(2) If, in relation to the department's wetland resource jurisdiction, the applicant has not chosen to show compliance with the department's substantive requirements as part of the certification application and has instead elected to do so as part of a postcertification compliance review process, the review procedures will operate as follows:

(a) The department's Siting Coordination Office will coordinate the processing of reviews.

(b) The review information must be in accordance with the department's Form 62-312.900(1) {the Joint USACOE/DEP Wetlands Resource Protection application form}.

1. Five copies are required of all postcertification information submittals, including modifications thereof, for the department's own use.

2. Copies of the wetlands resource regulation PCR information must also be sent by the licensee to the applicable water management district, the Game and Freshwater Fish Commission, and any other agency which requests it in writing. Copies are not required to be sent to landowners adjacent to the right-of-way unless such landowner request a copy in writing.

(c) For those areas where the department has joint jurisdiction with the U. S. Army Corps of Engineers, upon determining that the construction proposed for the project is in compliance with the requirements of the conditions of certification, the department will provide to the Corps of Engineer a letter stating that the licensee has met the requirements for 33 USC 1341 certification and copy the licensee.

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(3) The licensee must notify the department's Siting Coordination Office, or as otherwise indicated in the conditions of certification, of the place and anticipated starting date, i.e., county and month, of the construction activities in waters of the state no later than 10 working days prior to initiating any such activity.

(4) The licensee must conduct at its expense such postcertification monitoring and reporting as is deemed reasonable and necessary by the Siting Board, and the monitoring and reporting must be carried out in the manner prescribed in the conditions of certification.

Specific Authority 403.9404(1), FS. Law Implemented 403.9416(2),(3), FS. History -- New 8-12-93, Formerly 17-807.570.

62-807.580 Postcertification -- Easements, Federal Permitting.

(1) Where the certification is issued requiring approval for easement or other interest in state lands, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund (Trustees), the licensee must apply directly to the Trustees for each required easement or other interest in state lands for such approval. Likewise, the licensee must apply to the appropriate water management district (WMD) for easement-approval for district-owned lands. The licensee must send a copy of the application to the department. The Trustees or WMD, or the licensee if the Trustees or WMD fails to do so, must forward a copy of the letter of approval for such easement or other interest to the department so that the department can verify compliance with the conditions of certification.

(2) The licensee must apply directly to the U. S. Army Corps of Engineers (COE) for permits required by the COE for construction of the natural gas transmission pipeline, and it is strongly recommended that the submittal occur at the same time as state postcertification review submittals. A copy of the COE application must be sent to the department by the licensee.

Specific Authority 403.9404(1), FS. Law Implemented 403.9416(3), FS. History -- New 8-12-93, Formerly 17-807.580.

62-807.590 Corridor, Notice of Certified Corridor. (Repealed)

Rulemaking Authority 403.9404(1) FS. Law Implemented 119, 403.94055, 403.94 17 FS. History -- New 8-12-93, Formerly 17-807.590, Repealed 2-16-12.

62-807.600 Amendments to Application.

Amendments to the application, and project design specifications contained therein, may be filed at any time prior to certification, or after. However, different processing requirements will apply, depending on the timing in relation to the certification proceeding.

(1) The following applies to any pre-certification amendments:

(a) Any amendments made to the application must be sent by the applicant to all parties to the proceeding as well as to all recipients of the application. Formal

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revisions to the application in the form of amended application pages must be provided in order to officially initiate consideration of the amendment. However, early notification by correspondence is encouraged.

(b) Where applicable, the application amendment fee specified by s. 403.9421(3), F.S., must be submitted in accordance with Rule 62-807.660, F.A.C.

(c) Amendments to an application must include appropriate revisions to the application text, figures, and photographs, to reflect the changes.

(d) An amendment will be subject to the conduct of a sufficiency review pursuant to s. 403.9409, F.S., and the department may request that the certification schedule be adjusted to allow for this review, if necessary, and to permit agencies an adequate time to include an evaluation of this information in their reports.

(e) If an amendment is filed after the submission of agency reports to the department, the department may request that the Hearing Officer adjust the certification schedule to allow for the conduct of a sufficiency review and revision of agency reports.

(f) If an amendment is filed after the issuance of the department's written analysis, the department may request that the Hearing Officer adjust the proceeding schedule to allow review of the effect of such a filing on the overall application review process. Such a request shall take into account whether or not such amendment is in response to previously considered matters such as alternate filings.

(g) After the department has issued its written analysis under Rule 62-807.500 F.A.C., any proposed corridor changes shall be sent to all the parties and filed with the Hearing Officer for disposition, rather than the department.

(2) The following applies to any postcertification amendments:

(a) All amendment filings shall comply with (1)(c), above.

(b) If additional significant adverse impacts will not occur and the conditions of certification will not be changed, then the amendment will not be considered a modification under the provisions of s. 403.9418, F.S., and Rule 62-807.610, F.A.C. In order to determine whether additional significant adverse impacts will occur as a result of the proposed amendment, and whether changes in the conditions may be required, a postcertification review will be conducted. The procedures and criteria for the review will be specified in an appropriate condition of certification.

Specific Authority 403.9404(1), FS. Law Implemented 403.9403(4), 403.94055(1), 403.9413, FS. History -- New 8-12-93, Formerly 17-807.600.

62-807.610 Modifications.

(1) In order for a licensee to initiate a modification of certification under the provisions of section 403.9418, F.S., the following will apply:

(a) The licensee must file with the department a request for modification, along with the applicable fee. Copies of the modification request must also be sent to all the parties to the original certification proceeding.

(b) All requests for modification must contain:

1. A map showing the location of the proposed modification;

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2. A detailed description of the proposed modification, including drawings, diagrams, blue prints, photos, and technical data as appropriate;

3. A concise statement of the facts and justification for the modification, citing all relevant rules and statutes;

4. A discussion of the anticipated effects of the proposed modification on all matters regulated by the Act;

5. Reference to the conditions of certification, findings of fact, conclusions of law, and studies conducted pursuant to Rule 62-807.460, F.A.C., upon which the certification or conditions of certification were based, which the proposed modification would affect;

6. A draft of the proposed alterations of the application and certification as previously amended or modified;

(c) After receipt of the modification request, the department will coordinate with the appropriate agencies on matters within each agency's jurisdiction. Additional information may be requested by an agency through the department.

(d) When determining whether or not sufficient information has been filed in the petition, the department shall consider the comments of the affected agencies. Failure to submit sufficient information in a request for modification will be grounds for denial of a modification request.

(e) Dependent on the scope of the modification, the department may elect to provide notice of receipt of the request for modification. Such notice may include:

1. Publication in the newspapers indicated in s. 403.9411(1)(d), F.S., in each county in which the modification would be located, following the text provided in Rule 62-807.670, F.A.C.

2. Publication in the Florida Administrative Weekly, as provided in Rule 62-807.680, F.A.C.

3. Copies of the notice in 1. above, provided by certified mail, return receipt requested, to any other persons who have requested to be placed on the departmental mailing list for this purpose.

(f)1. The department, based on the comments of the affected agencies, shall review the request and develop a position as to the request. It shall then publish a notice of intent regarding approval or denial of the request in the Florida Administrative Weekly and send copies of the notice of intent by certified mail, return receipt requested, to each of the parties to the original proceeding.

2. In order to make the two deadlines for filing objections as simultaneous as possible, the department shall issue the 45-day party notice at approximately the same time it arranges for the 30-day notice in the Florida Administrative Weekly, to offset publication delays.

3. A party may notify the department in writing of its intent to not object to the modification and waive its 45-day opportunity for objection.

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(g) After the parties and any persons having a substantial interest have been afforded the statutory objection periods allowed by s. 403.9418(2), F.S., the department will take action in one of the following ways:

1. If the department has been delegated authority to modify pursuant to s. 403.9418(1), F.S., the department will issue a final order granting or denying the modification. Copies of the final order shall be provided to the applicant and all parties or persons having a substantial interest.

2. If the department has not been delegated authority to modify pursuant to s. 403.9418(1), F.S., then under the statutory delegation provisions of s. 403.9418(2), or (3), F.S., the department will either:

a. Issue a final order consistent with its notice of intended action if no objection is received within the statutory periods allowed by s. 403.9418(2), F.S.; or

b. Elect to file a petition for modification with the Division of Administrative Hearings requesting a hearing on the modification, if a party or person whose substantial interests will be affected by the modification timely files a letter of objection with the department.

3. The licensee is entitled to file a petition for modification with the Division of Administrative Hearings if a timely objection is received and the department has neither been delegated authority to modify nor elected to petition the Division of Administrative Hearings.

4. If a petition for modification is filed with the Division of Administrative Hearings, then the Hearing Officer may request agency reports; will conduct a hearing; and, will issue a recommended order. The Hearing Officer will submit the recommended order to the department for preparation of a draft final order to be submitted to the Siting Board. Included in the draft final order will be proposed rulings on any timely filed exceptions to the Hearing Officer's recommended order. Final agency action will be taken by the Siting Board.

(2) The department may also initiate a modification of certification, based on requests of the parties or its own motion. However, no fee shall be required.

(a) To initiate a modification, the department shall submit to all parties to the original certification proceeding a statement containing the information specified in (1)(b)3.-6, above. It may elect to publish notice of initiation of the modification, in line with (1)(e) above.

(b) The department shall also publish notice in accordance with s. 403.9418(2), F.S., offering an opportunity to object to the proposed modification.

(c) The procedures outlined in (1)(g) above shall then be followed.
Specific Authority 403.9404(1),(2), FS. Law Implemented 403.9418, FS. History -- New 8-12-93, Formerly 17-807.610.

62-807.620 Replacements.

(1) Emergency replacement of natural gas transmission pipelines certified under the Act will not be considered a modification pursuant to s. 403.9418, F.S. A

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verbal report of the emergency must be made to the department as soon as possible. Within 30 days after correction of the emergency, a written report to the department must be made outlining the details of the emergency and the steps taken for its relief. The written report must describe all of the work performed and must set forth any pollution control measures or mitigative measures which were utilized or are being utilized to prevent pollution of waters, harm to sensitive areas or alteration of archaeological or historical resources.

(2) Maintenance and mandatory replacements are considered amendments and, unless replacements and impacts have otherwise been addressed in the conditions of certification, will require notification to the Department if:

- (a) The pipeline to be replaced is 2,000 feet or more in length; or
- (b) Impacts may occur which would otherwise require a permit review.

(3) A determination of whether a modification may be requested by the Department pursuant to Rule 62-807.600(2), F.A.C., due to the potential impacts of the replacement.

Specific Authority 403.9404(1), FS. Law Implemented 403.9404(8), 403.9418, FS. History -- New 8-12-93, Formerly 17-807.620.

62-807.630 Review, Enforcement. (Repealed)

Rulemaking Authority 403.9404(1) FS. Law Implemented 403.9419 FS. History -- New 8-12-93, Formerly 17-807.630, Repealed 2-16-12.

62-807.640 Revocation or Suspension of Certification. (Repealed)

Rulemaking Authority 403.9404(1) FS. Law Implemented 403.9425, FS. History -- New 8-12-93, Formerly 17-807.640, Repealed 2-16-12.

62-807.650 Termination of Certification. (Repealed)

Rulemaking Authority 403.9404(1) FS. Law Implemented 403.9416 FS. History -- New 8-21-93, Formerly 17-807.650, Repealed 2-16-12.

62-807.660 Fees, Disbursement of Funds, Contracts.

(1) The department will take no action on any application or petition for modification until it has received the appropriate fee described in s. 403.9421, F.S. When computing the fee, the following will apply:

- (a) The corridor length is to be measured along the centerline of the corridor.
- (b) When determining the fee amount to be charged for that portion of the fee which is based on location of the pipeline in those existing rights-of-way specified in 403.9421, F.S., in order to be eligible for the \$500 per mile rate allowed by the Act, the width of the corridor requested for certification must be wholly contained within the existing rights-of-way, and only applies to the length of the shared rights-of-way. Where the corridor extends beyond the edge of the shared right-of-way, the \$1,000 per mile fee applies.

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(c) Portions of a mile are to be computed on a decimal basis, e.g. the application fee for 74.30 miles of routing which is not within an existing road right-of-way would fall under the category \$1,000/mile, thus \$74,300.00. The total fee in this scenario would be the base amount of \$240,000 plus the \$74,300.00, equaling \$314,300.00.

(d) When an applicant proposes secondary corridor segments in addition to the primary corridor for consideration for certification, the application fee must be computed on the basis of the longest corridor which would occur if a segment which would substitute for a portion of the original proposal is longer than that original portion.

(2) All fees must be paid by check made payable to the department. All fees received from applicants under this Act will be deposited into the department's Operating Trust Fund.

(3) The application and other non-postcertification review fee allocations will be as follows:

(a)1. Sixteen percent of these fees will be transferred to the Division of Administrative Hearings upon receipt of the fees.

2. Fifty percent of those fees (other than the postcertification review fee) will be reserved for department costs associated with reviewing and acting upon applications or petitions, including costs of public notices published by the department pursuant to s. 403.9411(1)(e), F.S.

3. Thirty-four percent of the fees will be reserved to reimburse for authorized expenses identified in subsection (5) below, of the Department of Community Affairs; the Game and Fresh Water Fish Commission; the water management districts, regional planning councils, or local governments in whose jurisdiction the proposed natural gas transmission pipeline corridor is to be located; or any other agency which received a copy of the application for review pursuant to Rule 62-807.400, F.A.C. In the event these reserved funds are not sufficient to provide for complete reimbursement of all the agencies, reimbursement to each agency will be on a prorated basis.

(b) All sums remaining after the payment of authorized agency expenses will be retained by the department for its use in the same manner as is otherwise authorized by s. 403.9421, F.S.

(4) The postcertification review fee allocation, if one is received, will be as follows:

(a)1. Sixty percent of the postcertification review fee will be reserved for department costs associated with conducting review work pursuant to the conditions of certification.

2. Forty percent of the fees will be used for postcertification review work of the affected agencies, in the same manner set forth in (3)(a)3. above.

(b) All sums remaining after the payment of authorized agency postcertification review expenses will be retained by the department for its use in the same manner as is otherwise authorized by s. 403.9421, F.S.

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(5) The following procedures for reimbursement of authorized agency expenses will apply after final agency action by the Siting Board or withdrawal of the application.

(a) No later than 30 days after application withdrawal or final action by the Siting Board, invoices for reimbursement must be submitted to the department's Siting Coordination Office, which will then be reviewed by the department's Bureau of Finance & Accounting. Each invoice must be accompanied by an itemization of the time and expenses incurred. Invoices for the following, subject to any necessary verification, will be considered authorizable expenses.

1. Direct application-related salary costs for the following:
 - a. The conduct of studies for, and preparation of, reports required in accordance with s. 403.941, F.S.
 - b. Site inspections.
 - c. Attendance at hearings, depositions, and other participation in discovery.
 - d. Program administration, technical reviews, and legal support.
2. Fringe and indirect costs calculated based on the approved EPA fringe and indirect rates.
3. Other Personal Service (OPS) employees for the above.
4. Contracts for studies pursuant to section (7) below.
5. Application-related expenses for the following:
 - a. Travel costs. Any reimbursement claims for travel costs must be accompanied by an approved State of Florida travel voucher, or acceptable counterpart.
 - b. Copying and reproduction costs.
 - c. Telephone and communication expenses.
 - d. Materials (e.g. maps, aerial-photographs).
 - e. Authorized local governments may charge for the cost of public notice directly related to informational public meetings held pursuant to s. 403.9424, F.S.
 - f. The Public Service Commission may charge for the cost of public notice directly related to the need determination proceedings required by s. 403.9422, F.S.

(b) Verification of the expenses will be made by the department, and reimbursements, to the extent monies are available, will be made. Such reimbursements will occur no sooner than 45 days after final action by the Siting Board.

(6) The authorizable expense listing in (5)(a) above will also apply when the department processes any invoices submitted pursuant to s. 403.9421(5)(c)2., F.S., for postcertification review work, pursuant to conditions of certification.

(7)(a) Any agency intending to incur an expense for a contract for studies under the Act must first obtain prior written approval from the department for the amount and purpose of the expenditure. All such studies must be related to the jurisdiction of the agency and charges for the study must be directly related to the evaluation of the certification application. Any contract must specify that:

1. Receipt of the preliminary results will be available in time for agency report submittals with final results available at least 30 days prior to the certification hearing.

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2. The studies will be finalized in writing.
3. Final reimbursement to the agency and thus to the contractor will not occur unless complete results are submitted such that the schedule of paragraph 1. above can be met.

4. The contractor will be available to act as a witness in certification proceedings.

(b) The breach of any provision of a contract for studies will not be grounds for the alteration of any time limitation in the Act pursuant to s. 403.9414, F.S.

(8) If the application is withdrawn, the department will request all agencies to compute their expenses up to the time of application withdrawal, and within 30 days of the request, to submit invoices for that time period, including any expenses incurred in preparing the invoice, in accordance with (5). Within 90 days of the notification of withdrawal, the applicant will be refunded whatever amount remains after subtraction of all documented agency and department expenses.

Specific Authority 403.9404(1), FS. Law Implemented 403.9409(1)(a), 403.9421, FS. History -- New 8-12-93, Formerly 17-807.660.

62-807.670 Specifications and Text for Newspaper Notice.

The applicant must provide newspaper notices of the proceedings listed below, as specified herein. The newspapers in which a notice is published and location of the notice within the newspaper must meet the criteria specified in s. 403.9411(1)(d), F.S. The required map must occupy approximately one-quarter of the notice space. After the notice has been published, the applicant must forward to the department's Office of Siting Coordination one copy of the applicable proof-of-publication. Failure to have the notice timely published in the newspaper may be grounds for alteration of time limitations pursuant to s. 403.9414, F.S., including alteration of notice deadlines. If the application for certification proposes one or more secondary corridor segments, the notice texts suggested herein must be amended to reflect that such secondary corridor segments are proper for certification. The content of any notice may be different than that provided in this section so long as the deviation does not materially and substantially alter the substance of such notice.

(1) Notice of Filing of Application: Arrangements must be made for publication of notice of the filing of the application, such that the notice will be published within 15 days after the application has been determined complete. The notice must be at least one-half page in size (one-full page in a tabloid size newspaper), bearing the heading "Notice of Receipt of Natural Gas Transmission Pipeline Certification Application" in bold letters not less than 42 points. The notice must substantially contain the following:

(a) A map of the corridor(s) proper for certification in the county or counties in which the newspaper is being distributed, along with approximately one-half of each adjoining county through which the corridor also traverses. A small "window" map which shows the entire route shall, where possible, be

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superimposed on a non-relevant part of the main map. Selected townships and ranges, and where possible, sections, must be shown on the main map. All patterns or other graphics used to indicate special features must be bold enough to register legibly on newsprint. The map must occupy at least one quarter of the display advertisement.

(b) Text which substantially states the following:

1. "Application number _____ for certification to authorize location of a natural gas transmission pipeline corridor, construction, operation and maintenance of a natural gas transmission pipeline, commonly referred to as _____, and maintenance of the natural gas transmission pipeline right-of-way from _____, Florida to _____, Florida, was received by the Department of Environmental Protection on _____, 19___. The case is pending before the Division of Administrative Hearings, Case No. _____, prior to action by the Governor and Cabinet, pursuant to the Natural Gas Transmission Pipeline Siting Act, ss. 403.9401-9425, F.S. The corridor will pass through the following local government jurisdictions: _____, _____."

2. "The application for certification is available for public inspection at the following locations: ____." <Here list the addresses of the main and appropriate district offices of the department serving the area of the corridor; the general business office of the applicant and the local business office of the applicant, if any, in every county through which the proposed corridor passes; and the main public libraries identified in Rule 62-807.420(1)(c), F.A.C.>

3. "A certification hearing will be held regarding this application in approximately seven months and a notice stating the date, time and location of the hearing will be published in this newspaper at least 80 days before the date set for the hearing. The Hearing Officer will receive testimony and evidence from the parties and the public at the certification hearing. If timely requested by a local government pursuant to s. 403.9411(2), F.S., a public hearing will be held in each county through which the corridor passes where members of the public who are not parties to the certification proceedings may testify; however, the public should be aware that the majority of the testimony and evidence in the case will be heard at the centrally located certification hearing."

4. "Consideration may be given in this proceeding to corridors alternate to the route preferred by _____. <The applicant.> The applicant may propose corridors secondary to the primary corridor in order to preserve its options, and persons other than the applicant may also propose alternate routes for portions or all of the corridor. To propose an alternate corridor, persons must request to become a party to the proceedings (see below), and then must file a notice of proposed alternate corridor with the Hearing Officer pursuant to s. 403.9412, F.S., with all parties, and with any local governments in the jurisdiction of which the alternate is proposed, by no later than 50 days prior to the originally scheduled certification hearing. The filing must include the most recent United States Geological Survey 1:24,000 quadrangle maps specifically delineating the corridor boundaries, a description of the proposed alternate corridor, and

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a statement of the reasons the proposed alternate should be certified. Each party proposing an alternate corridor will have the burden to provide the data necessary for the agencies listed in s. 403.941, F.S., to prepare a supplementary report, and the burden of proof on the certifiability of the alternate corridor at the certification hearing. See s. 403.9412, F.S., and Rule 62-807.530, F.A.C., for further information and requirements."

5. "Anyone wishing to participate in the proceedings is directed to s. 403.9411(4) and (5), F.S. To become a party, a person must file an appropriate petition no later than 30 days before the date set for the certification hearing. The petition must be sent to _____, Hearing Officer, Division of Administrative Hearings, _____, Tallahassee, Florida, _____. The petition must contain the following: (a) reference to the application number; (b) the name, address, and telephone number of the petitioner, and; (c) allegations sufficient to demonstrate the petitioner is entitled to participate in the hearing. Copies of the petition must be sent by mail to all parties. (A list of parties may be requested from the Hearing Officer.) Those wishing to intervene in these proceedings, unless appearing on their own behalf, must be represented by an attorney or other person who can be determined to be qualified to appear in administrative proceedings pursuant to Chapter 120, F.S., or Rule 62-103.020, F.A.C."

6. "State agencies and local governments will be studying the application and preparing testimony and evidence for the certification hearing. Interested individuals should review the application and bring matters of concern to the appropriate agency's attention as soon as possible. Contact persons, addresses, and phone numbers are listed in the application."

7. The text must also include section 403.9416(1), and (2), F.S.

(2) Notice of Certification Hearing: The notice must be of the same size, and have the same heading height as set forth in subsection (1) above. Such public notice must bear the heading, "Notice of Certification Hearing on Proposed Natural Gas Transmission Pipeline Corridor". The public notice must substantially contain the following information:

(a) Same as (1)(a) above.

(b) Text which states the following:

1. Same as (1)(b)1. and 2.

2. "Pursuant to Section 403.9411, F.S., the certification hearing will be held by the Division of Administrative Hearings on ____, 19__, at ____, in ____, Florida, at __:__.m. to determine whether the application should be approved in whole, approved with modifications and conditions, or denied. In making this determination, the Hearing Officer, and ultimately the Governor and Cabinet, will consider whether, and the extent to which, the location of the natural gas transmission pipeline corridor, and the construction and maintenance of the natural gas transmission pipeline will: ____."
<Same listing as s. 403.9415(4)(a)- (g), F.S.>

3. "The hearing will not address individual private property rights, equitable compensation for condemnation proceedings which may be necessary to obtain access

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and use of the right-of-way, and the need for and safety of the natural gas transmission pipeline. Need for the natural gas transmission pipeline and compliance of the applicant with Ch. 368.01-.061, F.S., the Natural Gas Safety Act, is considered by the Public Service Commission at a separate hearing."

4. Where individual public hearings have been requested, the public notice for the particular county must state: "As requested by _____, <local governments' names> a local public hearing where members of the public who are not a party to the certification hearing may testify will be held on _____, 19____, at _____, in _____, Florida."

5. Same as (1)(b)4., except that the date by which an alternate corridor has to be filed, must be specifically listed.

6. "This notice is in lieu of other notices, including those relating to variances, changes to zoning ordinances and local governments' plans, or any other non-federal government license or permit."

7. "A condition of the certification, if granted, may provide for the subsequent submittal of information necessary for agencies to assess the compliance of postcertification activities with the conditions of certification, including effects arising from the location of the natural gas transmission pipeline corridor and the construction and maintenance of the natural gas transmission pipeline. This is to assure continued compliance with state quality requirements or compliance with other agency nonprocedural rules and standards, particularly with regard to wetlands resource regulation. A person whose substantial interest may be affected by such assessments must petition to become a party to this proceeding if an administrative determination is desired relative to the postcertification compliance assessment process, in that this certification proceeding provides such a person with the opportunity for a hearing as required by Chapter 120, F.S., and the Natural Gas Transmission Pipeline Siting Act. Failure to petition to become a party within the times set forth in this notice constitutes a waiver to an administrative determination (or hearing) pursuant to Chapter 120 and the Act on the postcertification compliance review unless otherwise specified by a term or condition of certification".

8. Same as (1)(b)5.-7.

(3) **Reminder Notice for Originally Scheduled or Rescheduled Certification Hearing:** The notice must be at least one-eighth page in size in a standard size newspaper, or one-quarter page in size in a tabloid size newspaper covering the same geographic area specified in (1)(a). The notice shall contain a reminder of the time, date, and location of the hearing, and may contain the location for viewing of any prefiled written direct testimony.

(4) **Notice on Rescheduled Certification Hearing Due to Filing of Alternate Corridors:** The notice must be published at least 80 days prior to the rescheduled certification hearing, and must be of the same size as the original notice of the certification hearing, or larger if necessary, to accommodate maps of the alternates. The notice must bear the heading, "Notice of Rescheduled Natural Gas Transmission

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Pipeline Certification Hearing", which must be in bold letters not less than 42 points. The public notice must substantially contain the following:

(a) A copy of a map or maps showing the location of all corridors proper for certification. Alternate corridors located in only certain counties need only be published in the newspapers for those counties.

(b) Text which substantially states the following:

1. "Pursuant to the provisions of s. 403.9412, F.S., corridors alternate to the one sought by _____ <applicant's name> in the _____ to _____ <project name> natural gas transmission pipeline certification proceedings, application number _____, Division of Administrative Hearings Case No. _____, have been submitted. In order to allow citizens and agencies to study the proposal, the certification hearing originally scheduled for _____, 19__ and noticed in this paper on _____, 19__ has been rescheduled to _____, 19__, at _____, Florida, commencing at __:___.m."

2. "The information on alternates is available at the following locations: _____." <Here list the addresses of the main and appropriate district offices of the department, the applicable local governments, the applicant, the alternate proponent, each affected county's main public library, and any other appropriate locations.>

3. <If individual local government hearings had been requested, the public notice for the particular county must state:> "The local public hearing where members of the public not a party to the proceeding could testify has also been rescheduled to _____, 19__, at _____, Florida, commencing at __:___.m. The public should be aware that the majority of the testimony and evidence of the case will be heard at the centrally located certification hearing identified above."

4. "State agencies and local governments have been studying the application as it was originally proposed and must do the same for any alternate corridor proposed. Interested individuals should review the information available on any alternate proposal and bring matters of concern to the attention of the appropriate agency or the alternate proponent as soon as possible. Contact persons, addresses, and phone numbers are listed in the application." 5. "Persons substantially affected by any corridor proper for certification may become a party to the proceedings as described below."

6. Same as in (1)(b)5.-7.

(5) Notice of a Modification Request: The applicant must consult with the department to determine whether such notice is necessary, and if so, the size of newspaper notice necessary to be published. The size shall be commensurate with the scope of the modification, but no greater than that for the original application. The notice must contain a map showing the location of any proposed changes, if applicable, and the text must be in substantial conformance with the following:

"Notice of Proposed Modification of Natural Gas Transmission Pipeline Corridor Certification"

"Please take notice that the Department of Environmental Protection has received a request for modification of a Natural Gas Transmission Pipeline Corridor Certification issued under the Florida Natural Gas Transmission Pipeline Siting Act

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pursuant to s. 403.9418, F.S., concerning: ____ <name and file number of certification>. The proposed modification involves ____ <description and location of modification>. A copy of the request is available for inspection at _____. <Here list the addresses of the main

and appropriate district offices of the department serving the area of the proposed modification; the general business office of the applicant and the local business office of the applicant, if any, in every county through which the proposed modification would occur; and each main public library in each county through which the proposed modification would occur.> State agencies and local governments will be studying the proposed modification and preparing testimony and evidence for the modification hearing. Interested individuals should review the proposal and bring matters of concern to the attention of appropriate agencies as soon as possible. Contact persons, addresses, and phone numbers are listed in the request.

"Any party to the original certification proceedings, or any person whose substantial interests may newly be affected by the modification may file an intent to be a continuing party or a new party, along with objections to the proposed modification. These filings must be submitted during business hours to (received by) the Office of General Counsel, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida, 32399-2400."

Specific Authority 403.9404(1),(2), 403.9411(1)(f), FS. Law Implemented 403.9411(1), 403.9418, FS. History -- New 8-12-93, Formerly 17-807.670.

62-807.680 Specifications for Florida Administrative Weekly Notice.

The department is required to publish notice in the Florida Administrative Weekly as listed below. The content of any notice may be different than provided in this section, so long as the deviation does not materially and substantially alter the substance of such notice:

(1) Notice of Application Filing: The notice must clearly describe a point of entry, if any, for persons whose substantial interests are affected or determined by the proceeding by providing:

(a) The deadline for filing a notice of intent to become a party;

(b) The information to be provided by a person seeking to become a party;

and

(c) A statement advising that failure to act by the deadline constitutes a waiver of the right to become a party.

(2) Certification hearing notice: The notice must provide the location and date the hearing commences, including the location and date of any hearings requested by local governments pursuant to s. 403.9411(2), F.S.

(3) Siting Board hearing: The notice must provide the location and date of the meeting of the Cabinet Aides which precedes the meeting of the Siting Board, as well as of the location and date of the Siting Board hearing.

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(4) Modification petitions, stipulations, or proposed agency action: These notices must be developed on a case-by-case basis.
Specific Authority 403.9404(1),(2), FS. Law Implemented 403.9411(1), FS. History -- New 8-12-93, Formerly 17-807.680.

62-807.690 Evidence of Notice, Additional Notice.

(1) Evidence of any notice made pursuant to this chapter, together with a copy of the notice, must be filed with the Hearing Officer by the department at the commencement of the hearings held pursuant to the subject of the notice.

(2) Failure of service on, or to give notice to the public by publication or otherwise or any of the persons entitled to receive such service or notice pursuant to provisions of this chapter, may be cured by an order of the Hearing Officer designed to afford the public or such persons adequate notice to enable their effective participation in the proceedings.

(3) Failure to have the notice timely published in the newspaper may be grounds for alteration of a time limitation set forth in the Act, including alteration of notice deadlines, to provide for corrective notice. Such alteration would be implemented under the provisions of s. 403.9414, F.S.

(4) The Hearing Officer may, at any time for good cause shown, require the applicant or department to serve or publish additional notices of hearing and file evidence thereof.

Specific Authority 403.9404(1),(2), FS. Law Implemented 403.9411(1), 403.9414, FS. History -- New 8-12-93, Formerly 17-807.690.

62-807.900 Form.

The form used by the department under Rule Chapter 62-807, F.A.C., is adopted and incorporated by reference in this section. The form is listed by rule number which is the same as the form number. The form title is "Natural Gas Transmission Pipeline Siting Certification Application Format" and is effective 8-12-93. Copies of the form may be obtained by writing to the Administrator, Office of Siting Coordination, Department of Environmental Protection, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000.

Specific Authority 403.9404(1),(2), FS. Law Implemented 403.9404(2), 403.94055(1), FS. History -- New 8-12-93, Formerly 17-807.900.

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